



City Council Minutes
The City of Cortland
March 20, 2012

Council Meeting #6
March 20, 2012
Regular Session
City Hall
7:00 PM

Present: Acting Mayor Dye, Aldermen Bird, Silliman, Bennett, Quail, Ferrer, Ferguson and Michales

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

Acting Mayor Dye called the sixth Common Council meeting of the year to order at 7:00 P.M. He explained that Mayor Tobin was at a national swim meet in Indiana.

PLEDGE OF ALLEGIANCE

Public Comment

Ron Dolly spoke in support of the increase in the taxi fare rate. He explained that the last raise was in 2004 and that there had only been a seventy-five (\$.75) cent raise in fares in the past twenty-six years. He outlined the various cost increases that his business has incurred over the years as well as the increased cost of gas.

David Losier spoke in support of the increase in taxi rates. He stated that he made thirteen thousand (\$13,000) dollars last year and has no health insurance or retirement. He would like to make a decent living working less than sixty to seventy hours a week. He spoke about the proposed senior discount being too large. He felt some of the increases were too high and he reviewed them with the Council.

Tom Gobel spoke about the tanker truck traffic in Wards 7 and 8. He was concerned that they were dumping water from the dump inside of the City and asked if it was legal. Alderman Michales noted that it had been going on for a number of years.

Elsie Ferro would like to see Denti Way fixed. She explained that water lines on the street leaked and as a good taxpayer and voter, she asked for relief.

Mike Dexter referred to the Cortland Standard editorial about placing Health Department kiosks around the City to take care of needles and syringes. He felt that the Council should ask the Health Department about the placement of the kiosks and why they are

going in those locations. He felt that there was a problem in the City with drugs and more information should be obtained about these kiosks before they go in.

RESOLUTION #50 OF 2012 - Minutes – March 6, 2012 as amended.

Alderman Michales noted some changes.

By: Alderman Ferrer
Seconded: Alderman Bird

Approved: Ayes – 7
Nays - 0

Bills were reviewed and filed.

Ward Reports

Ward 5 – Alderman Quail

Alderman Quail noted a continuing trash issue on South Main Street. He reported that the Efficient Government meeting was held and Aldermen Bennett and Ferrer met. He stated that minutes would be done and distributed to the Council for discussion.

Ward 6 - Alderman Ferrer

Alderman Ferrer noted that the Ward has been quiet. He announced that a combination Ward 1 and Ward 6 meeting will be held on Sunday, March 25 at 4:00 PM at the Armory.

Ward 7 – Alderman Ferguson

Alderman Ferguson asked to give the final report.

Ward 2 – Alderman Silliman

Alderman Silliman stated that she and Alderman Michales were in the process of reconvening the Housing Committee. She publicly thanked Chief Catalano and the Police Department for all of their hard work this last St. Patrick's Day weekend. She noted that the Hill was crazy and many calls were responded to in that area.

Ward 1 – Alderman Bird

Alderman Bird spoke about the joint Ward meeting scheduled for Sunday, March 25.

Ward 8 – Alderman Michales

Alderman Michales noted that he has been contacted by some constituents regarding an early clean up of the City parks, especially Court House Park, since we are enjoying such

nice weather. He would like to see a clean up and reseeding of the lawn at Court House Park before this year's event season begins.

Alderman Quail would like to get a community clean up organized with the Chamber of Commerce.

Ward 4 – Alderman Bennett

Alderman Bennett reported on the Ward 4 meeting. He noted that it centered mostly about the comment period time for the SUNY construction issue. He thanked the residents who responded and he thanked Mack Cook for attending the meeting, noting that he was helpful and very thorough. He noted that the setting up of a phone tree for the Neighborhood Watch was also discussed and he would like to join that with the Ward 5 phone tree. He thanked the City Police for the job they did over St. Patrick's Day weekend.

