



City Council Minutes
The City of Cortland
July 3, 2012

Council Meeting #12
July 3, 2012
Public Hearing and Regular Session
City Hall
6:30 PM

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

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

Public Hearing

Mayor Tobin opened the Public Hearing at 6:32 PM on the City of Cortland's Local Law No. 1 of 2012 – Rental Registry Permit Law Amendment

Sharon Stevens spoke in support of the proposed changes to strengthen the current law to improve the rental housing stock in the City. She urged the Council to pass this amendment to get this program going.

Jim Reeners spoke in support of this law and urged the Council to support this amendment in spite of those few who opposed this.

There was no one further to speak and therefore Mayor Tobin closed the Public Hearing.

Regular Session

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

PLEDGE OF ALLEGIANCE

Public Comment

Jo Schaffer spoke about an article in the Cortland Standard regarding the final Environmental Impact Statement (EIS) for the SUNY Student Life Building. She noted that a copy of this statement was not readily available to the public. She felt that the EDR had made misstatements and that they didn't listen to the people of the City and the concerns of the people. She asked the City Council and Corporation Counsel to read this document and to meet with the Environmental Committee regarding concerns.

Ruth Grunberg stated that the EIS was incredibly hard to read and she echoed Ms. Schaffer's concerns. She reminded everyone that the Taste of Cortland was July 14th and that there was a children's area planned for the Market Place Mall parking lot. She noted that the Kent State Proclamation had been posted on their website and she had received a very touching response. She thanked everyone for that Proclamation.

RESOLUTION #121 OF 2012 – Minutes of June 19, 2012.

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes - 7
Nays – 0

Bills were reviewed.

Ward Reports

Ward 4 – Alderman Bennett

Alderman Bennett stated that gas lines are being replaced on Broadway by NYSEG and no notice had been given. He contacted the company and will provide an update on the completion of this project and hopefully, can give specific information on projects scheduled for elsewhere in the City. He has spoken with Chris Bistocchi and has learned that NYSEG has permits to work on Clayton, Culvert and East Main Street, but he has no dates at this time.

Mayor Tobin noted that Chris Bistocchi had spoken with NYSEG regarding work to be done on Clayton.

Ward 8 – Alderman Michales

Alderman Michales noted that he had spoken with National Grid to resolve an issue.

Ward 1 – Alderman Bird

Alderman Bird's Ward has been quiet.

Ward 3 – Alderman Dye

Alderman Dye noted that he had received reports of street lights that were out. He contacted National Grid, but also noted that residents could report outages directly by using the City website's link.

Ward 2 – Alderman Silliman

Alderman Silliman reported that there was a tall grass issue reported and that Code got right on that. She had also been contacted regarding an annoying dog issue. She

reported that some calls were received regarding renovations at Parker School and concerns about asbestos dust. She noted that the Health Department has investigated and it is not asbestos, but drywall dust. She reported that there will be a march to bring jobs back to New York in front of Rep. Hanna's office. It will take place July 5th at 4:00 PM.

Ward 7 – Alderman Ferguson

Alderman Ferguson read the names of the New York signers of the Declaration of Independence. She reported that in researching, she has also found a law; the New York State Environmental Conservation Law, Section 217-3, regarding idling trucks and buses. She found that trucks and buses idling more than five (5) minutes is against the law and these vehicles can be heavily fined for disobeying this law. She feels that this will help her Ward and she will try to provide more information at the next meeting. She wished all a very happy July 4. She also reported that the second annual Ronnie James Dio Day will be held Saturday, July 7 at the J. M. McDonald Center from 1:00 to 10:00 PM.

Ward 6 – Alderman Ferrer

Alderman Ferrer's Ward has been quiet.

Mayor's Report

Mayor Tobin reported that he has had two (2) Youth Development meetings to obtain ideas for improving what is offered to the youth of the community. He reported that he and Mack Cook attended a session given by the State Comptroller's Office in Syracuse about strengthening cities.

Mayor Tobin reported a change in lighting on the east side of Main Street. He reported that work will soon begin on installing lights in the trees on Main Street.

Report on Event

Mayor Tobin noted that Wishing Wellness Films in the Park has received good reports.

PINK SHEET Sign Off

AGENDA:

Item No. 1 – Discussion of a memorandum of agreement to allow the Community Group to use the Dexter Park Recreation Building. (Community Group)

Mayor Tobin noted that some developments have occurred recently and there may be more options available, so this will not be discussed this evening. He noted that the Community Group will be having a meeting on July 12 at Dexter Park at 7:00 PM to discuss the future goals and potential for the group. He encouraged people to volunteer.

RESOLUTION #122 OF 2012 – Resolution to approve a budget modification to appropriate funds received from the Town of Cortlandville and the Village of Homer for tub

grinder repairs into the Public Works Department operating budget as follows: (Chris Bisticchi)

A5510.402 Equipment Repair \$4,733.70

Mayor Tobin gave a history of the tub grinder. Alderman Michales asked him to provide information on what the tub grinder is used for. Mayor Tobin noted that it was used to grind up debris and branches and its use is shared with Cortlandville and Homer. John McNerney explained that mulch from the grinder had recently been used at Yaman Park.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

RESOLUTION #123 OF 2012 – Resolution to authorize the lifting of the Hiring Freeze to allow the permanent hiring of a part time cleaner to fill a budgeted for position now vacant due to illness. (Rob Avery)

Alderman Ferrer noted that there were no benefits with this position. Mayor Tobin noted that this position was for an hourly wage.

