

City of Cortland New York

Local Law No. 6 of the year 2014

**A local law Amending the powers and Duties of the Common Council of the City of Cortland**

**Legislative intent:** The purpose of this law is 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. The Common Council must find good cause and state specifically the reasons therefore in any resolution.

**Findings:** The Common Council of the City of Cortland finds that occasion arise where the collection of taxes must be compromised in order for the City to recover delinquent taxes, the receipt of which is beneficial to the City's finances.

**Be it enacted by the Common Council of the City of Cortland as follows:**

Article III sect. c3-9 Powers and Duties

L. To compromise, by resolution, the collection of delinquent real property taxes for good cause shown, and upon recommendation of the Director of Administration and Finance

This local law will take effect upon approval of the Common Council

**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 (“EID”) said agreement is attached as Exhibit A; and

**Whereas**, the Bank of India commenced and completed a foreclosure 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. The 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.



**City of Cortland  
City Hall  
[www.cortland.org](http://www.cortland.org)**

**TO: Mayor and members of Common Council**  
**FROM: Mack Cook, Director of Administration and Finance**  
**DATE: May 14, 201**

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For reasons outlined in my memo of March 27, 2014 pertaining to the City; agreement with the EPA that compromised the amount of levied property taxes on the Buckbee Mears complex, I recommend that said taxes be compromised.

Respectfully tendered,

Mack Cook  
City of Cortland



Office of Administration and Finance  
25 Court Street  
Cortland, New York 13045  
[mcook@cortland.org](mailto:mcook@cortland.org)

To: File  
From: Mack Cook, Director of Administration and Finance /s/  
Date: March 27, 2014

**ISSUE:**

Pursuant to the provisions of Article VIII, Section 1, of the New York State Constitution, can the City of Cortland enter into an agreement with the United States Environmental Protection Agency that could compromise the amount of levied property taxes collected by the City?

**ANSWER:**

Yes. Although Article VIII, Section 1 of the State Constitution prohibition against gifts or loans of public property generally bars a municipality from settling or compromising legitimate tax claims, courts have consistently held and the New York State Comptroller has opined, that the Constitutional prohibition does not apply where the settlement or compromise is in the furtherance of a proper municipal purpose and is undertaken pursuant to a properly authorized contract under which the municipality receives fair and adequate consideration.

**STATEMENT OF FACTS:**

Located within the City limits is the 75 acre Buckbee-Mears Industrial Superfund Site. From 1974 until 2004 Buckbee-Mears Co. Inc. operated an electronic manufacturing facility at the site. The facility produced aperture masks used in cathode ray tube monitors. The manufacturing operations at the site utilized three processing buildings (Building 1, 2 and 5) a warehouse and supporting infrastructure (electric substation, rail spur and waste water treatment plant) representing a capital investment in excess of \$100 million dollars. Acids,

ammonia, chlorine and metals were used throughout the manufacturing process and required the storage of bulk chemicals and hazardous materials on-site.

In 2004, Buckbee-Mears Co. Inc filed for bankruptcy. The same year, International Electronic Devices (IED), headquartered in India, acquired the Buckbee-Mears manufacturing facility and the site property. In May 2005, IED ceased manufacturing operations and abandoned the facility, leaving large amounts of chemicals and waste products on-site.

In July 2006, the Cortland Police Department discovered large amounts of hazardous materials at the unsecured facility prompting an emergency response action to address the potential for a chemical release at the site. In September 2006, the EPA issued an Administrative Order to IED requiring cleanup of the site, IED did not comply with the order.

In January 2007, The EPA initiated an Emergency Response Action, including the removal and disposal of hazard chemicals and waste products at the site. In July 2008, site sampling results identified the presence of elevated levels of chromium and other heavy metals at the following site locations:

- Structure and interior of manufacturing buildings 1 and 2
- Concrete slabs and subsurface soils beneath buildings 1, 2, and 5, and
- Ground water beneath the site.

In response, Buildings 1 and 2 were demolished and the structural materials were removed from the site to address the chromium contamination. The concrete slabs were not removed and remain on site.

Additional sampling identified significant black mold contamination throughout the interior of Building 5. The EPA could not address mold contamination through its emergency response authority and the Building 5 structure remains on site with the mold contamination. In August 2009, the EPA completed an Integrated Site Assessment Report and determined that the site contamination did not warrant listing on the National Priorities List and ceased remedial actions.

Beginning in 2008, the EPA, the City, and the mortgage holder of the site, the State Bank of India, entered into discussions with the goal of arriving at an administrative settlement to return the property to productive re-use. The encumbrances of the property included a perfected \$8.323 million dollar CERCLA Section 107(I) lien as part of EPA efforts to recover its response costs at the site, the State Bank of India's mortgage lien on the site of approximately \$8.435 million dollars, the City of Cortland's liens and claims of approximately \$1.194 million for unpaid property taxes, assessments, charges and interest through 2009 when the City was removed from the tax rolls, and \$2 thousand dollars in unpaid Cortland County Property Taxes. The amount attributed to the City can be divided into two categories:

Taxes	\$ 682,768
Assessments, Charges & Interest	\$ 511,275
Total City Liens and Claims	<u>\$ 1,194,043</u>

In August 2012, the City and the EPA, in order to (1) settle competing liens on the site; (2) waive the EPA's right of redemption; (3) obtain EPA's forfeiture of its right to levy a post-sale windfall lien; (4) obtain the EPA's concurrence that the City could proceed *in rem* should the Bank's foreclosure action fail to sell the site; (5) secure federal funding for a reuse assessment and marketing analysis of the site; and, (6) provide impetus for a contract between the EPA and the State Bank of India that would facilitate the sale and redevelopment of the site, entered into a contractual agreement. (Attached hereto)

Pursuant to the agreement the EPA and the City agreed that if the Buckbee-Mears property was sold pursuant to a pending foreclosure action by the State Bank of India the Bank would pay to the City, in full satisfaction of its tax lien, the greater of \$302,881 (being the amount of City, County, School Taxes and re-levied water and sewer charge and accrued interest as of September 29, 2006 the date the EPA commenced its clean up) or 15% of the proceeds from the sale of the property after the Bank has been paid \$150,000 attributable to the costs of marketing and selling the property. Any proceeds from the Bank's foreclosure sale remaining after the payments to the City and the Bank would be distributed in the proportion to the percentage that the following amounts represent in relation to the combined total of said amounts:

- To the EPA; \$8,323,201
- To the Bank; \$8,434,911
- To the City; \$1,194,043 less the greater of \$302,881 or 15% of the proceeds from the sale of the properties after the \$150,000 paid to the Bank for marketing and selling the property.

The \$302,881 owed to the City as of September 29, 2006 was comprised of the following:

City levied property taxes:	2005	\$45,287
	2006	\$48,381
Unpaid County levied property taxes reimbursed by City:	2006	\$45,404
Unpaid School levied property taxes reimbursed by City:	2005	\$58,306
	2006	\$60,723
City levied Sewer Special Assessment:	2006	\$17,332
	2006	\$ 125
Interest on unpaid Taxes and Charges:		<u>\$27,323</u>
<b>Total Unpaid Taxes, Assessments and Charges @ 9/26/06</b>		<b><u>\$302,881</u></b>

The agreement between the City and the EPA also provided that if the property was not sold through the Bank's foreclosure action the City would foreclose on the property and pay the EPA 50% of the proceeds for the sale after an allowance paid to the City of up to \$150,000 for transaction costs. In the agreement the EPA also agreed to discharge its CERCLA Section 107 (l) lien, waive its one year right of redemption and waive any windfall lien it may have on the property under CERCLA Section 107 (r).

The agreement between the EPA and the State Bank of India provided that the EPA would receive (1) all of the proceeds from the sale of salvage material from the site held in escrow plus accrued interest. (approximately \$116,500); (2) 25% of all funds the Bank collected from the principals of International Electron Devices; and, (3) a portion of the proceeds of the sale of the site should the site sell pursuant to the Bank's foreclosure action in accordance with the schedule set forth in the agreement between the City and the EPA. The agreement also included a covenant that the EPA would not seek to enforce against the Bank the EPA's rights under Sections 106 and 107(a) of CERCLA.

In 2013, the Bank obtained an order of foreclosure and engaged the services of a real estate company with proven competency to sell industrial property in conditions similar to Buckbee-Mears. On February 5, 2014, after extensive national, state, regional and local marketing efforts the property sold at the Bank's foreclosure auction for \$356,000. Pursuant to the agreement referred to above, the City will receive \$203,880 in full satisfaction of unpaid property taxes. The EPA will receive nothing from the sale, the Bank will receive only the \$150,000 for its transaction costs, and the County will receive \$2,120 for unpaid taxes.

