

RECORDS

City of Corning, Steuben County, N.Y.

REGULAR COUNCIL MEETING, AUGUST 6, 2012

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 6, 2012, AT 7:00 PM IN THE COUNCIL CHAMBERS, CITY HALL.

PRESENT: Mayor Richard P. Negri, City Clerk Rose M. Blackwell, City Manager Mark L. Ryckman, Councilmen Crispino, Welles, Lando, Boland, Muccini, Coccho, Nelson, and Cavallaro

ABSENT: None

VISITORS: The Leader

VISITOR COMMENTS: Daryl Denning, Steve Pryslopski, and Steve Panton

Mayor Negri called the meeting to order at 7:00 p.m. and City Clerk Blackwell took the roll call. The invocation was given by Associate Pastor Brandon Schmidt from the North Baptist Church. The Pledge of Allegiance was led by Councilman Lando.

MOTION BY WELLES

RESOLVED: that the minutes of the workshop of June 26, 2012, and the minutes of the special meeting of July 12, 2012, be approved as recorded, and the minutes of the regular meeting of July 2, 2012, be approved as corrected and furnished by the Clerk.

SECONDED BY CRISPINO (9 Ayes 0 Nays) ADOPTED

MOTION BY CRISPINO

RESOLVED: that the abstract of claims in the amount of \$253,424.30, as approved by the City Manager, be approved by the City Council and authorized paid as audited as follows:

<u>ACCOUNT</u>	<u>EXPENSE</u>
General Fund	\$159,250.68
Water Fund	12,363.23
Sewer Fund	20,128.10
CD Fund	2,707.95
Capital Fund	<u>58,974.34</u>
	\$253,424.30

SECONDED BY MUCCINI (9 Ayes 0 Nays) ADOPTED

Prior to the roll call vote on the preceding resolution, Councilman Coccho commented that he had forwarded questions to Finance Director Smith and that he did receive his answers in writing.

Councilman Boland inquired of Manager Ryckman if the abstract of claims will increase as the construction projects progress. Manager Ryckman replied that only the Capital abstract would increase and only the dollar amounts.

VISITOR COMMENTS:

Daryl Denning, 9 Highland Drive, read the following statement pertaining to agenda item No. 8.

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Good evening. I'm Daryl Denning. I live at 9 Highland Dr., in the 4th Ward, City of Corning.

I appreciate this opportunity to address the agenda item regarding a resolution to amend the U.S. Constitution.

Buffalo, Ithaca and Rochester are among hundreds who have already passed, or have in progress, such resolutions.

This will be the 28th time a movement of the people, by the people and for the people, has resulted in an amendment to our cherished Constitution, strengthening the democracy of our Founders. This is known as The People's Rights Amendment.

It involves the Supreme Court decision in 2010 in the case of Citizens United, a corporation, vs The Federal Election Commission. Citizens United challenged the Bipartisan Campaign Reform Act, also known as McCain Feingold, which had restricted spending by corporations in political elections. Citizens United claimed this was a violation of their First Amendment Rights of Free Speech. The Court ruled in their favor, in essence saying that corporations have the same rights as people, and that money is a form of free speech.

The result was evident in the 2010 election. \$4 Billion, a record amount in political donations, went to Congressional campaigns.

Common Cause, one of many pro-democracy groups fighting this, stated:

"In the corporate world, spending billions of dollars to seize control is known as a hostile takeover. That's exactly what's happening to our democracy."

In his comprehensive book, "Corporations Are Not People", Jeffrey Clements states "...the American people are not permitted to determine how much control corporations may have over elections and lawmakers. The Court, in a 5-4 decision, struck down as unconstitutional a federal election law designed to prevent corporations from dominating the outcome of elections."

"...Citizens United has been widely recognized as a notorious and dangerous mistake by the Court... the four dissenting justices on the Court, led by ... Justice John Paul Stevens, sounded an alarm. It would be difficult to find a more honest, moderate and balanced judge. Justice Stevens stated that Citizens United was a 'radical departure from what has been settled First Amendment law.'"

