COMMON COUNCIL MEETING
March 20, 2012

7:00 P.M. Call Meeting to Order
Salute to the Flag of the United States
Public Comments
Minutes of March 6, 2012
Bills
Ward Reports
Mayor's Report
Employee Service Recognitions
Proclamations
PINK SHEET Sign off

AGENDA:

1. Consideration of a Resolution to amend the City Code of Ordinances governing Taxi Cab Fees and Rates, §258-5 & §258-20. (Deputy Chief Sandy)

2. Discussion and Consideration of a 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).

3. Consideration of a 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)

4. Consideration of a 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)

5. Consideration of a 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)

6. Consideration of a 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)

7. Consideration of a 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)

8. Consideration of a 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)

9. Consideration of a 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)

10. Consideration of a Resolution to establish a Reapportionment Review Committee and to appoint the following to said committee: (Mayor Tobin)

    Alderman Ferguson
    Alderman Michales
    Alderman Bird

11. Consideration of a 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

12. Consideration of a 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)

13. Consideration of a Resolution to authorize an encumbrance request from the Sewer Fund.

14. Consideration of a Resolution to temporarily restructure loan repayments from a Community Development Borrower per recommendation of the City's Loan Committee. (Thoma Development)

15. Discussion regarding the scheduling of a monthly Council work session on the second Council meeting date of each month. (Mayor Tobin)

Executive Session

Legal Advice of Counsel
Contractual Negotiations

City Council Minutes
The City of Cortland
March 6, 2012

Work Session

6:30 PM Reapportionment – Dan Dineen, County Planning

A City Reapportionment Committee was formed at the conclusion of the Work Session. Those included are Aldermen Ferguson, Bird, Michales and Mayor Tobin.

Council Meeting #5
March 6, 2012
Regular Session
City Hall
7:00 PM

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

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

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

PLEDGE OF ALLEGIANCE

Public Comment

No one was present to speak.

RESOLUTION #33 OF 2012 - Minutes – February 21, 2012

By: Alderman Ferrer
Seconded: Alderman Ferguson

Approved: Ayes – 8
Nays - 0

Bills were reviewed.

Ward Reports

Ward 4 – Alderman Bennett

Alderman Bennett announced that he would be having a Ward meeting on March 12 at the Barry School at 6:30 PM. Discussion will be regarding the proposed SUNY Life Center, parking on adjacent streets and possibly setting up a Neighborhood Watch Program.

Ward 8 – Alderman Michales

Alderman Michales attended the SUNY Life Center meeting last week. He noted that one of the items that came out of the meeting was the possibility of finding a site closer to the parking area.

Ward 1 – Alderman Bird

Alderman Bird reported that she had received a complaint about snow plowing. She asked that people be considerate and think before plowing snow into the street or onto other people's yards. She thanked Chief Catalano and Mack Cook for their help with that issue.

Ward 3 – Alderman Dye

Alderman Dye reported some issues with recycling problems. He contacted Casella and voiced his concerns and it will be addressed. There should be fewer broken recycling bins and if they are broken, Casella will replace them.

Ward 2 – Alderman Silliman

Alderman Silliman met with Alderman Michales and Thoma Development representatives to talk about grants that the City wants to pursue. She reported that there were twelve (12) people at the Ward meeting. She reported that Pat Reidy presented on the Water Works project to mitigate flooding. She noted that Legislator Ray Parker discussed the redistricting proposal as well as fracking. She reported that Corporation Counsel Colasurdo attended and was available for questions. She stated that she participated in the SUNY Cortland Life Center scoping meeting. She reported that nine (9) people spoke out and that there was still time for people to write or email comments before March 16 and the addresses were on the City website.

Ward 7 – Alderman Ferguson

Alderman Ferguson apologized to her Ward and the City for not being able to attend the last meeting due to illness. She has received complaints regarding a drug den in the neighborhood and also concerns regarding feral cats. She will be following up on both of those issues.

Ward 6 – Alderman Ferrer

Nothing to report at this time.

Ward 5 – Alderman Quail

Alderman Quail reported that he picked up some trash on South Main Street and he took pictures and gave them to the Code Office. He noted that there has been much discussion regarding the SUNY Life Center, but he noted that there were also opportunities that it could potentially present to the City. He noted problems with the Wickwire Pool, but that this facility would bring in a state of the aquatic center that possibly could be used by students and residents. He noted another opportunity was a walking trail. He further noted that there was also a business opportunity for a sports management program. He felt that this could help market Cortland. He noted that there were challenges with this project, but the Council needed to look at both the positives and the negatives.

Mayor's Report

Mayor Tobin reported that he also attended the SUNY scoping session and he reminded everyone that comments can be submitted until March 16. He thanked Mack Cook, Steven Rhea and the Environmental Advisory Committee with coming up with about one hundred and sixty (160) points of concern regarding this project.

Mayor Tobin testified at the Governor's Mandate Relief Council about local costs due to State mandates, predominately about Tier 6 and pension reform. He also attended the NYCOM Conference on February 27 in Albany. He met with other Mayors and elected officials about current issues being faced by many municipalities.

Mayor Tobin also had the opportunity to announce the winners of the Chillabration Chili cook-off. He also reported that the Downtown Business Partnership will be hosting a forum on March 27 at 8:00 AM at 9 Main Street. Topics of discussion to be presented will be current projects, issues and a vision for goals for Main Street. It was announced that thirty thousand ($30,000) dollars was raised by the Polar Bear Plunge.

Proclamation Reading

Mayor Tobin read a proclamation for the American Cancer Society's May Day for Relay.

Mayor Tobin read a proclamation declaring March as American Red Cross Month.

PINK SHEET Sign Off

AGENDA:

RESOLUTION #34 OF 2012 – Consideration of a Resolution to amend the City Code of Ordinances §11-165 (A)(1) et al, Highway Regulations and corresponding State arterial highway signage. (Mack Cook)

Mayor Tobin explained that these items were all related to changing the Code of Ordinances with regards to updating arterial signage. Alderman Michales noted that once these changes were made that this would enable local Law Enforcement to start ticketing vehicles along these corridors with regards to no parking and no standing. Mayor Tobin noted that there would still be places where parking would be permitted. Alderman Michales noted that some changes were on Pt. Watson where houses were once

residences, but now have become businesses. He expressed concerns regarding vehicles parking in front of some of these businesses along some of the designated areas and he was concerned for area businesses. Director of Administration and Finance Cook reported that the Council could come back and change some of these ordinances to allow two (2) hour parking in front of some specific businesses.

Alderman Michales expressed concerns about a specific no parking area which is striped and he expressed concerns for the businesses in that area. He explained that people were parking in the striped areas and they were actually fog lines and no parking was allowed in those areas. He noted that this affected every business along these corridors such as Envigorations, a dentist, a chiropractor, law offices and a restaurant on Pt. Watson Street and he asked Council members to check in their wards. He also expressed a concern regarding churches.

Alderman Dye noted that the new signage would make it much clearer as to where you could and couldn't park. Alderman Michales felt that businesses didn't realize what the Council would be approving this evening. Mayor Tobin recommended that specific areas of concern be brought before the Public Safety Commission and he would help concerned Council members work on that.

By: Alderman Silliman
Seconded: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

RESOLUTION #35 OF 2012 - Consideration of a Resolution to amend the City Code of Ordinances §11-165 (B)(1)(a) et al, Highway Regulations and corresponding State arterial highway signage. (Mack Cook)

Alderman Michales would like to see a review of regulated hours on some of these streets.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #36 OF 2012 - Consideration of a Resolution to amend the City Code of Ordinances by adding to §11-165 (B)(1)(b) et al, Highway Regulations and corresponding State arterial highway signage. (Mack Cook)

By: Alderman Bird
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays - 0

RESOLUTION #37 OF 2012 - Consideration of a Resolution to amend the City Code of Ordinances §11-166 (A)(1) et al, Highway Regulations and corresponding State arterial highway signage. (Mack Cook)

Alderman Michales noted that some of these may want to be revisited to extend some time limits.

By: Alderman Silliman
Seconded: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

RESOLUTION #38 OF 2012 - . Consideration of a Resolution to amend the City Code of Ordinances by removing a section of §11-165 (B)(1)(b) et al, Highway Regulations and corresponding State arterial highway signage. (Mack Cook)

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #39 OF 2012 - Consideration of a Resolution to amend the City Code of Ordinances by amending a section of §11-165 (B)(1)(b) et al, Highway Regulations and corresponding State arterial highway signage. (Mack Cook)

By: Alderman Ferrer
Seconded: Alderman Ferguson

Approved: Ayes – 8
Nays – 0

RESOLUTION #40 OF 2012 - Consideration of a Resolution to amend the City Code of Ordinances §11-168 (A)(2) et al, Highway Regulations and corresponding State arterial highway signage. (Mack Cook)

By: Alderman Ferrer
Seconded: Alderman Bird

Approved: Ayes – 8
Nays – 0

Alderman Quail spoke with Tom Tobin, Public Safety, regarding Reynolds Avenue. Alderman Michales asked for the next date when the Public Safety Commission would be meeting. Tom Tobin stated that it would be in April. Alderman Silliman asked if additional signage was requested, would the Public Safety Commission work on that. Tom Tobin stated that they should contact him and he would put the items on the agenda.

RESOLUTION #41 OF 2012 - Consideration of a Resolution to approve the following actions relating to the American Cancer Society's Relay for Life "Paint the Town Purple" festivities:

A. Use of Yaman Park on Sunday, May 6, 2012.

B. Permission for the American Cancer Society's Relay for Life team to place purple ribbons on Main and Court Streets, Courthouse Park and the Water Works in recognition of "Paint the Town Purple" week April 30 through May 6, 2012.

By: Alderman Ferrer
Seconded: Alderman Quail

Approved: Ayes – 8
Nays – 0

RESOLUTION #42 OF 2012 – Consideration of a Resolution to approve the early discharge of City second mortgage on property located at 39 East Court Street, purchased under City's CDBG Homeownership Program, to facilitate refinance of first mortgage and property improvements. (Thoma Development)

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #43 OF 2012 - Consideration of a Resolution authorizing the Mayor to enter into a contract with Thoma Development Consultants contingent upon Corporation Counsel review of the contract to provide Administrative and Program Delivery services for the City's recently awarded Economic Development Community Development Block Grant for assistance to ALPLA (#285ED4510-11) based on Thoma's response to a Request for Proposals. (Mayor Tobin)

Mayor Tobin noted that Corporation Counsel has done a preliminary review and a more thorough review will be done before the contract is signed.

By: Alderman Michales
Seconded: Alderman Bird

Approved: Ayes – 8
Nays – 0

RESOLUTION #44 OF 2012 - Consideration of a Resolution authorizing the Mayor to enter into a contract with Thoma Development Consultants contingent upon Corporation Counsel review of the contract to provide administrative and program delivery services for

the City's recently awarded fiscal year 2011 Community Development Block Grant (#285HR146-11) for assistance to purchase and rehabilitate multi-family homes to expand opportunities to low income renters in the City based on Thoma's response to a Request for Proposals. (Mayor Tobin)

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes – 8
Nays – 0

RESOLUTION #45 OF 2012 - Consideration of a Resolution to authorize the following actions to close out Fiscal year 2011 in the General Fund: (Lori Crompton)

A. Authorizing several transfers between departments to close out accounts with either unexpended or overdrawn balances.

B. Authorizing the reservation of Fund Balance requests from the Youth Bureau and DPW.

C. Authorizing 2011 General Fund encumbrance requests from various Departments.

Mayor Tobin noted that this would allow the closing of the 2011 books.

By: Alderman Quail
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #46 OF 2012 - Consideration of a Resolution to approve the following budget modifications: (Lori Crompton)

A. Recognize Fire Dept. DHS Grant funds of $195,938 for the final payment on the Rescue/Pumper and appropriate as follows:

A4389 Federal Grant – Fire	$195,938.00
A3410-20600 Fire – Tools, Op. Equip.	$195,938.00

B. Recognize Youth Bureau Donation for $100.00 and appropriate as follows:

A2705 Youth Bureau Donations	$100.00
A7550-40500 Celebrations	$100.00

By: Alderman Silliman
Seconded: Alderman Bird

Approved: Ayes – 8
Nays – 0

RESOLUTION #47 OF 2012 - Consideration of a Resolution to authorize approval of the Cortland Fire Department to participate in the Cortland County Mutual Aid Plan. (Chief Glover)

Alderman Quail has some concerns, noting that he felt that our fire department provided more support to the County than the County provided to the City with coverage by their services, i.e., Sheriff, etc. He felt that Cortland was paying a disproportionate amount for services. Alderman Silliman agreed. Deputy Chief Friedman noted that this was the same agreement that had been entered into in the past and he provided background information.

Deputy Chief Friedman noted that this is an annual contract renewal and is reviewed by the Chief and Deputy Chief to monitor costs. Alderman Dye noted that he has spoken with the Chief regarding his concerns. He noted that one concern was calling for mutual aid before a confirmed incident and Chief Glover had told him that it was better to have people on the way than have to wait and be too late. Deputy Chief Friedman noted that response time is of the essence and the City Department reports to a number of structure fires. He noted that they get turned back if the local department chief arrives on scene and determines that their services are not needed. Alderman Silliman asked him if he felt that the City was not being taken advantage of. Deputy Chief Friedman stated that he didn't think so. Alderman Silliman asked for assurance that he and Chief Glover would continue to monitor this and come to the Council if it was felt that the Fire Department felt that the agreement needed to be adjusted. Deputy Chief Friedman stated that they would.

Mayor Tobin noted that this agreement will be looked at more in depth because of the expense. He also would like to see the Strategic Planning Committee reconvened to look into these things more thoroughly. Deputy Chief Friedman stated that a report would be developed to show how many times the City Department was called out for mutual aid and how many times other municipalities have come into the City to support them. Alderman Michales noted that with the high price of gas, that should be looked into.

By: Alderman Bird
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays - 0

Mayor Tobin addressed the Council stating that he would like to see three (3) committees reconvened: the Strategic Planning Committee, the Image Committee and the Housing Committee. He would like to begin scheduling some of the sub-committee meeting shortly to achieve some of the goals that had been established earlier in the year.

Chief Catalano noted that the railroad company is planning to do work on the tracks at Pt. Watson Street at the Hess Mart, on Wednesday, March 7, from 9:00 AM until 1:00 PM. He

noted that police officers would be on hand to indicate detours when and if necessary. Mayor Tobin noted that commuters should use Clinton Street to avoid delays.

Executive Session:

Contractual Matters
Litigation

Motion to go into:

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

Motion to come out of:

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #48 OF 2012 – Consideration of a Resolution to allow the Mayor to enter into a memorandum of understanding regarding a retiree's benefits.

