

City Council Minutes December 21, 2004
The City of Cortland, New York

COUNCIL MEETING #21
December 21, 2004
Regular Business Meeting
City Hall
7:00 p.m.

A P P E A R A N C E S

PRESENT: Mayor Thomas Gallagher
Alderman Faraoni
Alderman Terwilliger
Alderman Morey
Alderman Guido
Alderman Feiszli
Alderman Quail
Alderman Partigianoni
Alderman Michales

STAFF PRESENT: Andrew Damiano
Director of Admin & Finance

Lawrence Knickerbocker, Esq.
Corporation Counsel

Jennifer Gofkowski
Deputy City Clerk

2
CITY COUNCIL MINUTES
December 21, 2004

PUBLIC COMMENTS

(None.)

MINUTES of December 7, 2004

RESOLUTION #133 - Approve the minutes of December 17, 2004

By: Alderman Partigianoni
Seconded: Alderman Morey

Approved: Ayes - 8
Nays - 0

(Discussion ensued regarding audio quality.)

BILLS

(Bills are received.)

MAYOR'S REPORT

(See attached sheet.)

WARD REPORTS

Ward 1 - Alderman Faraoni

ALDERMAN FARAONI: Well, it's been very quiet in the first ward. I think everybody's out Christmas shopping. And with you, I would like to wish everyone a merry Christmas and happy New Year.

That's all I have.

Ward 2 - Alderman Terwilliger

ALDERMAN TERWILLIGER: It's been quite peaceful in the second ward, as well, and I would like to wish

3

CITY COUNCIL MINUTES December 21, 2004

everyone a happy holidays.

Ward 3 - Alderman Morey

ALDERMAN MOREY: The third ward has also been very quiet, and I would like to wish everybody a happy holiday.

But I would like to say, discussion regarding the \$50,000. Did you put that on there, or is this on here because I asked for it to be on here?

MAYOR GALLAGHER: Because you asked for it.

ALDERMAN MOREY: Can we move it to the next

meeting, because I'm not prepared to speak on it?

ANDREW DAMIANO: Sure.

ALDERMAN MOREY: So I thought maybe you had something to put on there, but I would like to move it.

ANDREW DAMIANO: No, we don't have any specific ideas.

ALDERMAN MOREY: I would like to take that off tonight. I would like to leave in the spirit.

MAYOR GALLAGHER: Love to have you.

Ward 4 - Alderman Guido

ALDERMAN GUIDO: I would like to wish everybody, as well, a happy holidays.

I called Mike Preston on several lights that are out on Tompkins Street. Had a couple calls about crows and one of them was actually in your ward, Dan, but

4

CITY COUNCIL MINUTES

December 21, 2004

happened to be my mother-in-law; that's why she called.

And I know we're going to talk about that later and it's good to see the holiday lights at the Water Works, and it was also nice to see they have the lights along the sidewalk on top of the fence that are back up.

Other than that, things are quiet in the fourth ward.

Ward 5 - Alderman Quail

ALDERMAN QUAIL: I had a Ward Meeting December 9th, and we discussed the Argyle Street area for a Neighborhood Watch. Had a number of people and new people attend. It turned out to be a rather -- I wouldn't say eventful, but I would say a good meeting as far as discussing and coming up with new ideas.

I would also to wish everybody a happy holiday.

One other thing was on Sunnyfield: When they make their salt run, they are not hitting any of Sunnyfield, only up to the stop sign, and people are sliding through the stop sign when they're coming down Sunnyfield. They're going up Northcliff, Fox Hollow and coming right around and just hitting the end of Sunnyfield and they're not going down Sunnyfield, so...

Ward 6 - Alderman Feiszli

ALDERMAN FEISZLI: The last counsel meeting I talked about that program called STOPPED. Do you recall

that? Where the kids -- the parents whose children drive their car, they register it with the police department, and if the kids get stopped, then the parents are notified. And I gave some information to the police department. They said right now with the current staffing level that it's -- unfortunately, it's not something that would be able to go through.

The last Neighborhood Watch Meeting that we had here last Sunday, we had a really good turnout. We had about seven or eight additional new members and we passed sympathy cards for the Thorington and Cobb, the three families of the two -- the three boys and took up collections which was wonderful that they did that.

We received Neighborhood Watch signs, and I think there were about 20 of them. So we discussed about where those signs were going to be placed, also stickers to be placed on their doors.

The college is looking at -- I don't know how many of you have seen the Neighborhood Watch Video, but it's about 20-25 years old, and the college is looking at, as a project, preparing a new video. So that would be -- it's going to be something interesting.

A group is going to be meeting again, my ward --

will be meeting with the IDA/BDC to discuss their concerns with the river trail. They started to pop up

6

CITY COUNCIL MINUTES
December 21, 2004

as far as questions and their privacy because they already have problems with trespassing so they're wondering how that's going to affect it.

A couple of questions that I had pertain to Larry who is not here right now, so I think I'll just wait; if he's going to be in the office tomorrow, I'll give him a call.

I received some calls about the -- those three park spots that we voted to keep them and I'm wondering when the public safety committee is going to be meeting on them so that we can -- I know you don't know this. It might be number six, but it's something that we need to get their approval that Rosann had mentioned before, and I do agree so that --

ALDERMAN MOREY: Not their approval. Their recommendation.

MAYOR GALLAGHER: They're coming to the second meeting in January.

ALDERMAN MOREY: Are they having a meeting in January?

MAYOR GALLAGHER: Yeah. It's on their next agenda.

ALDERMAN FEISZLI: All right.

ALDERMAN MOREY: That's great.

MAYOR GALLAGHER: I got the DOT report the day after we had our meeting.