Then it is not a democracy. It is plutocracy, defined as "the rule of power by wealth" and "a class or group ruling or exercising power by virtue of its wealth."

"...this movement is not anti-business - in fact the American Sustainable Business Council, with members representing over 100,000 businesses, endorses an amendment." (Fran Korten - Yes! magazine)

And no one here should think that a Corning City Council resolution is some kind of disrespect to our own Corning, Inc. or the great majority of homegrown American corporations who do their part to honor the public interest as they also pursue their own worthy interest.

Here is the thing. Public Citizen, another pro-democracy group seeking to overturn Citizens United, states "...that billions of dollars will be raised by secretive, outside groups and Super PACs, with most of that money coming from a small group of giant corporations and super-rich individuals. Just 22 people and corporations accounted for 50% of all Super PAC money raised in 2011."

For nearly two hundred years the Supreme Court rejected "...the argument that corporations were entitled to the rights of citizens..." In 1839, the Court stated: "The only rights (a corporation) can claim are the rights which are given to it in that character, and not the rights which belong to its members as citizens of a state." And fifty years after this the Court repeated this by affirming that "citizens" according to the Constitution "applies only to natural persons".

"The People's Rights Amendment simply means that we will not allow courts to pretend that corporations are people when it comes to the Constitution and the Bill of Rights." (Corporations Are Not People)

The League of Women Voters has stated "The Supreme Court has made a tragic mistake." Independent Vermont Senator Bernie Sanders has stated "There comes a time when an issue is so important that the only way to address it is by a constitutional amendment."

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This Council should agree that the 28th Amendment to the U.S. Constitution, the People's Rights Amendment, will unequivocally affirm that we are truly a country first, foremost and always, a government of the people, by the people and for the people. How complicated is this?

My Councilman Bill Boland informed me that this resolution will likely be tabled for an additional month so that others on the Council can study this. With all due respect, I say politicians too often make things more difficult than need be. If we could all be as straight-forward as this amendment and the resolution here tonight, a lot more progress would be made.

Either you are for a true democracy, of the people by the people and for the people, or you are OK with a plutocracy, where the highest bidders with the most cash, can control our government. It is that simple.

When I enlisted in the Marine Corps during the Vietnam era, I, as millions of Americans have done in military service to their country, hundreds of thousands giving their very lives, took an oath.

It begins "I, _____ do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same ..." And ends "So help me God". I stand before you now honoring this oath, this time not having to put my life on the line.

The People's Rights Amendment is a very simple document; with three very brief statements. I leave a copy for each of you along with a short list of quotes from prominent Americans throughout our history. Ten minutes to read these should be all the time you need, rather than having to belabor this for a month or more.

Table a resolution in support of this amendment, and you table democracy. If you are opposed to Super PACs buying our electoral process, then do not table this resolution.

I want to thank Councilman Coccho for his steadfast devotion to the people's interests as the priority of elected officials, and ask the rest of you here, on August 6, 2012, to also stand strong for our cherished democracy with your vote this evening, participating in a historic and just cause.

At this time Councilman Coccho asked that Mr. Denning's statement be included in the official record of this meeting. With there being no objections, Mayor Negri so ordered.

ANNOUNCEMENTS:

Mayor Negri thanked the administrative staff, especially Chief Tighe, Chief Trentanelli, Superintendent Harris, and Manager Ryckman, for their efforts following Friday's explosion on Wilson Street. The Mayor also commented on the many neighbors who pitched in to help with the clean-up of the neighborhood. He is very proud to be Mayor of this caring community.

Councilman Coccho expressed his feelings regarding the alley work that is being done between Denison Parkway and Market Street. It bothers him that his alleys have not been done. He wants the potholes filled. The alley behind the Transportation Center site will be uprooted, yet his alley potholes are not filled. He noted that he has filed three Notices of Defect and intends to file another this week.