By: Alderman Silliman
Seconded: Alderman Bennett

Absent: Alderman Bird

Approved: Ayes – 7
Nays – 0

RESOLUTION #49 OF 2012 – Consideration of a Resolution to create a Sales Tax Negotiation Committee and to appoint the following members:

Mayor Tobin
Director of Administration and Finance Cook
Alderman Bennett
Alderman Quail

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays - 0

Adjournment

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
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 6th 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

JUDITH CHAMBERLIN, CITY CLERK **MAYOR TOBIN**

ABSTRACT OF AUDITED VOUCHERS, TO BE PAID APRIL 01 , 2012

CLAIMANT	DESCRIPTION	CODE NUMBER	VENDOR #	AMOUNT	TOTAL
MAYOR					
QUICK PRINT	BUSINESS CARDS	A-1210-403-00	51100	$116.00	**$116.00**
LAW					
QUICK PRINT	BUSINESS CARDS	A-1420-403-00	$51,100.00	$58.00	**$58.00**
FINANCE					
CORTLAND COUNTY CLERK	NOTARY RENEWAL	A-1325-415-00	13250	$60.00	**$60.00**
ASSESSMENT					
DAVID BRIGGS	CONTRACT - APRIL	A-1355-415-00	6830	$1,600.00	**$1,600.00**
CITY CLERK					
CNY OFFICE PRODUCTS	REGISTER TAPE,REPORT COVERS	A-1410-403-00	11018	$21.37	
STAPLES INC.	CLASP ENVELOPES,SUPPLIES	A-1410-403-00	58475	$74.31	
CORTLAND STANDARD	LEGAL NOTICE	A-1410-405-00	15400	$57.93	
CORTLAND COUNTY CLERK	NOTARY RENEWAL	A-1410-416-00	13250	$60.00	**$213.61**
BUILDING AND GROUNDS					
CORTLAND COUNTY HIGHWAY DEPT.	FUEL - FEBRUARY	A-1620-402-00	13300	$344.93	
FRADON LOCK	KEYS - LAW OFFICE	A-1620-405-00	22299	$45.00	
KELLOGG AUTO SUPPLY	STANDS, LIFT EQUIP.	A-1620-405-00	34400	$1,137.00	
NORTHERN SAFETY	POROUS TAPE,STRIPS,BANDAGE	A-1620-405-00	45120	$336.65	
SYRACUSE TIME & ALARM CO.	REPAIR ON TIME CLOCK	A-1620-405-00	61103	$213.00	
AMES LINEN	LAUNDRY SERVICE	A-1620-405-02	2500	$148.00	
FAMILY HEALTH NETWORK	VACCINATIONS	A-1620-405-02	21732	$370.00	
J J KELLER	KELLER ON LINE SUB.	A-1620-405-02	34305	$899.00	
NORTHERN SAFETY	HEADGEAR,STRING,EYEWR CLR	A-1620-405-02	45120	$195.87	
NORTHERN SAFETY	WELDING HELMET	A-1620-405-02	45120	$311.97	
AMES LINEN	MAT SERVICE	A-1620-415-00	2500	$161.24	
CUMMINS NORTHEAST LLC	CONTRACT - FIRE STATION	A-1620-415-00	16600	$212.50	
CUMMINS NORTHEAST LLC	CONTRACT - CITY HALL	A-1620-415-00	16600	$212.50	
CUMMINS NORTHEAST LLC	CONTRACT - DPW	A-1620-415-00	16600	$204.50	
THYSSENKRUPP	ELEVATOR - MAINT 03/01 - 05/31	A-1620-415-00	18515	$1,016.73	**$5,808.89**
CENTRAL SERVICE					
COMDOC	COPIER - LEASE	A-1670-415-00	11452	$159.00	
EASTERN COPY PRODUCTS	COPIES - MAYOR	A-1670-415-00	19375	$5.03	
EASTERN COPY PRODUCTS	COPIES - MAYOR	A-1670-415-00	19375	$4.94	
EASTERN COPY PRODUCTS	COPIES - FINANCE	A-1670-415-00	19375	$84.49	**$253.46**

ABSTRACT OF AUDITED VOUCHERS, TO BE PAID APRIL 01 , 2012

CLAIMANT	DESCRIPTION	CODE NUMBER	VENDOR #	AMOUNT	TOTAL
DATA PROCESSING					
STAPLES	3 TAB FOLDERS- LETTER	A-1680-403-00	58475	$27.00	
STAPLES	EXT . CORD	A-1680-403-00	58475	$27.56	
THE CORTLAND CONNECTION	DESIGN FINANCIAL DASHBOARD	A-1680-415-00	60055	$150.00	
THE CORTLAND CONNECTION	MONTHLY SERVICE	A-1680-415-00	60055	$600.00	**$804.56**
UNALLOCATED INSURANCE					
MCNEIL & CO.	INSTALLMENT #2	A-1910-400-00	40007	$10,026.48	
MCNEIL & CO.	ADDED SPARTAN ENGINE PUMPER	A-1910-400-00	40007	$871.05	
MCNEIL & CO.	ADDED SPARTAN ENGINE PUMPER	A-1910-400-00	40007	$1,830.85	**$12,728.38**
ANIMAL CONTROL					
CORTLAND COUNTY SPCA	CONTRACT - APRIL	A-3510-415-00	13400	$6,708.34	**$6,708.34**
DPW					
CASELLA WASTE SYSTEMS	CONTRACT 02/01/12 - 02/29/12	A-8160-415-00	52201	$20,458.21	**$20,458.21**
				TOTAL	**$48,809.45**

CITY OF CORTLAND
OFFICE OF COMMUNITY DEVELOPMENT
THOMA DEVELOPMENT CONSULTANTS

25 Court Street, Cortland, New York 13045 Ph. 607.753.1433 Fx. 607.753.6818
www.cortland.org

MEMO

TO: Mayor Brian Tobin and Common Council Members

FROM: Ann Hotchkin, Fair Housing Officer

DATE: March 8, 2012

SUBJECT: April is Fair Housing Month

Attached please find a copy of the proclamation that you will be asked to make at the March 20, 2012 Council meeting. This proclamation designates "April is Fair Housing Month" in the City and affirmatively furthers the City's stance against housing discrimination in the sale, financing, or rental of dwelling units on the basis of race, color, religion, sex, national origin, familial status, or handicap. As a federal grantee, the City certifies that it will engage in activities to further Fair Housing.

Copies of the City's brochure, *Fair Housing is for Everyone* are attached for your reference.

Thank you for your attention to this matter. Please call me if you have any further questions.

To: Mayor and Members of Common Council

From: Deputy Police Chief Paul Sandy

Re: Increase in Taxi Fee and Rates

Date: February 29, 2012

Taxi Cab Business License

Under Section 258-2 of the City's Code of Laws no person shall operate a taxi cab either owned or operated by that person within the City with first having obtained a taxicab business license from the Chief of Police. The current annual fees for taxicab business license as set forth in Section 258-5 is $150.00 for the taxi cab business and $20.00 for each vehicle. These fees were last adjusted on December 4, 2001.

Taxi Cab Driver's License

Under Section 258-8 of the City's Code each operator must have a taxi cab operator's license which is also issued by the Chief of Police. This license is in addition to a New York State chauffeur license. The annual operator's fee is set by Section 258-14 is $10.00 which was last amended on December 4, 2001.

The Deputy Chief of Police is proposing the following changes in fees:

TYPE OF LICENSE	CURRENT FEE	PROPOSED FEE
Taxi Business License	$150.00	$250.00
Taxi Vehicle Registration	$20.00	$75.00
Taxi Driver License	$10.00	$50.00

The annual revenue increase to the City based upon the current number of Taxi cab companies, the current number of taxi drivers and the current number of vehicles is $2,980.00.

TYPE OF LICENSE	NUMBER OF LICENSE HOLDERS	CURRENT REVENUE	PROPOSED REVENUE	INCREASE
Taxi Business License	9	$1,350.00	$2,250.00	$900.00
Taxi Vehicle Registration	30	$ 300.00	$1,500.00	$1,200.00
Taxi Driver License	16	$ 320.00	$1,200.00	$880.00
			TOTAL	$2,980.00

The annual increase in expenses on an owner/operator of one vehicle is $195.00. On the assumption that the driver is responsible for his/her own license fee the annual impact on an owner/operator with 5 vehicles (4 employees/subcontractors drivers) is an increase of $415.00.

TAXI RATES

Taxi rates are set forth in Section 258.20 of the City's Code. These rates were last amended on February 3, 2004. The Deputy Chief of Police proposes the following rate changes.

RATE TYPE	CURRENT	PROPOSED
Basic Rate	$4.00	$5.00
Senior Citizens	$3.25	$3.00
Waiting Time	$0.25	$0.40
Waiting Time	First $0.50 Each Additional $0.25	First $1.00 Each Additional $0.50
Children under 18 Yr.	$0.25	$0.50
Delivery	$1.00 over Basic	$2.00 over Basic
Hourly Rate	$.012 per minute $7.00 max.	$0.20 per minute $10.00 max
Five Person To/From Campus	$0.20 per person	$0.60 per person

The proforma increase in annual revenue for an owner operator with five vehicles based upon one fare in each category per day results in annual revenues of $2,519.00.

RATE TYPE	CURRENT	PROPOSED	CHANGE
Basic Rate	$1,460.00	$1,825.00	$ 365.00
Senior Citizens	$1,186.25	$1,095.00	$ (91.25)
Waiting Time	$91.25 (I minute)	$ 146.00	$ 54.75
Additional Passenger	$182.50/$91.25	$365.00/$182.50	$ 275.00
Children under 18 Yr.	$91.25	$182.50	$ 91.25
Delivery	$365.00	$730.00	$ 365.00
Hourly Rate	$43.80/$2,555.00	$73.00/$3,650.00	$1,095.00
Five Person To/From Campus	$73.00/$1,460.00	$219.00/$1,825.00	$ 365.00
		TOTAL CHANGE	$2,519.75

Offsetting the increase in revenue from the increase in fees with the increase in the taxi cab business license fee, the increase in the fee for vehicle regulations and the increase in taxi license the owner/operator with five vehicles realized a net increase in income of $2,104.75. ($2,519.75-$415.00)

Applying the same method to the operator of one vehicle the projected increase in revenue is $1,039.95. ($1,234.95-$195.00)

Summary

Taxi cab fees have not been amended since 2001 and rates have not changed since 2004. Under the changes proposed above both the City and the taxi owners/operators net revenues are projected to increase. Basic rates users would experience an increase as would deliveries and students using a taxi to and from campus. Senior citizens would see a decrease in rates.

Respectfully submitted

Paul Sandy
Deputy Chief of Police

DEPARTMENT OF POLICE

CITY HALL • 25 COURT STREET
CORTLAND, NY 13045
TELEPHONE: (607) 753-3001
DEPT. FAX: (607) 758-3658
RECORDS FAX: (607) 758-8399

F. MICHAEL CATALANO
CHIEF OF POLICE
(607) 758-8302

PAUL A. SANDY
DEPUTY CHIEF OF POLICE
(607) 758-8302

March 6, 2012

Dear Sir/Madam:

I am taking the opportunity to address several issues concerning Section 258 of the City Code regarding taxicabs. This has been a long time in planning and will take some time to fully enact all the modifications required. I will do my best to keep you informed.

1.) Taxi business licenses, taxi drivers' licenses, and taxi registrations, which are typically renewable in March, will be extended until April of this year. The reason for this extension is a proposal before the Common Council to increase the existing fees charged by the City for these licenses. In addition, I have included in this proposal to increase fares and rates as a means of not only offsetting the increased licensing fees, but the increase in gas, insurance, and maintenance I know you have been dealing with. City fees were last changed in 2001 and taxi rates were last changed in 2004. Therefore, both are in need of modification. Enclosed please find a copy of the fees and rates as I have proposed them and how they will impact your company. I believe you will find them more than fair.

2.) I will be addressing various subsections of the code to address conflicts and inadequacies I have noted, since I became Deputy Chief, in the taxi ordinance. If you have any concerns or suggestions, please send them in writing to the Cortland Police Department, and I will take them into consideration.

In closing, I wish to remind all of you there are set rules which govern your operation, including the fares and rates. It has come to my attention that some have chosen to act outside these rules. Please understand that violations of this ordinance and the rules set forth therein will be met with swift and appropriate action. The purpose of these rules and sanctions is to ensure all taxi businesses are operating on even playing field. To allow violations to go without sanction is unfair to those business owners who abide by the ordinance.

Please direct any and all comments regarding this letter or the attached rate proposal directly to me in writing.

Respectfully,

Paul A. Sandy
Deputy Chief of Police

Enc.

F. MICHAEL CATALANO
CHIEF OF POLICE
(607) 758-8302

DEPARTMENT OF POLICE

CITY HALL • 25 COURT STREET
CORTLAND, NY 13045
TELEPHONE: (607) 753-3001
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PAUL A. SANDY
DEPUTY CHIEF OF POLICE
(607) 758-8302

March 15, 2012

Mayor Brian Tobin,
Director Mack Cook
Members of the Council

I wanted to take a few minutes to address the Taxi issue and respond to some of the questions I have received in regards to my proposal.

Enclosed in this packet you will have my proposal, which I believe you already received from Mack, concerning the increase in Fees and Fares. I have also enclosed a copy of a letter I sent to all Taxi Businesses in the City of Cortland, addressing the proposal and how they would impact their company. The letter was mailed on March 6th, and to this date I have only one response form a Taxi Business. This was via e-mail and I have enclosed it with this information. The response was from Martin's Taxi and was very positive.

Question #1: posed about increasing fares being unfair to our citizens and a mention of a $30 round trip for groceries at Price Chopper.

First, I must note that Price Chopper is not within the City and I cannot control the cost of a fare outside the City. If that same person shopped at P&C at Riverside, then the fare would be $4 each way or $8, a $22 savings to that person. I am not saying the person must choose to shop at P&C, only explaining the facts and the cost related to their decision.

Second, I must note that Taxi Businesses have their fares set by the City and it has been several years since the City has acted on this issue; therefore the Taxi Businesses have been operating on old, insufficient fares based upon costs at that time. We have all faced the rising cost of doing business and supporting our families, whether increase in fuel, groceries, clothing, building supplies, etc. Everything is more costly do in large part to the increase in fuel prices and transportation. So how is it just that the City do nothing to assist the Taxi Businesses with their plight, when one of the primary expenses for them is fuel? The City does not regulate what Sarvay Shoes charges, it does not regulate what JTS Lumber charges, and it does not regulate what any of the bars or restaurants charge for their products. All of these and I am quite certain ever business has increased their

prices based upon increased fuel costs being passed on to them. The City sets fare rates to make it affordable to our citizens, but it cannot be so affordable that the Taxi Businesses are left struggling.

Question 2: posed about the cleanliness and condition of our taxis.

I have been fighting this same battle since I became Deputy Chief and many times when a Taxi is due for inspection they are asked to go clean it and come back. My instructions to those inspecting the condition of the Taxis are that they must be clean and safe, if there is a question of the condition; they are to come to me.

It is my sincere hope that by increasing the fares these businesses are allowed to charge, they can increase their profit margin and purchase newer and better vehicles, or at least maintain their vehicles in a much better fashion. It is difficult for me to put too much demand on the Taxi Businesses for better vehicles, when I fear most are having a tough time making a living at the fares we are allowing and the ever rising cost of fuel over the past decade.

Question 3: posed about raising the City Fees just to make money.

Two years ago the Council charged Department Heads with a task of reducing cost and raising revenue. This is only one of many ideas I have proposed to respond to that tasking. The increase in Parking Ticket fines, the increase in City Ordinance fines, and the Impound fee were all very well received and have all been very successful and generated tens of thousands of dollars to the City. Complaints from the citizens regarding these increases have been non-existent.

Question 4: posed about what other municipalities are charging and are we consistent.

I looked at this issue two years ago, after becoming Deputy Chief, and the information was scarce. Many municipalities either do not set the fees of their Taxi Businesses or are as far outdated as we are. That was two years ago. I have not taken the time to research the issue again, fearing the same results would be found. My belief is that by acting on this proposal, we are taking a step in the right direction and probably a step ahead of other municipalities who are not taking the time to address the issue.

I will note at this time that some of our Taxi Businesses have been operating outside the confines of what is permissible. They have been charging fares above that allowed by City Code. A recent sting confirmed this information and three taxi drivers were cited tickets. I will be imposing a 1 month suspension on their taxi license as a result. If the City does not act to increase the fares and I do not impose a penalty for their disobedience to the fare rates, then all law abiding Taxi Businesses will loose respect for the law and operate outside it, just as these few did.

I know this is quick and to the point, but I hope it addresses the questions as they were put to me. If you have any further questions, or wish to discuss the matter further, please do not hesitate to contact me at (607) 283-1481. I am always available to address you concerns.

