



City Council Minutes  
The City of Cortland  
April 2, 2013

Council Meeting #7  
April 2, 2013  
Regular Session  
City Hall  
7:00 PM

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

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

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

PLEDGE OF ALLEGIANCE

Public Comments

Tyler Totman was signed up to speak, but agreed to wait to speak later as he was the first item on the agenda and would have more time to explain his proposed plan.

Tom Gobel respectfully suggested that more cooperation and communication should be taking place between the City, the County, and the Town of Cortlandville. Without communication the City residents suffer the consequences.

**MINUTES**

**RESOLUTION #52** of 2013 – Resolution to approve the minutes of the March 19, 2013 Meeting.

Motion By: Alderman Bennett  
Seconded By: Alderman Silliman

Approved: Ayes – 8  
Nays – 0

Ward Reports

Ward 4 – Alderman Bennett

Mr. Bennett attended the Quarterly Board of Director's meeting with Mack Cook with the Tompkins County Health Care Consortium. He stated that the City made the right decision in asking to join this group. They are dedicated to trying to get the best price for its members while also working on different prescription plans that might work best for each municipality. He commended Finance Director Mack Cook and Deputy Police Chief Paul Sandy for all the work they did, looking out for the City's taxpayers and the City employees.

#### Ward 8 – Alderman Michales

The Eight Ward held a meeting here at City Hall on March 13<sup>th</sup> that lasted almost two hours covering some issues in the 8<sup>th</sup> Ward and in the City such as the Pendleton Street property, which will soon be back on the tax roles. On March 26<sup>th</sup> he attended the County meeting, and the School meeting on drugs and alcohol.

#### Ward 3 – Alderman Dye

In the Mayor's absence Mr. Dye attended the ribbon cutting ceremony for Dickie's BBQ, the building dedication at Beaudry Park, and then he attended the Mayor's State of the City Address Saturday afternoon. He read part of an email he received from a retired professor in his Ward regarding the sales tax agreement between the City and the County.

"Alderman Dye,

I read with amazement and concern the article in Saturday's Cortland Standard about the talks between the City and the County concerning the sales tax agreement. Concern that some of our City elected legislators show the unwillingness to discuss the agreement in light of the \$10 million dollars in grants they received, and amazement that these officials are trying to tell the City how they could or should save money. If these people would put the same effort into County business, the County would be in better financial condition."

#### Ward 2 – Alderman Silliman

The 2<sup>nd</sup> Ward is still facing problems with people smoking in front of residences on Stevenson Street, across from the University.

Ms. Silliman noted she had received an email regarding the Mayor's State of the City Address regarding the high density zoning.

#### Ward 1 – Alderman Bird

The first ward is concerned about the safe morning and afternoon pick up and drop off of children at Smith School so we will look into what can be done to keep the kids safe.

#### .Ward 7 – Alderman Ferguson

The seventh ward will be having a Neighborhood Watch meeting on April 18<sup>th</sup> at 7:00 at the Beard Building about Ward 7 and Dexter Park, to try to get a group together to figure out how to make this a better summer. Marietta is still a concern as the trucks are a continued problem

Ward 6 – Alderman Ferrer

Fortunately, nothing has been an issue in Ward 6.

Ward 5 – Alderman Quail

Mr. Quail attended the open house for the new Beaudry Park building. It will definitely be an asset to the community. Watching the children gathering Easter eggs in six inches of snow was entertaining, they had a good time.

He also attended the Interoperable Radio meeting on the sales tax agreement, and hopefully some discussions will take place. Instead of the County telling us what to do, the City should be able to do what's best for the City, and best for the whole County.

### Mayor's Report

The Mayor gave the State of the City Address on Saturday and was very pleased to be able to report on a number of positive accomplishments throughout the City in multiple departments, and also the fact that we were able to keep our costs manageable over 2012 through the 2013 budget year, and we will continue to work on keeping our budget manageable.

Mayor Tobin attended the graduation of seven of our police officers from Emotionally Disturbed Persons Response Team training on Friday. Seven officers volunteered their time to learn how to better respond to people who are emotionally disturbed. Representatives from University Police Department also attended that training, as well as representatives from Syracuse University. Cortland is now one of only four municipalities in the State of New York who has specific training to deal with people who are experiencing emotional distress. If our officers get called to a scene, they will be better equipped to deal with such situations.

At the behest of Barbara Lifton he performed at the Science Cabaret for Sustainable Tompkins and Cortland County's climate change conference, along with the Mayor of Ithaca.

Mayor Tobin also met with the County about the request to change the repayment of the bond for the interoperable radio system. He asked if the Council would like to add this to tonight's agenda, to which Alderman Quail suggested putting it on the next agenda as tonight's agenda was already lengthy.