### **DISCUSSION:**

The position of this office is that the agreement between the City and the EPA that contained therein a settlement that compromised levied property taxes is a contractual transaction within the powers granted to the City to make supported by adequate consideration and, therefore, not prohibited by Article VIII, Section 1, of the State Constitution and in furtherance of public policy recognized as valid by courts and the New York Comptroller.

Article VIII, Section 1 of the State Constitution prohibits municipalities from giving or loaning money or property to or in aid of any individual or private corporation, association or undertaking. This provision of the Constitution was intended to curb raids on the public purse for the benefit of favored individuals or enterprises. Teachers Association, Central High District No.3 v Board of Education, Central High School District No.3 Nassau County, 34 AD 2d 351, 312 NYS 2d 252 Matter of Mahan V Board of Education of the City of New York, 171 NY 263. 1986 Opns St Comp No 86-70 pg. 109; 2002 Opns St. Comp No 02-9 pg. 2. Article VIII, Section 1 generally prohibits the expenditures of municipal moneys for the benefit of private parties unless in the furtherance of a proper municipal purpose and is undertaken pursuant to a statutory obligation or properly authorized contract under which the municipality received fair and adequate consideration. Piro V Bowen, 76 AD 2d 392, 430 NYS 2d 847, lv to app den, 52 NY 2d 702, 437 NYS 2d 1025, 1987 Opns St Comp No 87-27 p 43; 1981 Opns St Comp No 81-325, p

353; 1989 Opns St Comp No 89-50 p 2; 1991 Opns St Comp No. 91-32, pg. 2; 2002 Opns St Comp No 02-9 pg 2.

Pursuant to the agreement between the City and the EPA, the parties mutually agreed that in lieu of lengthy and costly litigation involving the priority of competing liens it was mutually agreed upon that the City's tax lien, up to the date of the EPA's entry onto the site, would supersede the EPA's CERCLA 107(l) lien. In exchange for this consideration the City compromised its remaining tax lien by agreeing that the residual amount of unpaid taxes would be on par with the EPA's CERCLA lien and the Bank's Mortgage Lien.

The New York Comptroller has recognized that municipalities are vested with the powers so enumerated under the Section 10 the State Home Rule law. 1988 Opns St Comp No 88-71, pg. 1; 2002 opns St Comp No 02-9 pg.2 Among those powers is the authority to contract and be contracted wherein claims may be compromised. City of Mount Vernon V Mount Vernon Trust Co. 270 NY 400, 1 NYS 50. Moreover, it has been held that the courts favor the compromise of the claims and that municipal authorities are not prohibited from settling if they act with competent authority, in good faith, and for sufficient consideration. Radinsky V City of New York, 133 NYS 2d 540, O'Brien V Mayor etc., of the City of New York 25 Misc 219, 55 NYS 50 affd 40 App Div 331, 57 NYS NYS 1039, 160 NY 691.

The priority order of municipal tax liens and CERCLA 107(l) liens is not a settled matter. Had the City decided to proceed to collect unpaid taxes through an *in rem* action any allegation on the part of the City that its tax lien superseded the CERCLA lien would have been in opposition to Federal law. First; Section 2410 of the Title 28 of the United States Code, 28 U.S.C. Sec. 2410 specifically limits how the City may affect the EPA's CERCLA 107(l) lien on the Buckbee-Mears site. Section 2410(c) specifically requires a judicial sale. It would be expected that had the City move forward *in rem*, the Federal Government would have exerted that the conditional waiver of the United States' sovereign immunity provided by section 2410 would never had been established and any determination in State Court that placed the City's lien ahead of the Federal lien was ineffective. Furthermore, absent the judicially required sale under Section 2410 the United State would have been expected to argue that it was denied its other associated rights under Section 2410 (c) (i.e. it's one year right of redemption, cost recovery from proceeds divided after a sale, its right to bid at sale, and its right as bidder to credit the amount determined to be due the United States against the amount it bids at sale).

Second; in Section 107(l) of CERCLA, Congress provided a uniform federal rule of priority to govern determinations between a CERCLA lien and nonfederal lien. The governing language is set forth in Sections 107(l) (3):

The lien imposed by Section 107(l) shall be subject to the rights of any purchaser, holder of a security interest, or judgment lien creditor whose interest is perfected under applicable State Law before notice of the lien has been filed in the appropriate office with the State (or county or other governmental subdivision), as designated by State Law, in which the real

property subject to the lien is located. Any such purchaser, holder of a security interest, or judgment lien creditor shall be afforded the same protections against the lien imposed by this subdivision as are afforded under State law against a judgment lien which arises as of the time of the of the notice of the lien imposed by this subsection.

Section 107(l) (3) of CERCLA, 42 U.S.C. Section 9607(l) (3).

Without the agreement between the City and the EPA, the United States could assert that Section 107(l) (3) enumerates a limited, specific class of persons with interests as against whom a CERCLA lien may be subordinate or "subject to". The City, as a holder of a municipal tax lien, is not a purchaser, holder of a security interest, or judgment lien creditor and, therefore, not included in that enumerated class. Thus, the United States may have prevailed in litigation that the City is not afforded the same protection potentially available to that enumerated class.

In arriving at a negotiated settlement that mutually recognized the City as holding a superior lien position for a portion of its tax lien, the City received consideration recognized by courts as sufficient. For example, in O'Brien V City of New York supra, and again in City of Rochester V Chiarella, 121 Misc 2d 257, 467 NYS 2d 948, affd 98 Ad 2d 8, 470 NYS 2d 181, these courts held that there is sufficient consideration for the compromise of a claim if the parties in good faith advance opposing contention. The consideration each party receives under a compromise is not the sacrifice of a right, but the settlement of the dispute and the abandonment of the claim. In addition, the prevention of litigation is not only a sufficient, but a highly favored consideration. Dovale V Ackerman, 11 Misc 245, 33 NYS 13.

Absence the agreement with the EPA and because of Section 107(l) (3) of CERCLA the City is not afforded the afforded the protections against a CERCLA lien available to the enumerated class. The priority of each municipal tax lien relative to the United State's lien is determined by the "first in time, first time" federal common law rule. United States V Ripa, 323 F3d. 73; United States V Rahar's Inn, Inc., 243 F. Supp 459; United States V City of New Britain, 347 U.S. 81. Pursuant to Section 107(l) (3), the date when a CERCLA lien arises is the later of the time that cost were first incurred at the site or that written notice of potential of potential liability was provided. A municipal tax lien arises on the date the municipality attach an authorization for collection of taxes. The Real Property Tax Cycle, the New York State Department of Taxation and Finance.

In the Buckbee-Mears matter, the EPA notified IED on March 2, 2007, of its status as a potentially responsible party under Section 107(a) of CERCLA, 42 U.S.C section 107 (a). EPA's notice of potential liability also included a demand for costs incurred with respect to the site and an abbreviated Request for Information. On March 14, 2007, the EPA sent to the Office of the County Clerk for Cortland County, New York a Notice of Federal Lien in favor of the United States, pursuant to Section 107(l) of CERCLA, 42 U.S.C 9607 (l), dated March 13, 2007, on real property encompassed by 50.6 Acres and 24.8 Acres and requested the filing of such Notice. On March 16, 2007, the Cortland County Clerk filed the notice of Federal Lien. Therefore the United States CERCLA (l) (3) perfected on March 2, 2007, the date the notice of potential

liability was sent. The City by practice and custom attaches February 1<sup>st</sup> to the tax roll the authorization for collection of taxes.

The following chart contrasts and compares the priority of liens and claims as if no agreement between the City and EPA had been reached and their priority as established in the agreement.

