

COMMON COUNCIL MEETING

July 3, 2012

6:30 P.M. Public Hearing - Local Law No. 1 of 2012 – Rental Registry Permit Law Amendment

7:00 P.M. Call Meeting to Order
Salute to the Flag of the United States
Public Comments
Minutes of June 19, 2012
Bills
Ward Reports
Mayor's Report
Reports of Boards & Commissions
Report – Wishing Wellness Center June 13, 2012 Film Event in the Park
PINK SHEET Sign off

AGENDA:

1. Discussion of a memorandum of agreement to allow the Community Group to use the Dexter Park Recreation Building. (Community Group)
2. Consideration of a 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 Bistocchi)

A5510.402	Equipment Repair	\$4,733.70
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3. Consideration of a 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)
4. Consideration of a 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. (Chief Glover)
5. Consideration of a 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)
6. Consideration of a 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)

7. Consideration of a 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 \$400,000, 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 Mc Nerney/Thoma Development)
8. Consideration of a 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 Mc Nerney/Thoma Development)
9. Consideration of a 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)
10. Consideration of a 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)
11. 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)
12. Consideration of a 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)

Chapter 102. RENTAL HOUSING

[HISTORY: Adopted by the Common Council of the City of Cortland 6-16-2009 by L.L. No. 1-2009. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 100.

Dangerous buildings — See Ch. 104.

Fair housing — See Ch. 131.

Property maintenance — See Ch. 220.

Zoning — See Ch. 300.

Article I. General Provisions

§ 102-1. Short title.

This chapter will be known as the "Cortland Rental Housing Law," and will be referred to as such in this chapter.

§ 102-2. Findings and statement of purpose.

The Common Council (Council) has determined that there exist in the City of Cortland issues arising from the rental of dwelling units that may be substandard or in violation of the New York State Uniform Fire Prevention and Building Code, the New York State Multiple Residence Law, or other state codes or local codes; dwelling units that are inadequate in size, overcrowded and dangerous, that tend to promote or encourage deterioration of the housing stock of the City, create blight, excessive vehicular traffic and parking problems and that tend to overburden municipal services. The Council finds that the City has transient residents, many of whom occupy rental housing within the City and whose members have generated a disproportionate number of complaints of public nuisances, including but not limited to noise, property damage, and property neglect; that the current Code of the City of Cortland lacks sufficient incentives for owners to regulate the conduct of their tenants; and that the City Code lacks sufficient safeguards on the population densities of rental housing. The Council further finds that current City Code provisions must be enforced to halt the proliferation of such conditions and that the public health, safety, welfare, good order and governance of the City will be enhanced by enactment of the regulations set forth in this chapter, which regulations are remedial in nature and effect.

§ 102-3. Effect on other laws.

This chapter supplements and/or incorporates the requirements contained in the New York State Uniform Fire Prevention and Building Code, the New York State Multiple Residence Law and the Zoning Law of the City of Cortland. In the event of a conflict between the aforementioned codes and this chapter, the most restrictive requirements shall prevail to the extent permitted under applicable law. This chapter is intended to supplement rather than supersede existing New York State Law and the other chapters of the City Code.

§ 102-4. Scope, applicability and exceptions

- A. The provisions of this chapter shall apply to the maintenance, repair, use and occupancy of all residential buildings and structures now in existence or hereafter constructed, rehabilitated, renovated or converted to residential use within the City of Cortland where the building or structure is being used in any capacity for rental housing, except those buildings and structures specifically excluded from the provisions of this chapter and public nuisance structures as defined herein. Any structure that was in compliance on the day previous to the adoption of this chapter will be allowed to remain, except if:
- (1) Such structure is substantially damaged by fire or other causes. In the event that the existing use is nonconforming in any respect as to this chapter or the City of Cortland Zoning Law, the rehabilitation or reconstruction of the structure shall be subject to the nonconforming use provisions of Article 13 of the City of Cortland Zoning Law;
 - (2) Any state, county or local code requires changes to existing structures.
- B. The legal occupancy of any rental building or structure existing on the date of adoption of this chapter shall be permitted to continue without change, except such changes as are specifically required to be made to existing rental buildings or structures in this chapter, the New York State Multiple Residence Law and the New York State Uniform Fire Prevention and Building Code.
- C. Nothing in this chapter shall be deemed to change the validity of or requirements for a certificate of occupancy under the New York State Uniform Fire Prevention and Building Code.
- D. Exceptions. The provisions of this chapter do not apply to:
- (1) Buildings, structures and uses owned and operated by any governmental unit or governmental agency, including the State of New York, the State University College at Cortland, or the County of Cortland;
 - (2) Single-family dwellings occupied by a record titleholder;
 - (3) Two-family dwellings occupied by the record titleholder;
 - (4) Transient shelters and group homes subject to state inspection;
 - (5) Residential structures of which ownership passes to a governmental unit;
 - (6) Hotels or motels;
 - (7) Tourist homes or bed-and-breakfast dwellings; and
 - (8) Nursing homes, intermediate-care nursing homes or convalescent dwellings.

E. Where a nonresidential business or activity or a state-licensed or state-approved use occupies a portion of a building and the building contains premises which would otherwise be subject to this chapter, this chapter shall be and remain applicable to the residential and common or public areas of such building and premises.

§ 102-5. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the following meanings and shall be so construed wherever they appear in this chapter.

APPROPRIATE AUTHORITY

The Code Enforcement Office.

BED-AND-BREAKFAST or TOURIST HOME

A single-family dwelling occupied and used by the owner of such dwelling as his/her principal residence, and within such dwelling unit there are not more than four accessory guest rooms whose occupants' stay shall not exceed seven days and for which a morning meal only is provided.

BEDROOM

Any room or space used or intended to be used for sleeping purposes.

CIVIL PENALTY

A penalty levied by the Code Enforcement Officer against an existing permittee in accordance with this chapter.

CODE ENFORCEMENT OFFICE

The division within the City charged with the duty to inspect dwelling units, rooming houses, rooming units, premises and structures for compliance with this chapter, and may also mean, as the context indicates, a member of that division.

CODE ENFORCEMENT OFFICER

The person designated by the Mayor or Common Council to issue permits pursuant to the New York State General City Law, the administrator of the Code Enforcement Office or his/her designee. Nothing herein shall be deemed to require the Mayor or Common Council to delegate permitting authority to the Code Enforcement Officer. The designated officer shall be the authorized representative for the enforcement of this chapter and for the administration of the division.

CODE OFFICIAL

Also referenced as the Code Enforcement Officer, the person appointed by the Mayor or Common Council pursuant to the New York State General City Law to issue permits; and the person charged with the administration and enforcement of this chapter, or any duly authorized representative thereof.

COMMON AREA

The area within a two-family or multi-family dwelling that is available for common use by all tenants. Examples are, but not limited to:

- Lobbies
- Corridors
- Stairways
- Washing machines and laundry rooms
- The roof
- Elevators
- Washrooms in lobby areas
- Storerooms
- Basements
- Attic

DWELLING UNIT

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERIOR PROPERTY

The open space on the premises and on adjoining property under the control of owners or operators of such premises.

HABITABLE SPACE

Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility space and similar areas are not considered habitable spaces.

MULTIPLE DWELLING

Any building containing more than two dwelling units or rooming units.

OWNER

The record titleholder or contract purchaser, property manager, tenant under a recorded lease or any executor, administrator, trustee, conservator or other fiduciary, mortgagee or lien holder thereof; an agent for the receipt of notice, legal process or other service or any individual acting in a fiduciary capacity for the record titleholder or contract purchaser.

OWNER'S AGENT

Any person, company, corporation or other entity that has the authority to act on behalf of or in the place of the owner.

PERMITTEE

An owner who has been issued a rental permit within the preceding 36 months.

PERSON

Any natural person and any entity that is recognized by law as having the rights and obligations of a natural person.

RECORD TITLEHOLDER

Any person holding title of record by deed, contract of sale, or judicial determination.

REGISTERED COMPLAINT

Any oral or written communication or personal observation upon which the Code Enforcement Officer has probable cause to believe that additional investigation is required to verify compliance with this chapter.

RENTAL AGREEMENT

A written or oral agreement embodying and fixing the terms and conditions for the transfer of possession and the use and occupancy of premises, whether or not for a definite period of time.

RENTAL BUILDINGS AND STRUCTURES

A. Dwelling units, rooming houses, rooming units, two-family dwellings, or multiple dwellings which are occupied by one or more persons, none of whom is a record titleholder; or

B. Dwelling units, rooming houses, rooming units, two-family dwellings, or multiple dwellings which are used for residential purposes under the terms of a rental agreement.

ROOMING/BOARDING HOUSE

Dwelling providing lodging and meals for monetary compensation for three or more nontransient guests. No private kitchen facilities shall be provided to guests.

ROOMING UNIT

Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

TENANT

A person, corporation, partnership or group, not the legal owner of record, occupying a dwelling unit or portion thereof as a unit.

TWO-FAMILY DWELLING

A building of two dwelling units, with common walls and/or floors. It may or may not have a direct entrance from the outside to each dwelling unit.

Article II. Administration and Enforcement

§ 102-6. Inspections; issuance of notices.

A. The Code Enforcement Office shall cause inspections to be made at intervals as follows:

- (1) If requested in writing by the owner or owner's agent of a rental building(s) or structure(s) pursuant to Section 102-11(C) of this Chapter, then prior to issuance of a permit or renewal of a permit pursuant to this Chapter;
 - (2) Upon receipt of a registered complaint; or
 - (3) At the discretion of the Code Enforcement Office at an interval of less than three years for a property(s) where there are persistent or consistent violations of this chapter or other laws, rules and regulations of the City of Cortland, County of Cortland or the State of New York.
- B.** The inspection by the Code Enforcement Office shall determine the condition of rental buildings and structures, rooming houses, rooming units, similar dwellings and accessory structures located within the City of Cortland, and the Code Enforcement Office may issue notices as provided for in this chapter.
- C.** The Code Enforcement Officer or his/her designees are authorized to enter common areas at reasonable times for the purposes of conducting a visual inspection. If entry is refused or not obtained, the Code Official is authorized to pursue entry to the fullest extent authorized by law.
- D.** Application of this section is subject to the limitations contained in § 102-15.

§ 102-7. Prohibited acts and Required Actions

- A.** In addition to the requirements of § 102-10, violations of the following shall be deemed violations of the Rental Housing Law:
- (1.) It shall be unlawful and a violation of this chapter for any owner of a rental building or structure to lease, let, rent or permit the occupancy and use as a rental building or structure without first having obtained a rental permit as provided herein.
 - (2.) It shall be unlawful and a violation of this Chapter for any owner of a rental building or structure to provide materially false, misleading, or inaccurate information on any form submitted pursuant to this Chapter.
 - (3.) No owner shall cause, permit, suffer or allow to exist any condition at a rental building or structure, or exterior property, which is a violation of this chapter, the City of Cortland Code, the laws of Cortland County, or the laws of the State of New York, including but not limited to the New York State Uniform Fire Prevention and Building Code, the New York State Multiple Residence Law and amendments and/or revisions made thereto, after written notice has been given to the permit holder of such deficiency.
 - (4.) No person shall disable a carbon monoxide or smoke detection device in violation of § 102-27 of this chapter.

(5.) No owner shall, following reasonable notice and an adequate opportunity to correct the same, fail to correct a serious fire hazard or electrical violation or fail to provide heat for a residential building or structure in accordance with legal requirements.

- B. It shall be the responsibility of the owner to install working single-station smoke detectors and carbon monoxide detectors within their respective dwelling units, and it shall be the responsibility of the tenant to ensure that the smoke detectors and carbon monoxide detectors remain in working order throughout the lease term. In the event that a smoke detector or carbon monoxide detector becomes inoperable, the tenant shall inform the owner, and the owner shall immediately replace the inoperable smoke detector or carbon monoxide detector.

§ 102-8. Grounds for revocation or nonrenewal of permit.

- A. The following findings, upon substantial evidence, shall be grounds for revocation or nonrenewal of a rental permit:

- (1) The owner is a habitual violator as described in § 102-29;
- (2) The premises are a public nuisance property as described in the City of Cortland Code and any amendments or revisions made thereto; or
- (3) Three or more violations of this chapter have occurred either at a particular rental building or structure within a twelve-month period; or
- (4) The owner, owner's agent, or anyone providing information on owner's behalf hereunder, provided materially false, misleading, or inaccurate information on any form submitted pursuant to this Chapter, in violation of Section 102-7(B).
- (5) Levied but delinquent real estate taxes upon the property.
- (6) Unpaid fees imposed by the provisions of this Chapter.
- (7) Delinquent Water and Sewer fees exceeding six months.

- B. Before a rental permit may be revoked or issuance or renewal denied, except in cases of emergencies, a notice of the violation(s) shall be sent pursuant to Section 102-13, and the permittee or aggrieved person shall be entitled to a hearing before the Zoning Board of Appeals, which shall have appellate jurisdiction with regard to findings of fact upon which the Code Enforcement Officer has issued his or her decision. Written notice of the hearing shall be mailed to the permittee or served upon the aggrieved person no less than seven days in advance and shall apprise the recipient of the proceedings and potential consequences and the aggrieved person's right to be heard. At the hearing, the aggrieved person shall be entitled to be again apprised of the claims against him or her, must be given an opportunity to be heard in explanation or rebuttal, and shall have the right to confront witnesses. Determinations of the Zoning Board must be based upon substantial evidence and must incorporate the factual findings in the record as the bases for their determination. Prior convictions of offenses under this chapter from a court of competent jurisdiction shall be conclusive evidence of the

violation(s) upon which such conviction was based. The Zoning Board, for good cause shown, may stay the enforcement of any revocation for such period as it deems appropriate. Persons seeking relief from applicable provisions of the New York State Uniform Fire Prevention and Building Code may file a petition with the New York State Department of State Codes Division Board of Review for variance and/or an appeal of the Code Official's determination.

Article III. Dwelling Inspection and Rental Certification

§ 102-9. Required owner/agent information.

- A. Owners of residential rental property located in the City of Cortland shall complete and sign a registration form provided by the Code Enforcement Office. The form shall indicate the name, physical address, and telephone number of each owner; the number and address of each rental dwelling for which a rental permit is sought, the number of dwelling units contained within each rental dwelling, whether the premises are governed by a written lease or an oral lease, daytime and evening telephone numbers of the owner or owner's agent, the square footage of habitable space in each rental dwelling unit, the maximum number of tenants in each rental dwelling unit, any pre-existing non-conforming status, and any other pertinent data sought by the Code Enforcement Officer. The owner shall sign a statement affirming whether a written lease is in effect and, if applicable, that the written lease contains a notice provision pursuant to § 102-19 of this chapter. The form shall indicate an address for receipt of notices by mailing under this chapter. The permittee shall be responsible for updating such information within five days of an event that would render the information in the registration form inaccurate.
- B. Owners of residential rental property located in the City of Cortland who reside in any county other than Cortland County shall provide the Code Enforcement Office with the name and physical address of an individual over the age of 18 who shall reside in Cortland County and who shall be designated as agent for receiving mailed notice or service of process. Such agent shall be deemed to have the rights and responsibilities of a permittee for the purposes of this chapter. A new permittee shall provide the information required in this subsection within five days from the date of any change of ownership.
- C. Owners shall provide current contact information to the Code Enforcement Officer within 30 days of changing their address.

§ 102-10. Rental permit required; occupancy limitations.

- A. No owner shall rent, let, lease, or otherwise allow the occupancy of any existing rental building or structure unless that owner holds a valid rental permit. No violations of this subsection shall issue before one year after the effective date of this chapter. In the event that the Code Enforcement Officer is unable to inspect all rental properties, for which the owners thereof have requested an inspection, within one year from the effective date of this chapter and issue the required rental permit, then every owner of such an existing rental building or structure (that requested an inspection) shall provide all information listed in § 102-16A through I of this chapter, and any other information required pursuant to this chapter in order to obtain a rental permit hereunder, to the maximum extent possible, to the Code Enforcement Officer

who will then issue a temporary rental permit which said permit shall be effective until such point as an inspection can be completed by the Code Enforcement Officer, or the owner submits a notarized self-certification form pursuant to Section 102-11(C), and a permanent rental permit issued.

B. Occupancy limitations shall be governed by the rules and regulations contained in Chapter 300 of the Code of the City of Cortland, known as the City of Cortland Zoning Code, and any amendments made thereto.

§ 102-11. Fees; duration of permits; issuance of permits.

A. Rental inspection fees and reinspection fees will be charged in the amount set forth in the schedule of fees adopted by the City of Cortland Common Council by resolution.

B. Rental permits will be issued for a thirty-six-month period and shall be valid for such period unless invalidated or revoked as provided in this chapter.

C. Permits shall be issued upon completion of all of the following:

(1) One of the following conditions is met:

- a. The owner making application and certifying under oath and subject to perjury that said rental building or structure, and all units contained therein, is in compliance with all applicable City and State Codes, Statutes, Laws Ordinances and regulations; or
- b. At the written request of and with the consent of the owner, the Code Enforcement Officer shall inspect the property for compliance prior to the issuance of a permit; and

(2) Provision of all the information required in the registration form pursuant to Section 102-9; and

(3) All requirements of this chapter have been met.

D. Newly constructed or renovated rental structures will be required to pay a registration fee in the amount set forth in the schedule of fees adopted by the Common Council by resolution when the rental permit is issued. This registration fee must be paid prior to the issuance of a certificate of occupancy.

§ 102-12. Procedure for inspections and self-certification.

A. If the owner desires an inspection to verify compliance with this Chapter as set forth in Section 102-11(C)(1)(b) above, the following shall apply:

(1) At least thirty days prior to initial occupancy, or thirty days prior to the expiration date of a current rental permit, whichever is applicable, the owner or agent of a rental property shall apply to the Code Enforcement Office for inspection of the structure and all units therein. The

owner of the property shall be required to sign and return the application along with the applicable fee, which will include the information required by § 102-9A of this chapter.

- . (2) The Code Enforcement Officer shall inspect the property subject to the requirements set forth in § 102-15. If the property is in compliance with this chapter, the permit will be issued.

B. If the owner prefers to verify compliance with this Chapter as set forth in Section 102-11(C)(1)(a) above, the following shall apply:

(1) The form for self-certification shall be made available by the Code Enforcement Officer and shall be signed and notarized by the record titleholder(s) under penalties of perjury.

(2) Any owner that provides materially false or misleading information on the self-certification form shall be in violation of this chapter as set forth in Section 102-8 and shall also be subject to the penalties of perjury in addition to the penalties found in § 102-24 of this chapter.

C. Any advertisement or listing, including but not limited to, newspaper, "Pennysaver" supermarket paper, advertising flyer, internet listing, electronic mail listing, university housing off-campus list, or other listing offering for rent any residential dwelling unit in excess of that permitted by the applicable City code or law or any certificate of occupancy or certificate of prior non-conforming use of file with the City shall create a rebuttable presumption that such use violates such code, law, or certificate which presumption shall be sufficient cause to authorize under this section, an off-site inspection by a Code Enforcement Officer for the limited purpose of confirming compliance with the applicable code or law affecting the premises, or certificate of occupancy, certificate of prior non-conforming use or any other certificate, notice, form or other document relating to authorized occupancy or usage which is issued by the City.

A notice of violation may be issue to the record titleholder, or record titleholder's agent or designee, at the address listed on the latest available Tax Assessor's records, upon delivery the record titleholder, or record titleholder's agent or designee shall have at least seven days to provide proof of compliance with the applicable code or law or certificate. The production of proof of compliance shall serve to rebut the presumption and no summonses, violation or appearance ticket shall be issued.

§ 102-13. Notice of violation; method of service.

If the Code Enforcement Officer determines that there are reasonable grounds to believe that premises are being maintained in violation of this chapter, that officer shall give notice of the alleged violation to the owner or owner's agent of the premises, which notice shall contain the elements required of an information under the New York State Criminal Procedure Law. Such notice shall:

A. Be in writing;

B. Include a description of the real estate sufficient for identification;

- C. Describe the violation, cite the applicable section of the local law and/or uniform code, and remedial action required;
- D. Describe the facts upon which the violation is based;
- E. State that all health, safety and maintenance violations must be corrected immediately. The Code Enforcement Officer shall return at a specified date to verify conformance with the order to remedy. Any maintenance items which cannot be completed at this time because of weather constraints may be granted a time extension. Time extensions are to be negotiated with the owner/agent of the property and the Code Enforcement Office subject to Common Council review and approval.
- F. State that, if upon reinspection a violation still exists, the Code Enforcement Officer shall order that the rental permit be suspended and the structure vacated.
- G. Be mailed via first-class, registered or certified mail to the permittee or served upon any other person in accordance with the applicable provisions of the Criminal Procedure Law.
- H. State the time to file an appeal, the amount of the appeal fee, the right to call witnesses and the right to be represented by counsel.

§ 102-14. Complaint by tenants; retaliatory actions.

- A. Unless there are significant health or safety issues, if the property has a valid rental permit, a tenant must first complain to the owner or agent of the property. Forms for that purpose may be obtained from the Code Enforcement Office; however, there is no obligation for a tenant to use such forms.
- B. If the complaint is not addressed within seven calendar days, the tenant may schedule an inspection appointment with the Code Enforcement Officer, who shall give reasonable advance notice to the owner's agent. If violations are found, an inspection fee in accordance with § 102-11 shall be charged.
- C. No person shall institute or maintain an action for eviction because the occupant has reported a violation of this chapter or a related provision of the City Code to the Code Enforcement Officer or other City employee.
- D. No person shall cause any service, facility, equipment or utility required under this chapter to be removed, shut off or discontinued in retaliation for a complaint.

§ 102-15. Application for search or administrative warrant authorized.

- A. The Code Enforcement Officer shall have the right to inspect the common areas of a two-family dwelling or multiple dwelling upon either (1) the consent of a person in lawful possession of either the dwelling or a dwelling unit therein, (2) the consent of the owner of the dwelling, or (3) upon the procurement of an administrative search warrant from a court of competent jurisdiction to enable such inspection.

- B.** The Code Enforcement Officer shall have the right to inspect a dwelling unit in any rental building or structure upon either (1) the consent of the person in lawful possession of that dwelling unit sought to be inspected, (2) the consent of the owner of the residential building or structure, or (3) upon the procurement of an administrative search warrant from a court of competent jurisdiction to enable such inspection.
- C.** The Code Enforcement Officer is authorized, on sworn affidavit stating the factual basis thereof, to make application to the City of Cortland Court or to such other court as may be deemed appropriate for the issuance of an administrative search warrant. The application for a search or administrative warrant shall, in all respects, comply with applicable laws of the State of New York and the United States.

§ 102-16. Contents of rental permit.

The rental permit issued under this chapter shall contain the following information:

- A.** The address, type of structure, and structure classification;
- B.** The date of inspection or date of self-certification statement, whichever is applicable;
- C.** The date of issuance;
- D.** The expiration date;
- E.** Number of dwelling units;
- F.** A statement indicating whether the structure is equipped with a fire alarm system, single station smoke detectors, and carbon monoxide detectors as required by the Code.
- G.** A statement indicating whether the structure is equipped with a sprinkler system;
- H.** Local contact information including name, address and phone number for the owner or owner's designated representative; and
- I.** The maximum number of permanent and/or temporary occupants permitted for each rental dwelling unit. Such number must be posted in a conspicuous place within each dwelling unit.

§ 102-17. Transferability of permit; display of permit required.

A current rental permit issued under this chapter shall be invalidated by sale or transfer of the property. The owner of a rental building or structure shall conspicuously display a copy of the rental permit on the main entrance door of each building, or in a common area immediately adjacent thereto.

§ 102-18. Notices on sale of dwelling; unpaid fines.

- A. A seller of a rental property, including property occupied under authority of an unrecorded contract for sale, shall inform the prospective buyer of the following at least fourteen days prior to the closing:
- (1) Current status of the rental permit;
 - (2) Any outstanding notice regarding violations of the Cortland Rental Housing Law;
 - (3) The existence of any court or administrative proceeding which pertains to alleged violations of the Cortland Rental Housing Law, stating the case numbers and names of all parties to the proceedings.
- B. Every seller of a rental property shall give notice in writing to the Code Enforcement Office within two business days after closing. This notice shall include the name and address of the buyer.
- C. Each buyer of an interest in rental property shall give notice in writing to the Code Enforcement Officer within ten business days after closing. The notice shall identify the address of the affected property, the name and address of all parties named in the contract, and the interests in the property conveyed or received by each party. The buyer shall also provide a copy of the deed, showing the date, book, and page within ten days of recording.
- D. Any unpaid fines shall run with the land and becomes a lien against real property and shall be enforceable against the subsequent owner of the property.

§ 102-19. Notice to tenants.

All written rental agreements for rental buildings or structures within the City of Cortland must contain the following language in 10-point or larger type: "Please take notice that you and the landlord each have certain rights and responsibilities under The City of Cortland Rental Housing Law, a copy of which is available in the City Hall, 25 Court Street, Cortland, New York 13045."

§ 102-20. Transition rules.

- A. None of the rules in this § 102-20 shall be extended beyond the transition period except by resolution of the Common Council.
- B. Owners of rental buildings or structures existing on the date of adoption of this chapter or existing hereafter must register within one year from the effective date of this chapter in accordance with Article III. Upon receipt of a completed registration form, the Code Enforcement Officer will review the form and if, on this basis, the premises appear to be substantially in compliance with the requirements of this chapter, shall issue a temporary rental permit.
- C. The temporary rental permit shall be effective until the first of the following has occurred:
- (1) One year shall have elapsed from the date of issuance of the temporary rental permit;

- (2) The Code Enforcement Officer has inspected the rental building or structure and has issued a rental permit as a result of such inspection, or the owner submits a notarized self-certification form pursuant to Section 102-11(C);
 - (3) The Code Enforcement Officer has inspected the premises and has served upon the owner a written denial, setting forth the bases therefor; or
 - (4) The City of Cortland has revoked the temporary rental permit for cause pursuant to § 102-8.
- D. No holder of a temporary rental permit shall be liable for failure to register in accordance with § 102-9 until one year from the effective date of this chapter.
- E. No owner shall be liable for renting premises in violation of this chapter under the terms of a written lease that was in effect at the date of enactment, provided that the lease and the occupancy complied with applicable law in existence prior to such date. This exception shall not apply to renewals of existing leases.