Respectfully

Paul A. Sandy
Deputy Chief of Police

Mack Cook

From: Mack Cook
Sent: Thursday, March 15, 2012 11:16 AM
To: Mack Cook
Subject: FW: In regards to taxi business

From: mjhoughtalen@att.blackberry.net [mjhoughtalen@att.blackberry.net]
Sent: Saturday, March 10, 2012 12:13 PM
To: police
Subject: In regards to taxi business

I totally agree with our police proposal, the senior rate maybe not so much but its great to see your department care for us small business owner 375.00 may be steep but next years with city call up it should be ok, I think it might weed out some very sketchy cabs out there, in fact the over charging fares should be heavy consequences, owner def need to be liable for this esp when the brag I been getting away with it for 5 years n laughs. I left them for the fact of all the laws they ignore, anywho in closing I support our chief of police and the entire department.

Thank you
Yours truly
Martin's Taxi(607)345-8666
Sent via BlackBerry by AT&T

City Clerk

From: "Mack Cook" <mcook@cortland.org>
To: "Brian Tobin" <btobin@cortland.org>; "ward1" <ward1@cortland.org>; "ward2" <ward2@cortland.org>; "ward3" <ward3@cortland.org>; "ward4" <ward4@cortland.org>; "ward5" <ward5@cortland.org>; "ward6" <ward6@cortland.org>; "ward7" <ward7@cortland.org>; "ward8" <ward8@cortland.org>
Cc: "Chief F. Michael Catalano" <fcatalano@cortland.org>; "Charles Glover" <cglover@cortland.org>; "Chris Bistocchi" <cbistocchi@cortland.org>; "Lori Crompton" <lcrompton@cortland.org>; "John McNerney" <mcnerney@cortland.org>; "Rob Avery" <ravery@cortland.org>; "William Knickerbocker" <knick@cortland.org>; "Rob Avery" <ravery@cortland.org>; "David Stathis" <dstathis@cortland.org>; "Sherrie Massmann" <cityclerk@cortland.org>; "Judith Chamberlin" <jchamberlin@cortland.org>; "Paul Sandy" <psandy@cortland.org>; "Wayne Friedman" <wfriedman@cortland.org>; "Bruce Adams" <badams@cortlandwastewater.org>; <rmenapac@twcny.rr.com>; "Vince Minnella" <minnella@twcny.rr.com>
Sent: Thursday, March 08, 2012 2:26 PM
Subject: Loan to Cable Commission for Equipment Agenda Item March 20th

To: Mayor and Members of Common Council
From: Mack Cook
Re: Loan to the Cable Commission for Equipment
Date: March 8, 2012

After 8 years of discussions, the Cable Commission and Time-Warner have agreed upon the terms of a proposed contact. Under this contract Time-Warner will charge subscribers a monthly fee of 5 cents for a period of 10 years to fund the acquisition, maintenance and future upgrades of the equipment necessary to record and edit governmental sessions, agencies meetings and local athletic events. The equipment fee will be collected monthly by Time-Warner and remitted to the City where it will be held in trust for the Cable Commission.

The estimated amounts generated by this equipment fee are as follows:

City/Town/Village	Subscribers	Monthy	Annual	10-year
Cortland	6,260	$ 313	$ 3,756	$ 37,560
Cortlandville	2,472	$ 124	$ 1,483	$ 14,832
Village ofHomer	1,085	$ 54	$ 651	$ 6,510
Town of Homer	591	$ 30	$ 355	$ 3,546
McGraw	260	$ 13	$ 156	$ 1,560
TOTALS	**10,668**	**$ 533**	**$ 6,401**	**$ 64,008**

The cable commission has requested municipalities that utilize the Commission's services to advance funds, in the form of a loan, so that the immediate need for upgraded equipment, enumerated below can be meant.

Description	Cost (est.)
Digital Camcorders	
3 Panasonic AG-HPX170 Camcorder (Flash Card) @ $4000 ea or equivalent	12,000
Estimated Total Cost	***$12,000***
Camera Accessories	
3 Extra Batteries (including chargers) @ $100 ea	300
3 Hard Cover Carrying Cases @ $300 ea	900
1 Shotgun Microphone w XLR or Mini-Jack to fit into camcorder	300
1 Shotgun Mic Holder (if needed)	25
Estimated Total Cost	***$1,525***
Tripods	
2 Bescor TH-770 tripod @ $250 ea	500
1 Davis & Sanford ProVista tripod	275
Estimated Total Cost	***$775***
Microphones	
2 Shure PG-57 Handheld Microphone (w mic clip and case) @ $60 ea	120
Estimated Total Cost	***$120***
Portable Audio Mixers (for field video work)	
2 Zoom H2 Handy Recorder Digital Audio Recorders @ $150	300
1 Shure SCM268 portable Audio Mixer (4 XLR mic & 1 ¼" Aux inputs)	250
Estimated Total Cost	***$550***
Portable Lighting for camcorders	
3 Switronic TL-50 (on camera lights) @ $300 ea.	900
2 Impact Light stands (for above lights) @ $60.00 ea.	120
Estimated Total Cost	***$1,020***
PC and Monitor (for non-linear video tapes editing for programming)	
1 Sony VAIO JS VGC-JS 450F all in one Computer or equivalent	1,500
1 Firewire USB cable (to capture video audio from camcorder)	50
1 Adobe Premier CS5 Suit editing program software	1,000
Estimated Total Cost	***$2,550***
Misc: *memory cards, cables,replacement bulbs, ext. cords, etc.*	***$1,500***

TOTAL COST (est) for UPDATED P.E.G. EQUIPMENT **$20,040**

Cortlandville has responded that it is willing to extend the Commission an interest free loan of $7,000. The Cable Commission continues to meet with the Villages of Homer and McGraw and the Town of Homer to discuss contributions. In order to immediately proceed with the acquisitions of the above equipment, which is in the opinion of the Cable Commission is time sensitive, the Commission has requested that the City advance to it, in the form of an interest free loan, $13,000. The loans to Cortland and Cortlandville will be repaid at such time (est. 4-5 years) as the Equipment Trust accumulates $20,000. Until Cortland and Cortlandville have been repaid, distributions from the Equipment Trust shall be limited to ordinary repairs and maintenance for the acquired equipment. Should the Villages of Homer and McGraw, and the Town of Homer subsequently decide to advance funds; such funds will be deposited in the Equipment Trust and counted towards the accumulation of the $20,000 which triggers repayment to Cortland and Cortlandville.

The equipment currently being used by the Commission to fulfill its mandate was acquired in 1995. Recording is done in a VHS format, which, in the opinion of the Cable Commission is obsolete. Due to its age the equipment requires regular repair. The size and weight of the recording equipment is presenting logistical problems in

transport and set up to the small core of volunteers that handle the recordings. Conversion of the VHS format for telecast on the Public Access network is a continuing challenge as the skill set, conversion equipment and knowledge base ages.

The Commission is of the opinion that the acquisition of modern technology will result is a higher grade telecast; will ease the post-recording editing process; and aid in the recruiting of additional volunteers to assist in fulfilling the Commission's mission.

Respectfully submitted for consideration at the Council meeting of March 20, 2012

Mack

City Clerk

From: "Chris Bistocchi" <cbistocchi@cortland.org>
To: "Mack Cook" <mcook@cortland.org>; "Brian Tobin" <btobin@cortland.org>; "ward1" <ward1@cortland.org>; "ward2" <ward2@cortland.org>; "ward3" <ward3@cortland.org>; "ward4" <ward4@cortland.org>; "ward5" <ward5@cortland.org>; "ward6" <ward6@cortland.org>; "ward7" <ward7@cortland.org>; "ward8" <ward8@cortland.org>
Cc: "Sherrie Massmann" <cityclerk@cortland.org>
Sent: Wednesday, March 14, 2012 11:25 AM
Subject: NYSEG Easement thru Suggett Park Agenda item #2

To All

Mack has asked that I explain the easement proposed by NYSEG thru Suggett Park. I looked at the proposed easement and it basically mirrors the existing easement NYSEG has with the City thru Suggett Park except for Dry Creek crossing and the relocation of their gas main on the south side of drive into the park, whereas now it is on the north side and shall abandoned. No trees will be removed with this proposed work.

In regards to the drive, will NYSEG repair(or repave) the driveway when it is disturbed? perhaps we can get NYSEG to pave the whole length and width of drive which is in dire need of replacement.

Other than that i do not have a problem with the parameters thay have requested.

ChrisB

DPW/ Water/ Park Maint.=

lawdept

From: lawdept
Sent: Sunday, February 26, 2012 1:55 PM
To: Mack Cook; Brian Tobin; Chris Bistocchi; John McNerney
Subject: NYSEG Park Easement

Hi, all –

I reviewed the NYSEG easement for the Suggett Park area.

Chris – I sent a separate email to you and Dennis Gallagher asking for the information Mack had previously requested so we can get this ready for Council.

Here's a summary of the legal review of this particular easement, which raises some additional concerns given its location:

- This is a good-sized easement (in length) that is going to result in a gas pipeline running through Suggett Park. Is the City ok with the location of the easement?

- I'd like to make sure that NYSEG attaches the larger diagram (that has the easement highlighted) as Exhibit A to the Easement. The smaller one is impossible to read.

- Since this is a gas line running through the Park, I'd suggest adding language that if NYSEG wants to assign their rights, they can do so but only with written consent of the City (I can also add that such consent "shall not be unreasonably withheld" to give NYSEG some comfort with that, if need be).

- NYSEG has the right to cut trees (and otherwise trim, treat, and/or remove by manual, mechanical and chemical means, trees, roots, brush, structures, and other obstructions). The easement appears to cut across areas with existing trees and also appears to run somewhat close to the pool. Is the City okay with giving NYSEG these rights regarding the vegetation and structures? Depending on if there are any concerns, I would suggest limiting their rights and requiring NYSEG to get the City's prior written consent before doing any of this.

- NYSEG is responsible for damage they cause, other than for the trimming and cutting, etc., of the vegetation. Again, given the vegetation in this area, I would suggest clarifying this provision so that they are responsible for damage that they cause during the trimming/cutting/etc. (i.e., if they are supposed to cut down a tree, they don't have liability for removing the tree, but if they do collateral damage while taking the tree down, they need to be responsible for that).

- The City's use of the easement area "shall not interfere with, obstruct or endanger any rights" granted to NYSEG, and "shall not disturb the grade of said ground". The City also cannot erect any structure or grow any trees within the limits of the easement. Is this okay with the City on this property?

Mack – I'll leave the marked-up draft of the easement down on your desk, and we can discuss.

Once I get some answers to the above questions, I can get any final revisions ready. In the meantime, please let me know if you have any questions. I can be reached on my cell at 607.749.0545

Thanks,
Kelly

Kelly Colasurdo
Corporation Counsel
City of Cortland

CITY OF CORTLAND
OFFICE OF CITY CLERK

25 COURT STREET • CORTLAND, NY 13045
PHONE (607) 756-6521 • FAX (607) 756-4644

JUDITH CHAMBERLIN
CITY CLERK

CHERYL A. MASSMANN
DEPUTY CITY CLERK

STATE OF NEW YORK:
ss
COUNTY OF CORTLAND:

I, Cheryl A. Massmann, Deputy City Clerk in and for the City of Cortland, New York, do hereby certify that the attached resolution was duly adopted at a regular meeting of the Common Council of the City of Cortland, New York held on June 13, 2011, and that such resolution appears in the minutes of that date in Meetings of the Common Council.

Present:	Alderman Craig, Dye, Tobin, Quail, Ferrer, Ferguson and Michales
Staff Present:	Mayor Feiszli Corporation Counsel Patrick Perfetti Asst. Corporation Counsel Meira Hertzberg City Clerk Shawn C. Smith Interim Director of Admn. & Finance Reagan

RESOLUTION #108 OF 2011 – Resolution authorizing the Mayor to sign the agreement with Transportation Improvement Program (TIP) for Bridge Rehabilitation. (Chris Bistocchi)

By:	Alderman Dye
Seconded:	Alderman Ferrer
Approved:	Ayes – 7 Nays – 0

DATED: March 14, 2012

Cheryl A. Massmann

Cheryl A. Massmann
Deputy City Clerk

SEAL

MUNICIPALITY/SPONSOR: **City of Cortland**
PROJECT ID NUMBER: **375533** BIN: **2207860, 2207800, 2207830, 2207880**
CFDA NUMBER: 20.500
PHASE: PER SCHEDULES A

Federal-Aid Local Project Agreement

COMPTROLLER'S CONTRACT NO **D033780**

This Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at 50 Wolf Road, Albany, NY 12232, on behalf of New York State ("State");

and

the ***City of Cortland*** (the "Municipality/Sponsor")
acting by and through ***Mayor***
with its office at ***25 Court Street, Cortland, NY 13045.***

This Agreement covers eligible costs incurred on or after **3/8/2012**.

This Agreement identifies the party responsible for administration and establishes the method or provision for funding of applicable phases of a Federal aid project for the improvement of a street or highway, not on the State highway system, as such project and phases are more fully described by Schedule A annexed to this Agreement or one or more Supplemental Schedule(s) A to this Agreement as duly executed and approved by the parties hereto. The phases that are potentially the subject of this Agreement, as further enumerated below, are: Preliminary Engineering ("PE") and Right-of-Way Incidental ("ROW Incidentals") work; Right-of-Way Acquisition; Construction; and/or Construction Supervision and Inspection. The Federal-aid project shall be identified for the purposes of this Agreement as ***MISCELLANEOUS BRIDGE REPAIRS, CORTLAND CO. BINS: 2207860, 2207800, 2207830, 2207880. GENERAL BRIDGE REHABILITATION.*** (as more specifically described in such Schedule A, the "Project").

W I T N E S S E T H:

WHEREAS, the United States has provided for the apportionment of Federal-aid funds to the State for the purpose of carrying out Federal-aid highway projects pursuant to the appropriate sections of Title 23 U.S. Code as administered by the Federal Highway Administration ("FHWA"); and

WHEREAS, the New York State Highway Law authorizes the Commissioner of Transportation (hereinafter referred to as "Commissioner") to use Federal aid available under the Federal-aid highway acts and provides for the consent to and approval by the Municipality/Sponsor of any project under the Federal-aid highway program which is not on the State highway system before such Project is commenced; and

WHEREAS, pursuant to Highway Law §10(34-a) and section 15 of Chapter 329 of the Laws of 1991 as amended by section 9 of Chapter 330 of the Laws of 1991, the State established the "Marchiselli" Program, that provides State aid for Federal aid highway projects not on the State highway system; and

WHEREAS, pursuant to Chapters 329, 330 and 331 of the Laws of New York of 1991, Highway Law §80-b and Public Authorities Law §380 funding of the "State share" of projects under the Marchiselli Program is provided from the proceeds of Local Highway and Bridge Service Contract Bonds issued by the New York State Thruway Authority ("Thruway Authority Bonds"); and

WHEREAS, the continuing legislative authorization for the funding of eligible costs of Federal aid Municipal/Sponsor streets and highway projects from the proceeds of Thruway Authority Bonds is pursuant to a chapter or chapters of the laws of New York State providing appropriations pursuant to Public Authorities Law §380(1); and

WHEREAS, project eligibility for Marchiselli Program funds is determined by NYSDOT; and

WHEREAS, pursuant to authorizations therefore, NYSDOT and the Municipality/Sponsor are desirous of progressing the Project under the Federal-aid and, if applicable, Marchiselli-aid Programs; and

WHEREAS, The Legislative Body of the Municipality/Sponsor by Resolution No. _____ adopted at meeting held on _____ approved the Project, the Municipality/Sponsor's entry into this Agreement, has appropriated necessary funds in connection with any applicable Municipal/Sponsor Deposit identified in applicable Schedules A and has further authorized the ***Mayor*** of the Municipality/Sponsor to execute this Agreement and the applicable Schedule A on behalf of the Municipality/Sponsor and a copy of such Resolution is attached to and made a part of this Agreement (where New York City is the Municipality/Sponsor, such resolution is not required).