Ward 7 – Alderman Ferguson

Alderman Ferguson stated that she thanked Ward 7 resident Mary Lou Bordwell for her generosity and time donated to the City and she and John McNerney presented her with an appreciation plaque. John McNerney noted that volunteers are not paid and they are priceless and he thanked Mary Lou for her volunteerism at Dexter Park. She transformed the park building by caulking and painting the exterior of the park building and did this at her own expense. He explained that she also had landscaped around the building and as winter set in she worked extensively on the interior of the building. Mary Lou Bordwell spoke about being a pro-active volunteer and encouraged others to volunteer. She noted that she is currently working with Mike Dexter and she is cleaning every veteran's grave at the Cortland Rural Cemetery. She again called for others to volunteer and she thanked everyone for the plaque.

Mike Dexter added that he was very appreciative of the work that Mary Lou has done and he thanked her.

Mayor's Report

Acting Mayor Dye read Mayor Tobin's report. He noted that the Mayor will give the State of the City address at the TC3 Extension at 7:00 PM next Tuesday, March 27th.

Employee Service Recognitions

Chief Catalano recognized Pam Barden for her thirty (30) years of service in the Police Department - Records Division and thanked her for her service.

Proclamations

Acting Mayor Dye read a proclamation declaring April as Fair Housing Month in the City of Cortland.

AGENDA:

RESOLUTION #51 OF 2012 – Resolution to amend the City Code of Ordinance governing Taxi Cab Fees and Rates, §258-5 & § (Deputy Chief Sandy)

Deputy Chief Sandy noted that the current statute is a mess and he has been meeting with Corporation Counsel to try to address some of the issues. He explained what some of the issues were and noted that March is traditionally when cab license renewals are done. He stated that these were modest increases in fees and were necessary to cover City costs and also to give the cab company owners a raise in their allowable fares. He hopes to continue to fix the problems with this ordinance over the next year. He noted that the senior citizen rate is the area that has received the most opposition.

Alderman Michales noted that back in 2004 the seniors had the most objections to the fee increase. Deputy Chief Sandy explained that these fees are only for within the City limits and the City has no control of fees charged for travel outside of the City.

Alderman Bennett asked Deputy Chief Sandy about the permit or medallion program used by other cities. He asked Deputy Chief Sandy how many registered cab companies were within the City. Deputy Chief Sandy stated that there were nine (9) companies, there are thirty (30) taxi drivers and there are sixteen (16) registered taxis, which may change by the end of the month. Alderman Ferguson asked if the taxi companies shared drivers. Deputy Chief Sandy stated that typically they did not share and drivers shouldn't be driving for more than one (1) company and should notify the Police Department if they switch companies. She noted that this is a tough issue.

Alderman Bennett had a problem with the City setting the rate and he felt as a businessman, that this did away with open competition. Deputy Chief Sandy noted that these were maximum rates, but a company could charge less if they chose to. He also noted that the Council could abolish the entire fee schedule if they chose.

Alderman Michales asked if the amount of cabs in the City was excessive. Deputy Chief Sandy noted that there was business out there, but not all companies operated seven (7) days a week, twenty-four (24) hours a day. He noted that if their income was increased they would be able to maintain better vehicles and recruit more drivers.

Alderman Ferguson asked if there was a higher rate charged for a wheel chair passenger or by the number of bags of groceries. Company owners present stated that their companies did not charge more. Deputy Chief Sandy noted that it was not regulated. Discussion ensued regarding waiting time and moving time charges.

Alderman Bennett stated that a minimum rate could be set allowing the cab owners to adjust their rates if their costs increased and opening the market up for competition. Deputy Chief Sandy noted that in the past there have been a few who charged a fuel surcharge and that was not allowed. He noted that a fuel surcharge could be built in if the Council chose to do that. Alderman Bennett explained some of the costs that cab

companies incurred based on their clientele. He believed in an open marketplace and that the City shouldn't control the fees cab companies could charge. Chief Catalano felt that the reason cab fees were regulated was by instituting them, the City could regulate and inspect the vehicles to be sure that they were safe for their commodity which was people. Deputy Chief Sandy felt that an increase was better than not doing anything and in the next year, the companies should get together and come up with a proposal to the Council to negotiate their fees on an annual basis.

