



City Council **Minutes**
The City of Cortland
June 19, 2018

Council Meeting #11

June 19, 2018

25 Court Street

7:00 PM

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

Excused: Aldermen Michelle Mastropolo and Bill Carpenter

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, and Confidential Secretary to the Mayor Devon Rainbow.

Public Hearing #1:

Mayor Tobin opened the Public hearing at 7:05 PM to hear comments for fiscal year 2018 Community Development Block Grant applications pursuant to CDBG citizen participation requirements. Linda Armstrong from Thoma was present for the meeting. People can reach out to her if there are any questions at the office phone number 607-753-1433.

No one signed up for questions or comments.

Mayor Tobin closed the Public Hearing at 7:06 PM.

Public Hearing #2:

Mayor Tobin opened the Public Hearing at 7:07 PM to hear comments on Sidewalk Regulations.

No one signed up for questions or comments.

Mayor Tobin closed the Public Hearing at 7:08 PM

REGULAR SESSION:

Mayor Brian Tobin called the eleventh Common Council meeting of the year to order at 7:09 PM.

PLEDGE OF ALLEGIANCE

Public Comments:

No one was signed up to speak.

Mayor's Report:

- Recognition of David Guerrero for 25 years of service in the CCPD.
- Disclosure of Conflict of Interest pertaining to sidewalk renovation.

- Proclamation for Josh Payne, tattoo artist.

Resolution #131 of 2018 – Resolution to approve the May 15, 2018 Common Council Minutes as presented.

Motioned By: Alderman Bennett
 Seconded By: Alderman Beckwith

Approved: Ayes – 6
 Nays – 0

Item #1 – A presentation on CACTC from Matt Whitman.
 This item was tabled due to Matt Whitman’s absence.

Resolution #132 of 2018 – Resolution to accept, recognize and appropriate the following donations to the Youth Bureau.

Donation	Amount	Event/Project	Budget Line
McNeil Development	\$100.00	Porchfest	A-7550.5405
Benjamin Services LLC	\$100.00	Porchfest	A-7550.5405
The Walsh Law Firm PC	\$250.00	Porchfest	A-7550.5405
Yaman Foundation	\$4,875.00	Swing for Yaman Park	A-7110.5415
Yaman Foundation	\$3,344.00	Clinton/River Lot	A-7110.5415
SUNY Cortland SGA	\$2,344.00	Playgrounds	A-7550.5405
Barbara A. Ryan	\$500.00	Jim Partigianoni Scholarship	A-7550.5405
Total	\$11,388.00		

Motion By: Alderman Ferrer
 Seconded By: Alderman Silliman

Approved: Ayes – 6
 Nays – 0

Resolution #133 of 2018 – Resolution to recognize and appropriate donations to the Cortland Water Works Deer Fund.

\$50.00	In memory of Walter J. Sandy	Pam & Penny Barden
\$50.00	In memory of Walter J. Sandy	Shirley White
\$100.00	In memory of Walter J. Sandy	Robert & JoAnne Livermore
Total: \$200.00		

Motion By: Alderman Bennett
 Seconded By: Alderman Silliman

Approved: Ayes – 6
 Nays – 0

Resolution #134 of 2018 – Resolution to approve the Administrative Appeals Board.

Motion By: Alderman Silliman
 Seconded By: Alderman Thomas

Approved: Ayes – 6
 Nays – 0

Resolution #135 of 2018 – Resolution to amend the commitment Program Income to the CDBG funded Clinton Avenue Water Main Replacement Project and subsequent amendment to the 2018 General Fund Budget.

Whereas; the NYS Home and Community Renewal (OCR) has changed its policy pertaining to the retention of Community Development Block Grant (CDGB) program income to require participating local governments to return program income that is unable to be utilized in full compliance with program requirements or are unlikely to be applied to continue the activity within the reasonably near future, and

Whereas; the City currently has \$248,440 in CDGB program income, and

Whereas; OCR requires that Program Income be “committed” to an eligible program prior to March 31, 2019, and

Whereas; the City has been awarded a CDBG grant in the amount of \$750,000 to assist in replacing the water main underneath Clinton Avenue, and

Whereas; OCR has opined that “commitment of funds” is achieved when the local government’s legislative body has formally allocated funds to a specific project, and

Whereas; the ongoing replacement of the Clinton Avenue water main is an eligible program project.

