

1. Agenda

Documents:

[AGENDA.9.1.2020.PDF](#)

2. Supporting Document

Documents:

[CC SUPPORTING DOC. 2020.09.01.PDF](#)

COMMON COUNCIL AGENDA
September 1, 2020
Via Zoom video conference
Meeting ID: 892 739 1872

7:00 PM Public Hearing on the Procedure for Painting of City Streets, sidewalks and Curbs.

- Call Meeting to Order
- Salute to the Flag of the United States
- Public Comments
- Ward Reports
- Mayor’s Report – Conflict Disclosure
- Minutes – Approval of minutes

AGENDA:

Item #1 – Discussion on SUNY Cortland - Fred Pierce

Item #2 – Consideration of a Resolution to approve the exotic pet permit for a rabbit for a SUNY student. (Mayor Tobin)

Item #3 – Consideration of a Resolution to approve the Special event application and all other required permits for “Community Matters” on September 6, 2020 from 12PM – 5PM at Suggett Park. (April Beatty)

Item #4 – Consideration of a Resolution to approve 2d Request for Proposal for sale of property at 119 Pendleton Street. (See attached RFP) (Ric VanDonsel)

Item #5 – Consideration of a Resolution to transfer \$5,000.00 from Cortland City Police budget line A3120-5402.00 (Fuel) to budget line A3120-5416.00 (Firearms Training) to cover the cost of purchasing the necessary items required to complete fall firearms training. (DC Sandy)

Item #6 – Consideration of a Resolution to approve Mayor to enter into agreement with a consultant for the Local Waterfront Revitalization plan. (Mayor Tobin)

Item #7 – Consideration of a Resolution to approve the process sidewalk painting. (Mayor Tobin)

Item #8 – Consideration of a Resolution to approve the process for curb painting. (Mayor Tobin)

Item #9 – Consideration of a Resolution to approve the process for street painting. (Mayor Tobin)

Item #10 – Discussion/Consideration of a Resolution to approve Vehicle charging stations. (Mayor Tobin)

Item #11 – Update on Cortland Forward Committee.

Item #12 – COVID19 and Response

Adjournment

Stipulations for painting of City Streets

1. Request must come from a City Resident
2. Must have a petition with at least 30 signatures and addresses of City Residents
3. There will be a permit fee of:_____
4. A design, including wording, meaning, colors, requested size must be included
5. Applicant is required to hire/use professional painter or an experienced artists with examples of past work
6. Mayor will work with the applicant to choose an appropriate location
7. Painting must be done overnight, on a night to be determined by the City, to minimize disruption of traffic. (a rain date must also be selected)
8. The type/quality to paint must be approved by the City
9. Applicant is responsible for an effective drying process
10. Public streets should be reopened by 7AM the following morning; no later than 8AM
11. Should not contain words or pictures of an obscene or pornographic nature, and shall not advocate violence or hate toward any group
12. Touch-ups will be allowed only 1x due to unforeseen circumstances (water, vandalism)



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August 25, 2020

Thoma Development Consultants
Attn: Richard Cunningham, Senior Consultant
34 Tompkins Street
Cortland, NY 13045

re: City of Cortland New York Sidewalk Program – Richard DeForrest

Dear Mr. Cunningham:

Thoma Development Group has advised me that Richard DeForrest has applied for the City of Cortland Sidewalk Program Grant for physical year 2020. You have requested that I, as Corporation Counsel for the City of Cortland, render an opinion of Council letter as to whether Mr. DeForrest's participation in this grant would violate State or Local Laws.

In gathering information to determine whether or not any conflict of interest exists, I have been advised by your office of the following information. Mr. DeForrest is related to an employee in the City in the Public Works Department. In this capacity the employee had no involvement and gave no input what so ever in the formulation of the grant and has had no involvement with respect to award, decision, or administration thereof. I have been further advised that the employee will not exercise any functions or responsibilities with respect to the New York State Sidewalk Program Activities, nor has he participated in a decision making process or gained inside information in regard to such activities. Moreover, Mr. DeForrest's participation in the above title program will be publically disclosed at a regularly scheduled meeting of the Cortland Common Council "September 21, 2020".

Accordingly, based upon my review of the relevant regulations, specifically, 24c.f.r. section 570.489 and upon the information provided to me, it is my opinion that no conflict exists that would prohibit Mr. DeForrest's participation in City of Cortland Sidewalk Program for physical year 2020. If you need anything further with regard to this matter, please feel free to contact me.