Alderman Silliman asked if the cab companies had any input in this amendment proposal. Deputy Chief Sandy stated that all were contacted by mail and he received only one (1) response and that was in support of this proposal. He did here a negative from three (3) companies recently and that was about the decrease in the senior rate. Alderman Silliman thought the licensing rate increase would eat up any raise that they receive. Deputy Chief Sandy felt that the increase in rates would help the company, but noted that the cab license increase would go on to the driver. He also explained the inspection process done by the City Police. Alderman Silliman asked for comments from cab company owners in the audience.

Dave Losier explained how competitive the business was and difficulties incurred in organizing the cab companies. Alderman Bennett noted that perhaps a rate structure was not necessary if the business was so competitive. Alderman Ferguson expressed concerns for constituents that need and use the cab service and their ability to pay. She did support the cab companies' efforts.

Alderman Michales noted that the newest taxi on the list was a 2004 model and he felt companies were operating under a hardship. He asked company owners to speak up now and voice their concerns and opinions. Dolly Losier noted that seniors found the taxi service cheaper than having to buy a car. Alderman Bird asked if the taxi company charged Medicaid and Medicare for services or if it was just a cash business. Mr. Losier stated that they used to do all of the transport for Medicaid until the bus service began and now he pretty much has done away with it.

Alderman Ferguson asked if women with young children had to provide their own car seats. Mr. Losier noted that there were seat belts, but car seats were not provided.

By: Alderman Quail
Seconded: Alderman Bennett

Approved: Ayes – 6
Nays – 1 (Bennett)

RESOLUTION #52 OF 2012 – Resolution authorizing an interest free loan of \$13,000 to the Cable Commission to fund a portion of the total cost to buy updated camera and audio equipment used to record programs to be aired on public access television Channel 2 (i.e., Common Council meetings, etc.) subject to finalization of the Cable contract. (Mack Cook)

Alderman Quail questioned the prices for some of the items on the list. Alderman Ferrer noted that the technology was expensive. Council members agreed that constituents did

watch the public access showing of the Council meetings. Alderman Ferrer asked if the other townships were agreeable with the cost split. Director of Administration and Finance Cook explained that this was our agreement.

By: Alderman Silliman
Seconded: Alderman Bennett

Approved: Ayes – 7
Nays – 0

RESOLUTION #53 OF 2012 – Resolution to enter into an easement agreement with New York State Electric and Gas (NYSEG) at Suggett Park to allow the installation of a new natural gas main and authorizing the Mayor to sign the agreement subject to review by Corporation Counsel. (Chris Bistocchi)

Chris Bistocchi explained the easement changes from the last agreement. He noted that no trees would be disturbed and there would be little impact on the park. Alderman Dye asked about the path of the easement. Mr. Bistocchi explained that it was coming from Madison Street across the parking lot and would cut between some of the swing set area and the soccer fields and then dog legs left and goes underneath the creek and there will also be a spur that will go to the chlorination building.

Alderman Bird expressed concerns regarding repaving after the work is done. She asked for a guarantee that it would be paved properly. Chris Bistocchi stated that he doesn't have a guarantee, but he has a meeting with NYSEG tomorrow morning regarding tonight's decision and he will negotiate the repaving requirements at that time. Alderman Quail expressed concerns about the repaving on his street done by NYSEG. Chris Bistocchi hopes that will be addressed soon. Alderman Bird also expressed concerns regarding the grass along her street. Mr. McNerney noted by allowing NYSEG to begin work ASAP, there would be little disruption to park activities and minimum interruption to Parker School activities.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

RESOLUTION #54 OF 2012 - Resolution to approve the Project, the City of Cortland's entry into this agreement, has appropriated necessary funds in the amount of \$6,250 in connection with any applicable Municipal/Sponsor Deposit identified in applicable Schedules A and authorizes the Mayor to sign and submit the Federal-Aid Local Project Agreement (Comptroller's Contract #D033780/Project ID 375533) subject to review by Corporation Counsel. (Chris Bistocchi)

Alderman Dye asked for an explanation. Chris Bistocchi explained to the new Council members that back on January 13, 2011, the Council agreed to enter into an agreement to participate in this Federal Highway Administration Program bridge program. He explained

how the program worked and the various phases of the Program. He noted that Phase I is to commit to the design costs which is \$6,250 to the City and Phase II will come in 2013 when we will commit to twenty percent (20%) or one hundred twenty-five thousand dollars (\$125,000) for our portion of the cost of the four (4) bridges. Alderman Dye asked which bridges they were. Chris Bistocchi stated they were Rickert Street, Madison at Holland Avenue, Groton Avenue at Byrne Dairy/Otter Creek and Homer Avenue/Brown Avenue bridge. Alderman Quail noted that if the Council didn't do this, the City could potentially pay six hundred thousand dollars (\$600,000) for this.

