



# City Council Minutes The City of Cortland

July 17, 2007

Council Meeting #13  
July 17, 2007  
Regular Business Session  
City Hall  
7:00 PM

Present: Alderman VanGorder, Terwilliger, Cobb,  
Quail, Feiszli, Partigianoni and Michales

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

Mayor Gallagher calls the thirteenth Common Council meeting of the year to order at 7:00 PM.

## PLEDGE OF ALLEGIANCE

## PUBLIC COMMENT

Ann Doyle was present with a question regarding the work session that was held prior to the Council meeting. She asked what she needed to do to get citizens on the Zoning Board and Code Committees and how does the public get copies of the zoning changes. The Mayor noted that when the committee is done with the zoning changes, there will be a public hearing and copies will be available. Ann Doyle noted that how did citizens who were unhappy get to have some input on that document. The Mayor stated that the opportunity would be at the public hearing. The Mayor went on to explain that the draft document would be presented at that time and then the public would have their opportunity to give input and then the committee would take those comments and include them, if necessary, into the changes. Ann Doyle asked if she could get a copy of the document prior to the public hearing. The Mayor referred her to Nancy Hansen, Planning Commission Chairperson.

Bill Duca was here two (2) years ago regarding baseballs coming into his yard. He was here a year ago and since then nine (9) balls have come over the house. He noted that the Mayor was going to do something about it, but nothing has changed. He met with the Mayor, Mr. McNerney of the Youth Bureau and President of the softball league the last of March and everyone was going to do something about the situation. The Mayor noted that John McNerney was looking into the possibility of increasing the height of the fencing. The Mayor noted that it would be very expensive. Mr. Duca asked what he

was supposed to do in the meantime. Mr. Duca noted he will collect the softballs, but he wouldn't give them back. Mr. Duca noted that what the City was saying in essence that nothing was going to be done. The Mayor noted that the league was using a softball that wouldn't go as far. Mr. Duca noted that he had heard the story of the new balls, the story about the bats and nothing has changed. Mr. Duca noted that he put eight (8) balls in the trash last week besides the two (2) dozen he has in his garage and that was just this year's collection. He noted that Mr. Partigianoni walked across the street and picked up a ball last week.

Alderman Partigianoni noted that Mr. Duca did come and speak with him and the Youth Bureau and three (3) recommendations were made. It was thought that with those recommendations the problem would be alleviated, but the balls are still coming over somewhat. Some changes have been made, but perhaps adding more netting would help. Some leagues were moved, but they now are back. Mr. Duca noted that he has consulted an attorney regarding this nuisance issue. The Mayor asked Alderman Partigianoni why the league couldn't be moved to another field. Alderman Partigianoni noted that there was no other lighted field that could take on the three (3) games a night. Mr. Duca also noted that the auto parts store had strict rules that all of their lighting had to be turned off no later than 10:00 pm. He asked why the field lights stayed on anywhere from 11:00 pm to 3:00 am in the morning. Alderman Partigianoni noted that was negligence and they were supposed to be turned off and he wanted to know how many times this had happened, because the staff was supposed to turn off the lights at 11:00 pm. Mr. Duca asked the Council what their opinion was and what were they going to do about it. It was felt that something should be done with another net and that Mr. Duca shouldn't have to deal with this situation. Mr. Duca said he's been getting a lot of double talk from the Mayor on down and he's been dealing with this issue for years. The Mayor said that he would go to see John McNerney and try to get this straightened out. Alderman Partigianoni noted that a net would be good and might not cost as much as fencing. Mr. Duca was told that John McNerney would be at the August 7 Council meeting and he would report to Mr. Duca and the Council on what would be done to alleviate this problem.

#### Minutes of July 3, 2007

**RESOLUTION #68** OF 2007 - Approve the minutes of July 3, 2007.

By: Alderman Terwilliger  
Seconded: Alderman VanGorder

Approved: Ayes - 7  
Nays - 0

Bills were reviewed and received.

#### Mayor's Report

He met with Cayuga Press to discuss future expansion and also met with GO21 representative to discuss expansion of railway service to our area. He met with Wetstone Technologies about a parking issue.

He attended SUNY Cortland Class of '57 Alumni program. He also gave the welcoming speech to incoming freshman at SUNY Cortland. He also received a nice letter from Mike Dexter regarding the job that was done by National Grid trimming trees in the Courthouse Park. He thanked Mike Dexter for putting that together.

#### Ward 1 - Alderman VanGorder

She has about seven (7) different issues she is working on with the Code Office. She received calls from residents on Belleview regarding Rt. 281 ramifications and a meeting will be held with them soon.

