



City Council Minutes
The City of Cortland
May 20, 2014

Council Meeting #10
May 20, 2014
Regular Session
City Hall
7:00 PM

Present: Mayor Brian Tobin, Alderman Dye, Bennett, Michales, Bird, Dutcher and Ferguson, Ferrer, Silliman

Absent: Alderman Tom Michales

Staff Present: Corporation Counsel Richard Van Donsel, Director of Administration and Finance Mack Cook, Deputy Chief Bill Knickerbocker, Superintendent of DPW Chris Bistocchi, Bruce Adams, Chief Catalano, Chief Glover, City Clerk Ray Parker, Confidential Secretary to the Mayor Shellie Blaisdell

Public Hearing #1 – 6:30pm – Submission for 2014 Community Development Block Grant Applications
This hearing was held in the MCR and was conducted by Thoma Development.

Public Hearing #2 – 6:45pm – To hear comments on amending the powers and duties of the Common Council of the City of Cortland to compromise the amount of real property tax received by a delinquent property owner.

No one was present to speak at this Public Hearing.
Public Hearing closed at 6:46pm

Public Comments:

Tom Gobel – Ask yourself “how does a city get to where it is today?” With Heroin/meth labs. Drug problem needs to be addressed.

Connie Sorrels – Comments at the last meeting – Defend the Common Council. The students bad behavior is directly correlated with the fact that the homeowners don't care to take care of properties, the majority of income level is low; low moderate. Every dime made is just to survive. Direct deterrent to upgrade. Pull together and look for ways to improve properties. There are hundred's of things to do but financially cannot. Not because I don't care-emotionally serious issues – be thoughtful before you speak.

Gerry Ruggiero – CPA in Cortland for 30 years. Sent email talking about fraud, and can produce evidence – dept heads –there is evidence you need to look at. Ethics committee-fraud and corruption. There is a good ole boy network and there is evidence - student housing. Assessor corruption.

Mike Dexter – Latest accomplishments Wickwire pool had Arbor Day dedication and tree planting on April 26th. With the help of many, accomplished 58 trees planted.

The City needs to look at the infrastructure of the pump house – brick pillars-will deteriorate to the point of rubble if not replaced. Disturbing – money was always brought into the water dept, and is no longer staying in the water dept/dedicated fund.

Derek Reynolds – An update on the “Fill the boot” drive – Noah Cole will benefit. Raised \$4,860.11 this year and the money stays local. Thank you college students, community.

REGULAR SESSION:

Mayor Brian Tobin called the ninth Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Minutes of the May 6, 2014 meeting:

RESOLUTION #95 of 2014 – Resolution to approve the May 6, 2014 Common Council Minutes as amended.

Motion By: Alderman Bennett
Seconded By: Alderman Ferrer

Approved: Ayes – 7
Nays – 0

Mayor Tobin talked about “Lawman of the Year” dinner and the recognition of Anthony Natoli and Jessie Abbott.

Mayor Tobin, Chief Glover, Deputy Chief Friedman presented awards to five firemen who were recognized for the National EMS Week recognizing those responding to lifesaving calls. There is a process for the award with the EMS Council governed and a final approval on positive patient outcome- exceptional training. Five members were awarded: Derek Reynolds, Benjamin Savichky, Patrick Sherman, Thomas Casterline, and Matthew VanHeusen.

Resolution # 96 of 2014 – Resolution to appoint the City of Cortland as Lead Agency for the purposes of the SEQR process to consider improvements, preservation, rehabilitation and restoration of the City’s Firehouse located at 22 Court Street, Cortland, NY 13045.

Motion By: Alderman Ferrer
Seconded By: Alderman Bird

Approved: Ayes – 7
Nays – 0

Resolution # 97 of 2014 – Resolution to adopt Local Law #6 of 2014 Amending the powers and duties of the Common Council of the City of Cortland to compromise the amount of real property tax receive by a delinquent property owner.

