



City Council Minutes
The City of Cortland
April 1, 2008

Council Meeting #5
April 1, 2008
Regular Business Session
City Hall
7:00 PM

Present: Alderman VanGorder, Benedict, Dye, Tobin, Quail, Feiszli, and Michales

Staff Present: Director of Administration and Finance Andrew Damiano and City Clerk John O. Reagan

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

Mayor Gallagher called for a moment of silence in remembrance of Alderman Jim Partigianoni.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Ann Doyle came to speak her remembrances of Alderman Partigianoni.

Faye Welch spoke of her concerns regarding the sidewalk project on Pendleton Street and the lack of notification to residents regarding this project. She also noted that her hydrant was removed due to an accident and she was told it will be relocated and there is also a flooding issue in the area due to the paving at the High School. Nothing has been done other than the digging of a ditch across the road. She is against more paving. Mayor Gallagher noted that the City is applying for a grant and if it is received, a public hearing will be held to inform the residents about the project. It was noted that part of the plan is to provide better drainage from the High School area.

Robert Howe and William Wood were present. Mr. Wood noted that they were there to inform the Council of the consolidation of polling sites. This was to reduce the number of new voting machines that would be necessary. The new machines are expensive, but will be able to handle more people. The second part of this will be that they will need fewer inspectors. The concerns the election office has, is handicapped accessibility. He noted that he twice sent a letter and survey form that is needed to

upgrade accessibility to polling places. The only entity that has not replied is the City of Cortland. This is free money and they ask that someone be sent out to complete the survey. He hoped that the Mayor and Council would support that survey completion and that it be done within the next ten (10) days or the City will lose out. This is free money to upgrade and will take care of the accessibility.

Mick Pace was present to speak regarding student housing. He informed them of the student housing project on Rt. 281 in Cortlandville. He attended the Cortlandville Planning Commission meeting and supplied information from there. There will be two (2) phases of this project. The first phase is about three hundred and sixty (360) students who will be removed from the City of Cortland and if this is successful, there will be a phase two. He wasn't sure if that would be another three hundred and sixty (360). The college has an option to purchase more property. He knew there were issues with college students, but he hoped that the Council would bend some ears in Cortlandville. This was going to be a big hit to the City of Cortland. This will be a money loss issue as these students leave the City. He appealed to the Mayor and the Council to oppose this project.

Vivian Bosch was present to support the Nuisance Ordinance. She also brought up the front yard parking ordinance and asked for an update. Chief Glover noted that it was better than it was six (6) or eight (8) months ago. She also asked about the ordinance regarding family and the unrelated individual's issue. She noted that the last time this came before the judge he ruled that the City Ordinance was unconstitutional and as a result of that, the City hired a lawyer to help them rewrite the ordinance. The City voted on it and it became law and since that time, we haven't brought a case to court. She noted that at a Zoning Board meeting, a local landlord stated that he had five (5) unrelated individuals residing in a single family home and to her knowledge that case has not been pursued or taken to court. She noted that it gave the appearance that the City Code Office had no intent to enforce that code. She asked that they please enforce the codes on the books. Chief Glover asked that the question be deferred to Corporation Counsel Knickerbocker. He was unsure where some of the cases stood. Vivian Bosch referred to 59 Clayton Avenue and noted that Corporation Counsel became aware of the situation in August or July 2007 and here it is March 2008 and soon students will be gone in May and then they won't have that case any more. Timeliness is important.

Jamie Brown, Alderman Partigianoni's daughter, was present to thank the Council and the City for their outpouring of support to the family when Jim passed away. She asked that the Council continue to follow Jim's example.

Minutes of March 4, 2008

RESOLUTION #32 OF 2008 – Approved the minutes of March 4, 2008.

There was concern by Alderman Benedict regarding absentee Councilors' votes being counted as "No" votes. It was asked that they be counted rather as non-votes. It was

asked that this be discussed with Corporation Counsel for future reference since the resolution in question was regarding the temporary payroll position and that had already expired.

