



City Council Minutes  
The City of Cortland  
August 7, 2012

Council Meeting #14  
August 7, 2012  
Public Hearing and Regular Session  
City Hall  
6:30 PM

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

Staff Present: Director of Administration & Finance Mack Cook and City Clerk Judith Chamberlin

Public Hearing

Mayor Tobin opened the Public Hearing at 6:30 PM on the City of Cortland's Local Law No. 1 of 2012 – Rental Registry Permit Law Amendment

James Reeners, a member of the Housing Committee, spoke about his review of this law and noted some changes he'd like to have made to it to strengthen it. He stated that this law is needed. He recommended that another public hearing be scheduled if the changes that he gave to the Mayor are made to this law and hoped that it's passed soon.

Mayor Tobin stated that he would distribute copies of the recommended changes to the Council and City Administration for review.

Steve Muka stated that he has reviewed the proposed law and has also noted some small changes that he would like to recommend. He outlined some concepts for consideration. He noted that he would like to see the Zoning Board of Appeals have the ability to allow for an appeals process so that a landlord could appeal the revocation of a permit. He also noted that revocation of a rental permit should be in writing and that a definition of "nuisance property" be included in the definitions section. He suggested a wording change from tenant to owner in the section regarding disabling of carbon monoxide detectors. He also suggested that consideration be given to issuing a partial permit to encourage investors to purchase and upgrade properties.

There was no one further to speak and therefore Mayor Tobin closed the Public Hearing at 6:42 PM.

Regular Session

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

## PLEDGE OF ALLEGIANCE

### Public Comment

Tom Gobel commented on the July 28 assault on Main Street. He asked if cameras could be installed on Main Street for additional safety and as an aide to the Police Department.

Ruth Grunberg spoke about finances and the issue of trust funds. She thanked Director of Administration and Finance Cook for posting to the City website a listing of trust funds transactions. She noted that the public should be more informed about trust funds. She also asked the Council's support for the fund request being made by the Cable Commission for the purchase of equipment. She noted that this will allow continuation of public access television.

### **RESOLUTION #140** OF 2012 – Minutes of July 17, 2012.

By: Alderman Ferrer  
Seconded: Alderman Quail

Approved: Ayes - 6  
Nays – 0

Bills were reviewed.

### Ward Reports

#### Ward 4 – Alderman Bennett

Alderman Bennett noted the hope of the closing off of the walk-through between Warren and Pearl Street before college starts. He reported that the College has given permission to go ahead and use their posts to install a fence to eliminate parking and pedestrian issues on Pearl Street. He noted that SUNY has informed them that construction will begin on the Student Life Center in late October or early November. He noted that other than the Jets being in town, his Ward is quiet.

#### Ward 1 – Alderman Bird

Alderman Bird has received a few comments. She noted a report of weeds in Dry Creek and that the DPW will knock them down. She also received a concern about parking on Van Hoesen. She personally contacted the residents and the majority indicated that they would like the parking to remain as it is. She received a comment regarding the removal of a tree on Hamlin Street and Public Safety reported that it will be removed by National Grid, but a date has not been set for removal.

Alderman Bird reported that the Image Committee will meet on Thursday, August 9 at 6:30 PM.

### Ward 3 – Alderman Dye

Alderman Dye reported on the Ward 1, 2 & 3 joint Ward meeting. He asked that if residents see any suspicious or questionable activity to notify the Police Department. Alderman Bird noted that attendance at the meeting was good and many concerns were expressed.

### Ward 7 – Alderman Ferguson

Alderman Ferguson reported that she had received a complaint regarding lights at Dexter Park as well as baseballs landing on private property which could result in damage. A meeting was held with City officials and these issues are now being worked on. Alderman Ferguson noted that residents have indicated that they would like to see the Council members express their personal views on issues by having more discussion during meetings. Alderman Ferguson announced that she is organizing a Ward meeting to discuss the future of Dexter Park and will announce the date and time of that meeting soon. She thanked Marietta for relocating their tanker trucks that had been casting glare reflections into Elm Street neighbor's homes.

### Ward 6 – Alderman Ferrer

Alderman Ferrer reported that his Ward has been quiet and noted that he will be working on a complaint that he received this evening.