Motion By: Alderman Ferrer
Seconded By: Alderman Bennett
Approved: Ayes – 7
Nays – 0

Resolution # 98 of 2014 – Resolution to amend the powers and duties of the Common Council of the City of Cortland to amend the charter to permit the Common Council after recommendation of the Director of Administration and Finance to compromise the amount of real property tax received by a delinquent property owner.

Whereas, the City entered into an agreement dated June 6, 2012 with the Environmental Protection Agency (“EPA”) with regard land then owned by International Electron Devices (USA), LLC (“IED”) said agreement is attached as Exhibit A; and

Whereas, the Bank of India commenced and completed a foreclosure action including the property’s ultimate sale to David Yaman; and

Now therefore be it resolved:

1. The Common Council finds that good cause exists to compromise the delinquent taxes owed to the city in accordance with the agreement noted above.
2. The payment to the City of funds recovered after the completion of the sale of property satisfies and makes whole the City of Cortland including but not limited to real property taxes and penalties, water and sewer fees and penalties and any “*in Quantam meruit*” consideration for work or services provided to the property.
3. This resolution and any agreement does not intend to be a grant of title or otherwise provide the City with any tangible interest in said property, other than specifically stated above.
4. This resolution shall become effective upon receipt of notice of filing of Local Law #6 of 2014 from the Secretary of State.

The event of Buckbee Mears is significant amount of tax owed- we are excepting less. This amendment will exist for future. There is confirmation from buyer’s attorney it is moving it forward.

The property needs to be returned to the tax roll. There was prior good cause to take it off the tax roll, and it needs to be put back on; taxes are accumulating toward the property. Properties sold at tax auction provided at rec of director of adm and finance with just and god cause. Not “zero” but at least “something”. Only helps – funneling down through.

Motion By: Alderman Ferrer
 Seconded By: Alderman Silliman

Approved: Ayes – 7
 Nays – 0

Resolution #99 of 2014 – Resolution to allow the City of Cortland to submit 2014 NYMS grant under the Consolidated Funding Application process.

Whereas, The City of Cortland, NY is committed to the continuing revitalization of its downtown district;

Whereas, The City of Cortland, NY recognizes the renovation and rehabilitation of buildings in the Downtown District is vital to the revitalization of the Downtown District.

Therefore Be it Resolved: The City authorizes the submission of an application seeking funding under the 2014 New York Main Street Traditional NYMS Target Area Building Renovation Projects program.

Affirmed this 20th day of May, 2014 by majority vote of the City of Cortland’s Common Council.

Motion By: Alderman Ferrer
Seconded By: Alderman Silliman

Approved: Ayes – 7
Nays – 0

Resolution #100 of 2014 – Resolution to authorize and direct the City to file an application for funds from the New York State Office of Community Renewal under the U.S. Department of Housing and Urban Development’s Small Cities Community Development Block Grant Program for Fiscal Year 2014, in an amount not to exceed \$200,000 for Microenterprise assistance funds; to authorize the Mayor of the City of Cortland to sign said application on behalf of the City; and upon approval of said request, to enter into and execute a grant agreement with the State for such financial assistance to the City of Cortland.

Small business, commercial space, direct assistance – five or fewer employees. Applicants after grant contract with Thoma. All CDBG all under Thoma. Regulations – head count. Looking for applications to start or expand. Flyers, TV and advertising. Contact by June 1st to put the application in – micro enterprises. It is a competitive application.

Motion By: Alderman Ferrer
Seconded By: Alderman Bennett

Approved: Ayes – 7
Nays – 0

Resolution #101 of 2014 – Resolution to authorize and direct the City to file an application for planning funds from the New York State Office of Community Renewal under the U.S. Department of housing and Urban Development’s Small Cities Community Development Block Grant Program for Fiscal Year 2014, in an amount not to exceed \$50,000 for the purpose of undertaking a Downtown Economic Market Analysis; to authorize the required 5% cash match up to a maximum of \$2,650; to authorize the Mayor of the City of Cortland to sign said application on behalf of the City; and upon approval of said request, to enter into and execute a grant agreement with the State for such financial assistance to the City of Cortland.