Councilman Lando said she is excited about the Centerway Bridge work being started. She also expressed her appreciation to Steve Panton for his years of service with the City. Councilman Lando attended a school reunion over the week-end and many classmates who have moved from the area commented to her on how nice the City looks.

Both Mayor Negri and Councilman Coccho thanked Steve Panton for his service to the City.

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COMMITTEE REPORTS:

Councilman Welles, Chairman of the Rules and Proceedings Committee, stated that documents went out this week on proposed changes to the City Council Rules and Proceedings. A special meeting is scheduled for Monday, August 13th, at 6:30 p.m., to remove from the table, discuss and vote on a resolution to approve revisions. The next meeting of the Rules and Proceedings Committee is scheduled for August 22nd.

Councilman Coccho, Chairman of the City Council Retiree Health Insurance Committee, reported that the Committee will meet tomorrow evening, August 7th, at 6:00 p.m., and all are invited to attend.

MANAGER'S MESSAGE:

Incident at 48 Wilson Street

I am pleased to report that all of our systems worked well Friday in response to the incident at 48 Wilson Street. Following the principles of the Incident Command System (ICS) provided a systematic tool for the command, control, and coordination of our emergency response.

These types of incidents use a tremendous amount of resource from all disciplines. The obvious, that most of the public see, are the fire service, law enforcement and EMS. But also resources from our Water Department, Street Division, and Code Enforcement were actively engaged.

Our employees showed a high level of proficiency in their assigned duties and a tremendous amount of care and class in dealing with affected neighbors right down to cleaning off lawns and having the street reopened a little over a day after the incident. This is the quality and care that our employees provide on a daily basis in all disciplines despite the severe limits on resources available.

OLD BUSINESS: None

NEW BUSINESS

MOTION BY LANDO

RESOLVED: that the Corning City Council hereby waives the restriction in alcohol consumption as allowed by Section 62-2 of Chapter 62 of the City Code entitled "Alcoholic Beverages" for the United Way Kickoff in the Ice Rink and Civic Center Plaza on August 24, 2012; and

BE IT FURTHER RESOLVED that the United Way Campaign Kickoff on August 24, 2012, be deemed a Special Event in accordance with Chapter 194 of the City Code entitled, "Special Events".

SECONDED BY CRISPINO

(9 Ayes 0 Nays)

ADOPTED

MOTION BY MUCCINI

RESOLVED: that the Corning City Council hereby authorizes the City Manager to accept a grant from the Triangle Fund in the amount of \$2,000 for special events to be transferred to line item #A7110.314 (Special Activities).

SECONDED BY WELLES

(9 Ayes 0 Nays)

ADOPTED

SECONDED BY LANDO

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MOTION BY MUCCINI

RESOLVED: that the Corning City Council hereby authorizes the City Manager to accept a grant from the Chemung Canal Trust Company in the amount of \$500 for special events (Kids Day Carnival) to be transferred to line item #A.7110.314 (Special Activities).

SECONDED BY BOLAND (9 Ayes 0 Nays) ADOPTED

MOTION BY WELLES

RESOLVED: that the Corning City Council hereby authorizes the City Manager to accept a grant from Simmons Rockwell in the amount of \$300 for special events (Kids Day Carnival) to be transferred to line item #A.7110.314 (Special Activities).

SECONDED BY CRISPINO (9 Ayes 0 Nays) ADOPTED

Following approval of the three preceding resolutions, Mayor Negri once again thanked Parks and Recreation Director Chuck King for securing the grant funds.

