



City Council Minutes
The City of Cortland
June 18, 2013

Council Meeting #11
June 18, 2013
Regular Session
City Hall
7:00 PM

Present: Mayor Brian Tobin, Aldermen Julie Bird, Kathryn Silliman, John Bennett, Daniel Quail, Carlos Ferrer, Linda Ferguson and Thomas Michaels

Absent: Alderman Ken Dye

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

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

PLEDGE OF ALLEGIANCE

Public Comments

Anthony Grossi

- Flooding at property on Excelsior Street

John Hoeschele

- Cortland Rural Cemetery President of Board of Trustees, presented Certificate of Thanks to the Department of Public Works

Ron Powell

- Against Cameras on Main street

Tom Gobel

- In favor of the Tax Abatement

Ruth Grunberg

- Against cameras on Main Street
- Urged Council to contact Congress and Time Warner Cable to use energy efficient equipment

Minutes of the May 21, 2013 meeting:

RESOLUTION #120 of 2013 – Resolution to approve the minutes of the May 21, 2013 as submitted.

Motion By: Alderman Bird
Seconded By: Alderman Ferrer

Approved: Ayes – 7
Nays – 0

Ward Reports

Alderman Quail

- Neighborhood watch meeting on Thursday, June 20, 2013 at Beadry Park Building at 6:30PM, Mike Schaffer will be guest speaker
- July 10th Normal Walk

Alderman Ferrer

- Citizens concerns regarding Hickory Park Lane and street issues, repair behind schedule

Alderman Ferguson

- Ward 7 now has a Neighbor Hood Watch
- Thanked Mack Cook for helping to clean Welcome to Cortland sign from Rt 81

Alderman Bird

- Went on tour of the Dryden Waste Water Treatment Plant with Bruce Adams

Alderman Silliman

- Thanked Mack Cook for helping to clean Welcome to Cortland sign from Rt 81
- Issues with SUNY Cortland students and their Tobacco Free Policy, neighbors complained about smoke coming into their house and cigarette butts on the ground
- Several call against cameras on Main Street

Alderman Michaels

- Property issues
- Wants to talk to the Chief and Deputy Chief about some issues in his wards neighborhood
- Add an item to the agenda

Mayors Report

- School board held a meeting in regards to the Tax Abatement, Rich Cunningham of Thoma presented
- Add an addition item to the executive session: “Updates on personnel negotiations”

RESOLUTION #121 of 2013 – Resolution to authorize the submission of an application in the amount of \$400,000 to the NYS Office of Community Renewal under the Community Development Block Grant Program’s Community Revitalization Fund to continue the Multi-Family Acquisition and Rehabilitation Program to authorize the Mayor to sign the application and to enter into and execute a grant agreement with NYS upon approval of the application.

Motion By: Alderman Bird
Seconded By: Alderman Quail

Approved: Ayes – 7
Nays – 0

Absent: Alderman Dye

RESOLUTION #122 OF 2013 – Resolution to approve a Community Development loan request in the amount of \$400,000 pursuant to a recommendation by the City’s Loan Committee.

Motion By: Alderman Ferrer
Seconded By: Alderman Silliman

Approved: Ayes – 7
Nays – 0

Perry Morgan, CFO of Marietta Corporation, expressed appreciation for the city’s help and cooperation.

RESOLUTION #123 of 2013 – Resolution to approve a donation of \$1,290.00 and deposit the donation into the Cortland Youth Bureau operating budget 7110.5405. The gift is from Stephen & Janine Franco in memory of Gary and Rita Cassell who loved Suggett Park. Funds will be used to replace the ten cherry trees in Suggett Park that were removed in 2012 due to decay.

Motion By: Alderman Silliman
Seconded By: Alderman Quail

Approved: Ayes – 7
Nays – 0

Consideration of a Resolution to approve an exotic pet permit (chickens/hens) to Dan Fuller of 10 Evergreen St.

TABLED for the July 2, 2013 Common Council meeting because Alderman Michaels was not notified of the permit request per procedure.

RESOLUTION # 124 of 2013 – Resolution to approve an exotic pet permit (Ball Python) to Shane Erwin of 39 South Ave., Apt. 1.

