



City Council Minutes  
The City of Cortland  
February 5, 2013

Council Meeting #3  
February 5, 2013  
Regular Session  
City Hall  
7:00 PM

Present: Mayor Brian Tobin, Aldermen Ken Dye, Julie Bird, Kathryn Silliman, John Bennett, Dan Quail, Carlos Ferrer, Linda Ferguson and Thomas Michales.

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

#### Public Hearing

Proposed abandonment of an alley way between 12 and 14 William Street and authorize the quit-claiming of said alley way to Ann and Louis Gebhard, owners of both properties.

There was no one to speak; therefore the Public Hearing was closed.

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

#### PLEDGE OF ALLEGIANCE

#### Public Comments

To speak was Tom Gobel in regards to the status of the Armory and any restrictions of its use, which Mayor Tobin said he would need to revisit the agreement. He also questioned when students graduated from the College, whether they were encouraged to seek employment here; he had a question for Corporation Counsel in regards to the YMCA purchasing the property on Homer Avenue, taking that parcel off the tax roles. The Mayor noted that there is a purchase offer, but nothing is final.

Also to speak was Mike Dexter representing the Landscape and Design Commission to inform the public that they will be planting trees again through the lottery program and people can go on the City website to look at the trees available. He suggested interested people should start submitting applications now. National Grid is trimming trees through the City's agent, Nelson Tree Service and any concerns or complaints on the trimming should be directed to an Alderman, himself, or the Mayor's Office.

## **MINUTES**

### Minutes of the January 15, 2013 Meeting

Alderman Quail noted the misspelling Vince Minnella's name on page one.

**RESOLUTION #11 of 2013** – Resolution to approve the minutes of the January 15, 2013 minutes, as amended

Motion By: Alderman Ferrer  
Seconded By: Alderman Bennett

Approved: Ayes – 8  
Nays - 0

### Minutes of the January 24, 2013 Special Meeting

**RESOLUTION #12 OF 2013** – Resolution to approve the minutes of the January 24, 2013 meeting.

Motion By: Alderman Ferrer  
Seconded By: Alderman Bird

Approved: Ayes - 8  
Nays - 0

Bills were reviewed.

### **Ward Reports**

Ward 4 – Alderman Bennett

Ward 4 will be holding a neighborhood watch set up meeting at Barry School Thursday the 7th at 6:30 pm. This is to see if we can get enough people interested to form a Ward 4 watch program, if we have enough interest, then we will start to get everything in place.

Ward 8 – Alderman Michales

Alderman Michales stated that he is trying to arrange a Ward meeting but has conflicting schedules so it may be March when the next meeting will take place.

Ward 1 – Alderman Bird

Nothing to report.

Ward 3 – Alderman Dye

Nothing to report.

## Ward 2 – Alderman Silliman

It's been fairly quiet in the second ward. Since the last city council meeting, I have not heard anything from anyone about the change in the legislative districts and a corresponding change in the city districts. I have heard from people about the high cost of Time Warner services. They say that the cost creeps up and up and the service stays the same or goes down. They'd like to see some competition in the market. The people on Harrington are relieved and appreciative that the city took care of 18 Harrington in a timely manner. The group Sustainable Cortland is having a meeting about a community garden in Suggett Park on Monday, Feb. 11th, 7pm, at Parker School.

A resident who lives across from the college said that now that smoking is banned on campus, smokers are coming across the street and smoking in front of her house! Some of them told her that they were advised to go there to smoke. She doesn't like the smoke and has young children who don't need to be around it either.

## Ward 7 – Alderman Ferguson

The tree application has been put on the Ward 7 website and the Ward's Facebook site.

## Ward 6 – Alderman Ferrer

Nothing to report.

## Ward 5 – Alderman Quail

Ward 5 Neighborhood Watch February 21<sup>st</sup> at 6:30 currently scheduled to be at Daily Grind South, which may change as we are looking for a little bit larger facility.

Alderman Quail stated that he attended the Waste Water Commission meeting the other night as a Pall representative, not as a City representative. We had a clerical error and had to submit a grievance to get a refund of \$52,000. Several people complained about the 4<sup>th</sup> Ward and the cigarette smoking. The smoke is coming right into houses.

