



City Council **Minutes**  
The City of Cortland  
**April 3, 2018**

Council Meeting #7

**April 03, 2018**

25 Court Street

7:00 PM

Present: Mayor Brian Tobin, Aldermen Michelle Mastropolo, Katy Silliman, Gary Thomas, John Bennett, Bill Carpenter, Carlos Ferrer, Troy Beckwith, and Thomas Michales

Staff Present: Corporation Counsel Ric VanDonsel, Director of Administration and Finance Mack Cook, Superintendent of Wastewater Bruce Adams, City Clerk Raymond A. Parker, Police Chief Catalano, Fire Chief Glover and Confidential Secretary to the Mayor Devon Rainbow

**Public Hearing #1:**

Mayor Tobin opened the Public Hearing at 7:02 PM to hear comments on the proposed new Zoning update.

Gerry Ruggiero - Presented map of student housing and multi-family homes according to current zoning around campus. Expressed concern over questions of property value. Certificates of Zoning Compliance- stated he had contact with NYS over grandfather date being 1978, not 2003 according to city policy. 100-7E, City must take away CZOs in error according to law. Since 1954 there has not been a legal right to have more than 3 in a house. Map prior to 1988 change had property surrounding campus on hill being R-2. Pleasant, West Court Street, and Harrington should be R-1. "Shifting" the density. Questions feasibility of zoning changes, by citing ZBA changes. Rental Permit Law violates 4<sup>th</sup> Amendment. The City should be working with Landlords in new zoning proposals.

Steve Muka- Zoning laws change every 30 years. Area variances, not use variances are used, need to incorporate use variances on zoning maps. Student housing exists that are overpopulated and violate the law. By Law, there is no way to have any more than three unrelated in a dwelling unit. Landlords asking for more than three occupants should be presented to ZBA and should notify surrounding neighbors. Need CZOs and oversight.

Mayor Tobin closed the Public Hearing at 7:21 PM.

**REGULAR SESSION:**

Mayor Brian Tobin called the seventh Common Council meeting of the year to order at 7:00 PM.

**PLEDGE OF ALLEGIANCE**

**Public Comments:**

Gerry Ruggiero – Has tax assessment concerns. The Assessor should consider properties and their locations to be fair and solve inequity and disparity amongst properties.

**Ward Reports:**

**Ward 1** – Pot holes on Madison and Wheeler, concerns with Spectrum over pricing.

**Ward 2**- two weeks ago there were incidents of vandalism: porch trim was kicked in and the Newman Center sign was ruined. There will be increased police patrol on the weekends as the weather warms up. A private sewer repair on Arthur Avenue encountered problems with public line and turned into a 5 day repair.

**Ward 3** – Flood insurance questions regarding the flood plain. Pot holes on Groton Ave.

**Ward 4** – Meeting new residents in the Ward. Home sales seem to be increasing in the city.

**Ward 5** – Crescent Corset construction is moving along. There were some noise complaints regarding work being done on the weekend. The Code states no construction on Sundays.

**Ward 6** – Quiet, there is a vacant house that does not seem structurally sound.

**Ward 7** – Concerns with pot holes. Trash pick-up calls.

**Ward 8** – Working close with code department regarding furniture out on yards and dumpster issues. Current landowner moved the dumpster closer to home.

**Mayor's Report:**

Mayor Tobin read the conflict of interest for James Reeners of Cornerstone Properties on his participation in the Sidewalk program. Contact information for Sidewalk Program is Annette Huskins at Thoma Development.

**Resolution #58 of 2018** - Resolution to approve the March 20, 2018 Common Council Minutes as presented.

Motion By: Alderman Bennett  
Seconded By: Alderman Carpenter

Approved: Ayes – 8  
Nays – 0

**Item #1** – Presentation on the Big Event (April 22, 2018).

Mayor Tobin explained that this is the 4<sup>th</sup> year that the college students at SUNY Cortland will give back to the community. On Sunday April 22 a group of students will go out to request job sites and help property owners do minor repairs to their property. There is an application on the City website for people to fill out if you would like students to come to your house.

**Resolution #59 of 2018** – Resolution for the request of the Cultural Council of Cortland County to use the Court House Park for the Cortland Arts & Wine Festival to be held on Saturday, August 4, 2018 from 10:00 AM to 5:00 PM. Wine tasting will be confined to a contained area within the appropriate permits.

Motion By: Alderman Bennett  
Seconded By: Alderman Thomas

Approved: Ayes – 8  
Nays – 0

**Resolution #60 of 2018** – Resolution to waive the City’s Open Container Ordinance during the Annual Arts and Wine Festival within the designated area from 10:00 AM to 5:00 PM on Saturday, August 4, 2018.

Motion By: Alderman Bennett  
 Seconded By: Alderman Beckwith

Approved: Ayes – 8  
 Nays – 0

**Resolution #61 of 2018** – Resolution to approve the street closing application for Pomeroy St. between Elm St. and Central Ave. for the St Anthony’s Festival on June 10 from 9AM – 8PM.

