



# City Council Minutes The City of Cortland

December 6, 2005

Council Meeting #22  
December 6, 2005  
Regular Business Session  
City Hall  
7:00 PM

Present: Alderman Faraoni, Terwilliger, Morey, Guido, Quail, Feiszli,  
Partigianoni and Michales

Staff Present: Director of Admin. & Finance Andrew Damiano,  
Corporation Counsel Lawrence Knickerbocker and  
City Clerk John O. Reagan

## **Public Hearing: Proposed 2006 Wastewater Fund Budget**

No Comments  
Public Hearing Closed

## **Public Hearing: Proposed 2006 Water Fund Budget**

No Comments  
Public Hearing Closed

## **Public Hearing: Proposed 2006 General Fund Budget**

Kathleen Hennessy, a Library Board Member, was present to comment on the Cortland Free Library budget and to remind the Council of all of the services that they provide. Kay Zaharis was not available to come because of illness in her family. She referred to the Cortland Standard article says it all regarding the services provided by the Library. She requested the same budget amount as last year. The Library is very close to the minimum hours required by the State to be open and they have cut back as much as they can. There were also others present supporting the Library, but they did not speak. Alderman Terwilliger commented that she, too, had received many calls and e-mails in support of the Library.

Public Hearing Closed

Mayor Gallagher calls the twenty-second Common Council meeting of the year to order at 7:06 PM.

## PLEDGE OF ALLEGIANCE TO THE FLAG

## PUBLIC COMMENT

Legislator Marilyn Brown, Legislature Minority Leader, was present to discuss the recycling proposal letter sent to the City. She cautioned the Council that the recycling proposal issue had not been before a standing committee or the full County Legislature for consideration and records of the County show no document on file. Do not assume that this is a policy of the 2006 Legislature.

### Minutes of November 15, 2005

**RESOLUTION #128** OF 2005 - Approve the minutes of November 15, 2005.

By: Alderman Morey  
Seconded: Alderman Faraoni

Approved: Ayes - 8  
Nays - 0

Bills were reviewed and received.

## MAYOR'S REPORT

Met with the First Night Committee to finalize plans for New Years Eve. There will be fireworks and they will be staged from Noss Industrials (former Wickwire Plant). Met with Cortland Business Network. Met with Popli Engineering to discuss South Main Street project. Met with SUNY Cortland, Thoma Development and community members to discuss Main Street Revitalization Program.

Interviewed with Kevin Mooney at WKRT, attended the Chamber Business After Hours, the SUNY Cortland Roundtable discussion on gun control and was a guest speaker at the League of Women Voters last Saturday. He kicked-off the holiday season with Tree Lighting Ceremony at City Hall on Saturday night. It was the largest crowd that they ever had.

He also met with McNeil's to discuss the demolition of the Wickwire Building. He reminded everyone that Barbara Lifton will be at East Side Community Center December 15<sup>th</sup>. He also noted that the City had received a \$200,000 New York Main Street Program Grant through CHAC to tie in with our downtown revitalization program.

Alderman Quail inquired if there had been any time table discussed at the South Main Street project meeting. The Mayor indicated that there was no timetable presented, the meeting was more to address concerns from business owners and the progress of the project.

Ward 1 - Alderman Faraoni

Alderman Faraoni commended the City Fire Department for doing a fine job and other than that; things were quiet in his Ward.

#### Ward 2 - Alderman Terwilliger

Other than the letters and e-mails received regarding the Library funding, things were quiet in her Ward.

#### Ward 3 - Alderman Morey

There is a beaver in Otter Creek that keeps building dams down near Broadway and Town Line near the Water Works. Local residents are concerned. One resident has paid an individual to come in and trap it, but so far that has been unsuccessful. She wanted Chris Bistocchi to be aware of this situation, as it could be a major issue in the spring. Other than that things have been quiet in her Ward. She also wanted to support the Library and noted that they are a great group of people and she feels that it is a great service and she does not support a decrease in the Library's funding.

#### Ward 4 - Alderman Guido

He extended his apologies for not being at the November 15, 2005 meeting. His three year old had an incident with a crayon. He enjoyed speaking to Mrs. Gregory's Politics class, who were present at that meeting. Mrs. Gregory has contacted Alderman Michales in regard to having a non-voting student liaison in the future. He has been out in his Ward looking at holiday displays and noted that December 12 was the deadline for the decorating contest applications. Things have been quiet in his Ward.