7

CITY COUNCIL MINUTES
December 21, 2004

ALDERMAN FEISZLI: The next Neighborhood Watch Meeting is 7 p.m. here at City Hall on Sunday, March 6th. My next Ward Meeting will be January 20th at 27 North Church Street at 7:00. And for the remainder of next year, for all of next year, I will be having it every third Thursday at 7:00 at 27 North Church Street, so it's not going to be bouncing back and forth.

This past year, I just want to mention, I spent a lot of time with learning and researching, asking questions as many of you know. And with the ward, we're starting to get into more focussed task groups and with issues and getting a lot of information about pros and cons as far as exploring different solutions for

problems that they have, like, speeding and vandalism, things like that. So we're getting more involved in that.

I'd like to thank most -- all my constituents for their patience and I'm looking forward to a productive new year.

Thank you.

Ward 7 - Alderman Partigianoni

ALDERMAN PARTIGIANONI: Before I start, Tom, I got a -- I was informed today -- this was a result of the DPW meeting, construction on South Main Street is stopped because they've run into some unexpected lateral

8

CITY COUNCIL MINUTES
December 21, 2004

configurations.

Did you want to tell us about that a little bit?

MAYOR GALLAGHER: I just talked briefly with Chris Bistocchi. He's the one that came and talked to me. It was an engineering situation; that's why they stopped. The size of the pipe that was coming down off the hill, sewer pipe? Right?

ANDREW DAMIANO: Yes.

MAYOR GALLAGHER: It was not what they thought it was.

ALDERMAN PARTIGIANONI: I just heard today it was postponed until spring, they think.

ALDERMAN QUAIL: They've also run into lack of pavement?

MAYOR GALLAGHER: No. That was not a true story. We're meeting tomorrow.

ALDERMAN PARTIGIANONI: So more on that.

MAYOR GALLAGHER: So we'll know more.

ALDERMAN PARTIGIANONI: Okay.

Well, actually, the big news in the seventh ward, and this might take a minute. And I'll brief you on that a little bit.

There was over a dozen people on the committee, 13 people we had at that meeting over there signed up on to be on the committee. We toured the Durkee bakery and we

found some serious problems there and expensive to repair. We won't be going to Tucci bakery building. As a result of that, we went across the street to Dexter

Park and met there. And you recall the meeting from Monday night at the library. We had about a dozen people there. And we wanted to look at some alternative sites. There was three mentioned. Well, the next day, the 13th, we toured the Old Durkee Bakery and Joe Armideo took us through and everyone was unanimous, was impressed. I was too. I've seen it before, but I didn't realize the inside interior facilities were excellent. There's five offices, two bathrooms, big meeting room.

ALDERMAN MOREY: Where is this?

ALDERMAN PARTIGIANONI: The old Durkee Building where the Starr Program was. This is just the front where the offices are. Has its own independent heat. And Armideo offered us an attractive offer, and I think Tom and Andrew agree.

Where we're staying now is, his attorney will draft up a lease which our corporation counsel will -- Mr. Knickerbocker will review, and we're hoping that we can bring it to the council for your approval by the next meeting January 4th. It's kind of a simple lease. It's cheaper, cheaper than the Tucci Building, believe

10
CITY COUNCIL MINUTES
December 21, 2004

it or not. It includes all utilities so it won't be complicated or whatever.

So it sounds like a pretty good deal. The only -- we've got a couple small glitches that can be worked out, we're figuring on anyway.

We're looking at the -- want to make it handicap accessible. We have to do that. We don't have to do it before we move in, but it has to be in our plans and it will be.

I believe they're looking for some help doing that. Aren't they? Thoma. I talked to the housing authority, Gary Thomas, and he's looking into that.

The other one is; even though my whole committee and everyone involved is quite pleased by what we saw in the interior, the exterior could use some sprucing up, so we're looking into that. So that's where we stand on the Durkee Building. It looks like a done deal, I think.

Now, I know you counsel members, you have to vote on it, and if you have any concerns or questions, I'd like to hear them. Joe Armideo says any time any of us

want to tour that - I'm sure some of you would like to -
just let us know and we will take you down and look at
it. I think you will be pleased with what you see
overall in the building if we can make the outside look

11
CITY COUNCIL MINUTES
December 21, 2004

a little better.

All right. So much on the -- on the Community
Building.

Does anybody want to elaborate, questions or
anything?

MAYOR GALLAGHER: I can read this letter if you
want, Jim.

ALDERMAN PARTIGIANONI: Sure.

MAYOR GALLAGHER: (Reads letter).

ALDERMAN PARTIGIANONI: So -- I meant to mention
that. I didn't. I'm glad you brought that up.

What he's offering us, it includes all the
utilities, it's well within our budget constraints that
were allocated for this. It looks like a good deal.
So, so much -- that's enough for that.

I did receive about three calls on the parking

spaces on Groton Ave. All of them thought that we didn't make the right decision.

Now, I also did some checking on that.

I agreed with what Rosann brought up during the discussion, we were waiting for a state report. That has been done unless the mayor commented on it. I talked to the Department of Public Safety.

The state does not make recommendations or determination of parking. So, for them to guide us,

12
CITY COUNCIL MINUTES
December 21, 2004

we're going to have a long wait.

They did come and -- they did come and look at it.

Tom, you got a letter.

MAYOR GALLAGHER: Yeah. I got a letter. They're surprised that they hadn't eliminated those spaces before. Right now there's 9,648 cars a day coming down that intersection. That was just done Monday through Friday. They didn't do the weekends.

One of the big issues that she saw was the people parking there opening their car doors into the traffic, and the other part was the people can't get out of the

parking lot that we just spent a nearly million dollars on because of the backup of traffic there. You can't get four cars there before it starts to back up.