Motioned By: Alderman Silliman  
 Seconded By: Alderman Bennett

Approved: Ayes – 8  
 Nays – 0

**Resolution #62 of 2018** – Resolution to approve the sound device permit for St Anthony’s Festival for June 9, 2018 (7PM-10PM) and June 10, 2018 (12PM-8:30PM).

Motioned By: Alderman Silliman  
 Seconded By: Alderman Thomas

Approved: Ayes – 8  
 Nays – 0

**Resolution #63 of 2018** – Resolution to waive the fee for the sound device permit for St Anthony’s Festival.

Motion By: Alderman Thomas  
 Seconded By: Alderman Beckwith

Approved: Ayes – 8  
 Nays – 0

**Resolution #64 of 2018** – Resolution to accept, recognize and appropriate the following donations to the Youth Bureau.

<b>Donation</b>	<b>Amount</b>	<b>Event/Project</b>	<b>Budget Line</b>
Richard Coats	\$130.00	Celebrations	A-7550.5405
Lori Crompton	\$50.00	Celebrations	A-7550.5405
<b>Total</b>	<b>\$180.00</b>		

Thank You!

Motioned By: Alderman Carpenter  
 Seconded By: Alderman Michales

Approved: Ayes – 8  
 Nays – 0

**Resolution #65 of 2018** – Resolution to authorize the Mayor to execute the ‘NYS Supplemental Agreement to Set Amount for Arterial Agreement Number 3’, (Agreement DO17248) between the Commissioner of Transportation and the City increasing the annual amount paid to the City to \$92,062.35.

(2017 total = \$91,548.40, 2018 total = 92,062.35, increase of \$513.95)

Motioned By: Alderman Carpenter  
Seconded By: Alderman Thomas

Approved: Ayes – 8  
Nays – 0

**Resolution #66 of 2018** – Resolution to authorize the Mayor to enter into an agreement with Regional Partnership with City of Binghamton Sheriff K9 Unit.

Motioned By: Alderman Carpenter  
Seconded By: Alderman Silliman

Approved: Ayes – 8  
Nays – 0

**Resolution #67 of 2018** – Resolution allowing the Mayor to enter into a Memorandum of Understanding with the New York State Police, allowing them to utilize a portion of the Armory for their Special Operations Response Team (SORT) and specialized vehicles, in cooperation with the Cortland City Police Tactical Response Unit (TRU).

This vehicle will only be used when needed in a crisis situation.

Motioned By: Alderman Carpenter  
Seconded By: Alderman Silliman

Approved: Ayes – 8  
Nays – 0

**Resolution #68 of 2018** – Resolution to execute a contract with the CEC (Clean Energies Communities)

The City received a \$50,000.00 grant through NYSERDA and the City would like to use it towards the buyback of utility poles from NYSEG.

Motioned By: Alderman Bennett  
Seconded By: Alderman Carpenter

Approved: Ayes – 8  
Nays – 0

**Resolution #69 of 2018** – Resolution to authorize the Mayor to execute an agreement with the City of Cortland Fire Department BOE.

Motioned By: Alderman Bennett  
Seconded By: Alderman Beckwith

Approved: Ayes – 7  
Nays – 0  
Recused – Alderman Ferrer

**Resolution #70 of 2018** – Resolution authorizing the Mayor to send letters of support for the passage of Senate Bill 3878 and Assembly Bill 4450 amending Article 4, Title 2. Section 485-r of the State’s Real Property Law extending the Residential Redevelopment inhabited property exemption for cities with population greater than 15,250 and less than 15,500 to all cities regardless of population.

This is to encourage people to purchase a vacant property and bring it back to life and make it more attractive. This would not affect their tax assessment for several years after.

Motioned By: Alderman Carpenter  
Seconded By: Alderman Thomas

Approved: Ayes – 8  
Nays – 0

**Resolution #71 of 2018** – Resolution to authorize the Mayor to sign an agreement between the City, the Downtown Partnership, and NBT Bank assigning the City’s interest in the 2017 Restore NY Grant for 40-42 Main Street Cortland NY to the Partnership for its use of the grant to secure construction financing with NBT Bank.

Motioned By: Alderman Bennett  
Seconded By: Alderman Carpenter

Approved: Ayes – 8  
Nays – 0

**Resolution #72 of 2018** – Resolution to amend Article VII Section 5-19 by the addition of Paragraph C to read as follows:

*Upon filing of the Tentative Tax Roll on May 1<sup>st</sup> of each year with the City Clerk the Assessor shall give notice by publication in the City’s Official Newspapers of the time and place on the 3rd Wednesday following the 4th Tuesday of May that the Board of Assessment shall make itself available to review grievances from property owners regarding the assessment in the Tentative Tax Roll attributed to properties.*

*Amending Title XI, Assessment and Taxation, Section 181 contained in the Laws of 1900, Chapter 160, as amended b L. 1903; L. 1906, Ch. 50.*

The date for 2018 would be June 6. This will help residents that qualify for the STARR exemption.

