



City Council Minutes
The City of Cortland
May 1, 2012

Council Meeting #9
May 1, 2012
Regular Session
City Hall
7:00 PM

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

Staff Present: Director of Administration and Finance Mack Cook and Corporation Counsel Kelly Colasurdo

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

PLEDGE OF ALLEGIANCE

Public Comment

Atty. Fran Casullo wanted to let the Council know that he was there to represent Gators, LLC which was on the agenda this evening.

Mike Dexter spoke about the back taxes owed on the Brown property on Pendleton Street and congratulated Mack Cook on his efforts to resolve that issue. He also spoke about a house on Fox Hollow Road and one on Pendleton Street which are designated to come down. He noted others that had been taken down in the past and stated that something had to be done before those types of houses deteriorated to the point where they had to be torn down.

Mr. Dexter spoke about Public Safety and complimented Tom Tobin for all the help he had given Mr. Dexter with tree issues over at the Water Works. He noted that Public Safety had been a City department for a long time and he would like to see it continue to be. He felt that having the work done by an outside contractor might not be a good option for the City. He stated that Tom Tobin has been a good employee, doing a great job keeping the City traffic light system running, among other things, and he felt that the department should be kept.

Mayor Tobin noted that 26 Fox Hollow is one of the topics of the work session at the end of tonight's meeting. He stated that he, too, felt that the City had to be more pro-active to keep City properties from deteriorating. He also noted that Public Safety is being looked at and all options will be reviewed before moving forward.

RESOLUTION #83 OF 2012 - Minutes of April 17, 2012.

By: Alderman Bird
Seconded: Alderman Bennett

Approved: Ayes – 6
Nays - 0

Bills were reviewed.

Ward Reports

Ward 4 – Alderman Bennett

Alderman Bennett noted that a resident on Water Street had reported a sewage back-up on a weekend. He couldn't reach anyone, so found out that 911 could be contacted and the DPW responded. He gave Mr. Dovi of the DPW a lot of credit for working with the resident and taking care of the situation. He noted that the problem occurs because a backflow device is required in all homes and he noted that in many old structures, including his own home, they do not have backflow devices installed. He noted that it was not an expensive item to have a plumber install. It prevents sewage from coming back into a home.

Mike Dexter spoke that a backflow system is for a water system and not for a sewage system. Alderman Bennett noted that his main concern was that the resident did not know who to call in this type of situation and he wanted to note that it is okay to call 911 and they will direct the call to the correct City department and that, in this case, the DPW responded within forty-five (45) minutes.

Alderman Bennett reported that a woman stopped at a neighbor's house at around 10:00 PM asking for money to buy gasoline so that they could get home. He noted that the resident declined, did not let the woman into their house and contacted the police. He noted that while this was not illegal, it was wise not to open your door and stated that this was also reported in the Village of McGraw. He asked that residents not open their doors to this woman, get a name or a description and then contact the authorities.

Ward 8 – Alderman Michales

Alderman Michales reported that he did a ride along with the City Police on Saturday night. He noted that it is always an eye-opener and encouraged other Council members to do it. He noted that one of the incidents reported in the paper, was one that he was witness to. He encouraged individuals who are out at night, especially girls, to not walk alone based on what he witnessed Saturday night. He asked that this be taken seriously and also encouraged the Council members to participate in a ride along.

Ward 1 – Alderman Bird

Alderman Bird reported that parking on the street for garage sales had been a concern. She's going to be going around Van Hoesen Street to do a survey regarding parking on

both sides of the street. She asked that those going to garage sales keep in mind that others have to drive through those streets and to not block traffic.

