



City Council Minutes
The City of Cortland
February 21, 2012

Council Meeting #4
February 21, 2012
Regular Session
City Hall
7:00 PM

Present: Mayor Tobin, Aldermen Silliman, Dye, Bennett, Quail, Ferrer and Michales

Staff Present: Director of Administration and Finance Mack Cook, Corporation Counsel Kelly Colasurdo and City Clerk Judith Chamberlin

Mayor Tobin called the fourth Common Council meeting of the year to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

Public Comment

Tom Gobel spoke about developing more affordable income based senior housing. Mayor Tobin noted that work is continuing on the Comprehensive Plan to evaluate community needs and this is something that needs to be addressed.

Machell Phelps, Executive Director of the Regional Sports Council, spoke about the Senior Games. She let the Council know that they now have secured a five (5) year agreement to hold the Senior Games in Cortland. She stated that appreciated the support of the City and more PR will be forthcoming. Mayor Tobin thanked her for continuing to keep the games in the City.

Mike Dexter noted that for the fifth (5th) consecutive year, the City of Cortland has been recognized as a Tree City USA and it involves a lot of work to be recognized. He noted that there is no money involved in this recognition, but they did receive a DEC grant award. The Landscape and Design Commission wrote their own grant and received fifteen thousand (\$15,000) dollar award and they hope they will get the matching grant for a total of twenty-five (25) to thirty (30) thousand dollars so that they can plant twice as many trees. He hopes to have tree planting applications for available for homeowners this spring.

Mike Dexter informed them that the people in the northwest quadrant of the City, that National Grid and Nelson Tree Trimming Company will be in the City for the next few weeks trimming trees. He has gone around with Nelson Tree and marked hazardous trees for removal at no expense to the City. He recognized Jim Maloney and Brian Skinner from

National Grid, who were present, and thanked them for all of their hard work in growing our urban forest.

Barrie Gawanter commented on Agenda Item No. 5 regarding signage. She thanked Corporation Counsel Colasurdo for working with her on this and she noted that it represented a lot of compromise. She urged the Council to support that item. She asked Corporation Counsel Colasurdo to clarify two (2) areas of interpretation. One was window area coverage and the other was a time limit in the beginning, which was forty-five (45) days prior to an election.

RESOLUTION #28 OF 2012 - Minutes – February 7, 2012 as amended

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 6
Nays - 0

Bills were reviewed.

Ward Reports

Ward 6 – Alderman Ferrer

Alderman Ferrer expressed thanks for the street light repairs. He asked for confirmation or follow up on website reporting of street light outages when a request is made for repairs. Mayor Tobin noted that residents could report a street light out by using a link on the City website.

Ward 2 – Alderman Silliman

Alderman Silliman will be having a Ward meeting on Monday, February 27 at 6:30 at 9 Main Street (Beard Building).

Ward 3 – Alderman Dye

Alderman Dye stated that he has spoken to a couple of people regarding City and County redistricting and none of it has been positive.

Ward 8 – Alderman Michales

Alderman Michales stated that he attended the League of Women Voters Forum held last Wednesday at the Beard Building. He noted that the meeting will be televised and he urged people to watch it on public television.

Ward 4 – Alderman Bennett

Alderman Bennett did not report.

Mayor's Report

Mayor Tobin reported that he has been attending various City Board and Commission meetings to try to get a better grasp on what they do for the City. This has given him a better grasp on what is going on in the City and an opportunity to introduce himself to those doing volunteer service by serving on those committees. He spoke at the League of Women Voters Forum and it was an opportunity to talk about some of the challenges and ideas for consolidation. He noted that Mike Parks, Chair County Legislature and Dick Tupper, Cortlandville Supervisor, also participated. He noted a lot of enthusiasm and felt there would be a lot of good things coming as discussions like this continue.

Mayor Tobin spoke to Leadership Cortland and he met with Gen Suits, the Mayor of Homer to discuss similar issues faced by them both. He will be hosting an "Open House" on Friday, February 24 from 7:00-8:00 AM and 11:00 AM-2:00 PM. He asked that those interested please call the Mayor's Office at (607) 753-0872 to reserve a fifteen (15) minute time frame.