Article IV. Penalties for Offenses

§ 102-21. Failure to correct violations.

- A. Any person who fails to correct a violation of this chapter upon receipt of a notice of violation shall be guilty of an offense and shall be subject to fines or civil penalties which shall be cumulative for each and every week that the violation remains uncorrected.

B. Offenses.

- (1) Each day the owner fails to arrange for an inspection beyond fifteen days after service of such notice;
- (2) Each violation not corrected within a reasonable time following receipt of a notice of violation;

C. Penalties.

- (1) Failure to arrange for a timely reinspection shall give rise to a presumption that the violation was not corrected and a fine shall be imposed accordingly;
- (2) Violations not corrected in the allotted time shall be subject to a fine or civil penalty, which fine or civil penalty shall not exceed the maximum set forth in the New York State Executive Law for violations of state code; and not to exceed the maximum set forth in the City of Cortland Code for violations of this chapter, retroactive to the original date set forth in the violation notice. A cumulative civil penalty may be imposed for each and every week or portion thereof that the violation continues, to the maximum extent permitted by law. Enforcement proceedings shall be in accordance with § 102-24 of this chapter.

§ 102-22. Actions to enjoin and to collect costs.

In addition to the penalties provided in this chapter, when any dwelling, building or structure is constructed, altered, converted, used or maintained in violation of any section of this chapter, the City of Cortland may bring suit in an appropriate court of competent jurisdiction to:

- A. Prevent unlawful construction, alteration, conversion, or maintenance;
- B. Restrain, correct, or abate such violation or nuisance;
- C. Prevent the occupation of the dwelling, building or structure;
- D. Prevent any other violation of this chapter; and
- E. Obtain a judgment for costs and expenses to enforce this chapter.

§ 102-23. Assessment of costs.

All inspection fees, reinspection fees, demolition costs, administrative costs and legal costs incurred by the Code Enforcement Office or City of Cortland in the enforcement of this chapter may be collected by an assessment or levy placed against the real estate, to be collected as a property tax or by judgment entered against the owner personally or against the real estate.

§ 102-24. Offenses; penalties.

- A. Any person who is found by a court of competent jurisdiction to have violated this chapter shall be guilty of an offense pursuant to the New York State Uniform Fire Prevention and Building Code and any amendments or changes thereto, and shall be subject to the maximum penalties authorized therein. Any such person who violates a section of this chapter after having previously been found guilty of violating the same section of this chapter at the same location shall be guilty of a repeat offense.
- B. Relief under this section shall be in addition to the remedies set forth in §§ 102-22 and 102-23.
- C. Each and every day in which an offense occurs, after notice has been provided, shall be deemed a separate offense.

Article V. Appeals

§ 102-25. Zoning Board of Appeals; filing of notice.

Appeals by an aggrieved person of any determination or action of a Code Enforcement Officer may be taken to the City of Cortland Zoning Board of Appeals pursuant to Article 5-A of the General City Law of New York State. A notice of appeal shall be filed with the Code Enforcement Officer within 15 days of the date of service of the notice of violation.

§ 102-26. Variances.

- A. Any owner of rental property in the City of Cortland may apply to the Zoning Board of Appeals for a variance, on a temporary or permanent basis, from the requirements of this

chapter. Such variance shall be granted upon a showing by the owner by clear and convincing evidence as follows:

- (1) That this chapter creates a unique hardship to the applicant that is different than other owners of rental property in the City of Cortland who are similarly situated; and
 - (2) That the granting of a variance will not undermine the purpose and intent of this chapter; and
 - (3) That the granting of a variance will not adversely affect the health, safety and welfare of neighboring property owners; and
 - (4) That the granting of a variance will not adversely affect the character of the neighborhood and that the variance, if granted, will have minimal impacts on the neighborhood and adjacent property owners.
- B. In granting any variance, the Zoning Board of Appeals shall grant the minimum variance necessary to alleviate the hardship demonstrated by the applicant.
- C. Any owner that receives a variance from this chapter must maintain its property in compliance with all laws, rules and regulations of any governmental entity having jurisdiction over such property. If an owner fails to comply with this section, then the Zoning Board of Appeals may revoke the variance previously granted subject to notice and an opportunity to be heard by the owner.

Article VI. Additional Provisions

§ 102-27. Carbon monoxide detection devices.

- A. For the purposes of this section, fossil fuel shall include coal, natural gas, kerosene, oil, and propane.
- B. All rental buildings and structures shall have no less than one approved carbon monoxide detector installed in each dwelling unit if the residential building or structure contains a fossil-fuel-powered appliance, wood-powered appliance or fireplace which is within the interior of the building or structure. The detector shall be installed within 20 feet outside the area of all sleeping rooms and in accordance with the manufacturer's specifications for installation.
- C. Every approved carbon monoxide detector shall comply with all applicable state laws and regulations, as set forth in the New York State Executive Law § 378 or its equivalent.
- D. It shall be unlawful for any person to, in any way, make inoperable a carbon monoxide detector required under this chapter, except that this provision shall not apply to any building owner, manager, and/or agent in the normal procedure of maintenance, including replacement of batteries.

- E. The owner shall be solely responsible for the installation of the carbon monoxide detectors. The owner shall immediately, upon notice from the tenant, repair or replace the carbon monoxide detector as necessary.
- F. The tenant shall be responsible for informing the owner of any carbon monoxide detector malfunction and shall be responsible for replacing batteries as needed.
- G. The owner shall furnish to the tenant at the beginning of a new lease or new tenancy, if applicable, written notice of the responsibilities of the tenant and the obligations of the owner regarding carbon monoxide detectors, their batteries and their maintenance. New batteries shall be installed in rental units when leased, and the same shall be noted on the lease agreement signed by both the owner and the tenant.

§ 102-28. Emergency actions.

- A. Whenever a Code Enforcement Officer has probable cause to believe that a condition exists in or around a rental building or structure which constitutes an immediate and severe threat to the health, safety or welfare of the occupants or to the public, the officer may take any necessary action, including the temporary suspension of a rental permit. The Code Enforcement Officer shall serve upon the owner a written order incorporating the factual finding upon which the emergency action is based, without a prior hearing, such suspension to be effective on the date specified in the order.
- B. Whenever a Code Enforcement Officer has probable cause to believe that a condition exists in or around a rental building or structure which threatens the health, safety or welfare of the occupants or the public, the officer may issue an order describing the condition and requiring that specified action be taken. If the owner does not comply with the order within the time specified, the officer may authorize the taking of the action specified in the order. Any costs incurred may be assessed against the property or collected as a personal judgment pursuant to valid legal action.
- C. A copy of the order shall be sent to an agent or owner, and occupant(s), at their last known addresses. The method by which such notice shall be given shall be that method which provides notice within the shortest practicable period of time.

§ 102-29. Habitual violators.

- A. A permittee who fails to correct a violation within the time period given by notice, or an owner who has been required to appear before a court of competent jurisdiction for such failure, three times or on three separate properties during a twelve-month period may be deemed a habitual violator if found by the Code Enforcement Officer, court, or Zoning Board of Appeals, where applicable, to have failed to correct the violations without good cause. Upon finding that a permittee is a habitual violator, an agent or representative of such owner shall be deemed a habitual violator as to those properties.
- B. A finding that an owner is a habitual violator shall be a basis for a court of competent jurisdiction to find probable cause for the issuance of an administrative search warrant for all

properties owned or managed by a habitual violator. The fee for this unified inspection will be charged at regular inspection rates as set forth in § 102-11. The owner may be placed on an accelerated inspection schedule by the court, thereby reducing certification periods, if the result of the unified inspection justifies such action. The fees as set forth in § 102-11 shall be charged for such inspections.

§ 102-30. Levies upon real property.

To the fullest extent authorized under the New York State General City Law and the New York State Real Property Tax Law, the Common Council shall have the authority to issue levies against the owner's real property for fines and/or fees due under this chapter.

City Clerk

From: "Chief F. Michael Catalano" <fcatalano@cortland.org>
To: "Sherrie Massmann" <cityclerk@cortland.org>
Sent: Thursday, June 14, 2012 11:14 AM
Subject: RE: Report on last night's movie in the park
No issues with the movie in the park, same low turnout as last week, no noise complaints. Chilly weather and school still in session could be part of what it is not attended by many.

From: City Clerk [mailto:cityclerk@cortland.org]
Sent: Thursday, June 14, 2012 7:49 AM
To: Chief F. Michael Catalano; ward8
Subject: Report on last night's movie in the park

Good Morning. Please provide a brief report on last night's movie in the park. Per Council resolution, if good reports were received for June 6 and June 13's events, all their other requested dates were approved. Thank you. Sherrie

6/14/2012



City Council Minutes The City of Cortland June 19, 2012

Council Meeting #11
June 19, 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 & Finance Mack Cook and City Clerk Judith Chamberlin

Mayor Tobin called the eleventh Common Council meeting of the year to order at 7:03 P.M.

PLEDGE OF ALLEGIANCE

Public Comment

Sharon Stevens spoke about the sales tax agreement. She feels that City taxpayers do a lot for the County, perhaps they do more than their fair share and she outlined some of the things that the City does for the County.

Ruth Grunburg agreed that cities are the life blood of the geographic area that they're located in. She spoke about the East End Community Center's move to the Dexter Park Building. She gave a history of the Community Center's funding and noted that there is a separate bank account for them and she questioned this. She is also opposed to the move of the Community Center to the Dexter Park Building and she felt that Alderman Partigianoni would also oppose this location for the Center. She also noted that the proposed location is not handicapped accessible and there is no air conditioning. She volunteered to work on a solution to find another location that would be better suited.

Mayor Tobin noted that a portion of the facility at Dexter Park is being utilized for storage and there will be discussion at future Council meetings regarding these issues.

Jo Schaffer spoke about drawing people into the Main Street area. She feels that the natives of the City find Main Street because they know where it is, but she felt that visitors or strangers to the area weren't able to locate Main Street because there is a serious lack of good signage directing them to Main Street. She felt that this would be a good effort to get visitors to Main Street that would please downtown business owners.

Mayor Tobin noted that this was going to be discussed this evening and that he has also spoken with the Chamber Director Mr. Haight about this issue.

RESOLUTION #101 OF 2012 – Minutes of May 15, 2012

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes - 8
Nays – 0

Bills were reviewed.

Ward Reports

Ward 4 – Alderman Bennett

Alderman Bennett noted some concerns regarding that SUNY Cortland would use Chugger Davis Field as a staging site for dorm construction. He has discussed this with SUNY reps and he noted that the staging area is the fenced in area on Broadway, but they do reserve the right to use Davis Field if they feel the need. He noted that the walk through on Warren and Pearl will be closed by the College to eliminate some of the parking problems on Pearl Street as well as some of the late night student pedestrian traffic. He noted that he will continue working on this.

Ward 8 – Alderman Michales

Alderman Michales noted that he, Director of Administration and Finance Cook and Mayor Tobin toured the Courthouse Park on Wednesday, June 6 to look at the movie. He was impressed with the set up and he has not received any complaints regarding the noise level. He encouraged everyone to attend the movies on Wednesday nights.

Alderman Michales brought up the issue of unmowed lawns throughout the City and discussed setting up a link on the City website where overgrown property locations could be reported. He noted this was unsightly for neighbors and reported that he has resolved some of these issues in his Ward.

Alderman Michales asked that when demolishing buildings that the City take into consideration the neighbors. He had reports of heavy dust at one demo site and the contractor had asked neighbors for the use of their hoses to keep the dust down. He spoke with the Code Office and noted that City hydrants are to be used for that purpose.

Mayor Tobin noted that Movies in the Park were at 8:30 PM on Wednesdays.

Ward 1 – Alderman Bird

Alderman Bird reported that the Image Committee met on June 12 and they'll be focusing on a Community Clean Up Day for July 21 and will be announcing more information as the date draws closer.

Ward 3 – Alderman Dye

Alderman Dye spoke with some neighbors who were upset about the County's tax plan, but they figured out that if the City went differently, the City would lose a lot more money than with the proposed County plan. He noted that he will be working on a Ward meeting to discuss ways for the City to make more money and he hoped that would be at the end of August.

Ward 2 – Alderman Silliman

Alderman Silliman has spoken with Alderman Dye about combining Ward meetings so that they could gain input from constituents. She noted that her Ward has been quiet, but she also received a call regarding lawn mowing and reported it to the Code Office and received an immediate response.

Ward 7 – Alderman Ferguson

Alderman Ferguson received calls regarding the sales tax agreement. She noted that she isn't for the proposal, but she doesn't see any alternative that's in the City's best interest. She spoke about resident requests regarding water play at Dexter Park. Alderman Ferguson has spoken with John McNeerney, Youth Bureau Director, and they are working on something.

Alderman Ferguson noted that someone has come up with the idea of a children's garden at Dexter Park and she liked the idea. She noted that creating and keeping children's activities going in the park will be at the top of her agenda for the summer.

Alderman Ferguson has received complaints regarding some businesses that do not appear to be neighborhood friendly and she would like to think of ways to get residents and businesses together to work on this and perhaps work on some projects together.

Ward 6 – Alderman Ferrer

Alderman Ferrer has also received calls on the sales tax issue. He has also received calls regarding speeding cars on some of the side streets and this is being taken care of. He received some complaints regarding foliage in the right of way and front yard and that is also being addressed.

Ward 5 – Alderman Quail

Alderman Quail also has had some issues reported with unmowed lawns. He has also had some reports of illegal business being conducted and those areas are being watched. Alderman Quail noted that the dust issue brought up by Alderman Michales could be addressed in the Demolition Permit. Alderman Michales noted that perhaps having

someone on site to oversee this would also be good. Alderman Quail and Michales both noted that someone should be accountable for addressing this.

Mayor Tobin noted that this would be something that the Code Office could quickly work on.

Mayor's Report

Mayor Tobin noted that he has held two (2) youth development initiative meetings with great representation from non-profits, school districts and SUNY Cortland. He is looking to establish a youth council to engage kids in our community. The group is meeting again on Friday, June 22 and Friday, June 29 to here opinions from youth on what is being offered for them in Cortland.

He noted that the two way Main Street issue continues to come up and he noted that the idea of making it that way for a short time frame does not appear to be cost effective, but he is investigating other ways to draw visitors to our downtown from the SUNY campus. He thanked Chief Catalano, Dave Stathis and Director of Administration and Finance Cook helped to come up with a potential solution to the deficiencies our Police Department would have experienced when the County's radio system comes on line and it is about \$50,000 less than what was quoted. He reported that he, Mack Cook, Fire Chief and Deputy Fire Chief and a Volunteer Chief attended a meeting with representatives from Cortlandville and the Village of Homer regarding the fire departments and how mutual aid is structured. He believes this was informative for all and noted the need to have future meetings like this. He thanked County Legislator Kevin Whitney who facilitated both of these meetings.

Mayor Tobin reported on a brief meeting with the Cortland Rural Cemetery Board and Foundation representatives and they are working hard to develop ways to help the Cemetery without incurring a financial burden for the City taxpayers.

Mayor Tobin spoke about the sales tax negotiations and the perspective of the City receiving less revenue from the County's proposal, he has taken the initiative of meeting with the City Financial Advisory Committee and with the Fire Commission and he has asked both entities to meet to discuss what is presently being done and to review what is being done to provide services and to look at cost effectiveness. He wants to deliver a high level of service to the public and doing it in a cost efficient manner and he felt that both of these committees were equipped to review this.

Mayor Tobin reported that he volunteered at the Empire State Senior Games. He noted that there were over thirteen hundred (1,300) participants. He noted that Michelle Phelps did a great job of running the event. He also reported that he attended the Flag Retirement Ceremony on Flag Day at the American Legion in conjunction with the Elks Club. He noted that the flags on Main Street were done by a volunteer group. He asked people interested in donating to assist the Restore American Pride Fund to contact City Clerk Judith Chamberlin or Alderman Michales. He explained that the Committee fundraises to purchase the flags and also hang the flags. He thanked all Committee members for their efforts.

Reports on Events

Mayor Tobin noted that no complaints were received regarding the Gator's outdoor event held on May 26, 2012, so the other requested dates may go forward.

Mayor Tobin noted that Alderman Michales had also given a positive report on the Movies in the Park.

PINK SHEET Sign Off

AGENDA:

RESOLUTION #102 OF 2012 – Resolution to approve the 2013 – 2017 Cortland County Sales Tax Agreement and authorize Mayor Tobin to sign the agreement subject to review by Corporation Counsel. (Director of Admn. & Finance Cook)

Director of Administration and Finance Cook thanked the Common Council for all their work. He noted that the first two (2) items on the agenda were related. The first was the County sales tax agreement and the second item would be imposing the City's own tax. He reviewed the options, noting no increase of tax revenues with any of the options. He explained that the City would receive four (4) percent either way. He explained that one third of the cities in the State are imposing their own sales tax. He explained segment pre-emption and noted that the City would keep all the tax money that was collected. He explained that taxable sales within the City are less than what is collected in Cortlandville and he outlined how those revenues would be split by pre-emption noting no revenue increase for the City. He did note that towns and villages would receive more revenues as a result of choosing this option. He explained that with a pre-emption vote that one hundred percent of the cost of the radios would become the responsibility of the County and if this was the decision, the County would be the big loser and that this could possibly cause the County to fail.

Director of Administration and Finance Cook asked why there wasn't a larger amount of revenue to divide. He noted that traffic and per capita income studies show that money is not being spent in the City and we are losing taxable sales dollars are flowing outside of the City, especially to the north. He felt that the discussion within the County with the City, towns and villages should be about increasing the sales tax amount generated.

Alderman Bennett thanked Mack Cook for the considerable amount of time he has been on this, as well as Alderman Quail, the Mayor, Richard Tupper and Ted Testa. He stated that he does not like the agreement, but realizes that presently there isn't an alternative. He noted professional representation by City representatives during this difficult process.

Alderman Quail noted that he didn't feel that the City had a negotiation process with this and he didn't feel that complete information was provided or that information was provided in a timely manner. He thanked Mack Cook for providing information to all parties and for all of his research. He noted that most of the entities involved treated this as a County project.

Alderman Silliman thanked Alderman Bennett for all of his work on this and that Mack Cook and Alderman Bennett kept the Council well informed. She would like to see the City and the County work together to serve the residents. She didn't agree with pre-emption at this point, but noted that it could be an option in the future.

Alderman Dye thanked Mack Cook for all of his work and noted that the City was better prepared when they entered into this process and he asked for a roll call vote on this proposed resolution.

Alderman Bird thanked everyone, but expressed concerns because of the losses to the City. She noted that the Council will have to make some hard decisions and she is afraid that some residents will not agree with those decisions. She noted that approving this proposed resolution is the lesser of two evils at the current time.

Alderman Michales noted his concern that by the time the radio project is paid for, that the system will be obsolete because technology is changing so rapidly. He wished that the City had been involved in the process earlier so that they could've provided more input. He thanked all of the individuals for their efforts in this process.

Alderman Quail thanked the three (3) County Legislators who didn't vote for this.

Mayor Tobin noted that was Dick Bushnell, Tom Hartnett and Susan Briggs. Mayor Tobin gave an explanation regarding the radio system's impact on the sales tax agreement. He also thanked those who worked so hard on this, noting that the Council is working in the best interests of constituents.

Alderman Bennett explained that this opened their eyes as to the sales tax revenues being lost and how to reverse that.

Alderman Ferguson thanked all those who worked for the best interests of the residents.

Alderman Quail asked for some clarification on the percentage of revenue and received it from Mack Cook.

By: Alderman Ferrer
Seconded: Alderman Bennett

Roll Call Vote: Alderman Bird – Aye
Alderman Silliman – Aye
Alderman Dye – Aye
Alderman Bennett – Aye
Alderman Quail – Aye
Alderman Ferrer – Aye
Alderman Ferguson – Aye
Alderman Michales - Aye

Approved: Ayes – 8

Nays – 0

Item No. 2 - Consideration of a Resolution authorizing the City of Cortland to impose taxes on sales and uses of tangible personal property and on certain services and on hotel room occupancy, admission charges and club dues, pursuant to Article 29 of the Tax Law of the State of New York. (Director of Admn. & Finance Cook)

Item removed from the agenda.

Item No. 3 – Presentation by C & S Engineering re: City Gateway Project

Matt Geitner and Mike Gridley of C & S Engineering from the Syracuse area gave the presentation. He explained that this project was about drawing Rt. 81 highway traffic to the City's businesses. He explained the RFP process.

Mike Gridley outlined their vision for the scope of this project. He spoke about the northeast gateway, which is the Rt. 81 exchange at Rt. 13 and River, Pomeroy and Clinton Streets and drawing that traffic into the City of Cortland. He explained that their proposal is to capture some of that visitor traffic that's passing through and to create a sense of place for residents. The plan is to create a gateway at the Clinton corridor. He noted that they want to get the public involved by getting an advisory committee together to find out what the problems and issues are and to find out what they would like to see. He explained that they also want a public workshop to provide information to and to work with that advisory committee. He outlined the goals they hoped to achieve including developing design ideas and obtaining funding.

Director of Administration and Finance Cook explained the hope that a concrete plan would be developed by early September for presentation to Council. Alderman Silliman noted that if public discussion and planning were to occur before that, they would have to do a lot of outreach to achieve that.

Alderman Michales asked if C & S would be working closely with Thoma Development to obtain grants and to find out what's available. Mr. Geitner explained that they would be working with Thoma and noted that C & S also had a lot of experience in obtaining grant money.

Mayor Tobin explained the make up of the committee that did research on this and that had interviewed several different companies that made presentations. He felt that this company had some very good ideas. Mack Cook noted that this development was not being paid for with grant funding, but since 1981 the City has been sitting on about thirty-two thousand (\$32,000) dollars from the sale of two (2) properties in the South End and the funds have been held in trust for over thirty (30) years and this would be a good way to utilize those funds without shorting City services.

RESOLUTION #103 OF 2012 – Resolution authorizing Mayor Tobin to enter into a contract with C & S Engineering for design services based upon the lowest and best quote (\$30,000) received for the City Gateway Project subject to review by Corporation Counsel. (Director of Admn. & Finance Cook)

Jo Schaffer asked how much this contract was for and stated that the amount should be put on record. Mayor Tobin amended the resolution to reflect the thirty thousand dollar (\$30,000) cost of this contract.

By: Alderman Silliman
Seconded: Alderman Bird

Approved: Ayes – 8
Nays – 0

RESOLUTION #104 OF 2012 - Resolution to authorize and direct Mayor Tobin to file an application for funds from the New York State Office of Community Renewal through its New York Main Street Program 2012, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Cortland for the Cortland Downtown Revitalization Program. (Thoma Development)

Linda Armstrong was present. Director of Administration and Finance Cooked noted that not only is the Council working on the downtown gateway, but this grant will provide funding to improve the appearance of buildings on Main Street.

Alderman Michales asked if this was limited to a certain area of Main Street. Mack Cook noted that two (2) buildings on the east side of Main Street would be rehabbed. Linda Armstrong noted that a smaller area had been targeted to get a bigger impact, but there were back up properties identified, as well.

By: Alderman Ferrer
Seconded: Alderman Bird

Approved: Ayes – 8
Nays – 0

RESOLUTION #105 OF 2012 - Resolution to approve and endorse the Cortlandville, New York application to the NYS DEC for a project grant under the Round 11 Urban and Community Forestry Program for the project known as the Testa Park Tree Planting Project on Starr Road in the Town of Cortlandville. (Thoma Development)

Alderman Silliman noted that shade was needed and that this would not cost the City any money. Mayor Tobin noted that this was only assisting Cortlandville in obtaining a grant. Linda Armstrong noted that this was showing support and cooperation.

By: Alderman Quail
Seconded: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

Mayor Tobin expressed congratulations to Bernie Thoma and Rich Cunningham for their recognition by the Chamber of Commerce.

RESOLUTION #106 OF 2012 - Resolution to increase the asset limit for qualifying for the City's Emergency Repair Program from \$10,000 to \$20,000. (Alderman Ferguson)

Alderman Ferguson provided the background for this increase request. Linda Armstrong explained that the individual who had originally applied for this program qualified income-wise, but not asset-wise and they were seeing this as typical of many senior citizens.

By: Alderman Ferguson
Seconded: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

RESOLUTION #107 OF 2012 - Resolution to accept the Main Street Proposal for lights on Main Street and authorize Mayor Tobin to sign the agreement subject to review by Corporation Counsel. (Adam Megivern)

Mayor Tobin noted that a local business stepped forward to pay for half of this. Adam Megivern gave further information on this project. Mayor Tobin explained why the lights have to be City owned and he noted that this was a great collaborative effort between all parties.

By: Alderman Bird
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #108 OF 2012 - Resolution to approve the Cortland Downtown Partnership's request to have the Marketplace Mall parking lot remain closed and barricaded after the Main Street Music Series concert on Friday, July 13, 2012, from 10:30 P.M. until Saturday, July 14, 2012 at 6:30 P.M. for the set up and operation of the Taste of Downtown Festival events to be held there. (Adam Megivern)

Mayor Tobin noted that the barricades will be movable in case of emergency. Adam Megivern noted that this was an effort to eliminate overnight parking so they could get started with early morning set up for the Taste of Downtown Festival.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #109 OF 2012 - Resolution to recognize and approve a budget modification to appropriate auction proceeds from the sale of two (2) retired police vehicles. (Deputy Chief Sandy)

A3120.206.00 Operational Equipment \$8,280.00

There was some discussion regarding this and it was noted that it was hoped that newer vehicles would be more fuel efficient.