NOW, THEREFORE, the parties agree as follows:

1. *Documents Forming this Agreement.* The Agreement consists of the following:

- Agreement Form - this document titled "Federal-Aid Local Project Agreement";
- Schedule "A" - Description of Project Phase, Funding and Deposit Requirements;
- Schedule "B" - Phases, Subphase/Tasks, and Allocation of Responsibility
- Appendix "A" - New York State Required Contract Provisions
- Appendix "A-1"- Supplemental Title VI Provisions (Civil Rights Act)
- Appendix "B" - U.S. Government Required Clauses
- Municipal/Sponsor Resolution(s) - duly adopted Municipal/Sponsor resolution authorizing the appropriate Municipal/Sponsor official to execute this Agreement on behalf of the Municipality/Sponsor and appropriating the funding required therefore. (Where New York City is the Municipality/Sponsor, such resolution is not required).

2. *General Description of Work and Responsibility for Administration and Performance*. Subject to the allocations of responsibility for administration and performance thereof as shown in Schedule B (attached), the work of the Project may consist generally of the categories of work marked and described in Schedule B for the scope and phase in effect according to Schedule A or one or more Supplemental Schedule(s) A as may hereafter be executed and approved by the parties hereto as required for a State contract, and any additions or deletions made thereto by NYSDOT subsequent to the development of such Schedule(s) A for the purposes of conforming to New York State or to Federal Highway Administration requirements.

The Municipality/Sponsor understands that funding is contingent upon the Municipality/Sponsor's compliance with the applicable requirements of the "Procedures for Locally Administered Federal Aid Projects" (available through NYSDOT's web site at https://www.nysdot.gov/plafap, and as such may be amended from time to time.

3. *Municipal/Sponsor Deposit*. Where the work is performed by consultant or construction contract entered into with NYSDOT, or by NYSDOT forces, and unless the total non-Federal share of the Project phase is under $5,000, the Municipality/Sponsor shall deposit with the State Comptroller, prior to the award of NYSDOT's contract or NYSDOT's performance of work by its own forces, the full amount of the non-Federal share of the Project costs due in accordance with Schedule A.

4. *Payment or Reimbursement of Costs.* For work performed by NYSDOT, NYSDOT will directly apply Federal aid and the required Municipal/Sponsor Deposit for the non-Federally-aided portion, and, if applicable, shall request Thruway Authority funding of Marchiselli aid to the Municipality/Sponsor as described below. For work performed by or through the Municipality/Sponsor, NYSDOT will reimburse the Municipality/Sponsor with Federal aid and, if applicable, Marchiselli aid as described below. Billing shall be no more frequent than monthly and must be submitted in no less than six month intervals.

4.1 *Payment or Reimbursement of Costs.* For work performed by NYSDOT, NYSDOT will directly apply Federal aid and the required Municipality/Sponsor Deposit for the non-Federally-aided portion, and, if applicable, shall request Thruway Authority funding of Marchiselli aid to the Municipality/Sponsor as described below. For work performed by or through the Municipality/Sponsor, NYSDOT will reimburse the Municipality/Sponsor with Federal aid and, if applicable, Marchiselli aid as described below. NYSDOT will make reimbursements periodically upon request and certification by the Sponsor. The frequency of billing must be in conformance with that stipulated in the *NYSDOT Standard Specifications; Construction and Materials (section 109-06, Contract Payments)*. NYSDOT recommends that bills not be submitted more frequently than monthly for a typical project. In all cases, bills must be submitted at least once every six months.

4.1.1 *Participating Items.* NYSDOT shall apply Federal funds only for that work and those items that are eligible for Federal participation under Title 23 of U.S. Code, as amended, that requires Federal-aid eligible projects to be on the Federal-Aid Highway System ("FAHS"), except for bridge and safety projects that can be off the FAHS. Included among the Federal participating items are the actual cost of employee personal services, and leave and fringe benefit additives. Other participating costs include materials and supplies, equipment use charges or other Federal Participating costs directly identifiable with the eligible project.

4.1.2 *Periodic Reimbursement.* Except where the Municipality/Sponsor proceeds or has proceeded without an agreement with NYSDOT, if the Municipality/Sponsor finds it desirable to have reimbursement made periodically, upon the request and certification therefore by the Municipality/Sponsor, NYSDOT may make Federal-aid progress payments based on either:
a. billings submitted by the consultant;
b. payment estimates prepared by NYSDOT's Engineer-in-Charge; or
c..billings prepared by the Municipality/Sponsor in accordance with NYSDOT requirements, based on costs incurred as disclosed by the records thereof, as required by the Project, with adjustments to be made after audit by NYSDOT or FHWA.

4.2 *Marchiselli Aid (if applicable).* NYSDOT will request Thruway Authority reimbursement to the Municipality of the upset amount and designated percentage in Schedule A of the non-overmatched non-Federal share of Federal participating cost, (the "State share"), incurred in connection with the work covered by this Agreement, subject to the limitations set forth on Schedule A. Not all Federal-aid-eligible participating costs are eligible for Marchiselli aid. Only "Eligible Project Costs" (as defined in Marchiselli Program instructions issued by NYSDOT) incurred after April 1, 1991 are reimbursable.

4.2.1 *Marchiselli Eligible Project Costs.* To be eligible for Marchiselli Aid, Project costs must: (a) be eligible for Federal participation as described under §4.1; (b) be for work which, when completed, has a certifiable service life of at least 10 years; and (c) be for a work type that relates directly and exclusively to a municipally-owned highway, bridge or highway-railroad crossing off the State Highway System.

4.2.2 *Periodic Reimbursement.* Except where the Municipality proceeds or has proceeded without a Marchiselli Agreement with NYSDOT, if the Municipality finds it desirable to have reimbursement made periodically, upon the request and certification therefore by the Municipality, NYSDOT may submit a request to the Thruway Authority to make progress payments based on the amount of Federal-aid participating expenditures made to date by the New York State Comptroller. For work performed by or through the Municipality, NYSDOT will reimburse eligible Marchiselli expenditures in accordance with Marchiselli program policy and claims procedures, with adjustments to be made after audit by NYSDOT or FHWA.

4.3 In no event shall this Agreement create any obligation to the Municipality/Sponsor for funding or reimbursement of any amount in excess of:

(a) the amount stated in Schedule A for the Federal Share; or
(b) the amount stated in Schedule A as the State (Marchiselli) share or the amount stated in the Comprehensive List, whichever is lower.

4.4 All items included by the Municipality/Sponsor in the record of costs shall be in conformity with accounting procedures acceptable to NYSDOT and the FHWA. Such items shall be subject to audit by the State, the federal government or their representatives.

4.5 If Project-related work is performed by NYSDOT, NYSDOT will be paid for the full costs thereof. To effect such payment, the reimbursement to the Municipality/Sponsor provided for in sections 4.1 and 4.2 above may be reduced by NYSDOT by the amounts thereof in excess of the Municipality/Sponsor Deposit available for such payment to NYSDOT.

5. *Supplemental Agreements and Supplemental Schedule(s) A.* Supplemental Agreements or Supplemental Schedule(s) A may be entered into by the parties, and must be executed and approved in the manner required for a State contract. A Supplemental Schedule A is defined as a Supplemental Agreement which revises only the Schedule A of a prior Agreement or Supplemental Agreement. In the event Project cost estimates increase over the amounts provided for in Schedule A, no additional reimbursement shall be due to the Municipality/Sponsor unless the parties enter into a Supplemental Agreement or Supplemental Schedule A for reimbursement of additional Eligible Project Costs.

6. *State Recovery of Ineligible Reimbursements.* NYSDOT shall be entitled to recover from the Municipality/Sponsor any monies paid to the Municipality/Sponsor pursuant to this Agreement which are subsequently determined to be ineligible for Federal aid or Marchiselli Aid hereunder.

7. *Loss of Federal Participation.* In the event the Municipality/Sponsor withdraws its approval of the project, suspends or delays work on the Project or takes other action that results in the loss of Federal participation for the costs incurred pursuant to this Agreement, the Municipality/Sponsor shall refund to the State all reimbursements received from the State, and shall reimburse the State for 100% of all preliminary engineering and right-of-way incidental costs incurred by NYSDOT. The State may offset any other State or Federal aid due to the Municipality/Sponsor by such amount and apply such offset to satisfy such refund.

8. *Municipal/Sponsor Liability.*

8.1 If the Municipality/Sponsor performs work under this Agreement with its own forces, it shall be responsible for all damage to person or property arising from any act or negligence performed by or on behalf of the Municipality/Sponsor, its officers, agents, servants or employees, contractors, subcontractors or others in connection therewith. The Municipality/Sponsor specifically agrees that its agents or employees shall possess the experience, knowledge and character necessary to qualify them individually for the particular duties they perform.

8.2 The Municipality/Sponsor shall indemnify and save harmless the State for all damages and costs arising out of any claims, suits, actions, or proceedings resulting from the negligent performance of work by or on behalf of the Municipality/Sponsor its officers, agents, servants, employees, contractors, subcontractors or others under this Agreement. Negligent performance of service, within the meaning of this section, shall include, in addition to negligence founded upon tort, negligence based upon the Municipality/Sponsor's failure to meet professional standards and resulting in obvious or patent errors in the progression of its work.

9. *Maintenance.* The Municipality/Sponsor shall be responsible for the maintenance of the project at the sole cost and expense of the Municipality/Sponsor. If the Municipality/Sponsor intends to have the project maintained by another, any necessary maintenance agreement will be executed and submitted to NYSDOT before construction of the Project is begun. Upon its completion, the Municipality/Sponsor will operate and maintain the Project at no expense to NYSDOT; and during the useful life of the Project, the Municipality/Sponsor shall not discontinue operation and maintenance of the Project, nor dispose of the Project, unless it receives prior written approval to do so from NYSDOT.

9.1 The Municipality/Sponsor may request such approved disposition from NYSDOT where the Municipality/Sponsor either causes the purchaser or transferee to assume the Municipality/Sponsor's continuing obligations under this Agreement, or agrees immediately to reimburse NYSDOT for the pro-rata share of the funds received for the project, plus any direct costs incurred by NYSDOT, over the remaining useful life of the Project.

9.2 If a Municipality/Sponsor fails to obtain prior written approval from NYSDOT before discontinuing operation and maintenance of the Project or before disposing of the project, in addition to the costs provided, above in 9.1, Municipality/Sponsor shall be liable for liquidated damages for indirect costs incurred by NYSDOT in the amount of 5% of the total Federal and non-Federal funding provided through NYSDOT.

9.3 For NYSDOT-administered projects, NYSDOT is responsible for maintenance only during the NYSDOT administered construction phase. Upon completion of the construction phase, the Municipality/Sponsor's maintenance obligations start or resume.

10. *Independent Contractor.* The officers and employees of the Municipality/Sponsor, in accordance with the status of the Municipality/Sponsor as an independent contractor, covenant and agree that they will conduct themselves consistent with such status, that they will neither hold themselves out as, nor claim to be, an officer or employee of the State by reason hereof, and that they will not by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the State, including, but not limited to, Workers Compensation coverage, Unemployment Insurance benefits, Social Security or Retirement membership or credit

11. *Contract Executory; Required Federal Authorization.* It is understood by and between the parties hereto that this Agreement shall be deemed executory only to the extent of the monies available to the State and no liability on account thereof shall be incurred by the State beyond monies available for the purposes hereof. No phase of work for the project shall be commenced unless and until NYSDOT receives authorization from the Federal government.

12. *Assignment or Other Disposition of Agreement.* The Municipality/Sponsor agrees not to assign, transfer, convey, sublet or otherwise dispose of this Agreement or any part thereof, or of its right, title or interest therein, or its power to execute such Agreement to any person, company or corporation without previous consent in writing of the Commissioner.

13. *Term of Agreement.* As to the Project and phase(s) described in the Schedule A executed herewith, the term of this Agreement shall begin on the date of this Agreement as first above written. This Agreement shall remain in effect so long as Federal-aid and Marchiselli-aid funding authorizations are in effect and funds are made available pursuant to the laws controlling such authorizations and availabilities. However, if such authorizations or availabilities lapse and are not renewed, continued or reenacted, as to funds encumbered or available and to the extent of such encumbrances or availabilities, this Agreement shall remain in effect for the duration of such encumbrances or availabilities. Although the liquidity of encumbrances or the availability of funds may be affected by budgetary hiatuses, a Federal or State budgetary hiatus will not by itself be construed to cause a lapse in this Agreement provided any necessary Federal or State appropriations or other funding authorizations therefore are eventually enacted.

14. *NYSDOT Obligations.* NYSDOT's responsibilities and obligations are as specifically set forth in this contract, and neither NYSDOT nor any of its officers or employees shall be responsible or liable, nor shall the Municipality/Sponsor assert, make or join in any claim or demand against NYSDOT, its officers or employees, for any damages or other relief based on any alleged failure of NYSDOT, its officers or employees, to undertake or perform any act, or for undertaking or performing any act, which is not specifically required or prohibited by this Agreement.

15. *Offset Rights.* In addition to any and all set-off rights provided to the State in the attached and incorporated Appendix A, Standard Clauses for New York Contracts, NYSDOT shall be entitled to recover and offset from the Municipality/Sponsor any ineligible reimbursements and any direct or indirect costs to the State as to paragraph 6 above, as well as any direct or indirect costs incurred by the State for any breach of the term of this agreement, including, but not limited to, the useful life requirements in paragraph 9 above. At its sole discretion NYSDOT shall have the option to permanently withhold and offset such direct and indirect cost against any monies due to the Municipality/Sponsor from the State of New York for any other reason, from any other source, including but not limited to, any other Federal or State Local Project Funding, and/or any Consolidated Highway and Local Street Improvement Program (CHIPS) funds

16. *Reporting Requirements.* The Municipality/Sponsor agrees to comply with and submit to NYSDOT in a timely manner all applicable reports required under the provisions of this Agreement and the Procedures for Locally Administered Federal Aid Projects manual and in accordance with current Federal and State laws, rules, and regulations.

17. *Notice Requirements.*

17.1 All notices permitted or required hereunder shall be in writing and shall be transmitted:
(a) Via certified or registered United States mail, return receipt requested;
(b) By facsimile transmission;
(c) By personal delivery;
(d) By expedited delivery service; or
(e) By e-mail.

Such notices shall be address as follows or to such different addresses as the parties may from time-to-time designate:

New York State Department of Transportation (NYSDOT)
Name: ***Evan Schimel***
Title: ***Regional Local Project Liaison***

Address: ***333 East Washington St, Syracuse NY, 13202***
Telephone Number: ***(315) 428-3234***
Facsimile Number: ***(315) 428-4417***
E-Mail Address: ***ESCHIMEL@DOT.STATE.NY.US***

[Municipality/Sponsor] ***City of Cortland***
Name: ***Brian Tobin***
Title: ***Mayor***
Address: ***25 Court St, Cortland NY, 13045***
Telephone Number: ***(607) 753-0872***
Facsimile Number: ***(607) 758-8392***
E-Mail Address: ***mayor@cortland.org***

17.2 Any such notice shall be deemed to have been given either at the time of personal delivery or, in the case of expedited delivery service or certified or registered United States Mail, as of the date of first attempted delivery at the address and in the manner provided herein, or in the case of facsimile transmission or email, upon receipt. The parties may, from time to time, specify any new or different address in the United States as their address for purpose of receiving notice under this Agreement by giving fifteen (15) days written notice to the other party sent in accordance herewith. The parties agree to mutually designate individuals as their respective representatives for the purposes of receiving notices under this Agreement. Additional individuals may be designated in writing by the parties for purposes of implementation and administration/billing, resolving issues and problems and/or for dispute resolution.