### Proclamation

Mayor Tobin noted that he was optimistic that this will be passed later on the agenda because the Proclamation deals with Fair Housing.

### Mayor

WHEREAS, in accordance with Title VIII Fair Housing Policy of the Civil Rights Act of 1968 and the Fair Housing Amendments Act of 1988, and

WHEREAS, the month of April 2013 has been designated by the US Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity as Fair Housing Month,

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Cortland hereby declares and proclaims April as Fair Housing Month in the City of Cortland, New York.

Pink Sign off Sheet

1. Discussion on allowing Boy Scout Troop 79, Tyler Totman to construct a shelter for the DMV road testing site on the River Street side of Dexter Park (Jan Dempsey)

Tyler Totman was present to explain his proposal for constructing a shelter for people waiting for road tests, to protect people from the elements.

Tyler is working toward earning his Eagle Badge. Currently the area has a bench but no structure for parents or people accompanying test drivers to protect them from the cold or rain. The structure would be 6 by 10 foot shelter with benches inside, and wheelchair accessible, located on River Street near the tennis court, on Dexter Park property. The Scout Master is Mike May, of Mike May Construction, who has offered to help build it.

Some of the materials may be donated and donations will be collected to help pay for the cost of construction. He would need to get approval and funding by late April in order to have his project finished in time to earn his Badge. The idea was supported by the City Youth Bureau Advisory Board, Alderman Linda Ferguson, Police Chief Catalano and County Clerk Elizabeth Larkin, who oversees the Department of Motor Vehicles.

The Council had a few questions, such as maintenance and liability. The City's Insurance carrier, Place Insurance has agreed to insure the structure at no additional cost to the City. The structure should be basically maintenance free, but the City will assume any maintenance.

Mayor Tobin supported Tyler's project whole – heartedly, and suggested the donations would likely start coming in since the Council meeting will be aired on Channel 2.

**RESOLUTION #53** OF 2013 - Resolution to approve Tyler Totman's proposal to construct a shelter for the DMV road testing site on the River Street side of Dexter Park.

Motion By: Alderman Bennett  
Seconded By: Alderman Silliman

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #54** OF 2013 – Resolution to name the meeting room in the Beaudry Park Building in honor of Theodore Fenstermacher (John McNerney)

John McNerney explained that in August of 2002 the estate of Theodore Fenstermacher gifted the City of Cortland a generous donation of \$50,000 to be used to enhance the

City's esthetic environment, the development of Parks and for worthwhile public purposes. Giving back to the City was his passion.

Motion By: Alderman Quail  
Seconded By: Alderman Bird

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #55** OF 2013 – Resolution to authorize the closure of Central Ave. from Greenbush through Pendleton St. at the East Court Street railroad crossing on Sunday, April 21 from 11:00 a.m. to 3:00 p.m. to accommodate the activities of Cortland Blooms (Sustainable Cortland)

Mayor Tobin noted this item had already been passed, and this is to add another half hour in order to give the group a little more time for planning and set up

Motion By: Alderman Ferrer  
Seconded By: Alderman Bennett

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #56** OF 2013 – Resolution to permit the painting of green footsteps on Sunday April 21, 2013 between the hours of 11:00 a.m. and 3:00 p.m. on the street pavement from Greenbush to Pendleton St. at the East Court Street railroad crossing to accommodate the activities of Cortland Blooms (Sustainable Cortland)

Motion By: Alderman Quail  
Seconded By: Alderman Silliman

Approved: Ayes – 8  
Nays – 0

The question of how long the street would be painted was raised. It was understood that the paint would be removed after the event.

**RESOLUTION #57** OF 2013 – Resolution to provide \$6,600 in Community Development Program Income to Access to Independence to assist in the administration of a recently awarded fiscal year 2012 Access to Home Program for projects located in the City of Cortland (Thoma Development)

Motion By: Alderman Ferrer  
Seconded By: Alderman Bird

Approved: Ayes – 8  
Nays – 0

Linda Armstrong was present to address any questions. Council questioned if the \$6,600 was program income, to which Mrs. Armstrong answered that it was.

**RESOLUTION #58** OF 2013 – Resolution to approve modifications to the City’s Community Development Business Loan Program pursuant to recommendations by the City’s Community Development Loan Committee. (Thoma Development)

Motion By: Alderman Ferrer  
Seconded By: Alderman Bennett

Approved: Ayes - 8  
Nays – 0

Linda Armstrong explained that about a month ago the City was advised it had received a Community Development Block Grant, but the amount requested was reduced by about \$260,000 because we had Housing Program income on hand and both HUD and the State decided to start enforcing an old policy that Program income must be used before becoming eligible for any new funds. She explained that the City’s Loan Committee is recommending Common Council modify the program to create a two-tier program, the first remaining as designed with funds per job raised to \$35,000; a second tier would be available to small businesses that meet the NYS OCR small business program criteria (with exception of the \$15,000 per job requirement).

