

COMMON COUNCIL MEETING

August 20, 2013

7:00 P.M. Call Meeting to Order
Salute to the Flag of the United States
Public Comments
Minutes of August 6, 2013
Bills
Mayor's Report
PINK SHEET Sign off

AGENDA:

Item #1 – Presentation by the Historic and/or Architectural Advisory Board regarding what their board does and what guidelines they have set up for small business to follow (Linda Kline)

Item #2 – Consideration of a Resolution for a street closure William Street from Greenbush Street to Church Street on September 1, 2013 from 12:00PM to 5:00 PM for a Block Party (Cheryl Michales)

Item #3 – Consideration of a Resolution to accept the following donation for the Wickwire Pool Trust Fund:

<i>Donation</i>	<i>Amount</i>
Hope Mob	\$1,046.00
Cecile Swift Lippitt	\$25.00
Total Donations	\$1,071.00

Item #4 – Consideration of a Resolution to accept the 2012 Financial Audit (Mack Cook)

Item #5 – Consideration of a Resolution to authorize the following actions in support of the 18th Annual Great Cortland Pumpkinfest:

- A. Permission to use the City's portion of Courthouse Park from October 5, through October 7, 2013.
- B. Permission to place promotional signs at or near the City's entrance signs.
- C. Permission to operate the Micro Brew Tasting on October 5, 2013 from 1:00 PM to 5:00PM in the Courthouse Park.

Item #6 – Consideration of a Resolution for the Mayor to execute the labor agreement between the City of Cortland and the Volunteer Companies of the Cortland Fire Department for the period commencing January 1, 2013 to December 31, 2013 (Mayor Tobin)

Item #7 – Consideration of a Resolution to request to lift the hiring freeze for the Fire Department

Item# 8 – Consideration of a Resolution to hire a firefighter to replace the vacated position resulting from the retirement and promotion process of the Cortland Fire Department (Charles Glover)

Item #9 – Consideration of a Resolution to set a public hearing on increasing the fees associated with code violations (Katy Silliman)

Executive Session – Union Contract Discussion



City Council Minutes
The City of Cortland
August 6, 2013

Council Meeting #14
August 6, 2013
Regular Session
City Hall
7:00 PM

Present: Deputy Mayor Ken Dye, Aldermen Julie Bird, Katy J. Silliman, John G. Bennett, Jr., Daniel Quail, Linda A. Ferguson

Absent: Mayor Brian Tobin, Aldermen Carlos Ferrer, Thomas Michales

Staff Present: Director of Administration and Finance Mack Cook, Deputy Director of Administration and Finance Lori Crompton, Corporation Counsel Richard Van Donsel, Fire Chief Charles Glover, Police Chief Frank Catalano, Director of Parks, Recreation and Youth Bureau John McNerney, Superintendent of the Department of Public Works Chris Bistocchi, Deputy Superintendent of the Department of Public Works Nicholas Dovi, Deputy Fire Chief William Knickerbocker, Wastewater Treatment Facility Director Bruce Adams, Assistant to the City Clerk Alex Goldstein

Deputy Mayor Ken Dye called the 14th Common Council meeting of the year to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

Public Comments

Bernard Ellis:

- New Resident of city of Cortland
- Like to be involved in government issues
- Advocate for disabled

Tom Gobel:

- Comments about Brown property

Ann Doyle:

- Comments regarding Agenda Item #14

Amended minutes of the July 2, 2013 meeting:

RESOLUTION #174 of 2013 – Resolution to approve the amended minutes of the July 2, 2013 meeting

Motion By: Alderman Bird
Seconded By: Alderman Quail

Approved: Ayes – 6
Nays – 0

Minutes of the July 16, 2013 meeting

RESOLUTION #175 of 2013 – Resolution to approve the minutes of the July 16, 2013 meeting

Motion By: Alderman Bird
Seconded By: Alderman Bennett

Approved: Ayes – 6
Nays – 0

Ward Reports:

Alderman Bennett:

- Canvassing Pearl St regarding cracks from the Student Life Center

Alderman Silliman:

- Attended ground breaking
- Joint Ward 2&3 meeting tomorrow at Beard Building

Alderman Bird:

- Running stop sign on chestnut St, painted line on ride
- Shadowed Finance Department on July 3
- Aug 18, PD v. FD softball game at Beaudry Park 10:00AM-2:30PM

Alderman Ferguson:

- Complaints about cats in area
- SPCA told citizen that Alderman would take care of the problem
- Redwood, stop sign there

Alderman Quail:

- Code diligent in keeping area clean
- Beaudry Park wading pool and old shack removed

Alderman Dye:

- Attended Access to Independence on Saturday

Proclamations:

- Americans with Disabilities Act Awareness Day
- A-Team Appreciation Day

Presentation of the City’s 2012 Audited Financial Statements

- Heidi Berslar
 - Discussed Financial Statements the Bonadio Group put together
 - Stated that it is a clean audited opinion
- Nick Mazza
 - Discussed management issues and financial challenges the city is facing

RESOLUTION #176 of 2013 – Resolution for a street closure of Main Street from Groton Avenue to Tompkins Street on August 10, 2013 from 9:00 AM to 4:00 PM for the Brockway Truck Show

Motion By: Alderman Ferguson
Seconded By: Alderman Quail

Approved: Ayes – 6
Nays – 0

RESOLUTION #177 of 2013 – Resolution for a street closure of Brown Avenue on August 25, 2013 from 1:00 PM to 5:00 PM for a street picnic

Motion By: Alderman Quail
Seconded By: Alderman Bennett

Approved: Ayes – 6
Nays – 0

RESOLUTION #178 of 2013 – Resolution to appoint Diann Potter to the Board of Assessment Review

Motion By: Alderman Bird
Seconded By: Alderman Ferguson

Approved: Ayes – 6
Nays – 0

RESOLUTION #179 of 2013 – Resolution to accept and recognize the following donations to the Wickwire Pool Trust Fund:

Donation	Amount
The Great Cortland Pumpkinfest Inc.	\$3,000.00
Katy Silliman	100.00
Total Donation	\$3,100.00

Motion By: Alderman Bird
Seconded By: Alderman Silliman

Approved: Ayes – 6
Nays – 0

Council thanked the Pumpkinfest for the generous donation to the Wickwire Pool Trust Fund.

RESOLUTION #180 of 2013 – Resolution to allow the Mayor to authorize and file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provision of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$500,000 and upon approval of said request to enter into and execute a project agreement with the State for financial assistance to the City of Cortland for the Wickwire Pool Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property

Motion By: Alderman Bird
Seconded By: Alderman Bennett

Approved: Ayes – 6
Nays – 0

John McNerney

- Discussed the grant the city would be applying for.
- Should hear some time in January.
- Thanked Ann Hotchkin, the SUNY Cortland class and Dr. Caroline Kaltefleiter. who helped with the Wickwire Project.

Council thanked John and Thoma for all their work.

RESOLUTION #181 of 2013 – Resolution to allow the Department of Public Works to solicit a request for proposals for snow plowing during the winter months

Motion By: Alderman Bennett
Seconded By: Alderman Quail

Approved: Ayes – 6
Nays – 0

RESOLUTION #182 of 2013 – Resolution to allow the Mayor to authorize and file an application for funds from the New York State Office of Community Renewal through its New York Main Street Program 2013, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Cortland for the Cortland Downtown Revitalization Program

Motion By: Alderman Silliman
Seconded By: Alderman Bird

Approved: Ayes – 6
Nays – 0

Rich Cunningham discussed the details of the bond.

RESOLUTION #183 of 2013 – Resolution to allow the Mayor to authorize and file an application for funds from the New York State Department of Transportation through its Transportation Enhancement Program, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Cortland for Phase 1 of the Northeast Gateway and Clinton Avenue Enhancement Initiative including streetscaping on and around the Tioughnioga River Bridge and the Clinton/Rivers/Pomeroy intersection

Motion By: Alderman Silliman
Seconded By: Alderman Bird

Approved: Ayes – 6
Nays – 0

Rich Cunningham stated that there was a change to the project cost, now is \$680,000 and the match would change to \$150,000.

RESOLUTION #184 of 2013 – Resolution to allow the Mayor to authorize and file an application for funds from the New York State Energy Research and Development Authority through its Cleaner, Greener Communities Funding, Category 3 and to sign a commitment of matching funds. Grant funds will be used to fund Phase 2 of the Northeast Gateway and Clinton Avenue Corridor Enhancement Initiative including the Clinton Avenue Corridor

Motion By: Alderman Bird
Seconded By: Alderman Ferguson

Approved: Ayes – 6
Nays – 0

Rich Cunningham stated that the budget increased to \$4.5 million and match would be \$1.125 million (25%). Matched money can come from other grants to fund. Addressed some concerns on how the city would fund the match portion of the grant.

