



City Council Minutes
The City of Cortland
May 17, 2016

Council Meeting #10
May 17, 2016
25 Court Street
7:00 PM

Present: Mayor Brian Tobin, Aldermen John Bennett, Michelle Mastropolo, Gary Thomas, Katy Silliman, Bill Carpenter, Carlos Ferrer, Adam Megivern, Thomas Michales

Staff Present: Corporation Counsel Richard VanDonsel, Police Chief Catalano, Superintendent of WWTP Bruce Adams, Director of Administration and Finance Mack Cook, and Administrative Aide Julie Gross

REGULAR SESSION:

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

PLEDGE OF ALLEGIANCE

Public Comments:

Anne Doyle – Wanted to thank the College students for all they have done to help residents of the City, the Code enforcement for all they do and have done with the abandoned buildings and making people responsible for them. Also, thank you to the new garbage company for doing a great job. If garbage falls out they pick it up.

Proclamation: Mayor Tobin read the proclamation declaring Kids to Parks Day on May 21, 2016

Proclamation: Mayor Tobin read the proclamation declaring June as National Aphasia Awareness Month.

RESOLUTION #115 of 2016 - Resolution to approve the May 3, 2016 Common Council Minutes as presented.

Motion By: Alderman Silliman
Seconded By: Alderman Bennett

Approved: Ayes – 8
 Nays – 0

Alderman Carpenter asked to add an agenda item for 39 Sunnyfield Drive. All approved.

Resolution #116 of 2016 - Resolution to approve the Special Event Application for Cortland Come Back on Saturday August 13, 2016.

Vickie Mundy was present to talk about the event. Last year the event had bands, food vendors, and activities for people to do. The Fire Department made an obstacle course for everyone to enjoy. She is going to do a write up to put up on the City website.

Motion By: Alderman Silliman
Seconded By: Alderman Carpenter

Approved: Ayes – 8
 Nays – 0

Vickie asked that the fee for the sound device permit be waived.

Motioned By: Alderman Silliman
Seconded By: Alderman Michales

Approved: Ayes – 8
 Nays – 0

Resolution #117 of 2016 – Resolution to approve the Sound Device Permit for Gators live music on the weekends in June, July and August weather permitting.

The music will be Friday and Saturday evenings no later than 9 PM.

Motion By: Alderman Thomas
Seconded By: Alderman Carpenter

Approved: Ayes – 8
 Nays – 0

Item #3 – Presentation on the South Side Water Drainage Project.

Kris Dimmick gave a presentation on the project. He has spent some time with the DPW guys discussing this project. The goal is to protect the neighborhood. One technique is to keep the stream in the channels and reduce storm water carried by the City's drainage system. Need to have a capacity to carry it through. Larger culverts at Pendleton St. and lower elevation would keep the water from coming into the City. A diversion at the bottom of the hill was an idea. Huntington Street needs a new storm water system, from South Main St. all the way across. We can convert to the tree line median on South Church St. A down spout should be put on Randall School to help as well. Valley View culvert has the water jumping down South Drive. It needs to be

managed differently. Some retention and detention dams may need to be taken advantage of and possibly build more. The plan is to start on the Eastern side of the City then move to the Western Side. There is a grant available to help fund this project. There is no decision yet on whether or not the grant was approved. Neighborhoods need to be notified when a decision is made. The problems coming from the top of Pendleton St onto Starr Rd will have to be discussed with Cortlandville.

Item #4 – Discussion on setting a date for a public hearing to restrict parking on the South side of Prospect Terrace from Calvert Street to the first driveway heading East, approximately 75ft.

Nick Dovi was present for questions and comments. He stated that the intersection is a 3 way stop and DPW moved the sign back 75 ft. There have been 8 accidents at that intersection in the last 3 years so something needed to be done. A public hearing has been set for June 21st at 6:50 PM.

Resolution #118 of 2016 – Resolution to close Main Street from 5PM-9PM starting at the corner of Main St. and Arthur Ave. to Huntington St. on June 7, 2016 for the Dairy Parade. Closure of the first blocks of the side streets of Arthur Ave., Madison St., Jewett Ave., Maple Ave., and Lincoln Ave. as needed.

Motion By: Alderman Bennett
Seconded By: Alderman Silliman

Approved: Ayes— 8
Nays— 0

Resolution #119 of 2016 - Resolution to approve the sale and consumption in open containers of beer at the Beaudry Park ball field on June 3, 17,18, 24,29 and July 5,6,7, 23. Under the supervision and control of The Cortland Beer Company.

This is the 3rd year for Cortland Crush and they want to put out a limited sale of beer for part of the Beaudry Ball Park experience. Sales will start at 6 PM and stop in the 7th inning around 8 PM. This did not go out to bid, CBC was picked because Dan has experience dealing with crowds. He has done the music series on Main Street in the past. The Police Chief is ok with this.

Motion By: Alderman Bennett
Seconded By: Alderman Megivern

Approved: Ayes – 7
Nays – 1 (Alderman Thomas)

Resolution #120 of 2016 – Resolution to suspend the vacant building fees for property located at 1 Kent Drive.