By: Alderman Dye
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

Bills were reviewed and received.

Mayor's Report

He met with Rosann Coville who just returned from an extended visit in China. She is proceeding with the idea of adopting a sister city in China. She is meeting with some professors from the college and other local people of Chinese heritage. He also met with Dick Tupper and the consulting group from Rochester that is doing the comprehensive study on merger/consolidation with Cortlandville. A final document should be in our hands within the next month and we will then distribute it to Common Council and department heads. He attended the Habitat for Humanity house dedication to the Cornell family. The Habitat group did a tremendous job with the house at 35 Fox Hollow. He presented a proclamation to the Cortland Noon Rotary Club to kick off the annual Rotary Pancake Breakfast.

He met with the architect and engineers to review the proposed plans for a new fire station. Tom Michales, Dan Quail and he met with Glenn Goldwyn to discuss the on-going issues with Jefferson Drive and Northcliffe. We made several suggestions to Mr. Goldwyn for keeping the area clean. He will get back to us after discussing this with his Board. He participated in the flag raising event to celebrate St. Patrick's Day. Nick Lundberg on the bagpipes and the step dancers from the Montague School of Dance did an excellent job. We also paid tribute to Alderman Jim Partigianoni. He attended the BDC/IDA meeting. The IDA voted to approve a pilot for the clock tower project.

He attended the Health Coalition annual meeting, the luncheon at ARC with County officials and the annual Ag Day program.

The Mayor read a proclamation for the Title 8 Fair Housing Policy and April 2008 was declared Fair Housing Month in the City of Cortland.

The Mayor read a proclamation for the Child Abuse Prevention Month and April 2008 was declared Child Abuse Prevention Month in the City of Cortland. Pinwheels were distributed to remind everyone of the prevention process.

Ward 1 – Alderman VanGorder

She spoke about how much she was going to miss Alderman Partigianoni. She had received a suggestion to rename the East End Community Center in his memory and she thought that would be nice.

She has been working on a few things. She had a request to change the Yield sign on Elizabeth Street to a Stop sign. She spoke with Mike Preston and this has been passed and she asked for the Council's support when it comes before them this evening. She gave a tour at Intertek to the Youth Leadership Group. She had a couple of code issues she had to deal with. She announced that Community Clean Up Day is April 19. Individuals will meet at the Chamber of Commerce parking lot, next to the fountain at Court House Park, at about 8:30 a.m. and refreshments will be served and then groups will break up and go into various wards. It will be a sidewalk-to-curb litter clean up. She spoke with Mr. Sponaugle, who obtained about two hundred (200) bags and gloves. She noted that they were working on obtaining T-shirts for participants. She also received a letter from Tracy Johnson about their concerns.

Ward 2 – Alderman Benedict

He had a volunteer who was willing to do some clean up before the Clean Up Day. Can we make arrangements for the collected materials to be taken away, so that she doesn't have to buy blue bags? Director of Administration and Finance Andrew Damiano felt that might set a precedent and would be confusing. He recommended that individual be encouraged to participate in the scheduled clean up day.

He also attended a Planning and a Cable Commission meeting and he feels that the commissioners do a great job and he thanked them for the time and effort taken by commissioners who served.

Ward 3 – Alderman Dye

He had a few issues with pot holes on Broadway and Groton Avenue. There was also a continuing issue with the tractor trailer traffic on Groton Avenue. He has been trying to watch it. He received two (2) e-mails on the nuisance party ordinance. He also has an issue for Ward 7 regarding the parking lot on Elm Street across from Pendleton Street (Rubbermaid Building). There were twelve (12) empty tractor trailers stored there last week and the person who approached him was under the impression that no tractor trailers were to be stored there. Alderman Michales noted that has been like that for a long time. Chief Nichols noted that it was private property.