MOTION BY LANDO

RESOLVED: WHEREAS, the City via Local Law #2 of 2008 created the City of Corning Historic Preservation Commission; and
WHEREAS, the Commission, subject to approval of the City Council, may designate an individual property as a historic landmark; and
WHEREAS, David Jacobs has requested historic landmark designation for 10 East Market Street as further identified as tax parcel 318.37-01-047.000; and
WHEREAS, the Commission has reviewed the application for landmark designation and has determined the identified site to be eligible for designation; and
WHEREAS, the Commission has notified the applicant of the proposed designation and held the required public hearing; and
WHEREAS, the Commission has approved the designation and a recommendation to the City Council; and
WHEREAS, the Commission forwards the attached advisory report to the City Council;
NOW, THEREFORE, BE IT RESOLVED, that the City Council pursuant to Local Law #2 of 2008 approves historic landmark designation for 10 East Market Street as further identified as tax parcel 318.37-01-047.000.

SECONDED BY WELLES (8 Ayes-Crispino, Welles, Lando, Boland, Coccho, Nelson, Cavallaro, Mayor Negri 1 Nay-Muccini) ADOPTED

Before the roll call vote on the preceding resolution, Councilman Muccini commented that he did not think the building is historical.

MOTION BY NELSON

RESOLVED: that the Corning City Council authorizes funding for the Gaffer District's festivals and promotions from July 1, 2012, through June 30, 2013, in the amount of \$16,490.08; and
BE IT FURTHER RESOLVED that the funds shall be scheduled to coincide with the loan repayments from Corning Incorporated which are used as the City's annual contribution for the District's festivals and promotions.

SECONDED BY LANDO (9 Ayes 0 Nays) ADOPTED

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After the vote on the preceding resolution, Councilman Coccho inquired on the balance of the former UDAG loan. Manager Ryckman said he would get the balance figures.

MOTION BY MUCCINI

RESOLVED: WHEREAS, The New York State Local Government Efficiency Grant is a competitive grant to local governments that assists in reducing municipal expenses and property taxes by helping local government entities plan for and implement new service delivery efficiencies; and
WHEREAS, the City of Corning implemented efficiency measures in its Fire Department after January 1, 2010; and
WHEREAS, the program title for this initiative is "Corning Fire Department Efficiency Initiative" which resulted in an approximate annual savings of \$569,811.00 for Fiscal Year 2010-11, and savings from this initiative have been ongoing; and
WHEREAS, this project meets the qualifications of the New York State Local Government Efficiency Grant Program;
NOW, THEREFORE, the Corning City Council hereby authorizes the City Manager to file a grant application for funding to the New York State Local Government Efficiency Grant program for a funding award up to twenty-five dollars (\$25.00) per capita to be used to moderate property taxes in future years in accordance with the grant guidelines; and
BE IT FURTHER RESOLVED, upon approval of said funding request, the City Council hereby authorizes the City Manager to execute all financial and/or administrative processes relating to the implementation of this project.

SECONDED BY NELSON

(9 Ayes 0 Nays)

ADOPTED

MOTION BY COCCHO

RESOLVED: WHEREAS, on January 21, 2010, the United States Supreme Court ruled on a much anticipated case, "Citizens United vs. FEC", that corporations are persons; which opened the way for injecting corporate money into the American Political system, and;
WHEREAS, the Court's decision overturned well established precedent that upheld restrictions on unlimited corporate and union spending expressly advocating the election or defeat of candidates, and;
WHEREAS, the Court's action allows unidentified and unaccountable special interest organizations, millionaires, billionaires, corporations and unions to make unlimited contributions to candidates running for office from all political parties, and;
WHEREAS, unlimited "secret money" has and can control and influence American elections, and;
WHEREAS, Supreme Court Justice John Paul Stevens, in January, 2010, said:
"...corporations have no conscience, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their "personhood" often serves as a useful legal fiction. But they are not themselves members of "We the People" by whom and for whom our Constitution was established."
NOW, THEREFORE, BE IT RESOLVED that the Corning City Council hereby requests our New York State and Federal legislators to join the growing number of American citizens in the Move to Amend campaign which calls for a 28th amendment to the U.S. Constitution, also known as The People's Rights Amendment, to abolish Corporate Personhood, and be it FURTHER RESOLVED that a copy of and results of this resolution be forwarded to New York State Governor Andrew Cuomo, New York State Senator Tom O'Mara, New York State Assemblyman Phil Palmesano, U.S. Senator Charles E. Schumer, U.S. Senator Kirsten Gillibrand and U.S. Congressman Tom Reed.

