



City Council Minutes
The City of Cortland
April 17, 2012

Council Meeting #8
April 17, 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 & Finance Lori Crompton, Corporation Counsel Kelly Colasurdo and City Clerk Judith Chamberlin

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

PLEDGE OF ALLEGIANCE

Public Comment

Elsie Ferro stated that she's assuming the City is low on funds, but she wants her street fixed. She asked if the City had received the back taxes that are due from the Brown property. She also asked if the City was continuing to pay the back taxes on that property to the County and the school.

Director of Administration and Finance Cook stated that the City is aggressively pursuing those back taxes and has filed suit. He noted that the City is no longer paying over on those back taxes.

Ms. Ferro noted that she is a very good taxpayer who keeps her property clean and she will pursue this issue. She wanted the Mayor and Council to know that as of tonight the City was liable for any damages or injuries caused because her street was in such disrepair and she put them on notice as of tonight's newspaper article that they were liable. She stated that once this is written, the City is liable.

Mayor Tobin noted that it was not unusual, especially at this time of year, for there to be concerns regarding neighborhood streets. He has spoken with DPW Director Bistocchi and noted that every year a priority list is developed and every year it's based upon streets that are in the worst condition and also other work that needs to be done, such as sewer work, water lines, electric, etc. and they try to coordinate work with the municipal power companies. He hopes to have a list to make public in a few weeks so everyone will know what streets are due to be paved this year. He reminded everyone that if there are specific

potholes, to please call or email the Council or his office and the DPW will respond to these repairs as quickly as possible. He thanked her for bringing this to his attention.

Elsie Ferro noted that she has been after this for many years and that six (6) water main repairs have been done on her street in the past six (6) months, so her street does need to be repaired.

Sharon Stevans spoke about the blue bags. She noted that the blue bags work because users pay for what they throw away and there is an incentive to recycle. She noted that this program breaks even and there aren't too many garbage collection efforts that break even. She asked the Council to move on and to talk about something that really needs addressing. She did note that crows getting into the bags was an issue, so if the Council wanted to talk about a receptacle to put the blue bags in, that was fine, but don't revisit the issue of the blue bags.

Mike Dexter spoke about Tree City USA. He put on his Tree City hat to announce that for the fifth consecutive year the City of Cortland has been designated a Tree City USA and they have gotten their flag and will be flying it in front of City Hall. He noted that they also received two (2) reflectors to be placed on the Tree City signs at Clayton Avenue and Tompkins Street. He also spoke about the tree lottery DEC grant. He reported that it was pursued heavily this year and he asked Diane Batzing to come forward and be recognized for her hard work on this. He noted that about seventy (70) people have applied for trees and after checking, some may not be able to be given trees due to certain situations. He hopes to plant sixty (60) trees within the next few months. He noted that also in connection with Tree City USA, he asked Diane Batzing to present an award to the Mayor. He noted that the City has received a special award and he hoped that the Mayor would display it on his desk. He reminded individuals that there was a law against posting signs on telephone poles and especially, not to post signs on trees. He stated that it damages trees. He noted that the telephone poles in his Ward have been plastered with signs and once again, reminded everyone that it was against the law and asked those who placed those signs to remove them as they were an eyesore.

RESOLUTION #75 OF 2012 - Minutes of April 3, 2012 as amended.

By: Alderman Bennett
Seconded: Alderman Michales

Approved: Ayes – 8
Nays - 0

Bills were reviewed.

A Citizen Recognition Presentation was made by Chief Catalano to Samantha A. Noll. Chief Catalano gave the background noting that there had been a robbery on Main Street in January at Jody's Hallmark. He noted that officers working with the citizen were able to apprehend the robbery suspect and the robbery proceeds. He noted that he was proud of the information provided by the SUNY Cortland student and he had written her a letter of commendation and appreciation and then thought that she should be publicly recognized

for what she did. Samantha was present with her father to receive the award. Chief Catalano explained that the City and the Police Department are appreciative and proud of what Samantha did that day. He also noted that she is studying criminology.