By: Alderman Ferrer
Seconded: Alderman Bird

Approved: Ayes – 8
 Nays – 0

RESOLUTION #110 OF 2012 - Consideration of a Resolution to recognize and approve a budget modification to appropriate grant proceeds from a DCJS DNA Burglary Initiative Grant. (Deputy Chief Sandy)

A3120.405-01 Evidence Supplies \$1,987.00

By: Alderman Ferrer
Seconded: Alderman Ferguson

Approved: Ayes – 8
 Nays – 0

RESOLUTION #111 OF 2012 - Consideration of a Resolution to recognize five (5) donations and to approve a budget modification to appropriate funds into the Cortland Youth Bureau operating budget as follows: (Director of Admn. & Finance Cook)

Director of Administration and Finance Cook explained that these were restricted gifts.

Cortland Rotary Club	\$2,500	A7110.206
Borg Warner	\$ 300	A7550.405
CFCU	\$ 280	A7140.405.01
Todd & Michelle Funk	\$ 500	A7330.400
Lehman Family	\$ 25	A7310.405

BY; Alderman Ferrer
Seconded: Alderman Bird

Approved: Ayes – 8
 Nays – 0

RESOLUTION #112 OF 2012 - Consideration of a Resolution to recognize and approve a budget modification to appropriate \$5,650.00 in CPR Grant funds received by the Cortland Fire Department as follows: (Chief Glover)

Personal Services	\$3,810.83	A3410.101
Tools & Equipment	\$1,839.17	A3410.405.01

Mayor Tobin explained that this offset the costs of conducting free CPR training.

By: Alderman Silliman
Seconded: Alderman Bird

Approved: Ayes – 8
Nays – 0

RESOLUTION #113 OF 2012 - Consideration of a Resolution to amend the City Code of Ordinances Section 11-41 and approve the Public Safety Commission's recommendation to place a Stop Sign at the corner of Kinney Lane and Delaware Avenue. (Alderman Bennett)

Alderman Bennett explained this need.

By: Alderman Bennett
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #114 OF 2012 - Resolution to amend the City Code of Ordinances Section 11-63 (a)(1) and approve the Public Safety Commission's recommendation to place No Parking signs on the south side of Stockton Place +/- 85 feet east of the east curb line of Homer Avenue. (Alderman Ferrer)

Alderman Ferrer explained this need. Chief Catalano noted there was no sidewalk in that area, as well.

By: Alderman Ferrer
Seconded: Alderman Bird

Approved: Ayes – 8
Nays – 0

RESOLUTION #115 OF 2012 - Resolution to lift the hiring freeze to hire a part-time paralegal for the Law Department. (Corporation Counsel Colasurdo)

Mayor Tobin noted Corporation Counsel Colasurdo was ill this evening and unable to attend. City Clerk Judith Chamberlin was present to answer questions. Mayor Tobin noted that a dollar amount should be attached to this resolution. The successful applicant will be offered an hourly rate of \$19.50.

By: Alderman Ferrer

Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #116 OF 2012 - Resolution to lift the hiring freeze and fill the vacant Maintenance Mechanic position for the Wastewater Treatment Department. (Bruce Adams)

Bruce Adams stated the position had been vacant for about four (4) weeks. Mayor Tobin noted that there were no budget issues regarding Waste Water. Alderman Bird noted that this was replacing a person who had left, not creating a whole new position.

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes – 8
Nays – 0

RESOLUTION #117 OF 2012 - Resolution to lift the hiring freeze and fill the vacant laborer position for the Wastewater Treatment Department. (Bruce Adams)

By: Alderman Ferguson
Seconded: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

RESOLUTION #118 OF 2012 - Resolution to define and allow the hiring of seasonal employees (under the hiring freeze). (Mayor Tobin)

Mayor Tobin defined seasonal employees, "temporary positions that have a definitive starting date and an established ending date and employment that does not exceed three hundred sixty-five (365) days and season employees are currently not eligible for health insurance".

Mayor Tobin noted that this came up because of two (2) seasonal employees being hired by the DPW. He noted that the Youth Bureau employs about one hundred seventy (170) seasonal employees between coaches, referees, etc., and their hiring should be managed in a cost effective manner. He noted that in the budget process the temporary positions will be included.

Alderman Ferrer asked that emails be sent to the Council to keep them informed as the seasonal employees are hired. Mayor Tobin thought they should be included in the monthly reports giving the Council oversight. There was discussion regarding the variation in numbers. Mayor Tobin noted that the fluctuation depends on the enrollment in programs. Alderman Michales asked for a breakdown of who is working for whom. Mayor Tobin noted that two (2) are in the DPW and the rest are working for the Youth Bureau.

Mayor Tobin noted that the question of continuing the hiring freeze was brought up at the Department Head's meeting. Council members felt it should continue, so that they knew what was happening in the departments.

By: Alderman Ferrer
Seconded: Alderman Quail

Approved: Ayes – 8
Nays – 0

RESOLUTION #119 OF 2012 - Resolution to adopt City Finance Policies. (Director of Admn. & Finance Cook)

Director of Administration and Finance Cook noted that the Council had developed six (6) objectives and five (5) had been addressed in these policies. He explained that this will give the Council good control over finances and this will serve the City well and help improve the City's bond rating. He explained that this document can be amended as needed.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays - 0

RESOLUTION #120 OF 2012 - Resolution to authorize the purchase of an accounting and finance software package and authorize the Mayor to sign the agreement subject to review by Corporation Counsel. (Director of Admn. & Finance Cook) (Amended later in the meeting)

Alderman Ferrer asked for the cost of the package. Director of Administration & Finance Cook noted that the cost would be about three hundred fifty thousand (\$350,000) over five (5) years. Alderman Dye asked how much. Mack Cook told him sixty thousand (\$60,000) over five (5) years. Mack Cook spoke about the advantages of obtaining a better program. He noted that it would provide up to the minute information and allow tracking of information. He noted that it would provide a foundation for communication of financial information.

Alderman Ferrer noted he's in favor of this, but was concerned about the cost because of the sales tax losses. He asked if our current equipment would support this software package and how was it being paid for. Mack Cook explained that it will appear as a budget item in 2013. He noted that the program will not go live until July 2013. He explained that the closure of the Noss Park, DEC claims will result in a reimbursement and that portions of the cost of this program would also be allocated to the Sewer and Water Funds. The General Fund would cover the rest.

Mack Cook stated that the City was also receiving more non-property tax revenues. He explained that time clocks will be used in two (2) departments where employees come and go from the same place and other departments will utilize a different system.

Dave Stathis, IT Director, explained that there will be some other costs incurred when an outside person is necessary. Mayor Tobin noted that the Comptroller's Office was positive about the direction that the City was headed in with this process. He explained that a lot of research had been done before this decision had been reached.

Mayor Tobin noted that many vendors were investigated as well as joining in with the County. Dave Stathis noted support for a package was very important and the County could not guarantee any support.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays - 0

Item No. 22. - Discussion regarding an amendment to the Rental Housing Permit Program Law (Local Law #1 of 2009), proposed Local Law No. 1 of 2012, and to schedule a Public Hearing for 6:30 PM on July 3, 2012. (Director of Admn. & Finance Cook)

Mayor Tobin asked that Council members notify his office if they were not going to be able to attend the July 3, 2012 Council meeting as a quorum was necessary to conduct business.

Mayor Tobin noted that the Council could schedule two (2) public hearings for Local Law #1 in order to give the public convenient times to comment. Alderman Dye asked if this document was ready for a public hearing. Mack Cook stated that the final document would be ready tonight. Mayor Tobin noted that this is the current draft and the final draft did not have to be presented until ten (10) days before the Council's vote. He cautioned the Council to be sensitive to current litigation when discussing this.

Alderman Silliman asked how the public would have access to this document. Mack Cook stated that it would be on line tomorrow. He then proceeded to outline some of the key changes.

Mack Cook noted that this will change how rental property is registered and the object is to balance a sacred duty with a sacred right. He noted that the sacred duty of a municipality is to protect the safety of health, safety and welfare of the residents. He then explained that the sacred right that they were balancing was the right of property owners to live free in their apartments without unwarranted intrusion by government. This is the motive behind this local law amendment. He noted key changes to the amendment.

Mack Cook noted that two (2) family dwellings occupied by the record title holder (owner occupied) are now excluded. Alderman Ferguson noted her support for this change.

Mack Cook noted the addition of a definition of "common area" on Page 4. He noted on Page 7, about delinquent property taxes as grounds to revoke a permit as well as delinquent water and sewer bills which are delinquent six (6) months or unpaid fees. He explained the reasoning behind these changes. He noted a change on Page 8 of an added requirement that the owner of the residential property does not live in the County, that they designate an entity or person older than eighteen (18) years old who resides in the City of Cortland, so that the City can make contact with them if necessary.

Mayor Tobin noted that the previous wording allowed the owner to reside in Cortland County or contiguous counties. Mack Cook noted that on Page 10 "under penalty of perjury" has been added because of the self-certification which is allowed. He also noted that if the property is advertised with a certain number of units that there is a presumption that the advertiser is abiding by the law. He noted that the owner is allowing inspection based on that presumption and if the Code Office comes up with a different opinion, they can rebut that presumption and this mirrors State Law to the letter and is being incorporated into the City Code.

Mack Cook noted that on Page 11 the deficiencies are being addressed in pursuing our duty with regards to a sacred right. He noted that the Code Officer must have consent to inspect a property. He noted that if it is a common area, that consent can be given by the person in lawful possession of any part of the dwelling unit or failing to get proper consent, to obtain an administrative warrant. He explained that a landlord cannot consent to a search of a tenant's apartment.

Mack Cook noted that on Page 13 an addition allows the City to take unpaid fines and treat them as any other unpaid taxes or water bills and they would become a lien upon the property and subject to the in rem procedure. He noted that the first reading of the law, as well as the public hearing, will take place on July 3, 2012.

Eric Mulvihill noted that the County Fireworks display was scheduled for July 3, 2012.

Alderman Silliman thanked Mack Cook and Corporation Counsel Colasurdo for their work on this law. Mayor Tobin also expressed his thanks and noted the hours of work put in by both individuals. The Council discussed this and a straw poll showed the majority felt that two (2) public hearings should be held.

Mayor Tobin noted that the public hearings would take place on July 3, 2012 at 6:30 PM and again on July 17, 2012 at 6:30 PM. He noted that the July 3 Council agenda will only go to 8:00 PM or 8:15 PM so that Council members may participate in holiday plans or attend the fireworks display.

Mayor Tobin noted that the Council asked to revisit a resolution and amend Resolution #120 of 2012.

RESOLUTION #120 OF 2012 (AS AMENDED) - Resolution to authorize the purchase of an accounting and finance software package and authorize the Mayor to sign the agreement subject to review by Corporation Counsel not to exceed the total of three

hundred fifty thousand (\$350,000) dollars over the course of five (5) years. (Director of Admn. & Finance Cook)

By: Alderman Ferrer
Seconded: Alderman Bennett

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 19th DAY OF JUNE 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

ABSTRACT OF AUDITED VOUCHERS, TO BE PAID JULY 15, 2012

<u>CLAIMANT</u>	<u>DESCRIPTION</u>	<u>CODE NUMBER</u>	<u>VENDOR #</u>	<u>AMOUNT</u>	<u>TOTAL</u>
FINANCE					
BONADIO & CO	PROGRESS BILLING FOR AUDIT	A-1325-415-00	6310	\$11,175.00	\$11,175.00
CITY CLERK					
RICOH	COPIER LEASE - CITY CLERK	A-1410-415-00	30406	\$26.77	\$26.77
BUILDING AND GROUNDS					
ROMER & SONS	INSTALLED NEW SINK-2ND FL MENS	A-1620-415-00	34600	\$200.81	\$200.81
DATA PROCESSING					
STAPLES AND SUBSIDIARIES	USB ETENSION CABLE	A-1680-405-00	58475	\$38.91	
CITRIX	GOTOASSIST SUPPORT	A-1680-415-00	10780	\$69.00	\$107.91
	TOTAL				\$11,510.49

Memorandum of Understanding (MOU) Between
The City of Cortland
And
Cortland Community Center

This is an agreement between the City of Cortland, hereinafter called "City" and the Cortland Community Center hereinafter called "Community Center".

I. PURPOSE AND SCOPE

The purpose of this MOU is to clearly identify the roles and responsibilities of each party as they relate to the occupancy and use of a portion of the Dexter Park Recreational Building.

In particular, this MOU is intended to set forth operating parameters that balance the needs of the City with the mission of the Community Center to promote community pride and neighborhood attachment by working to increase resident involvement and satisfaction by offering positive, healthy social and recreational activities to Cortland residents of all ages.

II. HISTORY

The Community Center is the successor organization to the East End Community Center (EECC). The EECC opened in February 2005 largely to the efforts of State Senator James Seward who obtained funding through the Byrne Grant Fund. The Center operated in conjunction with the City's Youth Bureau, Police Department and SUNY Cortland.

The EECC originally was located at 47 Elm Street in facilities that permitted it to conduct community meetings, special events and programs, G.E.D. classes, computer classes, and health, nutritional and exercise programs.

As the grant funding ended, the EECC vacated the facilities at 47 Elm Street and relocated in offices within the armory. Although the facility could support a few of the EECC programs, on the whole this facility was not an ideal fit.

III. RESPONSIBILITIES UNDER THE MOU

The City shall undertake such activities as necessary to ensure that the Dexter Park Recreational Building is fully operation and code compliant.

The City shall maintain and be responsible for ordinary and necessary maintenance costs and utilities.

The Community Center shall exercise due care in the course of its occupancy that protect the Dexter Park Recreational Building from undue damage and extraordinary deterioration.

The Community Center shall keep the premises clean and perform such daily custodial functions as may be necessary.

IV. ACTIVITIES IN THE FACILITY

The Community Center shall undertake such as, but not limited to, the following activities:

- Educational Course Lectures of interest and relevance to the community
- Computer Repair for Seniors and Disabled Individuals
- Personal and Home Safety Classes under the leadership of the Cortland City Police
- Back to School Safety Fair
- Child ID Fingerprinting under the sponsorship of the Cortland Police Department
- Ice Cream Socials
- Dance and Exercise Programs
- Craft and Art Fairs
- Book Exchange Program
- Family Game Nights
- Back to School Rummage Sale

V. PROHIBITED ACTIVITIES IN THE FACILITIES

The Community Center shall not use the Dexter Park Recreational Facility to promote or otherwise engage in religious or political activities.

VI. It is mutually understood and agreed by and between the parties that:

- The Community Center use of Dexter Park Recreational Facility is subordinate to the City use
- That should either party contemplate terminating this MOU, that party agrees to meet with the other party and both parties agree to discuss in good faith the reason for the contemplated termination. Should after discussion the party or parties chose to terminated the MOU, the requesting party agrees to give 30 days' notice of its intention to do so.

VII. EFFECTIVE DATE AND SIGNATURE

This MOU shall be effective upon the signature of the Mayor and authorized representative of the Cortland Community Center. It shall be effective on the date signed and remain so until terminated by either party.

SIGNATURES AND DATES

For the City of Cortland

For the Cortland Community Center

_____ Date _____

_____ Date _____

City Clerk

From: "Wilma Van Dee" <wvandee@cutland.org>
To: "Sherrie Massmann" <cityclerk@cutland.org>
Cc: "Chris Bistocchi" <cbistocchi@cutland.org>
Sent: Tuesday, June 12, 2012 11:34 AM
Subject: Request
Good morning Sherry,

Lori Crompton told me I had to send a request to you for something to be put on the agenda.

We have an invoice for parts for the grinder that is much more than normal. The Town of Cortlandville and the Village of Homer pay the City a percentage of the cost of upkeep so their residents can use the grinder also. They would like to pay this invoice now rather than wait until the end of the year when they are normally billed for all maintenance. We are requesting the Council let us put those monies back into our budget since this is not a budgeted expense – line 5110.402, Equipment Repair – where we are paying the invoice from. The invoice is for \$11,834.23 and the money coming back to the City would total \$4,733.70. At least this would help off set some of the expense. It is our understanding per Lori that the money normally goes into a revenue account. If I'm not explaining this well enough or you need more information, please give me a call.

Thank you,

Wilma Van Dee
Administrative Assistant
City of Cortland, DPW
607-756-6221

City Clerk

From: "Steven Rhea" <srhea@cortland.org>
To: "Sherrie Massmann" <cityclerk@cortland.org>
Sent: Wednesday, June 27, 2012 11:40 AM
Subject: FW: Kevin Little
The Mayor asked me to pass along this, I suspect to get it on the Agenda.

Best,

Steven Rhea
Assistant to the Mayor of Cortland
City Hall, 25 Court Street
Cortland NY 13045
W: (607) 758-8374 | F: (607) 753-0385
srhea@cortland.org

From: Rob Avery [mailto:ravery@cortland.org]
Sent: Monday, June 25, 2012 9:00 AM
To: mayorofc; Mack Cook
Subject: Kevin Little

Just an FYI

Kevin Little, one of our cleaners, is in a Syracuse hospital with a torn aorta. As of this morning he was still on life support. As we were already one person down, we now find ourselves in a critical situation. I am asking the council to lift the hiring freeze in order that I may hire someone to help Cliff.
your thoughts?
Rob

To: Mayor and Members of Common Council
From: Mack Cook
Re: Sales of Fire Engine to the Cincinnatus Fire Department'
Date: June 27, 2012

On the agenda for Council July 3rd's meeting for your consideration is the following resolution tendered by Fire Chief Glover:

Consideration of a Resolution to accept the Cortland Fire Commission's recommendation to authorize the Cortland Fire Department to sell as surplus one 1988 Engine/pumper to the Cincinnatus Fire Dept. for the negotiated sale price of \$25,000.00

The question at issue is whether the sale of unneeded equipment, as is the case with this engine, in the manner being proposed, is permitted under New York Law.

In Opinion 93-21 the State Comptroller addressed the issue if an unneeded fire truck can be sold via a negotiated sale in lieu of being sold through a public sale. The Comptroller opined that a negotiated sale was permissible provided if the Board of Fire Commissioners, in the exercise of its fiduciary duty, makes a reasoned determination that a negotiated, rather than a public, sale will yield the best or maximum financial benefits. The Comptroller added that the Commission should take steps such as soliciting price quotations from several prospective purchasers and obtaining one or more appraisals, to ensure that the negotiated sale is upon the best or most beneficial terms.

The Comptroller's opinion is consistent with New York case Law wherein courts have stated that municipal officials have a fiduciary duty to secure the best price obtainable in their judgment or the most beneficial terms in the public interest use. Ross v Wilson, 308 NY 605; Orelli v Ambro, 41 NY2d 952, 394 NYS2d 636; Matter of New City Jewish Center v Flagg, 111 AD2d 814, 490 NYS 560, affd 66 NY2d 980 980, 499 NYS@d 395; Davis v Board of Education of the Hewlett-Woodmere Union Free School District, 125 AD2d 534, 509 NYS2d 612. The method of sale chosen is within the sound discretion of the governing board, but should be the one which the commission believes will yield the best price or maximum financial benefits. Feldman v Miller, 151 AD2d 755, 542 NYS2d 777. To fulfill its fiduciary duty, a governing board should take appropriate measures to ensure that the sale price is upon the best and most beneficial terms.

In the resolution under consideration the attached letter from Chairperson Heath, of the Cortland Board of Fire Commissioners sets forth the rationale for selling the engine by negotiated sales and details the actions taken by the Fire Department and reviewed by the Commission to establish that the sale of this engine for \$25,000 is in the best and most beneficial term.

Under the City's Financial and Budgetary policies the proceeds from the sale will be allocated to the Equipment and Capital Expenditures Assigned Reserve to be used for the acquisition of equipment or to fund capital projects.

Respectfully submitted,

Mack

Board of Fire Commissioners
Regular Meeting for June
June 14, 2012

The regular meeting of the City of Cortland Board of Fire Commissioners was called to order at 5:15 p.m. by Chairman Heath. Board members present include Commissioner Buttino, Commissioner Quinlan, Commissioner Tricarico and Commissioner Wood. Also present was Mayor Brian Tobin, Chief Charles Glover, Deputy Chief Bill Knickerbocker, BOE President Greg Maxwell and Administrative Assistant Courtney Metcalf.

Pledge of Allegiance.

Moved by Commissioner Wood, seconded by Commissioner Tricarico to approve the May 2012 meeting minutes. All in favor, motion carried.

Moved by Commissioner Quinlan seconded by Commissioner Wood to approve the payment of the June 2012 invoices for the fire department and codes division, as presented. All in favor, motion carried.

Moved by Commissioner Quinlan, seconded by Commissioner Wood to accept the paid staff sick report for May 2012. All in favor, motion carried.

Moved by Commissioner Buttino, seconded by Commissioner Quinlan to accept the changes to the Company 1 roster as presented. All in favor, motion carried.

Moved by Commissioner Wood, seconded by Commissioner Buttino to accept as a member Jason Thorton (Company 2). All in favor, motion carried.

Chief's Report:

The status of apparatus, SAFER and CPR grants were briefly reviewed.

Several groups have toured the station and Captain Jensen has done several public education sessions for City schools and businesses.

There has been a transfer of personnel with the codes Division this past month. One firefighter/CEO has returned to shift firefighter duties while one firefighter has assumed the Firefighter/CEO position.

Trainings on Commercial Inspections will begin this month for all shifts.

New Business:

Mayor Tobin addressed the Commissioners on the possibility of meeting with the Finance Advisory Committee to discuss priorities and ideas for remaining fiscally

responsible in the coming years. He has met/will meet with other City Commissions.

Commissioner Tricarico was recognized and thanked for his expertise and work on the Commission for the last twelve plus years. The Board and Chiefs wish him good luck in his future endeavors.

A brief discussion of mutual aid ensued.

Moved by Commissioner Quinlan, seconded by Commissioner Wood to have a letter by the Chairman of the Board penned in support of the sale of engine 204 to the Cincinnati Fire Department and sent to the Mayor.

Moved by Commissioner Tricarico, seconded by Commissioner Quinlan to adjourn the meeting at 6:15 p.m. All in favor, motion carried.

Respectfully Submitted,

Courtney L. Metcalf
Administrative Assistant

**City of Cortland
Board of Fire Commissioners**



**Paul Quinlan
Vice Chairman**

21 Court Street
Cortland, New York 13045

Phone: 607.753.7428
Fax: 607.345.9848
Email: bonnieann@twcny.rr.com

June 15, 2012

City of Cortland
Common Council
25 Court St.
Cortland, NY 13045

Dear Alderpersons:

On June 14, 2012 the Board of Fire Commissioner's of the City of Cortland were presented with a proposal by the Cortland Fire Department to sell an engine/pumper as surplus. The Commission was presented with documentation pertaining to the benefits of a negotiated sale to the Cincinnatus Fire Department as opposed to placing the apparatus on a public auction sale.

Upon deliberation of the options presented to the Commission, the City of Cortland Board of Fire Commissioner's has made a reasoned determination that a negotiated sale of the surplus engine will yield the best price and maximum financial benefit.

Therefore, the Board of Fire Commissioner's of the City of Cortland makes recommendation to the Common Council for the approval of the negotiated sale price of \$25,000.00. The Board of Fire Commissioners concludes that the sale of the apparatus in this manner is in the best interests of the City.

Sincerely,

A handwritten signature in cursive script that reads "Paul Quinlan".

Paul Quinlan
Vice Chairman, Board of Fire Commissioners

To: Mayor and Members of Common Council
From: Mack Cook
Re: Grant resolution for Lower Waterfront Revitalization Program
Date: June 28, 2012

The following resolution will be presented to Council for consideration on July 3rd.

Consideration of a 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.

The intended use of the funds requested with this grant is to continue the I 81 Gateway initiative with design and planning services to enhance the retail viability of Riverview Plaza and design services and zoning revisions on Clinton Street between the Pomery Street intersection to Church Street. This grant is the start of process to securing funding from a host of sources to develop Clinton Street as a gateway to downtown.

Respectfully

Mack

To: Mayor and Members of Common Council
From: Mack Cook
Re : Consolidated Funding Grant Application for Downtown Parking Garage
Date: June 28, 2012

The follow resolution will be presented for consolidation of July 3rd :

Consideration of a 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.

The City is submitting an application under the State-wide Consolidation Funding Request process for \$1 million to fund a downtown parking deck. This is a request and does not bind the City to either (1) proceeding with the project or (2) or committing to any one of the 8 site designs that have been proposed over the years. This is a grant application intended to expand the City's options in planning for development in the downtown core. Should the City be successful in securing funding through the CFR selection process a period of planning, stakeholder and public input, financial modeling, evaluation, designing and decision making will follow.

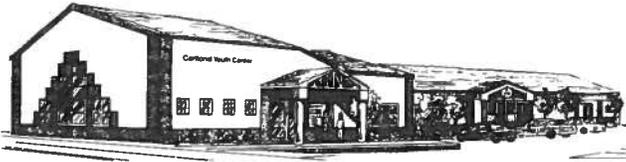
Respectfully,

Mack

Wickwire Pool Renovation



Project Proposal



CORTLAND YOUTH BUREAU

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

TO: Mayor Brian Tobin
City Council Members

FROM: John McNerney, Youth Bureau Director

DATE: June 22, 2012

SUBJECT: Grant Funding Opportunity for Wickwire Pool

New York State Office of Parks, Recreation and Historic Preservation have announced a grant funding opportunity that I am urging the City to consider. Funding is under the Environmental Protection Fund (EPF). The due date is July 16, 2012. The maximum amount the city can apply for is \$400,000.