Alderman Quail noted also that he attended the Youth of the Year Award, which the Mayor will discuss further.

He also wanted to thank Nick Dovi for taking a number of sneakers down from the power lines.

## **Mayor Report**

Mayor Tobin noted that the Youth Leadership Awards were held last week, it was good to see Dan there; his daughter was recognized – congratulations to her.

There were two awards given out. The Youth Leadership Award is organized in conjunction with the City's Youth Bureau and the Cortland Area Community Care Coalition.

Awards were sponsored by the Police Benevolent Association and various non-profits: One award was to recognize leadership in youth in our Community.

There were four finalists:

- Zack Forrester
- Kelly Dineen
- Kelly Bell
- Asia Smith

Asia Smith was the winner of the award to recognize kids in our Community, all four being outstanding individuals.

The Mayor met with some individuals up at the College, along with a representative from the Department of Public Works to talk about what they do GIS mapping to keep track of the infrastructure of the City.

The special Common Council meeting held on January 24<sup>th</sup> regarding the property on Harrington Street which had a fire and was in need of being taken down. The City was very responsive to the property owner's needs and tried to give them every opportunity to sell the property or take care of the property on their own, but the health and safety of the general public had to be taken into consideration. While things are not finalized, the City will not be bearing the cost of the tear down.

The Mayor will be attending a Regional Economic Development Council meeting tomorrow. Central New York was the second largest award winner of money for the Governor's Regional Economic Development Council, a testament to Garry VanGorder and other people involved that are advocating projects that are very important to the Community.

AGENDA:

Item # 1 - Announcement: The Cortland Community Group will be presenting the 2012 Holiday Lighting Contest winners (Richard Stock, Chairman – Community Group)

Jim Glover and fellow Board members Diane Almeida and Linda Stock announced the winners of this year.

- 1<sup>st</sup> prize goes to Harold & Pam Overbough -\$100 donated by O'Shea Tire Company
- 2<sup>nd</sup> prize goes to Jerry & Kimberly Cole - overnight stay and breakfast for two at the Ramada Inn and a donation from Ramada Inn of Cortland
- 3<sup>rd</sup> prize goes to Donald Cornell

Tickets were donated by CRT, and gift certificates were donated by the Green Arch Restaurant

The final prize is a special category that The Community Board came up with this year called "The Holiday Spirit Award", presented to a citizen of Cortland who The Board feels embodies the Spirit of the Christmas Season. This year's Holiday Spirit Award goes to a very special resident, Leon Harvey of 3

Pearl Street. Mr. Harvey and his daughter decorate the outside of their home every year with handmade wooden Holiday scenes and lights that are timeless in their beauty. We appreciate Leon's dedication and enthusiasm in showing his joy for the Season with the Community. His award is a gift certificate donated by Dickie's BBQ pit. Several businesses donated gift certificates for Honorable Mention awards in the lighting contest.

The Mayor thanked the Committee for their efforts in doing the annual awards, in recognizing participants and donations.

**RESOLUTION #13** OF 2013 – Resolution to approve the six reappointments to the various Boards and Commissions

- Jim Forshee – Reappointment to the Cable Commission
- Amy Buggs – Reappointment to the Ethics Committee
- Bonnie Ann Heath – Reappointment to the Fire Commission
- Kim Buttino – Reappointment to the Fire Commission
- Abby Withers – Reappointment to the Public Safety Commission
- Sally Horak – Reappointment to the Waste Water Board

Motion By: Alderman Ferrer  
Seconded By: Alderman Silliman

Approved: Ayes – 8  
Nays – 0

The question of Denise Bushnell's appointment arose, and the Mayor explained that since Ms. Bushnell was appointed to the Ethics Committee she has been appointed to the Planning Commission. Corporation Counsel's interpretation is that a person cannot serve on more than one Board or Commission. The Mayor asked for suggestions for someone to fill the vacancy on the Ethics Committee. Some discussion ensued.

