



City Council Minutes
The City of Cortland

December 18, 2007

Council Meeting #22
December 18, 2007
Regular Business Session
City Hall
7:00 PM

Present: Alderman VanGorder, Terwilliger, Cobb, DeCarlo,
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 twenty-second Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

RESOLVED TO GO INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER. (Aldermen elect were also asked to attend.)

By: Alderman Terwilliger
Seconded: Alderman Michales

Approved: Ayes - 8
Nays - 0

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

By: Alderman DeCarlo
Seconded: Alderman Cobb

Approved: Ayes - 8
Nays - 0

PUBLIC COMMENT

William Kline was present. He thanked the Council and noted that they had made a lot of hard decisions. He knew that they had done their best and he trusted that the

Council had done a good job of reviewing the budget and that they had done the best that they could in determining the final budget amount. He noted that many budget items were very important, worth having and supporting.

Minutes of December 4, 2007

RESOLUTION #124 OF 2007 - Approve the minutes of December 4, 2007.

By: Alderman DeCarlo
Seconded: Alderman Partigianoni

Approved: Ayes - 8
Nays - 0

Bills were reviewed and received.

Mayor's Report

Attended several meetings for the selection committee to fill the position of Executive Director of BDC/IDA as well as attending the SUNY Roundtable. He met with the County several times to discuss the on-going financial situation of the City. He attended the City Comprehensive Plan Steering Committee at the East End Community Center. He was also the guest speaker at the League of Women Voters.

He did a guest interview with WHCU. He met with Thoma Development and Conifer Group to discuss development plans on Pendleton Street. He attended the Cortland City Library Board meeting to celebrate the retirement of Lee Taylor, who served on the Board for 55 years. He met with representatives of ETL and Cortlandville to discuss the possible expansion of the water line to Polkville. He also met with Thoma Development, Empire State Development and John Scanlon to discuss plans for the Clock Tower Building. He attended PBA annual dinner and awards ceremony.

Alderman Feiszli inquired about the annual payment ETL made to the City for the water pipeline. She noted that they paid \$480 per year to the City and she inquired if that was a flat rate or was their water usage metered. The Mayor and Alderman Michales noted that it was for water usage, but only for drinking water and toilet usage.

Ward 1 - Alderman VanGorder

Her Ward has been quiet. She wished everyone a Merry Christmas and a Happy New Year.

Ward 2 - Alderman Terwilliger

She noted that she had received a couple of calls and quite a few e-mails in support of keeping the Library budget where it is. She noted that this was her last Common Council meeting for now and that it had been a pleasure to represent the Second Ward constituents and she thanked them for having her.

Ward 3 - Alderman Cobb

Her Ward has also been quiet. She did receive some e-mails today regarding the Library budget. She also thanked Niagara Mohawk for fixing the lights on Atkins Avenue. The residents are very happy now. This is also her last Common Council meeting and she thanked her constituents in her Ward for supporting her throughout the two (2) years that she was elected to serve them. She enjoyed it very much. She noted that if she wasn't moving, she would probably be here, again.

Ward 4 - Alderman DeCarlo

He noted that in walking the neighborhood he has been finding dead crows. He called the DEC to see if they wanted to test them. They should be tested if there were three or four or more found. He cautioned residents who have cats outside to watch them. He also cautioned parents to make sure that children didn't pick up or touch sick or dead birds. He doesn't know what sickness they have, but they should be left alone. He noted that this was his final Council meeting and he thanked his constituents and he thanked the Council. He enjoyed serving with this Council tremendously. He learned a lot about City government. He hoped to serve again some day and he noted that he would also be attending meetings from time to time.

Ward 5 - Alderman Quail

He commended Shannon, Amy and Nick. He noted that it has been a pleasure having them on the Council. He wished everyone a Merry Christmas and a Happy Holiday Season. He asked the neighbors to please shovel their sidewalks if they've not done so already. He also asked that those who plow snow, not plow snow across the street. He noted that was illegal. Other than that, his Ward has been quiet, except for a few crows around.