As you are probably aware, the Youth Bureau commissioned facilities needs study of Wickwire Pool which was completed by K. Teter Consulting in 2010. The 2012 Teter Consulting estimates the cost of the project at \$915,000.00. At this point in time, the following work scope elements are critical to keeping the pool open:

- new gutter system
- main drains and return lines
- new filtration system
- new digital flow meter
- new circulation pump and motor
- PVC membrane shell
- engineering
- possible sewer disposal modification
- all new concrete deck

Myself and Mack Cook have met with Ken Teter and expressed our interest in a phase II Of the Wickwire Pool project which would include a splash play area, enlarged sun deck, new lockerooms, and pumphouse.

I also met with Mack Cook and Ann Hotchkin to discuss the grant requirements and how the City would proceed with financing the project above and beyond the \$400,000 grant. Both Ann and I have been in contact with Jean Egenhofer, the State Parks regional representative for the grant. The city applied for the same EPF grant in 2011 and the project rated # 1 in the Central New York OPRHP review however did not score well



contender in 2012. Mack Cook and I discussed bonding for the project and other potential funds.

I also confirmed the availability of a State Dormitory grant for \$100,000 that was given to the City for the filtration system. The Youth Bureau staff and Advisory Board would also like to fund-raise a portion of the match. I will be hosting a fundraising meeting on July 10th at 4:00pm at the CYB office to begin planning our efforts.

The grant application due date is quickly approaching. The Common Council would need to pass two resolutions: (1) a resolution authorizing the Mayor to sign the application, and (2) a resolution regarding the intent of the City to bond for the project should the grant be successful. The grant awards will be announced in December of 2012 and renovations starting sometime in late 2013 at which time we would have to bond.

Enclosed in this packet is the following for your review:

1. Wickwire Pool Project Narrative
2. Scope of work and Renovation estimates (full engineering report @ CYB)
3. Wickwire Pool Renovation EPF Grant Budget
4. Copy of 2 Resolutions required
5. Proof of NYS Dormitory Grant for \$100,000 filtration system replacement
6. Annual Report/fundraising tool

I will be attending the council meeting on Tuesday, July 3rd to answer any questions you have about the grant and Wickwire Pool project. Feel free to call me with any questions at 753-3021 ext.23.

cc: Mack Cook
Youth Bureau Advisory Board

CITY OF CORTLAND – WICKWIRE POOL PROJECT

PROJECT SUMMARY

The City of Cortland is home to Wickwire Pool, located in one of the City's six neighborhood parks, Suggett Park. The pool celebrated its 65th anniversary last year in very poor condition, which threatens the City's ability to keep it open. With \$400,000 in 2012 Environmental Protection Funds, and an overmatch by the City, the pool will be refurbished, more energy efficient, and remain an important community asset, enabling people of all ages and abilities an enjoyable and safe place to swim.

PROJECT OVERVIEW

The City of Cortland is home to six neighborhood parks. Only two parks have swimming sites: Yaman Park, which includes a four acre manmade lake, and Suggett Park, the location of Wickwire Pool, the subject of this application. Suggett Park is centrally located and available to most City residents by foot, while Yaman Park is located on the City's eastern border where most people drive to use its facilities (See Maps, Attachment 1).

The City of Cortland has made a conscious decision to keep its parks free to patrons, with very few exceptions, which are noted following. In all of Cortland County, there are limited places for public swimming. Hope Lake in the Town of Virgil is one such place. There is a charge of \$3.50 per day, per person. The other, a manmade, spring-fed pool in the Village of McGraw Community Park, was shut down by the Cortland County Health Department last summer because it did not pass inspection. Public swimming in the Village of Homer and the Town of Preble, both former gravel mines sites, have been closed for over 10 years.

Suggett Park is located in the City's west side neighborhood. Its 17.5 acres include Wickwire Pool. Wickwire Pool is tied to one of Cortland most famous families. Historically, the City of Cortland was founded on the strength and proliferation of a number of manufacturing entities during the post-Civil War Industrial expansion period. The largest, and one of the City's most successful manufacturing entities was Wickwire Brothers, a foundry, which derived much of its wealth from the mass production of hardware cloth for wire screens. The company was in existence from 1874 until its closure in 1972. Industrialist Charles Wickwire decided to donate Wickwire Pool to the City in 1946. At 11,250 square feet, it is larger than an Olympic-sized pool. Unfortunately, with 65 years of heavy use, the pool is at the end of its useful life. The depressed state of the City's finances means the future of the pool is in jeopardy without outside financing to save it.

LOCAL NEED AND COMMITMENT

The City of Cortland is the sole city in Cortland County. Its current population is 19,204. While the City's 3.9 square miles of land accounts for only .8% of the County's land area, the City contains almost 39% of the County's population. It is the most densely

populated city in the eight-county Southern Tier East Region and is home to such entities as SUNY Cortland, the County seat of government, the Cortland City School District, most of the County's housing, including most of the County's federally subsidized family and senior housing, and many of the County's largest manufacturing employers. The City's poverty rate is a significant 24.7% and over 51% of the City's population lives at or below 80% of median income, often used as a yardstick for economic distress. The City is located entirely within zip code 13045; therefore, it is eligible for a 75/25 grant/match under this EPF program. In 2001, then-Governor George Pataki designated Cortland County as an Empire Zone. Approximately 75% of all Zone lands are included in the City. The County was eligible for Zone designation because a Census Tract in the City had poverty, unemployment, and social service dependency percentages that exceeded State thresholds. This speaks to the issue of why the City has a 0% growth budget and it has imposed a hiring freeze.

The City of Cortland's Youth Bureau, the oldest in the State, is in charge of parks programming and maintenance, in addition to a variety of recreational services for all age groups. It also manages the surrounding Town of Cortlandville's recreational programs and main park, Testa Park, as the Town (population 8,509) does not have a recreational staff of its own. Statistics on the City's parks and programs are maintained by the Youth Bureau and are current to 2011. In 2011, over 13,000 people used Wickwire Pool. This figure includes not only recreational swim but also (1) the Red Cross Learn to Swim Program (170 participants; free lessons conducted by an all-volunteer staff); (2) Town of Scott learn to swim program (40 participants; \$1,500); (3) YMCA swim team practices (25-30 team members; free); (4) YMCA Masters Program (8-10 swimmers; free); (5) local day camps that use the pool: JM McDonald Day Camp, Child Development Center, YMCA, and YWCA (all free); (6) Camp Arco Day Camp for children with special needs (65 campers; free); (7) Monday and Wednesday Adult Swim (7-8PM, 40 participants; free); and (8) End of Summer Wickwire Party: swimming, music, ice cream social (350 participants; free) (See also Letters of Support in Attachment __).

As noted in its recently adopted Comprehensive Plan, many of the City's facilities are in need of repair or replacement. Regarding parks, specifically noted is the poor condition of Wickwire Pool. A study of the condition of Wickwire Pool was commissioned by the Youth Bureau in May 2010. The south wall of the pool was collapsing inward, and at the very least, the City needed to know that the earth behind the wall was solid so that a repair could be made. The study was completed by the engineering firm of K. Teter Consulting. The firm notes the following deficiencies in this aging facility including photos:

- The interior surface of the pool continues to significantly deteriorate in ever increasing magnitude with previously patched areas as well as new failed areas developing each year.
- In areas where surface deterioration has become significant, the concrete wall directly behind these locations has also begun to deteriorate.
- The recirculation system includes all the pool perimeter piping, gutter collection system, return inlets, and main drain piping that serve as a conduit for circulation of the water both to and from the pool shell. The gutter system is integral to the pool walls and has deteriorated significantly in certain locations.

- The water treatment system (filtration) is the original 1946 construction.
- During the winter of 2009-2010, there was an alarming loss of water (typical pool maintenance is to fill the pool up to the inlets). It would appear that nearby Dry Creek is influencing the pool via cracks.
- At the point where the main drain leaves first leaves the pool shell, the connection could not be tested but does show signs of deterioration.

In order to keep Wickwire Pool open, and realizing the City's economic plight, the Town of Cortlandville made a one-time donation of \$14,000 to the City to make shell repairs. The firm that completed the work, McNeil Company, has an owner who is a Master Swimmer. The firm did \$20,000 worth of work for \$11,000 in 2010, leaving \$3,000 for 2011 repairs.

The Cortland County Health Department is in charge of inspecting the pool structure and making sure it meets water quality standards. As noted in their Cortland County Health Department letter in Optional Documents, the degradation of the tiles is making it harder to clean the pool shell and the pool is grandfathered to turn over the water every 12 hours. This would not meet today's standards as noted in Subpart 6-1 of the NYS Sanitary Code which requires turning over the water every six hours. These problems will be mitigated as part of this project.

To mitigate these problems, the City is proposing a number of renovations to the pool. These are listed in Part C, Program Schedule, and Attachment __, Engineering Report. In general, the EPF Project includes:

- New gutter system
- New drainage system
- New decking
- Concrete balance tank
- New plumbing to/from pump house and in pump house
- New digital flow meter and controls, and chlorination
- New filters
- Pump with motor hooked to existing electric system
- PVC membrane mechanically installed with racing lanes
- Lifeguard chairs
- Eight pool ladders
- One handicap lift

The City is fortunate to have received a \$100,000 grant from the NYS Dormitory Authority for the filtration system that will be used as part of its match. The City is requesting \$400,000 in EPF funds.

The Wickwire Pool project has been discussed at regular meetings of the City Common Council, particularly over the past two years. The pool's condition has been noted in several newspaper articles and was the subject of a recent newspaper editorial. The Common Council meetings are taped for broadcasting on the local Channel 2 cable access network.

STATEWIDE PROGRAMS

The 2009-2013 SCORP notes the State population is aging. Swimming ranks 5th as one of the most popular activities for those aged 60 and older. In addition, childhood obesity is reaching epidemic proportions. There are significant physical, emotional, and psychological benefits to be derived from swimming. Despite a discussion in the SCORP that the rust belt area of upstate New York is experiencing a decline in population, the 2010 Census notes the City's population rose to 19,204 persons, a 2.5% increase. The Relative Index of Needs for swimming facilities in Cortland County is "4". As noted, Cortland is the sole city in the County. Most City residents struggle financially and do not have water access other than public swim areas. The percentage of renters in the City outpaces homeowners, 43.7% versus 56.3%. There are no swimming facilities located at major housing complexes in the City. With a seasonal attendance at the pool of over 12,000 persons, the need in the City for Wickwire Pool is significant. The pool will also have its first-ever handicapped lift, making it easier for those with disabilities to swim.

ENVIRONMENTAL CONTRIBUTION

As noted above, there was a significant amount of water loss in the pool this past year. While the cause is speculative, it is reasonable to assume that water is migrating out of the pool because of cracks in the foundation. This has the potential to affect Dry Creek which runs along the northern boundary of Suggett Park. The City lies over a federally designated Sole Source Aquifer so it is imperative that the issues associated with Wickwire Pool be addressed.

PROJECT EMPHASIS

Without EPF funding, it is very doubtful the City can renovate Wickwire Pool in the manner described herein. This will result in either a band-aid approach to patching the pool, as had been done for a number of years, or the complete closure of the facility. With so few public swimming areas in the City, this could easily result in children playing in Otter or Dry Creeks, or the Tioughnioga River. This would be an extremely dangerous situation. It would also mean that children would have less to do in the summer, opening the door for negative behaviors.

Besides the physical, psychological, and emotional benefits of the Wickwire Pool for individuals, it is a quality of life issue for the entire City. In order to maintain its attractiveness as a place to work and do business, well-maintained, accessible, and desired recreational facilities are essential City assets.

The Essential New York Initiative was published by the Syracuse Metropolitan Development Association, the regional economic development organization which includes Cortland County. This study was undertaken in response to the region's population loss and how best to reverse the trend. Included in the plan is the recommendation that *Recreational, Cultural, and Territorial Assets Strengthen the Region*. The plan notes, *Central New York sits atop tremendous resources.....These are undeniably important to young, creative, and well-educated workers, who value a diverse range of outdoor recreational activities, including access to water and water-based recreation*. Wickwire Pool is the type of community asset that helps to shape the

overall experience of living and working in the City and meets the Commissioner's funding priority as a regional recommended activity.

Although the new filtration system will not be designed until the grant is in place, the existing system is 65 years old. A new surge protector, timers, controls, pumps, and concrete balance tank will be installed. This will serve to increase energy conservation in terms of electric consumption and water loss. The project will eliminate any leakage into Dry Creek. All of these improvements meet the Commissioner's priority for energy conservation and will ultimately decrease long term maintenance and management costs.

REASONABLENESS OF COST

The City enlisted the aid of a qualified engineering firm to investigate the condition of Wickwire Pool, make recommendations for repair options, and provide third party cost estimates. The City is opting for the renovation of the pool instead of constructing an entirely new pool. It is confident that this will be a cost effective and long-term solution to the City's issues with Wickwire Pool. The cost for renovation is **\$915,000** while the cost for a new pool is estimated at \$1.75 M.

The City will need to competitively bid this project which will hopefully result in a cost savings for the community. The City has long been a recipient of grant funds from various sources and, as a result, is well versed in competitive bidding processes. It also is mindful of the timeframes imposed on grant-funded projects. The City's Deputy Finance Director, Lori Crompton, has worked for the City for seven years and has extensive experience in managing grant programs. The City's community development consultant, Thoma Development Consultants, has a 30-year relationship with the City and has a vast knowledge of the requirements of the EPF Program. This firm is headed by senior consultant, Bernie Thoma, who will be available if needed. Lastly, Youth Bureau Director, John McNerney, has been with the City for 23 years, 12 as Director. He will be responsible for project oversight.

PRELIMINARY ENGINEERING REPORT WICKWIRE POOL CONDITIONS ASSESSMENT

CITY OF CORTLAND
CORTLAND COUNTY, NEW YORK

Submitted To & Prepared For:

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And

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PRELIMINARY ENGINEERING REPORT WICKWIRE POOL CONDITIONS ASSESSMENT

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APPENDIX A: Project Location Map

APPENDIX B: General Pool and Field Investigations Plan

APPENDIX C: Project Photographs

APPENDIX D: Topographic Cross-Section Survey

APPENDIX E: Concrete Wall Core Photo Logs - GeoLogic

APPENDIX F: Long-Term Approach Cost Estimates

**PRELIMINARY ENGINEERING REPORT
WICKWIRE POOL CONDITIONS ASSESSMENT**

**CITY OF CORTLAND – SUGGETT PARK
CORTLAND COUNTY, NEW YORK**

I. PROJECT HISTORY, NEED & PURPOSE

The City of Cortland has owned and operated Wickwire Pool in Suggett Park since its initial construction in 1946. The pool is located in the eastern portion of the park and just west of Homer Avenue. (See Appendix A for Location Map). Over its many years of existence the pool has had various improvements and repairs completed to the numerous components which comprise the facility. With the basic pool structure being more than 60 years old it has become increasingly evident that it is approaching the end of its useful life as a safe and suitable swimming facility. Over the past decade and more, the deterioration of the pool has accelerated and has now reached the point where the completion of basic springtime prep and restoration to the pool is no longer adequate and prudent.

With the above noted issues being more evident than ever before, the City of Cortland has decided to address the various issues outlined in this report in a more detailed and systematic manner. Through the joint efforts of the engineering consultant, other technical sub-consultants and City personnel and equipment, all parties have undertaken this evaluation so as to: (1) more fully understand the present conditions at the pool, (2) identify any imminent safety issues that may reveal themselves, (3) develop a strategy to address the immediate issues so that the pool can operate during the summer and (4) identify long-term options that must be considered if the pool is to remain a safe functioning facility for many years to come. The bulk of the investigation described herein was completed in 2010 but the report has been amended to reflect the need to address the entire project and pool system, particularly the filtration system which is integral to all of the other items mentioned.

II. FACILITY CONDITIONS AND FIELD INVESTIGATIONS

Facility Conditions

The Wickwire Pool facility includes various components that must all function together in order for the pool to suitably and safely operate. The primary categories that make up this pool “system” include the pool shell/structure, the recirculation system and the treatment system which both filters and purifies the water. The focus and purpose of this report is to evaluate the structure and a small portion of the recirculation system (main drain piping). The primary reason for this is that there has been an alarming loss of water these past winters (typical winter maintenance practice is to fill the pool up to the inlets), which raised the question of where is it leaking from. This water loss, in conjunction with the obvious degradation of the pool shell surface itself, raised a serious concern as to just how far has the pool deteriorated and are there immediate safety and operational concerns.

POOL SHELL: The most obvious and immediate concern is the significant number of patches and repairs completed in years past in conjunction with the numerous new areas where the shell is deteriorating. (See Appendix C photos). Based on conversations with City staff and direct observations, the typical issue has been and continues to be the cracking, breaking and loosening of both the surface tiles and the layers immediately beneath the tile. Behind the tiles there is both a surface grout/concrete coating and then the structural concrete wall itself. Due to the design of the pool overflow gutter, this concrete/tile surface also extends up and acts as the overflow edge for the recirculation system and simultaneously serves as a handhold for swimmers. Consequently, and not surprisingly, there are numerous locations where this gutter lip has been broken or damaged to such an extent that new coatings have been applied and shaped (to as good an extent as possible) to act/serve this same function. As a general statement, the deterioration of the floor is more prevalent in the shallower end of the pool while the wall degradation and problems are more evident in the deep end of the pool. (See Appendix B pool plan). While most of the walls are relatively straight and plumb, there is one area along the north side near the deep end corner where there is some minor bowing of the wall (or at least the surface coatings). The other notable serious degradation is the failed surface and partially failed concrete wall face and gutter in the center of the deep end wall (west). This area is severely broken off and will require significant attention to repair.

RECIRCULATION SYSTEM: The recirculation system includes all the pool perimeter piping, gutter collection system, return inlets and main drain piping in that each of these serve as the conduit for circulating the water both to and from the pool shell. As mentioned above, the gutter system in this pool is integral to the pool walls and has deteriorated significantly in numerous locations. The perimeter piping just behind the pool wall had been replaced in 1986 with new PVC piping and is assumed to be in good condition. The wall inlets are in satisfactory condition while the main drain and its deeply buried pipe is an uncertainty. In 2009 a new anti-entrapment drain shield was installed over the pools one main drain but the drain sump itself and piping leading to the pump house have not been tested for tightness or visually inspected in many years.

WATER TREATMENT SYSTEM: Housed within the pump-house building immediately to the west (near the deep end), is all of the treatment and monitoring equipment which insure that the water is safe and clean before returning to the pool. Despite the age of portions of this equipment, the operators have always maintained a high level of water quality. It should be noted that the City of Cortland has secured a Dormitory Authority grant to replace the antiquated filtration system but this work will only be undertaken if the City decides to undertake a more significant rehabilitation project to the whole pool as a long-term solution to the recurring issues described in this report. As noted elsewhere, the recommendations within this report do incorporate and include the work associated with the filtration system replacement.

Field Investigations

A variety of field investigations were completed in attempting to more accurately understand what may be happening in, under and around the pool structure. Listed below, including a brief description, are the key tasks undertaken. See Appendices B and D for the Field Investigation plan and Topographic Survey plan sketches locating the work and Appendix C for key photographs.

- **SURVEY:** A limited topographic survey was completed within and around the pool. The purpose of this survey was to accurately plot the relationship of all pool elements to each other as well as understand the potential impact the nearby creek and local groundwater may be having on the pool. The data collected included elevations for key features including, but not limited to: top of main drain/lowest point in pool bottom, top of any standing water in pool bottom, pertinent slope change points in pool bottom, bottom of pool wall, top of gutter, top of deck, pump house finished floor, top of main drain pipe entering the pump house, centerline of adjacent park driveway, top of creek bank, bottom of creek bed and top of any visible water in creek.
- **WALL AND FLOOR ALIGNMENT & SOUNDINGS:** This task was not comprehensive in its scope, knowing that this same process would be completed by DPW staff when undertaking the seasonal repair work, but it did cover most areas. The work simply entailed using a geologist hammer and tapping the shell surface to listen to the variations in sound which indicate solid or hollow areas behind the surface coating. At the same time, the vertical and horizontal alignment of the walls was noted.
- **MAIN DRAIN:** An evaluation of the conditions within the main drain piping between the pool drain and the pump house was completed by using a small TV camera typically used in sewer plumbing investigations. This investigation was done to see if there are visible indications of any blockages, cracks or full pipe failures. The existing drain shield was removed and the camera inserted into the pool drain line.
- **POOL WALLS:** An evaluation of the concrete pool walls was completed in three locations, two in the deep end at locations showing significant deterioration and one in the shallow end where little degradation was evident. The work was completed by having City of Cortland personnel excavate behind the wall to a depth of approximately 4-5 feet. At each of these locations, the wall inside the pool was similarly exposed to the concrete face so as to compare the two surfaces. The purpose of this evaluation was to note and assess any structural cracking or more significant failures, to allow for a visual comparison between areas deemed to be in “poor” versus “good” condition, and to observe/determine the dimensions of the bottom of the wall construction footing in the shallow end as an indication of the “typical” wall section.
- **CONCRETE CORES:** In conjunction with the above wall evaluation, a total of 5 concrete cores were obtained at various locations. This work was completed so that a direct visual and physical examination could be completed for the full thickness of the concrete wall. It also will allow for making comparisons of cores taken at different depths and at locations deemed as “poor” versus “good”. Ultimately these same cores can be used for additional laboratory testing (soluble chlorides, petragraphic examination & compressive strength) in conjunction with developing a long-term rehabilitation plan for the pool.

III. FINDINGS

For each of the various tasks undertaken above the information retrieved varied in its significance and definitiveness. Described below is a summary of all the important findings.

- **SURVEY:** The field survey was completed on April 7, 2010 and a sketch plot of both the plan view of the area and a cross-section taken through the deepest portion of the pool is provided in Appendix D. As shown, nearby Dry Creek is approximately 120 feet from the main drain at its closest point. As the creek continues northeasterly, it travels further and further away from the pool and the slope of the creek is approximately 0.5% through this area. The bottom of the creek bed along the main drain cross-section is approximately 0.96 feet higher than the lowest point in the deep end of the pool. At the time of the survey there was a minimal amount of water in the pool bottom at the main drain. The comparative elevations of the water in the creek (92.42) and the standing water in the pool (91.13) would indicate that the water in the creek is influencing the pool by possibly entering the shell through floor cracks, a cracked main drain pipe or a combination of both. It is interesting to note, however, that it had rained the previous day and that in fact the accumulation of water in the pool was likely a result of that precipitation. More importantly, the water level in the pool was dropping the entire time the survey was being conducted. This would indicate that there is likely some sort of “leaking” in the area of the main drain but it also indicates that the groundwater elevation directly beneath the pool must be lower than the water level in the creek otherwise the pool water level would not drop. This condition is referred to as a creek in a “losing reach” condition meaning that the water seen in the creek bed is losing some of its water back into the adjacent soils and feeding/contributing it to the local groundwater regime. It appears that was the circumstance at the time of the survey. Knowing that creeks will go through seasonal cycles of being either a “losing” and “gaining” reach and that groundwater elevations will vary from year to year, it is very likely that at some times of the year, the local groundwater beneath the pool is higher/above the pool bottom and possibly impacting the pool shell.
- **WALL AND FLOOR ALIGNMENT & SOUNDINGS:** As to the wall alignment, the results were quite simple. In general the pool walls do not show any significant deformation or shifting. Both the south and east walls are in excellent condition. The north wall is generally good with some bulging in areas where previous patchwork had been completed. The west wall was similar in that there are surficial bulges in some areas but not extreme. The basic results of the sounding evaluation are as follows. Many of the previously repaired areas of the coping and gutter have again deteriorated to the point of breaking up and/or sounding hollow and loose. This is also the case in numerous locations where the pool floor and wall have been patched. In and around areas of new deterioration, the same can be said in that the areas immediately adjacent to these failures are not solid.
- **MAIN DRAIN:** The TV camera inspection of the main drain was undertaken on April 15th and completed by Ron VanDee Plumbing. The results of this examination indicated that the piping from the pool to the pump-house is made of steel and only shows the typical deterioration of surface discoloration (rust) and protrusions (barnacle like). The initial vertical portion of the drain itself is 12” in diameter and then the pipe transitions into an 8” horizontal pipe with an invert depth of 30” below the pool floor. The camera was able to run a full 38 feet to the vertical fitting inside the pump-house. The overall alignment and roundness are good and there was no indication of any pipe failures, cracks or breaks. At the point where the main drain first leaves the pool shell, however, the integrity of that

“connection” could not be tested but did show signs of deterioration. One other consideration in evaluating the main drain would be to attempt to pressure test the main drain piping to confirm the tightness of the system. Despite the visual indication of no major problems, it is impossible to know whether there are portions of the pipe that have corroded to the point of actually having small holes. Pressure testing could determine this but would require the temporary disassembling of the pipe valves and connections inside the pump-house to be sure an airtight “stop” can be installed. The risk to that undertaking is that the pipes, valves and fittings are very old and any tampering with them could lead to additional problems and difficulty. As mentioned in the survey discussion above, the water trapped in the pool bottom that day did continue to lower and “leak” away meaning there is some issue in and around the main drain.