#### Ward 2 - Alderman Terwilliger

She has been speaking with people on Arthur Avenue about the issue of signage being constructed regarding trucks passing down Arthur Avenue during the bridge construction on North Main. She received one (1) email of concern over the proposed site plan over 19 West Court Street. She also met with the GO21 rep and looks forward to hearing on the progress of the railway system. Other than that, it's been quiet in her Ward.

#### Ward 3 - Alderman Cobb

Her Ward has been quiet except for some truck traffic on Groton Avenue, which she is working on. It's been quiet.

#### Ward 5 - Alderman Quail

His Ward has been quiet. He did receive a complaint from a resident on Sunnyfield about the smell from SuitKote. He spoke with Chris Bistocchi about the brush growing out onto Denti Way and was told that is not in the City's right of way. He will go into this further. He also noted that the Courthouse Park clean up looked very nice. Everyone did a tremendous job there.

#### Ward 6 - Alderman Feiszli

It's been pretty quiet in her Ward. There were a couple of speeding issues and housing. She was interviewed by Channel 2 regarding the moratorium. She thanked everyone for all of the work that was done on this issue. In the beginning there was a public outcry about an issue we needed to do something about. Working with zoning and code issues and reviewing the housing stock in the City, whether or not the moratorium goes through, the fact that we as a City are aware that there is an issue and that we are going to be working on this is a good thing. She also noted that the people want to continue working on these issues. She noted that she is on a housing sub-committee working on affordable and acceptable housing in the City. That's another issue that is a large concern and needs more public awareness. She plans to bring this for discussion on television and before the Council, because although there may be many apartments in the City, many are not affordable or not quality housing or not handicapped accessible housing. Trying to locate where these apartments are is difficult because

there is no landlord association or tenant association. She felt that tenants were afraid to report problems or didn't know where to turn if there was an issue with their residence or their landlord. This committee is looking for section 8 housing or handicapped accessible housing. Homelessness is one of the greatest barriers to finding employment or establishing an address for receiving benefits and contributes to repeat offenses for those who have been incarcerated. She would like to bring someone from this group to speak to the Council to make them aware of the housing situations in the City and she asked that this be placed on the agenda. Alderman Cobb noted that she receives many calls regarding people looking for nice rental property who can't seem to find anything by responding to newspaper ads. Alderman Michales noted that people would like to live close to downtown.

#### Ward 7 - Alderman Partigianoni

He received two (2) calls regarding driveway drop off issues on River Street. He contacted the DPW and they will be back before fall to take care of these. The other issue was a repeat call regarding the trucks blocking driveways on Hubbard Street. He contacted Marietta Corp. The resident would like a sign put up, there was one, but it's gone now. It's not the City's responsibility, it belongs to the Marietta Corp. and he's sure that they'll cooperate. Last Tuesday, he noted that Stub's Tree Service took three (3) dead trees down on Garfield Street and there was a neighborhood celebration. Everyone was happy. Another item that was just brought to his attention was the cosmetic light pole and the possibility of making it solar.

#### Ward 8 - Alderman Michales

He noted that a nice job was done in the Courthouse Park. He gave a lot of credit to the people on the committee as well as to the power company. He attended the meeting with the GO21 group regarding the expansion of the rail service. There was a Code Office citation in his Ward regarding an unregistered vehicle. He also asked that an exotic pet permit for a snake be placed on tonight's agenda. Alderman Michales noted that in Suggett Park on July 27 there'll be a movie under the stars sponsored by the Youth Bureau and the Community Service Club and Mando Books. He thanked recreation supervisor Megan Conaway for putting this together.

He also noted that his Neighborhood Watch Captain was moving, so he would be calling a special meeting in the near future to find a replacement.

The Mayor publicly thanked the Downtown Partnership and the businesses that participated in the Taste of Cortland this week. It was just awesome and the Music Series on Friday night was just the capper. As of Friday night, nine hundred (900) of the wine glasses had been sold and he didn't know what the count was for Saturday's sales. This just goes to show that there's a lot of activity downtown and people, who would like more information, can go to [www.cortland.org](http://www.cortland.org) and look under the events section. Alderman Michales noted that some store had sold out of the glasses on Saturday.

Item No. 1 - Presentation by Mark Dancy, representing Phoenix Recycling, regarding the blue bags currently in use.

He was present to address the density of the blue bags or perhaps lack thereof. He thanked the Council. He gave a history of his company and their pay as you throw plastic bag business. They have two hundred (200) city customers, including Binghamton, NY. He likes to think that what they focus on is the unique challenges of the local residents. They focus on bag thickness, why they're paying for them, consistent quality and delivery and high quality are all points of focus. As manufacturers and people who do the delivery, they code every case. He noted that they are dealing with people and machinery that has to be reset in the manufacturing process for one run. The coding helps them to identify the problem if there is an issue.

