



City Council Minutes
The City of Cortland
May 21, 2013

Council Meeting #10
May 21, 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 Richard VanDonsel, Director of Administration & Finance Mack Cook, and City Clerk Judith Chamberlin

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

PLEDGE OF ALLEGIANCE

Public Comments

First person signed up to speak was Ray Oliver (recorder was not as yet turned on)

Ruth Grunberg spoke about Ronnie Dio Day, which this year is tentatively set for July 14th, a Sunday, at Dexter Park. The past two years the concert was held at the JM McDonald Complex, raising funds for charity and for scholarship funds for a Cortland High student majoring in music. The public is invited and encouraged to bring pictures and any momentos to share. Ms. Grunberg and Alderman Ferguson are the contact persons.

Next to speak was Tony Pace, and he had some questions on agenda item #5, the Real Property Tax Exemption for properties on Main Street. The County Budget and Finance Committee had met with members of the Chamber of Commerce and the IDA/BDC, also hosted a work session at the County Office Building. He has done a great deal of research in other communities. Eventually the County will be voting on this proposal.

Alderman Dye noted he had asked to be included in emails so he could attend the County's next meeting, but never received an email.

Tom Gobel spoke on the Cortland industry, the largest of which is Cortland State and thought it was a good idea if industries in the area could donate items such as cell phones to the College students, similar to how Smith Corona donated typewriters at one point.

Derek Reynolds, union steward for the Cortland Fire Department, wanted to address the Mayor and Common Council as a group. His idea was to encourage the Council to come to the Fire Station to see how things operate, and to be better informed before making decisions that impact that Department. Aldermen Thomas Michales and Julie Bird each came on a ride along with us to get a better idea of what the Firemen do.

Minutes of the May 7, 2013 meeting:

RESOLUTION #102 OF 2013 – Resolution to approve the minutes of the May 7, 2013 meeting, amended to include a list of the Proclamations.

Motion By: Alderman Ferrer
Seconded By: Alderman Bird

Approved: Ayes – 8
Nays – 0

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

Linda Armstrong reminded the Council that anything specific that might be confidential must be discussed in Executive Session, but she would be willing to answer any general information questions. She had sent out a memo, followed up by a letter from Matt Gross as requested by Common Council members.

Executive Session

To determine with Corporation Council if Council questions pertaining to the loan were of a confidential nature.

Motion to go into:

By: Alderman Quail
Seconded By: Alderman Bennett

Approved: Ayes – 8
Nays - 0

Motion to come out of:

By: Alderman Quail
Alderman Bennett

Approved: Ayes – 8
Nays - 0

RESOLUTION #103 OF 2013 – Resolution to approve a Community Development Loan request in the amount of \$21,000.00.

Motion By: Alderman Ferrer
Seconded By: Alderman Silliman

Approved: Ayes – 8
Nays - 0

RESOLUTION #104 OF 2013 - Resolution to approve Dennis Gallagher’s request to participate in the Sidewalk Program. (Ann Hotchkin)

Council expressed desire to meet with Corporation Council regarding the guidelines set forth, and wondered why Common Council needed to approve one person when the sidewalk program is open to all residents.

Linda Armstrong explained that guidelines have been established, but when public funds are involved and there could be a perceived conflict of interest because of someone having a connection with the City, such as Dennis Gallagher being an employee of the City, it is disclosed to the public.

Motion By: Alderman Ferguson
Seconded By: Alderman Bird

Approved: Ayes – 8
Nays - 0

RESOLUTION #105 OF 2013 - Resolution to approve a Sound Device Permit for the Walk For Christ on July 14,2013 (Breck Aspinwall)

Motion By: Alderman Ferrer
Seconded By: Alderman Quail

Approved: Ayes – 8
Nays - 0

Consideration of a Resolution to approve the 2013 Downtown Parking Improvement Proposal tendered by the Cortland Downtown Partnership.(Adam Megivern)

Adam Megivern had a brief power point presentation as a review from what was done last year. Currently the City offers free 2 hour parking on Main Street and 3 hour parking in the City lots, without a parking permit. The permits cost \$14.00 per month, \$13.00 per month if a 6 month or more is purchased at one time. Overnight parking is allowed in a limited number of designated spaces. He proposed issuing a resident parking permit for \$30.00 per month so that downtown residents would not need to move their car every day. Other ideas include increasing the number of alternating odd/even spaces to encourage more people to live downtown, adding a day pass, and increasing the rate of a parking permit to \$20.00 and \$15.00 if more than 6 months was purchased. Mr. Megivern listed the

proposed changes to be considered in the City parking lots. He fielded some questions from the Council.