Ward 2 – Alderman Silliman

Alderman Silliman reported that the Housing Committee had met two (2) times since their last report and she noted that Alderman Michales is the chair of that committee. She noted a great presentation by Dr. Caroline Kaltefleiter Communication Class at SUNY. Dr. Kaltefleiter challenged her class to go out and see Cortland and to take pictures and to note the gap between student life and resident young people's lives. Dr. Kaltefleiter noted that fifty (50) percent of the local students are on the free or reduced price lunch program and the SUNY students were shocked by that. She explained that her class wants to help raise money to fix the Wickwire Pool. She noted that Alderman Michales also attended that presentation and that he also has been riding through neighborhoods in the City. She thanked Chief Catalano and the Police force for a relatively quiet weekend up on the hill. She noted that it was Spring Fling and also the weekend that is traditionally known as Monroe Fest. She stated that the Police Department blanketed that neighborhood with flyers letting the students know what the repercussions would be if things got out of control and it was a relatively peaceful weekend, but noted that there still were a typical average number of arrests made.

Alderman Silliman noted that she heard from a resident whose dog had escaped their house, was impounded at the SPCA and then found they had to come to the City to pay fines. The resident complained about the process and their treatment in the process and Alderman Silliman will be investigating.

Ward 7 – Alderman Ferguson

Alderman Ferguson reported that she had attended the Housing Committee meetings and two (2) of the Image Committee meetings and she felt they were very productive. She noted that they are going to be trying to recruit other interested individuals to be on those committees. Alderman Ferguson thanked Mack Cook, the Police Department and the Code Office for their diligent work on the Marietta truck issue as many residents in her Ward are upset about the trucks parking and running all night. She noted that the City has come up with an idea and she will be sharing that idea with the rest of the Council.

Alderman Ferguson stated that there will be a clean up on May 5. She will be unable to participate, but a constituent, Ed King, from her Ward will be leading the effort to clean up Ward 7 in her absence. She asked that anyone interested in participating, to show up at Dexter Park at about 8:15 am to get gloves and bags. She noted that Mack Cook has offered to bring supply items over to Dexter Park to outfit the clean up volunteers.

Ward 6 – Alderman Ferrer

Alderman Ferrer hosted a meeting for the Finance Advisory Committee and it went well and minutes will be out soon.

Mayor's Report

Mayor Tobin reported on last week's snow storm and complimented the City employees for their prompt snow and tree limb removal. He noted that things were cleaned up in a timely manner. He reported that he attended a Regional Economic Development Council meeting. He noted that this same Council met last year and successfully won for our region one of the largest grants through the Governor's Initiative. He explained that the revised criteria for this year's grants will be released shortly.

Mayor Tobin reported that EDR, a company that is working on the Student Life Complex, will be meeting with the public to hear our concerns. The next meeting is May 7 at the Barry School at 7:00 PM. He noted that the Barry School location was chosen for its convenience to Ward 4 residents. He noted that the Environmental Advisory Committee has been very active following up on the City's concerns with this project, but residents are encouraged to attend this meeting.

Mayor Tobin reported that four (4) candidates have been interviewed for the Gateway Proposal at Exit 11 and he was pleased by the proposals and more information will be forthcoming.

Mayor Tobin reported that he and Mack Cook met with the Hospital CEO about some of the mutual needs of the City and the Hospital and some of the concerns. He noted that there have been some communication issues in the past and everyone wants to have better lines of communication opened.

Mayor Tobin reported that he attended the CCTVS (County, City, Towns, Villages and Schools) meeting and one of the topics was the interoperable radio system. He was able to learn more about the main issue the County has been concerned about as the City is entering into sales tax negotiations.

Mayor Tobin reported that there has been one meeting on the sales tax negotiations and a second meeting is scheduled for Friday with representatives from the County. He noted that it's important to recognize that the City has pretty good coverage regarding our radio system, but the proposed interoperable system will enhance it not only in the City, but externally. He noted that the City supports the radio system and looks forward to continuing the discussions on how best to fund the radios without having a severe impact on any one municipality's budget.

Mayor Tobin announced that besides the Saturday, May 5, Clean Up in Ward 7 there is also a general City Clean Up being held the same day. That group is meeting at 8:30 am at 37 Church Street and clean up will be from 9:00 am to 11:00 am. He explained that gloves, garbage bags and coffee and donuts will be provided. He noted that this is a great event that makes the City look nice.