Motion By: Alderman Ferrer
Seconded By: Alderman Ferguson

Denied: Ayes – 0
Nays – 7

RESOLUTION # 125 of 2013 – Resolution to approve the installation of two cameras on Main Street at the corner of Main and Court Street.

Motion By: Alderman Bennett
Seconded By: Alderman Silliman

Approved: Ayes – 6
Nays – 1 Alderman Silliman

Deputy Chief Paul Sandy discussed the asset of having the cameras set up in the city.

Common Council requested a public comments session before a vote was to be made.

RESOLUTION #126 of 2013 –Resolution to authorize the re-construction and expansion of the Waste Water Treatment Plant at a cost not to exceed \$13,500,000.

Motion By: Alderman Ferrer
Seconded By: Alderman Quail

Approved: Ayes – 7
Nays – 0

Bruce Adams gave a short description of the project.

DISCUSSION on vacant buildings in Cortland: (Tom Michaels)

RESOLUTION #127 of 2013 – Resolution designating the Cortland Standard as the official newspaper of the City of Cortland.

Motion By: Alderman Ferguson
Seconded By: Alderman Ferrer

Approved: Ayes – 7
Nays – 0

RESOLUTION #128 of 2013 – Resolution designating the following bank depositories for City Funds:

- A. Alliance Bank/NBT (formerly Alliance)
- B. J.P. Morgan Chase Bank N.A.
- C. M & T Bank

Motion By: Alderman Ferrer
Seconded By: Alderman Bird

Approved: Ayes – 7
Nays – 0

Council suggested that the city perform a RFP next year.

RESOLUTION #129 of 2013 – Resolution designating Lori Crompton and Elaine Doe as the signators on all accounts.

Motion By: Alderman Ferrer
Seconded By: Alderman Quail

Approved: Ayes – 7
Nays – 0

RESOLUTION #130 of 2013 – Resolution to authorize the Mayor to enter into a contract with the Phillips Lytle, LLP for the 2012 IN REM process and authorize Mayor Tobin to sign the contract subject to review by Corporation Counsel.

Motion By: Alderman Ferrer
Seconded By: Alderman Quail

Approved: Ayes – 7
Nays – 0

RESOLUTION #131 of 2013 – Resolution to prohibit all truck, tractors and tractor-trailer combinations having a combined gross weight of vehicle plus load in excess of five tons are hereby excluded from all highways within this City, except from those highways listed in Subsection A, except that this exclusion shall not be construed to prevent the delivery or pick up of merchandise or other property along any highway from which such vehicles and combinations are specifically excluded from the following streets:

East Avenue from Port Watson Street to Central Avenue

Motion By: Alderman Ferguson
Seconded By: Alderman Ferrer

Approved: Ayes – 7
Nays – 0

RESOLUTION #132 of 2013 – Resolution to authorize the Mayor to execute a contract with David Briggs, Assessor.

Motion By: Alderman Ferrer
Seconded By: Alderman Bennett

Approved: Ayes – 7
Nays – 0

RESOLUTION #133 of 2013 – Consideration of a Resolution to have monies from the SAFER grant be appropriated to the Fire Department budget lines as follows:

Account A3410-100 (Personnel) –	\$ 344.64
Account A3410-415 (Contractual) –	<u>\$ 21,762.40</u>
Total	\$ 22,107.04

Motion By: Alderman Ferrer
Seconded By: Alderman Bird

Approved: Ayes – 7
Nays – 0

RESOLUTION #134 of 2013 – Resolution to accept and recognize the following donations from local business and individuals:

Donation	Amount
Joan Lord	\$ 50.00
Anne Josephine Caratelli	<u>\$ 100.00</u>
Total Donations	\$ 150.00

Motion By: Alderman Ferrer
Seconded By: Alderman Silliman

Approved: Ayes – 7
Nays – 0

Donations are for the Wickwire Pool Fund

RESOLUTION #135 of 2013 – Resolution to waive the City Park vending permit fee of \$150.00 for the Police/Fire softball game on August 18, 2013 for the benefit of Wickwire Pool. (Mayor Brian Tobin)

