



City Council Minutes
The City of Cortland
May 7, 2013

Council Meeting #9
May 7, 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, Daniel Quail and Thomas Michales.

Staff Present: Corporation Counsel Kelly Colasurdo, Director of Administration & Finance Mack Cook, Police Chief Frank Catalano, Fire Chief Charles Glover and City Clerk Judith Chamberlin

Mayor Brian Tobin called the ninth Common Council meeting of the year to order at 7:05 P.M.

PLEDGE OF ALLEGIANCE

Public Comments

Ruth Grunberg spoke in regards to the Cultural Council of Cortland County using the Railroad Station, and her concern with the proposed appointment of Rick VanDonsel as Corporation Counsel.

Connie Sorrells spoke to Council regarding constructing a fence on her property to deter people from entering her yard, going into her neighbor's yard, and vandalizing vehicles. She did not think the fee to put up a small length of fence was warranted.

Mike Dexter spoke about the trees planted within the City and the trimming and removal of some trees. He and Diane Batzing have been out there every day with the DPW, Nick Dovi's crew, National Grid, and Nelson's Tree Service planting 59 new trees in eight days. He asked for the public's assistance in protecting the new trees from vandals.

Minutes of the April 16, 2013 meeting:

Motion By: Alderman Quail
Seconded By: Alderman Bennett

Approved: Ayes – 8

Nays - 0

RESOLUTION # 81 OF 2013 – Resolution to approve the minutes of the April 16, 2013 as submitted.

Ward Reports

Ward 4 – Alderman Bennett

Alderman Bennett reminded people that SUNY Cortland will be having graduation coming up soon and suggested avoiding Tompkins Street. Construction continues on the new dorm and the SUNY Life Center.

Ward 8 – Alderman Michales

Two weeks ago the Fire Department asked Alderman Michales to assist them in the installation of smoke detectors and carbon monoxide detectors in his ward. He spent the whole day with them and went along on four calls. He commended the Firemen on the great job they do, without hesitation.

He received a complaint regarding the backup of traffic on Port Watson Street, drivers showing no consideration to the cars on perpendicular streets and blocking intersections for several minutes. It is an ongoing issue and wondered if the Police Department should start ticketing people who block intersections.

The clean up took place at 16 Kellogg, a job well done, it looks great.

Last week was Paint the Town Purple to raise money for cancer, and Alderman Michales thought it was inappropriate to see an ice cream truck cut his prices to get business for himself.

Ward 2 – Alderman Silliman

Alderman Silliman attended a Neighborhood Watch meeting which Ann Doyle presided over, the last meeting until August or September.

John McNerney was present from the Youth Bureau to talk about all the good things they have been doing, and the subject of loud motorcycles late at night came up. She asked that motorcyclists please be courteous of the quiet neighborhoods they ride through.

The Second Ward has been plagued with a lot of drunken, boorish behavior. We want to wish the young people well as they move along in life and graduate, but the situation has gotten out of hand.

Ward 3 – Alderman Dye

Alderman Dye noted that National Grid will be trimming trees, starting at Glenn Street and Groton Ave Plaza.

Ward 1 – Alderman Bird

She wanted to inform people that the re-paving of Mildred Avenue, Parker Avenue, and Homer Avenue will begin.

Aldermen Bird and Ferguson attended the Climate Smart/Climate Friendly in Ithaca. She did a ride-along with the Police Department and appreciated that opportunity.

Ward 7 – Alderman Ferguson

She and Alderman Bird just returned from a 3-day Mayor's Conference. The Seventh Ward will be holding Neighborhood Watch, Dexter Park meeting, and Ward meeting on May 13th at the Beard Building. Her 7th Ward Face book page is going very well, expanding more every day.

Ward 6 – Alderman Ferrer

Alderman Ferrer thanked Police Chief Catalano, Deputy Chief Knickerbocker and Mayor Tobin for helping to get the residents of Samson, Willow and Pearne to voice the concerns of what is happening on these streets.

Ward 5 – Alderman Quail

Alderman Quail noted that his Ward has been fairly quiet, but a continued number of people are parking across the sidewalks, and would like to see that issue addressed.