Without an Agreement					Pursuant to the Agreement				
Lien or Claim Holder					Lien or Claim Holder				
First Position					First Position				
City		Tax Year	Lien Date	Amount	City				
	City Property Taxes	2005	2/1/2005	\$ 45,287		Tax Liens, Special			
	School Property Taxes	2006	2/1/2006	\$ 58,306		Assessment & Interest	\$	302,881	
	City Property Taxes	2006	2/1/2006	\$ 48,381					
	County Property Taxes	2006	2/1/2006	\$ 45,404					
	City Property Taxes	2007	2/1/2007	\$ 50,762					
	County Property Taxes	2007	2/1/2007	\$ 49,817					
	School Property Taxes	2007	2/1/2007	\$ 60,723					
	Total First Position			<u>\$ 358,681</u>					<u>\$ 302,881</u>
Second Position					Second Position				
State Bank of India	Secured Mortgage Lien		10/27/2004	\$ 8,434,911	State Bank of India	Secured Mortgage Lien	\$	8,434,911	
					United States	CERCLA (I) (3)	\$	8,323,201	
					City	Tax Liens, Assessment,			
						Charges & Interest	\$	896,163	
	Total Second Position			<u>\$ 8,434,911</u>	Total Second Position				<u>\$ 17,654,275</u>
Third Position					Third Position				
United States	CERCLA (I)(3) Lien		3/2/2007	\$ 8,323,201					
	Total Third Position			<u>\$ 8,323,201</u>	Total Third Position				<u>\$ -</u>
Forth Position					Forth Position				
City	Interest City/County Taxes	2005		\$ 9,737					
	Accrued Interest thru. 12/31/11			\$ 62,189					
	Interest School Taxes	2006		\$ 8,229					
	Sewer Special Assessment	2006		\$ 17,332					
	Relevied Charges	2006		\$ 125					
	Interest City/County Taxes	2006		\$ 26,169					
	Accrued Interest thru. 12/31/11			\$ 81,240					
	Interest School Taxes	2007		\$ 8,570					
	Sewer/Water Relevied	2007		\$ 31,807					
	Sewer Special Assessment	2007		\$ 1,608					
	Interest City/County Taxes	2007		\$ 31,739					
	Accrued Interest thru. 12/31/11			\$ 73,342					
	School Property Taxes	2008		\$ 63,212					
	Interest School Taxes	2008		\$ 8,922					
	Sewer/Water Relevied	2008		\$ 27,469					
	City Property Taxes	2008		\$ 54,589					
	County Property Taxes	2008		\$ 47,902					
	Interest City/County Taxes	2008		\$ 30,696					
	Accrued Interest thru. 12/31/11			\$ 49,237					
	School Property Taxes	2009		\$ 66,322					
	Interest School Taxes	2009		\$ 9,361					
	Sewer/Water Relevied	2009		\$ 2,523					
	Sewer Special Assessment	2009		\$ 141					
	City Property Taxes	2009		\$ 29,528					
	County Property Taxes	2009		\$ 28,303					
	Interest City/County Taxes	2009		\$ 14,112					
	Accrued Interest thru. 12/31/11			\$ 12,316					
	School Property Taxes	2010		\$ 34,229					
	Interest School Taxes	2010		\$ 4,831					
	Sewer/Water Relevied	2010		\$ 350					
	Interest City/County Taxes	2010		\$ 87					
	Accrued Interest thru. 12/31/11			\$ 6					
	Sewer/Water Relevied	2011		\$ 350					
	Interest City/County Taxes	2011		\$ 49					
	Sewer/Water Relevied	2012		\$ 262					
	Relevied Charges	2012		\$ 3,076					
	Accrued Interest thru. 12/31/11			\$ 399					
	Total Forth Position			<u>\$ 840,362</u>	Total Forth Position				<u>\$ -</u>
TOTAL LIENS AND CLAIMS				<u>\$ 17,957,155</u>	TOTAL LIENS AND CLAIMS				<u>\$ 17,957,156</u>

The agreement between the City and the EPA also provided that if the property was not sold through the Bank's foreclosure action the City could foreclose on the property in rem with the EPA's concurrence. Had the City proceeded unilaterally in rem without the prior agreement of the United States it would have been reasonable to expect the United States to bring an action so set aside the results on the City's sale on grounds that the City's judgment cannot extinguish the CERCLA lien because a Section 2410 sale has not occurred.

It is well established that the United States cannot be sued without its consent to waive sovereign immunity. Progressive Consumers Federal Credit Union V United States, 79 F 3d 1228. The terms of such consent defines a court's jurisdiction. United States Department of Energy V Ohio, 503 U.S. 607, United States V Dalm, 494 U.S. 596, United States V Testan, 424 U.S. 392. Whether sovereign immunity is waived is strictly limited to the conditions for waiver established by Congress. United States V Berk 374 B.R. 385. Any waiver of sovereign immunity must be unequivocally expressed by Congress and strictly and narrowly construed in favor of the United States. Orff V United States, 545 U.S. 596, United States V Nordic Village, Inc. 503 U.S. 30, United States V John Hancock Mutual Insurance Co. et al. 364 U.S. 301.

Consequently, the EPA could argue that the City's judgment obtained without its concurrence in rem effectively voiding the United States CERCLA lien on the Buckbee-Mears would deny the United States' right pursuant to Section 2410 and is contrary to the United States' sovereign immunity. The agreement between the City and the EPA incorporated through Section 2410, a limited waiver of sovereign immunity, based upon Congress's allowance that the United States can be named *inter alia* in actions to (1) quiet title; or (2) to foreclose a mortgage or other lien upon real or personal property.

As further consideration in support of the agreement between the City and the EPA, the EPA provided funding for marketing and reuse analysis, waived its one-year right to redeem the property and waived its right to impose a post-sale windfall lien. The City benefited by these considerations by obtaining marketing materials that provided vital information about the site to potential purchasers and removed impediments that would have had a chilling effect on the efforts to sell the property. EPA, Interim Enforcement Policy Concerning "Windfall Liens" under Section 107 (r) of CERCLA, July 16, 2003, Susan E. Bromm, Director of Office of Site Remediation Enforcement; EPA Windfall Lien Administration Procedures, January 8, 2008, Susan E. Bromm, Office of Site Remediation Enforcement.

## **CONCLUSION:**

The contract between the City and the EPA was a valid exercise of municipal authority under New York law. The City compromised a portion of its property tax lien pursuant to this contract in exchange for sufficient consideration and in furtherance of a proper public purpose of returning a blighted industrial property to productive use. As such, and in accordance with case law and in the opinion of the New York Comptroller, the compromise was not within the type of transactions sought to be prohibited by Article VIII, Section 1 of the New York State Constitution.

Respectfully submitted,

/s/

Mack Cook

Director of Administration and Finance

City of Cortland, NY

[mcook@cortland.org](mailto:mcook@cortland.org)

**mayorofc**

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**From:** Mack Cook  
**Sent:** Sunday, May 11, 2014 3:41 AM  
**To:** Brian Tobin; ward1; ward2; ward3; ward4; ward5; ward6; ward7; ward8; lawdept; Rich Cunningham (rich@thomadevelopment.com); Adam Megivern (adam@cortlanddowntown.com); Stephen Franco (Franco@baileyplace.com); Genevieve Suits; Dick Tupper; 'Jim Suozzo'; Garry VanGorder (garry@cortlandbusiness.com); Chief F. Michael Catalano; Charles Glover; Chris Bistocchi; Lori Crompton; John Mc Nerney; Bruce Adams; William Knickerbocker; mgeitner@cscos.com  
**Cc:** mayorofc  
**Subject:** Agenda Items re: 2014 Consolidated Fund Application (CFA) process  
**Attachments:** City of Cortland 2014 CFA Grants.pdf

Mayor and Members of Common Council et al.:

Please find attached as a PDF an outline of the grant funding opportunities the City intends to pursue as part of the 2014 Consolidated Fund Application (CFA) process. The CFA process opened on May 1st and closes June 16<sup>th</sup>. The City intends to submit applications under the following programs:

- Community Development Block Grant Microenterprise Program
- Community Development Block Grant Planning (2 Applications)
- Community Development Block Grant Small Business Assistance
- Community Development Block Grant Economic Development
- Community Development Block Grant Public Infrastructure
- New York Main Street Traditional Target Area Building Renovation Project (2 Applications)
- New York Main Street Downtown Anchor Project
- Empire State Development Grants ESD Strategic Planning and Feasibility Studies
- NYSERDA Cleaner Greener Program Phase 2 Implementation Grant (2 Applications)
- Environmental Facilities Corporation Green Innovation Grant Program (2 Applications)
- Department of State Local Government Efficiency Program (4 Applications)

There will appear on Council's agenda for May 20<sup>th</sup> four (4) resolutions pertinent to the 2014 Consolidated Funding Applications. Three (3) of these resolutions (attached) are required by the terms of the New York Main Street Grant Program: (The formal resolutions must be submitted as part of the grant applications)

Resolution #1:

**Resolution Number \_\_\_\_\_**

**WHEREAS: The City of Cortland, NY is committed to the continuing revitalization of its Downtown District;**

**WHEREAS: The City of Cortland, NY recognizes that 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 supports the submission of an application seeking funding under the 2014 New York Main Street Traditional NYMS Target Area Building Renovation Projects program.**

**Affirmed this 20<sup>th</sup> day of May, 2014 by majority vote of the City of Cortland's Common Council.**

5/12/2014

Resolution #2:

Resolution Number \_\_\_\_\_

**WHEREAS:** The City of Cortland, NY is committed to the continuing revitalization of its downtown geographical area;

**WHEREAS:** The City of Cortland, NY recognizes that the renovation and rehabilitation of buildings in the downtown geographical area is vital to the revitalization of the downtown geographical area;

**WHEREAS:** There exists in the downtown geographical area a single site, standalone, 'shovel ready' building anchor that is vital to the City's revitalization efforts through substantial exterior renovation;

**THEREFORE BE IT RESOLVED:** The City supports the submission of an application seeking funding under the 2014 New York Main Street NYMS Downtown Anchor Project program.