Mayor Tobin asked to have an item added to tonight's agenda regarding the reappointment of the six (6) Environmental Advisory Committee members.

Mayor Tobin stated that Brian Skinner and Jim Maloney were present this evening from National Grid. The grant Program is 10,000 Trees and it is a reimbursement program. The Landscape and Design Commission representatives were present to accept the grant money.

Presentation by National Grid. Mike Dexter reported that this money comes back to the City for the planting of trees under National Grid's wires. Trees planted are compatible with the wiring and National Grid gives back fifty dollars (\$50) for every tree found that is acceptable underneath the wires. He noted that Jim Maloney will be meeting with DPW employees to assist them in the trimming of the trees in the City. He stated that no City employees were qualified or trained to trim trees and Jim will go out with DPW employees tomorrow morning to teach them how to properly trim trees. He hopes this will result in fewer complaints.

An explanation was given about the inception of this grant program. Brian Skinner, Senior Arborist for National Grid, presented the City with a check for nine hundred fifty (\$950.00) dollars as part of National Grid's 10,000 Trees Program.

PINK SHEET Sign Off

AGENDA:

Item No. 1 – Announcement of Holiday Lighting contest Winners. (East End Community Center)

Richard Stock of the East End Community Center presented the East End Lighting Contest Awards. He noted that this was the fourth (4th) year of the Citywide Contest and many participated. He thanked all those who participated.

He announced that the second runner up was Bonnie & John Toomey, who were awarded with a prize from Commando's Restaurant. He announced the first runner up was Paul Sweger and Family, who were awarded a prize from the Ramada Inn. He announced that the first prize went to Donna Davis-Howard Family, who were awarded a prize from O'Shea Tire. He announced that the People's Choice Award was given to Leon Harvey who is ninety (90) years old and always participates. He was awarded a prize donated by the Local Fraternal Order of the Eagles. A plaque will be hung in City Hall listing all of the winners. He thanked all of the sponsors and the Mayor for allowing them time to announce all of the winners of the contest. He noted that many local businesses donated gift certificates awarded to the twenty (20) families who participated. He noted that names and pictures will be posted on the East End Community Center website.

Mayor Tobin expressed appreciation for all who volunteered to work for the East End Community Center.

Item No. 2 – Discussion regarding Mike Dexter's contract renewal

RESOLUTION #29 OF 2012 - Consideration of a Resolution to renew the City's contract with Mike Dexter. (Mayor Tobin)

Alderman Michales noted that Mr. Dexter has performed this service for a number of years and that he did an excellent job. Alderman Quail noted the wonderful job done at the Water Works. Alderman Dye noted college students and their families were amazed with the job Mr. Dexter did at the Water Works. Alderman Bennett noted that Mr. Dexter had his utmost respect and he never gets tired of visiting the Water Works and he thanked Mr. Dexter. The Council thanked Mr. Dexter.

By: Alderman Ferrer

Seconded: Alderman Quail

Approved: Ayes – 6

Nays – 0

Item No. 3 – Discussion of the City Charter's requirement that the Council appoint a committee to review the existing Ward boundaries and propose any changes, if needed, based upon the 2010 federal census. (Mayor Tobin)

Mayor Tobin noted that this committee would be charged with keeping the Wards equal by population. Alderman Quail noted that the County had proposed some drastic changes and he would like County Planning to do a map indicating the current wards and their populations to use as a baseline. He would like to meet with Dan Dineen of County Planning for a work session to discuss the City boundaries and where the County is going so we can have information as a starting point. Alderman Dye noted concern that that the City population had grown by about two thousand (2,000) people, but the County wanted

to reduce the number of City wards to seven (7). Alderman Quail also noted the same concern, especially when negotiating a sales tax agreement. Alderman Dye called for setting up a committee so that the City could be heard on this topic at the County level.

Alderman Quail asked if the Council could meet with the information before a committee is formed, so everyone could be fully informed. Mayor Tobin also would like to schedule a work session with Dan Dineen before the next Council meeting. It was agreed that a work session would be scheduled on March 6, 2012, for 6:30 PM prior to the next Council meeting. Mayor Tobin stated that he would contact Mr. Dineen. Alderman Silliman noted that the Charter required that the Council appoint a committee. Alderman Dye noted that the ward boundaries have been the same since about 1980. There was some discussion about what a committee would do and if one should be formed.