#### Ward 5 - Alderman Quail

He had pictures of the Wickwire fire. The Fire Department did a phenomenal job. The houses on Crawford Street only received minor damage considering the magnitude of the blaze that took place. This was definitely one of the bigger fires that he has seen in a long time. The December 1, Neighborhood Watch meeting was held at the Moose Club. They discussed getting more people involved and they also took a look at how they could improve the community and code issues that could be brought forward. The holiday lights have now been turned on. 12 Winter Street has been abandoned for a number of years and he would like the City to take that rundown property over. In the last bond issue there was money set aside for the corner of Northcliffe Road and Pendleton Streets. He would like to get some meetings going with Chris Bistocchi and talk about starting engineering work on that property.

#### Ward 6 - Alderman Feiszli

She is going to postpone her report until the next meeting, due to the length of the agenda.

#### Ward 7 - Alderman Partigianoni

He also received calls and he has the Code Office looking into a couple of things for him. He commented on the Wickwire Factory. It hit close to home, his father arrived

here and got a job there. Many families in the area had members working there. Of eight (8) boys in his family, seven (7) of them worked there as well as his mother and father. He feels that this is a moment in history. When he was a boy the plant was advertised as the "World's Largest Wire Factory".

Ward 8 - Alderman Michales

He attended the City Tree Lighting Ceremony. He had an issue and referred it to the Code Office. He received a call regarding gas stolen from gas tanks. The City Police Department has beefed up patrols in this area and this issue will be followed up in the Neighborhood Watch meeting tomorrow night. He received calls regarding the Christmas decorating this year. He has a Ward meeting tomorrow night (Nov. 7) at 7:00 PM at the BOCES Career Center on Port Watson Street. He would like everyone to remember our young men and women serving in the armed forces over the holidays.

It was also noted that the crows had returned.

The Mayor called for a moment of silence in memory of Fire Chief and Mayor Bud Quinlan who was a resident of this community and touched many people.

**RESOLUTION #129** OF 2005 - Approve a resolution authorizing the adoption of the 2006 Wastewater Treatment Plant Operating Budget and establishing a domestic rate of \$1.83 per unit and a special assessment rate of \$.52 per unit.

Alderman Quail noted that a good job was done keeping the rate where it is, but there is a concern going forward.

By: Alderman Guido  
Seconded: Alderman Quail

Approved: Ayes - 8  
Nays - 0

**RESOLUTION #130** OF 2005 - Approve a resolution authorizing the adoption of the 2006 Water Fund Budget and establishing a domestic rate of \$1.65 per unit and commercial rates of \$1.10 and \$1.20 per unit, depending upon volume of use.

Alderman Partigianoni inquired how these rates compared with the previous year. Andrew Damiano noted that there was a seven (7) cent increase in the domestic water rate and the domestic waste water rate had gone up fifteen (15) cents, but the special assessment rate had gone down twenty (20) cents. It should be an average household reduction of about seven (7) dollars for domestic waste water service, the Mayor noted.

By: Alderman Guido  
Seconded: Alderman Terwilliger

Approved: Ayes - 8  
Nays - 0

**RESOLUTION #131** OF 2005 - Approve a resolution authorizing the adoption of the 2006 General Fund Budget, as amended, and establishing a tax rate of \$15.614 per thousand dollars of assessed valuation.

Alderman Partigianoni inquired if this included the \$10,000 that was going to be added to the Library. Andrew Damiano indicated that it would be \$10,000 more than originally proposed, bringing their budget to \$200,000.

Alderman Terwilliger inquired what was done regarding the Police Department; hiring two (2) police officers while two (2) officers were at the academy. Andrew Damiano indicated that that would have to be done by resolution and was not a component of the budget. Alderman Morey would like to put that on the agenda for the next meeting.

Alderman Michales noted that he would like the Library to be brought up to at least the 2005 budget amount. He thought there might be a bit of money that might be available. Others noted that they would not be opposed. Andrew Damiano had spoken with Diane Ames that there was a \$6,000 line item in their budget for computer equipment and software. It was believed that that was money for a maintenance agreement and not additional equipment. The Mayor then inquired of the Library if there was a line item for equipment. Andrew Damiano stated that if there was a specific piece of equipment for about \$4,000, which is the difference between the proposed funding and the 2005 funding, they could use Community Development miscellaneous revenue to make this specific equipment purchase on the understanding that fifty-one (51) percent low to moderate income population would be using that equipment at the Library. Kathleen Hennessey was unsure about that, but felt it would be a huge help if the Council funded them at the 2005 level.