Very Truly yours,

Richard Van Donsel
Corporation Counsel

RCV/tas

cc: Mayor, Brian Tobin

MEMO

TO: Mayor Brian Tobin and Common Council Members

FROM: Annette Huskins, Program Manager

DATE: August 21, 2020

SUBJECT: Sidewalk Program Conflict of Interest
Richard DeForest

Our office received a Sidewalk Program application from Richard DeForest, whose son-in law, Justin Guernsey, is a City DPW employee. It is my understanding that if a person with ties to the City wishes to participate in the sidewalk program, in the interest of transparency in government, said person's participation in the program should be openly discussed at a Common Council meeting. An Opinion of Counsel letter from the City Corporation Counsel should also be obtained, to assure participation does not violate City or State law.

Please accept this memo, along with the attached Sidewalk Application and Conflict of Interest Disclosure, as written documentation of Richard DeForest's interest in participating in the City's Sidewalk Program.

If you have any questions, or need additional information, please contact me at 753-1433 or annette@thomadevelopment.com. Thank you.

Attachment

AUG 17 2020

APPLICATION FOR SIDEWALK REPLACEMENT - PAGE 1 OF 2

To be placed on the City's list for Sidewalk Replacement, please complete these TWO forms and return them to Thoma Development Consultants, Attn: Annette Dunn, 34 Tompkins Street, Cortland, New York 13045. (Limited to one application per property owner). PLEASE ATTACH A COPY OF YOUR CONTRACTOR'S QUOTE. Questions may be addressed to Annette Dunn, Program Manager, at 753-1433 Ext 111 or email annette@thomadevelopment.com.

Name: Richard DeForest

Mailing Address: 16 Hamlin ST Cortland, NEW York 13045

Email Address: rickdeforest@yahoo.com Daytime Telephone #: 607, 256-5882

Property location (if different from above): ~~A~~

Have you received a City sidewalk subsidy for this property in the past? Yes No

Is this is a corner property? Yes No Will project include a curb cut? Yes No
(If yes, contractor's estimate must show cost breakdown for each side and for curb cut.)

**The Name of my contractor is: DAVIS Concrete Construction

Contractor Address: 4821 Dutch Hill Rd. Spur Cincinnati, N.Y. 13040

**The cost to replace ~~_____~~ sidewalk blocks (or 4 x 48 linear feet) on my property is \$ 2100.00 (This must be completed).

****Note: After you submit the application, you must inform the City of any changes.**

By signing below, I make known my understanding of the Sidewalk Replacement rules and guidelines that were provided to me by the City of Cortland and I make known my intention to participate in this program. I will not have my contractor start this program until I receive a Notice to Proceed from the City and until my contractor shows me proof of a City permit.

Signed: Richard M DeForest

***** DO NOT WRITE BELOW THIS LINE *****

City Zoning Office Approval Signature: _____

Date: _____ Remarks: _____

Additional sidewalk work on premises: Yes No

APPLICATION FOR SIDEWALK REPLACEMENT - PAGE 2 OF 2

CONFLICT OF INTEREST DISCLOSURE (REQUIRED FORM)

Under certain circumstances, an applicant for the City of Cortland Sidewalk Program may have what is known as a "conflict of interest". For example, a Conflict of Interest may be present if the applicant is an employee, officer, or elected official of the City of Cortland.

DISCLOSURE


Please check YES or NO to the questions listed below so that we may make a determination of whether any conflicts may be applicable to your project. Answer for all property owners.

Yes No 1. Are you now, or have you ever been an employee, agent, consultant, an officer, or an elected or appointed official of the City? If so, please explain below:

Yes No 2. Are you related to an employee of the City, an agent of the City, a consultant working for the City, an officer of the City, or an elected or appointed official of the City? (i.e., are you related to the Mayor, or the City Clerk, or any Department Head, or someone that works in the Department of Public Works/Highway Department, etc.) If so please indicate to whom you are related and explain the relationship below:

SON IN LAW Justin Guernsey-DPW

I/we, the undersigned, certify that the above information is true to the best of my/our knowledge:

Signed:  Date: 8/17/00

Signed: _____ Date: _____

(For office use only)