**RESOLUTION #59** OF 2013 – Resolution to approve an increase in the amount that can be provided in assistance under the Community Development Program Income-Funded Emergency Repair Program.  
(Thoma Development)

Motion By: Alderman Ferrer  
Seconded By: Alderman Silliman

Approved: Ayes - 8  
Nays – 0

Linda Armstrong reminded the Council that this would be the third amendment made to the Program, increasing the asset limit for an applicant, and allowing an applicant to return for a second time if applications were made at least five years apart. Replacing windows and doors requires testing for asbestos and hiring a qualified contractor to remove the asbestos, raising the cost substantially.

The funding will be considered on case by case basis, funding over \$5,000 will be brought to the Loan Committee and possibly brought before Common Council for approval

**RESOLUTION #60** OF 2013 - Resolution to allow the Mayor to close the parking lot between the Marketplace Mall and the VFW from 12:00 noon until 10:30 p.m. for the Main Street Music Series each day on the following dates: (Cheryl Michales)

July 12  
July 19  
July 26  
August 2  
August 9

Motion By: Alderman Ferrer  
Seconded By: Alderman Michales

Approved: Ayes - 7  
Nays – 0  
Abstained: Alderman Michales

Cheryl Michales explained that each year the parking lot is closed off at noon to allow plenty of time for setting up and putting up the construction fencing between the parking lot and the VFW parking lot, which is rolled up after each event.

Mayor Tobin noted that he would like to run this by the Department of Public Works but should not be an issue.

**RESOLUTION #61** OF 2013 – Resolution to introduce a Local Law to establish a Real Property Tax Exemption for new construction and major rehabilitation of mixed use properties in the Central Business District (Rich Cunningham)

Motion By: Alderman Ferrer  
Seconded By: Alderman Silliman

Approved: Ayes - 8  
Nays – 0

Rich Cunningham explained that this would only apply to City tax and hopefully the County and School would offer an exemption as well.

**RESOLUTION #62** OF 2013 – Resolution to set a date, time and location for public comment on the proposed Local Law establishing a Real Property Tax Exemption for new construction and major rehabilitation of mixed use properties in the Center Business District (Rich Cunningham), set for April 16, 2013 at 6:00PM in the Mayor’s Conference Room.

Motion By: Alderman Bennett  
Seconded By: Alderman Bird

Approved: Ayes - 8  
Nays – 0

Mr. Cunningham noted that he would like to schedule the Public Hearing as soon as possible because there are developments projects in the planning stage now.

Mayor Tobin scheduled an hour before the next Common Council meeting which would be on April 16<sup>th</sup> at 6:00 PM.

**RESOLUTION #63** OF 2013 – Resolution to allow the Mayor to declare April as Fair Housing Month (Thoma Development)

Motion By: Alderman Silliman  
Seconded By: Alderman Michales

Approved: Ayes - 8  
Nays – 0

**RESOLUTION #64** OF 2013 - Resolution to authorize the Mayor to enter into a Grant Disbursement Agreement with Central New York Regional Planning & Development Board. This agreement allows CNYRPDB to grant Cortland \$30,000 towards the Wastewater Department's greenhouse gas reduction project of replacing centrifugal aeration blowers with high-efficiency turbo blowers. (Bruce Adams)

Motion By: Alderman Bird  
Seconded By: Alderman Ferrer

Approved: Ayes – 8  
Nays – 0

Bruce Adams introduced Sam Gordon from the CNYRPDB, who the Waste Water Department has been working with since 2010. Mr. Gordon explained the plan of action in bringing the Treatment Plant into compliance, completing an audit and report on reducing energy consumption and identifying projects that the City might undertake to also reduce emissions.

(Motion, second and vote was not made, moved to April 16, 2013 agenda) Stricken from record.

**RESOLUTION #65** OF 2013 – Resolution to allow the Mayor to retain the firm of Troy & Banks of Buffalo, New York to audit for the purpose of verifying the accuracy of payments paid or due to the City from Time Warner Cable pursuant to the Franchise Agreement between the City and Time Warner Cable. Troy & Banks will receive as its compensation for services rendered a contingency fee of 40% (Forty percent) of the underpayments identified. If there is no recoverable underpayment, there will be no fee payable. (Mack Cook)

Motion By: Alderman Ferrer  
Seconded By: Alderman Silliman

Approved: Ayes – 8  
Nays – 0

Council recognized the possibility that this could amount to a substantial amount of money and 40% is a reasonable amount of compensation considering the leg work and paper work involved.

