



City Council Minutes
The City of Cortland
August 21, 2012

Council Meeting #15
August 21, 2012
Public Hearings and Regular Session
City Hall
6:30 PM

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

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

Public Hearing

Mayor Tobin opened the Public Hearing No. 1 at 6:30 PM on the City of Cortland's Local Law No. 1 of 2012 – Rental Registry Permit Law Amendment. Chris Bistocchi from the Department of Public Works is here to answer any questions. Mayor Tobin asked if there were any objections to beginning with the Rental Registry Permit Law Amendment, Local Law No. 1. We have a sign up sheet for anyone to speak to this, no one is signed in. The Public Hearing was formally opened for Local Law No. 1 of 2012, the Rental Registry Permit Law Amendment. There was no one signed up. The Mayor asked if there was anyone that would like the opportunity to speak on Local Law No. 1. There was no public comment. Copies of the updated document are on the table. We will close the Public Hearing on Local Law No. 1 of 2012, the Rental Registry Permit Law Amendment at 6:50.

Mayor Tobin opened the Public Hearing No. 2 at 6:30 PM to discuss the Water Detention Pond at the Water Works. He asked if anyone would like to sign up to speak so the Council can hear any issues and concerns. Mayor Tobin noted that the City is moving forward on this project and would like to answer any questions that the public may have. Chris Bistocchi will be able to answer most of them. The Mayor noted anything that we are not able to answer, we are able to go back and get more information and make sure that everyone is aware. Anytime that we are doing something of such importance, we want to make sure the public is informed and has a chance to give feed back.

Mayor Tobin asked if anyone wished to speak. Jo Schaffer asked for an update on the additional things happening on the land just to the South of the berm, which is an additional coverage of 104,000 (one hundred four thousand) square feet of impervious ground just to the West. Jo Schaffer asked if there will be any additional pressure on the berm which may not have been considered in the original design, and if it would be big enough to hold back the retention of the additional pressure from that new building, that's going to be just to the South of the Water Works.

Chris Bistocchi stated the standard retention pond that he and Pat Reeves have designed is capable of withstanding a fifteen year storm. He noted that every fifteen years you're going to receive a storm of a certain volume of water. The berm cannot be any higher than the neighborhoods that are already there. The Water Works can only hold back so much water, and with so much construction going on in Cortlandville, new businesses creating more and more impervious ground, there is no way we can possibly keep up with the water from Cortlandville. The berm will be able to take ¾ inches of water per hour for up to six hours.

Alderman Silliman asked if Chris had visited other cities with similar problems. Chris Bistocchi said he did speak with a gentleman in the Southern Tier, but they have a much higher volume of water than we do and have dams and reservoirs to serve their needs. The highest point of the berm will be 5 feet, nine inches. Chris Bistocchi stated that the berm will not prevent flooding, it will merely reduce the velocity of the flowing water from what is called "nuisance flooding" and slow the water that's getting to the creeks, preventing flooding of the streets in that area.

Alderman Silliman spoke on behalf of the Second Ward letting the Council know that the residents in her Ward are relieved to know that this project is getting started, that they appreciate the efforts on their behalf, and are looking forward to the completion of the project. She asked about replacing the culverts built in the 90's. Chris Bistocchi stated that they have a fifty year life. The culverts were built correctly, just not large enough.

Mayor Tobin noted that Director of Administration and Finance Mack Cook and Chris Bistocchi have found money that was already in the budget and money from bonding so there will be no increase in costs or expenditures.

Chris has been very diligent about this, so a big thanks to Chris and the Public Works Department on this project.

Mayor Tobin asked if anyone else would like to speak on the Detention Pond at the Water Works project. The public hearing on the Detention Pond at the Water Works closed.

Regular Session

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

PLEDGE OF ALLEGIANCE

Public Comment

Mayor Tobin asked if anyone wished to address the Council. No one was present to speak.

RESOLUTION # 152 OF 2012 – Minutes of August 7, 2012.

By: Alderman Bird

Seconded: Alderman Silliman

Approved: Ayes - 7
Nays – 0

Bills were reviewed.

PINK SHEET Sign Off

AGENDA:

Executive Session

Personnel matter

Motion to go into:

By: Alderman Ferguson
Seconded : Alderman Ferrer

Approved: Ayes - 7
Nays - 0

Motion to come out of :

By: Alderman Ferguson
Seconded: Alderman Ferrer

Approved: Ayes - 7
Nays - 0

AGENDA:

Item No. 1 – Presentation by Dave Law of CNY Equipment regarding his State contract with New Holland equipment trade-in program.

Mr. Law handed out information packets to the Council. Mr. Law discussed his proposal of consolidating the City's high-hour, aged equipment. He would like the City to consider replacing three pieces of equipment with one tractor. Ideally, he would like to replace two units a year, greatly reducing the maintenance cost on the equipment.

RESOLUTION # 152 OF 2012 – Resolution to approve the bid award for the Waste Water Treatment Plant Blower Replacement Project to Koester Associates out of Canastota, NY not exceed the amount of \$470,000.00 (four hundred seventy thousand dollars) and to authorize the Mayor to enter into and sign the contract, subject to review by Corporation Council.