- **POOL WALLS:** On April 15th the detailed investigation of selected locations of the pool wall was completed at the three locations noted on the sketch diagram. (See Appendix B). Beginning with the shallow end location where there was no indication of problems, the wall itself was in excellent condition and the recirculation piping beneath the deck was exposed and similarly inspected. All of the pipe (4” and 6”) and fittings were in very good condition as well. (A third pipe was also exposed and appeared to be an abandoned 2” steel gas line which was perhaps associated with the pool heater when it was functioning). At this location, the very bottom of the wall was exposed (49.5” to top of footer) and a significant footer (in very good condition) extending out away from the pool was revealed (15” thick extending 23” beyond the back of the wall). This would be expected since the pool wall functions as a retaining wall. At the deep end the north wall adjacent to the northwest corner was similarly exposed. In this case, the excavation extended to a depth of 48”. The two PVC pipes associated with the recirculation system (both 6”) were exposed and were in very good condition. At this location, the upper part of the pool wall had been cracked and shifted during the concrete deck removal process and this crack was clearly evident on the back of the wall at a depth of approximately 7”. Further down there was another crack (16” +/-), which coincided with a crack that was evident on the inside face of the wall (see Core C-3 discussion below). From the 16” depth to a depth of approximately 33” the back of wall face was rough and protruded slightly with excess concrete that extended beyond the true back of wall face. In general, the concrete was solid and in very good condition, except for the cracks noted above. The last excavation was done directly behind the worst area of interior wall deterioration, the west wall at the centerline of the pool. This excavation again extended approximately 4 feet down and the back of wall concrete face was solid and unblemished, not reflecting the serious deterioration on the inside wall face. As before, two 6” PVC pipes were exposed and were in very good condition.
- **CONCRETE CORES:** After the excavations were completed, full-depth concrete cores of the pool wall were secured at these same locations. At the shallow end location one core was taken while at each of the deep end locations two cores were drilled, one approximately 16”-17” below the top of the gutter and the other about two feet above the pool floor. The typical core profile consists of the inside face ceramic tile followed by a layer of grout (ranging in thickness from 1” to 1 ½”) and then the cast-in-place (CIP) concrete wall itself. The grout portion of the core is a cement rich mixture with sand and fine (<1/4”) stone

aggregate. The true CIP concrete wall is a cement rich mixture with sand and a larger graded stone (<1") aggregate throughout. The overall core lengths varied from 13 ½" to 14 ½" with rebar being present in only Core C-2 with evidence of rebar in Core C-5. Beginning again at the shallow end location (area with least deterioration), this core (C-1) was approximately 14" in length and had to be broken three times in order to fully remove it. Both the grout and concrete wall was in very good condition with only minor pitting and roughness on the outside face (exposed to the soil). Core C-2 was taken in the lower portion of the north wall near the NW corner and again both the grout and concrete was in very good condition. This core was located directly below an area of limited deterioration. As in C-1, the outside face was slightly pitted and rough. This core indicated that rebar is present in the concrete wall (both vertical and horizontal) but the extent and spacing of the reinforcement is uncertain. Directly above C-2, Core C-3 was advanced in an area with moderate deterioration and previous repairs and was specifically located at the horizontal crack mentioned in the pool wall discussion above. The grout in this core was somewhat softened and slightly chalky near the ceramic tile interface. The initial 5" was highly fractured with fissures extending into the core sample. The remaining depth of the core was solid and in very good condition. At the inner face of the sample, the last ½" had separated from the core and appears to have been applied sometime after the initial placement of the wall. (This correlates to the excess concrete mentioned in the wall discussion above). The last two cores were located along the centerline of the west wall in the deep end. Core C-4 was drilled in the lower portion of the wall (below an area of limited deterioration) and both the grout and concrete for the full depth was in very good condition. The outside face of the concrete (closest to the soil) was slightly rough and pitted. The final core (C-5) was advanced directly above C-4 immediately adjacent to an area of severe deterioration. The core was highly fractured with the initial 8" +/- completed broken. The remaining portion was somewhat fractured and not all of the core was recovered. There was an indication that reinforcing had been present but it was not recovered in the sample.

IV. SHORT-TERM APPROACH (SUMMER OF 2010 & BEYOND, IF POSSIBLE)

With the results of this pool assessment not revealing any major structural issues except for the upper portion of the west wall at the centerline, it would appear suitable to move forward with completing the necessary repair work as quickly as possible so that the pool will be ready to operate once June arrives. The primary focus of these repairs will again be to first locate and remove all loose tiles, coatings, concrete, mortar, etc. These areas must be patched as well as all other failed locations with a new concrete/mortar mix shaped and smoothed to match the surrounding areas. It is essential that all sharp edges and surfaces be identified and properly sanded/smoothed/removed so that any risk of scratches or injury is eliminated.

There are two particular areas where additional effort beyond simple patching will be required. As mentioned earlier, along the north wall (NW corner) in the area of the excavation, the upper part of the wall cracked and was separated as the concrete decking was being removed. This entire length of wall top (approximately 8-10 feet) must be fully replaced in order to be certain that the wall and gutter are secure and watertight. The other area of concern is at the pool centerline on

the west wall. The concrete has severely deteriorated and the repair of this area must include a more significant effort to insure that it will be safe and secure. In both instances, it is recommended that the new concrete repair work include doweling and/or other means of anchoring the newly formed wall/gutter into the existing wall in such a manner that the anchoring system relies on solid and suitably stable existing concrete.

V. LONG-TERM APPROACHES & COSTS

In light of the overall condition of the pool and knowing that the existing structure and system has clearly reached the limit of its useful life, this section will address alternative approaches for the City of Cortland to consider so that it can continue to provide a safe and properly functioning swimming pool at the park. While none of these choices come without a significant price, this pool serves as a vital recreational facility within the core of the City. While some may view this pool as “non-essential”, the value of this type of facility to the youth and families of the community cannot be underestimated. It is part of the fabric which contributes to the quality of life provided in Cortland.

As a result of this evaluation, it has become apparent that the Wickwire Pool has reached a condition where the continuing approach of annual/seasonal repairs (“band-aiding”) is no longer practical and appropriate. The increased level of water loss witnessed this past winter (likely due to a combination of all of the elements investigated in this study), coupled with the ever increasing deterioration of the pool shell, have brought this facility to the point that a long-term solution must be adopted. The basic choices facing the City are to either fully replace the pool in this location or undertake a significant renovation project, both of which will provide them with a new facility for years to come. This section will provide a brief description and some preliminary budget figures for each alternative so that the city can begin to address the fundamental issue of funding.

Alternate #1 – Full Replacement

This alternative, while providing the City with a brand new facility, is certainly the most expensive to complete. Depending on the size and configuration selected, not only will the new pool be constructed using all new materials (concrete/gunite pool shell), it will also entail the demolition and removal of the existing structure, another added cost. There are two significant advantages, however, for constructing a new pool. First, by constructing a new pool it will provide an opportunity to construct a facility that can fully address the needs of both the Youth Bureau (particular programs, etc.) and the general public relative to its depth (diving well, wading pool, etc.), length, configuration, etc. Secondly, a new pool will have the longest expected useful life simply due to the fact that no aspect of it will be linked to the already 64 year old structure.

Concerning cost, the range can be very wide relative to new pools. As a result, the noted project cost must be viewed as a “middle of the road” level approach. Also, this cost estimate is only addressing the pool shell, perimeter recirculation system, filtration system and the concrete decking. The bathhouse and pump house structure are not included. For a new pool of similar dimensions (75’ x 150’) the likely total project cost is estimated at \$1,750,000.

Alternate #2 – Renovation with New Gutters, PVC Liner, Main Drain & Filtration System

This approach is the most prevalent renovation system typically adopted due to it being a relatively cost effective means by which an existing structure can be upgraded and rehabbed without excessive costs. As long as the basic structure is sound, this approach simply removes the upper 18"-24" of the existing wall and replaces it with an "all in one" perimeter gutter systems which handles and transfers both water to and from the pool. All of the buried piping is eliminated. In conjunction with this new gutter, the entire pool shell is patched and suitably prepared so as to accept a new 60 mil PVC membrane which serves as the watertight containment structure for the water. In conjunction with this work the entire antiquated filtration system would be replaced and the existing main drains would be replaced with a minimum of two drains due to present standards. With a fully renovated pool system, the existing deck would also be replaced with new concrete which will result in a new attractive and safe facility.

The estimated cost for this approach is lower than above but is still a significant expenditure due to the required items described. Based on preliminary information, the projected cost is estimated at \$915,000 for a pool of these same basic dimensions.

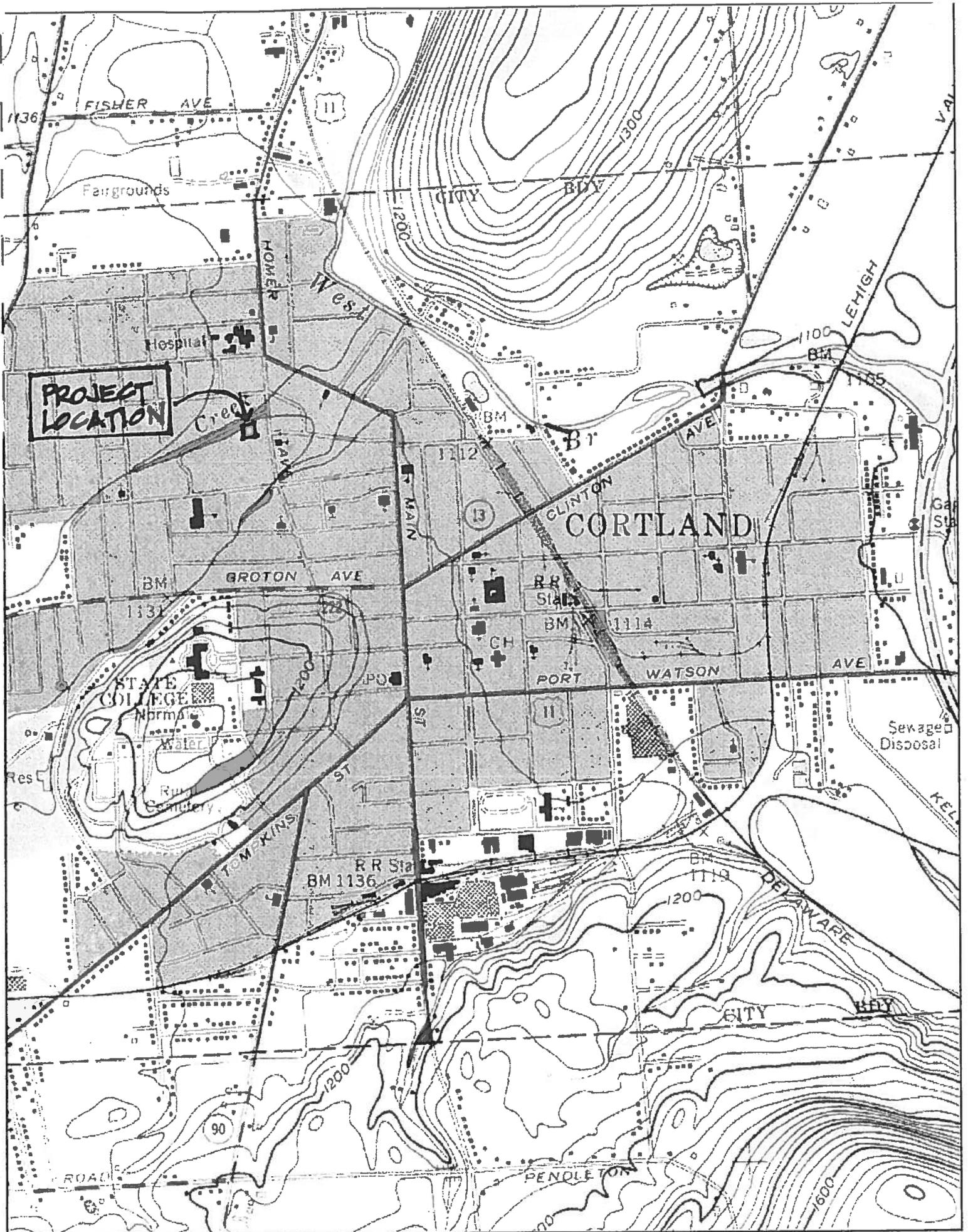
VI. SUMMARY AND CONCLUSIONS

The results of this conditions assessment can be summarized as follows.

- The interior surface of the pool continues to significantly deteriorate in ever increasing magnitude with previously patched areas as well as new failed areas developing each year.
- The perimeter PVC piping is in very good condition.
- In areas where surface deterioration has become significant, the concrete wall directly behind these locations has also begun to deteriorate.
- The areas of previous repair routinely become the most likely areas of subsequent failure.
- The general integrity of the concrete structural walls is good and should be usable relative to a long-term renovation solution. Since these approaches typically include the removal of the upper portion of the existing wall, it adapts well to this pool since these areas show the greatest degree of deterioration.

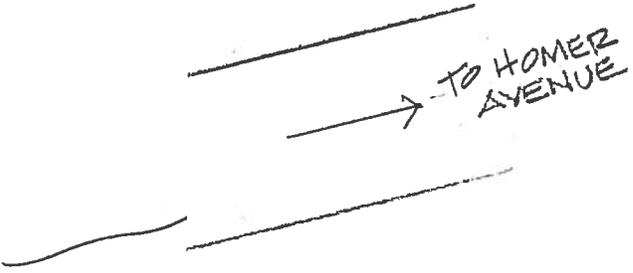
In conclusion, and based on the information generated by this evaluation, the pool can be operated this summer again as long as the recommended improvements are suitably completed and in the course of completing them, no significant other issues arise.. The difficulty in completing this work is that two areas require significant work and must be addressed in a more "in-depth" fashion so as to insure their integrity. Concerning the future, this basic structure of the pool shell is clearly in good condition making it a suitable candidate for a renovation project which will utilize the existing shell wall.

APPENDIX A
PROJECT LOCATION MAP



APPENDIX B

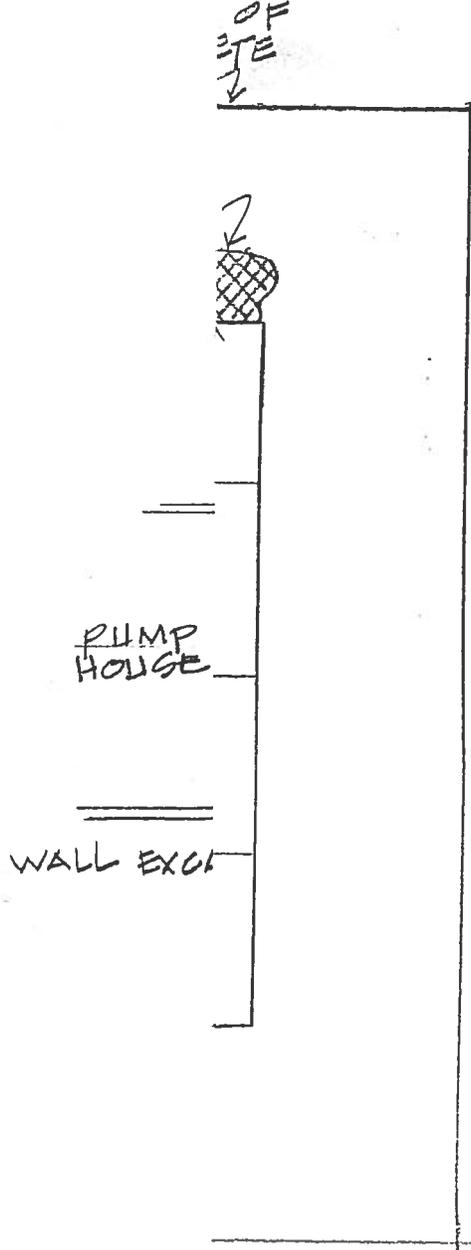
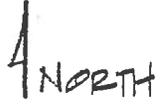
GENERAL POOL AND FIELD INVESTIGATIONS PLAN



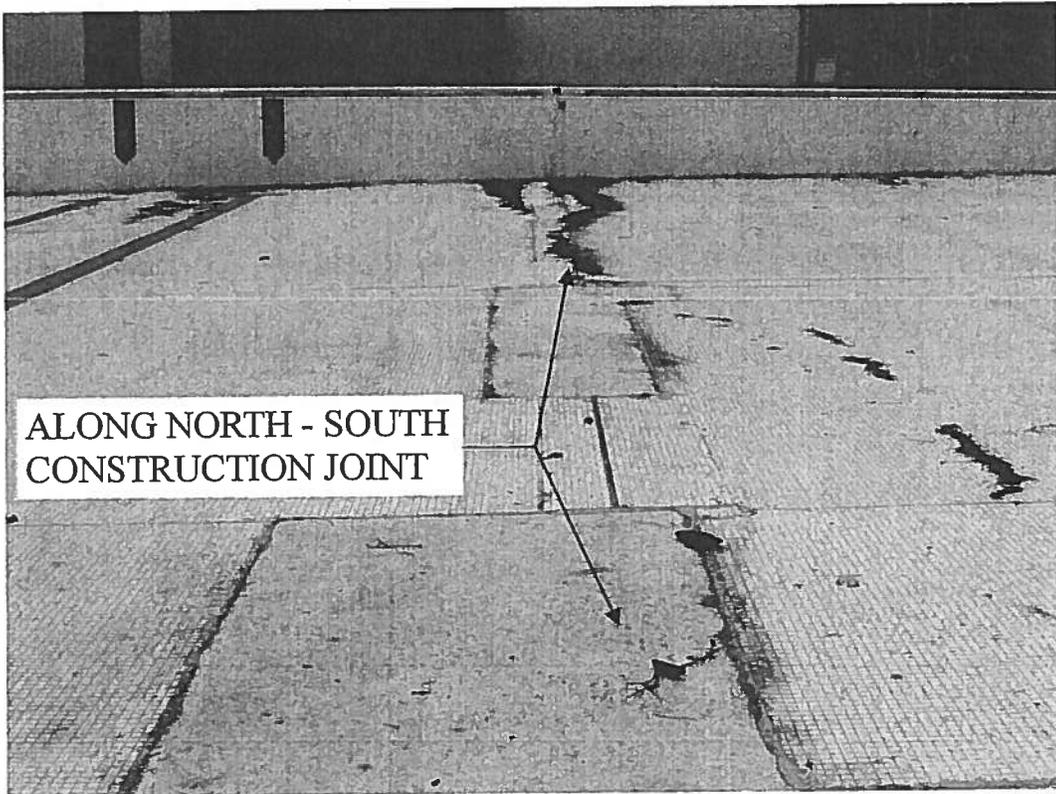
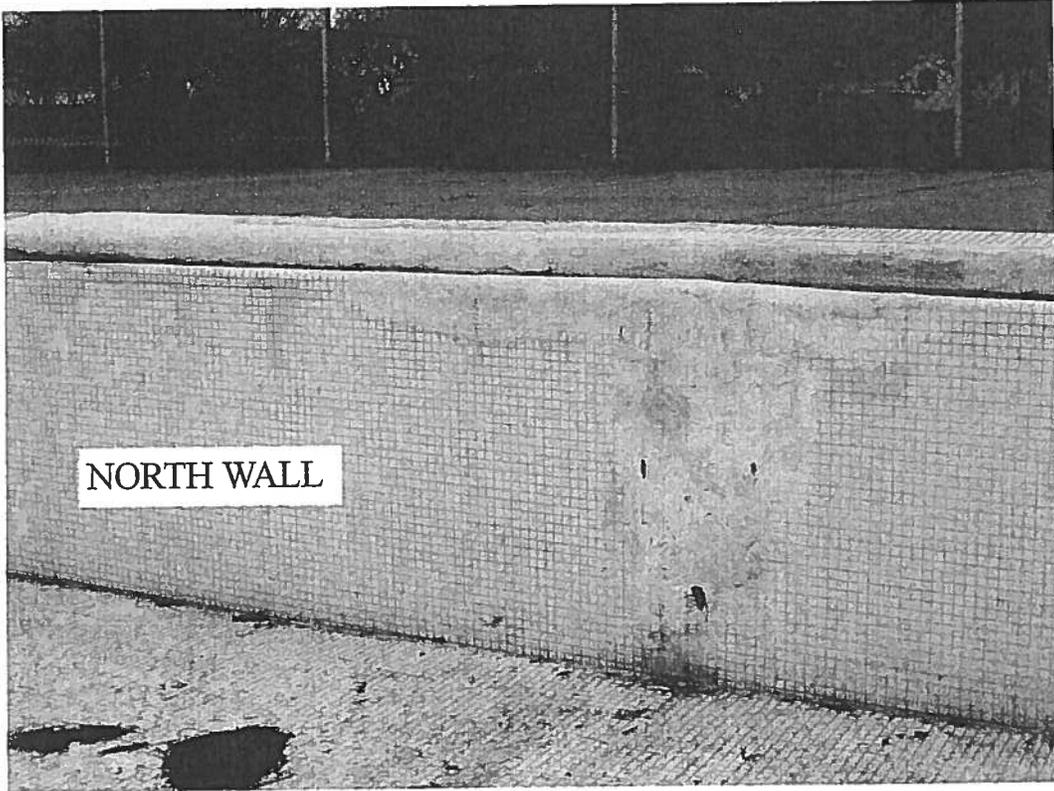
13" CULVERT
OUTLET - CONDITIONS ASSESSMENT

FIELD INVESTIGATIONS PLAN
MAY 2010

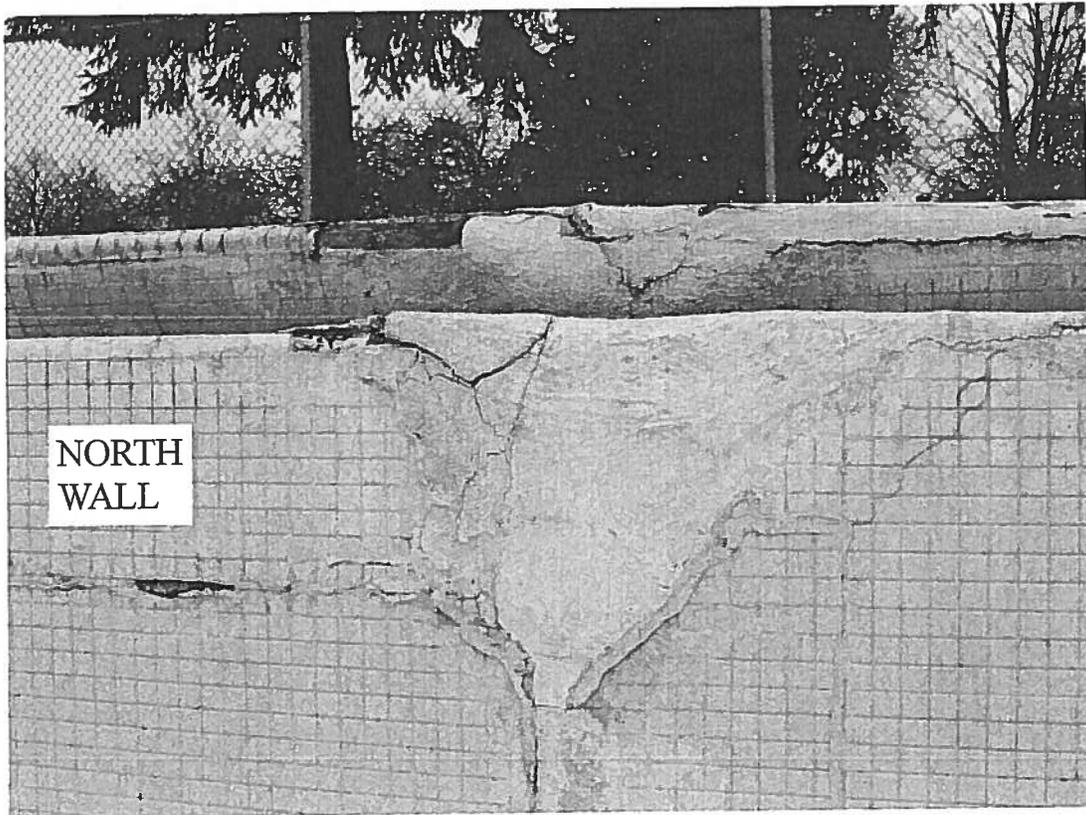
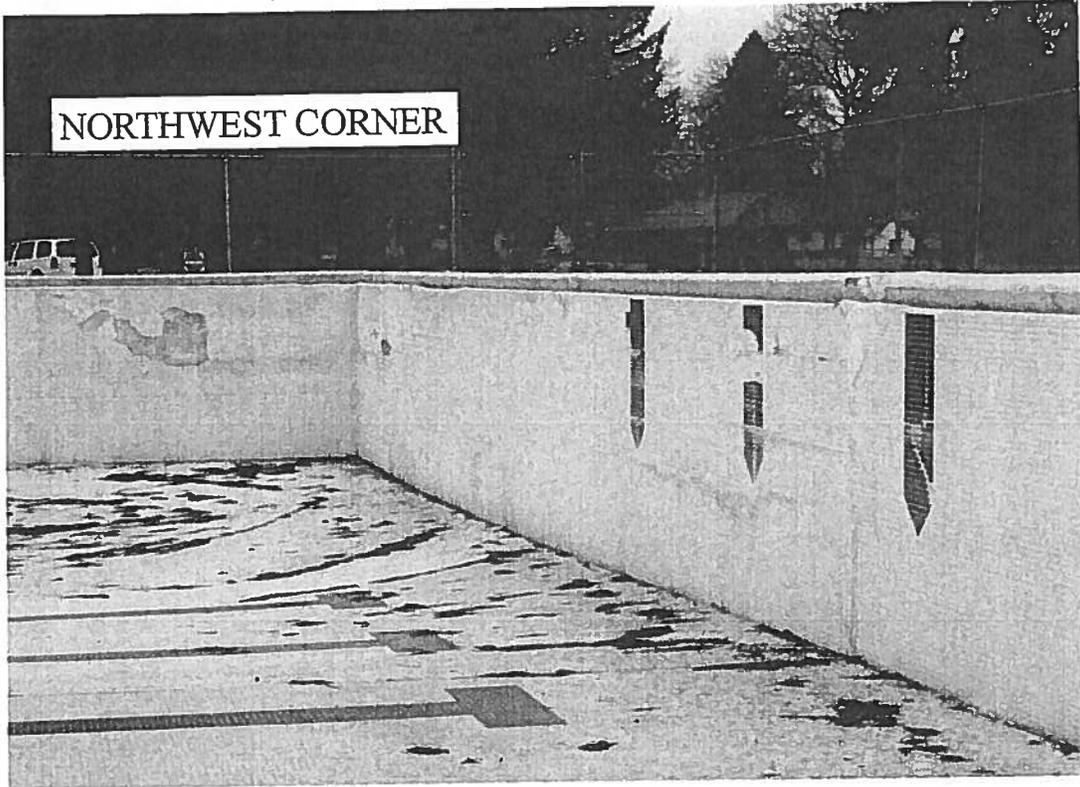
DESIGN CONSULTANTS