By: Alderman Silliman
Seconded: Alderman Bird

Approved: Ayes – 7
Nays – 0

RESOLUTUION #124 OF 2012 - Resolution to accept the Cortland Fire Commission's recommendation and authorize the excising of a 1988 Hahn Engine/Pumper fire truck and to authorize the sale of such to the Cincinnatus Fire Department for the negotiated sale price of \$25,000.00 contingent upon the review by Corporation Counsel. (Chief Glover)

Alderman Ferrer noted that this was an open cab truck. Mayor Tobin explained that Director of Admn. & Finance Cook had researched the selling price of similar vehicles. Deputy Chief Friedman reported that this vehicle was surplus and under the grant received, the City was allowed to sell this truck to another fire department. He reported that after researching various sale options, it was found that the average price for this truck was about twenty-one thousand (\$21,000) dollars. He also gave the repair history of the truck and noted that Cincinnatus was desperate for a truck and they're aware of the problems with the truck and the price had been negotiated to twenty-five thousand (\$25,000) dollars.

Alderman Ferrer asked for an explanation for the use of the funds received from the sale of the truck. Director of Admn. & Finance Cook explained that those funds would go back to the equipment reserve.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

RESOLUTION #125 OF 2012 - Resolution to authorize Mayor Tobin to file an application for funds from the New York State Dept. of State for Local Waterfront Revitalization Program Environmental Protection Funds in an amount not to exceed \$100,000 and upon approval of said request to authorize Mayor Tobin to enter into and execute a project agreement with the State for such financial assistance to the City of Cortland for the zoning and land use revisions subject to review by Corporation Counsel. (Thoma Development)

Alderman Michales asked if the Waterfront Program was a stretch for utilizing funds for the Gateway Project. Linda Armstrong explained this program was to help communities that had waterfronts to make them more vibrant and to obtain money to implement new programs within the community.

By: Alderman Ferrer
Seconded: Alderman Bird

Approved: Ayes – 7
Nays – 0

RESOLUTION #126 OF 2012 - Resolution to authorize Mayor Tobin to file an application for engineering and construction cost funds from the New York State Empire State Development Funds (CFA) in an amount not to exceed \$1,000,000, and upon approval of said request to authorize Mayor Tobin to enter into and execute a project agreement with the State for such financial assistance to the City of Cortland for the Downtown Structured Parking Project subject to review by Corporation Counsel. (Thoma Development)

Mayor Tobin explained that this was an opportunity to obtain grant money, but there were no definite plans in place for a location or what type of parking structure might eventually be built. Linda Armstrong explained that there could also be some matching funds required.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

RESOLUTION #127 OF 2012 - Resolution to authorize Mayor Tobin to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$500,000, for the City of Cortland Wickwire Pool Project and upon approval of said request authorize Mayor Tobin to enter into and sign a project agreement with the State for Financial Assistance and, if appropriate, a conservation

easement/preservation covenant to the deed of the assisted property subject to review by Corporation Counsel. (John McNerney/Thoma Development)

John McNerney provided an updated budget to the Council and gave the history of Wickwire Pool. He explained that the structure is sixty-six (66) years old, needs major renovations and repairs and noted that the useful life of the pool is near its end. He asked for the Council's support in protecting this community asset. He explained how the next resolution was to authorize bonding and/or fundraising to raise the match amount needed if the grant was received. He noted that the grant awards will be announced in December 2012 or early January 2013 and the City's share would be needed in about 2014. He plans to do fundraising to raise as much as they can to put toward the required match. He outlined various points as to why he believes the City will receive the grant after losing out last year.

Alderman Ferrer stated that he would work with Mr. McNerney on some fundraising ideas. Mr. McNerney reported on some others who had come up with ideas or had pledged support for this project. Alderman Dye noted that the pool had been closed for one (1) day last year. Alderman Silliman stated that it was a huge asset to the City and she is pleased with the Youth Bureau's determination to go for this grant. Mr. McNerney noted that he will be holding a meeting on July 10 to develop fundraising awareness and campaign ideas.