18. *Electronic Contract Payments.* Municipality/Sponsor shall provide complete and accurate supporting documentation of eligible local expenditures as required by this Agreement, NYSDOT and the State Comptroller. Following NYSDOT approval of such supporting documentation, payment for invoices submitted by the Municipality/Sponsor shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The contracting local Municipality/Sponsor shall comply with the State Comptroller's procedures for all Federal and applicable State Aid to authorize electronic payments. Authorization forms are available on the State Comptroller's website at www.osc.state.ny.us/epay/index.htm or by email at epunit@osc.state.ny.usa. When applicable to State Marchiselli and other State reimbursement by the NYS Thruway, registration forms and instructions can be found at the NYSDOT Electronic Payment Guidelines website[1].

The Municipality/Sponsor herein acknowledges that it will not receive payment on any invoices submitted under this agreement if it does not comply with the applicable State Comptroller and/or NYS Thruway Authority's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

19. *Compliance with Legal Requirements.* Municipality/Sponsor must comply with all applicable federal, state and local laws, rules and regulations, including but not limited to the following:

19.1 Title 49 of the Code of Federal Regulations Part 26 (49 CFR 26), *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs;* Title 23 Code of Federal Regulations Part 230 (23 CFR 230), *External Programs;* and, Title 41 of the Code of Federal Regulations Part 60 Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor, including the requirements thereunder related to utilization goals for contracting opportunities for disadvantaged business enterprises (DBEs) and equal employment opportunity.

19.1.1 If the Municipality/Sponsor fails to monitor and administer contracts funded in whole or in part in accordance with Federal requirements, the Municipality/Sponsor will not be reimbursed for ineligible activities within the affected contracts. The Municipality/Sponsor must ensure that the prime contractor has a Disadvantaged Business Enterprise (DBE) Utilization Plan and complies with such plan. If, without prior written approval by NYSDOT, the Municipality/Sponsor's contractors and subcontractors fail to complete work for the project as proposed in the DBE Schedule of Utilization, NYSDOT at its discretion may (1) cancel, terminate or suspend this agreement or such portion of this agreement or (2) assess liquidated damages in an amount of up to 20% of the pro rata share of the Municipality/Sponsor's contracts and subcontracts funded in whole or in part by this agreement for which contract goals have been established.

19.2 New York State Environmental Law, Article 6, the State *Smart Growth Public Infrastructure Policy Act,* including providing true, timely and accurate information relating to the project to ensure compliance with the Act.

20. *Compliance with Procedural Requirements.* The Municipality/Sponsor understands that funding is contingent upon the Municipality/Sponsor's compliance with the applicable requirements of the Procedures for Locally Administered Federal Aid Projects (PLAFAP) manual, which, as such, may be amended from time to time.

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[1] https://www.dot.ny.gov/divisions/operating/opdm/local-programs-bureau/locally-administered-federal-aid-projects/Electronic%20Payment%20Guidelines

Locally administered Federal-aid transportation projects must be constructed in accordance with the current version of *NYSDOT Standard Specifications; Construction and Materials,* including any and all modifications to the Standard Specifications issued by the Engineering Information Issuance System, and NYSDOT-approved Special Specifications for general use. (Cities with a population of 3 million or more may pursue approval of their own construction specifications and procedures on a project by project basis).

NYSDOT/ State-Local Agreement - Schedule A for PIN 3755.33

OSC Municipal Contract #: D033780

Contract Start Date: 3/8/2012 (mm/dd/yyyy) **Contract End Date:** 12/31/2017 (mm/dd/yyyy)
☐ *Check, if date changed from the last Schedule A*

Purpose: ☒ Original Standard Agreement ☐ Supplemental Schedule A No.

Agreement Type: ☒ Locally Administered Municipality/Sponsor (Contract Payee): City of Cortland
Other Municipality/Sponsor (if applicable):

☐ State Administered *List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.*
☐ Municipality: % of Cost share
☐ Municipality: % of Cost share
☐ Municipality: % of Cost share

Authorized Project Phase(s) to which this Schedule applies: ☒ PE/Design ☐ ROW Incid ☐ ROW Acquisition ☐ Constructio

Work Type: BR REHAB **County** (If different from Municipality): Cortland

Project Description ☐ *(Check, if changed from last Schedule A):* MISCELLANEOUS BRIDGE REPAIRS, BINS: 2207860,
Additional Project Description (if required): 2207800, 2207830, 2207880.
Marchiselli Eligible ☐ **Yes** ☐ **No**

Approved Marchiselli Allocations in Legislature's Comprehensive List FOR All PHASES *To compute Total Costs in the last row and column, right click in each field and select Update Field.*

Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
☐	Cumulative total for all prior SFYs	$3,750.00	$	$	$ 3,750.00
☐	Current SFY	$	$	$	$
Authorized Allocations to Date		$3,750.00	$ 0.00	$ 0.00	$ 3,750.00

A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES *For each PIN Fiscal Share below, Show current costs on the rows indicated as "Current". Show the old costs from the previous Schedule A on the row indicated as "Old". To compute Total Current Costs in the last row, right click in each field and select Update Field.*

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding Program	Total Costs	FEDERAL Participating Share and Percentage	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
3755.33.121	Current	HBRRP	$50,000.00	$40,000.00 (80%)	$3,750.00	$6,250.00	$
	Old		$	$	$	$	$
	Current		$	$	$	$	$
	Old		$	$	$	$	$
	Current		$	$	$	$	$
	Old		$	$	$	$	$
	Current		$	$	$	$	$
	Old		$	$	$	$	$
	Current		$	$	$	$	$
	Old		$	$	$	$	$
	Current		$	$	$	$	$
	Old		$	$	$	$	$
TOTAL CURRENT COSTS			$50,000.00	$40,000.00	$3,750.00	$6,250.00	$ 0.00

NYSDOT/State-Local Agreement – Schedule A

B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES

For each PIN Fiscal Share, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." To compute Total Current Costs in last row, right click in each field and select "Update Field."

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
. . .	Current		$	$	$	$
	Old		$	$	$	$
. . .	Current		$	$	$	$
	Old		$	$	$	$
. . .	Current		$	$	$	$
	Old		$	$	$	$
. .	Current		$	$	$	$
	Old		$	$	$	$
. .	Current		$	$	$	$
	Old		$	$	$	$
. .	Current		$	$	$	$
	Old		$	$	$	$
. .	Current		$	$	$	$
	Old		$	$	$	$
. .	Current		$	$	$	$
	Old		$	$	$	$
TOTAL CURRENT COSTS:			$ 0.00	$ 0.00	$ 0.00	$ 0.00

C. Total Local Deposit(s) Required for State Administered Projects:	$

D. Total Project Costs

To compute Total Costs in the last column, right click in the field and select "Update Field."

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total Other STATE Cost	Total LOCAL Cost	Total Costs (all sources)
$40,000.00	$3,750.00	$	$6250	$50,000.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed):

Name: Evan Schimel
Phone No: 315-428-3234

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

NYSDOT/State-Local Agreement – Schedule A

Footnotes: (See LPB Website for link to sample footnotes)

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STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION 3
333 EAST WASHINGTON STREET
SYRACUSE, NY 13202
www.nysdot.gov

CARL F. FORD, P.E.
REGIONAL DIRECTOR

February 29, 2012

City of Cortland
19 South Franklin Street
Cortland, NY 13045

RE: Undertaking

To whom it may concern:

The New York State Department of Transportation has revised its Undertaking form; therefore, current Undertakings with the New York State Department of Transportation may not be used for further permit issuance.

Any current Highway Work Permit issued under your previous Undertaking will remain valid; however, we will be unable to process any new Highway Work Permit Applications without a new Undertaking being obtained.

In order to obtain a new Undertaking you need to return the completed Perm 1 Undertaking form dated 2/12(enclosed) along with a Clerk Certified Copy of your Resolution authorizing the Undertaking to the following:

New York State Department of Transportation
Attn: Diana Graser
333 East Washington Street
Syracuse, NY 13202

If you require further assistance please contact Mr. Jeremy J. Lawton of this office at 315-428-4388 between the hours of 8 am and 2 pm.

Very truly yours,

Diana L. Graser

Diana L. Graser, P.E.
Regional Traffic Engineer

Attachment

PERM 1 (2/12)

UNDERTAKING

For the benefit of

The New York State Department of Transportation

In connection with work affecting state highways

(For use by New York municipalities and federal agencies

WHEREAS, the undersigned _____ (Municipality, County, Town, City or Village, or any agency of the federal government, hereinafter referred to as "Permittee") from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts 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; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1. Permit Applications. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration

2. Applicable Rules, Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

4. Payment & Release of Liens. Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.

5. Indemnity. In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

IN WITNESS WHEREOF, _____ (Municipality-County, Town, City, Village or federal agency) agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee (attach Resolution of Approval).

_____	_____
Authorized Agent	Date
_____	
Print Name/Title	
_____	( ) _____
Address	Phone number
_____	_____
Address	e-mail

Central New York Mustang & Ford Club

Post Office Box #301
Cortland, New York 13045

Mick Lowie, President 607-753-0544
William O'Gorman P.R. 607-543-0323

February 9th, 2010

City of Cortland
Common Council
Court Street
Cortland, NY 13045

Dear Council Members;

From 1993 through the late 1990's I was proud to have held "Cruise Nite" here in Cortland. The traditional start has always been in Marathon and the ensuing Cruise always ended in Cortland. We used Main street, the College parking lot or even the parking area near Kmart as our ending.

This year marks the 27th Anniversary of this event, and for 27 years it has brought our community
together, and invited visitors to come and see where we live and how we enjoy our town.

Cruise Nite has always been a fun way to offer our community a spring time event that is entertaining and community based.

Over the years the format has been different, even our ending Cruise locations have varied from Smith Corona's parking lot, the Kmart parking lot, even the parking at S.U.N.Y. Cortland. No matter where we ended our parade to show off the Cars that everyone loves, our goal has always the same…fun for the entire family, right here in Cortland New York.

Once again, I have teamed up with the Central New York Mustang and Ford Club which will allow this event to be covered by Hagerty Insurance of Traverse City, MI. The folks at Hagerty specialize in Classic Vehicle Insurance and Car Event Coverage. Coverage will be One Million Dollars ($1,000,000.00.)

Our request of the Common Council is to help this event by allowing the closure Main Street for this event on Sunday, May 23rd 2010 from 2 pm until 6pm. The closing request varies slightly compared to how we worked it out for the event last year.

We are requesting the closure of Main Street from the Groton Avenue intersection through Tompkins Street intersection. The traffic flow along Court Street would remain intact.

For the past 2 years we only closed Main Street from Central through Tompkins Street, but after the success of last year (full side to side and double rows down the center) proves to us that we need the full use of Main street to keep the center open for the safety of the crowd and for emergency equipment to be able to respond during an emergency.

We, the organizers of Cruise Nite 10 ask for and encourage local business to interact with the show participants and the area residents who will come to our Main Street Cortland and visit.

Even though most every business will be enjoying Sunday off, we offer to those business' that remain open the opportunity for concession sales. We will not be offering any food for sale and most of the show participants will be looking for some type of meal…perhaps pizza, hot dogs or burgers, to satisfy the needs of their families.

As the show lets out between 5pm and 6pm, the area eating establishments will certainly see an extra dinner crowd and should enjoy incremental sales for the day.

The Cruise participants will park on Main Street and allow the public to review the cars on display, listen to Oldies 101.5 music and participate in the live broadcast. The show-mobile has will be once again reserved for this event and door prizes donated by area merchants will be given out to participants.

The Cortland Count Sheriff's office has always been kind enough to escort our "parade" to the City and we would appreciate a City Police escort to the Main Street parking venue.

To ensure that all participants in the "Cruise" have insurance on the vehicle they are driving, we require the New York State Insurance Card be displayed on the dash by the registration sticker. No vehicle will be allowed to stage in the Marathon Show Field without this card on display. We are further requesting the card stay on display until the show has ended in Cortland.

If you have any questions or need additional information, please feel free to call me direct.

Sincerely;
Bill O'Gorman

Bill O'Gorman
Chairperson/Public Relations
Cruise Nite '09
607-543-1215

CITY OF CORTLAND
OFFICE OF COMMUNITY DEVELOPMENT
THOMA DEVELOPMENT CONSULTANTS

25 Court Street, Cortland, New York 13045 Ph. 607.753.1433 Fx. 607.753.6818
www.cortland.org

MEMORANDUM

TO: Mayor Brian Tobin and Members of the Common Council

FROM: Thoma Development Consultants

RE: Attached resolution for adoption/NYS DEC Tree Grant

Date: March 12, 2012

The City's Landscape and Design Commission (L&D) applied for a grant on behalf of the City for funding under the NYS DEC's Urban and Community Forestry Program last year. Funds in the amount of $15,295 were awarded to the City contingent up a mach in the same amount from the City in either cash or in-kind services. The Council approved the match and submission of the grant last summer.

Unfortunately, the resolution submitted with the grant did not specify the amount of the match or authorize the Mayor to sign a grant agreement on behalf of the City. The NYS DEC, therefore, has directed that the City adopt the attached resolution before the contract can be executed.

We are submitting this on behalf of the L&D and should be able to answer any questions you have. Please contact Linda Armstrong prior to the meeting 3/20/12 if you have any questions on the above. Linda will be leaving for vacation Tuesday and will not be attending the meeting.

Attachment

City of Cortland
City Hall – Mayor's Office
25 Court Street, Cortland, New York 13045
Website: www.cortland.org

Phone: 607-758-8374 Fax: 607-753-0385

RESOLVED:

That Brian Tobin, Mayor of City of Cortland, NY, or such person's successor in office, is hereby authorized and directed to file an application for 50% matching funds in an amount not to exceed $15,295.00, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the City of Cortland, NY, for a 2009-2010 Cost-Share Grant for Urban and Community Forestry in New York State.

Cheryl A. Massmann
Deputy City Clerk

CITY OF CORTLAND
SOUTHEAST CORTLAND REDEVELOPMENT STRATEGY
DRAFT BOA NOMINATION STUDY

A. PROJECT OVERVIEW AND DESCRIPTION

A summary description and analysis of the contextual relationship of the proposed Brownfield Opportunity Area to the community, municipality and region that includes, but is not limited to: community size, population, and location in relation to the county and region; key demographic information and trends; housing trends and needs; the area's economic history and current condition including income, dominant employment sectors, and unemployment figures; land use history and current status; transportation systems; infrastructure; and natural features. This summary may rely primarily upon existing reports and plans. This will include: the relationship of the study area to the community and region; acreage in the study area; and the number and size of brownfield sites and other abandoned, vacant, or partially developed sites located in the proposed Brownfield Opportunity Area (BOA). The description will include the area's potential in terms of opportunities for:

- new uses and businesses
- creating new employment and generating additional revenues
- new public amenities or recreational opportunities
- restoring environmental quality.

The description shall include the relationship of the BOA to any existing comprehensive plans and/or economic development reports or strategies.

B. INVENTORY AND ANALYSIS – AREAWIDE

1) Major Commercial and Industrial Facilities – A description and analysis of major employers and business facilities including business name, location, industry type, facility size, brief description of the operation, number of employees, etc.

2) Historic or Archeologically Significant Areas - A description and analysis of historic or archeologically areas, sites, districts, or structures that are of local, state or federal significance.

3) Workforce Description and Analysis – including available workforce training/education facilities (not sure if this is eligible under BOA).

4) Transportation Systems - A description and analysis of the types of transportation systems (vehicular, rail, pedestrian) in the study area and the types,

volumes, and travel routes of users (truck, car, bus, recreational and commercial vessels, pedestrian, bicyclists, etc.)

5) Infrastructure - A description and analysis of the area's infrastructure (water, sewer, stormwater, etc.) and utilities including location, extent, condition and capacity. This description and analysis will also include parking lots.

6) Natural Resources and Environmental Features - A description and analysis of the area's natural resource base and environmental features and current conditions including, but not limited to: upland natural resources and open space; geologic, soil and topographic resources; surface waters and tributaries, groundwater resources and use; wetlands; flood plains; erosion hazard areas; fish and wildlife habitats; air quality maintenance areas; visual quality; agricultural lands; and locally, state, or federally designated resources.