### Ward 5 – Alderman Quail

Alderman Quail reported that he will be holding a Ward meeting on Thursday, August 16 at 6:30 PM at the TC3 Extension Center. He noted that the main topic will be Neighborhood Watch, but discussion will be had regarding other pertinent City issues. He reported that his Ward has been mostly quiet. He noted that there have been some reports of barking dogs which have created some challenging community issues and he will continue to work on that.

### Mayor's Report

Mayor Tobin reported on the Jets welcoming event. He noted that it was well received and the event was well attended. He reported that many contributed to making the event a success on such short notice. He noted that he would like to see the event organized again for next year, but hopes to expand activities so that attendees can enjoy Downtown more.

Mayor Tobin reported that he attended Access for Independence's picnic in celebration of American's with Disabilities Act and just before the event began, a large limb from one of the trees in the Court House Park fell off. He has asked the Landscape and Design Committee to meet and evaluate the condition of the trees that are on City property. He has asked them to make recommendations as to whether some trees should be taken down and which varieties of trees should be planted that will be suitable replacements in

those locations. He reported that there were no injuries or damage, but he is concerned about safety.

Mayor Tobin noted that Alderman Bennett had reported on the closure of Warren Street, which will decrease the issue of parking and noise pollution in that neighborhood. He noted that it will be safer for pedestrians.

Mayor Tobin reported that he met with the Superintendent of Public Works regarding the water retention pond at the Water Works. He noted that this was also discussed at a Ward meeting. He announced that a Public Hearing will be scheduled on August 21, 2012 to provide public information and to hear some concerns from the public about the water retention pond and what is being proposed to prevent flooding on the North end of the City. He is looking forward to having a tangible resolution to this long time issue.

Mayor Tobin reported that a meeting was held regarding fundraising for the Wickwire Pool. More information will be provided in the future.

Mayor Tobin reported that representatives from Access to Independence, YWCA, Family Counseling Services will attend the next Council meeting to make a presentation about their Cortland Community Mentors Program. He explained that it's a mentoring program of community youth who are looking for role models.

Mayor Tobin noted that the Image Committee is moving forward on the crow issue. He explained that he's also looking to form a Codes Commission and Aldermen Ferguson and Ferrer will be involved in that along with others.

Mayor Tobin reported that the issue of cameras on Main Street has come up a number of times and he expressed support for this. He explained that he has spoken with the Police Chief and Deputy Police Chief and noted that it could greatly assist the police force to build better cases, and to be a deterrent, as well as to assist in tracking down suspects.

Alderman Ferrer commented that he has spoken with the David Eman from College Security. He reported that the College has over one hundred (100) cameras in use and Mr. Eman noted that campus crime has gone down.

Mayor Tobin stated that in many cases things are already being recorded by today's technology and that the City should explore the opportunity to report things to help enforce the law and to ensure safety to residents. He noted that preliminary discussions have taken place regarding fire pull boxes and how there are other cost effective options to alert emergency services in the event they're needed. He echoed District Attorney Suben's comment of, "Don't give up the streets." He stated that residents should not live in fear due to an occasional incident, but asked that they report concerns.

Mayor Tobin added two (2) Executive Sessions to tonight's agenda. He noted that the two (2) topics were, potential litigation for two (2) issues and discussion regarding the tenure of two (2) retiring employees.

Alderman Bird thanked all of the volunteers who came out for the clean up day on July 21 prior to the arrival of the Jets. She also thanked Bruce Adams for conducting the tour of the Waste Water Treatment Plant for Council members.

Alderman Quail reported that past Alderman Leonard built and replaced some benches by the Blue Frog at his own expense. Alderman Dye thanked Aldermen Bennett and Silliman for the installation of the signs directing visitors to Downtown.

PINK SHEET Sign Off

**AGENDA:**

Item No. 1 – Presentation of the 2011 Audited Financial Statements by the City Auditors, the Bonadio Group.

Mayor Tobin introduced Auditor Randall Shepard, who made the presentation. Mr. Shepard reported that the audit report statements had been thoroughly reviewed last week with the Audit Review Committee of the City Council. He explained various changes and estimates made and then explained the auditor's comments. He noted that no audit adjustments were necessary this year and that numbers being received monthly from the Finance Department are accurate. Auditor Shepard explained that the Management Letter dealt with internal controls to make sure that these controls are designed and operating correctly. He reported that no internal weaknesses were found. He noted that the two (2) items the Council should consider are actuarial assumptions regarding post employment benefit obligations and the discount rate that's used which is four (4) percent. He also noted that the other comment was in regards to the lack of a formal written credit card policy and procedures. He asked that the Council formalize their policy and distribute it to all employees.