Affirmed this 20<sup>th</sup> day of May, 2014 by majority vote of the City of Cortland's Common Council.

Resolution #3:

Resolution Number \_\_\_\_\_

**WHEREAS:** The City of Cortland, NY is committed to the continuing revitalization of its downtown geographical area;

**WHEREAS:** The City of Cortland, NY recognizes that enhancement of the streetscape in the downtown geographical area is vital to the revitalization of the downtown geographical area;

**THEREFORE BE IT RESOLVED:** The City supports the submission of an application seeking funding under the 2014 New York Main Street Traditional NYMS Target Area Building Renovation Projects program.

Affirmed this 20<sup>th</sup> day of May, 2014 by majority vote of the City of Cortland's Common Council.

The forth (4<sup>th</sup>) resolution will be to schedule a pre-application public hearing for the grants being sought under the CDBG program. Council does not have to be present at this public hearing and therefore I would suggest May 27<sup>th</sup> at 6 PM at City Hall. The Resolution will be as follows: (the Public Notice advertisement must accompany the grant applications)

***Consideration of a Resolution to schedule a Public Hearing on May 27, 2014 and 6 PM in Council Chambers at City Hall for the purpose of providing interested citizens an opportunity to provide feedback on the community and economic development needs of the City and the following CDBG projects:***

CDBG PROGRAM	PROPOSED PROJECT
Microenterprise	Implementation of a second grant to assist microenterprises (new or existing business with 5 or fewer full time employees) with training and financial assistance to start or expand their businesses. Either the business owner or a majority of new employees must have incomes below 80% of the County's median income.
Planning	Development of an economic market study of the Central Business District to determine the market demand for certain business, goods and economic trends, customer profiles, determining the District's share gap, etc.
Small	Applied for on behalf of the small business seeking CDBG funding.

<b>Business Assistance</b>	
<b>Economic Development</b>	<b>Applied for on behalf of the business seeking CDBG funding.</b>
<b>Public Infrastructure</b>	<b>Reconstruction and revitalization downtown parking lots, sidewalks, and open spaces, including repaving to City's owned parking lots</b>
<b>Planning</b>	<b>Joint application with the Cortland Chamber of Commerce and the Cortland County BDC/IDA to conduct a Community Needs Assessment focusing on economic development identifying community assets and determine potential concerns.</b>

As Council is scheduled to meet only once (May 20<sup>th</sup>) before the CFA June 16<sup>th</sup> filing deadline it will not be possible to table these resolutions and still submit all the proposed applications. Please review the attached and ask what questions or request additional information as you deem appropriate.

Respectfully tendered for your consideration,  
Mack

City of Cortland  
Proposed Grant Applications  
2014 Consolidated Funding Application Opportunities

AGENCY	PROGRAM	PROPOSED PROJECT	PRE-APPLICATION REQUIREMENT(S)	PURPOSE	MAX AWARD DOLLARS/ PERCENTAGE	MATCH CITY/OWNER
Community Development Block Grant	Microenterprise	Implementation of a second grant to assist microenterprises (new or existing business with 5 or fewer full time employees) with training and financial assistance to start or expand their businesses. Either the business owner or a majority of new employees must have incomes below 80% of the County's median income	Public Hearing to provide an opportunity for citizen feedback on the Community and economic development needs of the City of Cortland	Start-up financing	The requested grant amount will be determined based upon the level in the program, but will likely be in the range of \$200,000	10% cash equity
Community Development Block Grant	Planning	Development of an economic market study of the Central Business District to determine the market demand for certain business, goods	Public Hearing to provide an opportunity for citizen feedback on the Community and economic development needs of the City of	Downtown core stabilization and development	Plan cost have not been fully determined. Peer cities' cost have range from \$25,000-\$35,000	5 % Local match

Community Development Block Grant	Small Business Assistance	and economic trends, customer profiles, determining the District's share gap, etc. Applied for on behalf of the small business seeking CDBG funding.	Cortland	Public Hearing to provide an opportunity for citizen feedback on the Community and economic development needs of the City of Cortland	Funding is provided to foster small business growth development and growth	Funding between \$25,000 - \$100,000	60% match from assisted business
Community Development Block Grant	Economic Development	Applied for on behalf of the business seeking CDBG funding	Cortland	Public Hearing to provide an opportunity for citizen feedback on the Community and economic development needs of the City of Cortland	Funding is provided to foster small business development activities such as business attraction, expansion, and retention projects, Funding is also provided to municipalities for the installation or extension of public infrastructure necessary to facilitate business expansion at existing facilities	Funding between \$100,000 - \$750,000	60% match from project

Community Development Block Grant	Public Infrastructure	Reconstruction and revitalization of downtown parking lots, sidewalks, and open spaces, including repaving to City's owned parking lots	Public Hearing to provide an opportunity for citizen feedback on the Community and economic development needs of the City of Cortland	Funding for Public works activities consist of, but is not limited to, standalone public works components such as sidewalks, streets, parking, and open spaces. Public works activities should be creatively designed to leverage the availability of other CFA funding sources.	\$600,000	5% match
Community Development Block Grant	Planning	Joint application with the Cortland Chamber of Commerce and the Cortland County BDC/IDA to conduct a Community Needs Assessment focusing on economic development identifying community assets and determine potential concerns.	Public Hearing to provide an opportunity for citizen feedback on the Community and economic development needs of the City of Cortland	Market studies and Feasibility studies for determining economic development needs	Maximum funding is \$50,000	5% match
New York Main Street	Traditional Target Area Building Renovation Project	Continued renovation of downtown Buildings with a focus on the intersection of Main, Clinton and Groton Avenues	A formal resolution Supporting the Application for the proposed NYMS project	Rehabilitation and revitalization of downtown buildings	\$200,000	25% owner investment
New York Main Street	NYMS Downtown Anchor Project	Substantial revitalization and renovation to the exterior of the building	A formal resolution Supporting the Application for the proposed NYMS	Intended to assist establishing or expanding cultural, residential or business	Fund requests may be between \$100,000 and \$250,000	25% owner investment

		Location of the northwest intersection of Main Street and Clinton Avenues	anchors that are key to revitalization efforts. Project funds are intended for standalone, single site, "shovel ready" renovation projects.	project				
New York Main Street	Streetscape Enhancement	Continue improvements to the streetscape enhancement activities on Main Street	Streetscape activities are tree planting, installing street furniture and trash cans and other activities to enhance the NYMS target area.	A formal resolution Supporting the Application for the proposed NYMS project		\$15,0000	0% match	
Empire State Development Grants	ESD Strategic Planning and Feasibility Studies	Funding to undertake a detailed study of traffic flow and traffic pattern and the potential economic impacts of converting Main Street from one-way to two-way traffic	Strategic redevelopment of core business districts	None		Costs are yet to be determined based upon a survey of peer municipalities similarly scoped projects have ranged from \$80,000 to \$90,000	50% match of which 10% must be in the form of cash equity	
NYS Energy Research and Development Authority (NYSERDA)	Cleaner Greener Communities Program, Phase 2 Implementation Grants	Funding for Phase 2 of the Exit 11, Clinton Ave. Gateway Project. Phase 2 Includes reconstruction of Clinton Ave. according to the Gateway Plan	Implementation of market-transforming sustainability initiatives and projects	None		\$3,320,000 request	25% match from other sources	
NYS Energy Research and Development Authority	Cleaner Greener Communities Program, Design Grants	Development of a Community-wide intermodal plan to identify and prioritize	Planning and design of innovative projects that create multiple community benefits,	None		Plan cost have not yet been determined but inquires of	25% match from other sources	