Mayor Tobin read a Proclamation declaring April 2012 as Alcohol Awareness Month in the City of Cortland. Kimberly McCrae Friedman from Cortland Prevention Resources accepted the proclamation and outlined the problems caused by alcohol consumption and dependence.

Kimberly McCrae Friedman made Award of Excellence presentations to members of the City of Cortland Police Department. She is proud to have been able to work with a group of outstanding individuals to educate and enforce underage drinking laws. She recognized three (3) individuals for their outstanding efforts to reduce underage alcohol use in the City of Cortland. Sgt. Penny Guerrero, Deputy Chief Paul Sandy and Chief Mike Catalano received the Awards of Excellence. Kimberly McCrae Friedman thanked them and noted the wonderful working relationship she had with the Police Department.

Mayor Tobin read a Proclamation declaring April 27, 2012 as Arbor Day in the City of Cortland and presented the Proclamation to Mike Dexter. Mr. Dexter noted that the City will celebrate it on April 27 at 8:00 AM with a dedication of a tree that will be planted in the Court House Park entrance at 2:00 PM on April 26th.

PINK SHEET Sign Off

AGENDA:

RESOLUTION #76 OF 2012 – Resolution by which the City of Cortland establishes standard work days for elected and appointed officials, will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body and that the Standard Work Day and Reporting Resolution will be posted and available to the public for a minimum of thirty (30) days.

Mayor Brian Tobin	17.25 Days
Alderman Julie Bird	6.58 Days
Corp. Counsel Kelly Colasurdo	17.15 Days

By: Alderman Ferrer
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0
Abstain – 1 (Bird)

RESOLUTION #77 OF 2012 – Resolution to approve the attached item of the Mayor’s appointments to fill vacancies on the City Boards and Commissions for the terms indicated. (Mayor Tobin)

Mayor Tobin noted that Cliff Kostuk was being appointed to the Public Works Board and Gary Howe being reappointed to the Plumbing Board.

By: Alderman Bird
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #78 OF 2012 – Resolution to terminate the agreement with Cortland County, at the County Clerk’s request, authorizing the Cortland City Clerk’s Office to transfer the animal population control fees collected as part of dog licensing to the Cortland County Clerk and beginning May, 2012 to again transfer those funds to the NYS Department of Agriculture and Markets. (County Clerk Larkin)

Alderman Michales asked when this change had been done. County Clerk Larkin explained that in 2010, New York State no longer was issuing dog licenses and turned that over to the municipalities. She explained that municipalities were given two (2) options for the spay/neuter fees. The State could get them or the counties could get them and direct the funds to their own local facilities. County Clerk Larkin explained that the funds had been going to the State, but at the request of the local spay/neuter facilities, who were receiving no funding from the State, Cortland County requested that the municipalities in Cortland County send their fees to the Cortland County Clerk beginning January 2012 and they would be disbursed by the County Treasurer every three (3) months. She explained that both spay/neuter facilities, unbeknown to her, then applied for State grants. They received more from those State grants than they would receive from the County Treasurer and that is why she is now asking the City to dissolve the agreement.

Alderman Silliman noted that she had used the ABC Program at the local SPCA for a stray cat and her kittens.

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes – 8
Nays – 0

RESOLUTION #79 OF 2012 – Resolution to approve the Miscellaneous Revenue Budget for 2012-13. (Lori Crompton & Linda Armstrong)

Mayor Tobin noted that many worthwhile projects are funded through the Miscellaneous Revenue Budget, but the budget is being reduced and this will need to be addressed within the next year or two.

By: Alderman Silliman
Seconded: Alderman Ferrer

Approved: Ayes – 8

Nays – 0

RESOLUTION #80 OF 2012 - Resolution to approve the Stone Lounge to hold a music concert provided that a certificate of liability insurance indemnifying the City for \$1,000,000 is provided and to:

- a. Close the Market Place mall parking lot at Noon until 10:30 P.M. on Saturday, May 12, 2012 for the event. (Joey Hage)
- b. Waive the open container alcohol regulation for a contained area with appropriate permits for the event. (Joey Hage)

Mayor Tobin explained that Mr. Hage was unable to attend tonight's meeting, but he had spoken with Mr. Hage a number of times. Mayor Tobin stated that he had spoken with Chief Catalano noting that the intent for this event is that it will be run similarly to the Main Street Music Series and the time frame would allow for set up and take down. He noted that at this point, one (1) band is tentatively scheduled, pending approval, and this event will coincide with the conclusion of the College's graduation ceremonies. He noted that it will be a community event on Main Street and open to all. He noted that any and all alcohol sale or consumption would be confined within the Marketplace Mall parking lot.