**RESOLUTION #14** OF 2013 – Resolution to approve the reappointment of James Sponaugle and Donald Kline to the Police Commission.

Motion By: Alderman Ferrer  
Seconded By: Alderman Silliman

Approved: Ayes – 8  
Nays - 0

**RESOLUTION #15** of 2013 - Resolution to allow the Mayor to hire Jim Sponaugle as a short- term, part- time consultant. (Brian Tobin)

Mayor Tobin explained that Jim Sponaugle served as Safety Coordinator for the City for several years until he retired a couple years ago, at which time Rob Avery took his place as Safety Coordinator. Rob retired back in September, and as time progressed a lot of

maintenance responsibilities regarding facilities and infrastructure, training and some other responsibilities need to be kept up to date in order to meet all certifications and training with our personnel, so the City is bringing Jim back as a part-time consultant.

Mack Cook explained that the City will look at the safety manual and try to gauge where we are. Jim will see what will be involved in bringing the City back on path; hours and pay will be determined at a later date, not to exceed \$5,000. After Jim determines what will be needed, the Council will be informed.

Motion By: Alderman Ferrer  
Seconded By: Alderman Quail

Approved: Ayes – 8  
Nays - 0

**RESOLUTION #16 of 2013** – Resolution to accept and recognize the following donations to The Wickwire Pool Trust Fund from local businesses and individuals: (John McNerney)

Mary L. Bailey	\$500.00
Kathleen Elliott-Birdsall	25.00

Motion By: Alderman Bird  
Seconded By: Alderman Michales

Approved: Ayes – 8  
Nays - 0

The last the Mayor knew, the Fund was over \$5,000.00, which is a very good start.

**RESOLUTION #17 OF 2013** - Resolution to authorize the Mayor to enter into a contract with Soaring Eagle Safety Consultants, Inc. in the amount of \$14,640 to assist in Complying with the EPA Risk Management Program. (Bruce Adams)

Bruce Adams explained that the Waste Water Department engaged the Soaring Eagle Safety Consultants to assist the Department in complying with the EPA Risk Management Program (RMP). This program is designed to identify and manage risks associated with the storage and use of specific chemicals which may potentially pose a danger to the public. The Waste Water Facility uses chlorine and sulfur dioxide for disinfection purposes and has both chemicals in quantities above the threshold for inclusion in the RMP. An audit by EPA last year turned up several deficiencies in our program, and the Department is addressing them with the aid of SESC.

Motion By: Alderman Ferrer  
Seconded By: Alderman Quail

Approved: Ayes – 8  
Mays – 0

**RESOLUTION #18** OF 2013 – Resolved to allow the Mayor to increase the salary of the part-time Clerk’s position in the City Clerk’s Office commensurate with performance evaluation and increased duties of the position, pending approval of County Personnel.

Motion By: Alderman Ferrer  
Seconded By: Alderman Bennett

Approved: Ayes – 8  
Nays – 0

Mayor Tobin explained that originally the part-time position was originally established to help staff the window, especially at such times as when the full time staff was on vacation, out sick, etc. Over the past few months, that position has absorbed additional responsibilities so the expectations of the position have changed. The part-time averages about 17 hours a week, which may increase a little bit, due in part to the retirement of the Deputy City Clerk retired and that position has been left unfilled, so the City Clerk’s Office has gone from 2 full-time positions and one part-time position to just one full-time position and one part-time position. The part-time position was set at \$10.00 an hour, and the City has other employees that are in similar positions and the hourly rate is significantly higher, so the recommendation came from Judi Chamberlin, the City Clerk, to increase the hourly rate based upon performance evaluation and the fact that the employee has been in the position for a year and a half and has received stellar marks for performance. The rate will increase to \$12.00 an hour, with no benefits, pending approval of County Personnel.

Mayor Tobin explained how this agenda item needed to be separated into two parts. In order to abandon an old City Right of Way, a SEQR review must be done.

**RESOLUTION #19** of 2013 - Resolution to designate the Common Council as Lead Agency in a single Agency, uncoordinated review, pertaining to the abandonment of the alley way between 12 & 14 William Street.