Motion By: Alderman Bird
Seconded By: Alderman Bennett

Approved: Ayes – 7
Nays – 0

RESOLUTION #136 of 2013 – Resolution to prohibit parking in any of these current locations:
City Charter (11-165)

<u>Highway</u>	<u>Side</u>	<u>Boundaries</u>
Pearl Street	West	For a distance +200 feet north of its intersection w/Tompkins St.
Tompkins Street	North	From the intersection of Pashley Drive to Pearl Street
<u>Highway</u>	<u>Side</u>	<u>Boundaries</u>
Wheeler Avenue	South	For a distance of +/- 45 feet Directly adjacent from the exit Driveway of F.E. Smith Elementary School on school days from 7:00 AM to 6:00 PM

Motion By: Alderman Bennett
 Seconded By: Alderman Bird

Approved: Ayes – 7
 Nays – 0

Nicholas Dovi of the Department of Public Works stated that the signage will be posted, gave brief explanation of why and was a recommendation by the Public Safety Board.

RESOLUTION #137 of 2013 – Resolution to adjust the parking time allotted from 12 minutes to 20 minutes in these current locations: (11-66 (3) C)- Twelve minute parking zones. (Katy Silliman)

<u>Highway</u>	<u>Side</u>	<u>Boundaries</u>
Clayton Avenue	North	Between a point +/- 164 feet west Of its intersection of Main S. and a Point 288 +/- west of its Intersection with Main St., a Distance of +/- 124 feet.0

Motion By: Alderman Silliman
 Seconded By: Alderman Bennett

Approved: Ayes – 7
 Nays – 0

Time adjusted to accommodate YWCA members and YWCA day care users.

RESOLUTION #138 of 2013 – Resolution for a Sound Device Permit and closure of Main St. from Tompkins St. to Williams St. on Sept. 7, 2013 from 2:00 p.m. until 8:00 p.m. for a concert sponsored by The Stone Lounge with any unresolved issues by Fire Chief and Police Chief will be brought back for discussion at the July 2, 2013 Common Council meeting for reconsideration.

Motion By: Alderman Silliman
Seconded By: Alderman Ferguson

Approved: Ayes – 6
Nays – 1 Alderman Bird

DISCUSSION regarding property at Fox Hollow and Pendleton Street to be added to the Auction Notice for the sale of city owned property.

Executive Session

Motion to go into:

By: Alderman Ferrer
Seconded By: Alderman Bird

Approved: Ayes – 7
Nays – 0

Motion to come out of:

By: Alderman Ferrer
Alderman Bird

Approved: Ayes – 7
Nays – 0

Adjournment

Motion By: Alderman Ferrer
Seconded By: Alderman Ferguson

Approved: Ayes – 7
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

§ 300-130. Purpose.

A review of the arrangement, layout and design of the use of lots for other than single-family use is in the public interest. Such a review should include, where appropriate, those elements relating to parking, means of access, screening, signs, landscaping, architectural features, location and dimensions of buildings, impact of the proposed use upon adjacent land uses and such other elements as may reasonably be related to the health, safety and general welfare of the City.

§ 300-131. Planning Commission review and approval.

The Planning Commission shall review and approve site plans for all uses other than single-family dwellings, except special use permits as to which it shall, upon referral, review and make a recommendation regarding the proposed site plan.

§ 300-132. Actions requiring site plan review.

The following actions require site plan review:

- A. When a building or structure is to be erected; or
- B. When a building or structure is to be altered such that its footprint or its facade is altered; or
- C. When vehicular movement, vehicular parking or a pedestrian walkway is altered; or
- D. When surface water drainage is altered; or
- E. When exterior lighting is installed or altered; or
- F. When designed landscaping is installed or altered.

