



City Council Minutes  
The City of Cortland  
August 20, 2019

Council Meeting #12  
August 20, 2019  
25 Court Street  
7:00 PM

Present: Aldermen Kat McCarthy, Katy Silliman, Gary Thomas, John Bennett, William Carpenter & Troy Beckwith

Excused: Aldermen Carlos Ferrer & Alderman Thomas Michales

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

**Public Hearing 1:** Public Hearing on 4 year term for Mayor.  
Mayor Tobin opened the Public Hearing at 7:03 PM.

Bill Fiske stated he is addressing both Mayor and Council terms simultaneously. He stated that he has done some research on various levels of government. He stated that 4yr terms for Chief Executive are not unusual but for state legislatures, there are 5 states that have 4yr terms for legislators and 44 have 2yr terms. He thinks that it is wise to have the Mayor have 4yr term you need continuity for the coming and goings of the Council. He also thinks it is best to stay with 2yr term with Council Members so they do stay close to the Board. He thinks that this body should do is put this question to the general public in a referendum because whatever the decision that is made might be seen as self-serving by some people.

Mayor Tobin called Public Hearing to close at 7:05 PM.

**Public Hearing 2:** Public Hearing on 4 year term for City Council Members.  
Mayor Tobin opened the Public Hearing at 7:05 PM.

There was no one present to speak to this hearing.

Mayor Tobin called Public Hearing to close at 7:06 PM.

**Public Hearing 3:** Public Hearing on amendments to the new Zoning Law Section 300  
Mayor Tobin opened the Public Hearing at 7:06 PM.

Erich DeMunn spoke about a couple concerns he had regarding the new Zoning Law. First concern was changing gravel driveways into concrete or blacktop. Many people in Cortland have gravel driveways. It is a

huge expense to put in concrete or pavement. He stated he feels that it is unnecessary burden on property owners. The second topic was the changing of the wording from single family to traditional family really upset him. He stated a single family home is a single family home, a duplex is a duplex and a two family home is a two family home. What is a traditional family?

Jo Schaffer stated she is not a traditional person. Code reflects changes as things happen within the City. Code establishes rules and regulations to make the city good and better. Should protect the environment people live in. She approves of the substantial or minor changes as they are corrections that were missed. Lined parking spaces does make it nicer.

Abigail Cleary spoke stating she supports the changes to strengthen our codes which are designed to protect our Cities and the rights of residents. Also to protect uses of those particular areas of land as their designated according to the laws which govern our City. We need to protect R1 districts. Permits are done as protection.

Bruce Tytler spoke stating we need to protect our neighbors and he supports the changes.

Mayor Tobin called public hearing to close at 7:20 PM.

**Regular Session:**

Mayor Tobin called the twelfth Common Council meeting of the year to order at 7:20 PM.

**Pledge of Allegiance**

**Public Comments:**

Nikos Collins represents Verizon Wireless stating they have a dedicated core designed for Public Safety. Large percentage of public safety municipalities in NYS that trust them and make sure Verizon is the company they stick with. Consistently number one network in times of crisis. Have been supporting the city and the county for over 10yrs. Consistently meeting, fixing and updating networks as needed. They follow the OGS schedule.

Dr. Mecke Nagel represents United Voices of Cortland. Wants to talk about campaign for Trees for Peace. They are very excited to see S. Main St getting trees and some of them should be replaced. Peace for bees and other insects. Specifically addressing insects & birds. We love our manicured lawns and is appealing to have more messy lawns. Maybe go to a twice a year mowing plan, plant, grow more flowers/plants. Stated we should use less pesticides. She stated we need more gravel or permeable surfaces, asphalt not good for city.

Angela Gellatly just purchased a home on Otter Creek. She has seen countless close accidents, pedestrians being hit and has been referred to as “the cut thru”. She has seen cars including police SUVs drive on her sidewalk which creates a safety concern.

Pamela Jenkins spoke stating she is going to read in part a letter from August 8, 2019 which was sent to all Cortland County Legislators. Cortland Wastewater Treatment Plant has applied for a grant to build a Sewer Sludge Worm Composting Facility at the old Buckbee Mears Super Plant Site in South Cortland. The proposal includes plans to import sewer sludge from other sewer sludge plants to be mixed with food waste and other materials to produce finished product of limited and questionable use or value. The DEC application for this permit is incomplete at this time, however in May of 2018 based upon absence, incomplete and often