RESOLUTION #185 2013 – Resolution to allow the Mayor to authorize and file an application for funds from the New York State Energy Research and Development Authority through its Cleaner, Greener Communities Funding, Category 2 and to sign a letter of commitment of matching funds. Grant funds will be used to update city zoning regulations

Motion By: Alderman Bennett
Seconded By: Alderman Bird

Approved: Ayes – 6
Nays – 0

Rich Cunningham stated that the program would fund 75% of cost and the city would fund 25%. Project budget is \$150,000; \$112,000 from grant; \$38,000 from city

RESOLUTION #186 of 2013 – Resolution to authorize the grant application to the National Fish and Wildlife Foundation for \$40,000, no match, to fund design and engineering services for the Northeast Gateway and Clinton Avenue Corridor

Motion By: Alderman Bennett
Seconded By: Alderman Silliman

Approved: Ayes – 6
Nays – 0

CONSIDERATION of a Resolution to request to lift the hiring freeze to replace the vacated firefighter position resulting from the retirement and promotion process of the Cortland Fire Department

Motion to Table: Alderman Bennett
Seconded By: Alderman Ferguson
Approved: Ayes – 4
Nays – 2 Alderman Bird and Dye

TABLED UNTIL THE AUGUST 20TH, 2013 COMMON COUNCIL MEETING.

DISCUSSION of the formation of a committee to review signage and awning regulations in the Downtown Business District (Downtown Partnership)

Adam Megivern

- Discussed the initial step in starting a small business in the city of Cortland.
- Discussed signage for downtown businesses and the inconsistencies with this issue
- In best interest to reassess the use of font and color of signage

Council:

- Some of council felt that there isn't a need for another committee; city should lead into different avenues of what signage is correct; follow through with what Historic Committee has said
- Some council members believed new committee should work directly with Historic Committee
- There should be a more specific set of guidelines for small businesses to follow

RECOMMENDATION TO HAVE HISTORIC AND/OR ARCHITECTURAL ADVISORY BOARD GIVE SHORT PRESENTATION OF WHAT THEY DO AND WHAT GUIDELINES THEY HAVE SET UP FOR SMALL BUSINESSES AT THE NEXT COMMON COUNCIL MEETING (AUGUST 20, 2013).

RESOLUTION #187 of 2013 – Resolution to award Bid Items 1 and 2 for equipment to be incorporated in the reconstruction and expansion of the Waste Water Treatment Plant to Koester Associates, Inc., of Canastota, NY in the amount of \$228,000.00

Motion By: Alderman Bird
Seconded By: Alderman Silliman

Approved: Ayes – 6
Nays – 0

Bruce Adams discussed the bid specifications and bid protest that was brought up.

RESOLUTION #188 of 2013 – Resolution to award Bid Item 3 for equipment to be incorporated in the reconstruction and expansion of the Waste Water Treatment Plant to Koester Associates, Inc. in the amount of \$311,596.00

Motion By: Alderman Bennett
Seconded By: Alderman Silliman

Approved: Ayes – 6
Nays – 0

Bruce Adams discussed the bid item details and the reason for using this company for this item.

RESOLUTION #189 of 2013 – Resolution to award Bid Item 4 for equipment to be incorporated in the reconstruction and expansion of the Waste Water Treatment Plant to Aerzen USA Corporation of Coatesville, PA in the amount of \$19,150.00

Motion By: Alderman Bennett
Seconded By: Alderman Bird

Approved: Ayes – 6
Nays – 0

Bruce discussed what the item is and what the funds would be used for.

RESOLUTION #190 of 2013 – Resolution to award Bid Item 5 for equipment to be incorporated in the reconstruction and expansion of the Waste Water Treatment Plant to R.M. Headlee Company, Inc., of Orchard Park, NY in the amount of \$5,868.00

Motion By: Alderman Bird
Seconded By: Alderman Quail

Approved: Ayes – 6
Nays – 0

Bruce discussed what the item is, what the funds would be used for and that project is under budget.

RESOLUTION #191 of 2013 – Resolution to set a public hearing on a local law for the regulation of pawn shops in the city of Cortland for the September 3rd, 2013 Common Council Meeting

Richard Van Donsel stated that Chief Catalano and Deputy Chief Sandy want better regulation for pawnshops. The information in packet is a draft.

All Common Council members agreed to the date of September 3rd, 2013 for the public hearing.

RESOLUTION #192 of 2013 – Resolution to grant the Downtown Partnership an easement over city owned land on Haskell Place to allow for the construction of a handicap ramp and elevator for property at 40-42 Main Street

Motion By: Alderman Bird
Seconded By: Alderman Silliman

Approved: Ayes – 6
Nays – 0

Richard Van Donsel discussed property and the work that is wanted to be done and the need for the construction.

