



City Council Minutes
The City of Cortland
December 2, 2014

Council Meeting #23

December 2, 2014

Regular Session

City Hall

7:00 PM

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

Absent: Alderman Ferrer

Staff Present: Director of Administration and Finance Mack Cook, Corporation Counsel Ric VanDonsel, Fire Chief Glover, Police Chief Catalano, Confidential Secretary to the Mayor Shellie Blaisdell, City Clerk Ray Parker

Public Hearing #1 – To hear comments on the proposed local law authorizing the City of Cortland to apply for membership in the “Energize NY Finance Program” administered and funded by ten NYS Energy Improvement Corporation.

- The Public Hearing opened at 6:42 pm.
Bob Haight, Chamber of Commerce stated he feels it is a good program and encourages the plan to move forward; really cannot come up with any downside.
Steve Muka – is in favor of “green”; one thing that strikes is the city is guaranteeing, if homeowner cannot pay, the city has an obligation to pay it off –not sure if reading this correctly.
Garry VanGorder – attended the presentation given on the “Energize NY” and helped to answer the question raised by Steve Muka-the property that is put in foreclosure and taken by the city and if there is a shortage on what the city can collect in foreclosure there is a reserve fund set aside by the state to make the municipality whole so the risk is removed. There is an eye toward the environmental impact and sends a good message. It is the sort of thing the city can promote good quality development that provides a better building stock and have a better carbon footprint.
- The Public Hearing closed at 6:48 pm.

Public Hearing #2 – To hear comments on the proposed amendment to the rental Permit Law and for discussion of a new nuisance ordinance for the City of Cortland.

- The Public Hearing opened at 6:50pm.

Steve Muka – With the Rental Permit Law-the addition of the Nuisance Law-property allows something very minor to be something very serious- there is not a difference on

how it is viewed. The law does not give the landlord time for correction, and is not workable – Mr. Muka feels the law is unfair. Is curious on how businesses will perceive this new law. There is no point system in place and feels there is severity and excessive for violations.

Gerry Ruggiero – the Rental Permit Law violates the 4th amendment, it doesn't defer nuisances and five years later, that portion is being re-wrote to correct the problem. The proposed nuisance law is not workable and is considered unfair. Mr. Ruggiero challenges the Alderman to re-read the proposed law; he feels there is a serious flaw and will be suing the City as soon as he knows the law has been filed with the state. Hope before you pass this law you change it and if you do pass it the way it is, I will be back to let you know what the flaw is and my intent of a lawsuit.

- The Public Hearing closed at 7:01 pm.

REGULAR SESSION:

Mayor Brian Tobin called the twenty third Common Council meeting of the year to order at 7:01PM.

PLEDGE OF ALLEGIANCE

Public Comments: There are no public comments for this meeting.

Minutes of the November 18, 2014 meeting:

RESOLUTION #242 of 2014 – Resolution to approve the November 18, 2014 Common Council Minutes with amendment to resolution #235 of 2014 “...vacant *building*” to “...vacant *position*”.

Motion By: Alderman Silliman
Seconded By: Alderman Bennett

Approved: Ayes – 7
Nays – 0

Ward Reports:

John Bennett (4) – Reported that the contractors who were injured at the Student Life Center are doing okay. Also addressed the lighting issues on Pearl Street. SUNY is working to “quiet” the lights and is also working on the parking issues.

Tom Michales (8) – Inquired again about the 911 call for Kellogg Road-the center's response to the actual call and what the delay was. Chief Glover stated he is still waiting for the final inquiry report.

Katy Silliman (2) – Is happy with the results of Cortaca weekend and the steps taken to rectify the situation from last year. No one wants to take away from the fun of the weekend, just wants it safe for all. Thanks to all for those who took steps to rectify the issues from last year. Let this be the new normal. Has attended flooding committee meeting, a pumpkin fest committee meeting, a housing committee meeting. Signs nailed to rentals – no parking and one way on pleasant street.