Alderman Michales asked if the City would be applying any overtime for the Police Department to patrol the event. Chief Catalano noted that he had very restrictive time off allowed on that weekend because of graduation and he didn't anticipate that his department would require any more. He noted that if it was similar to the Main Street Music Series, he didn't see an issue and he has spoken with the Mayor noting that his department would keep an eye on the event to make sure that it goes alright. Chief Catalano noted that he would also like to get with the Fire Department Chief regarding the parking lot capacity. He noted that because it was an early evening event that it would probably work.

Alderman Michales asked if the area would be fenced off. Chief Catalano noted that the rear of the area had been cleaned up and a fence could be put up. Alderman Bennett asked if the Police Department would handle this as they would the evenings of the Downtown Music series. Chief Catalano agreed noting that they'd handle the closure of the lot, getting vehicles out of the parking lot on time and monitoring it.

Alderman Silliman asked if Mr. Hage had spoken with Chief Catalano. Chief Catalano stated that he had not spoken with him. Alderman Silliman asked if he had any concerns. Chief Catalano noted that they have to obtain an off premises permit from the ABC Board first and then there has to be some assurance of being able to check ID's and appropriately mark people that are either underage or of age. Alderman Bird noted that if the Council approved this, the responsibility for the event would rest with the promoters. Chief Catalano stated that any violations of the ABC laws would rest on the promoters, the Stone Lounge.

Mayor Tobin noted that there was still another Council meeting between now and the scheduled date of the event. He noted that in order to get the permit, they needed to get

Council approval. Chief Catalano noted that the promoter had to get Council approval to close the parking lot and to waive the open container ordinance for that event.

Alderman Bennett asked for confirmation that this was graduation weekend. Mayor Tobin noted that it was the day of SUNY Cortland's graduation. Alderman Bennett asked about people leaving town after the second ceremony. Chief Catalano noted that this was all new and they would have to see. Alderman Quail noted that his only concern was the number of attendees. Mayor Tobin stated that was also the City's concern and that is why they were going to determine the number of people the parking lot actually can hold and making sure that they are limiting it to that number. He stated that these are all concerns that will be brought forward and to make sure that they are all addressed and discussed at the first meeting in May.

Chief Catalano also noted that at that time, the majority of the college population has gone home and generally, all that remains are the seniors and their parents. He noted that it wasn't like the whole college would be coming down, but he noted that it remains to be seen what happens.

By: Alderman Silliman
Seconded: Alderman Quail

Approved: Ayes – 8
Nays – 0

Executive Session

Loan Settlement Agreement

Consideration of revised request for subordination from a Community Development Program participant.

Motion to go into:

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

Motion to come out of:

By: Alderman Bennett
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #81 OF 2012 – Resolution to approve a Loan Settlement Agreement.

By: Alderman Quail
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #82 OF 2012 – **DENIED** – Resolution to approve a subordination request contingent upon Program participants meeting certain conditions.

By: Alderman Quail
Seconded: Alderman Ferguson

Denied: Ayes – 0, Nays - 8

Mayor Tobin noted that the motion fails.

Executive Session

Contract Negotiations

Motion to go into:

By: Alderman Silliman
Seconded: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

Motion to come out of:

By: Alderman Silliman
Seconded: Alderman Ferrer

Approved: Ayes – 8
Nays - 0

Adjournment

By: Alderman Quail
Seconded: Alderman Ferrer

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 17th DAY OF APRIL 2012. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED FOR HIS CONCURRENCE IN ADOPTION OR REJECTION BY VETO POWER.

JUDITH CHAMBERLIN, CITY CLERK

MAYOR TOBIN