We talked about the right turn on red, but that doesn't work, either, because if you can't get down there to turn right on red or arrow, it's not going to work.

ALDERMAN PARTIGIANONI: Really -- but I don't think that's the solution, but everybody -- when this was brought up a couple years ago, oh, you can't turn right on red. Well, you can. But they're saying you have a lot -- you can. There's a lot of pedestrians. If you're going to turn right, of course, you can't be barrelling around there with pedestrians and traffic.

13
CITY COUNCIL MINUTES
December 21, 2004

You have to see your way clear. But there's nothing that says you can't turn red on that, but that's not the solution. So we're not going elaborate on that.

I did receive serious call on the --

ALDERMAN FARAONI: Jim, I think there's a sign on there, if I'm not mistaken, that says, "No turn on red."

ALDERMAN PARTIGIANONI: I know that, but that doesn't mean you can't turn right on red.

ALDERMAN FARAONI: I think it does.

ALDERMAN MOREY: It absolutely does.

ALDERMAN PARTIGIANONI: I know, but we can change it.

ALDERMAN FARAONI: Right now you can't.

ALDERMAN PARTIGIANONI: That's what I mean, yeah. I know the sign says you can't turn right on red.

MAYOR GALLAGHER: You're too far ahead of us.

ALDERMAN PARTIGIANONI: I know there's a sign there.

ALDERMAN MICHALES: He does now.

ALDERMAN PARTIGIANONI: I did receive a serious phone call.

There seems to be -- maybe I'll have either Andrew or Mr. Knickerbocker tell the misconception on the publicized delinquent tax rolls, because it is misleading on the bottom of the list.

After three years -- but we own -- well, we don't.

So I had to make a few calls to the people. We have a right to -- it's my understanding - you correct me if I am wrong, Nick - there are \$15,000 going into this fund where we will pursue about a million dollars in delinquent taxes. But right now it's not on the books.

MR. KNICKERBOCKER: We take -- we take liens on the property by filing those in County Clerk's Office so that should the property be transferred they have to be paid to satisfy those. We haven't done foreclosure proceedings on them. But that is what will be coming to this council for, for authorization to go in that direction so there would, in essence, be sales of property to the public similar to what the county does and similar to what other cities do so that we don't end up with a backlog of delinquent taxes on properties.

ALDERMAN PARTIGIANONI: Am I correct in stating that county already does that?

MR. KNICKERBOCKER: County does do that.

ALDERMAN PARTIGIANONI: We have never did it, I don't think.

MR. KNICKERBOCKER: We've never done it. The counsel has never authorized that, and there's various reasons, I'm sure, why they didn't, because you can't

treat people disparately and sometimes people come on

15
CITY COUNCIL MINUTES
December 21, 2004

hard financial times. I think that until more recently, I don't know that this was a problem -- a consistent problem, typically, I think they would be cleaned up by sales or transfers of other natures, but lately I think it's become more of a problem and I think that's why it's looking to be addressed.

ALDERMAN PARTIGIANONI: Okay. I just wanted to clarify that. I got a call and this land owner thought he could pick this property up for a list.

Enough of that.

Now, my final.

You know how all proud grandparents and parents are, right? Well, Dr. Colleen Partigianoni has been named outstanding professor of the year by the honor students at state university. There will be a plaque presented. I will probably have to go to Michigan in January.

With that, my ward report is finished.

Ward 8 - Alderman Michales

ALDERMAN MICHALES: I also attended the P&C ribbon cutting last weekend. That was an event that was very well-attended.

And during the past several weeks, I received calls concerning the crows, and we're going to talk about that in a little bit.

16
CITY COUNCIL MINUTES
December 21, 2004

Went around the eighth ward, it's nice to see everyone in the Christmas spirit as well as other parts of the city and their decorations are nicely done.

I also want to send our best wishes out to our men and women serving in our armed forces and may their families find comfort and joy in this holiday season.

And I also want to wish everyone a safe and happy holiday.

Thank you.

(Ward reports concluded.)

MAYOR GALLAGHER: One thing I just need to bring up is that; I wasn't really on the ball about this Christmas Tree Lighting Program, and we didn't do it this year, and I got a lot of calls. So we need to

think about that for next year. The competition. So we need to remember to do that next year. I think Kathleen Hennessey did it before.

ALDERMAN MICHALES: She did.

ALDERMAN QUAIL: There was a letter was sent out. It was sent out, I believe, by committee asking for some assistance, because they didn't have to time to do.

ALDERMAN MOREY: Didn't the landscape committee do it last year?

ANDREW DAMIANO: They worked with Kathleen.

MAYOR GALLAGHER: We just need to pay attention

17
CITY COUNCIL MINUTES
December 21, 2004

next year, because we got an awful lot of calls on it.

It entices people to decorate their houses.

ALDERMAN PARTIGIANONI: They did send out a letter for participation and they got a poor response and they just dropped it.

AGENDA

MAYOR GALLAGHER: First item on the agenda: Consideration of a resolution authorizing an amendment to the City's liability insurance coverage and further

authorizing a transfer of \$46,000 to the Self-Insurance

Reserve Account.

ALDERMAN MOREY: I'll move it.

MAYOR GALLAGHER: Second, Alex. All in favor, I.

By: Alderman Morey
Seconded: Alderman Partigianoni

Approved: Ayes - 8
Nays - 0

(Discussion ensued as follows:)

JIM PLACE: If there's any questions, I will be
happy to address them.

ANDREW DAMIANO: Jim, I don't think your mic is
working. Do you want to take this one?

JIM PLACE: Sure.

If there's any questions relative to this proposal,
I'd be happy to answer them.