Mayor Tobin noted that any good business should be audited periodically.

**RESOLUTION #66 OF 2013** – Resolution to allow the Mayor to retain the firm of Troy & Banks of Buffalo, New York to conduct a survey of the City’s Gross Receipt Tax on the natural gas and electric service accounts for the purpose of securing refunds or credits resulting from the discovery of charges or costs in excess of those permitted or allowed by applicable contracts, tariffs, statutes, rules and regulations and/or from overcharges or billing errors. In addition, Troy & Banks Will audit the City’s Gross Receipts Tax received from National Grid and New York State Electric & Gas, and will receive as its compensation for services rendered, a contingency fee of 40% (Forty percent) of the underpayments identified. If there are no refunds or credits, there will be no fee payable. (Mack Cook)

Motion By: Alderman Bennett  
Seconded By: Alderman Silliman

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #67 OF 2013** – Resolution to encumber \$95,219.00 in the General Fund as of December 31, 2012 in the department and accounts as follows: (Mack Cook)

RECOMMENDED ENCUMBRANCES FOR THE YEAR ENDED DECEMBER 31, 2012

DEPARTMENT	PURPOSE	ACCOUNT	REQUESTED AMOUNT	RECOMMENDED AMOUNT	DIFFERENCE	REASON
Finance	In-Rem Fees	A1325-41502	\$ 6,997	\$ 6,997	\$ -	
Police	Retro Contract Settlement	A3120-10300	\$ 12,000	\$ 12,000	\$ -	
Police	Vehicles	A3120-206	\$ 29,456	\$ 29,456	\$ -	
Police	Fuel	A3120-402	\$ 4,754	\$ 4,754	\$ -	
Police	Uniforms	A3120-408	\$ 5,624	\$ 5,366	\$ (258)	Available Budget
Police	Academy	A3120-4161	\$ 2,591	\$ 2,591	\$ -	
Police	Academy	A3120-41603	\$ 1,916	\$ 1,916	\$ -	
Fire	Software Implementation	A3410-415	\$ 14,060	\$ 14,060	\$ -	
Fire	Shift Manning	A3410-1041	\$ 4,760	\$ 4,760	\$ -	
Fire	Emergency Call In	A3410-10402	\$ 2,245	\$ 2,245	\$ -	
Fire	Out of Title Pay	A3410-109	\$ 344	\$ 344	\$ -	
Youth Bureau	Restricted donations	A7310-405	\$ 555	\$ 555	\$ -	
Youth Bureau	Maintenance	A7100-206	\$ 10,176	\$ 10,176	\$ -	
Codes	Grass & Snow Removal	A3621-414	\$ 1,500	\$ -	\$ (1,500)	Available Budget
Total			\$ 96,977	\$ 95,219		

Motion By: Alderman Quail  
Seconded By: Alderman Ferrer

Approved: Ayes – 8

Nays - 0

**RESOLUTION #68** OF 2013 - Resolution to accept \$10,000.00 from the Seven Valley Health Coalition to offset the City's expenditure for the conceptual design work on the I-81 Gateway Project. (Mack Cook)

Motion By: Alderman Ferrer  
Seconded By: Alderman Silliman

Approved: Ayes - 8  
Nays - 0

Mack Cook noted that the City allocated \$30,000.00 from a dormant Trust Account. One member of the Gateway Committee is a representative of the Seven Valley Health Coalition and since the Gateway Project will include a bike/pedestrian path, they were able to tap their resources for the \$10,000.00 toward this project.

**Resolution #69** OF 2013 - Resolution to appropriate \$800.00 of the \$2,000.00 LGRMIF Award to Account A3621-415 (Professional Services) (Chief Chuck Glover)

Motion By: Alderman Ferrer  
Seconded By: Alderman Bird

Approved: Ayes - 8  
Nays - 0

Chief Glover explained that the money is to pay the person who came in and purged the files.

Alderman Dye noted he would be meeting on Friday Route 11 for Cortlandville, Homer and Cortland at 10:00 AM at the Brockway Museum.

Alderman Quail stated that sometime in May or June, the Council should schedule a workshop for a mid-year financial review of the budget.

Adjournment

Motion By: Alderman Ferrer  
Seconded By: 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 2ND DAY OF APRIL, 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.**

\_\_\_\_\_  
JUDITH CHAMBERLIN, CITY CLERK

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MAYOR TOBIN