<b>(NYSERDA)</b>		<p>potential needs/projects To improve the City's pedestrian and bike infrastructure, minimize impediments, design improvements and identify potential funding sources.</p>		<p>reduce carbon emissions, leverage public and private resources, and propel NYS toward an environmentally and economically vibrant and resilient future</p>	<p>comparable design work have ranged from \$35,000 to \$45,000</p>	
<p><b>Environmental Facilities Corporation (EFC)</b></p>	<p><b>Green Innovation Grant Program</b></p>	<p>Development and construction of a bioretention and recharge system that effectively remove pollutants and reduce stormwater runoff in the vicinity of the River Street, Pomeroy Street and Clinton Ave intersection.</p>	<p>Conceptual site plan</p>	<p>Funding for projects that improve water quality and demonstrate green infrastructure. Green infrastructure practices treat rainwater as a valuable resource to be harvested and used on-site, or filtered and allowed to soak back into the ground so to recharge aquifers, rivers and streams.</p>	<p>Plan cost will be determined as part of the scope provided through funding to be provided by the \$40,000 Chesapeake Bay Watershed Technical Assistance Grant from the National Fish and Wildlife Foundation</p>	<p>10 % percent local match</p>
<p><b>Environmental Facilities Corporation (EFC)</b></p>	<p><b>Green Innovation Grant Program</b></p>	<p>Development and construction of a bioretention and recharge system that effectively remove pollutants and reduce stormwater runoff in the "Ames" and Port Watson parking lots</p>	<p>Conceptual site plan</p>	<p>Funding for projects that improve water quality and demonstrate green infrastructure. Green infrastructure practices treat rainwater as a valuable resource to be harvested and used on-site, or filtered and</p>	<p>Plan cost is being determined as part of the scope of design work under progress as part of the \$150,000 redirected from the \$250,000 parking deck grant.</p>	<p>10 % percent local match</p>

Department of State	Local Government Efficiency Program	Planning and feasibility study for consolidating the reading and billing for municipal water and sewer usage with the Town of Cortlandville and the Village of Homer. Planning will also involve identifying require conversion to wireless meter technology.		allowed to soak back into the ground so to recharge aquifers, rivers and streams. Grant programs to assist local governments identify best practices and implement actions focused on reducing delivery. Projects can include local government reorganization, functional or service delivery consolidation, cooperative service agreements and establishment of regional service delivery mechanisms.	Maximum funding for planning is \$12,500 per local government not to exceed \$100,000 Implementation funding is \$200,000 for each local government not to exceed \$1,000,000	50% local match of which 40% is reimbursed upon implementation
Department of State	Local Government Efficiency Program	Planning and feasibility study for the creation of a regional sludge composting facility owned and operated by a municipal consortium of governments located with Delaware, Cortland, and Tompkins Counties		Grant programs to assist local governments identify best practices and implement actions focused on reducing delivery. Projects can include local government reorganization, functional or service delivery consolidation, cooperative service agreements and establishment of regional service delivery mechanisms.	Maximum funding for planning is \$12,500 per local government not to exceed \$100,000	50% local match of which 40% is reimbursed upon implementation

Department of State	Local Government Efficiency Program	Review of City operations and organization to identify new opportunities for financial savings or exhibit potential to modernize existing services. Scope would include revisions to the City's Charter and Code of Ordinance that promote functional consolidation		regional service delivery mechanisms. Generally local Government must apply cooperatively for an LGE grant. However in certain instances the program can provide direct assistance to fiscally stressed local governments to implement internal reorganizations or service delivery modifications	Maximum funding for planning is \$12,500	50% local match of which 40% is reimbursed upon implementation
Department of State	Local Government Efficiency Program	Joint application with other members of the Greater Tompkins Health Insurance Consortium to design for voluntary adoption and incentive based wellness program focusing on claim reductions by improving employee and retiree health through education and support.		Grant Program to assist in identifying best practices and implement actions focused on reducing municipal expenditures and limiting growth in property taxes	Maximum funding for planning is \$12,500 per local government not to exceed \$100,000. Implementation funding is \$200,000 for each local government not to exceed \$1,000,000.	50% local match of which 40% is reimbursed upon implementation



CITY OF CORTLAND  
OFFICE OF COMMUNITY DEVELOPMENT  
THOMA DEVELOPMENT CONSULTANTS

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25 Court Street, Cortland, New York 13045 Ph. 607.753.1433 Fx. 607.753.6818  
[www.cortland.org](http://www.cortland.org)

**MEMORANDUM**

**TO:** Mayor Brian Tobin and Common Council Members

**FROM:** Thoma Development Consultants

**DATE:** May 14, 2014

**SUBJECT:** 2014 Community Development Block Grant (CDBG) Application for  
Microenterprise assistance

---

Attached you will find a resolution we are asking you to adopt/approve at your May 20, 2014 Common Council meeting. This resolution authorizes the submission of a Community Development Block Grant (CDBG) application on behalf of the City and for the Mayor to enter into a grant agreement with the State should the grant be awarded. Please note that the City will be submitting two separate CDBG applications in June. This resolution is to authorize the submission of an application seeking Microenterprise funding in the amount of \$200,000, the maximum allowed under the Program.

The City applied for and received a Microenterprise CDBG in 2010. Under that Program, the City assisted six microenterprises. A microenterprise is a business that employs or will employ five or fewer persons, including the business owner or owners. To be eligible for assistance, an existing or new microenterprise must meet a low-to-moderate income test; that is the business owner(s) must be low-to-moderate in income (based on family size and gross, annual income) or a majority of the jobs to be created or retained must be low-to-moderate income jobs and/or available to low-to-moderate income persons. At least 50% of the funds provided to the City have to be used for "start-ups". The funds are provided to the microenterprise are provided in the form of a grant. Applicants can request up to \$35,000 and must provide a 10% match. All applicants/owners must go through State approved business training. The Program will be available City-wide.

We are currently seeking pre-applications. The City must show that there is adequate interest and need for this Program to be successful in the application process. If you know of anyone that might be interested, they should contact Thoma Development immediately. There is no cost or obligation to submit a one-page pre-application.

*"The Crown City"*

The proposed budget for the Microenterprise application is as follow:

Microenterprise Grants	\$ 153,000
Program Delivery/Training	37,000
Administration	<u>10,000</u>
TOTAL	\$ 200,000

Applications must be submitted by June 16, 2014. The required public hearing for this grant will be held at 6:30 in the Mayor's Conference Room on May 20, 2014.

Linda Armstrong will be attending the May 20<sup>th</sup> meeting. If anyone has any questions prior to your meeting, please contact her at 753-1433 or via email at [linda@thomadevelopment.com](mailto:linda@thomadevelopment.com).

Attachment (resolution)

## **PROPOSED CERTIFIED RESOLUTION**

### **RESOLVED:**

That the City of Cortland is hereby authorized and directed 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;

Signed: City Clerk

Dated:

Municipal Seal



CITY OF CORTLAND  
OFFICE OF COMMUNITY DEVELOPMENT  
THOMA DEVELOPMENT CONSULTANTS

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25 Court Street, Cortland, New York 13045 Ph. 607.753.1433 Fx. 607.753.6818  
[www.cortland.org](http://www.cortland.org)

MEMO

TO: City of Cortland Common Council

FROM: Rich Cunningham, Thoma Development Consultants *RC*

DATE: May 14, 2014

SUBJECT: Community Development Block Grant/Planning Grant

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Attached please find a resolution we are asking you to adopt/approve at your May 20, 2014 Common Council meeting. This resolution authorizes the submission of a Community Development Block Grant (CDBG) application on behalf of the City and for the Mayor to enter into a grant agreement with the State should the grant be awarded. This resolution is to authorize the submission of an application seeking Planning funding in the amount of \$50,000, the maximum allowed under the Program.

As part of the 2014 Consolidated Funding Application, municipal governments may seek up to \$50,000 in Community Development Block Grant (CDBG) planning funds for "Community Needs Assessments" or "Preliminary Engineering Reports" where the beneficiaries of the report would primarily be low-to-moderate income persons. The applicant must provide a minimum 5% cash match.

We are recommending the submittal of a \$50,000 planning grant application to hire a consultant to undertake an Economic Market Analysis of the Central Business District. The estimated maximum project cost is \$52,650. The City needs to pledge a \$2,650 cash match.

The Economic Market Analysis will document existing economic conditions, research demographic and economic trends, identify the market area and target markets, detail customer profiles and preferences, project future trends, estimate current market supply and prospective market demand, determine the districts share of the demand gap, and identify opportunities for economic growth. In addition to retail and commercial office demand, it will also focus on potential demand for downtown lodging (hotel). An Economic Market Analysis is an essential tool for making informed decisions regarding the economic growth and will provide the community with the objective information needed to expand the downtown economy.