One concern was that designating an increased number of parking spaces in the Groton Avenue lot for permit parking may have a significant impact on the adjacent businesses (The Hollywood Restaurant and the Elk's club).

Mayor Tobin's suggestion was to exclude the front two rows of parking spaces facing Groton Avenue from being permit parking, making those spots available for customers. It was agreed to try the new plan and revisit it a year.

RESOLUTION #106 OF 2013 - Resolution to approve the 2013 Downtown Parking Improvement Proposal, amending it to exclude handicapped parking and the first two rows on the North end of the Groton Avenue parking lot to run for one calendar year, start date to be determined by the Mayor and the Downtown Partnership.

Motion By: Alderman Ferrer
Seconded By: Alderman Bird

Approved: Ayes – 8
Nays - 0

RESOLUTION #107 OF 2013 - Resolution to adopt a Local Law entitled "Exemption of Certain New or Substantially Rehabilitated Multiple Dwellings - a Real Property Tax Exemption."

Motion By: Alderman Silliman
Seconded By: Alderman Bennett

Approved: Ayes – 7
Nays – 1, Alderman Bird

Rich Cunningham of Thoma Development was present to explain that this program does not impact any taxes currently being paid. The properties will continue to pay taxes and be subject to any increase in tax rates and increase in base assessment. The only abatement would only be on the actual renovations. Any first floor improvements would not be included in the abatement. If only three buildings are renovated by 2015, that would be a success.

Mayor Tobin clarified that this proposal is not a City initiative, but the City is supportive of it and the City has had numerous conversations with David Briggs, the City Assessor, Adam Megivern, and City School Superintendent. Right now we have lower assessed values for some of our buildings and no upper floor occupancy in some of the buildings. With this program, in five years the assessments will be the same but we will have occupancy, then in twelve years we will have occupancy and higher assessments, and in twenty years the buildings will have full assessment. There is a huge benefit in passing this.

Several Council members expressed concerns of residents who do not understand the concept, and think if the Downtown Businesses get tax breaks, so should the homeowners.

What City residents need to realize is the fact that offering an incentive to improve the Downtown area could increase sales tax revenue, increase business in the area restaurants, the proposal could be very beneficial.

The possibility of offering homeowners a similar tax break in the future, as was discussed briefly a few months ago, may possibly be done at some point.

Not every building in Downtown Cortland will be eligible for this program. The building must be vacant, predominately vacant, or under-utilized. It must be contain one or more sub-standard or structurally unsound buildings, or a building that has been certified as unsanitary by the Health Department.

Council questioned Mr. Cunningham on what sort of stipulations came with the abatement to prevent a person from using this money for major renovations and then selling the property for a profit, to which Mr. Cunningham explained that when money is spent revitalizing a property and then sold, maybe fifty cents on the dollar would be seen on the investment.

Mayor Tobin noted that, as far as doing this to help one section but not for another, that area has been a problem for several years and nothing has been done. We are not spending any money on this, we are deferring potential revenue. If we do nothing, nothing will change. A number of programs are available to homeowners to assist with repairs as well.

RESOLUTION #108 OF 2013 – Resolution to adopt a Negative Declaration as its determination of environmental significance of the “Cortland Wastewater Treatment Plant Upgrade Project”

Motion By: Alderman Quail
Seconded By: Alderman Bird

Approved: Ayes – 8
Nays – 0

To speak was David Merzig of the Law Firm of Kehoe & Merzig in Oneonta, New York, retained by the City and paid by Bruce Adams' Wastewater Department budget. One thing the firm does is provide expertise for Environmental reviews, especially for Public Works projects and Wastewater Treatment. Back on February 19, 2013 this Council established itself as lead agency on the Wastewater Upgrade Project SEQRA Review.

Mr. Merzig led the Council through the long form SEQRA Review, completed form attached.