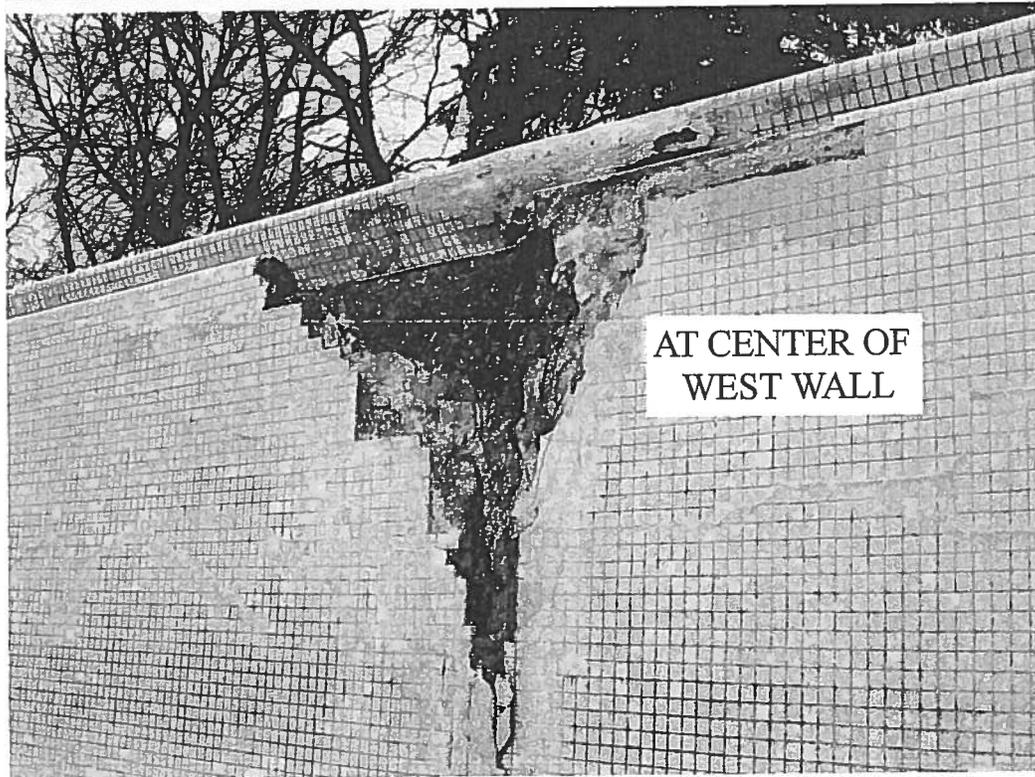
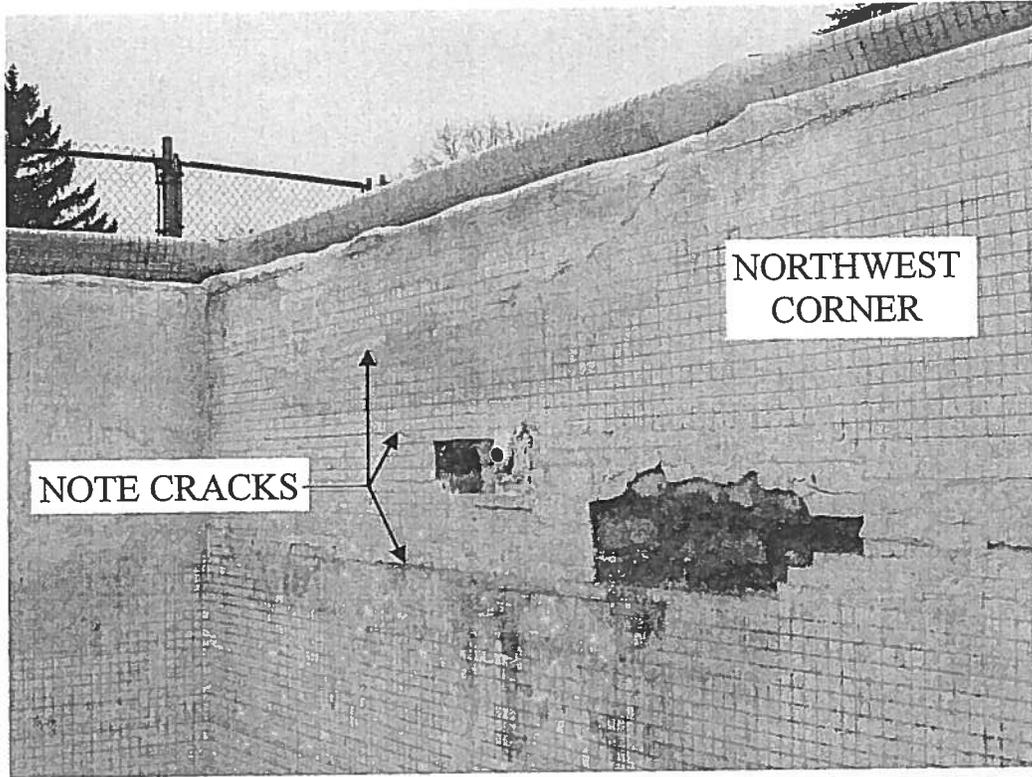
APPENDIX C
PROJECT PHOTOGRAPHS



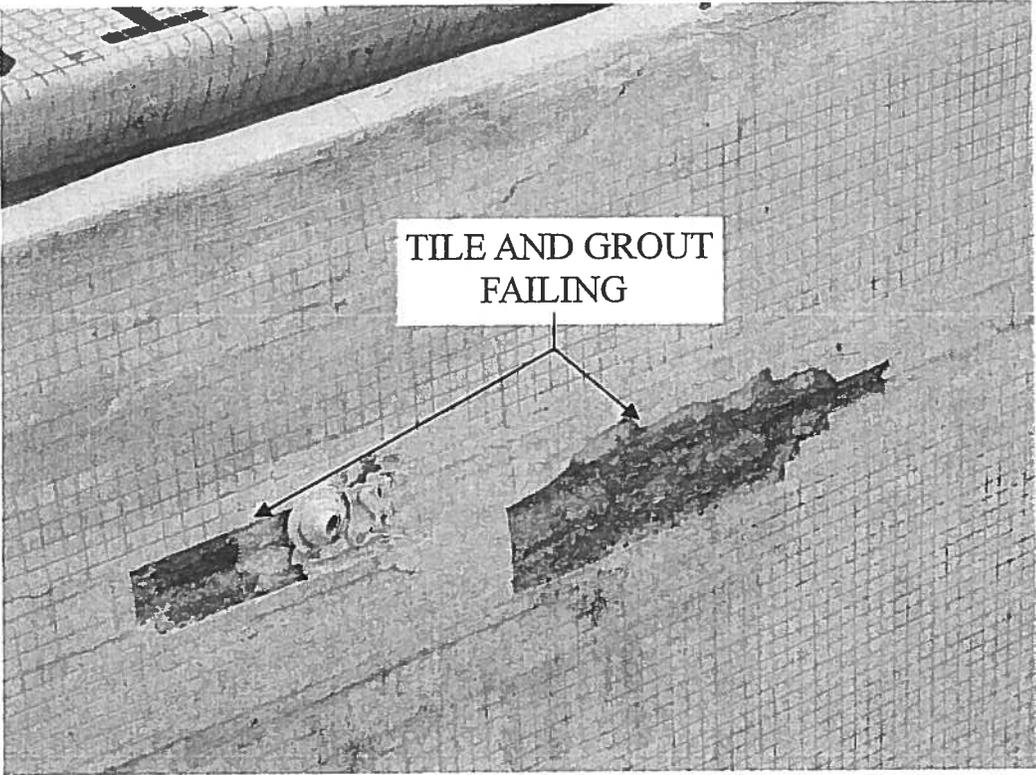
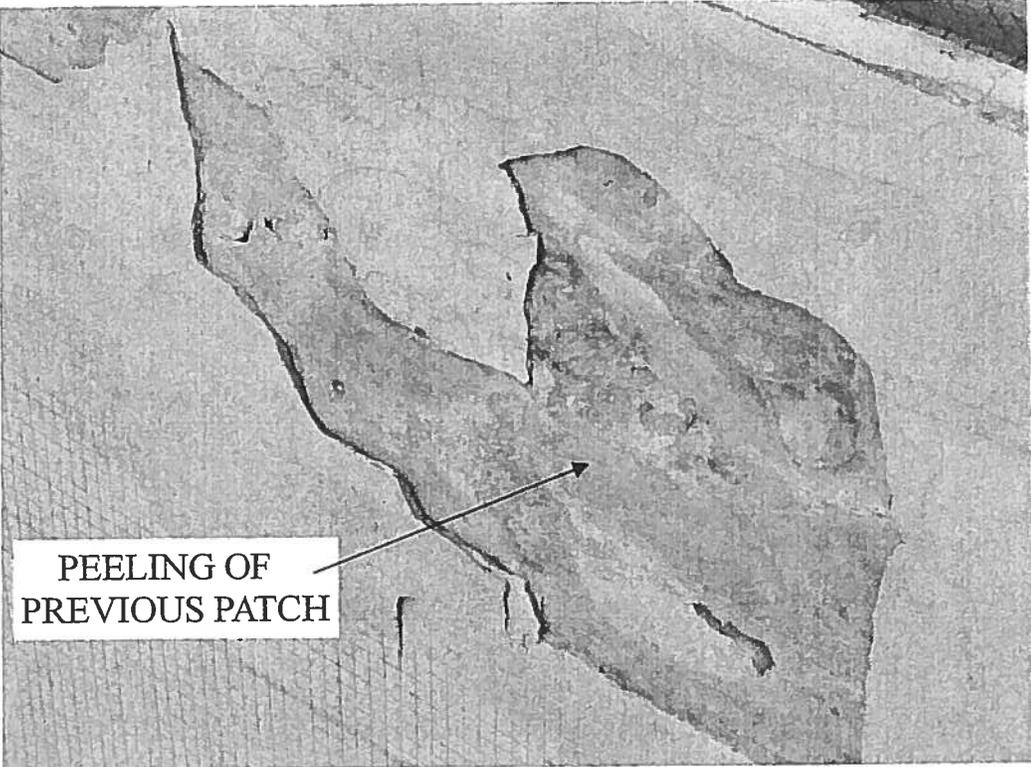
PREVIOUS REPAIR AREAS



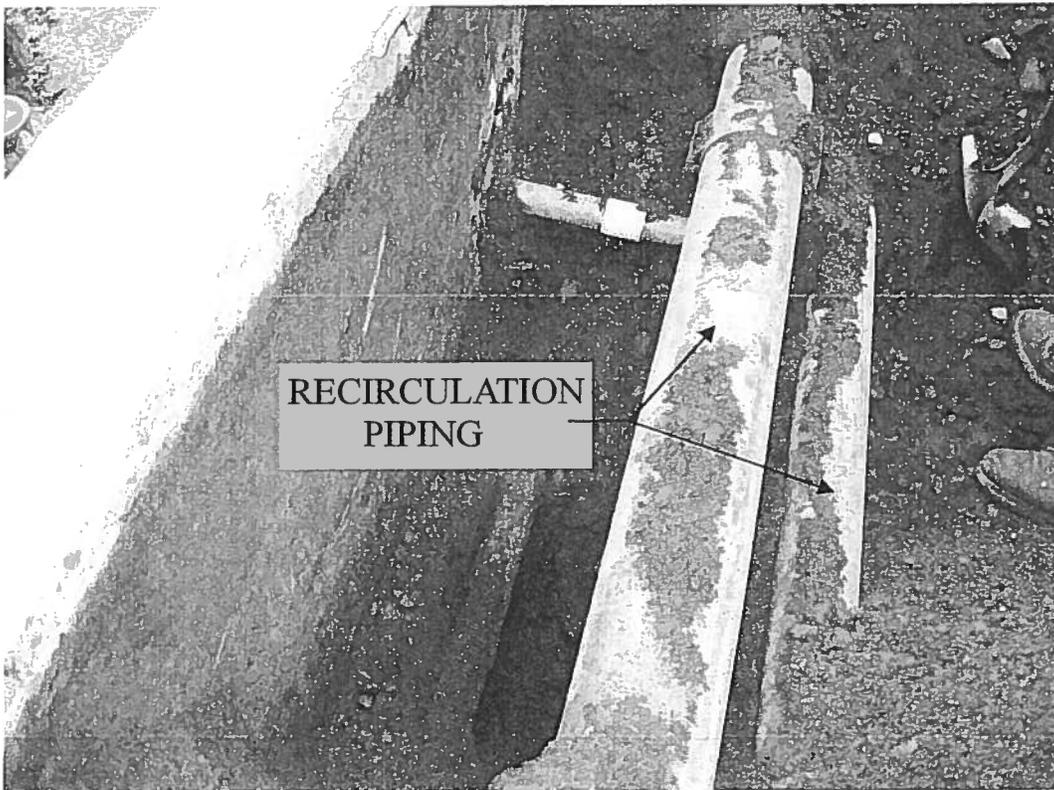
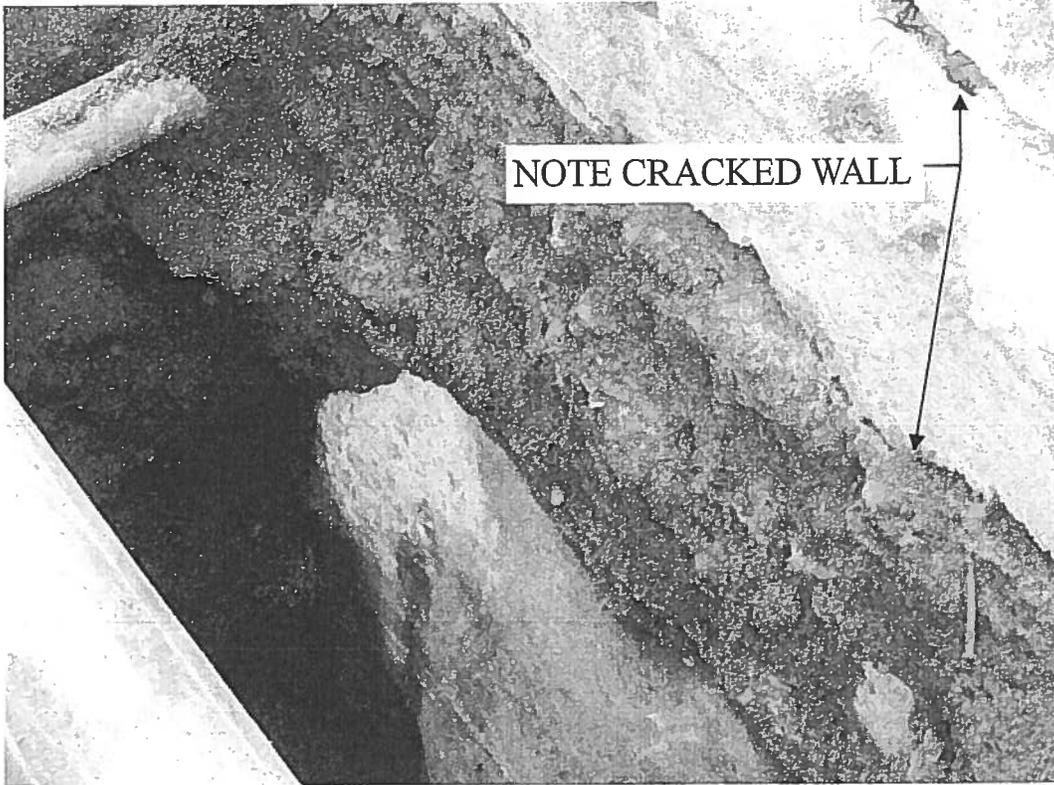
PREVIOUS REPAIR AREAS



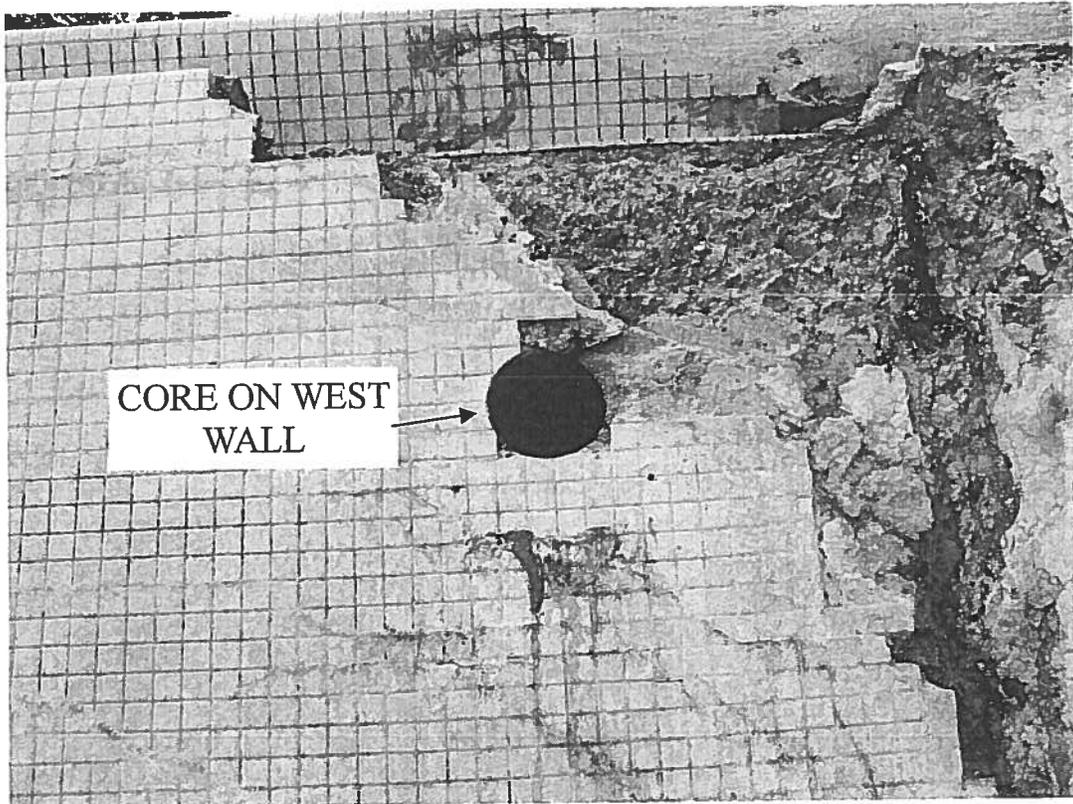
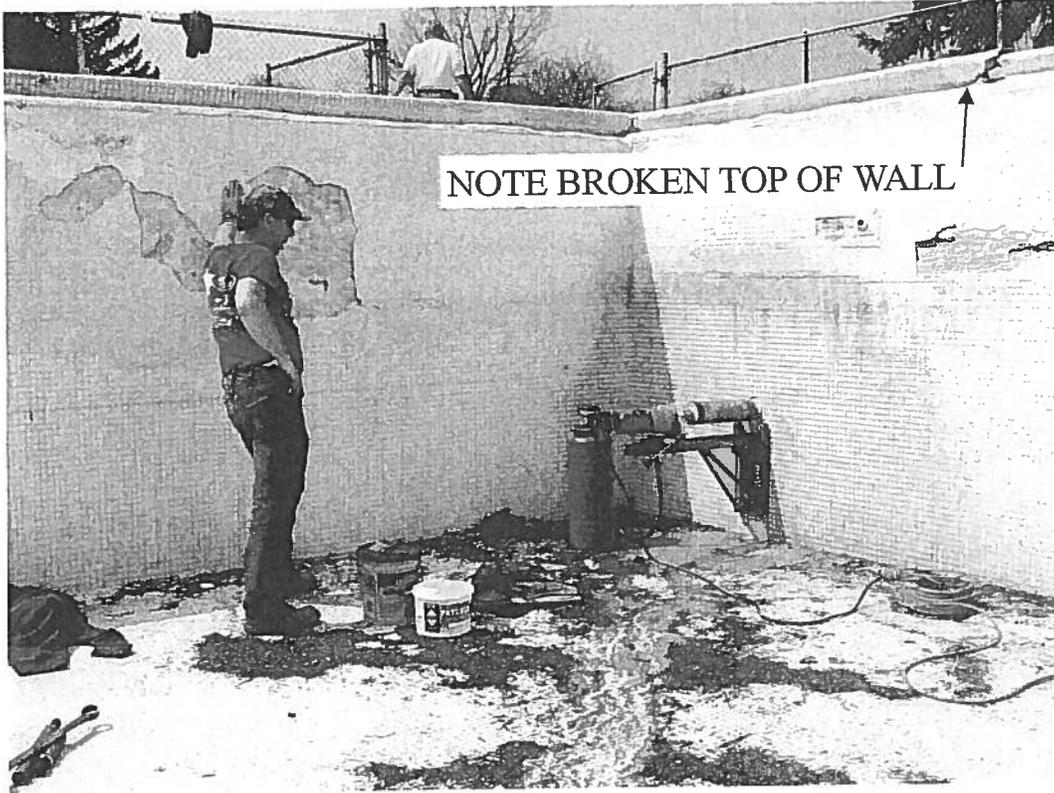
NEW DETERIORATION