Bruce Adams of the Waste Water Department was available to answer questions.

Alderman Bird asked if this was the piece of equipment recently delivered.

Alderman Silliman asked if this was the piece of equipment that needs to be replaced, and the longer it takes to replace it, the more it's costing us.

Mr. Adams stated that the current blowers do take a substantial amount of maintenance to keep them fully functional. It's an important part of the entire Chesapeake Bay Project moving forward. The new blowers will pay for themselves in energy savings and is a required element of the nitrogen removal project.

By: Alderman Ferrer
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

Resolution # 153 of 2012 - Resolution to approve a budget modification to appropriate auction proceeds from the sale of a 2006 Chevrolet Tahoe by the Cortland Police Department, for a total of \$7,000.00 (seven thousand dollars), toward the purchase of a new police vehicle in 2013 as follows: (Deputy Chief Sandy)

A3120.206.00	Operational equipment	\$7,000.00
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By: Alderman Ferrer
Seconded: Alderman Bird

Approved: Ayes – 7
Nays – 0

RESOLUTION # 154 OF 2012 – Resolution to authorize the following actions in support of the 17th Annual Great Cortland Pumpkinfest:

A. Permission to use the City's portion of the Courthouse Park from October 5 through October 8, 2012

B. Permission to place promotional signs at or near the City's entrance signs.

C. Permission to operate the Micro Brewery Tasting on October 6, 2012 from 1:00 – 5:00 PM in the Courthouse Park.

Mr. Dempsey was present to answer any questions.

Alderman Michales expressed concern over damage to the park.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved:

Ayes – 7
Nays – 0

RESOLUTION # 155 of 2012 - Resolution to amend the amount of a transfer from \$17,000.00 (seventeen thousand dollars) to \$50,000.00 (fifty thousand dollars) from the Contingency line to the A1420.415.00 Contractual line for the Law Department to pay ongoing expenses. (Kelly Colasurdo)

An email was sent out and copies are available for the public to view what the Law Department expenditures are, based on what has been budgeted, additional expenditures and anticipated additional expenditures.

Mayor Tobin's recommendation was to transfer more than the original seventeen thousand dollars to avoid transferring more funds in a couple weeks. The City has hired a paralegal to assist in the Law Department and hired an additional lawyer at a fixed cost. The City is well under the amount budgeted last year for the Law Department. Contractual negotiations are still under way, which is an ongoing expense.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

RESOLUTION # 156 of 2012 - Resolution to approve a budget transfer of \$1,000.00 (one thousand dollars) from G8120.415.00 to G8120.405.00 to cover a shortfall in that line for manhole covers. (Chris Bistocchi)

Chris Bistocchi explained that this is simply transferring money from one line where the department has the funds to another line to cover the cost of bricks, mortar and manhole covers. Public Works will be repairing two every few weeks until all the manholes are repaired.

By: Alderman Ferrer
Seconded: Alderman Quail

Approved: Ayes - 7
Nays – 0

RESOLUTION # 157 of 2012 - Resolution to approve a budget transfer of \$5,000.00 (five thousand dollars) from A5110.406.00 to A8140.405.00 to complete two (2) repair projects: the Youth Bureau parking lot storm drain and Perplexity Creek. (Chris Bistocchi)

Chris Bistocchi stated that right now all the Youth Bureau has is a dry – well system, and after years of use it has choked itself off, causing flooding in the parking lot. He plans on dropping a new structure in the parking lot and running pipe to Port Watson Street storm

sewer system. The cost will be about 3 to 4 thousand dollars. The Perplexity Creek (on Pendleton Street at the bottom of the hill by the High School) project is half completed. Some huge repairs were made there.

By: Alderman Quail
Seconded: Alderman Bird

Approved: Ayes - 7
Nays - 0

RESOLUTION # 158 OF 2012 – Resolution to approve two budget transfers: a transfer for \$1,000.00 (one thousand dollars) from A3010.402.00 to A3010.405.00 to cover a shortfall in that line for paint and a second transfer of \$500.00 (five hundred dollars) from A3010.404.00 to A3010.407.00 to cover a shortfall in that line for signs. (Tom Tobin)

The painting was the striping of yellow and white throughout the City, something that had not been done for a couple of years so a little bit more was used than anticipated. Some new signs are needed at the public schools before the new school year begins.

By: Alderman Ferrer
Seconded: Alderman Bird

No discussion ensued.