Motion By: Alderman Quail  
Seconded By: Alderman Ferrer

Approved: Ayes – 8  
Nays – 0

The alley way is the only access to one of the houses which are both owned by the same family. Abandonment would release the City from maintenance and liability of the small section of property.

Mayor Tobin stated that in order to be thorough Council will review the SEQRA as listed and formally enter it into the record.

1. Applicant/Sponsor is Ann and Louis Gebhard
2. Project name is Alleyway Abandonment
3. Location: City of Cortland, County of Cortland

4. Precise Location: 12 & 14 William Street
5. Proposed action is: Modification/alteration
6. Describe project briefly: Abandonment of a City Right of Way, the alleyway between 12 and 14 William Street.
7. Amount of land affected: Approximately .25 acres
8. Will proposed action comply with existing zoning or other existing land use restriction? Yes
9. What is present land use in vicinity of project? Residential.
10. Does action involve a permit approval, or funding, now or ultimately from any other Governmental Agency (Federal, State or Local)? No.
11. Does any aspect of the action have a currently valid permit or approval? No.
12. As a result of proposed action will existing permit/approval require modification? No.

## Part II

- A. Does action exceed any type I threshold in 6 NYCRR, Part 617.12?
- B. Will action receive coordinated review as provided for unlisted action in 6 NYCRR, Part 617.6? No
- C. Could action result in any adverse effects associated with the following:

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage, or flooding problem? Explain briefly: No

C2. Aesthetic, agricultural, archaeological, historic. Or other natural or cultural resources; or community or neighborhood character? Explain briefly: No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: No

C5. Growth, subsequent development or related activities likely to be induced by the proposed action? Explain briefly: No

C6. Long term, short term, cumulative, or other effects not identified C1-C5? Explain briefly: No

C7. Other impacts (including changes in use of either quantity or type of energy)? No

D. Is there, or is there likely to be, controversy related to potential adverse environmental impacts? No

**RESOLUTION #20** OF 2013 - Resolved to find that the abandonment of the alley way between 12 & 14 William Street is an unlisted action with no adverse environmental impact, resulting in a negative declaration and that the Mayor shall sign the Short Form SEQRA so indicating such declaration; The determination of significance that, based upon

the information and analysis provided, the proposed action will **not** result in any significant adverse environmental impact.

Motion By: Alderman Ferrer  
Seconded By: Alderman Silliman

Approved: Ayes – 8  
Nays – 0

Item # 11 - Consideration of a Resolution to abandon an old City Right of Way located on William Street, City of Cortland, and the City will quit-claim its interest in the property to the Gebhardts.

Motion By: Alderman Ferrer  
Seconded By: Alderman Silliman

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #21** OF 2013 - Resolution to abandon an old City Right of Way located on William Street, City of Cortland, and the City will quit-claim its interest in the property to the Gebhardts.

Item # 12 - Consideration of a Resolution to authorize the Mayor to extend the parking lot lease between the City and Tompkins Trust pending review by Corporation Counsel. (Kelly Colasurdo)

Motion By: Alderman Ferrer  
Seconded By: Alderman Silliman

Approved: Ayes – 8  
Nays - 0

Mayor Tobin had an opportunity to meet with representatives of Tompkins Trust this week, and they are very excited about moving to Main Street. Additional parking spaces are in question for bank patrons, which The Mayor said will be a later discussion including Adam Megivern of The Downtown Partnership.

**RESOLUTION #22** OF 2013 – Resolution to authorize the Mayor to extend the parking lot lease between the City and Tompkins Trust pending review by Corporation Counsel. (Kelly Colasurdo)

Executive Session:

Information for the Council pertaining to potential litigation regarding a property within the City.

Motion to go into Executive Session

Motion By: Alderman Silliman  
Seconded By: Alderman Bird

Approved: Ayes – 8  
Nays – 0

Motion to come out of Executive Session

Motion By: Alderman Silliman  
Seconded By: Alderman Bird

**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 5th DAY OF FEBRUARY, 2013. 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**