NEW DETERIORATION



FIELD INVESTIGATION



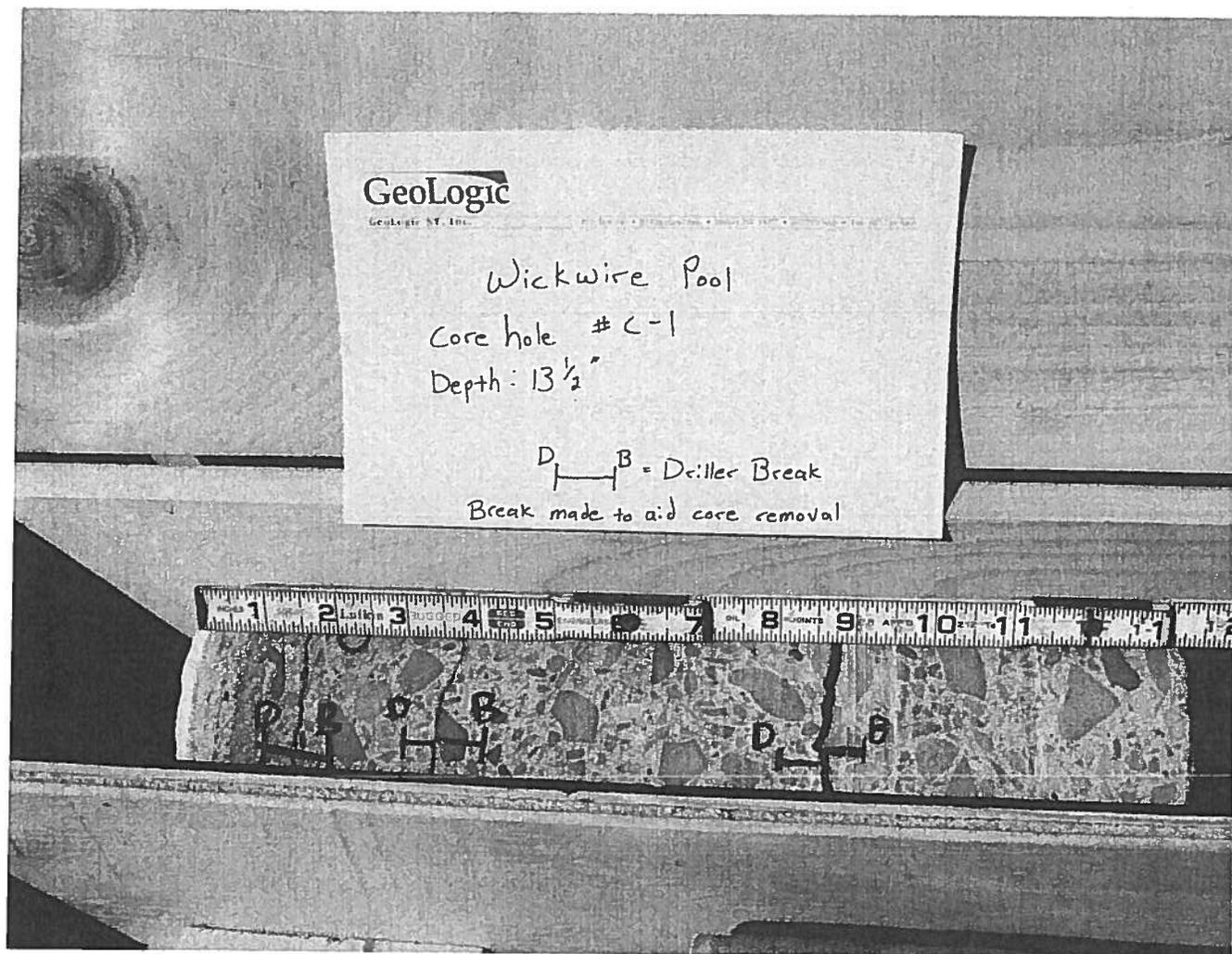
FIELD INVESTIGATION

APPENDIX D
TOPOGRAPHIC CROSS-SECTION SURVEY

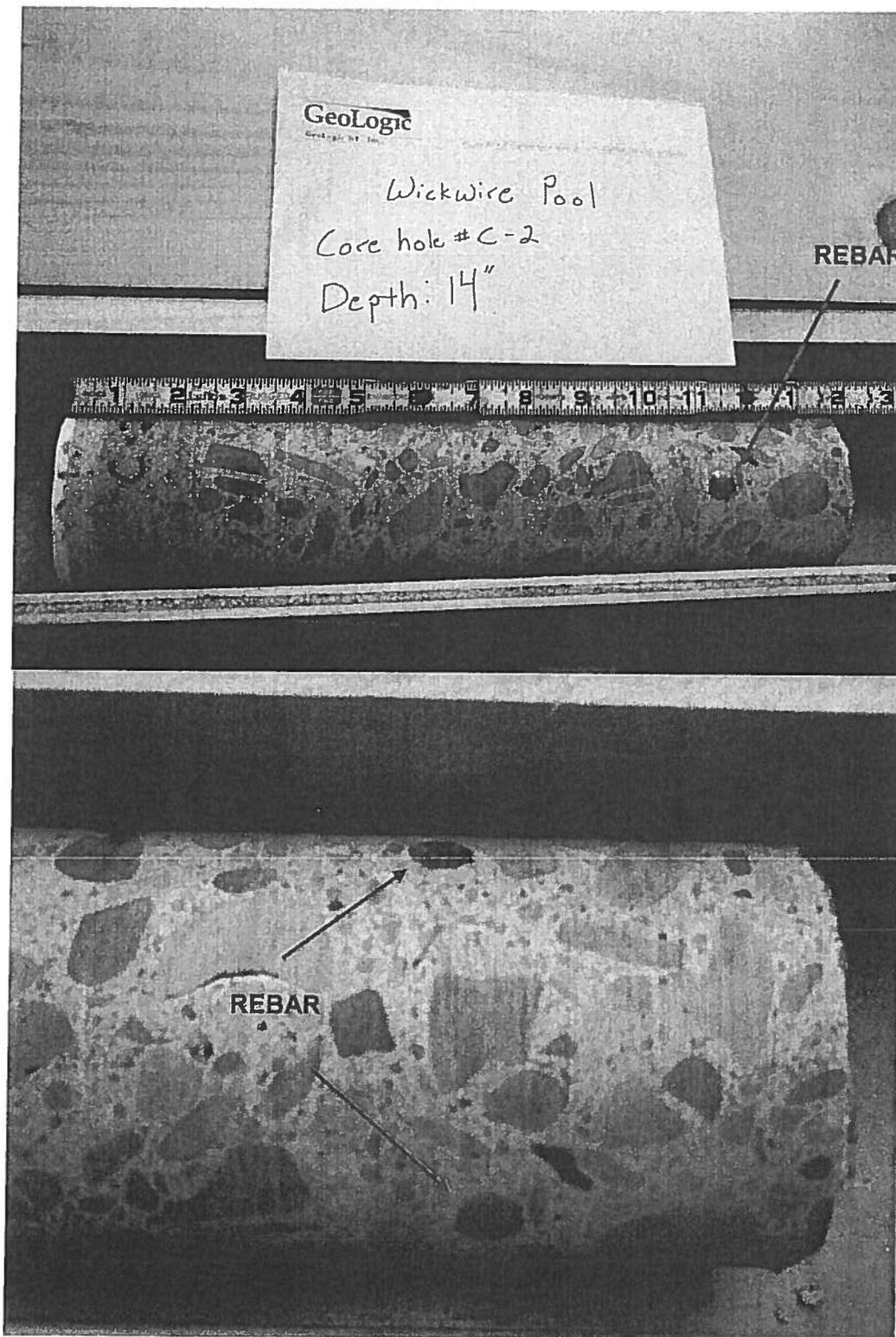
APPENDIX E

CONCRETE WALL CORE PHOTO LOGS - GEOLOGIC

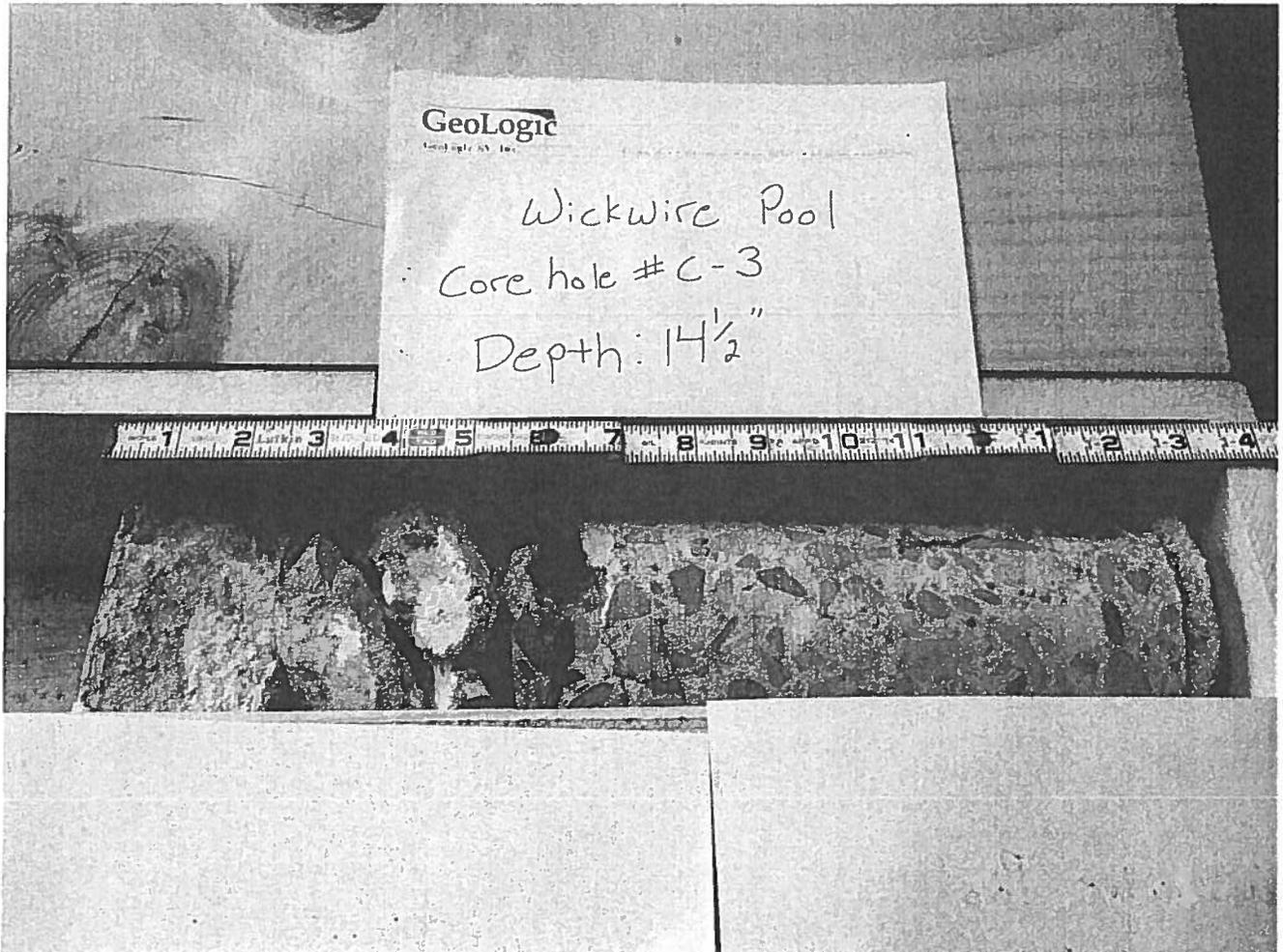
Wickwire Pool
Cortland, New York
GeoLogic NY, Inc. - Project No.21048-D
Page 1 of 5



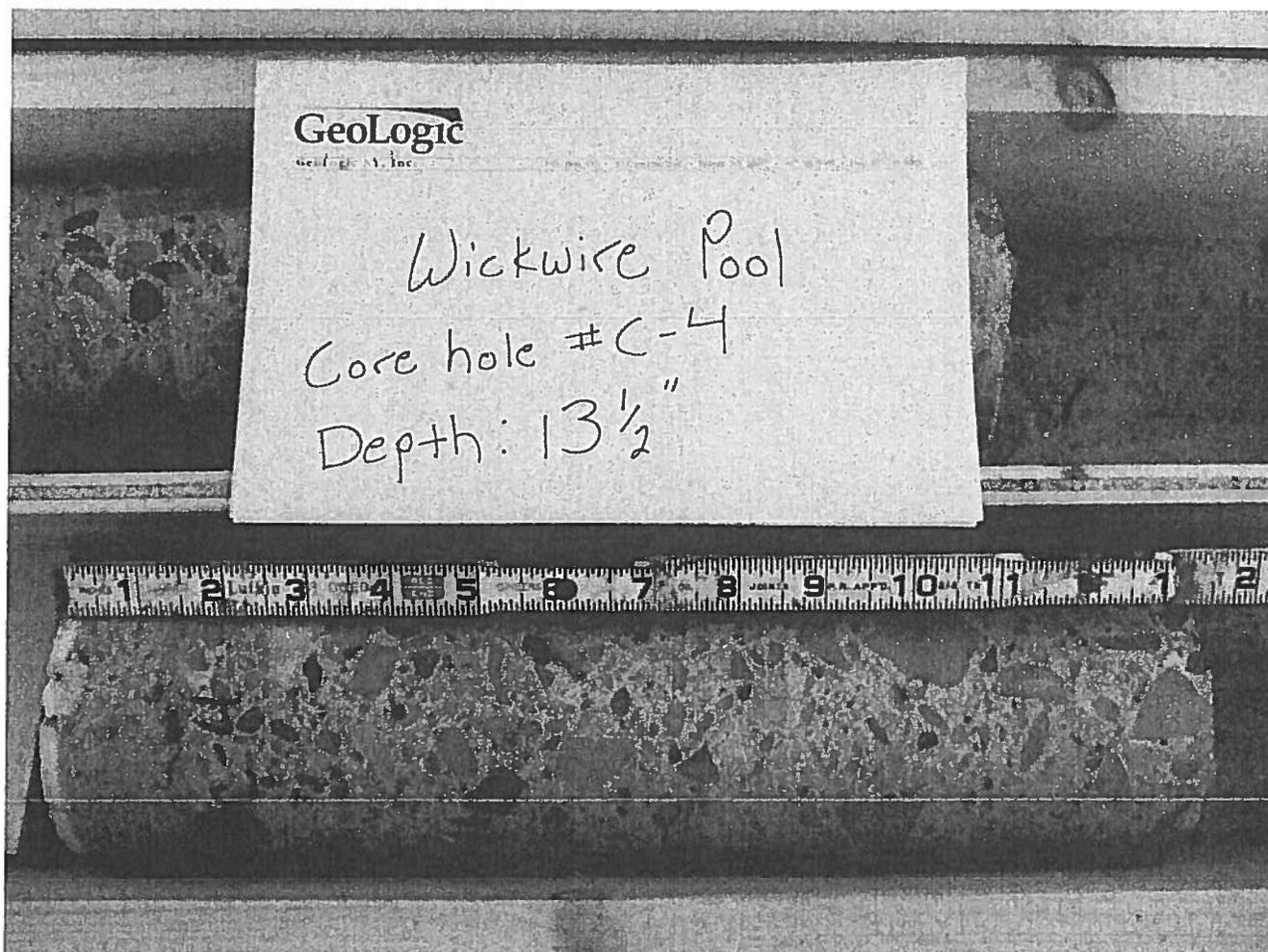
Wickwire Pool
Cortland, New York
GeoLogic NY, Inc. - Project No.21048-D
Page 2 of 5



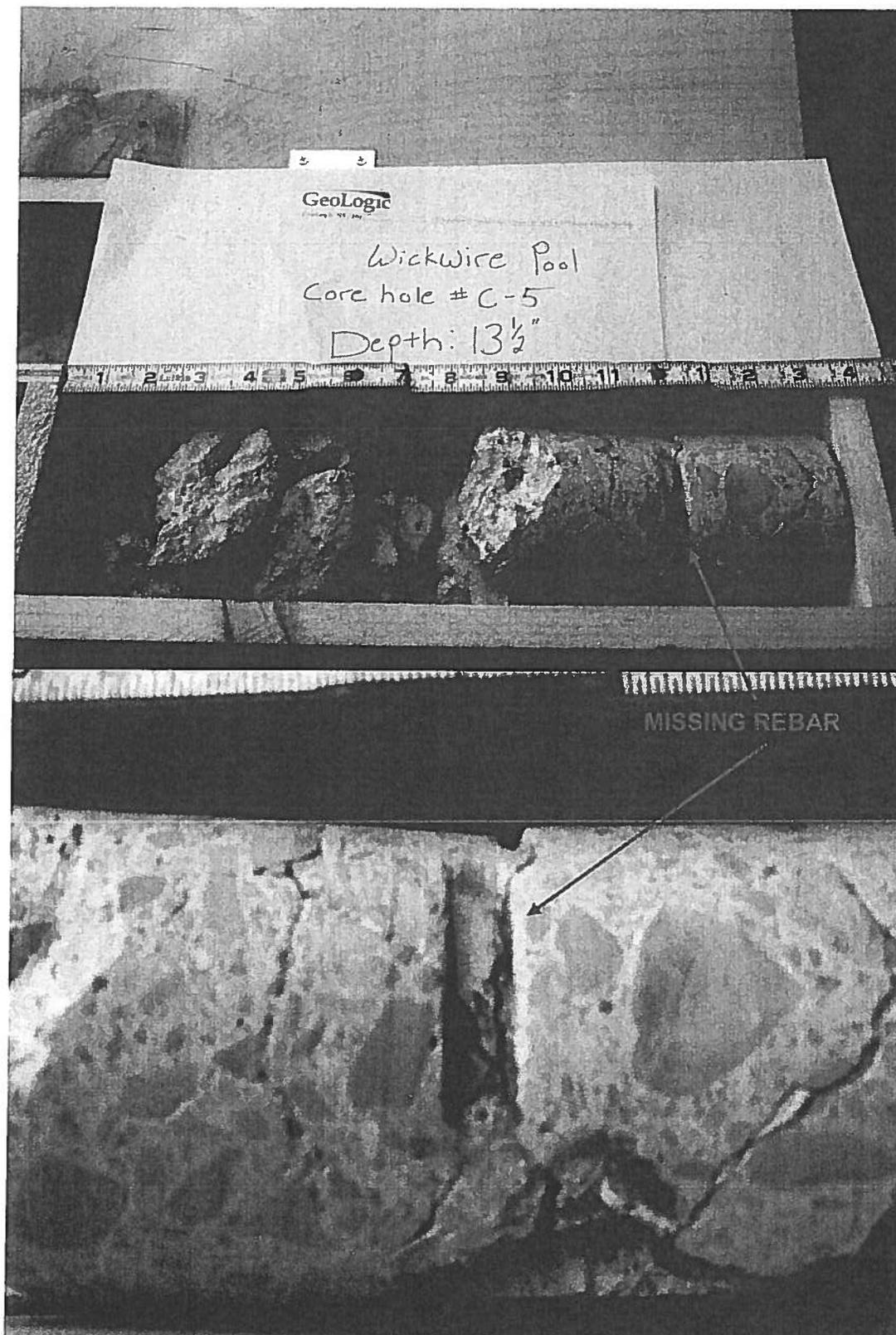
Wickwire Pool
Cortland, New York
GeoLogic NY, Inc. - Project No.21048-D
Page 3 of 5



Wickwire Pool
Cortland, New York
GeoLogic NY, Inc. - Project No.21048-D
Page 4 of 5



Wickwire Pool
Cortland, New York
GeoLogic NY, Inc. - Project No. 21048-D
Page 5 of 5



APPENDIX F

LONG-TERM APPROACH COST ESTIMATES

PRELIMINARY COST ESTIMATE
WICKWIRE POOL PROJECT
POOL RENOVATION

No.	ITEM	UNIT	UNIT PRICE	QUANTITY	TOTAL COST
1	General Conditions, Demolition & Site Preparation				
1.1	Mobilization & General Conditions	LS	\$ 15,000.00	1	\$ 15,000.00
1.2	Demolition	LS	\$ 25,000.00	1	\$ 25,000.00
1.3	Shell Preparation	LS	\$ 20,000.00	1	\$ 20,000.00
2	Pool Construction				
2.1	Earthwork & Grading	LS	\$ 2,000.00	1	\$ 2,000.00
2.2	Perimeter Recirculation System	LF	\$ 600.00	450	\$ 270,000.00
2.3	PVC Liner Membrane	SF	\$ 16.00	13500	\$ 216,000.00
2.4	Main Drains	EA	\$ 4,000.00	2	\$ 8,000.00
2.5	Plumbing & Misc.	LS	\$ 15,000.00	1	\$ 15,000.00
2.6	Concrete Decking	SF	\$ 10.00	2500	\$ 25,000.00
	CONSTRUCTION				\$ 596,000.00
	CONTINGENCY			10%	\$ 59,600.00
	SOFT COSTS				
	Engineering, legal, administration, etc.			15%	\$ 89,400.00
	GRAND TOTAL				\$ 745,000.00

Replace

PRELIMINARY COST ESTIMATE
WICKWIRE POOL PROJECT
COMPLETE POOL REPLACEMENT

No.	ITEM	UNIT	UNIT PRICE	QUANTITY	TOTAL COST
1	General Conditions, Demolition & Site Preparation				
1.1	Mobilization & General Conditions	LS	\$ 15,000.00	1	\$ 15,000.00
1.2	Demolition	LS	\$ 100,000.00	1	\$ 100,000.00
1.3	Site Preparation	LS	\$ 12,000.00	1	\$ 12,000.00
2	Pool Construction				
2.1	Earthwork & Grading	LS	\$ 4,000.00	1	\$ 4,000.00
2.2	Perimeter Recirculation System	LF	\$ 600.00	450	\$ 270,000.00
2.3	Concrete/Gunite Pool Shell	SF	\$ 60.00	13500	\$ 810,000.00
2.4	Main Drains	EA	\$ 4,000.00	2	\$ 8,000.00
2.5	Plumbing & Misc.	LS	\$ 15,000.00	1	\$ 15,000.00
2.6	Concrete Decking	SF	\$ 8.00	11500	\$ 92,000.00
	CONSTRUCTION				\$ 1,326,000.00
	CONTINGENCY			10%	\$ 132,600.00
	SOFT COSTS				
	Engineering, legal, administration, etc.			10%	\$ 132,600.00
	GRAND TOTAL				\$ 1,591,200.00

PRELIMINARY COST ESTIMATE
WICKWIRE POOL PROJECT
POOL RENOVATION

No.	ITEM	UNIT	UNIT PRICE	QUANTITY	TOTAL COST
1	General Conditions, Demolition & Site Preparation				
1.1	Mobilization & General Conditions	LS	\$ 15,000.00	1	\$ 15,000.00
1.2	Demolition	LS	\$ 25,000.00	1	\$ 25,000.00
1.3	Shell Preparation	LS	\$ 20,000.00	1	\$ 20,000.00
2	Pool Construction				
2.1	Earthwork & Grading	LS	\$ 2,000.00	1	\$ 2,000.00
2.2	Perimeter Recirculation System	LF	\$ 600.00	450	\$ 270,000.00
2.3	PVC Liner Membrane	SF	\$ 16.00	13500	\$ 216,000.00
2.4	Main Drains	EA	\$ 4,000.00	2	\$ 8,000.00
2.5	Plumbing & Misc.	LS	\$ 15,000.00	1	\$ 15,000.00
2.6	Filtration System	LS	\$ 94,200.00	1	\$ 94,200.00
2.7	Concrete Decking	SF	\$ 8.00	10600	\$ 84,800.00
	CONSTRUCTION				\$ 750,000.00
	CONTINGENCY			10%	\$ 75,000.00
	SOFT COSTS				
	Engineering, legal, administration, etc.			11%	\$ 90,000.00
	GRAND TOTAL				\$ 915,000.00

CITY OF CORTLAND Wickwire Pool at Suggett Park

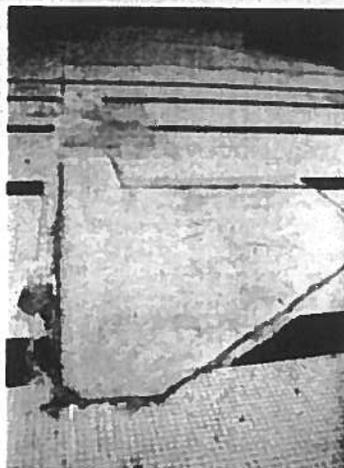
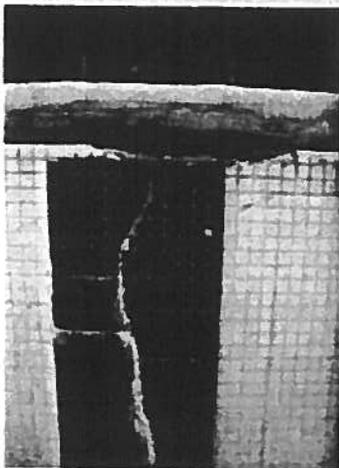
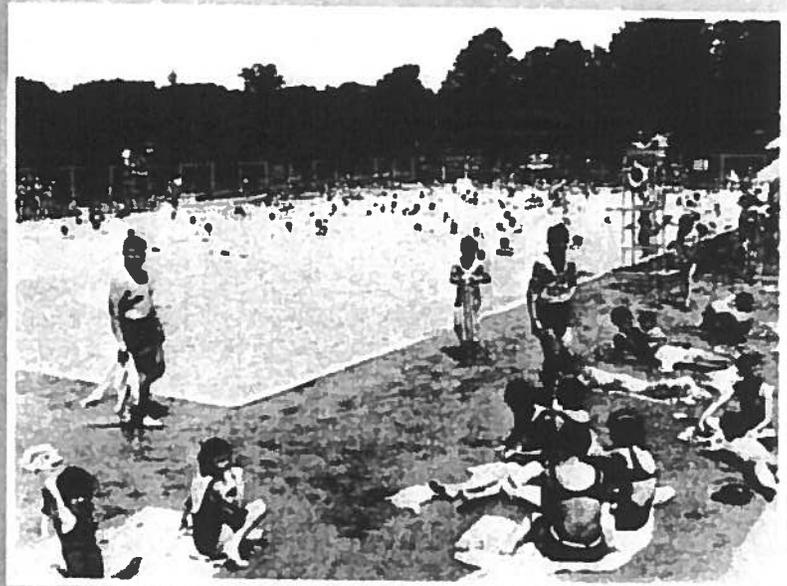


HISTORY

Industrialist Charles C. Wickwire had the vision to donate a swimming pool to the City of Cortland in 1946. Sixty-five years later, Wickwire Pool is as popular as ever and continues to be the major attraction for our youth and families in the summer. During 2011, Wickwire Pool had 15,000 swimmers and 175 children participating in our learn to swim program.

Wickwire Pool has been like an old friend to most of us, giving enjoyment to literally thousands of families throughout Cortland County. The pool always has been a community pool – a place for everyone – no fees, no restrictions on who can swim.

Now our old friend needs some support...



The PROBLEM

In 2010, an engineering report on Wickwire Pool conditions concluded a major renovation is required. With the basic pool structure being more than 60 years old it has become increasingly evident that it is approaching the end of its useful life as a safe and suitable swimming facility. Over the past decade and more, the deterioration of the pool has accelerated and has now reached the point where the basic spring time prep and restoration is no longer adequate and prudent.

SOLUTION

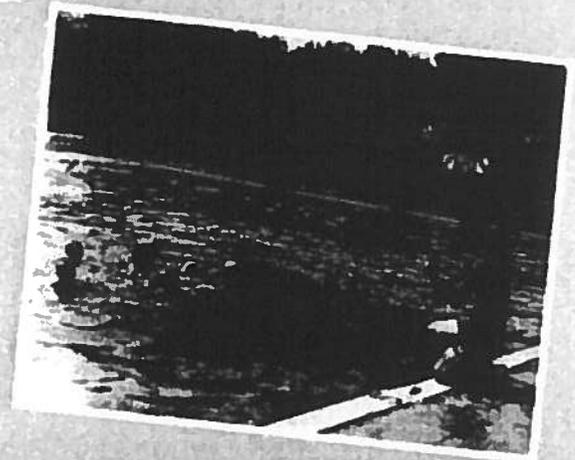
The engineering study conducted by Teter & Teter design consultants made the following renovation estimates and scope of work details.

Estimate: \$750,000 - \$1,000,000

Scope of Work:

- New gutter system
- Four main drains
- Two main drain lines
- One return line
- 4000psi deck
- Concrete balance tank
- Plumbing to and from pump house
- All new plumbing and valves in pump room
- New digital flow meter for chlorination
- Two new fiberglass filters
- New pump and motor starter
- New fiberglass strainer
- Four guardian life guard chairs
- Four two step ladders
- Four three step ladders
- 1 handicap access lift
- Insurance and bonding for the project
- Engineering
- Possible sewer disposal modifications

Then...

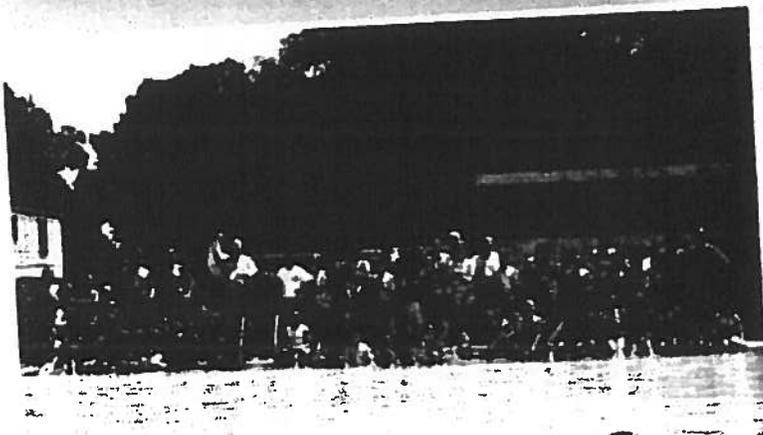


The GOAL

We are proud of our community with its splendid parks, playgrounds and we continue to maintain them well. That's exactly why we are coming to you now with this unique challenge.

So let's POOL our energy and our money to rebuild Wickwire Pool together with pride. The Cortland Youth Bureau continues to pledge its energy, ingenuity and determination toward enhancing the quality of life in Cortland.