Therefore Be It Resolved; that the current balance of program income retained by the City (\$248,440) is hereby committed to the Clinton Avenue Water Main Replacement Program

Be it Further Resolved; that the 2018 General Fund will be amended as follows:

<i>General Fund Account</i>	<i>Account Title</i>	<i>Adopted Budget</i>	<i>Amendment</i>	<i>Revised Budget</i>
A5010-41289	DPW Other Government Income	0	\$ 750,000	\$750,000
A5010-41289	DPW Other Government Income	\$750,000	\$ 248,440	\$998,440
A5189-5189	DPW Other Activities-Professional	0	\$998,440	\$998,440

Motion By: Alderman Ferrer
 Seconded By: Alderman Thomas

Approved: Ayes – 6
 Nays – 0

Resolution #136 of 2018 – Resolution to authorize the City to accelerate the repayment of certain community development loans by offering discounts and authorizing the Mayor or other city officials to sign a letter to borrowers with respect to said discounts.

Motioned By: Alderman Silliman
 Seconded By: Alderman Ferrer

Approved: Ayes – 6
 Nays – 0

Resolution #137 of 2018 – Resolution to approve Thoma Development’s negotiation with delinquent Community Development fund recipients on behalf of the City and provision of incentives to facilitate collection of delinquent loans, subject to review by the admin/finance department.

Motioned By: Alderman Bennett
 Seconded By: Alderman Silliman

Approved: Ayes – 6
 Nays – 0

Resolution #138 of 2018 – Resolution to authorize the Mayor to execute an agreement with Crescent Commons regarding loan payment.

Motioned By: Alderman Thomas
Seconded By: Alderman Bennett

Approved: Ayes – 6
Nays – 0

Resolution #139 of 2018 – Resolution to approve an exotic pet permit for a Rabbit located at SUNY Cortland Residence Hall.

Motioned By: Alderman Thomas
Seconded By: Alderman Bennett

Approved: Ayes – 6
Nays – 0

Resolution #140 of 2018 – Resolution to approve the Special Permit Application including all permits for Youth Concert in the Courthouse Park on June 30, 2018 from 3PM-6PM.

Motioned By: Alderman Silliman
Seconded By: Alderman Beckwith

Approved: Ayes – 6
Nays – 0

Resolution #141 of 2018 – Resolution to waive the application fees for the Youth Concert.

Motioned By: Alderman Thomas
Seconded By: Alderman Silliman

Approved: Ayes – 6
Nays – 0

Resolution #142 of 2018 – Resolution to approve a Sound Device Application for BRU 64.

Motioned By: Alderman Thomas
Seconded By: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Resolution #143 of 2018 – Resolution to remove City property located at NAP#086.24-03-01.000 from the City's Tax Rolls.

Whereas; there is due and owing \$146,500 in delinquent property taxes and interest thereon on a property identified as NAP#086.24-03-01.000 comprised as follows,

<i>Pre 2017 Taxes:</i>	<i>\$146,771</i>
<i>2017 City and County</i>	<i>\$ 7,207</i>
<i>2018/18 School</i>	<i>\$ 3,509</i>
<i>2018 City and County</i>	<i>\$ 6,643</i>
<i>Subtotal</i>	<i>\$164,130</i>
<i>Less: Taxes Paid as part of Bankruptcy Plan</i>	<i>(\$ 17,630)</i>
<i>Taxes and Interest</i>	<i>\$146,500, and</i>

Whereas; delinquent dates back to 2006, and

Whereas; the assessed value of the property is \$195,000, and
Whereas; the City has paid and continues to be responsible for delinquent County and School District property taxes, and
Whereas; the City has a Judgement of Foreclosure which precedes the property owner's Petition for Bankruptcy, and
Whereas; the property owners paid the City \$17,630 while under the protection of the Bankruptcy Court, and
Whereas; the property owner has been discharged from Bankruptcy and the property is no longer in a Bankruptcy state, and
Whereas; the property owner has ceased paying property taxes upon being discharged from the Bankruptcy proceeding, and
Whereas; the City will execute on the Judgement of Foreclosure and take possession of the property, and
Whereas; should the property remain on the final 2018 City Tax rolls as of August 1, 2018 the City will be liable for 2018 County and School District Taxes should these too not be paid in the approximate amounts of \$3,250 and \$3,500 respectfully.
Therefore Be It resolved; the property identified as NAP#086.24-03-01.000 is to be removed from the City's 2018 Tax Rolls

Motioned By: Alderman Ferrer
 Seconded By: Alderman Silliman

Approved: Ayes – 6
 Nays – 0

Resolution #144 of 2018 – Consideration of a Resolution to remove City property located at NAP#086.74-03-26.000 from the City's Tax Rolls.