Linda Armstrong of our office will be attending the Common Council meeting, however, if anyone has any questions regarding this project, I urge you to contact me at 607-753-1433 or via email at [rich@thomadevelopment.com](mailto:rich@thomadevelopment.com).

Attachment: draft resolution

## **PROPOSED CERTIFIED RESOLUTION**

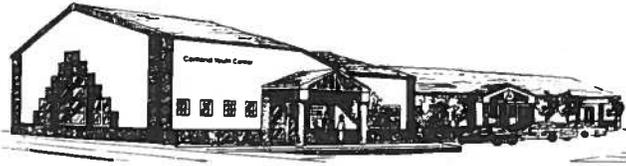
### **RESOLVED:**

That the City of Cortland is hereby authorized and directed 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;

Signed: City Clerk

Dated:

Municipal Seal



# CORTLAND YOUTH BUREAU

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

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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: May 12, 2014

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>Shipwreck Golf Inc.</i>	<i>\$120.00</i>
<i>60 Main LLC</i>	<i>\$300.00</i>
<i>Sandra L. Ripic</i>	<i>\$100.00</i>
<i>Barbara Klockowski Trust</i>	<i>\$500.00</i>
<i>Diane J Aldrich</i>	<i>\$100.00</i>
<i>Diane S. Chu</i>	<i>\$100.00</i>
<i>Lucille &amp; Donald Cole</i>	<i>\$ 75.00</i>
<i>Sarah E Sheahan</i>	<i>\$ 50.00</i>
<i>Steven &amp; Connie Howarth</i>	<i>\$ 50.00</i>
<i>John &amp; Mary Tracy</i>	<i>\$ 50.00</i>
<i>SUNY Cortland Student Government</i>	<i>\$ 20.00</i>
<i>Cash donations from SUNY Cortland</i>	<i>\$442.00</i>

***Total Donations = \$1907.00***

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.





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THOMA DEVELOPMENT CONSULTANTS

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[www.cortland.org](http://www.cortland.org)  
MEMO

TO: City of Cortland Common Council

FROM: Rich Cunningham, Thoma Development Consultants 

DATE: May 14, 2014

SUBJECT: 2012 New York Main Street Approvals

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In late 2012, the City of Cortland was awarded a \$250,000 New York Main Street (NYMS) Grant from the NYS Office of Community Renewal. The focus of the program is to provide 75% matching funding for the renovation of buildings in traditional downtown commercial areas. The owner must provide a minimum of 25% of the project cost as a match. The maximum grant amount is \$50,000 plus \$10,000 for each assisted residential unit up to a maximum of \$100,000. All funding is provided as a reimbursable grant to the property owner at the conclusion of the project, and all funds are subject to a 5-year recapture under certain circumstances. \$70,000 in NYMS funds have already been committed to 43-49 Main Street. Council approval is requested to award funding to three additional projects. Approval of all NYMS funds are contingent upon the property owner procuring any necessary zoning or building code approvals. The three projects are:

- 1) Irene Pothos, 51-53 Main Street - \$50,000 in NYMS funds to be used towards a minimum \$67,000 project to renovate the building façade, the first floor to create two to three commercial units, and to address any upper floor structural or code issues. This project is contingent upon approval of funding for 55 Main Street.
- 2) Irene Pothos, 55 Main Street - \$50,000 in NYMS funds to be used towards a minimum \$67,000 project to renovate the building façade and the first floor commercial space and to address any upper floor structural or code issues. The project is contingent upon approval of funding for 51-53 Main Street.
- 3) McNeil Development Co, LLC, 65 Main Street (NBT Bank Building) - \$50,000 in NYMS fund to be used to renovate a portion of the façade and first floor commercial space to segment the building to accommodate multiple tenants. Approval is contingent upon the approval from the NYS Office of Community Renewal to extend the NYMS Service area across Court Street.

Please contact me at 607-753-1433 or via email at [rich@thomadevelopment.com](mailto:rich@thomadevelopment.com) if you have any questions.

*"The Crown City"*



CITY OF CORTLAND  
OFFICE OF COMMUNITY DEVELOPMENT  
THOMA DEVELOPMENT CONSULTANTS

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[www.cortland.org](http://www.cortland.org)

**MEMORANDUM**

TO: Mayor Brian Tobin and Members of the Common Council

FROM: Thoma Development Consultants

RE: Access to Independence Request for Funds

DATE: May 13, 2014

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The City received a request from Access to Independence for \$5,500 to assist in the administration of a recently awarded Access to Home grant awarded to the Agency. These funds are used to provide accessibility improvements in owner-occupied and rental units in Cortland County and parts of Broome County (request attached). The City has received similar requests and provided similar assistance for their last three or four grants. Last year we provided \$6,600 and the two years prior, up to \$15,000 and \$12,600.

The Access to Home Program allows the Agency to make accessibility modifications in both owner-occupied and tenant occupied properties. We have, in the past, provided funding regardless of the tenancy of the unit as long as a low-to-moderate income person occupied the unit and it was located in the City. We reviewed a list of the properties on the waiting list to-date and noted there are a number in Friendship House and one in the senior housing complex owned by Cortland Housing Authority. It is our recommendation that, if the City approves this funding request, it be conditioned on providing financial support only for owner-occupied units.

Although there are only one or two owner-occupied units on the waiting list as of now, the program has not been marketed and it is likely that more will be added. Based on most recent bank information for housing program income and outstanding commitments, there is adequate funding in the housing program income account for the \$5,500 request. However, as with most the program income, each time funds are provided to projects that do not revolve back, the account shrinks, and it is in a decreasing mode at this time rather than an increasing mode.

Linda Armstrong will be at the May 20<sup>th</sup> meeting to answer questions you may have. In the meantime, if you want to discuss this issue, please call or email Linda. She can be reached at 753-1433 or [Linda@thomadevelopment.com](mailto:Linda@thomadevelopment.com)

Attachment



"Nothing More, Nothing Less For All People with Disabilities"

Executive Director

Mary E. Ewing

Chief Operating Officer

Chad W. Underwood

Board of Directors

Larry Pfister,  
Chair

Dr. Daniel Pukstas,  
Vice Chair

Cynthia Schlenker,  
Treasurer

Elizabeth Haskins,  
Secretary

Harold Baker

Kim Collins

Keith Dayton

Clifton Fuller

Tomi Jacobs-Ziobro

Peter Morse-Ackley

Dan Mullins

Jane Oechsle

Sandy Price

William Siedenburg

Cheryl Williams

April 28, 2014

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

Dear Mayor Tobin,

Last week, Access to Independence of Cortland County (ATI) was awarded \$150,000 in funding from the NYS HCR (Homes & Community Renewal) *Access to Home* program, for home accessibility modifications. Between June 2014 and June 2015, we plan to complete 10 projects in Cortland and Broome Counties, including five in the City of Cortland.

During the last five rounds of *Access to Home* funding, we have been fortunate to tap into CDBG (Community Development & Block Grant) monies, through Thoma Development, to help defray administrative and project delivery costs not covered under the grant. These funds are used for projects within the City of Cortland, and are essential to ensure our capacity to manage such a large number of projects.

On behalf of the ATI Board of Directors, I would like to request this assistance again, in the amount of \$5,500, to support the cost of completing five projects in the City of Cortland (\$1,100 per project).

I have spoken with Linda Armstrong at Thoma Development was directed to address the request to you.

Please confirm that CDBG funds, in the amount of \$5,500, will be available to ATI to complete five projects (\$1,100 per project) within the City of Cortland, between June 2014 and June 2015. I am available to discuss this further and/or to provide any additional information you might need.

Thank you in advance for your consideration in this manner.

Sincerely,

Chad W. Underwood, MPA  
Chief Operating Officer

26 North Main St.  
Cortland, NY 13045  
ph: 607-753-7363  
fax: 607-756-4884

e-mail:  
[info@aticortland.org](mailto:info@aticortland.org)

website:  
[www.aticortland.org](http://www.aticortland.org)

*Resources and Advocacy for People with Disabilities*

**From:** Nicholas Dovi  
**Sent:** Friday, May 16, 2014 10:43 AM  
**To:** mayorofc; Chris Bistocchi  
**Subject:**

For the agenda of May 20, 2014

What needs to be done for the removal of the traffic signal Pomeroy at Central is the following.

**Section 11-11 Traffic Control Signals** needs to be amended to show the signal in question has been removed from service.