Ward 4 – Alderman Tobin

He asked that the handicapped accessibility to the polling places be added to the agenda for discussion. Director of Administration and Finance Andrew Damiano asked that the Election Board send another copy of the survey to him and he would see that it was completed.

He has been helping out Shawn Smith by handing out three hundred (300) questionnaires throughout the community. He wasn't sure how many had been returned, but hoped to get more feedback about housing issues throughout the City. He will meet with Mike Holland of SUNY Cortland who deals with off campus students and try to get the college's perspective. He would like to do something as a committee to address some of the housing concerns. He asked that interested individuals, landlords, etc., contact him to serve on this committee.

He has had interest expressed in a community watch program and he will speak with Chief Nichols about that. There was a noise complaint from one of his neighbors, who contacted him instead of the police. He noted that he saw first hand something to do with the Nuisance Party Ordinance. He attended the County Legislature meeting to get a feel on how things are done on the County level and some of the issues with the IDA and how they go about things. He did this after reading in the paper about the building on the corner of Main and Tompkins and remembering being told that things would be brought to the Council. It was disappointing to be reading about it in the newspaper and never having anything come through the Council beforehand.

He noted the unfortunate passing of Alderman Partigianoni and the vacancy created on the Council. He indicated that the Democrats had met and the idea was that they would like to fill this vacancy in a timely manner as the City Charter states. He noted that they wanted an open process, with as many candidates as possible. He asked that a list of those people be shared with the Council and that a special meeting be scheduled on April 10, 2008 at noon so that they could vote on someone at that point. That way they could have them sworn in and they could attend the April 15, 2008 regular Council meeting. Alderman Michales noted that perhaps a few more choices should be made available. Director of Administration and Finance Damiano noted that they actually had until April 14, 2008 to meet the thirty (30) day deadline. Alderman Quail asked why it couldn't be done at the regularly scheduled meeting. Director of Administration and Finance Damiano noted that they would miss the thirty (30) day deadline as outlined in the City Charter and that would nullify any appointment. It was decided to continue this discussion regarding the special meeting later in the agenda, as it was listed on there. He also asked for a discussion regarding the Constable position and an interpretation of filling that position. The Mayor indicated that Corporation Council Knickerbocker's interpretation was that they were not filling a vacant position, but only breaking a tie. Corporation Council planned to write a letter to the Election Board. There was further discussion with Bill Wood regarding interpretation of this and it would be discussed upon Corporation Council's return. Alderman Tobin asked for the interpretation in writing.

Ward 5 – Alderman Quail

He thanked Jamie Brown and her family for attending the Council meeting and he thanked the Partigianoni family for sharing "Jimmy" with us for the past fifty (50) years. He met with the Glen Goldwyn of the Cortland Housing Authority with issues they've been having with them on Pendleton Street. He is planning a Ward meeting on April 8

at Randall School from 7:00 p.m. to 8:00 p.m. He has received calls regarding crows, pot holes and flooding issues. There has been flooding on Denny Way as a result of the ball fields up on Starr Road. There was eight (8) inches of water rolling down Denny Way into people's garages on Scammel Street and South Main Street. They've been in discussion with Cortlandville and hope to remediate that issue.

He spoke about the Top Five Update. They were the progress of the Police and Fire Station and hoping to see preliminary drawings. He noted that another was the flooding issues and they were trying to schedule a meeting in May. Regarding the Zoning and Rental Permit Program, he didn't know where that stood. It was also the same with the cat and dog ordinance. He also asked Chris Bistocchi to give an update on the DPW. Gino Sonacchio has retired as supervisor of the DPW after thirty-five (35) years. He will be missed. Chris Bistocchi has been pulling double duty the last week and hasn't been able to get back with Alderman Quail. Alderman Quail is also concerned about the financial state of the City and he is concerned with Governor Patterson's statement regarding the cuts in funding to cities and villages. He feels that they should be looking at shared municipal services and shared costs.