ALDERMAN QUAIL: Are other municipalities going in

18
CITY COUNCIL MINUTES
December 21, 2004

this direction? Saving what's prompting us, number one;
and, two, what is the downside risk?

JIM PLACE: I think it's fairly common for
municipalities to get into self-insured retentions where

they handle, essentially, relatively small liability claims and still retain insurance for large losses. The City of Cortland was actually self-insured for a period of 11 years. We had a very successful self-insurance program.

I mean, the downside -- downside to this is there is risk. The risk is that we're going to save \$46,000, maybe a little bit more than that, that number is based on last year's premium, and we haven't got all the numbers in for the coming year. But our experience tells us that it's a good bet.

We've -- we've had a limited number of claims and, generally, our claims tend to be small. Also, I think our experience when we had the self-insurance -- when we were self-insured, we probably do a better job of minimizing claims and keeping expenses down than the insurance company does. So it gives us control over those claims, as well. But that doesn't mean that we couldn't be hit with a police professional liability claim as well as a liability claim all in the same year. But I think when we take a look at the experience that

December 21, 2004

we've had from 1986 on, the experience says it's a good bet.

ALDERMAN FEISZLI: Why did we switch?

JIM PLACE: Good question.

Self-insurance fund back in the '80s was set up with -- initially with a significant amount in the fund with the intent of putting money in on an annual basis. At some point, some of the politicians decided that they wanted to save money and stopped putting money in the fund. At the same time, there were some claims paid that probably should have justified replenishing the fund. So all of the sudden we found ourselves in a situation where fund was very low and nowhere to replenish the money so that the insurance was the only option. Our premiums have not gotten to a point where there's a significant savings so it makes sense to get back into that.

One of the things I want to say is; that back in 1986 when we went self-insured, we did it right. We said the City of Cortland has one of the best safety programs of any municipality probably anywhere in the country. Jim Sponaule does a tremendous job; the

departments do a tremendous job. That's the one of the reasons why we can consider this because our employees are very safety conscious, and when we have a problem,

20
CITY COUNCIL MINUTES
December 21, 2004

whether it's a pothole or -- we had one with a sewer backup. I talked to a woman today who said, well, their truck was out there within 10 minutes of her calling the Department of Public Works. That's what makes it work for us, is that we are safety conscious and really make a conscious effort to eliminate problems.

ALDERMAN QUAIL: Are there any municipalities in the area in this type of program?

JIM PLACE: I can't tell you that for sure. I'm sure there are. I think -- the City of Syracuse -- you know, the bigger the municipality, the more apt that they're going to have a self-insured -- Cortland County is self-insured essentially. So, I mean, it's -- it's fairly common. I think the one thing is that we're set up to do a better job than even some of those municipalities.

ALDERMAN QUAIL: This would replace all our

insurance?

ANDREW DAMIANO: Up to \$100,000.

ALDERMAN QUAIL: I just want to make sure.

JIM PLACE: We're only going to take, basically, a risk of up to a hundred thousand dollars. But we'll see how this program goes. It doesn't mean that we won't be back to you in another year and say we should be accepting more risk in exchange for more savings.

21

CITY COUNCIL MINUTES
December 21, 2004

What's the -- let's get back into the pool, so to speak, and see how it goes. There's no way to predict the future of these types of claims other than how we've -- things have been dealt with in the past. And, again, our experience is in our favor.

ALDERMAN QUAIL: Have we looked at if we raise that deductible to a hundred thousand -- instead of a hundred thousand to half a million?

JIM PLACE: Well, we certainly discussed that, but the issue, Dan, is that you have to have the money set aside to pay those claims. Until we replenish the self-insurance fund and have a significant amount of

money there, it really wouldn't make sense to accept that much risk.

ALDERMAN QUAIL: The only, I think --

ANDREW DAMIANO: The goal was to start with the 46,000-dollar -- hopefully, we only pay out a small amount of claims, then next year I'll come back to the council during the budget and ask for another appropriation of about 50,000 so we can start building up the war chest with the intent being to get to a half million or maybe 250,000 initially to further reduce the premium.

You have to have a commitment to capitalizing the program so that if we do have a significant claim we

22
CITY COUNCIL MINUTES
December 21, 2004

have the funds available to pay it.

JIM PLACE: Exactly.

When we started out in 1986, we started out with a capitalization of 250,000. So, you know, if that kind of money were to fall in our hands, then one certainly could consider taking greater risk. But at this point, it's really dictated by the finances.

ALDERMAN QUAIL: The only reason I say that question, if you say 46,000 on a hundred thousand dollar insurance, what do you say about \$500,000?

JIM PLACE: Well, it drops down, but it still is something that we would take a look at as the number of dollars in a self-insurance fund increased.

ALDERMAN FEISZLI: How much did we have in claims last year, do you recall?

JIM PLACE: The average for the past seven years has been about \$10,000 a year, but that's a little bit skewed because the insurance company did pay one claim that was a little larger than what typically would pay and probably a little larger than what we would have paid if we had been self-insured at the time.

So, you know, I would say we might anticipate anywhere from 4 to \$6,000, somewhere in that range. But often -- you know, it could be zero one year and it could be 20,000 or more the next.

ALDERMAN FEISZLI: So those 46,000 from the unallocated surplus fund for one year, our goal is a

hundred thousand, but you feel comfortable with that being in the case?

ANDREW DAMIANO: We figure our exposure in year one is really 54,000. We're going to save 46,000 in premium so we're exposing ourselves to an additional 54,000. So our up-front risk is 54,000 in 2005. Hopefully, as Jim said, our claims are in the 5-6,000-dollar category or even 10 and there's another commitment -- if we can get another commitment of 50,000 in the year 2006 even after that budget we should have, approximately, a hundred thousand in the fund, then maybe we can look at \$125,000 retention program and inch it to up to the point where we can make a huge impact on the premiums.