Mayor's Report

1. Saturday, participated in Community Clean Up, 5/4/13
2. Saturday, participated in the Paint the Town Purple event on Main Street, where he received a haircut which Kelly Skinner received \$1,000.00 in donations to see him get buzzed, 5/4/13
3. Attended the 6th Ward meeting about neighbors' concerns, 5/4/13
4. Attended the Living History Center preview party, 5/3/13
5. Attended the opening of Cinch Art Space in the former Corset Factory, 5/3/13
6. Attended and spoke at National Day of Prayer event at God's Lighthouse of Praise, 5/2/13
7. Attended a Tobacco Free Initiative Committee meeting at SUNY Cortland, 5/2/13
8. Attended the Wastewater Treatment Plant workshop, 4/30/13
9. Met with representatives from the Cultural Council about the former Railroad Station, 4/29/13
10. Attended CRSC meeting, 4/26/13
11. Attended Arbor Tree Dedication Ceremony, 4/26/13
12. Met with Shannon Anderson about a run to benefit the Hospital, 4/26/13
13. Attended Youth Involvement Meeting, CACTV, 4/25/13
14. Going to have a family day in the park event to promote our parks with families
15. Met with Adam Megivern from the Downtown Partnership, Chris Bistocchi from Public Works, addressing dumpsters in Groton Avenue parking lot, 4/24/13
16. Spoke at Jumpstart 10 event, 4/23/13

Mayor Tobin requested three additions to the agenda:

- 1) Consideration of a Resolution to appoint Wayne Hansen to the Zoning Board of Appeals
- 2) Consideration of a Resolution to approve a Sound Device Permit for Gator's Tavern.
- 3) Executive Session to discuss a personnel contract.

Mayor Tobin noted that there was a vacancy on the Zoning Board of Appeals and put forth Wayne Hansen as a member. One stipulation of the ZBA is that no more than four people from one political party may be on that Board.

RESOLUTION # 82 OF 2013 – Resolution to appoint Wayne Hanson to the Zoning Board of Appeals.

Mr. Hanson was recommended by Deputy Chief Knickerbocker.

Motion By: Alderman Bennett
Seconded By: Alderman Michales

Approved: Ayes – 8
Nays – 0

Present to speak on behalf of Gator's Sound Device Permit was Attorney Fran Casullo. Mr. Casullo thanked the Mayor and Council for getting this item on the agenda on such short notice. Gator's, LLC is requesting a Sound Device Permit for Saturday, June 1st to hold a beginning of Summer Party. They held the same event last year and the year before, with no incident.

The live music will be playing from 1 to 9 PM, parking will be managed, and people will stay within the property. With Council's approval Gator's will apply to the State Liquor Authority for permission to serve alcohol outside. Mr. Cutia is very respectful of the surrounding neighbors.

Alderman Quail noted he had spoken with Mr. Cutia and several neighbors and has never had an issue with the event.

Motion By: Alderman Ferrer
Seconded By: Alderman Quail

Approved: Ayes – 8
Nays – 0

RESOLUTION # 83 OF 2013 – Resolution to approve the Sound Device Permit for Gator's outdoor event.

Proclamations (To be pushed to later on the agenda)

- Building Safety Month-May 2013
- National Arson Awareness Week May 5-11, 2013
- National Police Week May 12-17, 2013
- Designation of the week of May 6-10, 2013 as Amnesty Week –Highway Department / Landfill

RESOLUTION # 84 OF 2013 - Resolution to grant the Main Street Music Series a waiver from the City's Open Container Ordinance within the designated area for July 12, July 19, July 26, August 2 and August 9. (Cheryl Michales)

Motion by: Alderman Ferrer
Alderman Silliman

Approved: Ayes – 8
Nays - 0

RESOLUTION # 85 OF 2013 – Resolution to grant the Saint Anthony's Festival a waiver from the City's Open Container Ordinance within the designated area for June 8 & 9, 2013, as approved by Police Chief Catalano. (Mayor Tobin)

Motion By: Alderman Ferrer
Seconded By: Alderman Quail

Approved: Ayes – 8
Nays - 0

RESOLUTION # 86 OF 2013 – Resolution to approve a Sound Device Permit for 6 North Church Street (Angel Sutton)

Motion By: Alderman Silliman
Seconded By: Alderman Ferrer

Approved: Ayes – 0
Nays – 8

Police Chief Catalano expressed his concerns with the location as his Department has responded to that location nine times in the past year or so, and the date coincides with the College graduation. He was against the approval of the permit. The applicant was not present to answer any of the questions that arose.

Application for a sound device permit at 6 North Church Street is **DENIED**.

RESOLUTION # 87 OF 2013 – Resolution to approve the Mayor's appointment of Richard Stock to the Historic Business District Commission. (Mayor Tobin)

Motion By: Alderman Ferrer
Seconded By: Alderman Silliman

Approved: Ayes – 8
Nays – 0

Mayor Tobin stated that after consultation with Corporation Counsel Kelly Colasurdo, agenda items # 5 & 6 will be moved to post-Executive Session with Council approval, with

the rational being that, as Corporation Counsel and having dealt with the topics in Executive Session, it makes the most sense for her to discuss topics while she is still formally the Corporation Counsel.