inaccurate information and without looking into any of the anticipated potential impacts the City Common Council granted the proposed sewer sludge composting project a negative declaration under Environmental Conservation Law 617, meaning that there be no required seeker process investigation into the impacts. Received documents from the DEC and referenced Resolution 121 of 2018 & 121A of 2018. She proceeded to read parts of minutes for the resolution. Under ECL officials cannot take actions on proposals until they have the information they need to make informed decisions. This is a major SEQR violation and would lose a court challenge to this. Your only option is to rescind the negative declaration which was granted based on absent information. The application is still incomplete as of today based on the documents received from DEC. She can provide volumes of documents. The Cortlandville 2002 Aquifer Protection Plan reprimanded the creation of a regional board so that our Aquifer doesn't face issues like this of this sewer plant importing sewer sludge and that other project happening. The ground water at this site is within zero to a few feet of the surface in an area which is prone to flooding. The project proposes to save trenches and 5000 gallon leach safe collection tank in to the ground to collect the runoff from the trenches that are filled with sewer sludge and other materials. The details on the quantities of sewer sludge to be imported are absent and the location of the full build out has not been revealed. Also the applicant is using piece meal approval to get rich amounts of sedimentation which is another violation of SEQR because basically the public is entitled to all the information they need before Council can take action on it.

Pam Miller states the County seized her land illegally in 2007. Part of the issue was because SEQR wasn't done properly. She supports Pam Jenkins and urges the City to pull back on this project and follow SEQR properly. She has begun working closely with the EPA and with our sole source Aquifer. The Aquifer is in trouble. Need to stop paving and create more permeable ground as this ground needs recharging.

Carol Banewitz states she got a letter from Code Enforcement wanting her to take down her signs and banners for Trump that have been up since 2015.

Sarah Bullock stated she is concerned about the staffing level of the Code Enforcement Office since Deputy Chief Knickerbocker retired. During her search for an apartment, she found a large gap between affordable/habitable housing. Many of the apartments under 700 were in code violation or otherwise uninhabitable. The apartments she encountered in Cortland include one without smoke detectors, two without extinguishers, and two without feasible fire exits. She also experienced apartments with rusted electrical heaters or other maintenance issues. She asked that they please fill the code position.

Mayor Tobin explained that Public Comments is for comments and not for dialog.

**Mayor's report:**

Advised by Thoma Development Consultants to share that Keith VanGorder has been pre-qualified for participation in the City's sidewalk replacement program. Keith VanGorder is a volunteer for the City on the Department of Public Works Board. One of the requirements in the program for his participation is for it to be openly disclosed. This discussion represents the required disclosure. Anyone with questions or objections is asked to contact Thoma Development Consultants.

Cassandra and Brendon Burns have been pre-qualified for participation in the City's sidewalk replacement program. Brendon is employed by the City's Police Department. One of the requirements in the program for their participation is for it to be openly disclosed. This discussion represents the required disclosure. Anyone with questions or objections is asked to contact Thoma Development Consultants.

Sunday was the 4<sup>th</sup> Annual Porchfest. It is a great community event on Van Hoesen St. There were lots of

bands. Lots of neighbors and friends.

As a reminder this weekend Friday & Saturday is move in weekend for the college.

**Resolution #191** – Motion to approve the minutes from the meeting of August 6, 2019 as presented.

Motioned by: Alderman Bennett  
Seconded by: Alderman Carpenter

Approved: Ayes – 7  
Nays – 0

**Item #1** – Presentation of 2018 Annual Audit Members of the Accounting Firm, The Bonadio Group.

Randy Shepard is with The Bonadio Group. He discussed the financial audit review. This year's audit date is over a month sooner than last year and were here a month sooner. There were no concerns or problems.

**Resolution #192 of 2019** – Resolution to accept 2018 Annual Audit Report as prepared by the Accounting Firm, The Bonadio Group.

Motioned by: Alderman Bennett  
Seconded by: Alderman Thomas

Approved: Ayes – 6  
Nays – 0

**Item #3** – Presentation on cell service from AT&T & FirstNet.  
Previously asked to table this to September 3rd meeting

Motion to Table to September 3<sup>rd</sup> meeting

Motioned by: Alderman Bennett  
Seconded by: Alderman Silliman

Approved: Ayes – 6  
Nays – 0

Motion to table to Table from September 3<sup>rd</sup> meeting to September 17<sup>th</sup> meeting

Motioned by: Alderman Carpenter  
Seconded by: Alderman Silliman

Approved: Ayes – 6  
Nays – 0

**Item #4** – Consideration of a Resolution to change cell and data vendor to AT&T & FirstNet.  
Previously asked to table this to September 3rd meeting