Ward 6 – Alderman Feiszli

She received a call, also, about the Community Center name being changed to the "Parge" building. She will miss Alderman Partigianoni terribly.

She and Carol Tytler attended the flooding seminar in February. She spoke of the New York Alert in regards to being notified during flooding season if the river is rising. She urged everyone to log onto www.nyalert.gov to register and they will notify you of any potential natural emergency. She noted that C & S Engineering had completed their report and she is looking forward to meeting with them here at City Hall.

She received a few calls about defective blue bags. Chris Bistocchi told her that the cases were sent back to the local vendors and on to the supplier and those individuals who received defective bags could have them replaced at the DPW on Franklin Street. She also received a call about replacing the blue bins which are deteriorating. They can be purchased at the DPW for \$10.

She noted recent news about the Tioghnioaga River Trail that funding for this may not go through. There is a group of people who would like to work together to at least try for this and they have asked for an informal meeting with the County on April 8 at 6:00 p.m. at the Blue Frog. She asked that interested individuals attend this meeting. She also received calls regarding the street paving in her Ward. Because of the loss of CHIPS money and the cost of asphalt, a lot of the projects that were supposed to be done won't be. She noted that Grant Street will be paved after the new water main is installed. Parkwood Drive will be done, along with Morningside after NYSEG finishes their work in the City. North Church Street is also scheduled for repaving this year.

She and the other Council members received a letter of concern from local businesses and the proposed sprinkler fee. Her response to those in opposition was that many of the users of the sprinklers are tax exempt. These businesses enjoy the services of the City and she felt that by paying this fee, the income derived could offset some of the taxes that non-tax exempt businesses paid for those same City services.

The Council members received a letter from ARC regarding housing to be built on Locust Avenue. They planned to go door to door to contact all of the people in that area. She didn't call anyone, but they have been very good in the past about contacting the neighbors.

She also noted that she mentioned at the last meeting about the Conifer Project and about how the project had been gone about. She asked if Jim Rozengata could be placed on the agenda to discuss the Conifer Project and answer questions.

Ward 8 – Alderman Michales

He spoke of missing a very dear friend who had sat beside him for a number of years on this Council.

He met with Glen Goldwyn of the Cortland Housing Authority along with the Mayor and Alderman Quail. They spent a lot of time discussing housing issues up on the hill. As a result of that meeting, another meeting will be scheduled to resolve a few issues that still remain. He received some calls regarding Cortland Transit's policies regarding pick ups and stops. The County is looking into this and trying to improve this service. He will provide some input on this and has taken their survey.

He received a call from a resident regarding the pick up of their blue bin. This has been resolved. If your blue bin is not accompanied by a blue bag for several weeks, you are taken off the list. To be put back on the list, you have to put both of them out. He attended the East End Workshop. He noted that these workshops were free and very informative. There's another one scheduled for April 9, put on by Brian Nelson about personal safety at the East End Community Center. He attended the Habitat for Humanity home dedication and welcomed the Cornell family to the neighborhood.

RESOLUTION #33 OF 2008 – Consideration of a Resolution authorizing the submission of a FY2008 Community Development Block Grant application.

By: Alderman Quail
Seconded: Alderman Michales

Approved: Ayes – 7
Nays – 0

RESOLUTION #34 OF 2008 – Consideration of the confirmation of the appointment of Chad W. Underwood, Allison Schapp, and Brycen Dunn (Youth Representative) to the Youth Bureau Advisory Board.

By: Alderman Feiszli
Seconded: Alderman VanGorder

Approved: Ayes – 7
Nays – 0

Item No. 3 – Consideration of a Resolution authorizing the issuance of a sound enhancement device permit for the Delta Chi Fraternity on April 25, 2008 in conjunction with their family weekend.

By: Alderman VanGorder
Seconded: Alderman Dye

Chief Nichols asked that the Council hold off their decision on this request and ask that the applicant contact the Police Department, so that they could find out what was going on at this gathering. In the past, situations like this have turned into block parties. He wants more information. He has contacted the college, but has not heard back from them. He wants to establish guidelines.