Ken Dye (3) – Only had complaints of garbage pick up the Friday after thanksgiving and the issues were addressed.

Linda Ferguson (7) – complaints of neighbors with neighbors but services are working with them. Please remember servicemen and women this holiday season-they are starving for communication, please send holiday cards if you can.

Clif Dutcher (5) – no complaints for ward 5, is all quiet

Julie Bird (1) – Tree lighting event was well attended, a lot of people came to support and considers it very successful. Pictures with Santa were also a big hit. Thanks to all involved in making it such a great event.

Mayor's Report: Friday morning last week, snow had come down a few days earlier. Was very impressed with CFCU and Sideline Grill with their clean sidewalks – it was a messy couple of days, they made it very safe for the neighborhood-very good community minded businesses in the city.

Resolution #243 of 2014 – Resolution to adopt local law #10 of 2014 of the New Nuisance Ordinance for the City of Cortland.

Having previously discussed and voted upon, it was recognized the time period of council having the law to review may not have met the requirement therefore bringing the vote forward again. The requirements being met for the set public hearing and the required number of days for council to have for review.

There is no need to rescind the prior vote since it was not sent to the State.

Council members asked if this law can be challenged as indicated by public speaker Gerry Ruggerio. Ric VanDonsel stated anyone can challenge anything, whether or not it is legitimate or not is to be determined. R. VanDonsel feels the comments made by G. Ruggerio are part of his own goals to embarrass the City and is not to help the city make it right. G. Ruggerio is also a litigant this law is impacting so once again he has a secondary goal of making our work more difficult. The law itself has been used successfully in Broome County as indicated by attorney Oliver Blaise who helped us put the law together. If the law is challenged the proper way is to defend the lawsuit or change the law if it is found to be incorrect.

Alderman Ferguson is concerned there is a section of the law that is too vague and believes a reference to the charter is made complicated. Has an issue with where it refers to the Charter-it gives a chapter to refer to-it makes it very complicated. It is the City's burden to prove the property is not okay. The nuisance Law is created to address an accumulated problem. Not a single violation.

Motion By: Alderman Silliman
Seconded By: Alderman Michales

Approved: Ayes – 4
Nays – 3 (Alderman Ferguson, Dutcher, Bird)

Resolution #244 of 2014 – Resolution to adopt local law #9 of 2014 amending the Rental Permit Law for the City of Cortland. The reference of a new nuisance ordinance to the rental permit law.

Motion By: Alderman Silliman
Seconded By: Alderman Bennett

Approved: Ayes – 4
Nays – 3 (Alderman Ferguson, Dutcher, Bird)

Resolution #245 of 2014 – Resolution to adopt Local Law #11 of 2014 authorizing the City of Cortland to apply for membership in the “Energize NY Finance Program” administered and funded by ten NYS Energy Improvement Corporation.

Who, in the City is going to be administratively responsible for this? This plan has very little administrative duties and has little impact on accounting duties. Concern was raised on defaulted loans and the city’s responsibility in the process of taking possession of property. Mack Cook explained the amount of money that can be loaned it cannot exceed 10% of the appraised cost. Commercial properties have not generally been a City problem. If the City did need to take back property, it would be improved property with increased market value. Residential components have not been developed yet. The savings are greater than the payment building more energy funding – equity investment / commercial loans. The goal is to help local businesses. Should be a small tool in our arsenal to bring up the property tax value.

Motion By: Alderman Silliman
Seconded By: Alderman Michales

Approved: Ayes – 6
Nays – 1 (Alderman Dutcher)

Resolution #246 of 2014 – Resolution authorizing the Mayor to execute the “Energy Improvement Corporation Municipal Agreement” by and between the City of Cortland and the Energy Improvement Corporation.

Motion By: Alderman Bennett
Seconded By: Alderman Silliman

Approved: Ayes – 6
Nays – 2 (Alderman Dutcher)

RESOLUTION #247 of 2014 – Resolution to schedule a public hearing on December 16, 2014 at 6:45pm in Council Chambers to hear comments on a proposed local law amending the Code of the City of Cortland to authorize “Best Value Purchasing”.