CONSIDERATION of a Resolution to engage the services of Paul Bringwatt & Associates to the city water rate structure in an amount not to exceed \$4,000.00

Motion to Table: Alderman Quail
Seconded By: Alderman Bird

Approved: Ayes – 6
Nays – 0

TABLED UNTIL THE SEPTEMBER 3RD, 2013 COMMON COUNCIL MEETING

RESOLUTION #193 of 2013 – Resolution to authorize the grant application to the New York State Environmental Facilities Corporation for \$50,000 with 20% match for Waste Water Infrastructure to fund engineering and planning services on Clinton Avenue

Motion By: Alderman Silliman
Seconded By: Alderman Bennett

Approved: Ayes – 6
Nays – 0

Mack Cook talked about what the money would be used for.

Council asked what would happen to the Laterals in front of owner's property.

CONSIDERATION of a Resolution that all internal departmental promotions be approved by Common Council via the pink sheets instead of individual council agenda

Motion By: Alderman Silliman
Seconded By: Alderman Quail

Approved: Ayes – 6
Nays – 0

TABLED UNTIL SEPTEMBER 3RD, 2013 COMMON COUNCIL MEETING

Adjournment

Motion By: Alderman Bird
Seconded By: Alderman Silliman

Approved: Ayes – 6
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 6TH DAY OF AUGUST, 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

DEPUTY MAYOR KEN DYE

APPLICATION
For Street Closings
PLEASE PRINT ALL INFORMATION

Today's Date: 8/2/13
Address of Street Closing: William St from Greenbush to Church St

Describe Event: Annual Block Party

Applicant Michales Cheryl A PH # 753-8920 758-5556
Last First MI (Home) (Work)

Address: 22 William St E-mail Address: _____
Street

Cortland NY 13045
City State Zip Code

Date of Street Closing: 9/1/13 Alternate or Rain Date: None

Start Time: 12:00 AM or PM Finish Time: 5:00 AM or PM
* (No earlier than 9:00 AM) * (No later than 8:00 PM)

(*Unless altered by Common Council)

Estimated # of persons attending: 75

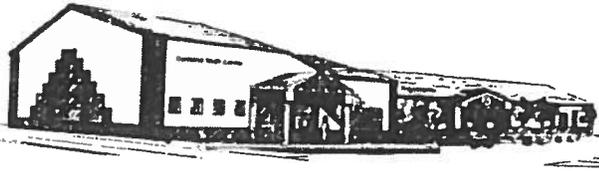
Will amplified music be provided?: NO
(If yes, refer to requirement #8 for compliance)

City Ordinance Sect. 193-5 requires Common Council permission; SCT. 193-7 requires \$250 fee

Will alcohol be available? YES
If so, which address(es) will have alcohol? 22 William St, Cortland, NY 13045

Alcohol is only allowed on private property. All State and City alcohol laws still apply during Street Closings.

A Street Closing permit does not allow the sale of alcohol or the consumption of alcohol on public property or by persons younger than 21 years of age.



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 McNerney, Youth Bureau Director

RE: Wickwire Pool Trust Fund Deposit

DATE: August 14, 2013

As you are fully aware the Wickwire Pool fund-raising 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 the SUNY at Cortland Hope Mob website fund-raising efforts and Cecile Swift Lippitt.

<i>Donation</i>	<i>Amount</i>
<i>Hope Mob</i>	<i>\$1,046.00</i>
<i>Cecile Swift Lippitt</i>	<i>\$ 25.00</i>
<i>Total Donations =</i>	<i>\$1,071.00</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.



CHASE

CHASE ONLINE BILL PAYMENT
PO BOX 15944
WILMINGTON DE 19850-594
(800) 472-6236

Apply to Acct **Trust Agency Account**

HOPENOB INC
5 WESTGATE
LAGUNA NGUEL, CA 92677-9201

for Wickwire Pool



270972898
25-3/440
08-08-2013

Pay **ONE THOUSAND FORTY-SIX AND 00/100**

Dollars



To
the
Order
of
18476 BPC 001 001 13220 - 270972898 1 OF 1
CITY OF CORTLAND
25 COURT STREET
CORTLAND NY 13045

\$1,046.00

Check Void After 90 Days

Cecile Swift Lippitt

JPMorgan Chase Bank, N.A. Columbus, Ohio

CECILE SWIFT LIPPITT
18 LAURALANE
ITHACA, NY 14850

5916
28-7/213
45

Pay to the
Order of

Wickwire Pool Trust Fund
Date 8/2/13
\$ 25.00

Dollars



KeyBank National Association
Cortland, New York 13045
1-800-KEYBANK Key/0001

For

Cecile Swift Lippitt



July 23, 2013

Mayor Brian Tobin
City of Cortland
City Hall
25 Court Street
Cortland NY 13045

Dear Mayor Tobin,

As part of the permit application to serve alcohol at The Great Cortland Pumpkinfest Micro Brew Tasting to take place this year on October 5st from 1pm to 5pm, we are required to include a letter from the City granting us permission to use Court House Park. If you could forward a letter of permission it would be greatly appreciated. This activity will be held in accordance with local ordinances and New York State laws governing such an event.