Alderman Morey felt that the General Fund budget was too much, the percentage was too high. She doesn't feel enough was cut out of it. The Fire Department asked for the lowest fuel amount and other departments had asked for almost double their previous amounts. She felt that she couldn't support this high an increase. Alderman Feiszli also supported that feeling and felt that it was unfair to increase the budget to cover increasing utility costs when people were struggling to pay their own utilities. She felt that perhaps the Council should have been more involved in working on the draft of the budget next year and started working on it earlier in order to keep the increase lower. Alderman Morey also noted that perhaps the Council should give a directive to each of the department heads and give them a specific percentage decrease and then let them adjust their budget requests accordingly. She felt that this was the largest percentage increase since she had been in office and something has to change. Alderman Partigianoni noted that all other departments got more money than last year and the Library was only getting the same. Alderman Quail didn't feel that this Council had not gotten together and they worked hard to find cuts in the 2006 budget, he felt that the Council had tried their best. The biggest drivers of the budget are healthcare costs and pension costs. These are items that the employees and the City can't necessarily control, but the other expenses appear to be flat and payroll increases are an average of three (3) to four (4) percent. There are new hoses for the Fire Department which amounts to half a percent and the speed trailer or radios for the Police Department which is about half a percent. If we choose to cut these out of the budget, do we spite ourselves by compromising City safety? Alderman Morey noted that the IT Department budget bothered her. She doesn't support cutting out safety and fire hoses, but there

are things in this budget that could have been trimmed. She had opinions on some of these things and felt that she had expressed them during the worksessions.

By: Alderman Faraoni  
Seconded: Alderman Quail

Approved: Ayes - 6  
Nays - 2

**RESOLUTION #132** OF 2005 - Consideration of a resolution authorizing the permanent use of the Water Works grounds for the Youth Bureau's cross-country ski program.

By: Alderman Morey  
Seconded: Alderman Faraoni

Approved: Ayes - 8  
Nays - 0

**RESOLUTION #133** OF 2005 - Consideration of the confirmation of the Mayor's appointment of the following DMV employees as Commissioners of Deeds: Anthony Camilli, Jaqueline K. Henry and Janice Kline.

By: Alderman Partigianoni  
Seconded: Alderman Michales

Approved: Ayes - 8  
Nays - 0

**RESOLUTION #134** OF 2005 - Consideration of the following requests submitted by the First Night Committee:

- A. Closure of Main Street, from Court Street to Port Watson Street, from 9:00 PM on December 31, 2005 to 12:30 AM on January 1, 2006.
- B. Closure of Main Street, from Port Watson Street to William Street, from 11:00 PM on December 31, 2005 to 12:30 AM on January 1, 2006.
- C. Authorization for charitable organizations and not-for-profit organizations to sell hot chocolate, coffee and baked goods for fundraising purposes.

Everyone was invited to come and attend this event. It gets bigger and is more fun every year.

By: Alderman Morey  
Seconded: Alderman Terwilliger

Approved: Ayes - 8  
Nays - 0

**RESOLUTION #135** OF 2005 - Approve a resolution authorizing the appropriation of \$4,000 (four thousand) to the Cortland Free Library from the 2006 Community Development Miscellaneous Revenue Budget, to assist in their operating expenses in 2006.

By: Alderman Michales  
Seconded: Alderman Terwilliger

Approved: Ayes - 8  
Nays - 0

Alderman Morey noted that many people supported the Library and their events were well attended by their supporters.

**RESOLUTION #136** OF 2005 - Consideration of a zoning change requested by Westlake Development, LLC, from R-2 to GB for certain properties located near the vicinity of the southwest corner of River Street and Pomeroy Street including 22 Cleveland Street. (Must first be referred to the City and County Planning Commission.)

The Mayor introduced Peter Cappicelli, the former Director of the New York State Fair. He was there to make a presentation for LGR Engineering of Syracuse and Westlake Development, LLC. The property in question is under consideration for the building of an Advanced Auto Parts store. Prior to going before the Planning Commission with their site plan, they must obtain a zone change for three (3) of the four (4) parcels from R-2 to GB to allow for this building. The three (3) parcels are numbers 3, 7 and 9 Pomeroy Street, and 1 Pomeroy Street is currently zoned GB (General Business) The four (4) parcels in total contain approximately 0.9 acres containing the A-1 Transmission Shop on the corner, and two family homes on the other parcels. The neighborhood is characterized by a mixture of residential uses and businesses. If the zone change is approved, the client proposes to construct a seven thousand (7,000) square foot Advanced Auto store on the site with associated parking and landscaped areas. They must have the zoning change to prepare drawings to present to the Planning Commission. He felt the construction of their facility would be an improvement to the area in general and help the City's tax base. Their current location was in the P & C Plaza and it was an unfavorable location and they are anxious to move into a new facility. They would like to begin construction as soon as they could.