Contact John McNerney at (607) 753-3021
or Mayor Brian Tobin at (607) 753-0872



...and now

Wickwire Pool Renovation EPF Grant Budget

\$915,000.00 - Based upon Ken Teter 2012 engineering study
\$10,000.00 - Grant administration, audit, sign age

-\$400,000.00 - NYSOPRHP EPF Grant

\$525,000.00

-\$100,000.00 - Dorm Authority Grant for Filters

\$425,000.00 - City share of funding

TIME LINE:

Grant Application Submitted - July 17, 2012

Grant Award Announcements - December 2012 - Early 2013

Bonding or City Share Funds needed - 2014



CORTLAND YOUTH BUREAU

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

I, Judith Chamberlain, the duly qualified and acting City Clerk of the City of Cortland, New York, do hereby certify that the following resolution was adopted at a **[regular or special]** meeting of the Common Council of the City of Cortland held on _____ and is **[incorporated in the original minutes of said meeting OR on file and of record]**, and that said resolution has not been altered, amended or revoked and is in full force and effect.

RESOLVED:

That upon successful award of a grant from the New York State Office of Parks, Recreation, and Historic Preservation for the Wickwire Pool Project, the City of Cortland will bond for the required match, less the amount of any grants, and/or fundraising or other dollars direct to this project.

[Signature of Clerk]

[Seal]





CORTLAND YOUTH BUREAU

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

I, Judith Chamberlain, the duly qualified and acting City Clerk of the City of Cortland, New York, do hereby certify that the following resolution was adopted at a **[regular or special]** meeting of the Common Council of the City of Cortland held on _____ and is **[incorporated in the original minutes of said meeting OR on file and of record]**, and that said resolution has not been altered, amended or revoked and is in full force and effect.

RESOLVED:

That Brian Tobin, as Mayor of the City of Cortland, is hereby authorized and directed 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 \$400,000, and upon approval of said request to enter into and execute a project agreement with the State for financial assistance to the City of Cortland for the Wickwire Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

[Signature of Clerk]

[Seal]





**Dormitory Authority
State of New York**

*Alfonso L. Carney, Jr., Chair
Paul T. Williams, Jr., Executive Director*

June 12, 2012

Mr. John McNerney
Youth Bureau Director
City of Cortland
35 Port Watson Street
Cortland, NY 13045

*Re: Community Capital Assistance Program (CCAP)
Purchase and Installation of the Filtering System for the
Municipal Recreation Pool
Project ID: #3190*

Dear Mr. McNerney:

The Dormitory Authority has received your letter dated May 24, 2012, with respect to the \$100,000 CCAP Grant awarded to your organization. You informed us that you have not made the repairs to the pool since the city still lacks the funding necessary to complete the overall project.

Per today's phone discussion, and letter dated May 24, 2012, the Dormitory Authority acknowledges your request to keep this grant active for the above mentioned project. Please notify the Dormitory Authority when the City of Cortland secures the additional funding to complete the Wickwire Pool project.

If you have any questions, please call the grant hotline at (518) 257-3177. Thank you.

Sincerely,

Tammie C. Barnhart
Grant Administrator

Att.
cc: Accounts Payable, Dormitory Authority

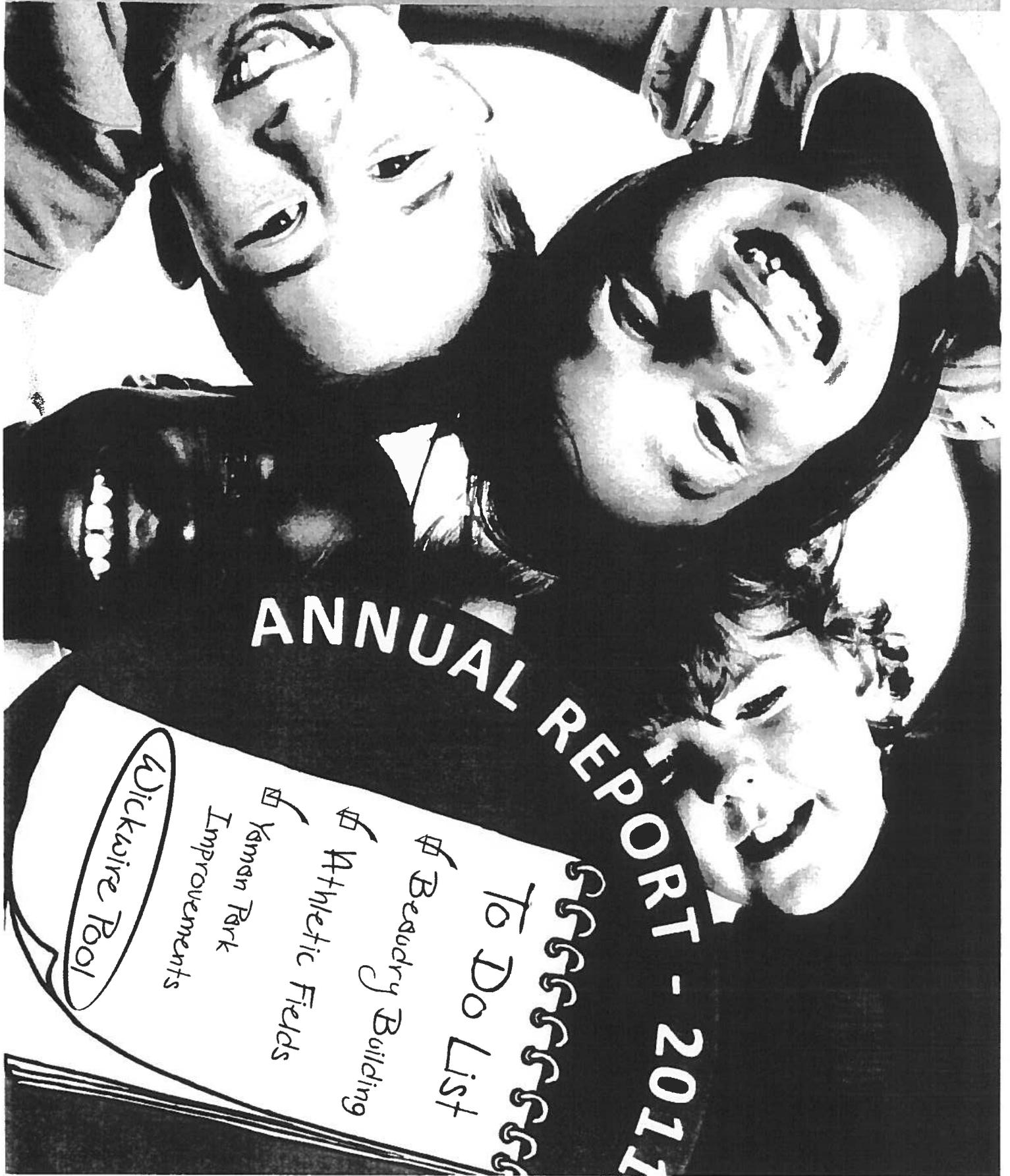
CORPORATE HEADQUARTERS
515 Broadway
Albany, New York 12207-2964
Tel: 518-257-3000
Fax: 518-257-3100

NEW YORK OFFICE
One Penn Plaza, 52nd Floor
New York, New York 10119-0098
Tel: 212-273-5000
Fax: 212-273-5121

BUFFALO OFFICE
539 Franklin Street
Buffalo, New York 14202-1109
Tel: 716-884-9780
Fax: 716-884-9787

WEB
www.dasny.org

CORTLAND YOUTH BUREAU



ANNUAL REPORT - 2011

To Do List

- Wickwire Pool
- Kaman Park Improvements
- Athletic Fields
- Beauty Building
- Beaudry Building

Our Mission Statement

The Cortland Youth Bureau will provide our community the opportunity to participate in a wide variety of recreational and educational programs. We will strive to provide the highest quality programs and facilities through strong and imaginative leadership. It is our desire to combine a positive environment with a rewarding experience.

Contact Us

Cortland Youth Bureau
35 Port Watson Street
Cortland, New York 13045
P: 607-753-3021
F: 607-753-3023
www.cortland.org/youth

Advisory Board Members: Chairman: Robert San Jule, Vice Chairman: Thomas Steele, Cynthia Eberhart, Allison Schaap, Andrea Tobin, Morgan Pudney, Aaron Baier, D.J. Van Gorder, Mary Wright, Krissy Gambitta



Top Row: Callie Doyle, John McNeerney, Andrea Piedigrossi, Matt Marcey
Bottom Row: Cecile Scott, Lou Anne Barrington, Heather Johnson, Erica Danega

PARKS • RECREATION • YOUTH SERVICES

Highlights of 2011....

118 Programs. 48 Facilities. 6 City Parks. Over 20,000 participants.

Youth Sports & Recreation

3,647 community members participated in youth and adult athletic leagues in 2011. 13,964 used Wickwire Pool to cool off during the hot summer days of 2011 and over 24,000 visited Yaman Beach.

SUNY Cortland

Linking SUNY Cortland and the Youth Bureau through educational presentations, hiring students, internships, AmeriCorp, and attending on-campus events.

Prom Dress Drive

2011 marked the Youth Center's 3rd Year holding a prom dress giveaway program. During the course of the year we provided 30 young girls with dresses. So far in 2012 we have received over 400 donated dresses and given away over 70.

G.E.D.

In 2011, the GED program reached a milestone with over 1,000 young people earning their high school equivalency diplomas. Many of the graduates continued their education at the college level while others found better jobs or opportunities for training programs, thanks to having secured their diplomas.

"11 in 11"

"11 Cabanas in 2011" project at Yaman Park. Local contractors and donations allowed all 11 cabanas at Yaman Park to receive new roofs as well as the pump house and storage shed. The project was led by the charge of the 2011 Cortland Leadership Class.

East End Community Center

The EECC continued to operate in 2011 even without an actual facility. Board members worked hard to produce a second edition of the center's cookbook and a 2012 Cortland Sports Calendar. The board also sponsored the 4th Annual Citywide Holiday Lighting Contest that saw participation from all 8 wards.

Tobacco-Free

City of Cortland Tobacco-Free park facilities policy was approved by the common council on July 5th, 2011

Music Matters

This year the Youth Center added a number of components to the music program. During 2011 we began loaning our refurbished instruments to youth. Throughout the year we loaned out eight guitars and amps to kids. Band night brought in an average of 52 kids each month. We also offer guitar, drum, piano, and voice lessons.

Youth Center

The Youth Center offers a wide variety of activities and events for young people: field trips, game tournaments, tutoring, guest speakers, music lessons, art work, craft projects, job search assistance, volunteer opportunities, and our kitchen program. There were 1,523 free meals provided throughout 2011.

"WHERE THE BENEFITS ARE ENDLESS"

GIVING BACK...

BOB SANJULE

Bob Sanjule has been on the Cortland Youth Bureau Advisory Board for 32 years. He has a great passion for recreation and that was the reason he joined the Advisory Board in 1980. His knowledge and advice to better the recreation in our community is very well respected. Aside from giving us his time, he volunteers at the hospital 3 days a week, has been on the High School booster club since 1978 and has been the treasurer for the University Club since 1984. He is proud of what the Youth Bureau has to offer and loves to see what each staff member works on every month to keep their programs successful. We thank Bob Sanjule for the 32 years of service he's given us and look forward to many more.

CINDY EBERHART

Cindy Eberhart, a former Sr. Account Manager for the Cortland Youth Bureau has been on our advisory board for 31 years now. After Cindy had left the Youth Bureau in 1979 to better her career, she was invited by the Mayor to be an official advisory board member for the Cortland Youth Bureau. Cindy couldn't think of a better way to still be involved, so she joined in 1981. Aside from being the current Executive Director of the United Way she still has the time to give her wisdom and input to us which is extremely valued. When asked what she's been most proud of during her time served, she stated that she is proud of all of the outdoor activities that the Youth Bureau has to offer. One big accomplishment for the board and the previous director was the creation of the Youth Services. Cindy takes pride being on the board and stated, "I've enjoyed my time here so much that it doesn't seem like it's been 31 years. I'm honored to be a part of it."



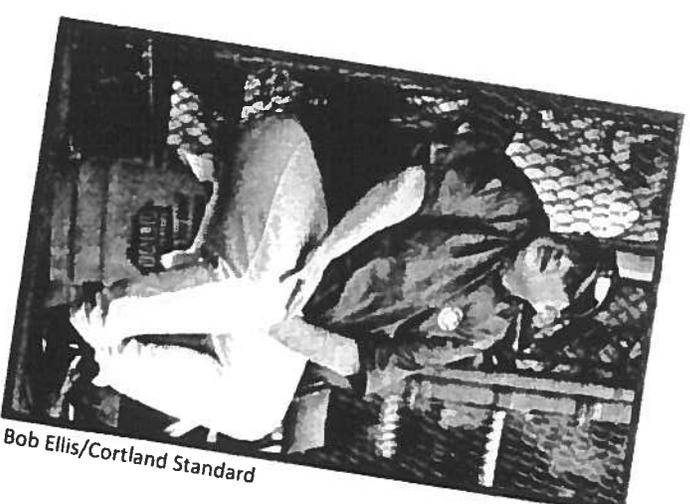
TOM STEELE

During the time that Tom Steele taught Physical Education at SUNY Cortland, he decided that he wanted to become more involved with the community. That's when he joined the Cortland Youth Bureau Advisory Board over 25 years ago. Since the beginning, Tom's insight and dedication given to us has been very much valued. Tom stated that his most proud moment while serving on the board was during the time that the building of the Youth Bureau at 35 Port Watson was built. He explained that the kids in the community didn't have anywhere to go and their goal was to change that. He continues to be proud of what the Youth Bureau does and stated that the number of people served at the Youth Bureau is phenomenal. We thank Tom for the 25 plus years that he's given us.

PARKS • RECREATION • YOUTH SERVICES

JOHN TOBIN

John Tobin has spent his whole life living in Cortland and feels fortunate to have been able to live in a community where so many activities are offered by the Cortland Youth Bureau. John grew up going to Suggett Park every day as a kid participating in the programs led by the park leader. Little did he know that he would one day become a park leader himself. That was just the beginning for John and his involvement with the Cortland Youth Bureau. He would go on to coach t-ball, work before & after school programs, coach and supervise 4th, 5th and 6th grade basketball and has coached and supervised small fry football for over 30 years. John has been actively involved in the baseball and softball community and has served as league president for 10 years. Aside from all that he does for the Youth Bureau, John also teaches at Parker Elementary School where he will be retiring from this year. At the High School he coached Varsity and JV football and Modified, JV and Varsity baseball. When asked what his most favorite memory has been with the Cortland Youth Bureau he stated, "Nothing can beat the relationships I've had with the kids."



Bob Ellis/Cortland Standard

"Volunteers are not paid - Not because they are worthless, but because they are priceless"

-Author Unknown

MARY LOU BORDWELL

Mary Lou Bordwell has lived in Cortland her whole life, and grew up just a block away from Dexter Park. As a child, Mary Lou went to Dexter Park every single day and remembers all of the great times that she had there. Mary Lou taught Physical Education and coached for 33 years. She has been volunteering her time since she was in high school, but now that she is retired she has found more time to give back to the community. Some of her recent projects include: painting and cleaning up the Dexter Park building every year for the past six years and also taking care of the Jim Partigianoni flowers. She also purchased blinds out of her own pocket for the building. Mary Lou realizes that times are tough and that there isn't a lot of funding, so she believes that donating her time can make a significant difference. She hopes and encourages others to donate their time as well. She stated that she will continue to donate her time as long as she is physically able to do it. We can't thank Mary Lou enough!

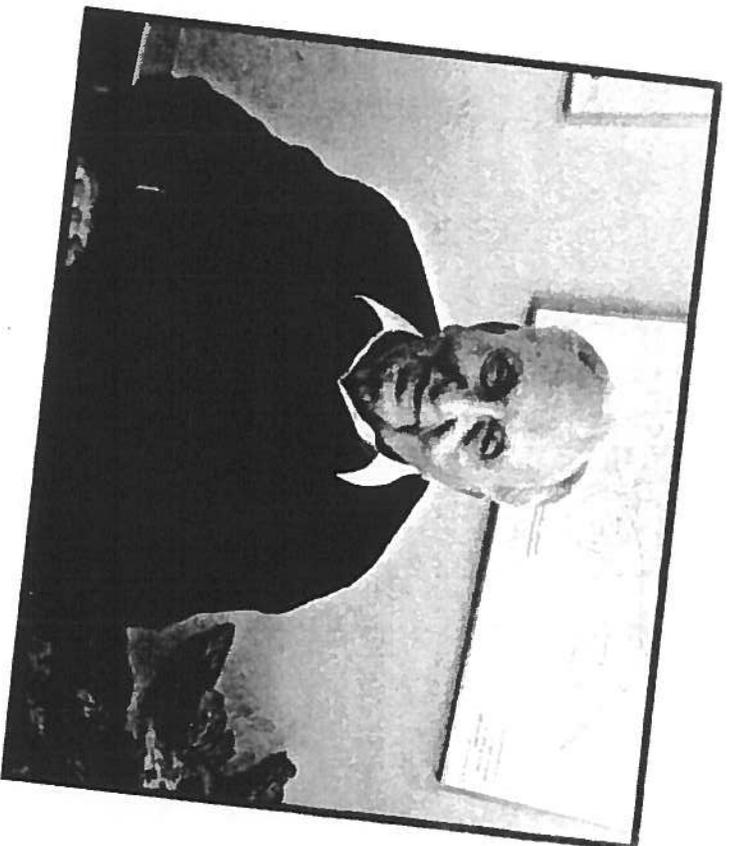


Bob Ellis/Cortland Standard

"WHERE THE BENEFITS ARE ENDLESS"

JAMES J. YAMAN

James J. Yaman has been a Cortland County native since 1919 and has spent his whole life in the Homer/Cortland communities. He is the founder of Yaman Real Estate and has successfully been the leading real estate agency in Cortland for 65 years. He continues to work seven days a week. In 1967, Jim Yaman dedicated the park to his father, Deib Joseph Yaman, who arrived from Lebanon in 1907, whose devotion to family life and love of children is typical of the many fine qualities displayed by the immigrants who settled in Cortland County. The land was donated by James J. Yaman to be used by the families and children of the City of Cortland. Since then, Jim has made generous donations over \$400,000.00 dollars to the city of Cortland to better the park. At one point Yaman Park used to charge a two dollar parking fee. Mr. Yaman strongly believed that the park should be free to everyone to enjoy, so he gave a \$10,000 dollar donation under the condition that the park be free for everyone, so the fee was waved. Mr. Yaman truly loves the city and community of Cortland and has always been willing to give back and help in any way that he can. When asked what motivates him to give back to the community, he simply responded by saying, "It's not about giving back; it's more about just sharing what I have."



Yaman Offers City \$10,000 to Keep Park Free

By L. ESTER DORRIST

The Park Board, Albany, Tuesday announced that it will accept a \$10,000 donation from James J. Yaman to keep the park free for everyone to enjoy.

The park, which was donated to the city by James J. Yaman in 1967, has been a popular spot for many years. The park is located in the city of Cortland and is used by many families and children.

Mr. Yaman, who is the founder of the Yaman Real Estate Agency, has made many generous donations to the city of Cortland. He has always been willing to give back to the community and help in any way that he can.

The Park Board will accept the donation from Mr. Yaman and will use the money to keep the park free for everyone to enjoy. The board will also use the money to improve the park and make it a better place for everyone to enjoy.

Mr. Yaman said that he was glad to hear that the park would be kept free for everyone to enjoy. He said that he had always wanted to see the park improved and that he was glad to see that the city was doing so.

The Park Board will also use the money to improve the park and make it a better place for everyone to enjoy. The board will also use the money to make the park more accessible to everyone and to make it a more enjoyable place for everyone to visit.

The Park Board will also use the money to make the park more accessible to everyone and to make it a more enjoyable place for everyone to visit. The board will also use the money to make the park more accessible to everyone and to make it a more enjoyable place for everyone to visit.

PARKS • RECREATION • YOUTH SERVICES

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Cascade Helmets

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Cortland Antique Auto Club

Cortland Branch AAUW

Cortland City PBA

Cortland City School District

Cortland County Health Department

Cortland County Master Gardeners

Cortland County Mental Health Assc.

Cortland County Youth Bureau

Cortland Community Service Club

Cortland Dry Cleaning

Cortland Eagles

Cortland Elks

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Contributors to Music Matters

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VFW Local #1326

Victory Promotions

Jerry Walsh Family

Wal-Mart Foundation

Wrights Unique Gifts & More

James Yaman

“WHERE THE BENEFITS ARE ENDLESS”

Wish List:

- Wickwire Pool Renovation
- Showmobile
- New fences at Dexter * Randall
- Youth Center Passenger Van
- Picnic Tables
- Randall Tennis Courts
- New park equipment
- Accessible Swing at Suggett

Contribute to the health and well
being of our programs by donating
to the Cortland Youth Bureau:

Make checks payable to:

Cortland Youth Bureau
35 Port Watson Street
Cortland, NY 13045

To; Mayor and Members of Common Council
From: Mack Cook
Re: Resolution to authorize the submission of local government efficiency grant
Date: June 28, 2012

Included on the July 3rd agenda is the following resolution presented for consideration:

Consideration of a Resolution to authorize the submission of 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 thirty thousand (\$50,000) dollars to fund the analysis and migration of the City Health Care Plan to a local government health care consortium.

The current State Budget has \$40 million dollars in grant opportunities for competitive awards to recognize local governments that have achieved significant and innovative actions to improve efficiency and performance. Local governments must demonstrate “quantifiable recurring financial savings, efficiencies and permanent improvements to municipal services”

The City is engage in discussion with representatives of the Greater Tomkins County Health Insurance Consortium. This Consortium is an entity created by the Tompkins County Council of Governments. The goal of the Consortium is to provide affordable health insurance to its employees and eligible retirees, prescription drug coverage, and, when applicable, ancillary benefits to its members without diminishing benefits.

Currently 13 of the County's 17 municipalities have joined the Consortium and have received its Certificate of Authority from the New York State Insurance Department.

The Joint Committee on Plan Structure and Design, made up of municipal representatives and bargaining unit representatives, examines development of the health benefits consortium, through which the County's municipal employers, if they desire, could pool their employee health benefits programs. This committee explores topics in depth and makes recommendations to the Board of Directors.

The intended purpose of the grant award is to fund the actuarial analysis of a migration to the consortium on the City's OPEB liability, the services of the City's benefit consultants and the cost of legal services incurred for health insurance issues related to the City's collective bargaining units.

Respectfully submitted,

Mack

To: Mayor and Members of Common Council,
From: Mack Cook
Re: Highgate LLC Bankruptcy (Crown Nursing Home)
Date: June 26, 2012

The following agenda item will be presented for consideration at the July 3, 2012 Council meeting

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 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.

On Monday June 25th the City received notice that Highgate LTC Management LLC has filed for Bankruptcy under the Chapter 11 (Reorganization). Highgate does business locally as Crown Center for Nursing at 28 Kellogg Road.

As of Monday the company owes \$206,881 in 2012 property taxes. School taxes for 2012 have not been levied. For discussion purposes only the \$206,881 will be considered to be owed equally to the City and County. School taxes are estimated for this discussion to be \$150,000. The taxable value of the property is \$5,825,900. (Actual number)

As a refresher, the City, as the collector of County and School taxes on properties within the City is mandated to remit the levied taxes to the County and School regardless of collection. Therefore, the City will be remitting, \$103,000 to the County for 2012 and \$150,000 to the School well before, or if, those taxes are received. In other words the City carries the burden of unpaid taxes. Therefore at this point in time the City's has incurred a \$350,000 negative impact on its fund balance. (Loss of \$100,000 in revenue and \$250,000 in cash outflow)

However, should the property be listed on the August 31, 2012 preliminary tax rolls the City would be obligated to pay the 2013 County and School taxes regardless of receipt further damaging the fund balance.

Dave Briggs and I are currently pursuing two alternatives for Council's consideration. The first is removing the property from the tax rolls until such time as it can be determined if the Company can successfully reorganize and have the financial capability to fulfill its obligations to pay taxes. The downside is that the City will be foregoing \$100,000 in annual tax revenues for those tax years that the property remains off the tax rolls. The alternative is to keep the property on the tax rolls and absorb the annual \$250,000 payment to the County and School if taxes are not collected.. As of August 2nd of this year the City will out \$500,000 dollars.

The second alternative, which will required substantial cooperation among the City, School and County in addition to appropriate assurances from each entity's legal representatives that New York law permits

this, is to keep the property on the tax rolls with the agreement that the County and School will not seek payment until such time as the taxes have actually been received from the taxpayer. As of this memorandum the legal complexities of this alternative are being researched.

However, given that the a resolution to remove the property must be enacted by July 31, 2012, it maybe be logistically impossible to act on Alternative Two, should it be found that it is even legally possible. Therefore I am recommending that Council approve the resolution. Should it be subsequently resolved that Alternative Two is legally possible and the School, County and City reach an agreement the property can be returned to the tax rolls for 2013.

Respectfully submitted,

Mack

To: Mayor and Members of Common Council

From: Mack Cook

Re: Resolution to authorized a grant application for \$200,000 to be leveraged with Cortland Repertory Theatre's \$300,000 match to complete Phase II of construction projection project.

Date: June 27, 2012

On the July 3rd agenda a resolution will be presented for consideration a resolution to authorize Cortland Downtown Partnership to submit an application for a Rural Area Revitalization Grant for funding to be used towards construction of the Repertory Theater.

The purpose of the Rural Area Revitalization Projects (RARP) program is to provide financial/technical resources to New York communities for the restoration and improvement of housing, commercial areas and public/community facilities in rural communities. RARP will provide grants to not-for-profit community based organizations and charitable organizations that have a direct interest in improving the health, safety and economic viability of a rural area or other aspects of the area environment that are related to community preservation or renewal activities. RARP provides applicants flexibility in determining the exact nature of their revitalization efforts and program priorities

The grant application is for \$200,000, the maximum amount possible under this program.

Respectfully

Mack