_____ There is no conflict of interest

_____ A potential conflict of interest is disclosed

EXOTIC PET PERMIT APPLICATION

DATE OF APPLICATION 7/29/2020

OWNER'S NAME Kaylee West

OWNER'S ADDRESS 13659 Kretsinger rd Smithsburg MD 21783

Phone Number 240-329-6081

Type of Pet Rabbit

Landlord's Name SUNY Cortland

Landlord's Address Disability.resources@cortland.edu

Landlord's Phone # 607-753-2967

- Complete permit application and return it to the City Clerk's Office along with
 - Application fee of \$5.00 per pet or up to 5 chickens
 - Letter of permission from the landlord
 - Letters from building residents / neighbors indicating knowledge of the exotic pet
- * Ferrets must have current rabies vaccination certificate to file with the application

Once the application, supporting documents and permit fee are received, a home inspection will be made prior to submitting the application to Common Council.

If Common Council approves the application, the permit will be mailed out to the applicant.

If the application is denied, the application fee will be returned to the applicant.

Permits are issued for a calendar year, and are renewable each January. Renewal notices are sent out a month before.

City of Cortland Special Event Application

Event Name: Cortland "Community Matters" Fair Today's Date: 08/05/2020
 Event Contact: April Beatty CDP Member? Yes No
 Address: 33 Union St Apt 3, Cortland New Event Existing Event
 Email: April Beatty@gmail.com Phone: 607-279-1141
 Will proceeds of your event benefit a charitable cause that provides service to Cortland residents? Yes No
 If yes, name the charitable causes: people effected by Covid-19 Non-profit Tax ID: _____

Event Information

NAME OF EVENT: Cortland "Community Matters" Fair
 TYPE OF EVENT (i.e., walkathon, street fair, festival, etc.): socially distanced Fair!
 EVENT LAYOUT If the event is a walkathon, run, etc., attach a map of route and/or street closures. If the event is a festival or street fair, attach a map to indicate location of street blockages requested, booth alignment and type of merchandise vended from each booth.

DATE DAY 1:	DATE DAY 2:
<input type="checkbox"/> STREET CLOSURE: Start Time: <u>12pm</u> End Time: <u>5pm</u> Street: _____	<input type="checkbox"/> STREET CLOSURE: Start Time: _____ End Time: _____ Street: _____
<input type="checkbox"/> LOT CLOSURE: Start Time: _____ End Time: _____ Lot: _____	<input type="checkbox"/> LOT CLOSURE: Start Time: _____ End Time: _____ Lot: _____
<input type="checkbox"/> AMPLIFIED MUSIC: Start Time: _____ End Time: _____	<input type="checkbox"/> AMPLIFIED MUSIC: Start Time: _____ End Time: _____

START LOCATION: Suggett Park END LOCATION: Suggett
 EXPECTED # OF PARTICIPANTS: 200 # OF SPECTATORS: 500 # OF VEHICLES: 10/20 HOTELS: Is this event expected to generate area overnight stays? If so, estimated # of rooms: X

Event Components

- | | | |
|---|--|---|
| Location/Safety
<input checked="" type="checkbox"/> City park use
<input type="checkbox"/> City streets blocked
<input type="checkbox"/> City sidewalks blocked
<input type="checkbox"/> City parking lots closed
<input type="checkbox"/> City barricades
<input type="checkbox"/> City cones
<input type="checkbox"/> Animal ban
<input type="checkbox"/> Animals are part of the event
<input type="checkbox"/> EMTs needed on site
<input type="checkbox"/> Police escort requested
Waste Management
<input type="checkbox"/> City litter pickup
<input type="checkbox"/> City street sweeping | Structures
<input type="checkbox"/> Temporary structures
<input checked="" type="checkbox"/> Canopies up to 10' x 10'
<input type="checkbox"/> Grounded tents over 10' x 10'
<input type="checkbox"/> Beer and/or wine garden
<input checked="" type="checkbox"/> Street banner requested
<input checked="" type="checkbox"/> amusements
<input type="checkbox"/> Showmobile rental requested
<input type="checkbox"/> Portable restrooms
<input type="checkbox"/> Seating area
Sound
<input type="checkbox"/> Fireworks
<input checked="" type="checkbox"/> Amplified sound or music <u>WXHC-FM</u>
<input type="checkbox"/> Ceremonial Gun Salute | Food
<input checked="" type="checkbox"/> Food cooked on-site
Alcohol
<input type="checkbox"/> Alcohol sold on-site
<input type="checkbox"/> Alcohol served
Vending
<input type="checkbox"/> Vending of goods
<input checked="" type="checkbox"/> Vending of food
Power Source
<input checked="" type="checkbox"/> City electricity use
<input type="checkbox"/> Generator use
Insurance
<input checked="" type="checkbox"/> General Liability insurance certificate
<input type="checkbox"/> Liquor Liability insurance certificate |
|---|--|---|