Emailed all the presentation on November 17, 2014. Standard procurement-lowest responsible bidder. State enlarged to be best value to objective criteria – get the most of purchases. It allows

to write objective criteria including quality, price and others deemed important for the specific purchase.

Currently the standard for procurement bid awards is the lowest responsible bidder. November 2013, the state enlarged the criteria and allows for to supplement lowest and best value to objective criteria specified in the bid process. This covered most of purchases services, equipment and supplies. Allows the municipality to have criteria in place to judge the competency of the bid based on criteria other than the lowest price and criteria can change accordingly to what you are purchasing. Allows you to bring in a more comprehensive purchase.

A public hearing was set for December 16, 2014 at 6:45pm in Council Chambers to hear comments on the proposed local law amending the Code of the City of Cortland to authorize “Best Value Purchasing.

Motion By: Alderman Dutcher
Seconded By: Alderman Bennett

Approved: Ayes – 7
Nays – 0

Item #5 – Discussion on proposed parking changes for Reynolds Avenue: no parking for a distance of +300 feet from the curb line of Tompkins Street.

There is a dangerous situation at this location with visibility. The proposed change will allow for better visibility.

Council members asked for information to be available at next meeting: how many accidents have occurred at this location in the last five years, what criteria did the Public Safety Commission use in determining the recommendation?

A public hearing was set for December 16, 2014 at 6:50pm in Council Chambers to hear comments on the proposed parking changes.

Item #6 – Discussion of collection of trash on Main Street.

Alderman Tom Michales explained some of the concerns he has noticed regarding garbage on Main Street such as: litter and smells, no plans for large weekend events, no back alley for garbage bins, what are the requirements or responsibilities of residents, property owners. Alderman Michales also made a few suggestions such as network of bins, weekend collection, charging the property owners)

Adam Megivern is currently working on these same issues; both Alderman Michales and Ferguson and Silliman will work with him to continue coming up with a corrective action plan.

RESOLUTION #248 of 2014 – Resolution to approve the following donations to the Cortland Youth Bureau:

| <u>Donation</u> | <u>Program</u> | <u>Amount</u> |
|-------------------------------|---------------------------|-----------------|
| <i>Mr. Alex Hair Fashions</i> | <i>Wickwire Pool Fund</i> | <i>\$100.00</i> |
| Total Donations: | | \$100.00 |

Motion By: Alderman Bird
 Seconded By: Alderman Dutcher

Approved: Ayes – 7
 Nays – 0

Item #8 – Discussion on proposed change from a part-time Zoning Officer to a Full-Time Zoning Officer.

The City Charter will need to change and the new job description will include duties associated with administrative duties from the Flood Plain Administration and the responsibilities to include enforcing code by the Housing Committee. It is Civil Service requiring an exam. The budget accommodates for the full-time position at a salary of \$40,000-42,000.

Tentatively schedule a public hearing is set for December 16, 2014 at 6:40 pm to hear comments on changing the charter from a part-time zoning officer to a full-time zoning officer.

Executive Session – for discussion on contract, consideration of a collective bargaining agreement and update on pending litigation and legal proceedings

Motion to go into Executive Session:

Motion By: Alderman Silliman
 Seconded By: Alderman Dutcher

Approved: Ayes – 7
 Nays – 0

Motion to come out of Executive Session:

Motion By: Alderman Silliman
 Seconded By: Alderman Dutcher

Approved: Ayes – 7
 Nays – 0

For Discussion – the City has received the intended notice of retirement from David Briggs as City Assessor. We will take this as an opportunity to reevaluate the position and look at what options may exist in terms of what can be done for efficiency and cost savings. Both Alderman Dutcher and Bennett will lead a committee to do the evaluation.

ADJOURNMENT

Motion By: Alderman Dutcher

Seconded By: Alderman Bird

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 2nd DAY OF DECEMBER 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