Mayor Tobin invited interested persons to meet at City Hall at 9:00 am, every Sunday, to participate in the "Cortland Walks" program. He explained that these walks were opportunities for people to get together to walk throughout the City neighborhoods. This will be a free community event for anyone who would like to participate with a possibility of spreading this out into the Wards in the future. He noted that May 14 through May 18 was

Bike or Walk to Work Week. He noted that a City team has been organized to promote fitness and this program is designed to get people outside and being active. Please contact the Mayor's Office for more information or to join a team.

Mayor Tobin also announced that on May 14 at 5:00 pm in the Mayor's Conference Room he will be hosting a meeting to work on a youth development initiative. He has invited some representatives from several City not-for-profits to sit down to discuss current programs for community youth and to try to tie them together. He noted that it was an open meeting and he invited anyone who was interested to attend.

Proclamations

Mayor Tobin read the National Day of Prayer Proclamation for May 3, 2012.

Mayor Tobin read the Kent State Remembrance Day Proclamation for May 4, 2012.

Mayor Tobin read the Mental Health Awareness Month Proclamation for May 2012.

Mayor Tobin read the Muscular Dystrophy "Fill the Boot Drive" Day for May 12, 2012. The proclamation was presented.

PINK SHEET Sign Off

AGENDA:

Item No. 1 – Receive the City of Cortland's Comprehensive Plan document from the Planning Commission and schedule a Public Hearing for 6:30 PM on May 15, 2012.

Mayor Tobin explained that this Plan has been approved by the City Planning Commission and a Public Hearing will be scheduled for 6:30 pm on May 15, 2012.

Item No. 2 – Consideration of a 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 reported that there were no appointments for consideration at this time.

RESOLUTION #84 OF 2012 – Resolution to approve a budget modification to appropriate proceeds from the sale of four (4) vehicles from the City of Cortland Police Impound Lot, for a total of \$919.50, toward the purchase of new police vehicles in 2013 as follows:
(Deputy Chief Sandy)

A3120.206.00	Operational Equipment	\$919.50
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By:	Alderman Ferrer
Seconded:	Alderman Silliman

Approved:	Ayes – 6
	Nays – 0

RESOLUTION #85 OF 2012 – Resolution to approve the following budget modifications to recognize three (3) Youth Bureau donations and appropriate as follows: (John McNerney)

A7550.405	Marietta Corp.	\$250.00
A7550.405	SUNY Inter-Greek Council	\$ 55.00
A7310.405	Elaine Norris	\$ 30.00

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 6
Nays – 0

RESOLUTION #86 OF 2012 – Resolution to close Main Street from North Main Street and Arthur Avenue to Huntington Street from 5:00 PM to 9:00 PM on June 5, 2012 for the Dairy Parade. (Chief Catalano)

By: Alderman Silliman
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

RESOLUTION #87 OF 2012 – Resolution to create the position of part time Paralegal in the Law Department with no benefits. (Corporation Counsel Colasurdo)

Mayor Tobin noted that the Council has discussed this. Alderman Silliman noted it was good to have continuity from administration to administration. Corporation Counsel Colasurdo reported that the comparable pay scale for the position with the County would be from \$17.41/Hr. up to \$21.18/Hr. Mayor Tobin felt that the position was thoroughly researched by City Clerk Chamberlin and Corporation Counsel Colasurdo and reflected legal requirements and a competitive current pay rate.

Alderman Silliman asked for more information on what was part time. Corporation Counsel Colasurdo noted that it was part time, but part time would be anything less than forty (40) hours and we can structure that to meet the City's needs. Alderman Silliman asked what benefits would be included with that. Corporation Counsel Colasurdo noted that was up to the City, but she would recommend doing it as part time with no benefits for now. Mayor Tobin amended the resolution to reflect that.