Motion to Table to September 3<sup>rd</sup> meeting

Motioned by: Alderman Silliman  
Seconded by: Alderman Bennett

Approved: Ayes – 6  
Nays – 0

Motion to table to Table from September 3<sup>rd</sup> meeting to September 17<sup>th</sup> meeting

Motioned by: Alderman Carpenter  
Seconded by: Alderman Bennett

Approved: Ayes – 6  
Nays – 0

**Resolution #193 of 2019** – Resolution to authorize the use of the City’s portion of Courthouse Park to host the annual ‘Great Cortland Pumpkinfest’ on October 4<sup>th</sup> (setup), 5<sup>th</sup> (event), 6<sup>th</sup> (event), and 7<sup>th</sup> (takedown).

Liz Cole was present to speak She mentioned going to USA Today and vote for #1 festival in US. Mayor Tobin stated that we are ranked in USA Today as 4<sup>th</sup> best Fall Festival so far.

Motioned by: Alderman Beckwith  
Seconded by: Alderman McCarthy

Approved: Ayes – 6  
Nays – 0

**Resolution #194 of 2019** – Resolution to waive the City’s Open Container Ordinance to permit alcoholic beverages to be served and consumed within confined area of Courthouse Park during the event hours of the ‘Great Cortland Pumpkinfest’.

Liz Cole stated a proposal that was put in front of the committee’s consideration is for alcohol to be consumed the duration of the festival which are Saturday 9am-5pm and Sunday 10am-4pm. The Beer/Wine tent is going to be in the same spot as last year.

Motioned by: Alderman Beckwith  
Seconded by: Alderman Bennett

Approved: Ayes – 6  
Nays – 0

**Resolution #195 of 2019** – Resolution to permit amplified live music during the event hours of the ‘Great Cortland Pumpkinfest’.

Motioned by: Alderman Thomas  
Seconded by: Alderman McCarthy

Approved:           Ayes – 6  
                          Nays – 0

**Resolution #196 of 2019** – Resolution to waive the fees for amplified music at the ‘Great Cortland Pumpkinfest’.

They have Facebook and Instagram which are the two social media accounts that people can go to if they want to volunteer. They also have a website with contact us button as well.

Motioned by:       Alderman Carpenter  
Seconded by:       Alderman Beckwith

Approved:           Ayes – 6  
                          Nays – 0

**Resolution #197 of 2019** – Resolution to close Greenbush Street between Port Watson Street and Central Avenue from 8:00 AM on October 5<sup>th</sup> to 5:00 PM on October 6<sup>th</sup>.

By closing off the street will get the trucks off the grass and ease sidewalk congestion. They are working with Fire, Code and Sherriff Department to make sure they aren’t blocking any parts of the sidewalk and making sure emergency vehicles can get through.

Motioned by:       Alderman Carpenter  
Seconded by:       Alderman Silliman

Approved:           Ayes – 6  
                          Nays – 0

**Resolution #198 of 2019** – Resolution to appoint Elizabeth Starr to the Police Commissioner for a 3 year term.

Motioned by:       Alderman Carpenter  
Seconded by:       Alderman Beckwith

Approved:           Ayes – 6  
                          Nays – 0

**Resolution #199 of 2019** – Resolution to appoint Brian Fitts as the City Assessor. This position is a 5 year term. There is no change in salary.

Motioned by:       Alderman Bennett  
Seconded by:       Alderman Carpenter

Approved:           Ayes – 6  
                          Nays – 0

**Resolution #200 of 2019** – Resolution to accept, recognize and appropriate sale proceeds from the sale of 6 vehicles from the City Impound Lot. These vehicles were unfit for auction and were scrapped. Total proceeds being \$546.75 to A3120.206.00.

Motioned by: Alderman Bennett  
 Seconded by: Alderman Carpenter

Approved: Ayes – 7  
 Nays – 0

Deputy Chief Sandy spoke about the deer Sparky at the Waterworks. We have had calls come through with concerns regarding her wellbeing. He is going to tranquilize her again as she looks like a chipmunk. She stores food in her cheeks and it is very odd for a deer to do this but it can happen. They are doing their best to treat the animals well.

**Resolution #201 of 2019** – Resolution to accept, recognize and appropriate the following donations to the Youth Bureau.