Whereas; there is due and owing \$60, 904 in delinquent property taxes and interest thereon on a property identified as NAP#086.74-03-26.000 comprised as follows,

Pre 2017 Taxes:	\$ 60,976
2017 City and County	\$ 3,344
2018/18 School	\$ 1,060
2018 City and County	<u>\$ 3,056</u>
Subtotal	\$ 68,436
Less: Taxes Paid as part of Bankruptcy Plan	(<u>\$ 7,532</u>)
Taxes and Interest	<u>\$ 60,904,</u> and

Whereas; delinquent dates back to 2007, and
Whereas; the assessed value of the property is \$79,000, and
Whereas; the City has paid and continues to be responsible for delinquent County and School District property taxes, and
Whereas; the property owners paid the City \$7,532 dollars while under the protection of the Bankruptcy Court, and
Whereas; the property owner has been discharged from Bankruptcy and the property is no longer in a Bankruptcy state, and
Whereas; the property owner has ceased paying property taxes upon being discharged from the Bankruptcy proceeding, and
Whereas; the City will secure a Judgement of Foreclosure and take possession of the property, and
Whereas; should the property remain on the final 2018 City Tax rolls as of August 1, 2018 the City will be liable for 2018 County and School District Taxes should these too not be paid in the approximate amounts of \$1,650 and \$1,060 respectfully.
Therefore Be It resolved; the property identified as NAP#086.74-03-26.000 is to be removed from the City's 2018 Tax Rolls

Motioned By: Alderman Bennett
 Seconded By: Alderman Beckwith

Approved: Ayes – 6
 Nays – 0

Resolution #145 of 2018 – Resolution to amend the 2018 General Fund Budget to reflect funding for the Madison Street Bridge over Dry Creek.

Whereas; the City is desirous to replace the Madison Street Bridge over Dry Creek
Whereas; the estimate to replace said bridge is \$710,000
Whereas; the Federal Highway Administration will provide 80% of the funding for the Bridge Replacement
Whereas; NYSDOT Marchiselli Program will provide 15% of the funding for the Bridge Replacement

Whereas; the City will allocate from the General Fund Contingency Account the remaining 5% of funding for the Bridge Replacement

Therefore Be It Resolved; that the 2018 General Fund Budget will be amended as follows:

<u>General Fund</u>	<u>Account Title</u>	<u>Adopted Budget</u>	<u>Amendment</u>	<u>Revised Budget</u>
A1990-540000	Contingencies	\$173,938 (Expense)	\$35,000	\$140,538
A5110-540000	DPW Professional	\$389,503 (Expense)	\$35,000	\$425,003
A5010-435010	State Highway Aid	\$389,502 (Revenue)	\$674,500	\$1,064,002
A5110-540500	DPW Professional	\$425,003 (Expense)	\$674,500	\$1,099,503
Net Effect on Budget			-0-	

Motioned By: Alderman Silliman
 Seconded By: Alderman Thomas

Approved: Ayes – 6
 Nays – 0

Resolution #146 of 2018 – Resolution to amend the 2018 General Fund Budget to reflect funding the renovation of City Playgrounds.

Whereas; the City is desirous to renovate the playgrounds at various parks within the City

Whereas; the estimated cost of planned renovations is \$500,000

Whereas; the City has secured a grant from the New York State Dormitory Authority in the amount of \$500,000 to fund the renovations

Therefore Be It Resolved; that the 2018 General Fund Budget will be amended as follows:

<u>General Fund Account</u>	<u>Account Title</u>	<u>Adopted Budget</u>	<u>Amendment</u>	<u>Revised Budget</u>
A7140-5405	Supplies and Equipment (Expense)	\$2,670	\$500,000	\$502,670
A7010-43822	State Aid-Recreation (Revenue)	0	\$500,000	\$500,000
Net Effect on Budget		-0-		

Motioned By: Alderman Silliman
 Seconded By: Alderman Bennett

Approved: Ayes – 6
 Nays – 0

Resolution #147 of 2018 – Resolution to approve the settlement agreement between the City and Verizon New York Inc. for unpaid Gross Utility Taxes through March 31, 2018 in the amount of \$8,000.

Motioned By: Alderman Bennett
 Seconded By: Alderman Silliman

Approved: Ayes – 6
 Nays – 0

Resolution #148 of 2018 – Resolution declaring City property as Surplus to wit:

Property 1: 20x155+/- parcel of land adjacent to the west of 5-7 Williams Street (northern portion of former alley);

Property 2: 20x120+/-parcel of land adjacent to the west of property at 6 Randall St. (southern portion of former Alley);

Motioned By: Alderman Thomas
 Seconded By: Alderman Beckwith

Discussion: As the result of a conflict, the members of 5-7 Williams Street seek to purchase this stretch of land to repave the driveway and utilize it for their business. The speaker, R. VanDonsel, that brought this issue to the table made the decision to step out of the room for the purposes of transparency and eliminating any conflict of interest. There is some surplus property (a north and south alleyway) they have given a modest offer for the space, and the city has no use for it.