Intersection of	With
Central Ave	Pomeroy Street

The new two way stop intersection (letting traffic flow freely down Pomeroy Street) needs to be added to the 11-41 Stop intersection section. it should read like this:

**11-41. Stop Intersection**

Intersecting Highway	Through Highway
Central Ave (two-way)	Pomeroy Street

Thanks Nick



# **CORTLAND POLICE DEPARTMENT**

## **2012 Impound Car Money Request**

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**May 9, 2014**

**TO: Mack Cook, Director of administration & Finance**  
**FROM: Deputy Chief Paul A. Sandy**  
**RE: Request for Proceeds from Scrap Sale**

**Ammunition/Equipment:(A3120.416.03 account – Firearms Training)**

I am requesting the Common Council appropriate proceeds from the sale of five (5) stainless beer kegs and spent brass shell casings as scrap back to the City of Cortland Police. The beer kegs were evidence from old cases in 2012, which no longer served an evidentiary purpose and could be destroyed, and the spent brass shell casings were the result of officers picking brass after each and every firearms training in 2013. The total proceeds from the sale of this scrap was \$328.54, which if appropriated will be directly applied toward the purchase of additional ammunition and equipment for firearms training during 2014.

**\$328.54**

**mayorofc**

---

**From:** Mack Cook  
**Sent:** Sunday, May 11, 2014 3:49 AM  
**To:** Brian Tobin; ward1; ward2; ward3; ward4; ward5; ward6; ward7; ward8; John McNerney; Chief F. Michael Catalano  
**Cc:** mayorofc  
**Subject:** May 20th agenda item; Family Movie Night

Mayor and Members of Common Council;

The following will appear as an agenda item for Council's session on May 20<sup>th</sup>

*Consideration of a Resolution to permit Marietta Corporation to sponsor "Family Movie Night" in Court House Park on Wednesdays evenings from 8:30 P.M. to approximately 10:30 PM commencing in July and running through August. (Alderman Ferguson)*

Marietta Corp. has arranged for Fun Flicks to present family oriented movies at no cost to the attendees. The movie is projected on an inflatable screen. Fun Flicks conducted the shows that were held in the park during the summer of 2012. The series will run from July thru. August. Wednesday is an open night in Court House Park. I included the Police and Youth Bur. on this e-mail. Both the Chief and John have signed off on this.

Mack



# Memo

**To:** Mayor Tobin, Mack Cook, Common Council

**From:** Lori Crompton

**CC:**

**Date:** 5/14/2014

**Re:** Encumbrance Requests

---

## Admin. & Finance

I am requesting to encumber 11,203.07 in *In Rem* fees (A1325-41502) collected in 2013. This is the fifth year of the program, and the City has seen a significant improvement in tax collections as a result. These fees are due to Phillips Lytle in 2014 upon the filing of the judgment and transferring of the parcels to the City for Auction.



# Cortland Police Department

## 2013 Budget Encumbrance Requests



December 30, 2013

**TO:** Mack Cook, Director of administration & Finance  
**FROM:** Deputy Chief Paul A. Sandy  
**RE:** Encumbrance of Funds from 2013 Police Budget

**POLICE VEHICLES:(A3120.5206.00 account–Operational Equipment > \$5,000.00)**

We are requesting to encumber \$7,805.70 from this account, which represents the remaining proceeds from sales of police vehicles removed from service, as well as scraped vehicle sales from the impound lot, for the year of 2013. These funds will be directly applied toward the purchase and equipping of two new 2014 police vehicles approved in the 2014 Annual Police Budget.

These funds were specifically transferred to the police department by the Common Council for this purpose in 2013, and will assist with covering the ever increasing expense of purchasing and equipping police vehicles.

It should be noted that in 2013, this agency spent \$104,058, which included the \$72,000.00 in the 2013 adopted budget, the \$29,455.58 which was encumbered from the 2012 budget, plus a small amount of sale proceeds from 2013. The 2014 adopted budget for this line is \$72,720.00. Since the agency will only be purchasing two vehicles instead of three, it is hoped that the 2014 appropriation and this encumbrance should suffice.

**\$7,805.70**

**FUEL:(A3120.5401.00 – Vehicle Operation (gas))** *not an encumbrance*

We are requesting to encumber \$10,849.32 from this account, which represents the unspent balance of the account in the 2013 Annual Police Budget. These funds would be directly applied towards gasoline consumption for 2014. It should be noted this agency will need to send at least one sworn officer to Basic Police Academy during early 2014 to fill a vacancy which will occur in January 2014. This will require daily travel to and from the academy for a period of six months. In addition, the agency will be increasing the size of the fleet by one, with the addition of the K-9 Officer vehicle. In light of the volatile pricing of gasoline and the additional consumption for 2014; it would be prudent to include the requested amount in the 2014 Annual Police Budget.

**\$10,849.32**

**MAINTENANCE (A3120.5402.00 – Motor Equipment Repair)**

*not an encumbrance  
mmu*

We are requesting to encumber \$2,340.27 from this account, which represents the unspent balance of the account in the 2013 Annual Police Budget. These funds will be used to supplement the 2014 adopted Police Budget with maintaining the marked and unmarked fleet.

It should be noted in 2013 this agency spent \$35,413.29 for equipment repairs, which included the \$33,000.00 from the adopted 2013 budget, plus transfers from another line. While 2013 witnessed some larger than normal repair expenses, the 2014 adopted budget only contains \$33,330.00. It is believed this encumbrance will be necessary for 2014 to insure sufficient funds are available to maintain the fleet properly.

**\$2,340.27**

**FACILITIES (A3120.5405.03 – Building & Grounds Maintenance)**

*not an encumbrance  
mmu*

We are requesting to encumber \$963.96 from this account, which represents the unspent balance of the account in the 2013 Annual Police Budget. City Hall is aging at a rapid pace and each year witnesses new challenges to keep the police department functionally operational. Since the agency operates on a 24 hours/7day a week schedule, as well as the volatile nature of some clients, it sustains increased wear and tear over most agencies. The requested funds would certainly allow the opportunity to pursue maintenance projects that had been postponed due to financial reasons. One such project would be the stripping and resurfacing of several areas of tile flooring, which are in dire need of attention. If not attended to, these floors will soon need to be replaced at an even larger expense.

**\$963.96**

**TRAINING:(A3120.5416.01 – Schools/Seminars)**

*not an encumbrance  
mmu*

We are requesting to encumber \$622.30 from this account, which represents the unspent balance of the account in the 2013 Annual Police Budget. These funds would be directly applied towards the training and certification of sworn members of this agency in 2014.

It should be noted that in 2013, this agency spent \$14,969.17, which included the \$13,000.00 in the 2013 adopted budget and most of the \$2,591.27 which was encumbered from the 2012 budget. The 2014 adopted budget for this line is \$13,000.00, approximately \$2,000.00 less than we actually spent in 2013. Training is a key element to this profession and a major safeguard against lawsuits. The agency will also need to send at least one officer to Basic Police Academy in 2014 to maintain staffing levels.

**\$622.00**

**AMMUNITION:(A3120.5416.03 – FIREARMS TRAINING)**

*not an encumbrance*

We are requesting to encumber \$116.88 from this account, which represents the unspent balance of the account in the 2013 Annual Police Budget. These funds will be directly applied towards the training and certification of newly hired sworn officer during early 2014, both at the firearms training for the Basic Police Academy and the annual training conducted by this agency.

It should be noted that maintaining ample supplies of ammunition for proper training has become a major issue for this agency and law enforcement agencies in general. Orders placed in November 2012 for 2013 remained unfilled in November 2013, causing the agency to expend all ammunition reserves to perform necessary qualifications for 2013. A new vendor was located out of state, which was able to supply our 2013 order in November, and at least restock some of our inventory. An order has already been placed for 2014, with hopes of returning our ammunition inventory to a satisfactory level. However, in light of the ammunition shortage issues, it would be prudent to increase our supply by whatever we are financially able to afford to prevent the shortage we encountered this year.

**\$116.88**

**TOTAL ENCUMBERANCE REQUESTED:**

**\$22,698.13**

**NOTE:**

**Encumbered line balances were based upon Munis “Year-To-Date Budget Report” for this agency printed on 12/30/2013.**

**CORTLAND FIRE DEPARTMENT**

**ENCUMBRANCE REQUEST**

**2013 TO 2014**

DATE: 12/31/13

(1)

ACCOUNT #: A3410-541500

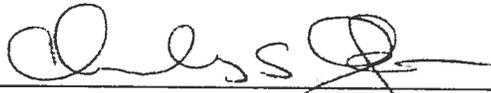
IN THE AMOUNT OF: \$1995

*not an  
encumbrance  
m.d.*

REASON FOR ENCUMBRANCE:

Final payment for the Red Alert system set up. They have not completed the payroll interface. This will work hand in hand with Munis however, since the payroll portion of Munis is just now coming online this part of the contract has not been completed.