<u>Donation</u>	<u>Amount</u>	<u>Event/Project</u>	<u>Budget Line</u>
Cortland Self Storage	\$250.00	Porch Fest Sponsor	A-7550.5405
Cortland historical Society	\$50.00	Porch Fest Sponsor	A-7550.5405
Cultural Council Of Cort.	\$50.00	Porch Fest Sponsor	A-7550.5405
Reagan Land Surveying	\$100.00	Porch Fest Sponsor	A-7550.5405
Patrick Snyder	\$100.00	Porch Fest Sponsor	A-7550.5405
Friends of Cortland Free Library	\$50.00	Porch Fest Sponsor	A-7550-5405
Benjamin Services LLC	\$100.00	Porch Fest Sponsor	A-7550-5405
Cecilia Klein	\$1,000.00	New Park Bench	Jerry Walsh Trust Fund
Total	\$1,700.00		

Thank you!

Motioned by: Alderman Carpenter  
 Seconded by: Alderman Beckwith

Approved: Ayes – 6  
 Nays – 0

**Item #13** – Discussion of Frank & Mary’s parking concerns with possibility of locating more spaces and set a date for a public hearing on September 5, 2019.

According Corporation Counsel Ric Van Donsel stated both he and Mayor Tobin reviewed the significant amount of data provided by Mack Cook as well as the owners of Frank & Mary’s. Took a look at the number of permits allowed there and what the pressure is and where it is coming from. Their recommendation is at this point and is temporary fix. They think they should add 4 more unpermitted spots for the 2hr parking so that anybody can park there and won’t be restricted from someone who

doesn't have a permit. The reason seems to coincide with the data provided over the last couple years relative to this particular issue. He recommends that we change that and have it as part of the local law that he will present for consideration at the Public Hearing September 3<sup>rd</sup>. The temporary nature of this is dependent upon the pressure that changes from the success or happenings of the DRI and the occupancy of the buildings that are going to be rehabilitated on Main St. It will need to be revisited.

**Resolution #202 of 2019** – Resolution authorizing the Mayor to execute an encroachment agreement for property located at 15 Sunnyfield Drive.

Per Corporation Counsel Ric VanDonsel this agreement is only valid as long as the garage stays as is but any changes to the garage will terminate the agreement.

Motioned by: Alderman Thomas  
Seconded by: Alderman Carpenter

Approved: Ayes – 6  
Nays – 0

**Item #15** – Discussion on enacting a Vacant Property Registration and Fee Schedule.

Mack Cook stated that the vacant building laws are unenforceable. The City could be sued on fees associated with neighboring properties. The City has to prove “loss.”

**Item #16** – Discussion and Consideration for setting a public hearing on proposed local law regarding the Non-union Employees and striking a previous local law and resolution.

Corporation Counsel Ric VanDonsel spoke explaining that the 1973 Resolution was a difficult resolution to review. The 1973 resolution did protect chiefs/deputies/assistants. The local law was done after this 1973 Resolution. There is no changes for chiefs/deputies currently. A new local law will have no changes for the chiefs and deputies. It also addresses what is going to happen to the non-union, non-department head employees who have chosen not to be part of the union and what will happen when their positions are replaced. This local law specifically says if their job descriptions closely fit another union, they should be part of that union and receive those benefits.

September 17<sup>th</sup> to review local law being proposed.

**Resolution #203 of 2019** – Resolution to authorize the Corporation Counsel to retain an independent contractor Investigator to investigate Zoning and related code issues and assist with the prosecution of violations. Payment is not to exceed 10,000 for the calendar year 2019.

Corporation Counsel Ric VanDonsel described one of the things being done over the last several years has been monitoring and following the law relative to the 3 unrelated law. It has gotten harder to monitor this. The hiring of a person who could go out after hours to investigate properties. He is wanting someone who has a background in investigating and paperwork processing job, like a retired police officer. This is not Code related and is a Zoning position.

Motioned by: Alderman Silliman  
Seconded by: Alderman Bennett



Approved:           Ayes – 6  
                              Nays – 0

**Item #18** – Budget Review

Budget was reviewed and there were no questions.

**Item #19** – DRI Update

A signed contract has been sent out to the Engineers & Architects.

**Mayor Tobin stated that September 3<sup>rd</sup> is when the yard waste collection area will reopen. Please wait until September 3<sup>rd</sup> to drop off and please follow the rules when dropping items off.**

**Enter into Executive Session** – To discuss current litigation and do not anticipate action afterwards.

Motioned by:     Alderman Bennett  
Seconded by:     Alderman Silliman

Approved:         Ayes – 6  
                              Nays – 0

**Exit out of Executive Session:**

Motioned by:     Alderman Bennett  
Seconded by:     Alderman Silliman

Approved:         Ayes – 6  
                              Nays – 0

**Motion to adjourn:**

Motioned by:     Alderman McCarthy  
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 20th DAY IN AUGUST 2019. 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**