Andrew Damiano and Alderman Partigianoni noted that the owners of 22 Cleveland Street wanted their property included in this GB zoning change request, because their property was contiguous. The Council can't actually act on this, but must refer it to the County and City Planning Commissions, and since a letter was received from the owners of 22 Cleveland Street requesting that their property also be included in this zone change, they could resolve to include it.

Their engineer noted that this would not be an auto repair shop, but a parts store only. Alderman Morey noted a concern regarding the lighting in the area and its potential for attracting crows. She hoped that would be taken into consideration. The Mayor noted that there were not many trees in that area and that was good news. Alderman Partigianoni indicated his support for this project.

By: Alderman Partigianoni  
Seconded: Alderman Faraoni  
Approved: Ayes - 8  
Nays - 0

Mr. Cappicelli asked if they might anticipate a public hearing for the Zone Change sometime in January. It was noted that it was a good possibility, but the Council could not make a motion to set the public hearing at this time.

**RESOLUTION #137 OF 2005** - Consideration of a Resolution authorizing the Mayor to enter into an agreement with the City of Cortland Paid Firefighters Association for the period January 1, 2005 through December 31, 2008.

Alderman Quail inquired what the policies were going to be for the Bunk-In Program. Andrew Damiano indicated that the City was unique because they were a combination department and they would be creating their own policies. The Union has to be involved in that process. Current paid firefighter staffing would remain at the same levels. Alderman Quail thanked the Union for increasing their contribution to the health insurance and the co-pay.

By: Alderman Terwilliger  
Seconded: Alderman Quail

Approved: Ayes - 8  
Nays - 0

Item No. 9 - Discussion regarding the proposed move of City Court to the County Courthouse and the space feasibility study of City Hall.

The Mayor received a copy of a letter that he had requested from Scott Steve three months ago. He read it to the Council. Alderman Partigianoni commented that he had concerns regarding Andrew Damiano's memo. Alderman Morey inquired if \$5,000 (five thousand) was paid, was this memo a recap of the Bell & Spina study. Andrew Damiano indicated that it was not a recap of the study, but a status report of the process. The study is currently in draft number five (5). The Police Department is not approving it because it is not adequate for their purposes. Chief Nichols is going to meet with Mr. Spina to refine it once again. Although Scott Steve indicates that the City has the study, the City does not have it in final form. Mr. Spina will continue to work with the City until the City is comfortable with what Bell & Spina is proposing and laying out. Andy Damiano feels that what needs to be done is to compartmentalize this issue: #1 - Do we think the move of the Court to the County Courthouse is a good idea? #2 - If we do think it's a good move, can we make beneficial use of the space vacated by the Court in City Hall and #3 - Can we afford to do that? As you can see the estimates are pretty high. He feels that the Council can proceed with Item #1 without resolving number 2 and 3. He feels that moving the Court is a good idea. Alderman Morey noted that a letter of intent should be sent to the County indicating that the City intended to move the Court. Andrew Damiano cautioned that the letter should state that they wanted to move the Court, but wanted the financial issues resolved between the City and the County and work on a memorandum of agreement. There has been one (1) informal work session with Scott Steve and Carol Tytler. The City needs to know what

the cost will be to move, if there are construction costs and what the maintenance costs will be for the City Court to be a tenant at the County Courthouse. Mr. Damiano would like the Council to formally authorize the Mayor and himself to enter into discussions with the County to hammer out a formal memorandum of agreement as to how that relationship will work. It was noted that the City can use the extra space in City Hall and it is a good idea for the Court to be in the County Courthouse, but they need to come to an understanding on how that would work. This would be an agreement between the City, the County and the Court.