Alderman Michales noted that there was a problem earlier in the year, but he felt that had been resolved. Alderman Partigianoni asked how long the City had been buying bags from them and Mr. Dancy noted it was about thirteen (13) months. Alderman Michales noted that recently bags had been received that they were the wrong size. Alderman Partigianoni noted that the current bags are weaker than what has been received in the past. Mr. Dancy noted that they were manufactured to required specifications. He noted that they were not four mill and he also asked that if a problem was noted, that a case number should be reported, so they could track where the problem is and correct it. They don't want anyone to be unhappy. The Council noted that bags currently purchased seemed to be better.

**RESOLUTION #69 OF 2007** - Consideration of a Resolution authorizing the Mayor to enter into an agreement with Thoma Development for the completion of a Comprehensive Plan.

Wes Pettee was present from Thoma. Director of Administration and Finance Andrew Damiano noted that all procedures were followed in getting quotes for this project and Thoma Development was the only respondent. Wes Pettee noted that the time frame would begin sometime in August and would take about fifteen (15) to sixteen (16) months until the time of adoption after the public hearing process. He felt that by December of 2008 he hoped that the plan would be finalized for adoption. Alderman Quail asked if information would be taken from other plans such as the South End Strategic Plan. Mr. Pettee noted that other local and regional plans would be incorporated into this. Alderman Feiszli asked him what would be different in this plan from the one currently adopted. Mr. Pettee noted that it was important for cities to keep their Master Plan up to date. He felt every five (5) years it should be updated and that should be noted in the plan. He felt that two (2) areas that needed to be watched and updated were the areas around SUNY Cortland and the Cortland Regional Medical Center. He noted that it was the Council's decision to head up this Master Plan Committee and they decide who should be involved in this committee. Andy Damiano noted that the proposal included a series of public meetings and brainstorming sessions. Mr. Pettee noted that the public should be involved in the public meetings as well as on the committee, along with Planning Commission members and Council members. It's about talking with the community and getting City members involved and Thoma will serve as the facilitator in getting the public involved. This plan will encompass the entire City. It will be appropriate to address issues in specific areas. It was noted that if anyone was interested in participating in this process, they will be invited to participate when the process gets to that point. He noted that this updated

plan would be imperative to any land use regulations and management. This will help the City make needed changes.

Alderman Partigianoni asked how the Comprehensive Plan was going to help develop the shopping center in the East End. Mr. Pettee noted that the Plan was for the public benefit and this will not be the answer to the question, but there are opportunities to secure grant funding for perhaps an economic development project or transportation development and the Comprehensive Plan document, when finished, can be cited to secure grant funds to help finance a particular project. Things won't change right away, it will take time for things to happen and it is an important first step.

By: Alderman Terwilliger  
Seconded: Alderman Cobb

Approved: Ayes - 7  
Nays - 0

**RESOLUTION #70 OF 2007** - Consideration of a Resolution authorizing the completion of a request-for-proposal process for selection of an architectural firm to study the options for a new or renovated fire station; and further authorizing the Mayor to enter into agreement with the firm chosen, not to exceed \$45,000.

Alderman Michales asked that the City Hall parking lot also be considered. The Mayor noted that was part of an eight (8) phase project they are considering and that this was part (1). Andy Damiano noted that this study wouldn't address City Hall issues that it was strictly for fire house issues. This will focus solely on the fire station. This was the decision made previously by the Council that this was the first step that had to be taken in this process. It was noted that there were two (2) potential sites that would be looked at. It was asked what would be gotten for the \$45,000.

Andy Damiano stated that an evaluation would be done of the space needs of the fire department based upon interviews of staff and volunteers, then an evaluation will be done of the properties for new construction and they would also take into consideration the Ames property and an expansion of the existing fire station and they would also look into whether buying both properties that have been options and making use of both properties in the overall facilities needs of the City. They will do an evaluation, a rough site plan and cost estimates. Andy Damiano noted that the two (2) firms that they have preliminarily spoken with have built numerous fire stations and they specialize in that type of construction. Alderman Quail noted that this would be a facility rationalization plan than coming away with final plans. Andy Damiano noted that it would be more of an evaluation of the two (2) properties that the City was considering buying. If the report comes back indicating that neither is advisable, then the City will have to look at other location based on the needs indicated in the study. Countless properties have been looked at as possible sites, but they have never really known exactly what was needed and they need to get to that point. The facilities study done a few years ago did not nail down the actual square footage required. It told us what was wrong, but not what was needed. This will be a necessary first step.