The following actions are exempt from site plan review:

Applicable to two family dwellings:

- A. Except for floodplain and historic districts; Conforming fence/screen upon application for a dumpster permit alone.**
- B. Except for floodplain and historic districts; Fences and other conforming structures that do not otherwise require a variance.**
- C. Sheds that otherwise do not require a building permit and are not located in floodplain or historic district.**
- D. Minor alterations and façade changes that do not increase lot coverage and that: Do not alter the structural building components; Is less than twelve (12) square feet in (foot print) as constructed; Does not alter building height; and does not create a nonconformity. There is not exemption to this rule for floodplain or historic districts.**

Applicable to all lots:

- A. Existing parking lots- the repaving and restriping of existing parking lots, which does not create alterations to shape or change traffic patterns.**

Proposed changes
are in bold

City of Cortland

Proposed exemptions to the current site plan rule 300-132

Applicable to two family dwellings

- Except for Flood plain and Historic districts; Conforming fence/screen upon application for a dumpster permit alone.
- Except for Flood plain and Historic districts; Fences and other conforming structures that do not otherwise require a variance.
- Sheds that otherwise do not require a building permit and are not located in flood plain or Historic districts.
- Minor alterations & façade changes that do not increase lot coverage and that:
Does not alter the structural building components, OR
Is less than 12 square feet in (FOOT PRINT) as constructed, OR
Does not alter building height, and do not create a nonconformity.
There is no exemption to this rule for flood plain or Historic districts.

All lots

- Existing parking lots - The re-paving & re-striping of existing parking lots, which does not create alterations to shape or change traffic patterns.

From: Wade Beltramo [mailto:Wade@nycom.org]

AGENDA ITEM #6

Sent: Monday, June 17, 2013 3:07 PM

To: Wade Beltramo

Subject: The Uniform Notice of Claim Act

To: City and Village Mayors, Managers, Administrators, Clerks, and Attorneys

From: NYCOM General Counsel Wade Beltramo

Re: The Uniform Notice of Claim Act

On December 17, 2012, Governor Cuomo signed the Uniform Notice of Claim Act into law. The Act, which became effective on June 15, 2013, amended New York's General Municipal Law to allow notices of claim against cities and villages* to be served on the New York Secretary of State as agent for New York's public corporations. Pursuant to the Act, the New York Department of State will forward any notice of claim served on it to the individual the city or village designates to receive the notices of claim.

To effectuate this new method of serving notices of claim on public corporations, General Municipal Law § 53 was added and requires each city and village to file with the New York Department of State a certificate that (a) designates the New York Secretary of State as the local government's agent for service of notices of claim, (b) provides the name and address of an officer, person, or designee, nominee or other agent-in-fact to which the Secretary of State

6/21/2013

will forward any notices of claim, and (c) provides the applicable time limit for filing a notice of claim on the city or village. Note that General Municipal Law § 50-e imposes a general 90 day time limit for filing a notice of claim. City and village officials should check with their attorney to determine if a different time limit has been established by statute.

Cities and villages should adopt a motion or resolution approving the designation and appointing the individual to whom the Secretary of State must mail notices of claim. City and village officials have until July 15, 2013 to file the certificate with the Secretary of State.

Certificates of Designation of Notice of Claim may be filed online at https://appext20.dos.ny.gov/noc_public/f?p=800:8. Online filing is available seven days a week from 7:00 a.m. to 11:30 p.m.

As an alternative to the online filing method, Certificates of Designation of Notice of Claim may be filed using a paper form delivered to the Department of State, Division of Corporations, State Records and Uniform Commercial Code, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231. Requests for copies of the paper filing form must be sent to eDesignation@dos.ny.gov.

Failing to file a Certificate of Designation of Notice of Claim will not invalidate any notice of claim served on the New York Secretary of State.

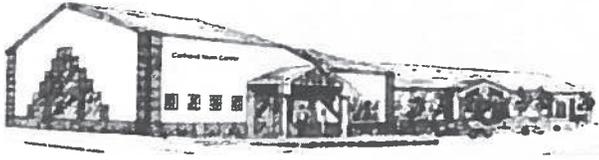
Individuals who serve a notice of claim on the New York Secretary of State will be charged a \$250 service fee. Half of the service fee will be retained by the New York Secretary of State and the other half provided to the public corporation named in the notice of claim. Public corporations that do not file a Certificate of Designation of Notice of Claim with the Department of State will not receive a share of the service fees.

Notices of Claim against cities and villages may be served on the Secretary of State beginning Monday, July 15, 2013.

Certificates of Designation of Notice of Claim may be amended online at https://appext20.dos.ny.gov/noc_public/f?p=800:2 or by contacting the Department of State at eDesignation@dos.ny.gov for a paper form.