Baby steps, I guess, is what we're talking about. It's a little bit much to bite up more than a hundred the first year.

ALDERMAN QUAIL: Let me understand this.

We're going to appropriate \$46,000 out of our fund balance.

ANDREW DAMIANO: To self-insurance reserve.

ALDERMAN QUAIL: You're saying we're going to save \$46,000?

ANDREW DAMIANO: If our claims are 10.

24
CITY COUNCIL MINUTES
December 21, 2004

ALDERMAN QUAIL: Where does this 36 come from?

ANDREW DAMIANO: Reduced premium.

ALDERMAN QUAIL: Why not just reduce the premiums
by 36?

ANDREW DAMIANO: Six, one-half dozen the other.
It's semantics.

ALDERMAN QUAIL: We're, essentially, appropriating
an additional \$46,000 to the budget, and I guess I would
rather --

ANDREW DAMIANO: The effect is the same because
we're not going to pay the premium.

JIM PLACE: We would be paying that money in
premium if we didn't accept this self-insured retention,
so there would be no savings to the city. The savings
is the fact that we're accepting the retention.

If, basically, we win the bet own, our claims are
less than \$46,000, we have a surplus. Obviously, if we
have claims that are over that, then we will have to pay
more. And that is a risk. But, again, experience is in
our favor.

ANDREW DAMIANO: The other thing, Dan, in response to your question, the premium included in the budget is based on 2004 numbers because we didn't the get renewal numbers yet --

JIM PLACE: That's correct.

25
CITY COUNCIL MINUTES
December 21, 2004

ANDREW DAMIANO: -- for 2005. So, if we amend the 2005 budget by appropriating -- reducing the appropriation for insurance by 46,000 we might actually need to for the premium increase we're anticipating. There's going to be an increase based on the fact that it's not reflected in the budget right now. What you see in the budget right now is the 2004 premium.

ALDERMAN QUAIL: So we're really saying, we're not going to see a savings, it's really a cost avoidance.

ANDREW DAMIANO: It's a cost avoidance. We're anticipating about a 10 to 12 percent premium increase.

JIM PLACE: That's probably reasonable, because construction costs go up, we increase the value of the buildings that the city insures, that's part of it. The rest, unfortunately, is typically in a liability

premiums because, you know, we are a very sue-conscious country, and...

ANDREW DAMIANO: The reality is that number could go up a lot more if we stay at the 5,000-dollar deductible number.

ALDERMAN QUAIL: The reason I was going to go with that is because, obviously, that increases our spending for the next year. It's not a savings.

ANDREW DAMIANO: There's no savings. There's no net effect on the budget. The savings is in future

26
CITY COUNCIL MINUTES
December 21, 2004

savings, we hope. Basically, we're moving money from one spot to another.

ALDERMAN QUAIL: We're increasing our spending by another \$46,000 in the budget right now.

ANDREW DAMIANO: Yeah.

ALDERMAN QUAIL: Okay.

ANDREW DAMIANO: Not budget, though. It will be a dedicated reserve so it won't appear on the budget.

ALDERMAN QUAIL: Okay.

MAYOR GALLAGHER: Thank you, John.

ANDREW DAMIANO: Thank you.

MAYOR GALLAGHER: Any other questions?

ALDERMAN QUAIL: I'll say from a control standpoint, that it will require council approval to remove that money out of that account if we had savings?

ANDREW DAMIANO: Yes. Or if it remained in the black at the end the year, it just goes in the surplus.

ALDERMAN QUAIL: Okay.

MAYOR GALLAGHER: All right. We have a motion and a second on the floor. Do you want me to read it, again? (Read agenda item).

Any other discussion? All in favor. I? Opposed?

Carried.

(Discussion on Agenda No. 1 concluded.)

27

CITY COUNCIL MINUTES

December 21, 2004

RESOLUTION # 135 - Consideration of a resolution authorizing the Mayor to submit an application to the DEC for funding in support of the Noss Industrial Park environmental remediation project.

MAYOR GALLAGHER: Consideration of a resolution

authorizing the Mayor to submit an application to the
DEC for funding in support of the Noss Industrial Park
environmental remediation project.

Motion, Jim.

Second, Tom.

By: Alderman Partigianoni
Seconded: Alderman Michales

MAYOR GALLAGHER: Discussion?

All in favor I? Passed.

Approved: Ayes - 8
Nayes - 0

(Agenda No. 2 concluded.)

RESULTION # 136 - Consideration of a resultion authorizing
the temporary closure of certain streets in support of the
New Year's Eve Celebration.

MAYOR GALLAGHER: Consideration of a resolution
authorizing the temporary closure of certain streets in
support of the New Year's Eve Celebration.

Motion, Alex.

Second, Shannon.

By: Alderman Faraoni
Seconded: Alderman Terwilliger

MAYOR GALLAGHER: Discussion.

(Discussion ensued as follows:)

ALDERMAN MOREY: It doesn't list the streets. Oh,
yes, I did miss it.

MAYOR GALLAGHER: Any other discussion? All in
favor. I?

Opposed?

Carried.

Approved: Ayes - 8
Nays - 0

RESOLUTION # 137 - Consideration of resolution authorizing
attendance at the SUNY Cortland GIS Introduction Course for
four employees to be paid by the water fund.

MAYOR GALLAGHER: Consideration of resolution
authorizing attendance at the SUNY Cortland GIS
Introduction Course for four employees to be paid by the
water fund.

Motion, Jim.

Second, Jeff.