Andy Damiano also noted that Fire Chief Baron had informed him that the Fire Station roof was in imminent need of repair. There has been significant damage during the snow melt period and an enormous amount of damage during recent thunderstorms. The roof is failing and we are in need of doing something to the roof before the study is completed. This has to be done prior to the winter. He asked the Council to authorize him to do something in that regard as it was almost August and he would have to spec and put out to bid and enter into a contract with a roofing contractor who specializes in slate tile roofing because the roof cannot be altered because it is on the national register. The City needs to move in earnest on that issue. He noted that what he was asking was a little out of the ordinary as a funding source had not yet been determined, but he didn't feel that he could wait an additional two (2) weeks to come up with a financing plan to pay for a \$45,000 to \$50,000 roof. He asked for the Council's authority to proceed with the project and will give them further information on August 7, 2007. He might very well recommend a bond anticipation note for the cost of the roof and this study and that he may ask for authorization to proceed on a \$100,000 note to fund both the roof and the study. He didn't want to fund it out of the City's existing reserves as this would wipe it out and he didn't recommend that at this point. The bond anticipation note is not a permanent borrowing vehicle, but a temporary one, which is converted at a future date to a permanent note. If the Council decided that they should build a new fire station or renovate the existing one, this bond anticipation note could be rolled into the bond issue and incorporate that into the long term borrowing. If a note is gotten, the City would pay interest only for a period of time. He also noted that on August 7 he might be coming to the Council with another project or two (2) and he might be asking them for a \$200,000 bond anticipation note because he and the Mayor have been discussing projects with other departments that can't be delayed also. These two (2) are critical, or at least the roof is. It was noted that this was one (1) motion and the Council wanted the second part to be added to the agenda for a separate item. A bond anticipation note would not be considered at this time. Right now this is just authorization to start the project, which is a specialty item. He noted that there was no historical money available for the roof project he's looked time and time again.

By: Alderman Partigianoni  
Seconded: Alderman Michales

Approved: Ayes - 7  
Nays - 0

**RESOLUTION #71** OF 2007 - Consideration of a Resolution authorizing the Director of Administration and Finance to proceed with the roof repair and replacement project for the Main Fire Station on Court Street.

Director of Administration and Finance Damiano noted that he'll get back to the Council with the cost of this project once an estimate is received.

By: Alderman VanGorder  
Seconded: Alderman Partigianoni

Approved: Ayes - 7  
Nays - 0

**RESOLUTION #72 OF 2006** - Consideration of a Resolution to approve an exotic pet permit for Henry Smith for a second snake, a Burmese Python, at 1 ½ Garfield Street.

Alderman Michales noted that the landlord had given permission for these two (2) snakes. Alderman Partigianoni noted that this was the first time he had heard of this and it was in his Ward.

By: Alderman Michales  
Seconded: Alderman Quail

Approved: Ayes - 5  
Nays - 1 (Alderman Partigianoni)

The Mayor also noted that since David Briggs is doing a reval in the City, he would like to ask him to set up some meetings in the Wards, so people would understand what was being done. He felt it was important that the public understand what the program is about and he asked for the Council's support.

Item No. 4 - Continuation of a discussion regarding a proposal to increase the salary for the position of Mayor.

Alderman Partigianoni noted that he called the State and had handed out a report that showed that the Mayor's salary was low and he felt that it needed to be adjusted. He wanted to give a range of \$25,000 to \$30,000 for consideration. He felt that \$13,800 was too low. Alderman Quail had just looked at this report and there was quite a range indicated in comparison to various budget amounts. It was also noted that this report also indicated that the Council members' salaries were also indicated on this report. Alderman Terwilliger noted that it was pointed out that the Council members received health insurance benefits, but some did not take advantage of that benefit and perhaps some compensation for those not taking advantage of the health insurance coverage should be considered. Andy Damiano noted that would be a separate consideration and that Corporation Counsel should be asked about that consideration. It might be potentially construed as a gift, but Corporation Counsel would look into it further. Alderman Quail noted that the proposed range was not out of line with what was indicated on this report. Andy Damiano thought that they should look at salary ranges for Central New York cities as compared to downstate salaries. He also noted that every city has a unique form of their own government. He felt that Cortland had a strong mayor form of government because he oversaw the various department heads and also allows him to make appointments to various boards and commissions. He also felt that \$13,800 was low and should be moved upward.

The Council felt that a range should be determined and that this item should be placed on the next agenda for further discussion. It was also noted that the salary could not be changed for a sitting public official and any change would not be effective until January 1, 2008.

**Adjournment**

By: Alderman Cobb  
Seconded: Alderman Quail

Approved: Ayes - 6  
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 17th DAY OF JULY 2007. I FURTHER CERTIFY THE FOREGOING  
RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.**

\_\_\_\_\_  
**JOHN O. REAGAN - CITY CLERK**

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**MAYOR THOMAS GALLAGHER**