SECONDED BY LANDO

(7 Ayes-Welles, Lando,
Boland, Muccini, Coccho,
Nelson, Cavallaro
2 Nays-Crispino, Mayor Negri)

ADOPTED

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Before consideration of the preceding resolution, Mayor Negri commented that he could not support it for several reasons. He does not understand the matter, it appears to be a majority opinion and he would want to research the minority opinions. Councilman Lando feels everyone will have opinions, that it supports the visitor comments and that it's the Council's duty to approve. Councilman Welles is familiar with the issue and will support it if it is not tabled. Councilman Boland said he would support tabling the motion if needed. He believes the issue is complicated and would require an investment to study. He would also ask opinions of his constituency. Councilman Muccini commented that the resolution does not say that the Council opposes the move to amend the Constitution. Councilman Crispino said he has serious issues with the poorly written resolution. He does not see evidence of corporate influence and the corporation in town does not follow corporate personhood. In his opinion, there is no basis to the resolution as written. Councilman Coccho replied that Councilman Crispino should offer an amendment if he feels the resolution is poorly written. He knows the "super packs" spent 4 billion in the political system and that it must be transparent. The Mayor feels the matter belongs in political discussions. Manager Ryckman noted that this resolution would apply to anyone who is incorporated. Councilman Boland commented that he disagrees with the Mayor, that it's a rare honor to consider this issue. At this time Councilman Boland moved to table the resolution for 30 days. The motion to table was seconded by Councilman Crispino but failed following a roll call vote of 4 ayes - 5 nays (Lando, Muccini, Coccho, Nelson, and Cavallaro). With failure of the tabling motion, Mayor Negri commented that those Councilmen who have researched the issue should cast an aye vote on the resolution. *** Councilman Wells commented that she can't remember who said it, but "I'll believe a corporation is a person when Texas executes one". Councilman Nelson explained that he voted "Yes, without hesitation". *** Added per Sept. 4, 2012 meeting

At this time Councilman Boland asked that agenda item No. 9 be removed.

MOTION BY MUCCINI

RESOLVED: that the application for a new liquor license for Toto's Mexican Restaurant, 86 E. Market Street, be received and placed on file.

SECONDED BY WELLES (9 Ayes 0 Nays) ADOPTED

MOTION BY WELLES

RESOLVED: that the application for the renewal of a liquor license for Lando's Hotel Inc., 37-41 Bridge Street, be received and placed on file.

SECONDED BY MUCCINI (9 Ayes 0 Nays) ADOPTED

VISITOR COMMENTS:

Steve Panton, Coleman Avenue, Elmira, commented that the AFLCIO does not have an impact in Washington, and that Washington no longer works for the middle class. He believes the Council did the right thing in supporting the resolution to request an amendment to the U.S. Constitution to abolish corporate personhood.

Steve Pryslopski, Corning Boulevard, expressed a concern that the School District's renovation project at the East High School location is resulting in the posting of fences along the paper alley without access to property ownership. Manager Ryckman commented that following a staff review, easements will be considered. A stop work order can be issued if the fence is installed on City property prior to the consideration of easements.

Councilman Crispino thanked Fire Chief Tighe for participation in the clean-up efforts in the City of Elmira following the tornado. He said it supported the shared services concept.

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MOTION BY BOLAND

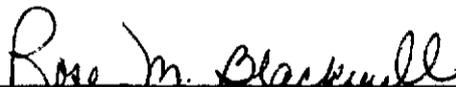
RESOLVED: with there being no further business, the meeting be adjourned at 8:11 p.m.

SECONDED BY WELLES

(9 Ayes 0 Nays)

ADOPTED

RESPECTFULLY SUBMITTED:


ROSE M. BLACKWELL, CMC
CITY CLERK

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