7) Opportunities for Green Infrastructure – A description and analysis of sites with the highest potential for effective green infrastructure implementation, including stormwater management and other environment restoration related activities (e.g., wetlands restoration, forestation, rain gardens, swales, native landscaping, greenways, green roofs, and porous pavement).

C. INVENTORY AND ANALYSIS – SITE SPECIFIC

1) Inventory Brownfield, Abandoned, Underutilized, and Vacant Sites - A complete summary of relevant brownfield, abandoned, and vacant sites, including size and condition, current ground water conditions, and potential contamination issues based on: review of existing or historical records and reports, aerial or regular site photographs, and existing remedial investigations, studies and reports; field observations from locations adjacent to or near the site, or, if permission is granted, from being present on the site; interviews with people that are familiar with the land use history of the site; and/or any other known data about the environmental conditions of the properties in the proposed Brownfield Opportunity Area, as needed.

For each relevant brownfield, abandoned, underutilized, or vacant site, complete descriptive profiles shall be provided and shall include, but not be limited to:

- site name and location, including owner, site address, and size in acres;
- location on the *Underutilized Sites Location Map*;
- current use or status and zoning;
- existing infrastructure, utilities, and site access points;
- proximity and relation to existing transportation networks;
- natural and cultural resources or features;

- adjacent uses;
- environmental and land use history, including previous owners and operators;
- known or suspected contaminants, and the media which are known or suspected to have been affected (soil, groundwater, surface water, sediment, soil gas) based on existing environmental reports and other available information;
- Other constraints or issues that impact redevelopment potential.

For each site above that includes a building or buildings, a description and analysis of such buildings completed, including:

- building name
- number of stories
- gross square footage
- vacant square footage
- original use
- current use
- condition

D. ECONOMIC AND MARKET TRENDS ANALYSIS

An economic conditions and market trends analysis that, when combined with the inventory and analysis, will sufficiently and thoroughly justify a range of realistic future land uses to occupy the study area and strategic sites that are targeted for redevelopment; as well as the future land uses that are economically viable, compatible, and appropriate for the area targeted for redevelopment.

The economic analysis will include existing and projected socio-economic conditions within the municipality and the region, and consider the following:

- population
- labor force and earnings
- employment (public and private)
- transportation factors
- land available for development
- types of potential future land uses most appropriate for the study area development impacts
- description of benefits such as employment, impact on the area targeted for redevelopment, municipal tax revenues, economic benefits from construction and subsequent business operations, and economic multipliers to the municipality and region from desired end land uses.

The economic and market trends analysis may consist of a macro (state and regional) and micro (neighborhood, street, block) analysis. If a macro analysis is conducted, the contractor shall consult with the NYS Empire State Development Corporation and the NYS Department of Labor and other sources identified below to obtain the most up to date and relevant information on macro-economic issues, such as national, state and regional business, labor and employment trends. The analysis shall include a micro-economic and real estate trends analysis that addresses issues and opportunities at the municipal, neighborhood and block levels relevant to the proposed Brownfield Opportunity Area.

The economic and market trends analysis will explore the potential for Tax Increment Financing (TIF) for a specific site, or multiple sites, found to be suitable for TIF implementation. This examination should form the basis for a Redevelopment Plan, consistent with the requirements of Article 18-C of the Municipal Redevelopment Law (should TIF be determined to be a viable option.).

Additional sources upon which the economic analysis will be prepared may include but not be limited to:

- telephone surveys and interviews with local business owners, chamber of commerce, appropriate civic groups, and municipal officials
- interviews, focus groups and meetings with local real estate "experts", including organizations such as the Association of Realtors and/or individual realtors.
- local, county, regional planning boards
- county or regional economic reports and assessments
- Recent plans, redevelopment plans or other planning initiatives that impact economic development.
- local or regional visitors and convention bureaus
- local, county, state, or metropolitan transportation bureaus or councils
- recreational and commercial boating organizations and reports
- County Assessors office
- New York State Department of Labor, Division of Research and Statistics
- New York State Division of Equalization and Assessment
- New York State Department of Commerce
- American Planning Association
- U.S. Bureau of the Census
- U.S. Census Transportation Planning Package
- U.S. Census of Retail Trade
- U.S. Immigration and Naturalization Service
- U.S. Department of Commerce, Bureau of Economic Analysis; Metropolitan Statistical Area Projections; Patterns of Metropolitan Area and County Population Growth; RIMS-II economic multipliers for specific counties
- U.S. Army Corps of Engineers, Waterborne Commerce of the United States
- Empire State Development

- Central NY Regional Economic Development Council
- Cortland County Business Development Corporation/IDA

E. MULTI-MODAL TRANSPORTATION STUDY

The objective of a Multi-Modal Transportation Study is to develop and prioritize specific multi-modal improvements in the BOA. Multi-modal includes all means of transportation such as vehicle, pedestrian, bike paths, ADA compliance, analysis of parking lots, etc. The plan's objective will be to create an interconnected transportation network within the BOA as well as demonstrate the benefits towards the redevelopment of strategic sites identified in the Nomination Study. Recommended capital improvements will be prioritized based on land uses, estimated costs and benefits, user needs, safety benefits and public input. In addition to overall multi-modal improvements, specific components include:

1) Traffic Study – A study of traffic patterns, usage, and facilities with a focus on truck and other industrial traffic, its impact on residential neighborhoods, access to industrial sites, and development of potential mitigation measures.

2) Port Watson Gateway and Corridor Design Plan – A public involvement planning process will be undertaken to investigate problems, opportunities, and solutions to improve the Port Watson Street Gateway and Port Watson Street Corridor. Conceptual streetscape improvement plans with cost estimates for project phases will be developed.

F. HOUSING AND NEIGHBORHOOD STUDY

1) ***Housing Conditions Inventory*** – A housing inventory will be undertaken for all residential structures in the BOA. This includes an exterior conditions survey to classify each structure as standard, moderately substandard, severely substandard, or dilapidated. Housing structures will also be identified as owner-occupied or rental properties, the number of units in each structure, age, construction type, and number of stories. Data will be analyzed and mapped to determine concentrations of housing deterioration, levels of deterioration, and the types and mix of housing.

2) ***Neighborhood Survey*** – A mail survey will conducted of all households in the BOA to gather income related to:

- Income levels
- Household composition
- Opinions on neighborhood and housing issues

3) Housing Market Analysis – An analysis of the market forces and trends related to housing in the BOA including:

- Level of demand for population segments (seniors, low-income, market rate etc.)
- Level of demand for various housing types (owner-occupied vs. rental, single-family detached, single family attached, condos, multi-family, etc.)
- Factors impacting/limiting investment in existing housing stock, including but not limited to, impacts from neighboring industries, condition and appearance of streetscapes, access to goods and services, etc.

G. GREENWAY DEVELOPMENT STUDY

1) Parcel/Site identification - Identify location and needed lands for the Greenway. Once identified, determine ownership, current use, potential availability, constraints, and opportunities.

2) Conceptual Designs – Develop conceptual design plan(s) for greenway and related amenities including, but not limited to, trail location, types of trail (paved, unpaved, uses), access points, parking, landscaping, and other potential amities such as playgrounds, recreational equipment, community gardens, lighting, benches, etc.

3) Phasing Plan - Based on the information developed in (1) and (2), create a phasing plan for greenway development, including costs for various components/phases.

G. REDEVELOPMENT PLANS FOR STRATEGIC SITES

1) Identification of Strategic Sites - Based on A through F above, five to eight key redevelopment sites/opportunities that are catalysts for revitalization will be identified. Factors that may be used to identify strategic sites can include but are not limited to:

- overall importance to the community and the revitalization effort;
- location
- ownership and owner willingness
- on-site structures
- level of contamination
- property size and capacity for redevelopment
- potential to spur additional economic development or positive change
- potential to improve quality of life or to site new public amenities
- community support for proposed projects for the site
- adequacy of supporting or nearby infrastructure
- utilities and transportation systems

- other factors as may be determined by the community.

The contractor shall prepare relevant information and citations throughout the Nomination document consistent with the requirements of Article 18-C of Municipal Redevelopment Law, in anticipation of pursuing Tax Increment Financing (TIF) for implementation projects in the study area.

2) Analysis of Alternatives for Development of Strategic Sites - The overarching goal of the Nomination Study is to help stimulate economic vitality and revitalization, utilizing sustainable community development principles, which result in the creation of living wage jobs for the City of Cortland especially for the poor and unemployed. As such, it is important to analyze the market support for and economic feasibility of various redevelopment alternatives identified which are consistent with the vision of the community and the mix and type of land and economic uses most appropriate to the redevelopment of strategic sites.

3) Identification of Specific Redevelopment Alternatives - The contractor shall identify and fully describe one to three redevelopment scenarios for each strategic sites within the study area based on the findings of the land use analysis and the range of potential uses identified in the economic and market analysis. The alternatives shall serve to advance the community's vision and catalyze area-wide redevelopment. The contractor will apply smart growth, sustainable community development principles (and industrial ecology, as appropriate) to define redevelopment choices.

4) Financial Proforma Development Analysis - A financial proforma analysis shall be undertaken to test the identified alternatives against the market potential for each. A model may be developed to test and compare the financial feasibility and funding gaps of the alternatives to assist in choosing a preferred, economically feasible alternative.

5) Refinement of Preferred Alternatives - Based on the previous inventory and analysis, and studies, a preferred alternative will be chosen and further refined for each strategic site. Additional financial analysis will be undertaken to quantify the cost/benefit of the project and identify any necessary public financial support for the chosen alternative.

6) Quantifying the Redevelopment Program - Using the information the previous tasks related to the strategic sites, the contractor shall prepare an overall redevelopment program for the entire BOA study area with a more detailed presentation of the reuse of the strategic sites to include specific development footprints, transportation and infrastructure.

H. MARKETING THE BOA

The contractor shall prepare, or cause to be prepared, site profiles, graphics and illustrative materials, a marketing strategy, and a marketing brochure for use in promoting the area as ripe for public and private investment. Activities shall include but are not limited to, the following:

1) Profiles of Strategic Sites for Marketing Purposes - Descriptive profiles of strategic sites, prepared during the Nomination phase of this project, shall be updated as needed, to publicize and market the site's availability for redevelopment for desired end land uses. The descriptive profiles, (in the range of seven to ten), shall be professionally designed so they can be included in real estate portfolios, marketing brochures, or for posting on web sites. Completed profiles must be included in an Appendix to the Implementation Strategy. Minimum site profile requirements shall include, but are not be limited to:

- site name and location, including owner, site address, size in acres, and map location;
- current use/status;
- infrastructure
- use potential (residential, commercial, industrial, recreational) and potential redevelopment opportunities;
- other elements as may be identified by the Empire State Development Corporation

2) Graphics and Illustrative Materials

Conceptual plans, elevation drawings, section drawings, perspective drawings to convey to municipal leaders, community based organizations, residents, and investors how strategic sites, streetscapes and other areas of interest have the potential to appear after development or improvements are completed. This shall be completed for five to eight strategic sites.

3) Branding, Marketing Strategy, and Brochure

The contractor shall develop a marketing strategy for the BOA that recognizes and promotes the distinct redevelopment opportunities in the various areas/sites of the BOA, as identified in the Nomination, and clarifies distinctive opportunities based on the economic & market trends analysis. The Marketing Strategy shall incorporate the various media and marketing tools available, including digital marketing.

Upon completion of the BOA Implementation Strategy, the contractor shall produce, or cause to be produced, a high quality marketing brochure to serve as a marketing and promotional piece to build public and private support for revitalization of the Brownfield Opportunity Area. Such brochure shall summarize the plan's objectives, and describe planned projects, including public-sector and private-sector roles,

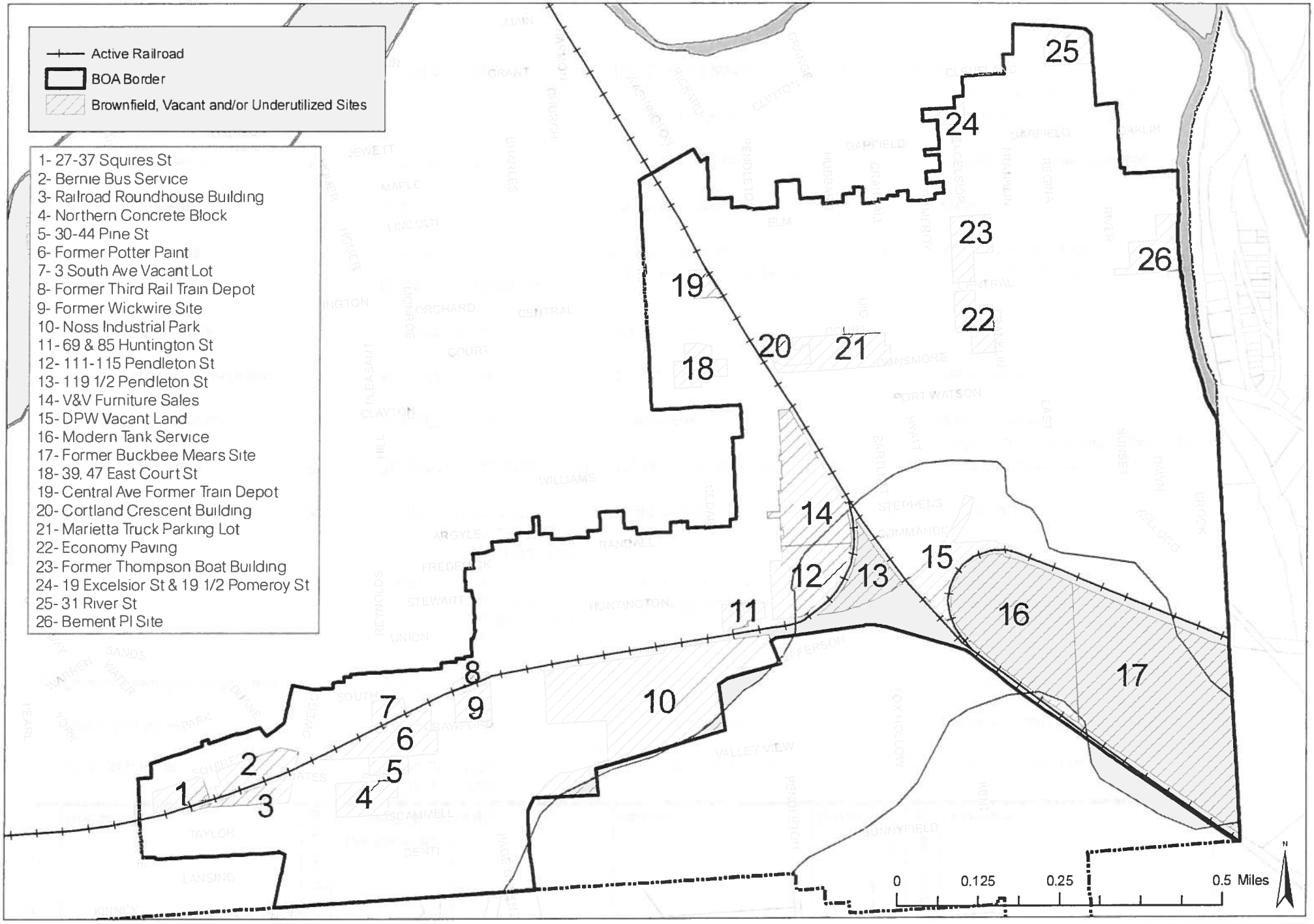
investments, and responsibilities, to revitalize the area and to achieve BOA objectives. The marketing brochure shall include a map of the study area that shows the location of key projects and improvements in the study area.

Additional marketing materials may be developed for the BOA which provides user-friendly information that highlights the development opportunities in the BOA and includes graphics that attractively illustrate the vision of the overall BOA and its specific strategic development areas and educates potential developers/investors, users and/or funding agencies and the public to the values associated with redeveloping the site or sites.