Common Council agreed to move those two items to after Executive Session.

RESOLUTION # 88 OF 2013 - Resolution to lift the hiring freeze for the hiring of one Firefighter. (Mayor Tobin)

Motion By: Alderman Ferrer
Seconded By: Alderman Bennett

Approved: Ayes – 6
Nays – 2 Aldermen Silliman and Quail

RESOLUTION # 89 OF 2013 - Resolution to approve the hiring of a firefighter effective July 24, 2013. (Mayor Tobin)

Motion By: Alderman Ferrer
Seconded By: Alderman Bird

Approved: Ayes – 7
Nays – 1 – Alderman Bird

Alderman Silliman asked what affect it would have on the Fire Department if Council waited until July 24th.

Chief Charles Glover explained that back in March this was discussed and he requested to hire someone and get that candidate into the more timely and economical training being offered July 28th. The candidate would begin post – Academy work, send him to a couple of courses, and do some in-house training prior to leaving for the Academy so when he comes back from the Academy he could begin working right away. Council questioned if the Fire Department actually was short-staffed, which Chief Glover stated that having a swing shift person to cover absences could save the Department from paying overtime. The civil service exam was given; Chief Glover asked for the list and interviewed the top six people.

Mayor Tobin expressed reservation in hiring to fill a position in the Fire Department that is more fully staffed than it was two years ago; paying a person during the time before attending the Academy, and made aware that the person hired has the ability to opt out of working in the Code Enforcement Office, while being paid a stipend for being certified as a Code Enforcement Officer. Looking at the safety aspect, Mayor Tobin's concern was looking at the number of firefighters on a regular shift, and Alderman Bennett was correct in stating that the firefighter who resigned was in the Code Department, and the Public Safety/Electrician was moved into the Code Department, his interpretation is that the Fire Department is staffed as well as it has been over the past five years.

Chief Glover stated that the new hire would not have the option of not working in the Code Office, and that he was instructed that he would be assigned to that Department until a position opened up in the Fire Department.

Council noted that the work load in the Code Office has not been increased as anticipated due to the Rental Permit law still being held up in litigation, under a temporary restraining order.

Chief Glover stated the hiring of a firefighter is not critical, but is preferred.

Presentation: Cortland Fire Investigation Division.

The Mayor will later read a Proclamation regarding National Arson Awareness Week, which is May 5th through the 11th.

Deputy Chief Knickerbocker introduced Vincent Minella, who had a power point presentation on the Fire Investigation Division, comprised of two Lieutenants and six investigators, a combination of career and volunteers. Currently, the Division investigates an average of 14 fires a year to determine cause and other factors, and at times results in arrest.

RESOLUTION # 90 OF 2013 – Resolution to accept and recognize the following donations to the Wickwire Pool Fund:

Donation	Amount
SUNY Cortland COM350 Concert	\$257.23
Mary Lou Bordwell	\$100.00
Indulge	\$ 83.00
Logo This, Inc.	\$ 26.00
Total Donations	\$466.23

Motion By: Alderman Bird
Seconded By: Alderman Ferrer

Approved: Ayes - 8
Nays – 0

Council members would like to send the SUNY students a letter thanking them for all they have done to raise awareness and funds for the Wickwire Pool.

RESOLUTION # 91 OF 2013 - Resolution to approve a donation of \$11,600 from James J. Yaman Foundation for Yaman Park improvements. Donated funds will be added to the Youth Bureau operating budget line PARKS – 7110.5407 (John McNerney)

Motion By: Alderman Bird
Seconded By: Alderman Bennett

Approved: Ayes – 8
 Nays – 0

The Council expressed gratitude to the Yaman family for their generous and continued financial support to the Park.

Discussion of Housing Committee Recommendations to amend Section 300-172 of the Code of the City of Cortland (Penalties for offenses) to provide for a criminal penalty of a fine of \$500 or imprisonment of up to 150 days, or both such fine and imprisonment, or a civil penalty of a fine of \$2,500 for each offense of Section 300-171 (B) of the Code of the City of Cortland. (Alderman Silliman)

James Reeners was present to speak in support of the proposal, as in some cases it is more lucrative to break the law than to adhere to the law. The increase in fines and creating shorter time frames for bringing properties into compliance, which will deter offenses. The problem in the past was a landlord broke the 3 unrelated code, and an attorney argued the issue until the semester was over and by that point nothing could be done. If fines were increased, having additional students would not be so beneficial. Council wanted to discuss the item with Corporation Council and determine if the change could be done by a Resolution or needed to be a Local Law.