Alderman Quail noted that there appeared to be three (3) questions that needed to be addressed: #1 - Would the City be responsible for any construction costs? We don't want to be responsible for any costs. #2 - Is the City going to be responsible for moving the Court out of our facility? He feels that should be the Court responsibility. Andrew Damiano noted that in one (1) of the sessions with Scott Steve, Mr. Steve stated that the Office of Court Administration has informally said that they would cover the cost of construction or build out at the Courthouse. But again, there is nothing in writing. Alderman Morey noted that the City should put something in writing that the County and Court could respond to. Alderman Feiszli noted that there were projects in other areas, like Kennedy Parkway, that needed to be done and here there was discussion about spending three (3) million dollars on City Hall. The Council felt that they should send that letter. Alderman Morey indicated that a lot of money was being spent now and studies were pointless unless the Council was going to act on them. There were a lot of unanswered questions.

**RESOLUTION #138** OF 2005 - Approve a resolution to send a letter to the County Legislature of our intent to move the City Court System over to the County Courthouse and that we need to discuss the particulars as to the cost of the move, the cost of construction and that it be delivered no later than the next Legislative meeting next Thursday.

Alderman Morey noted that they should just send a letter of intent instead. Alderman Quail felt the Council should be more forceful and push this through.

By: Alderman Morey  
Seconded: Alderman Faraoni

Approved: Ayes - 8  
Nays - 0

Item No. 10 - Discussion regarding the possible use of the County Recycling Facility for disposal of the City's recyclable materials.

Alderman Faraoni indicated that it was his understanding from when Mr. Schrader made his presentation that the County wanted the City's recyclables. This item has not come before the Solid Waste Committee. Ron Van Dee was asked to come forward. and he noted that it had not come before the Solid Waste Committee. Alderman Morey asked him questions regarding who wants the recyclables and who wrote the letter to the City. It was indicated that Mr. Allen wrote the letter. Alderman Morey had a copy of the contract. Dan Tagliente called Mr. Damiano today and asked for a copy of the contract.

He is on the Solid Waste Committee and he knew nothing about the contract sent. It sounds like Mr. Allen is the only one who knows anything about it.

Alderman Feiszli asked Mr. Damiano for clarification in regards to notifying Superior as to which recycling facility the City plans to use. Mr. Damiano noted that Mr. Gale has not seen this contract, this is a discussion item before the Council. Alderman Morey understood from the last time this was discussed that Mr. Gale was not opposed as long as his equipment and his service at the curb did not change. Mr. Damiano noted that was true before, but since he has not spoken with Mr. Gale, he would prefer to show them this contract and discuss it with him again. Alderman Feiszli noted that there was no longer confusion about the streams and that there were tipping fees noted, but no dollar amount. Mr. Damiano stated that the City currently did not pay tipping fees on recyclables. Alderman Morey asked that this item be placed on the City agenda, noting the County was having their meeting on Thursday and let's send a letter back to the County. Mr. Damiano asked Ron VanDee and Marilyn Brown if there was any reason why the City had to have a contract with the County regarding recyclables, as they currently did not have one with Tompkins County. He also noted that if the County would agree to take a two stream; that if there was no tipping fee and there was no contract, they could get Superior to agree to drop off the recyclables, a resolution wouldn't even be needed. He asked Ron Van Dee if any other town had a contract with the County and was told no. Currently the agreement with Superior indicates if recycling ever produces a positive cash flow, that the cash flow goes to the City, not to Superior. He doesn't want to commit to giving that potential positive cash flow to the County, therefore, he was opposed to a contract. Paul Allen wants a contract. There was further discussion regarding the previous presentation. Alderman Partigianoni asked for more clarification regarding the tipping fee issue. The Mayor noted they would not go by that contract because it did not appear to be written correctly or with proper authority.

**RESOLUTION #139** OF 2005 - Approve a resolution to send a letter to the County of the City's intent to work with the County on the recycling issue.

By: Alderman Morey  
Seconded: Alderman Faraoni

Approved: Ayes - 8  
Nays - 0

Item No. 11 - Discussion of a Local Law amending the City Charter to create the position of Superintendent of Water, who shall serve as the department head of the water Department.

There was no discussion.

**RESOLVED TO GO INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER.**

On the motion of Alderman Partigianoni, seconded by Alderman Terwilliger, voted and carried.

**RESOLVED TO COME OUT OF EXECUTIVE SESSION AND INTO THE REGULAR SCHEDULED MEETING.**

**Adjournment**

By: Alderman Quail  
Seconded: Alderman Terwilliger

Approved: Ayes - 8  
Nays - 0

**I, JOHN O. REAGAN, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 6<sup>TH</sup> DAY OF DECEMBER 2005. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.**

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**JOHN O. REAGAN - CITY CLERK**

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**MAYOR THOMAS GALLAGHER**