By: Alderman Partigianoni
Seconded: Alderman Guido

MAYOR GALLAGHER: Discussion?

(Discussion ensued as follows:)

29

CITY COUNCIL MINUTES

December 21, 2004

ALDERMAN FEISZLI: I have a question.

I spoke to Doug about this, and I think it's -- it makes a lot of sense as far as this is an upgrading of the current system, and that he needs to learn how to use it and that Brian and Matt will be first-time users. They're not familiar with the program, so he's going to teach them or work with them.

My question is -- the county uses the GIS. My question is: Why we don't have other departments in the city attending this, as well, and also going with the GIS system?

ANDREW DAMIANO: The others didn't request it. Typically, the training and travel requests come from specific department heads.

ALDERMAN FEISZLI: Oh, I mean, why -- I think it's DP -- or ---

ANDREW DAMIANO: Public works.

ALDERMAN FEISZLI: Public works. Thanks.

And they have an older program. It's, like,
ten-years old. Is it compatible with this one?

ANDREW DAMIANO: It's not compatible with this one.

ALDERMAN FEISZLI: Okay.

ANDREW DAMIANO: It's my understanding.

ALDERMAN FEISZLI: I was just wondering if it's
eventually a goal to have everyone on the database

30
CITY COUNCIL MINUTES
December 21, 2004

together.

ANDREW DAMIANO: It is. Then we can share
information. Yes.

ALDERMAN QUAIL: What is GIS?

ANDREW DAMIANO: It's Geographic Informational
Systems. It's, basically, a mapping system.

ALDERMAN FEISZLI: You can use it for tax maps,
water, sewer.

ALDERMAN MOREY: Andy, when you mention that we
want to get all the departments on the same system --

ANDREW DAMIANO: It will only be public works and
water. Because it's sewer -- storm, sewers -- sewers,
streets, water.

ALDERMAN MOREY: Is this the same system we want to get them all on?

ALDERMAN FEISZLI: They're on it right now. They're just upgrading it with the computer programs. They're just upgrading it and learning how to use the new upgrade.

ALDERMAN MOREY: Could we mention it to the department heads at the next department head meeting? There will be some time to get this in.

ANDREW DAMIANO: For Department Works.

ALDERMAN MOREY: Yeah.

ANDREW DAMIANO: Public Works is in a separate

31

CITY COUNCIL MINUTES
December 21, 2004

building.

I think it would require --

ALDERMAN FEISZLI: They don't have that.

ANDREW DAMIANO: They don't have the capability of running this particular program that's being taught in this course.

ALDERMAN FEISZLI: They have a Macintosh program, windows, it's 98. And they can DSF it into this, but

it's -- it doesn't really fit.

ANDREW DAMIANO: It's not real easy.

ALDERMAN FEISZLI: It's not easy, yeah.

ANDREW DAMIANO: It would require hardware and software --

ALDERMAN FEISZLI: Dave Stathis, he is interested in doing this even though he's never been involved in this before.

ANDREW DAMIANO: Yeah. Actually, I talked to Dave about that and he said that Doug requested that Dave work on their program and their department and he become familiar with the GIS program. He said, I'll go if you want me to go. Doug thinks it would be helpful, so I think it will be helpful.

MAYOR GALLAGHER: Any other discussion? All in favor, I.

Opposed?

32
CITY COUNCIL MINUTES
December 21, 2004

Carried.

That's it.

Approved: Ayes - 8

Nayes - 0

(Discussion regarding the crows as follows:)

ALDERMAN MICHALES: Well, as we all know, these birds have been giving us trouble for several years now in the city, and I've been working with Rosann and looking into these bird deterrent audible systems. I almost think that, you know, maybe we should move in that direction to see how these work since other methods have not helped us that much.

MAYOR GALLAGHER: I talked to the people from Auburn and they said, All you're going to do is move them from one neighborhood to the next.

ALDERMAN PARTIGIANONI: I thought we said that last meeting, didn't we?

ALDERMAN FARAONI: We did.

ALDERMAN PARTIGIANONI: You're not going to get rid of them. You're just going to move them from one area to the next.

ALDERMAN FEISZLI: It's like mowing your lawn. It just keeps going on.

ALDERMAN MOREY: That's exactly -- the only saving grace is, they migrate so they'll hear from November,

33
CITY COUNCIL MINUTES
December 21, 2004

October to -- I think it's 1st they're gone, March 1st, couple weeks of March. Really, the only thing that can you do is keep them moving. I mean, we've put money into noise makers.

ALDERMAN FARAONI: It doesn't work. It chases them from one area to the other. What we've done in the first ward, quite a few people got together with pots and pans, make noises, we chased them to the other ward. That's all we did.

ALDERMAN MOREY: Really -- that's really all that you can do, I mean, is make it, you know, as unpleasant as possible.

I will say, behind my house there's a ry creek and they love it there. But, you know, you go out there and knock two sticks together and they're gone. They don't come back. They're very intelligent birds. They remember when they get startled and they don't roost there. So they will eventually come back, but it won't be, probably, this season. So, really, the only thing that we can do is keep the birds moving.

ALDERMAN PARTIGIANONI: Andy what did Auburn spend?

\$14,000?

ANDREW DAMIANO: Yeah.

ALDERMAN PARTIGIANONI: No guarantee whatsoever.

MAYOR GALLAGHER: Actually, they got accustomed to

34

CITY COUNCIL MINUTES

December 21, 2004

the noise and it didn't bother them.

ALDERMAN MOREY: I emailed everyone here these distress -- it's a time distressed crow call and there are a few different of people in my ward that have bought these. And, you know, that the base model is \$175. It's a timer so when they go to roost about 5:20-5:30, this noise goes off for about five minutes.