Approved: Ayes – 6
Nays – 0

Resolution #149 of 2018 – Resolution directing the Clerk to publish a Notice transferring, for consideration, the land designated above as property 1 to *5-7 Williams Street, LLC*, pursuant to MHRL sect 24. Such transfer subject to a Permissive Referendum within 45 days of the publishing of the notice.

Motioned By: Alderman Bennett
Seconded By: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Item #20 – Presentation on Workers Compensation plan from the County for the City of Cortland. (VanDonsel)

- Last year began the plan with the County and all other municipalities within the county to construct a county committee to address concerns surrounding workers comp.
- The total amount to be assessed by the county and city is about 1.2 million, as determined by the three-year claims average plus 25% of the reserve shortfall.
- None of the towns and villages can seem to keep up with these premiums, and reserves are at or near zero. There were a number of years that the reserves payed claims at a precipitous pace, and this program seeks to redevelop the reserve over time.
- We can pay down some of the claims in present money rather than more significant amounts over time if we can regulate and monitor these reserves properly.
- Our total assessment: \$321,000+ for 2019 (an 11k increase from last year). We have already obtained the loss runs from the county from the past five years, helping us determine the appropriate premium amount. VanDonsel requests that council move forward on an RFP for VanDonsel and Cook to move forward.

Motion to consider a resolution to direct City Director of Administration and Finance and City Corporation Council to write and solicit an RFP to consider workers comp costs (See Resolution 150).

Item #21 – Consideration of a Resolution authorizing the Mayor to execute such agreement necessary, or make such directives necessary, to continue the City's participation in the Cortland County Workers' compensation Coalition.

A motion was made to table this item until July 3, 2018 meeting.

Motioned By: Alderman Ferrer
Seconded By: Alderman Bennett

Approved: Ayes – 6
Nays – 0

Resolution #150 of 2018 – Resolution to send out an RFP for Workers Comp.

Motioned By: Alderman Ferrer
Seconded By: Alderman Bennett

Approved: Ayes – 6
Nays – 0

Resolution #151 of 2018 – Resolution to make certain additions and/or amendments to the Title 6 Policy of the City of Cortland, from request of the NYS Department of transportation.

- Silliman noted that the newest census will request information on citizenship, which may deter ESL speakers from participating in the census that is necessary to evaluate templates and language resource allocation.

Motioned By: Alderman Thomas
Seconded By: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Item #23 – Set a date for a public hearing on the new proposed Zoning update.

A date was set for July 19, 2018 at 7PM.

Item #24 – Discussion on setting a date on a work shop for the new proposed Zoning update.

A date was set for July 11, 2018 at 5:30 PM.

Item #25 – Discussion on future plans of Parker Elementary School.

- We are not planning on purchasing this building. Our goal is to guide proper future investment.
- Our pursuits are centered on improving upon safety and family development; we must not allow this building to remain vacant. The plan is to ask a number of concerned community members to form a task force with the following mission: to meet publically to solicit from the community a concept for the best use of the building. Those who are most vested should have the most voice. Secondly, the task force will seek to fulfill the requests deemed appropriate.
- Ten individuals that we have elected to manifest this task force, pending their willingness and ability to do so, include Michelle Mastropolo, Kathryn Silliman, and Gary Thomas. Additionally, other persons of interest include Beau Harbin, Anne Homer, and Doug Bentley of the Legislature; C. Gambetta of the Youth Bureau Board; Bill Williams, a former SUNY Cortland Professor and Public School Administrator; Mike Hoose, Cortland School District Superintendent.
- Those mentioned are welcome to put forth names in place of their own, should they be unable to participate. One thing is certain; this will NOT be the next county jail.

Item #26 – Discussion on Sales Tax distribution in Cortland County.

- The proposal that is going to a special meeting in two days, the agreement would be that the county retains 1.5 million off the top for county use, and following that 54% of what remains (a 0.5% increase) for five years. After five years, the county takes another one percentage point increase, etc.
- Our tax base is not necessarily growing, and we've built out. We have boundaries; we cannot annex without permission. The county owns nine percent of the city that is non-taxable, which is a cost to the city of over \$400,000 in property taxes. Over the last five years, we have a deficit – when we sell properties, we are not making back what is owed.

- The largest portions of our budget are public safety departments, particularly personnel. These costs increase every year. Most towns do not have these quality personnel assets. Thirty-six percent of the city’s assessed value is non-taxable; there are twenty-two properties the county owns within the city that are not taxable.

ADJOURNMENT

Motioned By: Alderman Silliman

Seconded By: Alderman Thomas

Approved: Ayes – 6

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 19th DAY OF JUNE, 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.

RAYMOND A. PARKER, CITY CLERK

MAYOR BRIAN TOBIN