



City Council Minutes  
The City of Cortland  
September 4, 2012

Council Meeting #16  
September 4, 2012  
Public Hearing and Regular Session  
City Hall  
6:40 PM

Present: Mayor Tobin, Aldermen Bird, Silliman, Dye, Bennett, 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 on Local Law No. 1– Rental Registry Permit Law Amendment at 6:40 PM.

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

Regular Session

Mayor Tobin called the sixteenth Common Council meeting of the year to order at 7:04P.M.

PLEDGE OF ALLEGIANCE

Public Comment

Our speaker tonight is Anne Doyle. She noted that the past weekend was the first weekend of having our students back. The first night was very nice; the students were cooperative, respectful, and reasonably quiet. On the other night, not so good. She wished to thank the Police, the officers in charge and especially Officer Slater, Officer Moen and Officer Becker. Working together as a neighborhood, working with the students is making things run much smoother.

Secondly, Ms. Doyle wanted to wish Cheryl Massmann, the Deputy City Clerk good luck in her retirement.

**Resolution # 163** of 2012 - Minutes of August 21, 2012. as amended.

Alderman Ferguson noted that she would like to see more of the positive comments noted in the minutes regarding Resolution # 160 and asked that the minutes be amended.

By: Alderman Ferrer  
Seconded: Alderman Silliman

Approved: Ayes - 8  
Nays - 0

Bills were reviewed. No comment.

### Ward Reports

#### Ward 4 – Alderman Bennett

Alderman Bennett noted the students are back, Cortland is back in full force so he encouraged everyone to please drive careful. The walk through between Pearl and Warren is closed, reducing the foot traffic and parking has dropped considerably. In the future we will discuss closing the small section at the dead end.

#### Ward 8 – Alderman Michales

Alderman Michales stated one item he wanted to mention was that an American flag was stolen from his ward. An arrest was made and the flag was returned to its owner. He thanked the Police department for their assistance.

#### Ward 1 – Alderman Bird

Alderman Bird had nothing to report.

#### Ward 3 – Alderman Dye

Alderman Dye did a ride along with the Police Department the night of the concert on Main Street, and everything went very well. It was a nice, well managed event, everything was clean by midnight. The Police Department did a very good job.

#### Ward 2 – Alderman Silliman

Alderman Silliman regretted that she missed the Main Street event. She apologized to the students at Parker School and the residents on Madison Street because of NYSEG working there and traffic is being interrupted. The work should be done in two weeks.

She spoke to Chris Kredich who is the SUNY representative, Mike Collins replacement. She hopes he will attend the Housing Committee meeting on Wednesday at 7:00 PM. She would hope to address the noise and foot traffic in the College area. She stated that Ann Doyle's suggestion was a great idea, that residents in her ward should get out and meet their student neighbors during the day and get to know each other.

#### Ward 7 – Alderman Ferguson

Alderman Ferguson expressed concern in her Ward regarding residents walking their dogs and allowing them to deposit waste without bringing along a bag to clean up the mess. Dog walkers need to be more considerate of their neighbors.

Ward 6 – Alderman Ferrer

Alderman Ferrer had nothing to report.

Ward 5 – Alderman Quail

Alderman Quail stated that his Ward had two Neighborhood Watch meetings over the past few weeks. A walk is scheduled for September 15<sup>th</sup> and the next meeting will be on September 20<sup>th</sup>. He encouraged people to be alert and pay attention with school starting. He confronted a driver of a car which was parked across the sidewalk, and the driver appreciated his concern.

### Mayor's Report

Mayor Tobin concurred that the concert on Main Street went very well, it was well attended, and proper arrangements were made for setting up and taking down. He was very impressed with the organization Chris Merkley and Adam Megivern put forth for the event.

The Mayor had a meeting with the County regarding the details of the interoperable radio system and the details are being worked out. Concerns were expressed about the contract being put forth and the County is addressing those concerns.

Several labor negotiations are ongoing. The City has five labor unions to negotiate this year.

The County had an informational session regarding the Chesapeake Bay Initiative. It will potentially impact Waste Water and farmers.

Along with Alderman Silliman we met with Chris Kredich who will be dealing with a lot of the off campus issues.

The Mayor reported the kick off meeting was held a number of weeks ago regarding the Gateway Project, off Route 81 near Exit 11.

September 15<sup>th</sup> our Police Department and our Fire Department will have a competition soft ball game at Testa Park, an exhibition of some friendly rivalry.

### **AGENDA**

Item No. 1 – Presentation by ADT on a proposed video surveillance system for Main Street.

Deputy Police Chief Paul Sandy explained that security in the downtown area has been an issue for some time, especially since the assault on Main Street. Eric Gilbert from Rochester, Ron Zoll from Syracuse and Mike Driscoll came from Boston, Massachusetts to assist in this presentation.

Eric Gilbert is with ADT , Mike Driscoll is from DVTEL. Mr. Gilbert has been working with Deputy Chief Sandy for several years on the video system the Police Department has now. The system in discussion is expandable, can be monitored from inside the squad car. It is not a replacement for law officers, but merely a deterrent.