Well, the people that use them only have to use them a couple times because the birds hear the distress call and then they don't roost there. Does that mean they're never going to come back? No. But they will probably leave for the time being.

ALDERMAN FEISZLI: How much do they cost?

ALDERMAN MOREY: The models that the people in my district have are the base models and they're \$175. They go up from there. They're all the way to \$1,500.

They have a certain radius.

ALDERMAN TERWILLIGER: They don't like dogs.

ALDERMAN MOREY: The thing about the crows is they don't like dark. Their predator is an owl. So, like, we couldn't chase them into the Water Works where nobody is. They would certainly never go because of the pines and it's so dark. So that's why they like the edges of parking lots. They like any place that is very -- so another thing you could do is, leave your porch light on

35

CITY COUNCIL MINUTES

December 21, 2004

or your back light on -- or turn that off because they like the light. They feel safer with the light. And that's why anywhere near the streets or where there's big parking lots, that's where they want to be. That's why in Auburn, Auburn Prison is so attractive to them because it's so lit up.

MAYOR GALLAGHER: It's awful over at the courthouse.

ALDERMAN PARTIGIANONI: We also use the laser beams to get rid of them; that works. Laser works real good.

ALDERMAN MICHALES: It does.

I see there's a lot of concern, but I don't see any money headed in the direction of maybe trying to purchase a couple of these things.

ALDERMAN MOREY: I will say, we have used the noise makers in my district a few times, four to five times in the last few years. In those areas that we used them, they were very successful. The Sweeney's, I think it was, came out and set them off three nights in a row and it takes about 10 minutes. And it just keeps them moving. So, you know --

ALDERMAN FEISZLI: It's December. Maybe we can put this on our wish list for Santa.

ALDERMAN MOREY: We have always appropriated \$500 and I don't think it's ever cost us more than that. As

36
CITY COUNCIL MINUTES
December 21, 2004

a matter of fact, last year we appropriated it, didn't use it. I don't think anybody set off the noise makers last year.

ALDERMAN FARAONI: Scott, have you tried anything with the courthouse, like shut the lights off or anything like that to see if you can get rid of the

crows in that area?

SCOTT STEVE: No.

ALDERMAN MOREY: That's why they would be attracted there: all the lights.

ALDERMAN PARTIGIANONI: Tom, Mike Dexter is in your ward on Cedar Street. He used to walk the beat all over the city. We went through this the last two or three years. He called me up -- well, not specifically for that. He got a charge out of it. People -- he said you could just watch the birds. They go to the sixth ward, they make noise, they come to the seventh, they make noise they go to the eighth. He said he can just watch them move.

You're not going to rid of them, so I don't know -- I just don't understand spending money on noise makers to move them. It doesn't prove anything, doesn't solve anything.

ALDERMAN MOREY: The reason you want to move them is because I can tell you in the third ward the Otter

Creek area, when it got warm last year -- it got a

period where it got really warm. There were so many birds there that not only does pots and pans move them but any loud noises; you slam your car or back door, it startles the crows, so the droppings come from the sky all at once.

I went down there and looked at these houses and cars and they were completely covered with white spots everywhere. The problem was that it smelt so bad, then it become a health issue. People were washing their cars several times. So, to keeping them in one area, first, isn't sanitary, it isn't healthy. The only thing you can really do is keep them moving.

ALDERMAN TERWILLIGER: So the neighbors have to wash their cars.

ALDERMAN MOREY: They're smart birds. They don't go to the same spots, so you're not getting the same people out there all the time trying to move them. Once they're startled, they probably will not roost in the same spot.

Why I know so much -- I don't even care about these birds. I feel like why do I all know all this? I talked to the people at Cornell, I've been on line and, really, we can spend a lot of money, but we can't

because they migrate here. We're not going to get rid

38
CITY COUNCIL MINUTES
December 21, 2004

of them.

ALDERMAN MICHALES: At least it will give the residents a peace of mind, they're out of their area and they're not crapping on their cars and their sidewalks and houses. These things are very portable.

ALDERMAN PARTIGIANONI: So they're not in your area, right. They want to go next door.

ALDERMAN MICHALES: Well, that's -- these things are very portable. You just hand them to the neighbor next door.

ALDERMAN PARTIGIANONI: And that's the solution?

ALDERMAN MICHALES: At least they're not crapping on one individual's car the whole season.

ALDERMAN PARTIGIANONI: Spread the joy around?

ALDERMAN MICHALES: That's right.

ALDERMAN PARTIGIANONI: Tom, they can chase themselves with pots and pans, laser beams, chase them out of their ward and they come back, chase them again.

ALDERMAN MICHALES: We heard from people that work

nights. That was one woman that called me. She does work nights and she's unable to move these crows. They're also over in the courthouse area, as well. And that is a public place. It is a public building.

ALDERMAN MOREY: Well, I mean, we've appropriated \$500 in the past. I don't know if -- I don't know if

39
CITY COUNCIL MINUTES
December 21, 2004

this deterrent is the answer and I don't -- I mean, I think it probably will work the same as the noise makers.

ALDERMAN MICHALES: The only difference between this thing and the noise makers, at least you have something left over at the end of the season.

ALDERMAN MOREY: That is true.

ALDERMAN MICHALES: You can move it around and it's not money.

ALDERMAN QUAIL: A couple questions. Who is going to be responsible for this? Who is going track it? Whose job is this going to be to say, okay, it's Tom's tonight, it's Rosann's tomorrow night?

ALDERMAN MICHALES: That's my next proposal is to

put this in the hands of some department head and let them --

MAYOR GALLAGHER: Pay them over time to put the noise maker out?