Motioned By: Alderman Bennett  
Seconded By: Alderman Carpenter

Approved: Ayes – 8  
Nays – 0

**Resolution #73 of 2018** – Resolution to appropriate from the Miscellaneous Revenue Fund the sum of \$10,000 to fund the City 2018 Tree Program.

The City will pay for the trees up front and then get reimbursed by the DEC. If residents in the City would like to apply for a tree through the Tree Program, there is information on the City website and you may also contact Thoma Development.

Motioned By: Alderman Silliman  
Seconded By: Alderman Michales

Approved: Ayes – 8  
Nays – 0

**Resolution #74 of 2018** – Resolution to appropriate from the Miscellaneous Revenue Fund the sum of \$20,000.00 to fund the City’s 2018 Sidewalk Program.

This is a 50/50 match program. This is a first come, first serve program. \$500.00 of the funding goes towards the advertising.

Motioned By: Alderman Carpenter  
Seconded By: Alderman Silliman

Approved: Ayes – 8  
Nays – 0

**Resolution #75 of 2018** – Resolution to appoint Donald Chu to the Environmental Advisory Committee for a 2 year term.

He originally wanted to serve on the Wastewater Board but there is no current opening. After discussion with Donald, he was interested in serving on the Environmental Advisory Committee.

Motioned By: Alderman Thomas  
Seconded By: Alderman Michales

Approved: Ayes – 8  
Nays – 0

**Resolution #76 of 2018** – Resolution to designate the City of Cortland as lead Agency for SEQR on the new Zoning update and discussion regarding the type of action that should be designated at the April 17, 2018 meeting.

This is the first step in the process. The next Council meeting will address the SEQR.

Motioned By: Alderman Bennett  
Seconded By: Alderman Thomas

Approved: Ayes – 8  
Nays – 0

**Resolution #77 of 2018** – Resolution to authorize the Mayor to execute the agreement between Mel and Matt Manasse, Licensed Real Estate Brokers and the City of Cortland for auction services in connection with the City’s Property Tax Sale on May 24, 2018 for a per property fee of seven and one-half percent (7.5%) of the gross sales price.

Motioned By: Alderman Carpenter  
Seconded By: Alderman Silliman

Approved: Ayes – 8  
Nays – 0

**Resolution #78 of 2018** – Resolution to authorize the filling of New York State ‘Home Rule Request by a Local Government for Enactment of a Special Law’ in both the Senate and Assembly seeking adoption of Senate Bill S. 5861-B and Assembly Bill A. 7852-B both authorizing imposition of an Occupancy Tax with the City of Cortland.

Motioned By: Alderman Carpenter  
Seconded By: Alderman Bennett

Approved: Ayes – 8  
Nays – 0

**Item #22** - Discussion of proceeding with retaining services of an appraiser to conduct the City-wide property reassessment.

Mack Cook explained that the City and Council approved to re-assess the properties in the City. A draft contract was presented to Council. It is up to Council to negotiate the contract or have the City negotiate the contract. All Council members agreed to have the City negotiate the contract with the City Assessor and then bring it back to Council to review and discuss.

**Alderman Bennett asked to add an agenda item.**

**Resolution #79 of 2018** – Resolution to express the City’s sincere appreciation to Senator Seward and Assembly Member Lifton for the successful effort to include SUNY Impact in the State 2018-2019 budget.

The City has received a pilot program for 2 years now for the SUNY Impact. This allows the City along with 10, 12 other Cities to join the program.

Motioned By: Alderman Silliman  
Seconded By: Alderman Bennett

Approved: Ayes – 8  
Nays – 0

**Mayor Tobin asked for an Executive session to update Council on contractual negotiations.**

**Enter into Executive Session**

Motion By: Alderman Bennett  
Seconded By: Alderman Thomas

Approved: Ayes – 8  
Nays – 0

**Come out of Executive Session**

Motion By: Alderman Bennett  
Seconded By: Alderman Thomas

Approved: Ayes – 8  
Nays – 0

**ADJOURNMENT**

Motioned By: Alderman Beckwith  
Seconded By: Alderman Silliman

Approved: Ayes – 8  
Nays – 0

**I, RAYMOND A. PARKER, CITY CLERK FOR THE CITY OF CORTLAND, NEW YORK, DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED BY THE COMMON COUNCIL AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 3<sup>rd</sup> DAY OF APRIL, 2018. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED FOR HIS CONCURRENCE IN ADOPTION OR REJECTION BY VETO POWER.**

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**RAYMOND A. PARKER, CITY CLERK**

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**MAYOR BRIAN TOBIN**