Other components not listed: _____

Marketing budget: \$1,000 Admission Fee: \$0

Fire Approval: _____
 CPD Approval: _____
 Council Approval: _____

SOUND DEVICE PERMIT APPLICATION

DATE REQUESTED: 09/06/2020

ISSUANCE DATE: _____

NAME: April Beatty

EXPIRATION DATE: _____

ADDRESS: 30 Union St
Apt 3 Portland
ME 04113

TELEPHONE: 601-279-1141

TYPE OF SOUND DEVICE: Speakers Times: 12pm - 5pm
(WXHR-FM)

NON-PROFIT:

(*Please check if you are a non-profit group therefore no licensing fee applies)

LICENSE FEE: Fixed Location-\$250 Mounting upon Motor Vehicle-\$500 For Business: \$100

Fixed Location: For the use or operation of any radio, phonograph, microphone or other device by which sounds are magnified and caused to be heard over any public street or public place from any one fixed location and not in, or mounted upon a motor vehicle, the sum of **\$250** for any day or part of a day for which the applicant desires permission hereunder. (Code of Ordinances 193-5 Noise Article II Sound Devices [adopted 8-5-1969 as Ch. 12, Art. VI, of the 1969 Code of Ordinances])

Mounting upon motor vehicle: For the use or operation of any radio, phonograph, microphone or other device by which sounds are magnified and caused to be heard over any public street or public place to be used in, or mounted upon, a motor vehicle, the sum of **\$500** for any day or part of a day for which the applicant desires permission hereunder. (Code of Ordinances 193-5 Noise Article II Sound Devices [adopted 8-5-1969 as Ch. 12, Art. VI, of the 1969 Code of Ordinances])

Business permit fee: For the use or operation of any radio, phonograph, microphone or other device by which sound is magnified and caused to be heard over any public street or public place from any one fixed location and not mounted on a motor vehicle, the sum of **\$100** for up to 6 events, as approved by Common Council in 2015.


Signature of Applicant

09/06/2020
Date

APPLICATION MUST BE FILED WITH APPLICATION FEE AT LEAST TWO (2) WEEKS BEFORE FUNCTION AND ONE (1) WEEK PRIOR TO COMMON COUNCIL MEETING TO ALLOW TIME FOR APPROVAL.

IF APPROVED, YOUR PERMIT WILL BE MAILED TO YOU.

IF NOT APPROVED, YOUR APPLICATION FEE WILL BE RETURNED TO YOU.



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Request for Proposal

The City of Cortland owns real property at 119 Pendleton Street. It consists of approximately 6.87 acres and is improved by a single metal type warehouse.

The property will be sold as is. The property is bounded by railroad track to the east and south, Pendleton Street to the west and residential area to the north. It is presently zoned General Industrial. A survey of the property is attached. Further information can be found on the Cortland County Real Property Tax Office website.

The City will require that any proposal includes the following:

1. A deposit of ten per cent (10%) of the bid is due at time the bids are considered, at the time of presenting the proposal such deposit shall be applied to the successful bidders purchase price all others will be returned.
2. A minimum bid of \$80,000.00
3. The property will be sold as is including but not limited to any items appearing on a title search or survey. Searches and survey if desired, will be at the expense of bidder which shall be at the expense of the bidder.
4. The property will be used as professional office space with appropriate landscaping
5. Storage of vehicles related to the business will be permitted (except heavy equipment)
6. Removal of the existing warehouse required and to be done at the purchaser expense and completed within 45 days of purchase
7. Appropriate fencing or other buffer to be constructed along the residential north side of the property
8. All scrub flora and fauna to be removed
9. No hazardous material will be stored or manufactured on the property
10. Appropriate egress will be developed and shown as a part of the site plan provided
11. No representations are made by the city as to use, access or right of way over the existing rail line
12. The City reserves the right to reject all bids

All bids will be due at the office of the City Attorney 25 Court Street on or before September 30, 2020 and must be presented in a sealed envelope signed on the seal by the bidder. Any inquires please contact Richard Van Donsel at 607-844-7167. Appointments to view the property may be made by contact the above.