Alderman Dye would like to get the County here to discuss what their objective is. Alderman Bennett would like to gather more information. Alderman Michales asked if there was a time frame involved with all of this. Mayor Tobin stated that there was and he would check in the Charter. Alderman Quail found the section in the Charter and it was noted that it was within six (6) months after the completion of the census. Mayor Tobin noted that they were a bit behind in getting a committee started, but they would proceed with that task.

Item No. 4 – Discussion of the City being the fiscal authority for the Assistance to Firefighter Grant in the amount of \$440,452.00. As the fiscal authority the grant proceeds will be held in trust separate and apart from the City's General Fund and expended per the grant provisions for the benefit of the participating fire department. (Chief Glover)

Chief Glover noted that this was about the radios. He noted that this will provide better coverage between all agencies. He reported on the success of the grant application. Alderman Michales noted that this wasn't a one hundred percent (100%) matching grant. Chief Glover stated that it was a ten percent (10%) matching share and each department is being assessed a portion based upon the number of portable radios that they will need and receive. Alderman Silliman asked if the City was responsible if another fire department didn't pay their share. Chief Glover noted that in the grant application there were memorandums of understanding submitted by the other departments for commitment of their assessed portion.

Mayor Tobin noted that this was countywide initiative and benefit. He noted that it was an excellent job done by the City Fire Department in securing this grant and supported the acceptance of the grant proceeds. Chief Glover explained that this was in response to the Council's request for more intermunicipal cooperation. Mayor Tobin noted that no resolution was necessary and Chief Glover stated that this was a courtesy to let the Council know about the receipt of the grant.

RESOLUTION #30 OF 2012 – Consideration of a Resolution to adopt an Ordinance amending the City Code of Ordinances – Zoning – Chapter 300, Article XI - §300-100 et al – Signs. (Mayor Tobin)

There was some discussion regarding size and it was noted that there had been much discussion regarding this amendment and compromise. Mayor Tobin noted that this was not a Local Law, but an amendment to an Ordinance and Corporation Counsel Colasurdo's research indicated that it could be done by resolution.

By: Alderman Silliman
Seconded: Alderman Dye

Approved: Ayes – 6
Nays – 0

Item No. 6 – Discussion regarding City lead agency status for the SUNY Student Life Complex building project. (Mayor Tobin)

Mayor Tobin provided background on this. Alderman Bennett continues learning about this situation and opposes the building of the entire project. He noted that there was a State Law exempting SUNY from going before any local codes, so we cannot stop them that way. He noted concerns at how SUNY approached this project. He would like to see the City continue to be the lead agency, but if not, that does not stop the City from being involved. He stated that the City will continue to bring the opinions and the concerns of the public to SUNY Cortland. He stated that within the SEQR process was something called the environmental impact statement which is a major part of the SEQR. He would like to put before SUNY that no matter who is appointed lead agency, that he would like to request that an independent engineering firm be appointed to do the environmental impact statement, not representatives from the SUNY Construction Fund and he would like that engineering firm to be one of the City's choosing. He noted major concerns have been expressed about the aquifer, the well heads and impact on the neighborhoods. He noted that in the environmental assessment statement done by SUNY, they have rated this as a negative impact on the neighborhoods and he doesn't believe that they are considering the best interests of the community. Alderman Silliman noted that SUNY did change that to be a positive impact.

Mayor Tobin noted that Nasrin Parvizi was present from SUNY and she will confirm that SUNY issue a positive declaration and would go through the EIS. Pat Reidy from Soil & Water was also present to answer questions. Director of Administration and Finance Cook and Corporation Counsel Colasurdo have also done some research on this.