5% cash match, needs to pledge and to better promote downtown. A contingency reserve for development and planning. The \$2,600 to move out of contingency if awarded.

This is a new category the city hasn't been able to apply in the past for technical downtown market problems. With the market analysis study-revealed at the last study will get economic studies of downtown to determine where is the potential market; what are the buying habits; what works in the area now. Is anything done afterward, target marketing, actively do to plan. "Promote our downtown". Time is 5-6 months to complete the study.

Motion By: Alderman Silliman
Seconded By: Alderman Ferrer

Approved: Ayes – 7
Nays – 0

Resolution #102 of 2014 – Resolution to approve the following donations to the Wickwire Pool Trust

Fund:

Donations	Amount
Shipwreck Golf Inc.	\$120.00
60 Main LLC	\$300.00
Sandra Ripic	\$100.00
Barbara Klockowski Trust	\$500.00
Diane J Aldrich	\$100.00
Diane S Chu	\$100.00
Lucille and Donald Cole	\$ 75.00
Sarah E Sheahan	\$ 50.00
Steven And Connie Howarth	\$ 50.00
John and Mary Tracy	\$ 50.00
SUNY Cortland Student Government	\$ 20.00
Cash Donations from SUNY Cortland	\$442.00
Total Donations	\$1,907.00

Motion By: Alderman Dutcher

Seconded By: Alderman Bird

Approved: Ayes – 7

Nays – 0

Resolution # 103 of 2014 – Resolution to approve three projects for assistance under the City’s 2012 New York Main Street Program:

- 1) Irene Pothos, 51-53 Main Street
- 2) Irene Pothos, 55 Main Street
- 3) McNeil Development Co. LLC, 65 Main Street

Voted to submit another application denied due in part of money in 2012 not spent – allowing to apply additional funds. Façade, upper floor renovations, first floor to keep properties attractive. Allow upper development that is already committed; need to show past performance and come back and show there is a need.

Motion By: Alderman Dutcher

Seconded By: Alderman Ferrer

Approved: Ayes – 7

Nays – 0

Resolution # 104 of 2014 – Resolution to provide assistance to Access to Independence of Cortland County in the form of NYS Program Income to be used for program delivery and administrative purposes for the recently awarded Access to Home grant.

In the amount of \$5,500. Conditions recommending by Thoma; a maximum of \$5,500 for five projects and projects need to be owner occupied properties. Chad Underwood was present to answer any questions from the board.

Motion By: Alderman Ferrer
Seconded By: Alderman Silliman

Approved: Ayes – 7
Nays – 0

Resolution # 105 of 2014 – Resolution to amend Article 2 “Traffic control and flashing signals” Section 11-11; deleting the traffic control signal located at Central Ave and Pomeroy Street.

Is there any safety issues? Old green poles at various locations. Dated and obsolete (leaning, lights drop to unsafe height and are hazardous) Pomeroy /Central traffic control devices \$35,000 out of Syracuse (use to be a major school, no longer there) Clinton/Elm/Tompkins far enough space - no safety issue. Traffic on Central more beneficial. Daycare on Pomeroy – found at that light – no pedestrian walk signals. Historically, no major accidents, lights malfunctioning on flash, leaving signal up on a flash temporarily. Plan city wide to remove those obsolete poles - \$200-\$300 for signs. Stockton and Miller – not visible.

Motion By: Alderman Dutcher
Seconded By: Alderman Bennett

Approved: Ayes – 7
Nays – 0

Resolution # 106 of 2014 – Resolution to appropriate proceeds from the sale of five (5) stainless beer kegs and spent brass shell casing as scrap back to the City of Cortland Police.