WHEREAS, the Common Council of the City of Cortland (hereinafter “Council”), has received an application for an upgrade project at the City’s Waste Water Treatment Plant; and

WHEREAS, the proposed action constitutes an Unlisted Action pursuant to the regulations of the State Environmental Quality Review Act (SEQRA) (6 NYCRR Part 617); and

WHEREAS, Cedarwood Engineering Services PLLC, the City's consulting engineers have prepared an Environmental Assessment Form, Part I, in connection with the proposed action; and

WHEREAS, the Council is the only permitting agency for this Permit; and

WHEREAS, on February 19, 2013 the Council by resolution declared itself Lead Agency; and

WHEREAS, as lead agency, the Council notified all interested parties of the application and received no comments other than statements of no opposition to the project within the comment period; and

WHEREAS, the Council has found that the Project will be accomplished totally within the current site of the City Waste Water Treatment Plant, and that there will be no disturbance of new land or any other significant environmental impact from either the construction or operation of the upgrade; and

WHEREAS, the Council has further determined that this upgrade will significantly improve the operation of the existing aging systems at the current Waste Water Treatment Plant, and enable the plant to comply with new regulatory requirements and to maximize energy efficiency, including the production of energy from waste which will be used to both heat and operate the facility, thus positively impacting the environment and decreasing the cost of operating the plant; and

WHEREAS, as lead agency, the Council conducted an environmental review in accordance with the requirements of SEQRA and has considered the proposed action, reviewed the Full Environmental Assessment Form Parts 1 and 2 filed with them in connection with the proposed action, reviewed the criteria set forth in the SEQRA Regulations at 6 NYCRR Part 617.7(c), thoroughly analyzed the relevant areas of environmental concern, reviewed supplemental information provided by the applicant, and by these actions taken a "hard look" at the potential adverse environmental impacts of the proposed action on those relevant areas of environmental concern, both on its own and with the aid of its retained engineering firm and legal counsel; and

WHEREAS, based on this review, pursuant to the provisions of 6 NYCRR Part 617.7(c), the Lead Agency has determined that it is unnecessary to prepare or submit any further assessment or comment under Part 3 of the Environmental Assessment Form submitted in this action;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF CORTLAND COMMON COUNCIL AS FOLLOWS:

Nays - 0

Director of Administration and Finance Mack Cook explained that the City is not authorizing the construction of the plant. Council may anticipate addressing that at the June meeting. The SEQRA needed by done before the resolution in order to secure the City's position on the 2014 Environmental Funding list.

RESOLUTION # 110 OF 2013 - Resolution to authorize the publication of the Estoppel Notice in connection With the Bond Resolution for \$13,500,000 to finance the construction of the City's Wastewater Treatment Plant. (Mack Cook)

Motion By: Alderman Bird
Seconded By: Alderman Silliman

Approved: Ayes – 8
Nays - 0

RESOLUTION #111 OF 2013 - Resolution to approve donations and deposit funds into the Cortland Youth Bureau operating budget. Donated funds will be added to the Following budget lines: (John McNerney)

Donor	Amount	Budget Line	Purpose
Cortland Rotary Club	\$1,440.00	7110.5206	Shelter Painting
Mike Dexter	250.00	7110.5206	Dexter Fence
Todd & Michelle Funk	500.00	7330.5400	Youth Center Kitchen Program

Motion By: Alderman Bird
Seconded By: Alderman Ferguson

Approved: Ayes – 8
Nays - 0

RESOLUTION #112 – Resolution to appropriate \$14,150.00 from the proceeds from the sale of surplus equipment to account 8120-520600 Operating Equipment – Sanitary Sewers. (Nicholas Dovi)

Motion By: Alderman Bennett
Seconded By: Alderman Silliman

Approved: Ayes – 8
Nays - 0

A few old vehicles were sold and a “crock pot” sort of equipment was purchased which will be used to patch pot holes and water cups with a hot mix, which will last longer in the winter and asphalt grindings can be recycled by adding oil and heating it.

RESOLUTION #113 of 2013 - Resolution to approve monies reimbursed from FEMA for the Smoke Detector Program Grant to be appropriated to the fire department

Budget lines as follows: (Chief Glover)

Account #A3410-415 (Contractual) in the amount of \$5,796.00

Motion By: Alderman Bird
Seconded By: Alderman Ferrer

Approved: Ayes – 8
Nays - 0

RESOLUTION #114 OF 2013 - Resolution to accept and recognize the following donations to the Wickwire Pool Trust Fund from local businesses and individuals: (John McNerney)

Donor	Amount
Crown City Rollerz	\$ 447.00
Jon Finkelstein	25.00
Total	\$ 472.00

Motion By: Alderman Quail
Seconded By: Alderman Bennett

Approved: Ayes – 8
Nays – 0

RESOLUTION #115 OF 2013 – Resolution to add the position of Corporation Counsel to the standard workday hours list for this appointed position. (Mayor Tobin)

Motion By: Alderman Ferrer
Seconded By: Alderman Quail

Approved: Ayes – 8
Nays - 0

New York State Retirement System requires all elected and appointed officials file a report of their standard work day.