ALDERMAN MICHALES: No. They'll show up during the day, sign it out and sign it back in.

ALDERMAN MOREY: The thing about this, first of all, the problem have you to worry about is theft. Once somebody puts it out, it's electric, so you have to plug it in somewhere. So that's an issue.

We can't have a department head knocking on

40
CITY COUNCIL MINUTES
December 21, 2004

Shannon's door saying, "Do you mind if I plug this into the back of someone's house?" So now we're going to be private property. That's a problem.

The other thing, it is on a timer. So, once it's there -- but we can't lock it up and we can't nail it to somebody's house and we need electricity. Those -- I mean, I'm not saying that I'm opposed to these, but there are a lot of issues that come along with this.

ALDERMAN MICHALES: At least it's a step in the --

I wouldn't say -- I don't know if it's the right direction, but it's a direction that we haven't asserted in the past.

ALDERMAN MOREY: With the noise makers, he comes and the residents usually meets the residents and I have in the past sent out fliers, let everybody know that this is going off and he -- I mean, it's just very convenient. You don't need a whole lot of tracking and --

ALDERMAN QUAIL: Do we have noise makers left over?

ALDERMAN FARAONI: I don't think we used any from last year.

ANDREW DAMIANO: I will check with the chief of police and see what they have in inventory.

ALDERMAN FARAONI: Tom, you can chase them very easy to go into another ward.

41
CITY COUNCIL MINUTES
December 21, 2004

ALDERMAN MICHALES: I guess my point is, we spent a lot of money in the past on these noise makers and we have nothing to show for it. At least if we have one of these or two of these, these will last several years and

we do have something to show for it.

ALDERMAN MOREY: I disagree, because --

ALDERMAN FARAONI: I do, too.

ALDERMAN MOREY: -- the noise makers, they move the birds out of my district, knock on wood, and I'm sure they will come back, but it's very low maintenance, it's on a per-call basis, it's very convenient. I've had no -- what do we want to show for it? Rodents are going to come back; the birds are going to come back. Putting up this noise maker, you're going to have maintenance, you're going have to have somebody go out, ask permission from a property owner, permission for electricity, which I don't want to show for this 175-dollar unit.

ALDERMAN MICHALES: I think if people can put Christmas tree lights in their front yard they can put one of these things there.

ALDERMAN FARAONI: Tom, maybe we can post something about it, and if they want to purchase, it they can.

ALDERMAN MOREY: They cover a certain range, so it's not like, you know, just at my house the birds

December 21, 2004

won't roost. It will probably deter the birds. I think it's up to -- I don't know.

ALDERMAN MICHALES: Several acres.

ALDERMAN MOREY: Fifty or a hundred yards or something. But you can get them up to within a mile of the noise.

So, you know, it wouldn't be -- if residents wanted to get one and I'm sure put it up in a centrally-located area, I mean, they could do that. Every resident wouldn't need to buy one, is what I'm saying. If residents wanted to get together with their neighbors and purchase one and permanently put it on someone's property, that could help.

ALDERMAN TERWILLIGER: And we have information for you to do that if you would like it, right?

MAYOR GALLAGHER: The other thing is, get your Neighborhood Watch Group to get together to purchase one.

ALDERMAN MICHALES: That's another possibility.

You do give me another idea.

We do have a couple rental agencies in this area.

Perhaps they're willing to take on the cost if they're

willing to rent these to individuals. I think I will pursue that, as well.

ALDERMAN MOREY: For me -- and I think they work

43
CITY COUNCIL MINUTES
December 21, 2004

and I know I've gotten a lot of great response. It just becomes a liability issue for the city when we're going on private property and putting this up and theft and --

ALDERMAN QUAIL: I agree. People do lose Christmas tree lights for theft and I certainly would say they probably will disappear.

ALDERMAN MOREY: It's only about this big (indicating).

ALDERMAN FARAONI: Larry, what about the liability going on someone's property?

MR. KNICKERBOCKER: You have to get their permission, then if there was something that if they were negligent in some manner, anyone stealing it, putting it up, we could potentially be liable for it.

ALDERMAN MOREY: Shorted out, start a fire.

MR. KNICKERBOCKER: The other thing is, the theft of it. Once people know where it is, because it's being

signed out and going to a certain spot, the probability of theft goes up, too.

ALDERMAN MOREY: Then it breaks while it's at Shannon's house, who is responsible for it?

MR. KNICKERBOCKER: Who is responsible to replace it? Is it her fault or is it the City's fault?

ALDERMAN MOREY: I think it's a good idea to see if a local business would want to. I think a lot of people

44

CITY COUNCIL MINUTES
December 21, 2004

would be interested in renting something like that.

ALDERMAN MICHALES: I'm sure there probably is.

ALDERMAN MOREY: I do think it's a good idea that some of the city parks or -- I do think at some point the city should look at not so much on private property but on some of the big areas we have in the city if we have those problems, it might be something we would permanently want to put up.

ALDERMAN MICHALES: The city park is certainly an example. If anyone cares to walk over that way, even at nighttime, you'll see what a mess that is.

ANDREW DAMIANO: At least it's not a residential

area.

(Discussion on Item No. 5 concluded.)

MAYOR GALLAGHER: Item Number 6 has been scratched.

Anything else to come before the common council?

If not, I'll entertain a motion to adjourn.

Dan. Second, Alex. All in favor. I.

Merry Christmas.

ADJOURNMENT

By: Alderman Quail
Seconded: Alderman Faraoni

Approved: Ayes - 8
Nays - 0

45
CITY COUNCIL MINUTES
December 21, 2004

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 DECEMBER, 2004.

I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE
PRESENTED

TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN, CITY CLERK

MAYOR THOMAS GALLAGHER