Auditor Shepard reviewed the auditors' report and explained to the Council the various financial statements.

**RESOLUTION #141 OF 2012 – Resolution to accept the 2011 Audited Financial Statement by the City Auditors, the Bonadio Group.**

By: Alderman Quail  
Seconded: Alderman Ferrer

Approved: Ayes – 6  
Nays – 0

Item No. 2 – Consideration of a Resolution to adopt a City of Cortland Policy Regarding Use of City-issued Credit Cards as recommended by the Bonadio Group, City Auditors. (Mack Cook)

Mayor Tobin noted that this would be a discussion of a proposed policy regarding the usage of City-issued credit cards. He explained that not every City employee had a credit

card, but a short list of Department Heads and sub-Department Heads which are utilized in certain instances. He outlined the proposed policy.

Alderman Quail expressed a concern regarding the statement about holding an employee's paycheck. Alderman Ferguson asked that this be continued as a discussion item. Alderman Bennett noted that he would also like to review this and discuss it further. Alderman Bennett asked if the issued credit cards had limits. Director of Administration and Finance Cook indicated that they did. Alderman Ferguson asked if receipts were turned in on a monthly basis. Director of Administration and Finance Cook noted that they did and card usage would be reported monthly.

Item No. 3 – Discussion regarding rental of office and training facilities at the Armory to Madison/Cortland ARC. (Mack Cook)

Director of Administration and Finance Cook reported that the City had been approached by Madison/Cortland ARC to rent on a monthly basis an office (which is available) plus use of our training facilities subordinate to any City use. He reported that the rental amount would be five hundred (\$500) dollars per month plus they would take over janitorial services in the building as well as full responsibility for shoveling snow from the front sidewalks. He explained that the office space is vacant due to a pending retirement and noted that the City Police and the Volunteer Fire Department did use the training space. He reported that he had spoken with both the Volunteer Fire Department and the Police Department and to his knowledge, there is no interference and there are no objections.

Alderman Ferrer explained that when he heard of this proposal, he approached the Board of Engineers of the Volunteers and there was no opposition to this proposal and they look forward to the help with the janitorial items. He explained that there is a kitchen area that can be shared by all. Alderman Ferguson asked where the five hundred (\$500) dollars would be utilized. Director of Administration and Finance Cook explained that it would go into the General Fund. Alderman Quail asked if there was any liability. Director of Administration and Finance Cook explained that they would have to provide the standard million dollar policy coverage indemnifying the City. He also noted that the City is required to maintain heat in the building during the winter and currently the building is underutilized by the City during the daytime hours. He explained that the rental income would offset some of the expense of heating the building and a copy of the rental agreement would be provided to the Council for their review before they make their decision.

Alderman Ferrer explained that they would be utilizing the meeting room at the Armory for their training and the office space would be the area currently used by Rob Avery who is retiring. Alderman Bird inquired about Ward 1's ability to use that room as a polling place. Director of Administration and Finance Cook explained that the proposed use would be subordinated to any usage the City required of the space. Alderman Ferrer explained that the use of the area by the Volunteers was in the evening.

**RESOLUTION #142** OF 2012 - Resolution to authorize and direct the Mayor to file an application for funds from the New York State Office for Community Renewal under the U.S. Dept. of Housing and Urban Development's Small Cities Community Development Block Grant (CDGB) for fiscal year 2012, in an amount not to exceed four hundred

thousand (\$400,000) dollars and to authorize the Mayor to sign said application on behalf of the City and upon approval of said request, to enter into and execute a grant agreement for such financial assistance with the State subject to review by Corporation Counsel. (Thoma Development)

By: Alderman Ferrer  
Seconded: Alderman Bird

Approved: Ayes – 6  
Nays – 0

**RESOLUTION #143** OF 2012 - Resolution to authorize an expenditure of three thousand five hundred (\$3,500) dollars by the Cable Commission for the purchase of telecast equipment to be used to record programs to be aired on public access television Channel 2 (i.e. Common Council meetings, etc.). (Dick Menapace)

Alderman Quail asked if Cortlandville was sharing the cost. Mayor Tobin explained that the original request was thirteen thousand (\$13,000) dollars which was going to be paid by a one (1) cent charge by the cable company. Director of Administration and Finance Cook explained that did not come to fruition which left the Cable Commission with dated equipment. He explained that Cortlandville has stepped forward to cover half the cost of updated telecast equipment and they are looking to the City, as the other major user of the service, to provide the other thirty-five hundred (\$3,500) dollars. He noted that a list of equipment had been provided. Mayor Tobin read the list of equipment and itemized cost to the Council.