Any questions regarding notices of claim may be sent to the Department of State at eDesignation@dos.ny.gov.

**The Uniform Notice of Claim Act applies to public corporations which is defined in General Construction Law § 66 as a municipal corporation, district corporations and public benefit corporations. Municipal corporation is defined to include cities, villages, towns, counties, and school districts.*



CORTLAND YOUTH BUREAU

35 Port Watson Street • Cortland, NY 13045 • (607) 753-3021 • Fax: (607) 753-3023 • www.cortland.org

TO: Mayor Brian Tobin
Members of the City Council
Mack Cook, Director of Administration and Finance
Lori Crompton, Finance Department

FROM: John Mc Nerney, Youth Bureau Director

RE: Wickwire Pool Trust Fund Deposit

DATE: June 24, 2013

As you are fully aware the Wickwire Pool Fundraising committee has been busy seeking donation for the renovation of Wickwire Pool. I would like to ask the common council to accept and recognize the following donations from local business and individuals:

<i>Donation</i>	<i>Amount</i>
<i>Maurince & Linda Meylan</i>	<i>\$100.00</i>
<i>Donald & Diane Chu</i>	<i>\$100.00</i>
<i>Total Donations =</i>	<i>\$200.00</i>

Funds should be deposited into the Wickwire Pool Trust Fund. Attached are copies of the checks. Feel free to contact me with any questions at 753-3021 ext.23.



M

MAURICE A. OR LINDA L. MEYLAN
DL 065-34-8780 001-74-9608
EMP USM
419 S. 38TH AVE. PH. 601-284-5618
HATTIESBURG, MS 39402

5295

85-7702/2653

MAY 3, 2013
Date

Pay to the Order of WICKWIRE POOL REPAIR FUND \$ 100⁰⁰

One hundred and 00/100 Dollars  Security Features Details on Back

USM University of Southern Mississippi
Federal Credit Union
3318 Hardy Street
Hattiesburg, MS 39401
www.usmfcu.com

For DONATION

Maurice A. Meylan MP

DONALD CHU
DIANE S CHU
PH. 301-210-3560
8909 ADMIRAL DR
LAUREL, MD 20708

4157

7-7301/2520
BRANCH 88

June 5, 2013 Date

Pay to the Order of Cortland Youth Bureau \$ 100.00

One Hundred and 00/100 Dollars  Security Features Details on Back

 **Provident**
BANK

For donation

Diane S. Chu MP



**CITY OF CORTLAND
OFFICE OF CITY CLERK**

25 COURT STREET • CORTLAND, NY 13045
PHONE (607) 756-6521 • FAX (607) 756-4644

JUDITH CHAMBERLIN
CITY CLERK

SOUND DEVICE PERMIT

DATE REQUESTED: 7/6/13 ISSUANCE DATE: _____
 NAME: Olivia Wilkerson EXPIRATION DATE: _____
 ADDRESS: 184 Main Street Apt 1 TELEPHONE: (713) 766-4691
Cortland Ny.
13045
 TYPE OF SOUND DEVICE: AMP Speakers Times: 12pm - ~~3pm~~ 9pm
 NON-PROFIT: [initials]

(*Please check if you are a non-profit group therefore no licensing fee applies)

LICENSE FEE: Fixed Location-\$250 Mounting upon Motor Vehicle-\$500

Fixed Location: For the use or operation of any radio, phonograph, microphone or other device by which sounds are magnified and caused to be heard over any public street or public place from any one fixed location and not in, or mounted upon a motor vehicle, the sum of \$250 for any day or part of a day for which the applicant desires permission hereunder. (Code of Ordinances 193-5 Noise Article II Sound Devices [adopted 8-5-1969 as Ch. 12, Art. VI, of the 1969 Code of Ordinances])

Mounting upon motor vehicle: For the use or operation of any radio, phonograph, microphone or other device by which sounds are magnified and caused to be heard over any public street or public place to be used in, or mounted upon, a motor vehicle, the sum of \$500 for any day or part of a day for which the applicant desires permission hereunder. (Code of Ordinances 193-5 Noise Article II Sound Devices [adopted 8-5-1969 as Ch. 12, Art. VI, of the 1969 Code of Ordinances])

RESTRICTIONS, IF ANY:

Olivia Wilkerson
Signature of Applicant

7/25/13
Date

APPLICATION MUST BE FILED AT LEAST TWO (2) WEEKS BEFORE FUNCTION TO ALLOW TIME FOR PROCESSING.