Mike Driscoll gave a history of his product and an example of where the system has been installed and has made a huge difference. He showed how the system actually works, showed live video of the camera in action.

Alderman Silliman asked about the need to update the system at any point. The software and hardware that runs computers for years is the same software that runs the video cameras. A direct advantage to video surveillance cameras is behavior change. The cameras can be moved from one location to another and are fairly indestructible.

Alderman Michales asked about the ability to zoom. Mr. Driscoll demonstrated live how well the camera can zoom in, how clear the video is even in the dark. He answered several questions from various Aldermen about the cost, capability, and infrastructure and was very informative about the whole system. Video may be streamed directly to the Common Council members on their I pads.

Alderman Dye noted the City of Rochester has had a surveillance system for a couple of years now and he made the point that Rochester has made 1.8 million dollars so far, illustrating how the system can pay for itself.

Mayor Tobin suggested if any questions arise, to contact your Alderman for updated information on the progress. Deputy Chief Sandy has put a lot of work into this project and the Council is very impressed.

Item No. 2 - Presentation by Access to Independence, YWCA and Family Counseling Services regarding the Cortland Community Mentors Program.

Mayor Tobin had the opportunity to meet with one individual from each of the three groups. They are looking for volunteers and the Mayor thought bringing it to the Common Council would get the idea out to the public.

Aaron Baier from Access to Independence was present to speak. The aim of the Cortland Community Mentors Program is to expand and strengthen the pool of qualified mentors in our community. SUNY Cortland provides some of their students as mentors, but they can typically can only work spring and fall semesters. We seek men and women in the community, but right now there is a significant need for male role models.

Sara Earl stated that the Y has 38 young boys right now waiting for a male role model, someone to take them fishing, take them to the park, or just listen to them.

Mr. Baier pointed out the fact that mentoring typically extends a year or more to be effective and the college students tend to leave to go home, leading to more abandonment issues. He urged people to talk about mentoring with friends and coworkers. He also suggested ways for local businesses to involve themselves by offering small incentives to qualified mentors and their mentees. Brochures were distributed for more information.

Item No. 3 – Presentation by Garry VanGorder, Executive Director IDA/BDC, on the marketing and sales plan for the Buckbee Mears site.

Mr. VanGorder noted that Buckbee Mears is a 74 acre site in the City of Cortland. Various companies have occupied the facility which is now abandoned, leaving behind a slew of caustic chemicals in the piping system throughout the facility and in storage tanks. DEC got involved as did the EPA and identified it as a superfund site and ordered a clean up back in 2006. Clean up was completed in 2009. There are more than 29 million dollars in liens against the property, including about a million dollars due to the City. The property has been vandalized, had fires set inside and other issues.

Since Mack Cook has been the City's Director of Administration and Finance, and Mayor Tobin joined the effort to move forward the IDA has seen rapid progress, thanks in large part to Mack Cook's work with the EPA attorneys and therefore through the Bank of India.

The IDA has identified a way out – the Bank is now interested in reinvigorating its foreclosure process and we are working toward a foreclosure sale sometime in the coming months. Town of Cortlandville and other lien holders have agreed to accept the payback agreement so in the event the Bank does sell the property, at least the lien holders will recover some of what is owed. If the property does not sell, the City then has the option of taking over the site for its tax lien, thus paying a portion back to the EPA.

Alderman Michales question the waste water treatment facility there on the site and whether it might be put back on line.

Mr. VanGorder responded that Bruce Adams from the City Waste Water Department and his team did an assessment and determined that it was pretty rough – after several acts of vandalism every piece of copper is gone. That may not be the case for the sub station.

Alderman Silliman asked about cost to the City to replace the rails and prepare the site for sale and if the site was totally cleaned up.

Mr. VanGorder responded that a plan is in place to improve the chance of selling the site and although there is still some chromium under the pads of the buildings, the EPA determined it is not a mobile compound.

Item No. 4 – Presentation of the State Comptroller's 2012 audit reports (Mack Cook)

Mack Cook noted the report is on line on the City's website and the State Comptroller's website. It is still a work in progress, we are not there yet but the report states we have built internal controls and reporting controls and captured about 94% of our finances.

Mayor Tobin praised Mack Cook for all his hard work and noted that the initial audit two years was very critical. The more recent audit is still critical, but we want to know where our weaknesses are in order to continue to work on them. The new accounting software will make a significant difference.

**RESOLUTION #164** of 2012– Resolution to designate the Common Council as Lead Agency for the Local Law No. 1 of 2012 – City of Cortland Rental Registry Permit Program Amendment – SEQR process.

By: Alderman Silliman  
Seconded: Alderman Ferrer

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #165** of 2012 – Resolution to issue a negative declaration and that the Mayor shall sign the short form SEQRA so indicating a negative declaration relative to this Local Law No. 1 of 2012 – City of Cortland Rental Registry Permit Law Amendment.

A short form SEQRA review was done; a negative declaration was found and signed by the Mayor.

By: Alderman Ferrer  
Seconded: Alderman Bennett

Approved: Ayes - 8  
Nays – 0

**RESOLUTION #166** of 2012 – Resolution to adopt Local Law No. 1 of 2012 – City of Cortland Rental Registry Permit Law Amendment.

Mayor Tobin noted there have been five public hearings so he believes all concerns have been addressed and received much feedback.

Alderman Bennett expressed his gratitude to all those involved in getting this done, from Mack Cook , the Housing Committee and anyone else who had a hand in it. All the work put into it is greatly appreciated.

By: Alderman Silliman  
Seconded: Alderman Bird

Approved:  
Role 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

**RESOLUTION #167** of 2012 – Resolution to adopt a City of Cortland Computer Use Policy. (Mack Cook)

Mayor Tobin noted that each Council member was given a copy of the policy which every City employee who uses a computer must sign.

By: Alderman Ferrer  
Seconded: Alderman Silliman

Approved: Ayes – 8  
Nays - 0

**RESOLUTION #168** of 2012 – Resolution to lift the hiring freeze to fill the budgeted, but vacant position in the Police Department. (Chief Catalano)

Alderman Michales asked if this was the same position discussed at the last Common Council meeting.

Chief Catalano responded that it was. The position has been vacant more than a year and a half.

By: Alderman Silliman  
Seconded: Alderman Ferrer

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #169** of 2012 – Resolution to recognize fourteen (14) donations totaling \$2,420.00 submitted to the Youth Bureau for the Wickwire Pool Trust Fund. (John McNerney)

By: Alderman Bennett  
Seconded: Alderman Michales

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #170** of 2012 – Resolution to close Court Street from the Alliance Bank parking lot driveway to Church Street on Saturday, October 6, 2012, from 9:00 AM to 8:00 PM for Pumpkin Fest activities and the Cortland Fire Department’s Annual Open House, Annual Inspection and Annual Memorial Service. (Chief Glover)

Chief Glover was present to answer any questions.

By: Alderman Ferrer  
Seconded: Alderman Bird  
  
Approved: Ayes – 8  
Nays – 0

Mayor Tobin said the agenda item was changed from a resolution to a discussion, recommended with Council approval.

Item #10 - Discussion regarding the adoption of a single comprehensive fee schedule for the City Code Division. (Chief Glover)

Chief Glover explained that over the years his office has tried to remove set fees from the City Ordinance and get them adopted by resolution through Common Council. In order to change a fee, the City would need to change the Local Law. The fees are scattered all through the City Ordinance, making it very difficult to locate specific fees passed by Common Council. Shelley Knickerbocker of the Code Office would always have to search through years of resolutions passed by Common Council. The purpose of a comprehensive fee schedule would allow our office to look up any fee on a single sheet of paper. In the process descriptions were more accurately defined.

Alderman Quail asked if the City might want to put this document on the City’s website, to which the Mayor agreed would be a good idea. The Council would like to have some time to examine the idea and discuss it with residents to get some feedback.

Item No. 11 – Discussion regarding the adoption of a Common Council Code of Ethics concerning Common Council members’ responsibility to office and to amend the City Charter. (Alderman Bennett and Alderman Michales)

Alderman Dye questioned what would be proper protocol in the case of a Council member suddenly being taken ill or some other unforeseen event.

Alderman Michales suggested if a member of the Council was not going to be available for a length of time, the Mayor and/or Common Council should be notified.

Alderman Bennett felt that Council members are elected officials, there to carry out a duty and have an obligation to serve their respective wards.

Should someone miss five consecutive meetings, it may be time to replace that person. Any resolution must have at least six members present to vote.

Alderman Ferguson noted that as it stands, a Council member cannot be forced to step down. She wondered if in the future the Council found themselves in another situation like last year, what options might be available.

Alderman Dye questioned some of the wording in regards to consistent absenteeism.

Kelly Colasurdo, Corporation Counsel, clarified what was written. Should a member of Common Council be consistently absent, the Mayor shall appoint a committee to decide what action to take. In the Mayor's absence, the Deputy Mayor would appoint that committee.

Alderman Ferguson stated that she felt uneasy with the idea that an Alderman could be discharged with no input from that Alderman's own constituents.

Mayor Tobin suggested that the policy include the option for an Alderman who has been removed, to be given a number of days to get a significant number of signatures on a petition indicating a preference to keep that Alderman, at which point it would then go to recall vote.

Alderman Bennett noted that the law is very liberal in regards to a person's legal address. However, if an Alderman is obviously not residing in their ward, for whatever reason, and not staying in contact with his or her constituents, the Council should be allowed to make a decision.

**RESOLUTION #171** of 2012– Confirmation of the Mayor's appointment of Joyce Nadge as the Local Registrar of Vital Statistics for the term September 5, 2012 to December 31, 2012. (Judith Chamberlin)

By: Alderman Quail  
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 4th<sup>t</sup> DAY OF SEPTEMBER, 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.**

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**JUDITH CHAMBERLIN, CITY CLERK**

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**MAYOR TOBIN**