APPROVED BY:



Charles S. Glover, Fire Chief

City of Cortland  
Fire Department  
Code Enforcement



**William F. Knickerbocker**  
Deputy Fire Chief  
Director of Code Enforcement

25 Court Street  
Cortland, New York 13045

Phone: 607.753.1741  
Fax: 607.753.6051  
Email: knick@cortland.org

To: Lori Crompton Deputy Director Admin & Finance

From: Wm Knickerbocker 

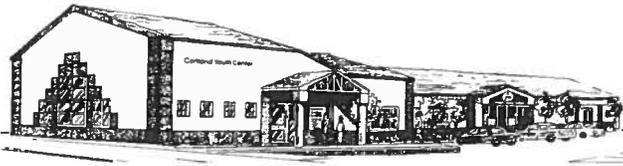
Date: December 31st, 2013

RE: ~~ENCUMBRANCE~~ 

We are requesting consideration of an encumbrance of \$3871.06 from the A3620-540301 Office Equipment budget line, originally approved and intended to cover the cost of office furniture & equipment which we have planned to purchase but have not purchased at this time date due to delays in relocating existing electrical circuits, equipment and printers in existing office and functional spaces.

Thank you

*not an encumbrance*  
*mal*



# CORTLAND YOUTH BUREAU

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

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TO: Lori Crompton, Finance Dept.  
Mack Cook, Administration and Finance

FROM: John McNerney, Youth Bureau

DATE: January 2<sup>nd</sup>, 2014

RE: Year End Encumbrances

The Youth Bureau would like to request the transfer of the funds from the 2013 budget accounts to the 2014 budget accounts. Attached is a outline from the Erica Danega regarding the request. Feel free to call me with any questions or concerns.



We are requesting an overall encumbrance of \$250 from the 7330.400 line to our 2014 budget. Below are the itemized amounts, the source of the donation and our intention with the funds during the 2014 year.

Amount and month of donation	Source of donation	Intentions
\$250 – July 9, 2013	CACTC mini-grant	This grant was awarded for our Cortland Girls Group program. The grant amount does not currently show up on Munis reports as being deposited. For this reason we haven't spent these dollars. It is our plan to purchase group supplies and conduct local trips with these grant dollars in 2014 per our grant contract. Line 7330.5400
<b>ADDITIONAL DEPOSITS</b>		
\$300 – January 4, 2013	Cash deposit for BBQ supplies from the fundraiser money	This was submitted in January and has not yet shown up on the most recent Munis report. Line 7310.5405.
\$75- July 9, 2013	Check from Catholic Charities for 2 field trip sponsorships.	This was submitted in July and has not yet shown up on the most recent Munis report. Line 7310.5405.
\$190- July 2013	Check from Tobacco Free Cortland Coalition (County Health Dept.) for sponsorship of 6 field trip sponsorships.	This was submitted in July and has not yet shown up on the most recent Munis report. Line 7310.5405.

*Grant ok*

*Donation*

*Donation*

*Donation*

Respectfully submitted,

Erica Danega  
Youth Service Supervisor



**City of Cortland**  
City Hall – Mayor’s Office

**Brian Tobin**

**Mayor**

25 Court Street, Cortland, New York 13045

Website: [www.cortland.org](http://www.cortland.org)

Phone: 607-758-8374

Fax: 607-756-4644

**REAPPOINTMENTS / NEW APPOINTMENTS for 2014**

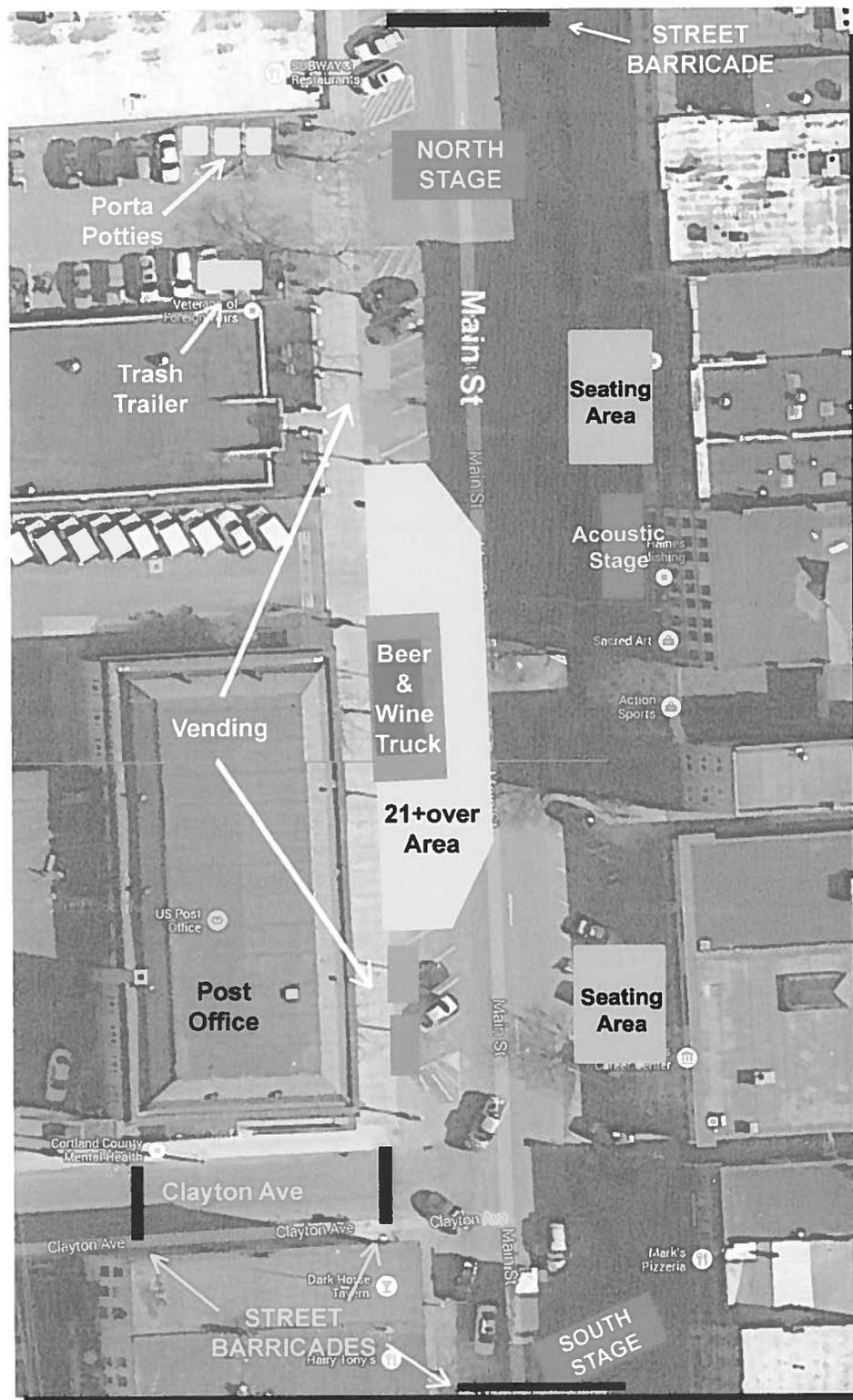
**Ethics Committee**

Paul Sandy	New Appointment
Ric VanDonsel	New Appointment
Clay Benedict	New Appointment
Mike Bersani	New Appointment

**Zoning Board of Appeals Commission**

Scott Steve	New Appointment
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# 2014 CORTLAND SUMMER STAGE



**Saturday, July 26th  
3-10pm**

Food/Beer/Wine Vending: 3-10pm

Street Closure: 12pm-12am

**Organizers:**

Cortland Downtown Partnership  
Old Boy Records

- \* Approximately (10) local bands featured on (3) Stages
- \* Youth Band Audition at Youth Center
- \* Operation of beer/wine sales by the Cortland Downtown Partnership in an enclosed area on Main Street
- \* Local food/craft vending with priority given to Main Street businesses
- \* Emergency vehicle access lane of at least 20ft will remain open throughout Main Street
- \* Event staff will be given advance instruction on how to direct the audience in the event of an emergency situation

**Contact:**

Adam Megivern  
Executive Director  
Cortland Downtown Partnership  
(607)342-6460  
Adam@CortlandDowntown.com

Chris Merkley  
Founder/CEO  
Old Boy Records  
(607)351-0067  
Chris@OldBoyRecords.com