Ward 6 - Alderman Feiszli

Instead of her usual Ward report, she wanted to give an update on what she had been working on for the past three (3) months. She has been working on the budget and she wanted her constituents to know that what she had been doing personally on this. She had been doing some things that were unconventional, but she didn't regret doing them. There were four (4) things she wanted to talk about. One was the meeting with the County regarding the City's proposed budget. She asked them to look at it to see where they could share or improve services. She always asks someone to look at the budget for her, as she noted it is a very complicated document. Some things came out of that meeting with the County. They found \$15,000 for the elections that was not required. That was taken out of the budget. She also asked the County about the acquisition of property that has been going on with them. She understands that they need to grow, but she also understands that the City needs to be compensated for what's going on. She did ask for \$185,000. That didn't work. The Mayor and Director of Administration and Finance Damiano with the idea of the library and that didn't work either. Again, they are having conversations on how to go about doing it and it is a good beginning step. She made an appointment with the CEO of Cortland Memorial Hospital. She wanted to share the concerns of a lot of people on what's going on. Her

personal feeling is that if the hospital can afford to build additions and acquire property, she felt that the City should be compensated for that loss of revenue for the City. She feels that there are ways that the City can take a more proactive stance on what's going on. Saying there's nothing the City can do about it, is not going to take care of the problem. She has been working on a two (2) percent budget cut within all of the department. She knew this wasn't going to fly, but if it's going to be at the point that the City has to reduce services, she doesn't want to do that. Director of Administration and Finance Damiano had told her that can't be done because of the Charter, but she proposes putting it in the contingency fund so that the Council has more of a handle on what is going to be used for certain things so that they can make that decision. She felt that these were the things that might reduce the proposed budget to a level more in line with inflation. People had contacted her asking why they were being asked to pay more than the inflation rate. She noted that the City had a lot of problems and she noted that they should take care of those problems over the next year. The County and the City is already having meetings regarding shared services and working together. We've also talked about how the City could legally generate income from tax exempt properties. That is something being worked on by a couple of departments right now. There are ways to generate income from services we provide to tax exempt property and the City needs to be more proactive on that and will be to generate revenue. She noted that they are losing out on that revenue and that there is also money available from the State if the City combines this information. Then the City can go to the State and ask for compensation because we now have the hard numbers to show them.

She wished everyone a happy holiday and she believes that next year her goal will be to provide improved services, generate additional income for the City of Cortland and at the same time reduce the taxes.

Ward 7 - Alderman Partigianoni

He noted that the joyous holiday season is upon us and he wanted to extend his best wishes to all for a Merry Christmas and that we are blessed with good health and enjoy a prosperous New Year.

Ward 8 - Alderman Michales

He pointed out that it had been a pleasure to serve with the three (3) outgoing Aldermen over the past few years. They will be missed. Their ideas will be missed and he noted that they've certainly had to make some tough choices over the last few years and he appreciated their being there for the City.

He met with ETL officials, the Mayor and Dick Tupper and Gary VanGorder about the expansion plans of the water at Intertek. He attended the City/County meeting to discuss consolidation of services. He received one (1) call concerning snow plowing which he referred to the City DPW. He also polled several constituents regarding the library and they indicated to him which way he should lean tonight. He thanked them for their input and wisdom that they provided.

RESOLUTION #125 OF 2007 - Consideration of a Resolution authorizing the adoption of the proposed 2008 Sewer Fund Budget and establishing a domestic rate of \$2.25 per unit.

By: Alderman Quail
Seconded: Alderman Partigianoni

Approved: Ayes - 8
Nays - 0

RESOLUTION #126 OF 2007 - Consideration of a Resolution authorizing the adoption of the proposed 2008 Water Fund Budget and establishing a domestic rate of \$2.00 per unit.

By: Alderman Cobb
Seconded: Alderman Terwilliger

Approved: Ayes - 8
Nays - 0

Alderman Michales noted that the sewer line relining was helping considerably with the amount of water going to the treatment plant and was a savings of tax dollars. Also the methane gases produced at the facility were used to offset their operating costs in the summertime. Over a five (5) year period, Harvey Davis had indicated that they had saved about \$100,000.

RESOLUTION #127 OF 2007 - Consideration of a Resolution authorizing the adoption of the proposed 2008 General Fund Budget, as amended, and establishing a tax rate of \$17.612 per \$1,000 of assessed valuation.