Motion By: Alderman Bennett
Seconded By: Alderman Ferrer

Approved: Ayes – 7
Nays – 0

Resolution # 107 of 2014 – Resolution to permit Marietta Corporation to sponsor “Family Movie Night” in Court House Park on Wednesday evenings from 8:30 PM to approximately 10:30 PM commencing in July and running through August.

Fantastic idea. “Help our City” very well attended previously-family friendly movies.

Motion By: Alderman Ferguson
Seconded By: Alderman Silliman

Approved: Ayes – 7
Nays – 0

Resolution # 108 of 2014 – Resolution to transfer \$40,000 from the contingency account for the traffic signal at Groton & Floral Ave.

Damaged, was lower than was suppose to be. Re-do this intersection – quotes lowest was \$39,980 – bases, poles, wire, new heads-some poles and heads can be used to lesson this cost. Exchange – state provide bases \$40,000 is worse case scenario. It is a state route.

Motion By: Alderman Bennett
 Seconded By: Alderman Ferrer

Approved: Ayes – 7
 Nays – 0

Resolution # 109 of 2014 – Resolution to award the Tree Removal Contract to Carter and Son LLC for \$11,900 for tree removal and \$195.00 hourly rate for tree trimming.

This year, a list of the trees was provided to the bidders to accommodate a more accurate bid to allow for power lines, etc to be considered when pricing. Stumps were also included.

Motion By: Alderman Ferrer
 Seconded By: Alderman Bennett

Approved: Ayes – 7
 Nays – 0

Resolution # 110 2014 – Resolution to close Main Street from 5pm to 9:00 pm starting at the corner of Main Street and Arthur Ave to Huntington Street on June 3, 2014 for the June Dairy Parade. Closure of the first blocks of the side streets of Arthur Ave, Madison Street Jewett Ave, Maple Ave and Lincoln Ave as needed. (Note: there is no Common Council meeting for June 3, 2014 due to the Dairy Parade).

Motion By: Alderman Silliman
 Seconded By: Alderman Bird

Approved: Ayes – 7
 Nays – 0

Resolution # 111 of 2014 – Resolution to encumber \$19,823.77 in the General Funds as of December 31, 2013 in the departments and accounts as follows:

GENERAL FUND ENCUMBRANCE REQUESTS 2013

Administration & Finance			
Legal Fees - In Rem	A1325.41502	\$	11,203.07
Police Dept.			
Operational Equipment	A3120.20600	\$	7,805.70
Fire Dept.			
		\$	-
Code Enforcement			
		\$	-
Youth Bureau			
Youth Programs - Supplies	A7310.40500	\$	565.00
Youth Center Activities	A7330.40000	\$	250.00
		\$	815.00
TOTAL REQUESTED		\$	19,823.77

Fiscal year – spent and ear marked – engaged or committed to service by year end but not yet paid for. It is recognizing the liability for 2013.

Motion By: Alderman Silliman
Seconded By: Alderman Dutcher

Approved: Ayes – 7
Nays – 0

Resolution # 112 of 2014 – Resolution to Boards/Commission members as follows:

Ethics Committee-Ric VanDonsel, Clay Benedict, Michael Bersani

The appointment of Paul Sandy was pulled due to non-residency; a requirement for this board.

Motion By: Alderman Ferrer
Seconded By: Alderman Bennett

Approved: Ayes – 6
Nays – 1 (Alderman Ken Dye)

Item #17 – Discussion regarding the Zoning Officer position;

At the direction from Common Council would like to continue to pursue a part-time Zoning Officer and see what applications come in before the next meeting.

After working with Cortland County Civil Service-only one application has been submitted for the part-time position and the applicant did not meet the minimum requirements for the position.

With the lack of interest for a part-time position along with the many issues that result from the lack of full-time, Chief Glover is advocating for a full-time Zoning Officer. The need is evident and there are many examples to support this option.