EXOTIC PET PERMIT APPLICATION

Date of Application: 30 May 2013

Owner's Name: Dan Fuller

Owner's Address: 10 European St. Cortland NY.

Phone Number: 591 - 5897

Type of Pet: chickens (hens)

Property Owner (if not self) _____

Property Owner (if not self) Address: _____

Property Owner (if not self) Phone: _____

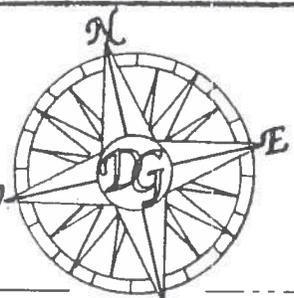
- _____ Complete Exotic Pet Permit Application & Return it to City Clerk's Office
- _____ Contact Animal Committee for premises inspection - Thomas Michales
- _____ - 753-8920 & placement on Council agenda upon approval.
- _____ Permission to harbor letter from landlord/property owner
- _____ Letters from building residents & neighbors indicating knowledge of exotic pet
- _____ Clerk's Office will contact Common Councilor from your Ward
- _____ Issue a letter of approval from Common Council
- _____ All ferrets must have current rabies vaccination certificates on file
- _____ Present letter of approval from Common Council and \$5 fee to Cortland City Clerk, 25
- _____ Court Street, Cortland, New York 13045.

Once a permit is granted, the annual permits are issued from January through December of a given year. Renewal notices will be sent out each December. Exotic pets must be under the control of their owners at all times and not allowed at public places without prior approval.

FULLER (R.O.)
2000-2895

SMITH & CRAFT
(R.O.)
430/175

MUNTEANO
(R.O.)
567-26



Wooden fence -

S77-15E

FND.
I.P.

55.00'

FOUND
IRON
ROD

Chain link fence.

JOSHUA A.
CLARK (R.O.)
1019257-002

Open WILLIAMS (R.O.)
1013305-001
area - enclosed by 4' wire

TAX MAP PARCEL
86.25-01-09

Chicken coop in
rear of garage

THOMPSON (R.O.)
1025821-001

N12-10E

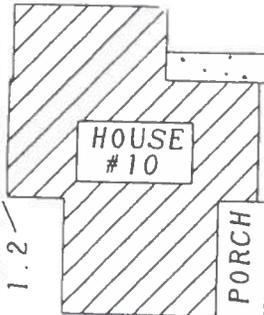
155.17'

0.20 ACRE ±



154.98'
S12-10W

- 6 hens -



ASPHALT DRIVE

Dan Fuller
10 Evergreen

591-5897

Wadrell 47@Gmail.com

FND.
I.R.

WALK

FND.
I.R.

OVERHEAD

WIRES

55.00'