Director of Administration and Finance Andrew Damiano explained the amendments. \$15,000 was eliminated from the funding for general elections and the tax rate was reduced accordingly. An additional \$135,000 was appropriated from the Health Insurance Reserve which gave the City additional revenue in that line and thereby reducing the tax income by that much. The third amendment is reducing the appropriation to the library by the amount of \$50,000, but transferring that appropriation to the Contingency Fund. That effectively created a tax increase of 7.6% at the rate of \$17.612 per \$1,000. The third amendment was approved through a straw poll. Alderman Quail noted that if this budget resolution was voted down, this would go back to the Mayor's original budget, which would go into effect and result in a 9.8% tax increase.

By: Alderman DeCarlo
Seconded: Alderman VanGorder

Approved: Alderman VanGorder - Aye
Alderman Terwilliger - Aye
Alderman Cobb - Aye
Alderman DeCarlo - Aye

Alderman Quail - Aye
Alderman Feiszli - Nay
Alderman Partigianoni - Aye
Alderman Michales - Aye

RESOLUTION #128 OF 2007 - Consideration of the confirmation of the Mayor's reappointment of Elizabeth A. Burns to the position of part-time City Court Judge.

By: Alderman DeCarlo
Seconded: Alderman VanGorder

Approved: Ayes - 8
Nays - 0

RESOLUTION #129 OF 2007 - Consideration of a Resolution authorizing the following street closures from 9:00 P.M. on December 31, 2007 to 12:30 A.M. on January 1, 2008.

- A. Main Street, from Court Street to Tompkins/Port Watson.
- B. Main Street, from Tompkins/Port Watson to William Street.

Alderman Michales asked if there had been any violations noted at last year's festivities. Police Chief Nichols noted that there were some problems with underage drinking last year and he will be bringing officers out earlier this year. He did note that the event is a great family event and only a few individuals had caused problems.

By: Alderman Partigianoni
Seconded: Alderman Quail

Approved: Ayes - 8
Nays - 0

Item No. 6 - Discussion regarding the proposed amendments to Section 74-1 of the Code of Ordinances which were prepared by Corporation Counsel.

Corporation Counsel Knickerbocker noted that he was remiss in not having sent this to Dr. Cadwallader as promised. He will incorporate any comments made tonight and then send it to Dr. Cadwallader. He hopes to finalize this in January. He also e-mailed the Council with eight (8) thoughts from Don Cheney that he wanted the Council to consider before bringing it to the code revision sub-committee who is working on the code revision. There was discussion regarding the use of outdoor wood burning furnaces in the City. Corporation Counsel noted that the Council might want to be out in front of the installations of some of these types of units, such as windmills, etc. Mr. Cheney had also noted that the City was deficient in overtime was the review of planned development districts so that people didn't have to keep going back before the ZBA and the Planning Commission for their projects. If a development district was established, a whole area could develop within a certain manner rather than done piecemeal in different spots. This is something that our Code Office hasn't dealt with. The Mayor also noted that they should also look at the geothermal where residents might be putting

in wells to tap into that energy source. Director of Administration and Finance Damiano noted that he was going to continue being a broken record for the next year, but the City was going to have to pay Cheney and Blair for everything that they do. He suggested that the Council focus on what they really felt was important. The City was paying by the hour for their services and the City had to watch their expenditures, he didn't think the Council should be frivolous with their assignment to Cheney and Blair. Corporation Counsel Knickerbocker noted that Cheney and Blair were well aware of this and that is why they had put together this document for the Council's consideration. He urged the Council to focus on the things they were looking to work on immediately and to indicate some others that were less important.

Alderman Michales asked what had been spent to date. Director of Finance and Administration Damiano noted that it was into the thousands at this point and that this came out of Corporation Counsel's consulting budget line. He noted that \$30,000 had been budgeted in that line this year. This covers labor counsel, special counsel, etc., not just Cheney and Blair.

The Mayor had a few remarks for Aldermen Terwilliger, Cobb and DeCarlo. He likened it to tribal council on Survivor. He thanked them and noted that they had been a tremendous asset to this Council. He noted that they had represented their constituents the way they should have. He noted that the working atmosphere, for him, had been a pleasure. He noted the cooperation they had shown the Council. He wished that they would consider running again.

Alderman Partigianoni noted that he, too, had enjoyed working with them and that it had been a pleasure serving with them on this Council.

The Mayor wished everyone a Merry Christmas and a Happy New Year.

Adjournment

By: Alderman DeCarlo
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 18th DAY OF DECEMBER 2007. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN - CITY CLERK

MAYOR THOMAS GALLAGHER