With the changes coming out of the housing committee and the rent permit, they also would recommend a full-time employee.

Chief Glover also points out the number of hours Deputy Chief Knickerbocker is putting in with the lack of any zoning officer and he would like to alleviate the additional workload taken on by him as well as others that are providing support in that department.

The Common Council would request from Chief Glover to return with a more detailed plan in support for a full-time Zoning Officer to include funding information and to continue to advertise for a part-time position.

Resolution # 113 of 2014 – Resolution to allow the Cortland Summer Stage July 26th event from 3-10p.m. on Main Street with closure from noon-midnight (closure between intersections of Main and Court and Main and Tompkins)

Adam Megivern – Beer and wine truck – 2nd time (repeat of last year). There will be 10 bands, all are local. There is other community support from other bar and business owners; working together for the events. Foot traffic – more activity downtown, alcohol sale-met with all other bars and on board. Contained in fenced in area. There are two scheduled events.

Motion By: Alderman Silliman
Seconded By: Alderman Dutcher

Approved: Ayes – 7
Nays – 0

Resolution # 114 of 2014 – Resolution to waive the open container law within the enclosed area to people with identification age 21 and older during the Cortland Summer Stage event on July 26th with the alcohol sales from 3-10p.m.

Motion By: Alderman Dutcher
Seconded By: Alderman Silliman

Approved: Ayes – 5
Nays – 2 (Alderman Ferrer, Alderman Bird)

Item #19 – Discussion on the Fire Mutual Aid Plan and the potential impact on 207A.
Sticking to the memo previously sent to all Common Council members;

207 is disability for those people who run a higher risk in their work; 207A is specifically for paid fire Personnel (volunteers are not covered); (207C is for sworn officers) it is not an insurable risk the city can do. Introduced in 1910's 1920's and has not changed very much. (207 is not workers compensation) In the performance of duty, if a paid fire person is injured in the performance of his/her duty and is disabled-he/she will receive full compensation of pay and benefits equal to the collective bargaining agreement at the time of payment until he/she reaches NYS retirement age of 70 years old and will continue full health insurance.

The risk: if a city responds to a request of mutual and a paid firefighter is injured and disabled to claim 207A, that liability of salary and benefits (healthcare) as they accrue (up to the age of 70) becomes the liability of the city. Mutual Aid does not indemnify the responding jurisdiction for personnel injury. Mutual Aid provides the necessary resources and is a necessary program; we just need to pay attention to the financial decisions and expenditures we do not see the benefit from. This is just to bring attention to how this is funded and open discussions on how to better work together between other towns, villages.

Item #20 – Discussion on the pilot Wellness Program involving cities of Ithaca and Cortland.

An incentive to actively into wellness. Possibly of bringing down any future rate increase (7% last year); if we can tackle that, we would look at a modest increase. Wellness on medical claims – city of Ithaca, City of Cortland. Wellness markers – 30 volunteers from Ithaca, 27 from Cortland. To enter program for six weeks. All results will be protected by HIPPA. Looking to get feedback from the 57 people. It is supportive in Helping in the reduction of claims. It will make people aware of what they are doing daily, (daily Habits...activities. Etc...)

Executive Session – Contract negotiations, Discussion of litigation.
Motion to go into Executive Session:

Motion By: Alderman Ferrer
Seconded By: Alderman Dutcher

Approved: Ayes – 7
Nays – 0

Motion to come out of Executive Session:

Motion By: Alderman Ferrer
Seconded By: Alderman Dutcher

Approved: Ayes – 7
Nays – 0

ADJOURNMENT

Motion By: Alderman Ferrer
Seconded By: Alderman Dutcher

Approved: Ayes – 7
Nays – 0

I, RAY PARKER, CITY CLERK FOR 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 20th DAY OF MAY, 2014. 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.

RAY PARKER, CITY CLERK

MAYOR BRIAN TOBIN