By: Alderman Ferrer
Seconded: Alderman Ferguson

Approved: Ayes – 6
Nays – 0

RESOLUTION #88 OF 2012 – Resolution to approve the Main Street Music Series Committee to:

- a. Close the Market Place Mall parking lot at Noon until 10:30 P.M. on Fridays from July 13, 2012 through August 3, 2012 for the 2012 concert series. (Amy Bertini)
- b. Waive the open container alcohol regulation for a contained area with appropriate permits for the event. (Amy Bertini)

Alderman Ferrer asked if they filed for all of the necessary permits. Chief Catalano noted that the Committee usually took care of everything that is required. Alderman Ferguson stated that she has attended their events and noted that they appear to be orderly and enjoyed by the residents.

Cheryl Michales spoke and asked for an additional request item. The Music Series Committee asked to be allowed to leave up the snow fencing along the back of the parking lot as well as along the side of the lot up to the VFW back lot for the four (4) weeks. She noted that the fencing would be rolled back when not in use for the Music Series to allow access, but would save the Committee a lot of time and manpower each Friday night.

Alderman Ferguson noted that if the Police Department didn't have a problem, then she was comfortable with the proposal. Chief Catalano stated that it was not a problem. Alderman Michales stated that the Committee is also looking for more volunteers.

Mayor Tobin noted that the fencing request seemed to be reasonable for the time being and he allowed the request.

By: Alderman Silliman
Seconded: Alderman Bennett

Approved: Ayes – 5
Nays – 0
Abstain – 1 (Michales)

Item No. 8 – Discussion to provide updates on the May 12, 2012 Stone Lounge Concert to be held in the Market Place Mall parking lot.

Mayor Tobin reported that it appeared that this event has been cancelled due to some logistical issues and he hopes it will be revisited next year.

RESOLUTION #89 OF 2012 – Resolution to approve a noise permit request for the Cortland County Relay for Life activities to be held on June 1, 2012 from 6:00 PM to 8:00 AM, June 2, 2012 at Davis Field. (American Cancer Society)

Alderman Ferrer thought the event started at 6:00 PM and asked that the permit time begin at 6:00 PM.

By: Alderman Ferrer
Seconded: Alderman Bird

Approved:

Ayes – 6

Nays – 0

Item No. 10 – Consideration of a Resolution to approve an Exotic Pet Permit for Lauren Lawrence, 17 Scammel Street to keep chickens (no roosters) not to exceed five (5). Alderman Michales

Mayor Tobin noted that this is being taken off of the agenda for tonight and would possibly be on for the next meeting.

Item No. 11 – Consideration of a Resolution to close Otter Creek Place from Broadway/Townley to Groton Avenue on May 5, 2012 for the Cornducky Derby, if needed, due to low water levels in Dry Creek. (Mayor Tobin)

Mayor Tobin reported there had been some concern that Dry Creek might not be wet enough to handle all of the ducks in the derby. He noted that as of now the organizers are comfortable with the Dry Creek option and therefore, this resolution is not needed.

RESOLUTION #90 OF 2012 – Resolution to approve a noise permit request for Gators, LLC, 83 Owego Street for Saturday, May 26, 2012 for a live band outside from 3:00 PM to 8:30 PM.

Atty. Casullo explained that he represented the Gators, LLC owner, Fred Cutia. He provided background on the May 26 event. He explained that this would be the first of four (4) outside events that Mr. Cutia would like to hold at this location this year. He explained that three (3) of them would have live music in July and August. He noted that he has met with Zoning and Code who explained that a sound device permit was necessary as well as a site plan review from the Planning Commission.