Alderman Silliman has heard from many people who felt that they are being steamrolled on this and many feel that the neighborhood next to the project has been the last consideration. She feels that the City should be lead agency regardless of the cost. She wants the City to be seen as holding businesses to a standard of working in cooperation with the City to protect the essential integrity of the neighborhoods and the people who live in those neighborhoods. She explained that after discussing this with Alderman Bennett and Director of Administration and Finance Cook that she would propose that the Council not seek lead agency status if SUNY Cortland agreed not to oppose our request to the DEC to be deemed an involved party. She explained that as an involved party the City will be able to challenge their findings. She noted that their findings would have to be written down and show no impact on the neighborhood in terms of noise, traffic, light pollution, etc.

She noted that why it was being pursued so strongly was because they kept hearing from people and felt that the University is moving along with this plan and it will have an impact and the City needs to check what's going on. She noted that a lead agency cannot stop them in their tracks. Alderman Bennett noted that the DEC has final say if a project can go forward, so it doesn't matter who is lead agency. He explained that if there is conflicting interests within the impact statement and it does not come to a resolution, then the DEC will take charge and look into the situation and projects have been stopped because of that. Alderman Silliman noted that this won't set a precedent.

Alderman Quail noted concerns about the cost to the City by becoming lead agency and he supports being the involved agency. He noted that the SEQR process has to be thought out and dealt with in detail. Alderman Quail noted that the issues had to be communicated with SUNY Cortland.

Alderman Bennett noted that if the Council wanted to pursue lead agency status, the cost can be passed on to the applicant. He noted that the one advantage to being an involved agency was that they could ask the County to be an involved agency and thereby involving Soil and Water and the Health Department. He noted that we could have other partners working with us. Alderman Quail expressed concerns regarding the time commitment. Alderman Dye noted that originally the SEQR process was going to be circumvented and that's why the Council talked about becoming a lead agency, so that the SEQR would be done correctly. He noted that now that SUNY is saying that they are going to do the SEQR process, we can be an involved agency. Alderman Silliman noted that Fred Pearse stated that if we did not interfere with them being lead agency that SUNY will not interfere with our application to be an involved partner and we will still have a strong voice in the process. Alderman Bennett noted that Mr. Pearse was just Public Relations and this is not necessarily confirmed.

Alderman Michales noted that the Council could ask SUNY to confirm Mr. Pearse's email. Alderman Bennett asked that SUNY have someone from the Construction Fund to confirm that and he has no desire to speak to Mr. Fred Pearse.

Mayor Tobin noted that there was no one present representing the SUNY Construction Fund. Nasrin Parvizi from SUNY was asked if she could confirm the information stated by Mr. Pearse.

Nasrin Parvizi stated that she could not speak on behalf of SUNY Construction Fund, but they had involved many City agency departments. She noted SUNY Cortland was the applicant and not the SUNY Construction Fund. Alderman Silliman noted her concerns because Mr. Pearse works for SUNY Cortland and not the Construction Fund, so the Council has to find out if he can speak for the Construction Fund. Alderman Ferrer noted that no answer had been received from Mr. Pearse.

Alderman Silliman read the email from Fredrick Pearse re: tonight's meeting noting that the Council would vote to agree to SUNY being the lead agency if they would agree to the following.

1. SUNY Cortland Construction Fund would agree not to oppose the City's request to the DEC to be deemed an involved party.
2. That the EIS be prepared by a qualified party, independent of both SUNY Cortland and the SUNY Construction Fund.
3. A quiet wall between the Pearl Street residences and Pashley Drive.

Mr. Pearse noted that he did not know what a quiet wall was and that he could not speak for the College officially on this, but he thought that the first two were doable.

Alderman Dye felt that if they could get this confirmed by them, that a resolution could be drafted. The Council noted that they were not trying to stall. Alderman Bennett noted that the deadline was tomorrow to notify SUNY Construction if the Council still wished to be lead agency who would notify the DEC of such. Alderman Silliman noted that it was important that if SUNY Construction became lead agency that there be a third party evaluating everything. It was hoped that the DEC looked at everything very seriously. Alderman Silliman asked if SUNY Cortland had answered the questions presented to them when the Council members met with their representatives. It was agreed that nothing had been answered. Alderman Bennett noted that there were a number of issues that had not been addressed and no detailed plans had been produced.

Further discussion ensued regarding drafting a resolution as to whether the City wants to be lead agency or an involved agency.