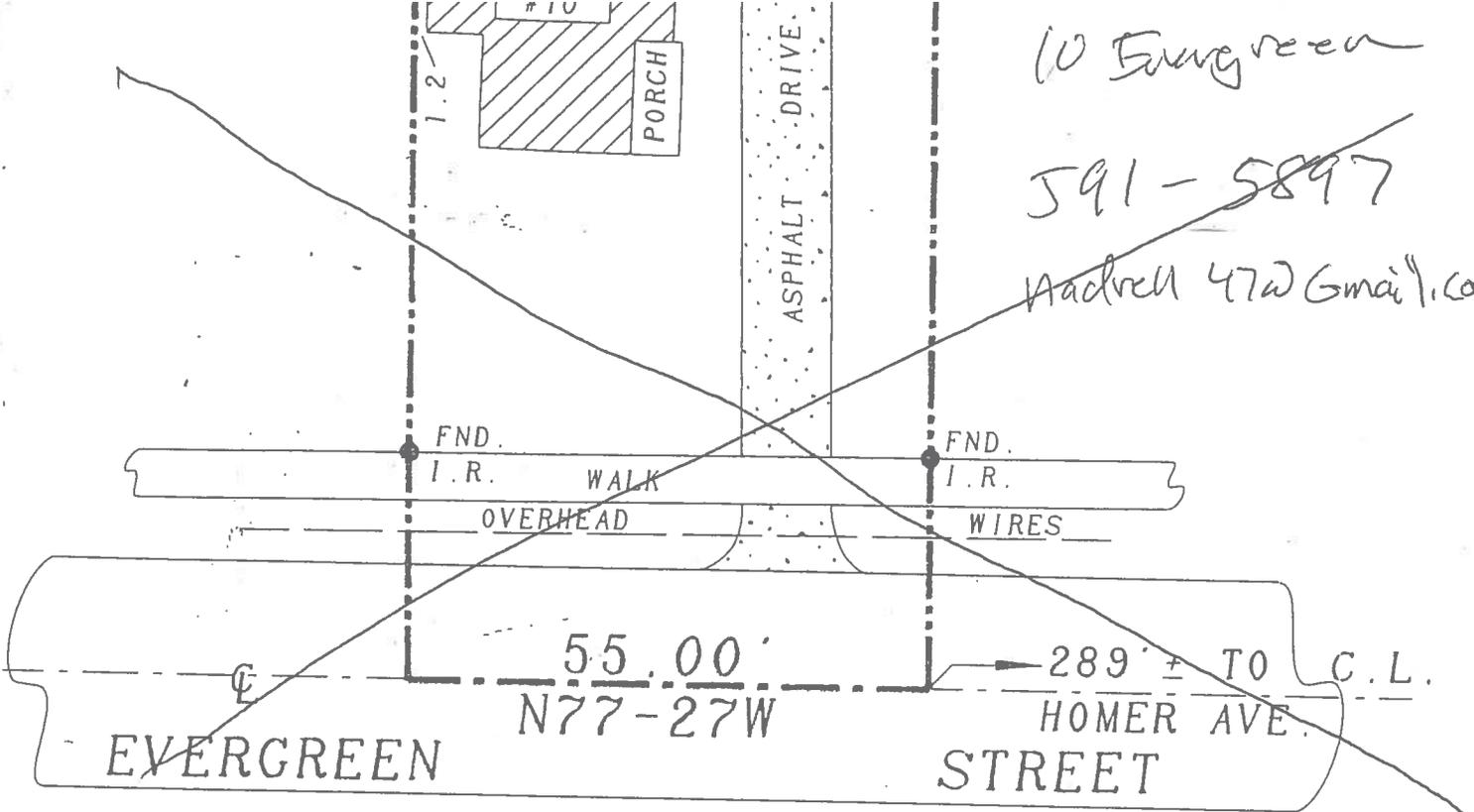
289' ± TO C.L.

N77-27W

HOMER AVE.

EVERGREEN

STREET



REVISED: 06-22-06

COPYRIGHT © 2003 - JAMES DENKENBERGER, P.L.S. - ALL RIGHTS RESERVED

SURVEY ORDER NO.: 03-226

SCALE: 1" = 20'
 DATE: 8/15/03
 PART OF LOT: -
 TOWN: CITY OF CORTLAND
 COUNTY: CORTLAND
 TAX NO.: 86.25-1-9
 REF. NO.: L. L.

TO:

I HEREBY CERTIFY THAT THIS MAP IS AN ACCURATE DELINEATION OF AN ACTUAL SURVEY MADE UNDER MY RESPONSIBLE SUPERVISION AND DIRECTION, SUBJECT TO ANY STATE OF FACTS AN ACCURATE AND UP-TO-DATE ABSTRACT OF TITLE MAY SHOW, UNAUTHORIZED ADDITION OR ALTERATION TO A SURVEY MAP BEARING A SEAL OF A LICENSED LAND SURVEYOR IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW, UNDERGROUND UTILITIES, IF ANY, ARE NOT SHOWN.

BY: *[Signature]*

P.L.S.
50397



DENKENBERGER & GREENE
 PROFESSIONAL LAND SURVEYORS

43 PORT WATSON ST., CORTLAND, N.Y. 13045 (607) 756-5168