The Code change is an item scheduled to go before the Planning Commission on May 20th.

Mayor Tobin noted that the Housing Committee recommendations will go before the Law Department for review and then come back before the Council. He will discuss with Deputy Chief Knickerbocker regarding re-convening the previous Code Committee.

Discussion of a recommendation from the Code Department to amend Section 100-12 of the Code of the City of Cortland (Complaints-Fee) (Deputy Chief Knickerbocker)

Deputy Chief Knickerbocker explained the intent to amend this section is to clean up some of the language, which was very brief when first conceived.

RESOLUTION # 92 OF 2013 – Resolution to authorize the Mayor to enter into a purchase Agreement, contingent upon receipt of grant funding from the New York State Dormitory Authority in the amount of \$250,000 for the purchase of property located at 17-19 Court Street, City of Cortland for the appraised sum of \$251,000. (Mack Cook)

Director of Administration and Finance Mack Cook noted that if the City is granted the funding, the net cost to the City would be \$1,500.00. He provided the Council with documentation on the history of the property.

Mayor Tobin supports the purchase, taking the first step forward in making some changes that are long overdue, making sure the Fire Department has what it needs.

Motion By: Alderman Quail
Seconded By: Alderman Silliman

Approved: Ayes – 8

Nays - 0

Discussion of the City entering into a purchase agreement for the purchase of property located at 155 Clinton Avenue, City of Cortland for the appraised sum of \$320,000. The balance of the purchase price (\$70,000) shall be funded from the Assigned Land Acquisition and Redevelopment Reserves. Funds withdrawn from the Reserve Accounts shall be reimbursed from future funding secured to finance the Northeast Gateway Project contingent upon the following:

- Receipt of grant funding from the New York State Department of Transportation in the amount of \$250,000.
- Recommendation of the Northeast Gateway and Clinton Avenue Enhancement Steering Committee.
- Report, pursuant to Section 5-28-7 of the City Charter, from the Planning Commission. (Mack Cook)

Director of Administration and Finance Mack Cook explained that the property is the site of a vacant gas station which stood abandoned for many years. Under the effort of the owner and a citizen, the building was razed and is now an attractive area. It is not City property, but would be a vital part of the Gateway Project.

Mayor Tobin noted that the demolition and greening was a very significant contribution from Mr. Yaman, and greatly appreciated.

RESOLUTION # 93 OF 2013 – Resolution to transfer \$40,000 from the Assigned Snow Removal Reserve to the Salt Expenditure Budget within the Department of Public Works to replenish the City’s inventory of road salt. The Assigned Snow Removal Reserve shall be reimbursed from 2012 increase in the General Fund’s Balance. (Mack Cook)

Motion By: Alderman Ferrer
Seconded By: Alderman Silliman

Approved: Ayes – 8
Nays – 0

The money is in a reserve account, put aside to cover expense from year to year without putting a strain on the City budget. Purchasing the salt now allows the City to get a better price than if it was purchased in the winter months.

RESOLUTION # 94 OF 2013 - Resolution to authorize the Mayor to execute a contract with Fiscal Advisors & Marketing, Inc. of Syracuse, New York for financial advisory and marketing services in connection with the fund for reconstruction and expansion of the City Wastewater Treatment Plant. (Mack Cook).

Motion By: Alderman Bird
Seconded By: Alderman Ferguson

Approved: Ayes – 8

Nays – 0

RESOLUTION # 95 OF 2013 – Resolution to authorize the Mayor to enter into a Location Agreement with Left Coast Pictures. (Mayor Tobin)

Motion By: Alderman Silliman
Seconded By: Alderman Bird

Approved: Ayes – 8
Nays - 0

Mayor Tobin explained that Brian Barasch, who attended SUNY Cortland a number of years ago, wrote a movie based upon the location of Cortland and was fond of his time spent here. The location agreement gives him the certainty that we are supportive of the project. All aspects will come before the Council and will be approved by the Police Department. Some details were discussed further.

RESOLUTION # 96 OF 2013 – Resolution to permit the owning, harboring, raising and maintenance of fowl at 126 Madison Street contingent upon obtaining applicable building and area permits authorizing the construction and/or installation of a coop in accordance with Section 74-9 of the City Code. (Deputy Chief Knickerbocker)

Motion By: Alderman Bird
Seconded By: Alderman Michales

Approved: Ayes – 8
Nays – 0

Alderman Michales visited the address and spoke with Mrs. Timmons, and the coop is already there, a very small structure. Any waste will be composted.