Alderman Bennett asked if Time Warner was going to contribute. Director of Administration and Finance Cook explained that they weren't under any legal obligation to do so. Alderman Bennett expressed disappointment that Time Warner Cable wouldn't help the locality. Alderman Ferguson noted that many in her Ward used the public access channel to watch the Council meetings and she supported the update in equipment. Alderman Dye asked if the Council had to rescind the resolution made in March for a loan of thirteen thousand (\$13,000) dollars. Director of Administration and Finance Cook stated that the resolution was contingent upon the franchise agreement being in place and with that not being in place, that resolution, by its own terms, is not in place. Alderman Ferrer wanted to be sure that the City had the funds to provide for this.

By: Alderman Quail  
Seconded: Alderman Bennett

Approved: Ayes – 6  
Nays – 0

Mayor Tobin noted that volunteers gave of their personal time to record the Council meetings and he thanked them for their hard work.

**RESOLUTION #144** OF 2012 - Resolution to approve a request to close Pearl Street from 4 Pearl Street to 12 Pearl Street for the Annual Pearl Street Picnic to be held on September 3, 2012 from 8:00 AM to 5:00 PM. (Mayor Tobin)

By: Alderman Ferrer  
Seconded: Alderman Bennett

Approved: Ayes – 6  
Nays – 0

**RESOLUTION #145** OF 2012 - Resolution to approve a request to close Euclid Avenue from the medical center driveway to the end of the street for the Annual Euclid Avenue Picnic to be held on August 18, 2012 from 11:00 AM to 8:00 PM. (Alderman Ferrer)

By: Alderman Ferrer  
Seconded: Alderman Bird

Approved: Ayes – 6  
Nays – 0

**RESOLUTION #146** OF 2012 - Resolution to approve a request to close Brown Avenue from 4 Brown Avenue to 20 Brown Avenue for the Brown Avenue Block Party to be held on August 26, 2012 from 1:00 PM to 5:00 PM. (Alderman Silliman)

By: Alderman Ferrer  
Seconded: Alderman Bird

Approved: Ayes – 6  
Nays – 0

**RESOLUTION #147** OF 2012 - Resolution to authorize the Mayor to enter into a contract with Phillips Lytle, LLP for the 2011 *IN REM* process and authorize Mayor Tobin to sign the contract subject to review by Corporation Counsel. (Mack Cook)

Mayor Tobin noted that this was a continuation of an agreement and noted a good working relationship with Phillips Lytle, LLP.

By: Alderman Ferrer  
Seconded: Alderman Quail

Approved: Ayes – 6  
Nays – 0

Item No. 10 - Discussion regarding the purchase of high speed turbo blowers and air distribution equipment for an upgrade to the Wastewater Treatment Plant. (Bruce Adams)

Bruce Adams introduced John Peterson of Cedarwood Engineering. Bruce Adams outlined the scope of the project and the energy cost savings at the plant. Mayor Tobin asked about effective cost savings.

Mr. Adams indicated that in cost savings alone there would be a less than seven (7) year payback as well as savings associated with lower maintenance costs. He noted that they would also be eligible for a NYSEERDA rebate associated with the energy savings. He explained that the City Waste Water Plant was sought out to participate.

Mr. Adams felt that the number provided in the handout were very good in terms of the project costs. Mr. Peterson agreed with that. Mr. Adams noted that the Deputy Chief Operator was very good at utilizing plant staff resources to do projects to save the plant a large amount of money. He gave some recent examples. Alderman Bennett asked about plant malfunctions number. Mr. Adams explained he had arrived at the number by querying the budget database. He noted that the typical malfunctions had to do with blower vibrations and control system problems also caused by vibration. He noted that they anticipated not having those types of problems going forward.

Alderman Bennett asked if this would be paid for by bonding. Mr. Adams explained that payment would come from unexpended funds from the 2006 bond issue, which the City was already paying interest on.