RESOLUTION #35 OF 2008 - Consideration of a Resolution to table the request in regards to authorizing the issuance of a sound enhancement device permit for the Delta Chi Fraternity on April 25, 2008 in conjunction with their family weekend.

By: Alderman Benedict
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

RESOLUTION #36 OF 2008 – Consideration of a Resolution authorizing the temporary placement of the clock from the former Clock Tower Building in the CNY Living History Center, operated by the Homer-Cortland Community Agency, Inc.

Alderman Feiszli asked that the word “temporary” be added to this resolution for the placement of the clock.

By: Alderman Benedict
Seconded: Alderman VanGorder

Approved: Ayes – 7
Nays – 0

Item No. 5 – Consideration of the adoption of a Nuisance Party Ordinance.

Alderman Feiszli gave an overview of the previous discussion regarding this issue. She spoke with Steve Mukka and listened to his concerns. She felt that with new Council members who were not a part of this process and that with wording in some of the ordinance being vague, she asked that this be tabled until the next Council Meeting after scheduling a work session prior to that meeting. She supports the ordinance, but she felt that not all concerns had been addressed. She also asked Chief Nichols to give information to the Council. Alderman Feiszli noted that Steve Mukka had some concerns and also had asked that a mediator be present. Alderman Michales was concerned about protests being considered within this ordinance.

Chief Nichols noted that he had hoped that they would be able to discuss this with everyone present at a work session. He had other ordinances and templates to distribute and wants the input of landlords. This ordinance applies to violations that occur on private property. This ordinance will deal with behavior on private property that violates City code. Director of Administration and Finance Damiano noted that this ordinance was as a result of a floor collapse that occurred at a gathering where there was over occupancy during one of these nuisance parties. We almost had a huge disaster. Chief Nichols noted that there was a party on Main Street at 3:00 a.m. with all young people. We constantly deal with these types of issues and this will give the police and the Code office the tool to arrest them in violation of the nuisance ordinance. This will augment ordinances that are already on the books and is not meant to shut down legal, sanctioned events. Alderman Benedict hoped that this could move along as party season was upon us. The work session was scheduled for 5:30 p.m. on April 15, 2008 and Alderman Feiszli would contact Steve Mukka.

RESOLUTION #37 OF 2008 – Consideration of a Resolution authorizing the Mayor to enter into contract with Michael Dexter for the period February 20, 2008 through February 19, 2009 to perform various duties at the Water Works facility.

The Mayor and Council noted that Mike Dexter did a great job.

By: Alderman VanGorder

Seconded: Alderman Michales

Approved: Ayes – 7

Nays – 0

RESOLUTION #38 OF 2008 – Consideration of a Resolution authorizing the following actions to close out fiscal year 2007:

Director of Administration and Finance Damiano explained this process and noted that the City operated in the black by about \$30,000 in 2007.

A. Recognizing excess revenues received and appropriating the funds

- to various accounts.
- B. Authorizing a number of year-end encumbrances.
- C. Authorizing various transfers to close out accounts with either unexpended or overdrawn balances.

By: Alderman Dye
Seconded: Alderman VanGorder

Approved: Ayes – 7
Nays – 0

RESOLUTION #39 OF 2008 – Consideration of a Resolution authorizing the removal of the yield sign on Elizabeth Street at Wheeler Avenue and the installation of a stop sign in its place (recommendation of the Public Safety Commission).

By: Alderman VanGorder
Seconded: Alderman Benedict

Approved: Ayes – 7
Nays – 0

Item No. 9 – Discussion on the method to be used to fill the vacant 7th Ward Council seat.