By: Alderman Ferrer
Seconded: Alderman Bird

Approved: Ayes – 7
Nays – 0

RESOLUTION #128 OF 2012 - Resolution to authorize Mayor Tobin to bond for the required match less the amount of any grants, and/or fundraising or other dollars directed to the Wickwire Pool Project if the City of Cortland is successful in receiving a grant award from the New York State Office of Parks, Recreation and Historic Preservation subject to review by Corporation Counsel. (John McNerney/Thoma Development)

Alderman Silliman noted that the pool has been patched to its limit.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

RESOLUTION #129 OF 2012 - Resolution that the City of Cortland is hereby authorized and directed to file an application for Economic Development Funds from the New York State Office for Community Renewal under the U.S. Department of Housing and Urban Development's Small Cities Community Development Block Grant Program for Fiscal year 2012, in an amount not to exceed \$750,000; to authorize the Mayor of the City of Cortland to sign said application on behalf of the City; and upon approval of said request, to enter

into and execute a grant agreement with the State for such financial assistance to the City of Cortland subject to review by Corporation Counsel. (Thoma Development)

Linda Armstrong explained that last minute information had been received and the amount now being applied for will be three hundred sixteen thousand (\$316,000) dollars. Alderman Silliman asked if the City was responsible for the funds if the project doesn't succeed. Linda Armstrong noted that all of these projects have some risk, but by building goals into the loan security agreement, the State pays if all of the goals are met. Alderman Silliman noted concerns regarding the fact that since the company went under once, that the new owners could also face the same risk. Linda Armstrong explained that this was very last minute and the research is ongoing. Alderman Silliman noted that if the information gleaned was not positive for success, the City did not have to award them the funds. Linda Armstrong also explained that if things did not come together by July 16, 2012, then they wouldn't be able to apply for this grant because there would be no project. Linda Armstrong noted that this is not to save an old company, but this funding is to fund a new company with new structuring.

By: Alderman Ferguson
Seconded: Alderman Michales

Approved: Ayes – 7
Nays – 0

RESOLUTION #130 OF 2012 - Resolution to authorize and direct Mayor Tobin to file an application for grant funds on behalf of the City of Cortland from the New York State Commission on Local Government Efficiency and Competitiveness in the amount of fifty thousand (\$50,000) dollars to fund the analysis and migration of the City Health Care Plan to a local government health care consortium. (Director of Admn. & Finance Cook)

Director of Admn. & Finance Mack Cook explained that the City was not eliminating healthcare. He noted that the City is a small group and what we are trying to do is to join a larger buying group to provide more options. He explained that this grant will allow the City to cover the cost of exploring various options. He explained that the current healthcare plan would not change, even if we moved into the larger buying group. Mayor Tobin noted that if the City moved into the larger buying group, it would benefit the current City participants as well as the City.

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes – 7
Nays – 0

RESOLUTION #131 OF 2012 – Resolution to Table Consideration of a Resolution to remove from the City's tax rolls property belonging to Highgate LTC Management, LLC, doing business in Cortland as Crown Center for Nursing and Rehabilitation at 28 Kellogg Road and identified as property number 08770012410000 until such time as the Company's Plan of Reorganization is approved by the United States Bankruptcy Court

Northern District of New York, under Case No. 07-11068. (Director of Admn. & Finance Cook) **TABLED UNTIL JULY 17, 2012.**

Motion to Discuss

By: Alderman Bird
Seconded: Alderman Silliman

Director of Admn. & Finance Cook explained that this was Highgate Center and that the City must reimburse the school and the county for taxes regardless of whether the City collected property taxes or not. He explained that as long as this property remains on the tax rolls the City has to pay two hundred fifty thousand (\$250,000) dollars a year. He explained that currently the City has not received the 2011 taxes, but we're obligated. He noted that if this property is on the tax rolls as of August 1, 2012, the City will have to pay another two hundred fifty thousand (\$250,000) dollars for next years' taxes. Director of Admn. & Finance Cook gave a history of this company. He explained that the Highgate Manor owned the building and property on which Crown Nursing Home sits on and it was managed by Highgate Management. He explained that in 2006 they took out a loan for twenty-three million dollars and in 2007 defaulted on that loan and GE Capital got a receiver in Civil Court to come in and run the company and later were able to take back the nursing home, but operated under a trustee and later was sold again. He noted that the City never received the taxes from the Highgate Management Group, but from the sales proceeds. He further explained that Oasis Management is now operating the facility, but the bankruptcy hearing for Highgate could affect us. He noted that he didn't really want to take it off of the tax rolls, but needed to have that ability to take it off the tax rolls due to an August 1 deadline and he asked to have this tabled until July 17, 2012 pending further research.

Alderman Michales asked about Option #2. Director of Admin. & Finance Cook noted that was if the County and School would allow the property to stay on the tax rolls, but then would agree that they would hold the City harmless for reimbursement and there's no provision within State Law to do that and more research needs to be done to determine if it's even allowed.

Motion to Table

By: Alderman Bird
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

RESOLUTION #132 OF 2012 – Resolution authorizing the Cortland Downtown Partnership to submit a grant application to the 2012 Rural Area Revitalization Projects (RARP) Program for a \$200,000 grant assistance request to be leveraged with Cortland Repertory Theatre's \$300,000 match to complete Phase II of construction under the New York State Consolidated Funding Application (CFA). (Adam Megivern)

Mayor Tobin explained that this was to support the Cortland Repertory Theatre and the Downtown Partnership in pursuit of grant funding and it does not impact City taxpayers.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

Mayor Tobin noted that tonight's agenda packet was one hundred eight (108) pages long and that was a great savings of paper by using the tablets and not having to print it out.

Adjournment

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

I, JUDITH CHAMBERLIN, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED BY THE COMMON COUNCIL AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 3rd DAY OF JULY 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