RESOLUTION #116 OF 2013 – Resolution to approve the Memorandum of Understanding between the City of Cortland and Professional Wastewater Operators Association concerning the 2014-16 collective-bargaining agreement and to authorize the Mayor to sign said agreement. (Bruce Adams)

Motion By: Alderman Ferrer
Seconded By: Alderman Bennett

Approved: Ayes – 8
Nays – 0

Mayor Tobin thanked the Union itself and their leadership, Mack Cook for his efforts to develop the contract, and Bruce Adams and his Deputy Chief making minor adjustments and worked out a contract easily.

RESOLUTION #117 OF 2013 - Resolution to appropriate \$27,500 from the General Fund's Contingency Account to the Law Department to retain legal counsel to represent the City's interest in the following matters:

\$10,000 to defend the City from demands brought by the Civil Service Employees Association, Inc., City of Cortland Unit President Howard Thomas, for compensation for work performed by others in cleaning downtown sidewalks in preparation for the 2012 Jets Welcoming Ceremony.

\$10,000 to represent the City in demand by the Civil Service Employees Association, Inc., City of Cortland Unit President Howard Thomas, for Impact Bargaining pertaining to certain duties previously under the auspicious of the Public Safety Department being transferred to the Public Works Department.

\$7,500 to represent the City in a demand by the Cortland Professional Firefighters Association, President Derrick Reynolds, for extra compensation to be paid to non-firefighter member of the bargaining unit as "Kelly Time". (Law Department)

Motion By: Alderman Ferrer
Seconded By: Alderman Bird

Approved: Ayes – 8
Nays - 0

RESOLUTION #118 OF 2013 – Resolution to appropriate funds received from the New York Schools Insurance Reciprocal in the amount of \$8,402.42 to budget line 7110.5407 to repair the fence at Dexter Park.

The fence has already been replaced.

Motion By: Alderman Ferguson
Seconded By: Alderman Michales

Approved: Ayes – 8
Nays - 0

Consideration of a Resolution to acquire the following equipment:

Two new Holland, Model Backhoes for the Water Department at NYS contract List price of \$177,800, less trade-in allowance for surplus equipment of \$63,552 For a net purchase price of \$114,248

One Massey Ferguson Model 1660 4 X 4 loader with 72" rotary cutter for Youth Bureau/Parks at NYS contract list price of \$38,278 less trade-in allowance for

Surplus equipment of \$8,900 for a net purchase price of \$29,378

One new Holland Skid Steer Loader Model 230 and Bradco 24" 30 RPM Rock Saw for DPW at NYS contract list price of \$56,852 less trade-in allowance for surplus equipment of \$10,142 for a net purchase price of \$46,710

One Ferris 5100ZC330 Zero Turn Mower with 61" rear deck for Youth Bureau/Parks at NYS contract list price of \$15,302 less trade-in allowance for surplus equipment of \$5,402 for a net purchase price of \$9,900. (Chris Bistocchi)

Summary:

Combined Purchase Price	\$288,232
Less trade-in allowance	<u>87,996</u>
Net expenditure	\$200,236

RESOLUTION #119 of 2013 - RESOLUTION TO TABLE THIS ITEM UNTIL THE June 18, 2013 meeting

Motion By: Alderman Ferguson
Seconded By: Alderman Quail

Approved: Ayes – 8
Nays - 0

RESOLUTION #120 of 2013 - Resolution to authorize the closure of Main Street from 9:00 a.m. until 12:00 noon on Memorial Day (May 27, 2013) for the VFW Ceremony (Chief Catalano)

The actual ceremony will be at 11:00 AM.

Motion By: Alderman Ferrer
Seconded by: Alderman Bird

Approved: Ayes – 8
Nays - 0

RESOLUTION #121 OF 2013 - Resolution to designate East Avenue from Port Watson Street to Central Avenue as closed to commercial through traffic. (Alderpersion Ferguson)

Motion By: Alderman Ferguson
Seconded By: Alderman Bird

Approved: Ayes – 8
Nays - 0

Ward 7 has had an ongoing problem with Marietta truck traffic. East Avenue is not a wide street and the trucks often run up onto the lawns and damage drain basins. Signs will be posted and trucks will be redirected through that section of the City.

Mayor Tobin reminded residents that the Water Festival will be held at the Water Department Pump House on Broadway on June 1, 2013 from 10AM to 2PM, with several activities for the children to enjoy.

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 21st 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