RESOLUTION # 97 OF 2013 – Resolution to allow the Mayor to approve the \$200 annual stipend for the Records Management Officer. (Mayor Tobin).

Motion By: Alderman Ferguson
Seconded By: Alderman Silliman

Approved: Ayes – 8
Nays – 0

Council questioned what the duties of the position are and what extra work might be entailed. The stipend would be attached to the position, should someone else take over that title. New York State requires that each municipality have a Records Management Officer.

Shelley Knickerbocker explained that the RMO works with the NYS Archive Regional Officer, attending workshops, and creating a City of Cortland records policy which we do

not have right now. The City follows the MU1 schedule, and every record the City creates, every document has a retention schedule.

RESOLUTION # 98 OF 2013 - Resolution to allow the Mayor to name Shelley Knickerbocker to the title of Records Management Officer. (Mayor Tobin)

Motion By: Alderman Bennett
Seconded By: Alderman Silliman

Approved: Ayes – 8
Nays - 0

Discussion about the Cultural Council of Cortland County and their interest in the Railroad station as a community space. (Mayor Tobin)

Mayor Tobin was contacted by David Beale, Executive Director of the Cultural Council. Also present was Sheila Cohen, a member of the Board. The Council is very interested in the space at the railroad station. They are currently located in a small office in the City, but more space would allow for classes, and the Council is in charge of the First Friday events, displaying art, with music, snacks and beverages. This location would be a nice connection with the Corset factory, which has seen improvement in terms of its usage. Some further discussion ensued.

RESOLUTION # 99 OF 2013 – Resolution to adopt the 2013 Sidewalk Program Guidelines (Office of Community Development)

Motion By: Alderman Bird
Seconded By: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

The only change is an increase in the subsidy, from \$700 to \$800, the first increase in several years.

With Council's approval, the discussion of the Miscellaneous Revenue Budget will be dealt with first.

RESOLUTION # 100 OF 2013 – Resolution to adopt the Miscellaneous Revenue Budget for 2013 (Mack Cook)

Motion By: Alderman Ferrer
Seconded By: Alderman Silliman

Approved: Ayes – 8
Nays – 0

Mayor Tobin noted that Council was given a packet containing information on what the operating budget has been, and some of the costs have been shifted out, minimally. A longer discussion will take place later.

Linda Armstrong from Community Development was present to explain to the Council those over the years, little by little, funds have been shifted out of the Miscellaneous Revenue, which is replenished from Misc. Rev. Loan repayments, giving the City the option to continue funding some of the projects/entities. Due to dwindling funds, items were placed in the General Fund Budget in 2011, some of which are still unspent.

Consideration of a Resolution to approve a Community Development Loan Request in the amount of \$21,000. (Thoma Development)

Motion By: Alderman Bird
Seconded By: Alderman Quail

Linda Armstrong noted that discussion regarding the applicant should be done in Executive Session.

Motion and second were withdrawn until after Executive Session.

PROCLAMATIONS:

Mayor Tobin read three Proclamations:

1st – Proclamation designating the month of May, 2013 as Building Safety Month

2nd – Proclamation designating the week of May 5-11, 2013 as Arson Awareness Week in the City of Cortland

3rd - Proclamation designating May 15th as Peace Officers Memorial Day, and the week of May 12-18, 2013 as National Police Week

Executive Session:

Discussion of collective negotiations between the City and The Professional Wastewater Operators Association pursuant to Article 14 of the Civil Service Law.

Information for Council regarding ongoing contract negotiations.

Potential resignation of two employees.

Community Development Loan request previously discussed.

Motion to Go Into Executive Session

By: Alderman Ferrer
Seconded By: Alderman Bennett

Approved: Ayes – 8
Nays – 0

Motion to come out of

By: Alderman Ferrer
Seconded By: Alderman Bennett

Approved: Ayes – 8
Nays – 0

RESOLUTION # 101 OF 2013 – Resolution to appoint Richard VanDonsel to the title of Corporation Counsel at a salary of \$40,000.00 per year.

Alderman Bennett – Nay	Alderman Bird - Nay
Alderman Michales – Aye	Alderman Ferguson - Nay
Alderman Silliman – Aye	Alderman Ferrer - Nay
Alderman Dye – Aye	Alderman Quail – Aye

Mayor Tobin cast the tie breaking vote of Aye. He congratulated Mr. VanDonsel.

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 7th DAY OF MAY, 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

MAYOR BRIAN TOBIN