Approved: Ayes – 7
Nays – 0

RESOLUTION # 159 OF 2012 – Resolution to approve a budget transfer of \$1,000.00 dollars (one thousand dollars) from the Contingency line to A1210.403.00 for office supplies. (Mayor Tobin)

By: Alderman Bird
Seconded: Alderman Ferguson

Approved: Ayes – 7
Nays – 0

Item No. 10 – Discussion regarding the establishment of a Department of Public Works administration fee schedule for each appliance the City collects if the appliance contains a hazardous substance as defined by the Environmental Protection Agency of the United States Government, excess brush and/or bulky item pickup or out-of-cycle and/or contaminated bulky item pickup or items placed curbside prior to the scheduled collection day. (Chris Bistocchi)

Chris Bistocchi stated that when the City picks up large or bulky items, the property owner is billed and the items are disposed of either at the County landfill or a designated area. The \$50.00 fee does not go to the City, but to the hauler. His proposal is to add a fee to

cover the cost to the Department of Public Works for taking photos and contracting with the hauler. Often people put furniture out to the curb, and when students leave they often leave large items on the curb. Mayor Tobin asked Mack Cook to draft a fee schedule that would be appropriate.

RESOLUTION # 159 OF 2012 – Resolution authorizing Mayor Tobin to enter into and sign a Comprehensive Contract with Thoma Development from June 1, 2012 to May 31, 2014 subject to review by Corporation Counsel. (Thoma Development)

The Council reviewed the contract, the fee structure stays the same and the contract stays the same. The Comprehensive Contract covers the cost of Thoma Development writing grants and the tree lottery program.

Alderman Quail noted that the Contract cannot go past the Mayor's term in office so we need to change the date to December 31, 2013.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

RESOLUTION # 160 OF 2012 - Resolution to approve the request to close Main Street from West Court Street to Tompkins Street from noon until midnight on August 25, 2012 to hold a concert on Main Street. (Mayor Tobin)

Chris Merkley is a local musician and record company owner. Various musicians have offered to play and it is felt that this event will attract residents and students alike. The band members were very excited to be a part of such an event, many of whom had opened for the Main Street Music Series. Mayor Tobin felt this concert would attract many of the students down to the Main Street. Adam Megivern stated that he felt the majority of the Downtown businesses were in favor of the event and upon Council approval he would discuss the event in detail with all the downtown businesses.

Alderman Silliman noted that in the future she would like to see more planning for this type of event.

Alderman Ferguson supported the event, explaining that many under age college students might come down and explore the stores on Main Street.

Chief Catalano noted some concerns for his department and he was opposed to an open container waiver. He noted his willingness to try a concert event to see how it went but explained it still would be some overtime for his department. He is not opposed to a community event like this, but asked if they would consider putting the concert in one of the parks.

Chris Merkley noted that it would involve five local bands scheduled from 4:00 to 10:00 PM. He would like to explore funding options for events like this in the future.

Alderman Michales noted that one of the items to consider in planning this type of event would be trash pick up.

Mayor Tobin stated he had been discussing an event like this for several months with Chris Merkley and several of the local musicians, and thought trying something new like this event could have a lot of potential for the downtown area and bring residents and the college population together for a rewarding experience.

By: Alderman Silliman
Seconded: Alderman Quail

Approved: Ayes – 6
Nays – 1 (Alderman Silliman)

Item # 13 – Resolution to waive the open container regulation from 4:00 to 8:00 PM on August 25, 2012 in the contained Main Street to Tompkins Street area during the concert on Main Street. (Mayor Tobin)

By: Alderman Silliman
Seconded: Alderman Ferrer

Mayor Tobin indicated that the area on Main Street would be confined within a snow fence and controls would be in place as far as where alcohol could be consumed. He approached George Seibel, owner of the Dark Horse Tavern about assisting in selling the alcohol and checking ID's.

After some discussion, it was decided to remove this item from the agenda and Alderman Ferrer pulled his second. Item was not voted on by Common Council.

Item # 14 - Resolution to lift the hiring freeze to fill the budgeted, but vacant position in the Police Department. (Chief Catalano)

Chief Catalano was there to speak. Chief stated that his department has had one open position for four years. With increased drug problems, one detective cannot keep up. Filling an entry level position would provide an officer to do training and cover shifts when someone is pulled to cover another shift. In light of the recent drug busts, the Council was very much in favor of lifting the hiring freeze.

Mayor Tobin asked if any Aldermen had anything to share since they didn't have Ward Reports, before they go into executive session to discuss two personnel matters and one litigation.

Alderman Quail reported the Fifth Ward held a meeting "Take Back the Streets", with 75 - 80 people attending. Residents are interested in a Neighborhood Watch.

Alderman Silliman also held a meeting with Wards 1, 2 and 3. Thirty to thirty-five people were in attendance. Neighbors do not feel comfortable in Suggett Park, and it was suggested to have a City Garden in the park.

The hiring freeze will be put on the September 4th agenda.

Executive Session

Personnel Matters (2)
Litigation

Motion to go into:

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

Motion to come out of:

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

Alderman Quail was excused at this time.

RESOLUTION #161 OF 2012 – Resolution to allow the Mayor to enter into and sign a negotiated retirement agreement.

By: Alderman Silliman
Seconded: Alderman Bird

Approved: Ayes – 6
Nays – 0
Excused – (Alderman Quail)

Adjournment

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

I, JUDITH CHAMBERLIN, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED BY THE COMMON

COUNCIL AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 21ST 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

MAYOR TOBIN