15	**DPW Vacant Land**	2	87.69-01-	20.00; 19.00	Hyatt St & East Ave	10.0	√		Vacant land (parcels/acreage includes railroad to city border)
16	**Modern Tank Service**	1	87.69-01-	07.00	S Franklin St	20.5		√	Modern Tank Service builing, truck trailer parking, and vacant land
17	**Former Buckbee Mears Site**	1	87.78-01-	01.00	30 Kellogg Rd	38.5	√		Vacant structures and land, some were previously demolished, known brownfield
18	**39, 47 East Court St**	1	86.59-02-	13.00	39, 47 E Court St	2.5	√		Vacant land
19	**Central Ave Former Train Depot**	2	86.59-01-	19.00; 20.00	92, 94, 96 Central Ave	1.1	√		Vacant buildings- former train depot.
20	**Cortland Crescent Building**	1	86.60-03-	02.00	65 E Court St	1.5		√	Partially occupied building, formerly industrial
21	**Marietta Truck Parking Lot**	1	86.60-03-	05.00	77 E Court St	4.7		√	Tractor trailer truck parking, in active use on a daily basis
22	**Economy Paving**	5	87.53-01-	04.00; 07.00; 08.00; 09.00; 26.00	173, 175 Central Ave; 26-32, 38 Franklin St	2.8		√	Building and outdoor storage, active industry
23	**Former Thompson Boat Building**	2	87.45-03-	01.20; 01.11	125-127 Elm St	3.3	√		Vacant buildings and city-owned parking lot
24	**19 Excelsior St & 19 1/2 Pomeroy St**	2	87.37-04- 87.37-03-	02.00 06.00	19 Excelsior St & 19 1/2 Pomeroy St	1.1	√		Vacant land
25	**31 River St**	1	87.37-01-	11.00	31 River St	2.6		√	Parking lot and greenspace
26	**Bement Pl Site**	3	87.46-02-	04.20; 04.10; 03.00	94 Bement Pl, 224 & 226 Central Ave	3.2	√		Vacant former Cortland Produce builing and vacant riverfront land

Profiles of Underutilized Sites and Locations

#	Site Name	# of parcels	Tax Parcel ID: Section & Block	Lot(s)	Address	Size (acres)	Vacant	Underutilized	Condition
1	**27-37 Squires St**	2	96.25-01- 96.24-01-	01.00 55.00	27-33, 35-37 Squires St.	1.9	√		Vacant land and building
2	**Bernie Bus Service**	3	96.25-01-	.20; .11	3, 7-19, & 21 Squires St.	2.9		√	Bus service parking lot & buildings
3	**Railroad Roundhouse Building**	1	96.25-01-	47.00	84 Owego St.	2.0	√		Vacant building
4	**Northern Concrete Block**	12	96.26-02-	45.00; 46.00; 47.00; 48.00; 49.00; 01.00; 02.00; 03.00; 04.00; 05.00; 06.00; 07.00; 08.00	38,42-48,56 Scammell St & 33-43,47,55 Pine St.	2.8		√	Building & outdoor concrete block storage
5	**30-44 Pine St**	8	96.26-01-	25.00; 26.00; 27.00; 28.00; 29.00; 30.00; 31.00; 32.00	30-44 Pine St.	1.1	√		Vacant lots
6	**Former Potter Paint**	3	86.82-02-	18.10; 10.00; 09.00	20, 24, 17-21 Crawford St	4.5		√	3 main buildings and land
7	**3 South Ave Vacant Lot**	1	86.82-02-	19.10	3 South Ave	1.6	√		Coffee Mania is on part of parcel and the rest is vacant
8	**Former Third Rail Train Depot**	1	86.82-02-	04.00	1 South Ave	0.4	√		Vacant building
9	**Former Wickwire Site**	1	86.82-02-	06.00	190 Main St	1.8	√		Vacant land
10	**Noss Industrial Park**	3	86.83-01- 96.27-01-	04.00; 01.00 05.00	136 S. Pendleton St, Valley View Dr, Main St	26.3	√		Vacant land, part of active industrial park, known brownfield
11	**69 & 85 Huntington St**	1	86.85-02-	05.00	69, 85 Huntington St	1.4	√		Vacant Land
12	**111-115 Pendleton St**	1	86.76-01-	25.00	111-115 Pendleton St	6.9		√	Moving and storage company
13	**119 1/2 Pendleton St**	1	86.76-02-	05.00	119 1/2 Pendleton St	4.1		√	Scrap Yard
14	**V&V Furniture Sales**	1	86.68-01-	01.12	113, 115 Port Watson St	9.7		√	Furniture sales and restoration business



City of Cortland Brownfield Opportunity Area
Underutilized Sites and Locations

THOMA
Development Consultants

CORTLAND YOUTH BUREAU

35 Port Watson Street • Cortland, NY 13045 • (607) 753-3021 • Fax: (607) 753-3023 • www.cortland.org

TO: Mayor Brian Tobin
Members of the City Council
Mack Cook, Director of Administration and Finance
Lori Crompton, Finance Department

FROM: John McNerney, Youth Bureau Director

RE: James J. Yaman donation

DATE: March 9th, 2012

Once again Mr. James Yaman has made a generous donation to the City of Cortland Youth Bureau to make improvement to Yaman Park. In January of this year, I met with Mr. Yaman and identified three areas to address for improving Yaman Park. One of the goals was to complete the projects prior to opening Yaman Beach in May.

I would like to ask the common council to pass the following resolution on March 20, 2012.

Consideration of a resolution to approve a donation of $24,000.00 from James J. Yaman for Yaman Park improvements and equipment needs. Donated funds will be added to the youth bureau operating budget line PARKS – 7110.407.

The park improvement targeted for this year include the following outlined below:

I. $15,000.00 - Replacement of 544 feet of wood fencing at the top of the beach with a new steel 2 ½ inch pipe ranch rail. The original fence is deteriorating and the solution is a maintenance free steel rail fence.

II. $4,300.00 - RK Tree Service contract to remove dead trees, stumps and brush along the Tioughnioga River bank with a goal to improve the site line and enhance the beauty of the park near the rivers edge. (see request and approval letter from the DEC)

III. $4,700.00 - Purchase a new 83" sickle bar mower attachment to cut Yaman swimming area weed growth and weeds along Tioughnioga River banks. The equipment will also be utilized to cut weed growth along Dry Creek in Suggett Park.

Since the park opened in 1967, James Yaman has donated over $400,000.00 to the City of Cortland for Yaman Park improvements and takes great pride in the appearance of the park. Please stop down to Yaman Park and see the progress we have made with these projects and park improvements.

On behalf of the City of Cortland, I would like to thank Mr. James Yaman for his continued support of our park system.

YAMAN
REAL ESTATE
Cortland's Premier Name in Real Estate Since 1950
www.yaman.com

March 7, 2012

John McNerney, Director
City of Cortland Recreation and Parks
25 Court Street
Cortland, NY 13045

RE: Yaman Park

Dear John:

I am enclosing the following checks:

-Yaman Foundation check for Fifteen Thousand Dollars ($15000.00) to go towards the cost of replacing the railings at the top of the beach by Whitmore Fence.
-Yaman Real Estate check for Nine Thousand Dollars ($9000.00) to pay for the purchase of a sickle mower from Empire Tractor for Forty-Seven Hundred Dollars ($4700.00) and to pay Robert Kinney-RK Tree Service, Four Thousand Three Hundred Dollars ($4300.00) for work that he has completed on clearing of branches and dead trees and cleanup along the river bank.

Please pay Robert Kinney as soon as possible. He and his helpers did an outstanding clearing the area to make the Tioughnioga River visible.

Sincerely,

Jim

James J Yaman

CC: Robert Kinney/RK Tree Service

185 Clinton Avenue • Cortland, NY 13045
Office: (607) 753-9644 • Toll Free: (800) 715-0309 • Fax: (607) 753-9666

CORTLAND
YOUTH BUREAU

35 Port Watson Street • Cortland, NY 13045 • (607) 753-3021 • Fax: (607) 753-3023 • www.cortland.org

February 9, 2012

Jean P. Folly
New York State DEC
1285 Fisher Ave.
Cortland, NY 13045

Dear Jean:

I appreciate you taking time out of your schedule to meet with myself and Mr. James Yaman to discuss Yaman Park improvements. Our goal is to improve the site line view of the Tioughnioga River from the park bank to the waters edge. We have many park visitors including walkers, seniors and families that enjoy leisure time along the river, but cannot see the river's beauty.

Outlined below is a list of tasks we would like to complete to enhance the beauty of the park along the 150' river edge. We are seeking a non-jurisdiction permit in order to get started with the following tasks:

- Removal of dead non-rooted trees.
- Cut fallen willow to 12 feet so tree can re-root.
- Remove burdock bushes and dogwood approximately 25 yards.
- Trim up some low hanging tree branches on healthy trees.
- All root systems will remain intact.

We very much respect the environmental habitat aspects of the river and will not use heavy equipment that might cause damage to the river bank. The work that we undertake will have little effect on wildlife and erosion in the area. As caretakers and good stewards of the park, we rarely see water levels raise to the area we will be working on.

This project is very important to Mr. James Yaman who donated the land for the park so the Cortland Community could enjoy outdoor leisure pursuits. Feel free to call me with any questions regarding our request at 753-3021 ext. 23.

Sincerely,

John McNerney

John McNerney, Cortland Youth Bureau Director
mcnerney@cortland.org

New York State Department of Environmental Conservation
Bureau of Habitat
1285 Fisher Avenue, Cortland, New York 13045-1090
Phone: (607) 753-3095 • **Fax:** (607) 753-8532
Website: www.dec.ny.gov

Joe Martens
Commissioner

February 13, 2012

John McNerney
Cortland Youth Bureau
35 Port Watson St.
Cortland, NY 13045

RE: Yaman Park Riverbank Work
Tioughnioga River at Yaman Park, Kennedy Drive, Cortland, NY

Remove Dead Non-Rooted Trees
Cut Fallen Willow leaving significant truck with live shoots for re-growth
Remove Burdock and Dogwood for approximately 25 yards
Trim up some low hanging branches on healthy trees
Leaving all root systems intact

Dear Mr. McNerney:

The Yaman Park project as discussed and modified during our site visit, February 8, 2012, will not require NYSDEC Protection of Streams, Navigable Waters (ECL §15-0501 & §15-0505) or Freshwater Wetland permits, as long as the work is done by hand and no vehicles are in the jurisdictional area which begins at the top of the slope.

Vegetation may be trimmed and removed, however the root systems must remain intact and the soil surface is not to be disturbed. In addition, no fill of any sort may be added to the site, including dressing with topsoil.

Although a NYSDEC Protection of Streams, Navigable Waters permit is not needed, NYS Water Quality Standards must be maintained. Appropriate measures must be taken to control direct and indirect erosion, siltation and pollution.

While the scope of this project is unlikely to require a permit from the U.S. Army Corps of Engineers, it is advisable to check with them before beginning any work.

Sincerely,

Jean P. Foley

Jean P. Foley
Biologist 1
Bureau of Habitat
jpfoley@gw.dec.state.ny.us

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YAMAN REAL ESTATE
185 CLINTON AVE
CORTLAND, NY 13045-1428
(607) 753-9644

ALLIANCE BANK, N.A.
CORTLAND, NY 13045
50-351/213

76690

3/7/2012

PAY TO THE ORDER OF City of Cortland Finance Department $ **9,000.00

Nine Thousand and 00/100********** DOLLARS

City of Cortland
Finance Department
25 Court Street
Cortland, NY 13045

MEMO Parks and Recreation for Yaman Park

MP

⑈076690⑈ ⑆021303511⑆ 101 00727 9⑈

YAMAN FOUNDATION
CORTLAND, NY 13045

ALLIANCE BANK
CORTLAND, NY 13045
50-351/213 2

165

3/7/2012

PAY TO THE ORDER OF City of Cortland Finance Department $**15,000.00

Fifteen Thousand and 00/100********** DOLLARS

City of Cortland
Finance Department
25 Court Street
Cortland, NY 13045

MEMO Parks and Recreation for Yaman Parks

AUTHORIZED SIGNATURE MP

⑈000165⑈ ⑆021303511⑆ 610 02649 4⑈

Whitmore Fence Company

Fred Whitmore, Owner 126 North Street
(607) 844-9011 Dryden, NY 13053

Quote

TO:

Paul Yaman Construction
Project: Yaman Park
Attn: James & Paul Yaman

Quote Date: 12/19/11

PHONE: 756-7042 CELL: 327-0350
FAX: 756-8503
ESTIMATOR: Dean Whitmore

Quantity	Description	Unit Price	Amount
			$0.00
544	ln.ft. of Replacement Pressure treated 8 x 8 posts w/ a top & lower		~~$21,303.00~~
	2 x 10 horizontal member.		$0.00
			$0.00
544	ln.ft. 440 ranch rail 2 1/2 in. 40 weight galv. Pipe poly coat Brown		$18,540.00
			$0.00
544	ln.ft. Ameristar 3 ft. high Stalwart Post & rail system		~~$26,000.00~~
			$0.00
544	ln.ft. of Snug Cottage Boston Garden Post & Chain color, (black)		~~$19,200.00~~
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
		Sub-Total	$0.00
		Sales Tax	$0.00
		Total	$0.00
		Less Deposit	$0.00
		TOTAL DUE:	$0.00

TERMS: Net 10 days from date of invoice. A finance charge of 2% per month will be added to all past due balances. This is an ANNUAL PERCENTAGE RATE of 24%. The minimum FINANCE CHARGE is $1.00 per month.