**RESOLUTION #148** OF 2012 - Resolution to approve the Mayor's appointment of Jaroslava Prihodova to the Landscape and Design Commission to fill a current vacancy for a term ending January 31, 2013. (Mayor Tobin)

Alderman Ferrer inquired about a recommendation versus an application as had been done in the past. Mayor Tobin indicated that he would follow up on that suggestion.

By: Alderman Quail  
Seconded: Alderman Bird

Approved: Ayes – 6  
Nays – 0

**RESOLUTION #149** OF 2012 - Resolution to amend the City Code of Ordinance Section Article XVII – Section 11-165 – (B)(1)(b) – to omit: (Tom Tobin)

Port Watson Street – North - 160± feet east from the east curblineline of Pendleton Street

Port Watson Street – South - 50± feet east of the east curblineline of Pendleton St. as recommended by the Public Safety Commission.

Mayor Tobin noted that these are housekeeping items referenced to changes made earlier in the year. He explained that these are not changes, but what is currently in place, but were unintentional omissions in that long list which was passed back in April.

By: Alderman Ferguson

Seconded: Alderman Ferrer

Approved: Ayes – 6  
Nays – 0

**RESOLUTION #150** OF 2012 - Resolution to amend the City Code of Ordinance Section Article XVII – Section 11-165 – (B)(1)(b) – to add: (Tom Tobin)

Clinton Avenue – Southeast - 100± feet; from 50± feet northeast of the east curblines of Church Street to 150± feet northeast of the east curblines of Church Street

Clinton Avenue – East - 110± feet; from 40± feet south of the south curblines of Sheridan Drive extended to 35± feet north of the north curblines of Sheridan Drive extended

Clinton Avenue – West - 100± feet; from 45± feet north of the north curblines of Morningside Drive extended to 25± feet south of the south curblines of Morningside Drive extended

Port Watson Street – North - 182± feet east of the east curblines of Pendleton St

Port Watson Street – North - 133± feet; from 182± feet east of the east curblines of Pendleton Street to 315± feet east of the east curblines of Pendleton St

Port Watson Street – South - 133± feet east of the east curblines of Pendleton Street to the east curblines of Pendleton Street

Port Watson Street – South - 265± feet; from 133 ±feet east from the east curblines of Pendleton Street to 398± feet east of the east curblines of Pendleton Street

Port Watson Street – South - 340± feet; from 40± feet east of the east curblines of Hyatt Street to 380± feet east of the east curblines of Hyatt Street

Port Watson Street – North - 435± feet; from 50± feet east of the east curblines of East Avenue to 70± feet west of the west curblines of River Street

Port Watson Street – South - 125± feet; from 40± feet west of the west curblines extended of River St to 50± feet east of the east curblines of River St

Clinton Avenue – Northwest - 90± feet; from 40± feet southwest of the west curblines of Washington Street to 50± feet northeast of the east curblines of Washington Street

Clinton Avenue – Northwest - 225± feet; from 145± feet northeast of the east curblines of Grange Place to 40± feet southwest of the west curblines of Grange Place

By: Alderman Ferrer  
Seconded: Alderman Bennett

Approved: Ayes – 6  
Nays – 0

**RESOLUTION #151** OF 2012 - Resolution to amend the City Code of Ordinance Section Article XVII – Section 11-166 – (A)(1) – to add: (Tom Tobin)

Tompkins Street – North – 85 ± feet from 45 ± feet east of the east curbline of Reynolds Avenue extended to 130 ± feet east of the east curbline of Reynolds Avenue.

By: Alderman Bird  
Seconded: Alderman Quail

Approved: Ayes – 6  
Nays – 0

Executive Session

Pending Litigation (2)  
Tenure of Two (2) Retiring Employees

Motion to go into:

By: Alderman Ferrer  
Seconded: Alderman Bird

Approved: Ayes – 6  
Nays – 0

Motion to come out of:

By: Alderman Ferrer  
Seconded: Alderman Bird

Approved: Ayes – 6  
Nays – 0

Adjournment

By: Alderman Ferrer  
Seconded: Alderman Quail

Approved: Ayes – 6  
Nays – 0

**I, JUDITH CHAMBERLIN, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED BY THE COMMON COUNCIL AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 7th DAY OF AUGUST 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**

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**MAYOR TOBIN**