I've enclosed a copy of a previous letter for your convenience.

Thank you for your assistance.

Sincerely,

Jim Dempsey
The Great Cortland Pumpkinfest Committee

JD:db
Enclosure

AGREEMENT

THIS AGREEMENT, made this 1st Day of January 2013, BETWEEN THE CITY OF CORTLAND, Cortland County, State of New York (hereinafter called the “City”), party of the first part, and Volunteer Companies of the Cortland Fire Department, 21 Court Street Cortland, New York (hereinafter called the “Board of Engineers”), a duly organized and representative body of the existing fire companies of the City of Cortland, party of the second part;

WITNESSETH:

WHEREAS, the party of the first part is a municipal corporation responsible for protecting the citizens of Cortland and their property from the hazards of fire, and further is dependent in part for such protection from volunteer fire companies organized within the City of Cortland, and

WHEREAS, the Volunteer Company is equipped and training to provide firefighting services and further is obligated by their Constitution and By-laws to provide said services, as well as obligated to provide personnel with certain basic needs, and

WHEREAS, the Volunteer Company does not have sufficient funds of their own to provide such items,

NOW THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

That the City hereby agrees to pay to the party of the second part a sum of Six-Thousand Dollars (\$60,000.00), of which a basic portion of Thirty Thousand Six Hundred Forty Dollars (\$30,640.00), shall remain with the Board of Engineers, and the balance

Twenty-Nine Thousand Three Hundred Sixty Dollars (\$29,360.00) be distributed to the five individual volunteer companies. The base portion retained by the Board of Engineers shall be used to fund the general obligations of the Department collectively but not limited to expenses for such items as the annual inspection, parades, volunteer chief allowances, certain insurance policies, and other supplies and expenses identified as operational needs by the Board of Engineers for the benefit of the department and allowable under the Department's Constitution and By-laws.

The balance of said funds (\$29,360.00) will be distributed on a percentage basis to the five volunteer companies using a formula tied to alarm response activity for which the individual volunteer companies were responsible, based on records for the prior calendar year. Said funds shall, without limitations, be used for purchase, cleaning and maintenance of uniforms, paging radios, funds for Fire Police Activities, retention activities for maintaining current membership, and supplies incidental to operation of the Volunteer Companies and as deemed necessary for the betterment of the company an allowance under the By-laws of the Company.

A copy of fund distribution shall be annexed hereto as Schedule "A: and incorporated into this document for reference.

This contract shall remain in full force and effect for the year 2013 and shall expire on December 31, 2013 at 11:59 p.m. Negotiations concerning the creation of a successor agreement for this contract shall be conducted in good faith during 2013.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized officers have caused this instrument to be executed on the _____ day of _____ 2013.

CITY OF CORTLAND

BY: _____
Mayor

**CORTLAND VOLUNTEER FIRE DEPARTMENT,
BOARD OF ENGINEERS**

BY: _____
Presiding Officer

COMPANY PARTICIPATION

	RESPONSES	PERCENTAGE
WATER WITCH STEAMER & HOSE COMPANY #1	776	32.56%
ORRIS HOSE COMPANY #2	404	16.95%
EXCELSIOR HOOK & LADDER COMPANY #3	572	24.00%
EMERALD HOSE COMPANY #4	106	4.45%
HITCHCOCK HOSE COMPANY #6	525	22.03%
	2383	100.00%

2012 CITY CONTRACT AMOUNT \$60,000.00

CONTRACT DISTRIBUTION

	BOE ALLOCATION BASE AMOUNT	PRO-RATA SHARE	CONTRACT AMOUNT
WATER WITCH STEAMER & HOSE COMPANY #1	\$6,128.00	\$9,560.79	\$15,688.79
ORRIS HOSE COMPANY #2	\$6,128.00	\$4,977.52	\$11,105.52
EXCELSIOR HOOK & LADDER COMPANY #3	\$6,128.00	\$7,047.39	\$13,175.39
EMERALD HOSE COMPANY #4	\$6,128.00	\$1,305.98	\$7,433.98
HITCHCOCK HOSE COMPANY #6	\$6,128.00	\$6,468.32	\$12,596.32
	\$30,640.00	\$29,360.00	\$60,000.00