The Mayor noted that it had to be filled within thirty (30) days of the vacancy, person must be of the same political party as Mr. Partigianoni, and meet all other qualifications of office. Person shall serve until the next general election, which is November 4, 2008 unless a special election can be held, one hundred and twenty (120) days prior to the November 4, 2008 election date. The Mayor noted that he has received three (3) letters of interest. They were from John Evans, Rita Wright and Michael Magee. He asked if anyone else had received a letter of intent. Director of Administration and Finance Damiano asked if the Council planned to accept resumes from registered Democrats in the 7th Ward, they should announce tonight a deadline, some requirements as to what they should submit, etc. Alderman Tobin asked that these letters and resumes should be submitted to the four (4) Democratic Council Members. Director of Administration and Finance Damiano noted that the Republican members of the Council could not be excluded in this process. Alderman Tobin felt that the Democrats should select the person. Alderman Feiszli noted that there were people who were interested, but she had not been informed as to who had sent a letter of interest already, by the Mayor's office. She had heard it from a newspaper reporter. She asked that people submit a resume type of application, stating why they were interested, why they wanted to run and submitting it to all of the Council Members. Alderman Tobin noted that he didn't intend to control the process; he just wanted to recommend the nominee. He felt that the Democratic Party could make a recommendation. Alderman Quail wanted to see all that were interested. The Mayor asked for a deadline date. Alderman Tobin wanted to meet and interview people. There was discussion regarding the deadline and it was set

at noon on April 7, 2008. Alderman Benedict felt the same. It was felt that everyone should be in on the process and the seven (7) letters should be sent to each of the Council members. They asked for a letter outlining the applicant's desire, their experience and any civic service. Alderman Tobin wanted a Democratic caucus to select the person. Alderman Michales wanted to know why the Republicans should be left out. Alderman Benedict thought the Democratic Party could make a recommendation and then the Council could discuss it and then if they had someone else then they could also be considered. Alderman Tobin felt that the Democrats should recommend who should be chosen.

RESOLUTION #40 OF 2008 – Consideration of a Resolution that any registered 7th Ward Democrat interested in the 7th Ward Democratic Common Council position and is eligible for the position as outlined by the City Charter, submit a letter of intent and a brief biographic sketch to each of the members of the Common Council and the Mayor's Office by noon on April 7, 2008.

By: Alderman Quail
Seconded: Alderman Michales

Approved: Ayes – 7
Nays – 0

RESOLUTION #41 OF 2008 – Consideration of a Resolution to hold a Special Common Council Meeting on April 14, 2008 at 6:00 p.m. to choose a 7th Ward Alderman.

Director of Administration and Finance Damiano asked the Board of Elections representatives if there was enough time to hold a special election to fill this position by July 7, 2008. William Wood told him that he would get back to him after doing some research. Director of Administration and Finance Damiano noted that if that was the case, the person appointed on April 14, 2008 would only serve until July 7, 2008 and then whoever gets elected on July 7, 2008 would serve for the remainder of Alderman Partigianoni's unexpired term.

By: Alderman Benedict
Seconded: Alderman Dye

Approved: Ayes – 7
Nays - 0

Item No. 10 – Discussion of the Conifer Project.

Mr. James Rozengota was present. He noted that his only involvement with this Council has been over the Conifer Project. He went to a meeting at the Randall School and this whole thing got under his skin. He wanted to note that after watching these Council meetings on television, he noticed that a lot of things had been broken, including the City Charter, the City Code, State Laws and some Federal Laws. He

discussed his issues with the Mayor, Director of Administration and Finance Damiano and the Common Council. Mr. Rozengota stated that he had FOILED Conifer's application for funding from the State Department of Housing and Community Renewal. As a result, the City Council received copies of the letters that Conifer used as community and City support in their application. He has been in contact with the State Attorney General's Office, others have been in contact with the State Comptroller's Office and one other had contacted the HUD Legal Department because a pattern exists under the RICO Act.

Adjournment

By: Alderman Michales
Seconded: Alderman Quail

Approved: Ayes – 7
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 1st DAY OF APRIL 2008. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER