



City Council Minutes  
The City of Cortland  
September 18, 2012

Council Meeting #17  
September 18, 2012  
Regular Session  
City Hall  
7:00 PM

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

Staff Present: Corporation Counsel Kelly Colasurdo, Director of Administration & Finance Mack Cook and Donna Coye from the Clerk's office.

Regular Session

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

PLEDGE OF ALLEGIANCE

Public Comment

To speak on the rail spur was Elsie Ferro. She expressed several concerns in regards to the City leasing a vacant industrial site on Pendleton Street to New York S & W Railway. She stated that she wanted her six questions of concern answered before she left the meeting.

Mayor Tobin informed Ms. Ferro that her questions would be answered but that the Council must first listen to a presentation from two out of town people, and then a few items on the agenda must be addressed. He let her know that all her questions would be answered either this evening or followed up on.

Minutes

Alderman Michales noted that his name was misspelled on page seven, in Resolution #168.

**RESOLUTION # 172** OF 2012 - September 4, 2012 minutes as amended.

By: Alderman Ferrer  
Seconded: Alderman Silliman

Approved: Ayes - 8

Nays – 0

Bills were reviewed.

Alderman Quail asked how the City knows the amount Casella Waste bills the City for is the actual amount of tonnage hauled.

Alderman Bennett explained that the hauler must present the bills and proof of tonnage they obtain from the land fill in order to get paid.

Proclamation Reading

Mayor Tobin read a proclamation declaring the fourth Monday of every September as Family Day. The proclamation was presented.

## **AGENDA**

### Item #1 – Presentation on self-insured healthcare by Brian Duffy of Duffy Associates.

Mayor Tobin explained that the City is exploring a few options for health insurance coverage.

Duffy Associates looked over the City's costs and claims history and illustrated how much of the insurance is never used with many retirees qualified for Medicare and a large amount of the City's premiums is retained by the insurance company. Hiring Mr. Duffy's company would allow the City to customize an insurance plan more to its actual need. He is proposing to market The City to various insurance companies that could conceivably save the City as much as 1.2 million dollars.

Alderman Quail questioned who administers the plan, and if that cost was included in the figures projected. He also asked if a stop loss was a part of the plan.

Alderman Silliman asked if Mr. Duffy simply helps the City to get set up and if that would be the end of his involvement.

Mr. Duffy stated that the cost projections presented was all inclusive. His company would be an extension of the City's personnel, tracking costs and claims and providing a continuing support.

**RESOLUTION # 173 of 2012** – Resolution to authorize and direct Brian Tobin as Mayor of City of Cortland to file an application for funds from the New York State Department of Transportation under the Safe Routes to School Program, in an amount not to exceed \$500,000.00, 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 Barry School Safe Routes to School Project, subject to review by Corporation Counsel. (Thoma Development)

Ann Hotchkin from Thoma Development was present to speak. She explained that the City had an opportunity to apply for State Safe Routes to School funding which does not

require any matching of funds from the City. The spirit of the application is to create a safe walking and biking situation to school. The City received one of these grants in 2008, to create a more contiguous sidewalk on Pendleton and Randall Streets. DPW was contacted to see if Chris Bistocchi had a project in mind. They met with Comm. Bennett and decided this was an ideal project. The original project was amended to include more sidewalks.

Alderman Bennett explained that there have never been sidewalks on Kinney Lane, causing walkers and bikers to be in the street. In canvassing the residents on that street, some people did not want a sidewalk. The opposite side of the street only has two houses, and a sidewalk on that side would create a complete tie-in. The sidewalks in that area are in pretty bad shape and the curb cutouts need to be redone. The buses leave the school via Kinney Lane, and most of the teachers, so that street is a high traffic area.

Mrs. Hotchkin noted that the application needs to be submitted by October 5<sup>th</sup> and the recipient would be announced in December, enabling the City to put the project out for bid for the next construction season. The estimated cost of the whole project is \$275,000. The project was limited somewhat in order for the City of Cortland to be a more attractive recipient for the grant, as there will be a lot of competition for the funds.

By: Alderman Ferrer  
Seconded: Alderman Bennett

Approved: Ayes – 8  
Nays – 0

Mayor Tobin thanked Ann Hotchkin, Comm. Bennett and Comm. Quail for their diligence in following up on the project.

**RESOLUTION # 174 OF 2012** – Resolution to approve a budget modification to appropriate auction proceeds from the sale of vehicles from the City of Cortland Police Impound Lot which included a 1996 Toyota, 1989 Honda, 1995 Buick, 2001 Chevrolet, 1999 Chrysler, 2000 Dodge, 1999 Honda, 1999 Chrysler, 2005 Dodge and a 2004 Chevrolet, for a total of \$1,916.00, toward the purchase of new police vehicles in 2013 as follows: (Deputy Chief Sandy)

A1325-41401 Impound Lot	\$1,500.00
A3120.206.00 Operational Equipment	\$416.00

Alderman Michales asked if these were all abandoned.

Chief Catalano responded yes, they were all abandoned, in very bad shape, and sold for scrap.

Alderman Quail wanted to make the Council aware that, as with the next agenda item, when the budget is presented, these funds will not show as revenue, and expenditures will be offset by these amounts. His suggestion would be to enter these amounts as revenue and let the expenses be expenses.

Alderman Silliman indicated that these funds would actually be a credit toward future spending. She asked Comm. Quail if he would please remind the Council of these issues when the budget is presented to them.

By: Alderman Ferrer  
Seconded: Alderman Bird

Approved: Ayes – 8  
Nays – 0

**RESOLUTION # 175** OF 2012 – Resolution to approve a budget modification to recognize the proceeds from the sale of the city of Cortland Fire Department’s 1988 Hahn Engine to the Cincinnatus Fire District in the amount of \$25,000.00 and to appropriate those funds as follows: (Chief Glover)

A3410.402.00 Apparatus Maintenance and Repair	\$20,000.00
A3410.405.00 Professional Services	\$5,000.00

By: Alderman Ferrer  
Seconded: Alderman Bennett

Approved: Ayes – 8  
Nays – 0

**RESOLUTION # 176** OF 2012 – Resolution to authorize the Mayor to sign and submit an application on behalf of the City of Cortland to join the Tompkins county Healthcare Consortium subject to review by Corporation Counsel. (Mack Cook)

Alderman Ferguson wanted confirmation this was a consideration, that the Council may not be doing this, but will be considering it.

Mack Cook, Director of Administration & Finance distributed information packets to the Council. On October 2, 2012 there will be a Council meeting to have a lengthy discussion with Larry Fisher in considering the City’s options in regards to health insurance.

By: Alderman Silliman  
Seconded: Alderman Quail

Approved: Ayes – 8  
Nays – 0

Executive Session

Mortgage Lien Release Request

Motion to go into:

By: Alderman Ferrer  
Seconded: Alderman Quail

Approved: Ayes – 8  
Nays – 0

Motion to come out of:

By: Alderman Ferrer  
Seconded: Alderman Quail

Approved: Ayes – 8  
Nays – 0

**RESOLUTION # 177** OF 2012 – Resolution to authorize the Mayor to sign a Release of Mortgage Lien for a deceased Community Development Program participant. (Mayor Tobin)

By: Alderman Quail  
Seconded: Alderman Bird

Approved: Ayes – 8  
Nays – 0

Item # 7 – Discussion of a lease of the Rosen Superfund Site to the New York Susquehanna & Western Railroad , Central New York Railroad for an offloading facility and to schedule a Public hearing for 6:30 PM on October 2, 2012. (Mack Cook)

Mack Cook offered a brief overview of the project and turned the floor over to Garry VanGorder of the IDA, as he was the lead person.

Mr. VanGorder explained that this project would be a huge opportunity for the City to encourage industry to come to Cortland, giving the advantage of having a cheaper mode of delivery, with gas prices rising. Most of the site is capped off and is very limited in use.

Alderman Michales asked if the Railroad would abandon their current lease with the City on the current site off Bartlett and Hyatt Streets, behind the DPW.

Mr. VanGorder stated that specific information such as that has not been discussed as yet, but it is felt that this project could greatly benefit business in Cortland.

Mack Cook noted that it would be the Railroad's job to identify which businesses might utilize the Railroad. He addressed the issues that were raised at the beginning of the meeting.

No. 1 – Liability: According to the lease agreement, the Railroad must carry ten million dollar liability insurance, in addition to an indemnity clause which holds the City harmless for any accidents. The jurisdiction and responsibility for the tracks, as per Federal Law in the United States, falls on the Railroad.

No.2 – Lease agreement: Mr. Cook asked the City Assessor what the amount of property tax would be in the event the site was sold to a private company. That is where the \$7,900.00, which is not a fixed amount and will increase in the next thirty years according to Consumer Price Index.

No. 3 – who would be monitoring the number of cars unloading?

Mr. Cook explained that the City would not be physically monitoring the cars, but will be given copies of the Bills of Lading on an annual basis, count those bills and multiply by one hundred dollars.

No 4 - Will this change how cars are currently unloading at the DPW for free.

Mr. Cook said the Railroad has no intention of unloading there, with no spill protection, no security, and no supervision. If cars are unloading there, that speaks to the need for this facility. Now may be the time to get this in an appropriate area.

Alderman Michales noted that from what he has observed, most of what is being unloaded is Railroad materials. That site being in his Ward, he has not seen a lot of trucks in the area. He does see the need to improve the housekeeping on that site, and is hopeful the Railroad will improve the appearance of the property.

No. 5 – Where will the \$900,00. come from; how is this project being funded.

Mr. Cook explained that the Department of Transportation is floating a bond over thirty years, but yes; technically it will be paid by the taxpayers. The City would be receiving over a million dollars, so those taxpayer dollars are coming back to us.

No. 6 – What other businesses would benefit from this. Alderman Silliman stated that this question has already been addressed. She mentioned the fact that the issue of 800 more cars unloading a year.

Mr. Mack responded that he hopes that we are doing the right things to develop the industrial business will increase and generate the need for 800 to a thousand cars. Loading ten to twelve trucks a day would be wonderful. Generally the ratio is two trucks to one car. By 2013 it is anticipated that four to six cars would be unloading, with a potential for growth. The DEC has determined there is very little impervious surface to affect water roll off from storms. The entry will be paved and rippled concrete put in place to reduce the dirt and dust.

Alderman Silliman asked how many years this facility has not been used and who has been footing the bill for the taxes on the property.

Mr. VanGorder said the site has been unused probably since the last Wickwire building went down.

Mr. Cook said no taxes have been paid since the City owns the property. The City has paid the cost of maintaining that property under the jurisdiction of Public Works.

Alderman Silliman wanted to confirm that the City was indeed receiving the cost of the taxes plus one hundred dollars for every car that comes through.

Mr. Cook added the fact that the City is relieving itself of the maintenance of that property.

Alderman Michales asked if the Railroad would be monitoring the wells.

Mr. Cook said that would be a continuation of the EPA. Those six wells will be relocated. As far as security, there will be a truck gate and a rail gate operated from a remote location.

Mayor Tobin explained the actual crossing would be where the rail currently exists, so the rails are already there, but the rail spurs will be inside the gated area. He sees this as a Superfund site with very limited use, and here we are with a great idea of taking existing infrastructure, a slight expansion for the Railroad, and helping create an environment which will create a great opportunity for business already here and for future businesses that are considering coming into Cortland.

Alderman Bennett asked Mack Cook where the figure of a hundred dollars a car came from, to which Mr. Cook explained that was what was negotiated and what was standard. The Railroad must accept the thirty year lease because the bond is issued for a period of thirty years.

Alderman Michales expressed concern over the chance that a train may be on the tracks across Pendleton Street and traffic approaching the tracks from up the hill, to which Mr. Mack noted that would be under the jurisdiction of the Department of Transportation.

Alderman Quail wanted to bring up the fact that he had been to the Buckbee Mears property and noticed rail cars loaded with large propane tanks and wondered if they were empty. Mr. Cook assured him they were empty, but offered to have the Code Office check once more.

Alderman Bird stated that a meeting would be held on Tuesday, September 25<sup>th</sup> at 7:00 PM in the Mayor's Conference Room in regards to the crow issue. All are welcome to attend.

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 18th 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