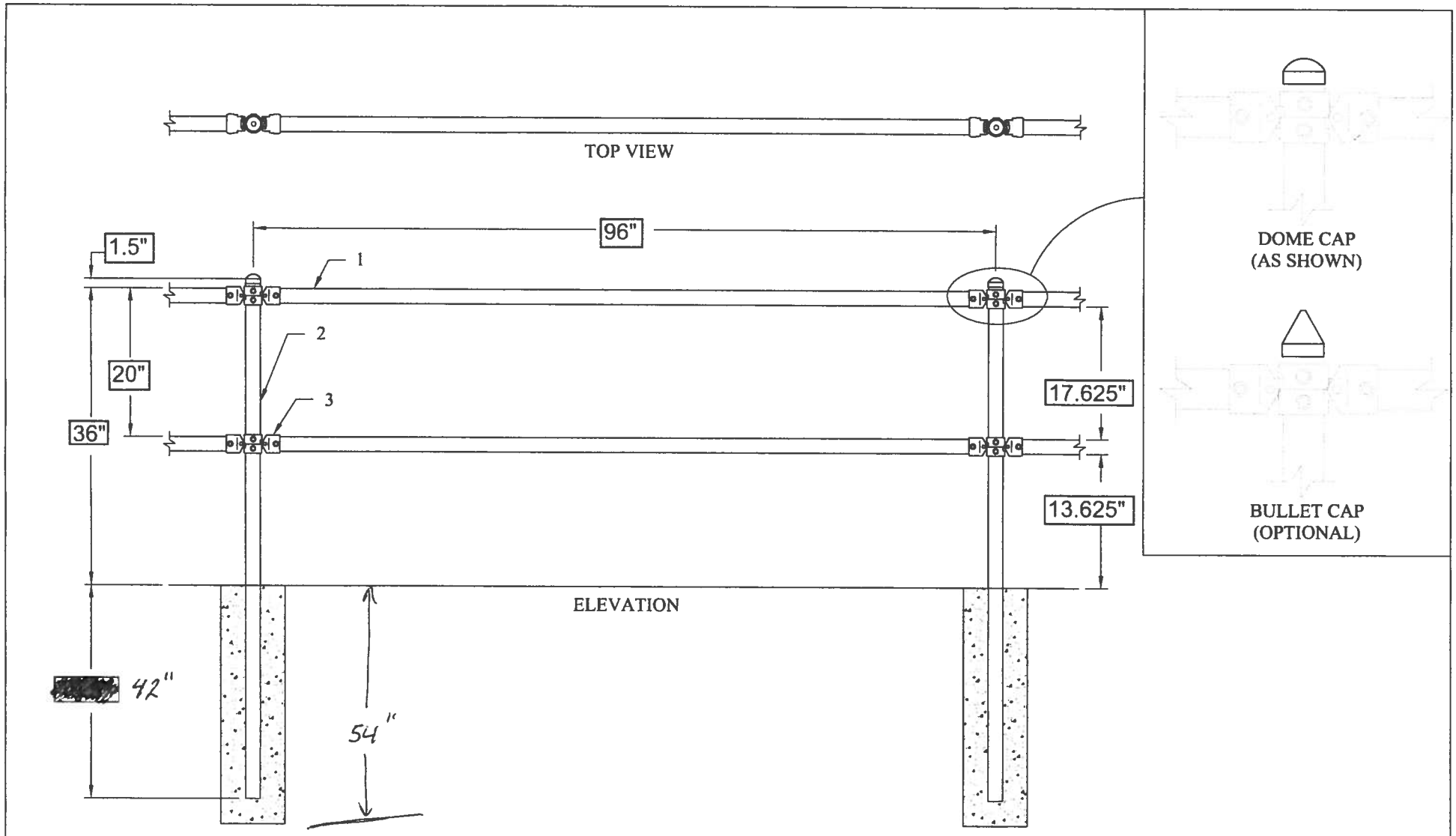
Exempt: ☐ CAP. IMP ☐ RESALE ☐

Visa ☐ M/C ☐ Discover ☐ Check ☐

Card # _____

Signature: _____

Date: _____



#	DESCRIPTION
1	2⅜" ROUND RAIL
2	2⅜" ROUND POST
3	440 BRACKET

AMERISTAR®
1555 N. Mingo
Tulsa, OK 74116
1-888-333-3422
www.ameristarfence.com

TITLE: 440 PIPE FENCE 2R 10' PANEL - SPECIAL

DATE: 01/07/10	SCALE: 1:22	SHEET: 1/1
DRN BY: JAS	CHK BY: JG	REV: a

DRAWING NO: 40-100-0029

R K TREE SERVICE

Bob Kinney – Owner
1995 BLODGETT MILLS RD.
CORTLAND, NY 13045
607-756-9154

FULLY INSURED

FREE ESTIMATES

TRIMMING & REMOVAL

STUMP REMOVAL

CUSTOMER INFORMATION

DATE: 3/6/12

Name: James Yaman
Address: 185 Clinton Ave
City: Cortland NY Zip: 13045

Work Performed	Cost
Removed Bush front of park,	
Cleared Brush by fence, river.	
Removed dead trees + wood,	
trimmed brush on North side	
of fence, ground stumps by	
fence, trimmed tree by river	4300 00
Make Check payable to Robert Kinney / RK Tree Service	
PAYMENT — SUBTOTAL	4300 00
CASH____ CHECK____ — TAX %	exempt
CK #_____ — TOTAL	4300.00

EMPIRE TRACTOR, INC.
www.empiretractor.com

☐ 5563 East Main Street
Batavia, NY 14020
(585) 343-1822

☐ Box 150, Route 371
Atlanta, NY 14808
(585) 534-5935

☐ 1437 Route 318
Waterloo, NY 13165
(315) 539-7000

☒ ~~3865 US Route 11~~ 638 Route 13
Cortland, NY 13045
(607) 753-9656

☐ 2893 Route 20 East
Cazenovia, NY 13035
(315) 655-8146

☐ 2700 Erie Blvd. E.
Syracuse, NY 13224
(315) 446-5656

TO: Dennis Gallagher	SUBJECT:
Cortland South Bureau	
607-543-0183 Fax 758-8352	
SALESPERSON:	DATE: 2-21-2012

New Rossi BF210H 83"
Hyd Lift Sickle Bar Mower

Retail
5023.00

your price set up
4700.00

SIGNATURE/TITLE/LOCATION/PHONE/DATE
ET 622 Matt Carpenter 607-423-4455

PLEASE RETURN TO SENDER IF ANSWER IS REQUIRED

CUMMINGS & BRICKER
www.cummingsandbricker.com
sales@cummingsandbricker.com

Effective 09/15/2011

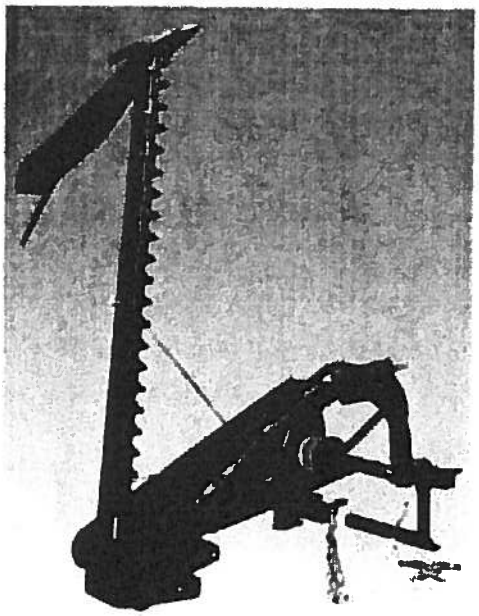
F.O.B. C&B

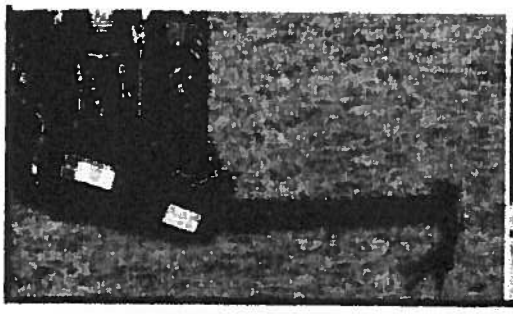
Click here for ordering programs-Select Program #2 from Bookmarks

3PT MOUNTED SICKLEBAR MOWERS

- 540 RPM to Belt Drive-No Pitman
- CAT I 3point Hitch
- Double Sicklebar w/Alternating Movement
- Spring Loaded Breakaway Protection
- Operates up to 75 Degrees Down and 90 Degrees Up
- Extra Sicklebar Included
- Blade Protection for Transport Included
- All Units Crated-2per Crate
- BF240HRT and BF270HRT are standard with individually replaceable guard sections. All other models have ranks of replaceable guards

Model	Cutting Width	HP Required	Weight	Working Speed (Max)
BF135	52"	12-20	415	6MPH
BF150	59"	15-20	430	6MPH
BF180	71"	20-30	560	10MPH
BF210	83"	20-30	585	10MPH
BF240HRT	94"	30-40	618	10MPH
BF270HRT	106"	30-40	640	10MPH





"Wobble" Drive – no pitman

Spring Loaded Breakaway

ITEMNUMBER	DESCRIPTION	WEIGHT	PRICE
BF135	52" Manual Lift (Compact Cat I 3 point)	410	$4,060.00
BF135H	**52" Hydraulic Lift (Compact Cat I 3 point)**	**420**	**$4,419.00**
BF150	59" Manual Lift (Compact Cat I 3 point)	430	$4,121.00
BF150H	**59" Hydraulic Lift (Compact Cat I 3 point)**	**440**	**$4,481.00**
BF150HL	Hydraulic Lift Kit for BF135/BF150 (Included with "H" models)	45	$530.00
BF180	**71" Manual Lift**	**560**	**$4,555.00**
BF180H	71" Hydraulic Lift	560	$4,868.00
BF210	**83" Manual Lift**	**585**	**$4,761.00**
BF210H	83" Hydraulic Lift	585	$5,073.00
BFHL	**Hydraulic Lift Kit for BF180/210 (Included with "H" models)**	**45**	**$567.00**
BF240HRT	94" Hydraulic Lift (Individual Replaceable Guard Sections)	618	$5,632.00
BF270HRT	**106" Hydraulic Lift (Individual Replaceable Guard Sections)**	**740**	**$6,043.00**

100-120 LEHIGH AVE.
P.O. BOX 928
BATAVIA, NY 14021
PHONE: 800-252-1552 FAX: 888-852-7406

100 STOVER DRIVE
CARLISLE, PA 17015
PHONE: 800-222-8969
FAX: 717-249-9384

City of Cortland
City Hall – Mayor's Office
Brian Tobin
Mayor
25 Court Street, Cortland, New York 13045
Website: www.cortland.org

Phone: 607-758-8374 Fax: 607-753-0385

To: Cheryl Massman, City Clerk
Re: Appointment to the Zoning Board of Appeals

Dear Mrs. Massman: March 14, 2012

I would like to put forth a candidate for a position on the Zoning Board of Administration to be considered at the Common Council Meeting on Tuesday, March 20th, 2012.

Zoning Board of Appeals - Michael Stoll Jr.

I believe the individual, Mr. Michael Stoll Jr., has both the experience and civic mindedness to be a positive addition to the board.

Thank you,

Brian Tobin
Mayor
City of Cortland

Lori Crompton

From: "Margie Becker" <assist@cortlandwastewater.org>
To: "Lori Crompton" <lcrompton@cortland.org>
Cc: "Elaine Doe" <Edoe@cortland.org>
Sent: Thursday, January 05, 2012 7:27 AM
Subject: Funds Transfer

Good morning, Lori

I spoke with Bruce this morning regarding funds needed for the **Verizon phone bills (G-8110-411-00)** bill for $841.75, as well as the **Dell Computer bills (G-8110-403-01),** amts ($2,106.15 + $1,352.46 = $3,458.61), for 2011 budget payments. He would like to transfer funds from the **G-8110-415-00** budget to cover these expenses as well as incumber the amount for the HP computers ($8,200.00), into G-8110-403-01. I have not yet received the HP invoice yet, but is expected anytime now.

Please feel free to call if you have any questions or need assistance. Thanks for all your help and have a great day.

Margie Becker

City of Cortland Wastewater
Treatment Facility
251 Port Watson St.
Cortland, NY 13045
Phone: (607) 756-7227
Fax (607) 756-6822

SEWER FUND ENCUMBRANCE REQUEST 2011

Wastewater Admin., Office Equip.	G8110.40301	$	8,200.00

CITY OF CORTLAND
OFFICE OF COMMUNITY DEVELOPMENT
THOMA DEVELOPMENT CONSULTANTS

25 Court Street, Cortland, New York 13045 Ph. 607.753.1433 Fx. 607.753.6818
www.cortland.org

CONFIDENTIAL MEMORANDUM

TO: Mayor Brian Tobin and Members of the City Common Council

FROM: Bernie Thoma, Thoma Development Consultants

RE: Request for temporary loan payment relief/Community Development Loan Recipient

DATE: March 12, 2012

Attached please find a March 10, 2012 Confidential Memorandum to the City's Loan Review Committee with respect to a request to provide temporary loan payment relief for Ithaca Technologies, LLC doing business under the name of Glyph Technologies (Glyph). The memo to the Loan Committee indicates that a number of emails are included. Due to the volume of these emails, they have not been included with this memo, but were provided to and reviewed by the Loan Committee to assist them in arriving at their recommendation to the Council.

Based on the information contained in our memo and the accompanying emails with the company, the Loan Committee is making a recommendation to the Council to approve temporary repayment relief for the company. The relief would allow the company to make interest only payments of approximately $250/month rather than the $2,941 monthly payment they are currently making.

Linda Armstrong will be on vacation starting 3/20/2012. Accordingly, she will not be attending your meeting. If you have questions for Linda, she will be in the office until 1 PM on 3/20/2012. I encourage you to contact her at 753-1433 if you have any concerns or questions. However, Mack Cook attended a meeting between Ithaca Technologies and the four lenders involved in the company's expansion project. He is familiar with the issues and can respond at the Council meeting.

Enclosure

CITY OF CORTLAND
OFFICE OF COMMUNITY DEVELOPMENT
THOMA DEVELOPMENT CONSULTANTS

25 Court Street, Cortland, New York 13045 Ph. 607.753.1433 Fx. 607.753.6818
www.cortland.org

CONFIDENTIAL MEMORANDUM

TO: Mayor Brian Tobin and Members of the City's Loan Committee

FROM: Thoma Development Consultants

RE: Ithaca Technologies d/b/a Glyph Technologies – Loan Payment Relief

DATE: March 10, 2012

As you know, the City approved a loan to Ithaca Technologies, LLC (IT) in 2010 that facilitated their relocation from Ithaca to Cortland in June of 2010. The loan, in the amount of $168,000 has a monthly payment of $2,941 and is current.

Ithaca Technologies grew faster than anticipated and added five jobs to the 16 that relocated with the company. In November 2011, the City approved a second loan of $150,000 to facilitate the development of the company's second phase. As a reminder, Ithaca Technologies, LLC rebranded itself as Glyph Production Technologies. This rebranding was part of the overall business plan to expand into the production and sale of film/video and photography storage devices. Ithaca Technologies' products were "audio-centric" but with the additional space and new partnerships, the company felt it could easily adapt its product to expand into film/video and photography storage opening up a new markets and the potential for new jobs in Cortland. Four lenders, including the City, committed $450,000 to this project. It was expected that all four loans would be closed in January of 2012.

The Loan Committee attended a Power Point presentation by Mike Driscoll, CEO and Managing Member of IT, in November when he first broached the subject the second loan. At that time, Mike advised us of flooding that had occurred in Thailand in October where the hard drives used in his product were fabricated. His supplier, at that time, indicated they would be able to provide the goods necessary for IT to carry out his expansion plan. At the end of December, however, Mike Driscoll contacted all four lenders to advise us that flooding in Thailand had had a greater impact on availability and pricing of hard drives than anticipated. His costs

increased significantly and sales dropped drastically. His larger competitors, were able to cut their costs due to volume buying, pushing him out of the market.

Our first discussions with Mike were to delay the loan closings to see how quickly the markets could adjust to the adverse conditions and to allow Mike time to analyze his project. After about three weeks, Mike felt he may have to close IT completely and file for bankruptcy because sales had virtually dried up and he could not make payments to his suppliers. Through this time he kept in close contact with the City and continued to make loan payments on this first loan.

In early February, Mike asked all four lenders for the expansion project to meet together to brainstorm. During the meeting Mike threw out several scenarios to try to sell the company to save jobs in the City. He met with several people and talked to his attorneys about the best course of action to take. The sales in February seemed to pick up and the cost of the hard drives came down, providing a glimmer of hope for IT.

In an effort to keep the company open, Mike is working with the NYS Dept of Labor and was qualified to participate in the "Work Share Program" as a means of keeping his employees and continuing to sell and ship as much as possible.. His employees work three says and then receive unemployment for the remaining two days. He has also been working with his largest creditors to work out payment plans so they do not shut him down due to lack of payment. All this has been very positive. He also continues to work on a means of perhaps selling the company to one of his suppliers to keep it running in Cortland.

. The purpose of this Memorandum is to poll the Committee on providing relief for IT in an effort to assist him as he tries to work through adverse financial conditions. The relief was recommended by Mack Cook. If the Committee agrees, the City would allow IT to pay interest only of about $250/month on the original loan for six months, rather than the $2,941/mnth payment. Full payments would resume at the end of the six-month period, assuming the company can recover or is sold and the City's loan is repaid or assumed.

As Mack pointed out to the City when he made the suggestion to provide relief, Mike has been a good corporate citizen throughout the entire process and by providing some relief, the City may help keep IT open and operating. We are attaching some of the emails from Mike so you can follow the events

We would like to get this on the Council's 3/20/12 agenda. Accordingly, we need a recommendation no later than Tuesday AM, March 13, 2012. Please email it to Linda Armstrong ASAP at Linda@thomadeveldopment .com You can also call Linda at 753-1433 if you have questions or need additional information.

Attachments