Atty. Casullo explained that Mr. Cutia also had to receive proper permission from the State Liquor Authority to serve beer in the parking lot area. He also explained that another issue was that the City doesn't like to have parking on the left side of the lot that Mr. Cutia owns with another business owner. He has assured the City Zoning and Code Offices that until the proper permits are obtained, that there will be no parking on that side area starting this week. He explained that he is also on the City Planning Commission agenda for site plan review for this month. He has also assured the City that if the State Liquor Authority does not approve this, the event will not happen. He explained that they would have to apply for each event and that is understood. He noted that this will be a well monitored event and that Mr. Cutia will also go to the neighbors to alert them to the event on May 26 and address any comments or concerns they may have. He explained that the May 26 event will begin at 3:00 PM and the band will play from 4:00 PM until 8:00 PM and certainly no longer than 8:30 PM as the band is booked for that time, but this extra covers if they don't start on time. He noted that Mr. Cutia plans to serve hamburgers, hot dogs and beer outside.

Atty. Casullo stated that they would be returning very soon for permission to hold a benefit event on June 9 for AAU Basketball. He explained that they wanted to get the approvals from the City and follow the correct process and keep the City informed.

Alderman Ferrer asked if there would be an enclosure or barricade to keep attendees in the parking lot. Atty. Casullo stated that to satisfy the Liquor Authority, some barriers would have to be in place. Alderman Ferrer asked if they had spoken with the Chief. Atty. Casullo stated that he had spoken with Capt. Knickerbocker, but had not spoken with Chief Catalano, but would be more than happy to speak with him.

Chief Catalano noted that three (3) of his questions had been answered already. Alderman Silliman noted that no complaints had been heard from the neighbors, but she wanted to know if the neighbors knew what was being planned. Atty. Casullo stated that his understanding was that some of the neighbors already knew, but Mr. Cutia will be going to each neighbor to be sure they know what's going on. Atty. Casullo explained that last year he held some events on the deck and Mr. Cutia went to the neighbors each time and he will do this again and will be sure to take some things into consideration. He explained that was why Mr. Cutia was not planning to do this for a whole day or too late at night. Alderman Silliman stated that she appreciated that as there were many young kids in that neighborhood.

Atty. Casullo stated that once the music was finished at 8:30 PM everything was going to go inside. He noted that there would be no milling about outside after that. Alderman Bird wanted to be sure that they were going to be inside by 8:30 PM. Atty. Casullo stated that he would talk with Mr. Cutia and tell him that once the band stops that every effort should be made to get everyone inside in short order. Alderman Bird asked what kind of band would be playing. Atty. Casullo noted that it would be a more blues oriented band because his clientele was a local, older crowd and not college students. Atty. Casullo stated that he would inform Mr. Cutia of the Council's 8:30 PM ending time and that everyone had to be inside shortly thereafter.

Alderman Ferrer asked if Mr. Cutia would provide his own security and monitoring. Atty. Casullo stated that Mr. Cutia would have to have people out there monitoring the event because of the State Liquor Authority. Atty. Casullo noted that the cost of the noise permit was two hundred fifty (\$250) dollars and would be back for the next permit at the next Council meeting. Chief Catalano noted that he would like to give permission for a few dates, but he also wanted to see how the first event went. The Council agreed.

By: Alderman Ferrer

Seconded: Alderman Bird

Approved: Ayes – 6

Nays – 0

EXECUTIVE SESSION

Settlement Offer

City Loan Committee recommendation for Loan

Community Development Economic Development Loan repayment revision

Motion to go into:

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 6
Nays – 0

Motion to come out of:

By: Alderman Ferrer
Seconded: Alderman Ferguson

Approved: Ayes – 6
Nays – 0

RESOLUTION #91 OF 2012 – Resolution to approve a loan of four thousand one hundred dollars (\$4,100) to a local not-for-profit per a recommendation by the City’s Loan Committee. (Thoma Development)

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 6
Nays – 0

RESOLUTION #92 OF 2012 – Resolution to approve a request from a Community Development Economic Development Loan recipient to revise repayment terms per a recommendation by the City’s Loan Committee. (Thoma Development)

By: Alderman Bird
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Adjournment

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes – 6
Nays – 0

I, JUDITH CHAMBERLIN, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED BY THE COMMON COUNCIL AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 1st DAY OF MAY 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

Meeting followed by a Work Session