Mr. Reidy of County Soil and Water addressed the Council. He stated that his department had received conceptual plans, but not a lot of detail. He noted that they had identified three (3) water quality concerns. One was the geothermal wells, but those have gone away and are no longer an issue. Another was storm water run off. He noted that the project involved a large building with a small parking lot, but the building itself wasn't a major threat from pollutants from storm water run off, but the parking lot and loading area were. He noted that the State has regulations that have a lot of design criteria to protect water quality and he noted that if the storm water treatment system is properly designed, well constructed and maintained, the aquifer would be adequately protective of the aquifer. He admitted that he hasn't seen a design, but noted a good design could be done. He noted that the sanitary sewer beneath the property is old and the project has agreed to replace that. He noted that if properly designed, sized and constructed and they work with the City to see that it fits in with the City's collection system, it would fix that problem. He has heard that drainage and flooding have been an issue in the past and the State storm water regulations now address that for new construction project. He believes that if the storm water system is well designed, constructed and maintained that there will be no worsening of drainage problems in the area and it might even make things better. He noted that if they do go to an environmental impact statement, the Council should consider doing a scoping session to better define what it is that will be addressed in the environmental impact statement as it will be a very large document. He noted that it was best to agree on what they were going to be looking at. Alderman Silliman noted that they could request that as well.

Alderman Silliman noted that they had suggested to SUNY that they move the building and their response was that they'd have to put in a big parking lot instead and that would be

worse. She asked Mr. Reidy if he had any thoughts on that. Mr. Reidy had no thoughts on why they would have to put a parking lot there, but noted that the building by itself didn't represent a threat to the aquifer, but a parking lot did. He stated that a twenty-three (23) car lot versus a two hundred (200) car parking lot would present more of a risk in his opinion.

Mayor Tobin noted that the Environmental Advisory Committee could also be a voice for the City and that is why he has added their appointments to tonight's agenda.

Frank Kelly, Environmental Advisory Committee member, reported that they had discussed the lead agency status of the City. He noted that the Committee believed the City needed to be involved and that the piece meal approach would not work. He noted that if the SUNY Construction Fund was the decision maker and the Council had a piece of paper from Mr. Fred Pearse and he's not nervy enough to make a statement without consulting with his boss, but why not go to the decision makers and say this is what we want. He told the Council to go for them and be definitive. The Council members agreed. He noted that the Committee supported the Council's involvement in this.

Mayor Tobin noted that a potential resolution has been drafted; it was read, discussed and fine tuned.

RESOLUTION #31 OF 2012 – Consideration of a Resolution that the City of Cortland will not seek lead agency as long as SUNY Cortland and SUNY Construction Fund would agree not to oppose the City's request to the DEC to be deemed an involved agency and that the EIS is prepared by a qualified firm, independent of both SUNY Cortland, the SUNY Construction Fund of the City's choosing.

Director of Administration and Finance Cook noted that the DEC was the only one that could oppose the City's request.

Alderman Silliman asked if the Council needed to charge them with notifying the DEC. Alderman Dye noted that this had to be done tonight, because the decision was due tomorrow.

By: Alderman Dye
Seconded: Alderman Silliman

Approved: Ayes – 6
Nays – 0

RESOLUTION #32 OF 2012 – Consideration of a Resolution to approve the Mayor's listing of re-appointments to the Environmental Advisory Committee for two (2) year terms to expire January 31, 2014 terms starting February 21, 2012.

Mayor Tobin noted that the appointments were Anna Bennett, Ralph Hesse, Frank Kelly, Denise Hotchkiss, Donna Lieberman and Ron Powell.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 6
Nays – 0

Executive Session

Contract Negotiations
Current Litigation
Personnel – Employee Performance

Motion to go into:

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes – 6
Nays – 0

Motion to come out of:

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes – 6
Nays - 0

Adjournment

By: Alderman Quail
Seconded: Alderman Silliman

Approved: Ayes – 6
Nays – 0

I, JUDITH CHAMBERLIN, CITY CLERK OF 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 21st DAY OF FEBRUARY 2012. 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.

JUDITH CHAMBERLIN, CITY CLERK

MAYOR TOBIN