Alderman Silliman asked if the bridge designs would help with the flooding situation. Chris Bistocchi noted that the bridge openings would remain the same and that the repairs would all be structural not changes in design. He noted that the flooding was caused by culverts.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

RESOLUTION #55 OF 2012 - Resolution to approve the undertaking authorizing Dept. of Public Works Superintendent Christopher Bistocchi to act as the City's authorized agent to receive permits from the New York State Department of Transportation and otherwise conduct activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities, subject to review by Corporation Counsel. (Chris Bistocchi)

Chris Bistocchi noted that this was a housekeeping resolution to update the resolution made in 1995 as required by the State of New York.

By: Alderman Quail
Seconded: Alderman Michales

Approved: Ayes – 7
Nays – 0

RESOLUTION #56 OF 2012 – Resolution to approve the request by the Cultural Council of Cortland County to use the South Side of Court House Park for the Cortland Arts & Wine Festival to be held on Saturday, August 4, 2012 from 10:00 AM to 6:00 PM. Wine tasting will be confined to a contained area with the appropriate permits. (Sheila Cohen)

Alderman Quail asked Chief Catalano if there were any concerns. Chief Catalano stated that there were none.

By: Alderman Silliman
Seconded: Alderman Bird

Approved: Ayes – 7

Nays – 0

RESOLUTION # 57 OF 2012 - Resolution to approve the request from the Central New York Mustang & Ford Club to close Main Street from Groton Avenue to Tompkins Street (with Court Street remaining open to traffic) on Sunday, May 20, 2012 from 2:00 PM to 6:00 PM to hold their “Cruise Night” event. (Bill O’Gorman)

Alderman Quail noted that he has attended some of these events and the club did a nice job and brought a lot of people downtown. Alderman Michales asked if anything else was scheduled for that weekend. Chief Catalano noted that the SUNY graduation was the weekend before this event.

By: Alderman Quail
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

RESOLUTION #58 OF 2012 - Resolution authorizing the Mayor to enter into an agreement with the New York State Department of Environmental Conservation for funding under the Urban and Community Forestry Program and indicating the amount of \$15,295 as the City’s match subject to review by Corporation Counsel. (Thoma Development)

Alderman Dye asked Mike Dexter if this was part of the tree grant. Mike Dexter noted that this was the DEC grant that had been received last year.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

Diane Batzing, Landscape and Design Commissioner, noted that in past years there was a tree lottery and this year, because of this grant, they will be going door to door offering residents to sign up for a free tree to be planted between the sidewalk and the curb. She noted that several streets are being targeted as underserved areas. She noted that there will be sixty (60) trees available and the majority will go to the underserved areas. Applications may be submitted to Thoma Development or to the Landscape and Design Commission.

Alderman Silliman asked if the Commission asked who would be planting the trees. Diane Batzing stated that the trees are free and in the past, a contractor has been hired to plant the trees, but this year, the present administration has decided to let the DPW plant the trees. She noted that this will be a cost savings and an in-kind form of payment and the DPW is available due to the mild winter. She noted that one contractor that was used in the past to plant trees was surprised not to have received a bid package and she will let him know that the City will be doing the work.

Alderman Quail noted that if the brochure was scanned, he could easily get it out to many of his constituents. Alderman Ferguson wanted to be sure that people who weren't in the targeted areas could still apply for a tree. Diane Batzing felt that perhaps twenty-five (25) trees would be for all residents and the rest will be given to underserved areas or priority will be given to residents who have had a tree taken down. Public Safety will be providing a list to the Landscape and Design Commission of those properties where a tree has been removed.

RESOLUTION #59 OF 2012 - Resolution to authorize the Mayor to sign and submit a Brownfield Opportunity Area grant application to the NYS Department of State for the "Southeast Cortland Redevelopment Strategy" subject to review by Corporation Counsel. (Rich Cunningham)

Rich Cunningham of Thoma Development gave a Power Point presentation about the grant application. He noted that this is a project to put vacant, under-utilized property or contaminated sites back into active use, such as for residential, commercial, residential, etc. He stated that the areas identified amounted to about five hundred forty (540) acres. He described the three step identification process, noting that because of the background work done by the City, it was going to be able to enter into the program at Step 2.

Rich Cunningham outlined what is eligible in Step 2 including doing site surveys, ownership determination and status, building condition, infrastructure determination, etc., but does not include onsite work. He further explained that once the best use of those sites is determined, the City can work with the property owner to see what can be done for redevelopment. He noted that there will be a public hearing scheduled for this Thursday at 6:00 PM at the Business Development Corporation and the public is invited as well as the Council. A full outline of the project will be given at that time. He explained that final details will be worked out once the grant is received.

Mr. Cunningham noted that this was not a quick process and decisions on award funding may be six to twelve months away. He explained that project cost could be in the range of \$400,000 to \$500,000 and the grant phase would pay for ninety (90) percent of that cost and can be paid for with in-kind services. Alderman Dye asked what the submission deadline was. Mr. Cunningham stated that it was due in next Wednesday and felt that they were putting together a pretty strong application. Alderman Silliman noted that alderpersons in the Wards affected should alert their residents about the upcoming Public Hearing.

By: Alderman Ferrer
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

RESOLUTION #60 FOR 2012 - Resolution to establish a Reapportionment Review Committee and to appoint the following to said committee: (Mayor Tobin)

Alderman Quail reported that he attended a meeting of the County Legislature and this was one of the topics of discussion. He noted that County Chair Parks did not have enough polled votes to reduce the number of districts, but would probably reconfigure districts instead. Alderman Dye noted that perhaps they listened to the people's input on this.

Alderman Ferguson
Alderman Michales
Alderman Bird

By: Alderman Quail
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

RESOLUTION #61 OF 2012 - Resolution to recognize a donation of \$24,000.00 from James J. Yaman for Yaman Park improvements and equipment needs and to appropriate the funds to the Youth Bureau Operating budget line. (John McNerney)

A7110.407 - Parks \$24,000.00

Mr. McNerney reviewed the projects that the donation covered. He thanked Mr. Yaman for his most generous donation. Alderman Quail praised Mr. Yaman's many donations over the years and there was applause from the rest of the Council.

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes – 7
Nays – 0

RESOLUTION #62 OF 2012 - Resolution to approve the attached item of the Mayor's appointment to fill a vacancy on the City Boards and Commissions for the term indicated. (Mayor Tobin)

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes – 7
Nays – 0

RESOLUTION #63 OF 2012 - Resolution to authorize an encumbrance request from the Sewer Fund.

Director of Administration and Finance Cook outlined that the encumbrance was for a necessary upgrade in the computer system that runs the plant and will be paid out of last year's funds.

By: Alderman Quail
Seconded: Alderman Ferrer

Approved: Ayes – 7
Nays – 0

RESOLUTION #64 OF 2012 - Resolution to temporarily restructure loan repayments from a Community Development Borrower per recommendation of the City's Loan Committee. (Thoma Development)

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

Item No. 15 - Discussion regarding the scheduling of a monthly Council work session on the second Council meeting date of each month. (Mayor Tobin)

The Council requested that this be discussed at the next meeting. Alderman Quail thought it was a good idea. Alderman Silliman would like to have the work session scheduled after the meeting, rather than before. Director of Administration and Finance Cook explained that the plan was to keep the second meetings of the month very short as far as the business side and give the Council an opportunity to discuss items and exchange ideas without the pressure of having to cast votes.

Executive Session:

Legal Advice of Counsel
Contractual Negotiations

Motion to go into:

By: Alderman Ferrer
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

Motion to come out of:

By: Alderman Ferrer
Seconded: Alderman Quail

Approved: Ayes – 7
Nays - 0

Adjournment

By: Alderman Ferrer
Seconded: Alderman Quail

Approved: Ayes – 7
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 20th DAY OF MARCH 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