There is a list of things that need to be done with this property. A new buyer is fixing it up. This will be a good thing considering it is the first house people see when turning down that street.

Motioned By: Alderman Michales

Seconded By: Alderman Silliman

Approved: Ayes – 8
Nays – 0

Resolution #121 of 2016 - Resolution to waive the vacant building fees for 2 Pearl St.

This was a vacant house that now has someone living there. The bank paid some of the fees.

Motion By: Alderman Bennett
Seconded By: Alderman Carpenter

Approved: Ayes – 8
Nays – 0

Resolution #122 of 2016 – Resolution to suspend the vacant building fees for 39 Sunnyfield Drive.

This is a corner that a local developer is buying and will be fixing it up. He is getting the list of things to be done by the Code Office. Once it is complete and inspected it will come back to have the fees waived.

Motion By: Alderman Carpenter
Seconded By: Alderman Silliman

Approved: Ayes – 8
Nays – 0

Resolution #123 of 2016 – Resolution to appropriate \$10,000.00 in grant funds just received as reimbursement for the purchase of new Live Scan equipment in conjunction with the New York State Department of Criminal Justice initiative to upgrade Live Scan equipment across New York State to Account A3120.200-00.

Motion By: Alderman Carpenter
Seconded By: Alderman Michales

Approved: Ayes – 8
Nays – 0

Resolution #124 of 2016 — Resolution to support Assembly Bill A.8559/Senate Bill 6656, “Mortgage Foreclosure Property Owner Right Notice” currently pending before the State Legislature that would require that the notice to a homeowner whose property is being foreclosed state that they do not have to abandon the property until the day of the foreclosure sale.

Motioned By: Alderman Carpenter
Seconded By: Alderman Bennett

Approved: Ayes – 8
 Nays – 0

Resolution #125 of 2016 — Resolution to support Assembly Bill A.9655-A/Senate Bill 7295, “Zombie Property Remediation Act” currently pending before the State Legislature that would allow local governments to initiate a judicial proceeding to compel a mortgagee to either complete a foreclosure in a reasonable time or to issue a certificate of discharge of the mortgage.

Motioned By: Alderman Bennett
Seconded By: Alderman Silliman

Approved: Ayes – 8
 Nays – 0

Resolution #126 of 2016— Resolution to support Assembly Bill A.6932-A/Senate Bill 4781-A, “Abandoned Property Neighborhood Relief Act of 2015” currently pending before the State Legislature that would establish the New York State Abandoned Property Neighborhood Relief Act of 2015, requiring mortgagees and their loan servicing agents to maintain vacant and abandoned pre-foreclosure residential property, and to periodically inspect residential real property subject to a delinquent mortgage to determine if it is currently occupied. The Act would also (a) require the Attorney General to establish and maintain a statewide electronic Vacant and Abandoned Property Registry that is accessible to local officials across the State, (b) require mortgagees or their agents to promptly submit to the statewide Registry information about vacant and abandoned properties, and (c) authorize local government officials to intervene in a foreclosure action involving the property for the purpose of requesting injunctive relief to ensure the property is maintained in accordance with law and that the foreclosure action is timely prosecuted. Finally, this legislation would create a special foreclosure proceeding for vacant and abandoned residential real property, as well as an abandoned property neighborhood relief fund, which would be available to city and village officials to address vacant and abandoned properties.

Many other Cities support this Bill.

Motion By: Alderman Bennett
Seconded By: Alderman Silliman

Approved: Ayes—8
 Nays—0

Resolution #127 of 2016— Resolution to support Assembly Bill A.5259-A/Senate Bill 4310-A, “Recover Unsafe Building Demolition Costs From Corporation Owners” currently pending before the State Legislature that would allow a city or village to commence a special court proceeding to collect the costs of abating nuisance conditions, violations of the Uniform Fire Prevention and Building Code or local property maintenance codes, or the costs of demolishing or removing unsafe structures. In addition, this legislation would allow a city or village to recover certain costs related to the abatement of a nuisance from a business corporation, regardless of its corporate form, provided certain conditions are met.

Motion By: Alderman Silliman
Seconded By: Alderman Michales

Approved: Ayes—8
Nays—0

Resolution #128 of 2016— Resolution to support Assembly Bill A.3173-A/Senate Bill 294-A “Taking Title to Abandoned Property” currently pending before the State Legislature would amend Article 19-A of the Real Actions to Proceedings Law (RPAPL) to include all real property, not just dwellings, in the category of property that can be declared abandoned. In addition, it would amend RPAPL § 1971 to expand the definition of abandoned property to include property that has zoning, housing, building or property maintenance code violations which have been continuously outstanding and not remediated for a period of at least one year from the date the original order or notice was served, if the owner is a natural person, or if the owner is a partnership, limited partnership, corporation, or limited liability company respectively.

Motion By: Alderman Silliman
Seconded By: Alderman Michales

Approved: Ayes—8
Nays—0

Resolution #129 of 2016— Resolution to authorize the Mayor to sign a contract with Koester Associates Inc. for an amount not to exceed \$155,781.00 to supply equipment for the WQIP Phosphorus Removal by Chemical Addition project subject to Corporation Counsel.

Bruce Adams explained that Phosphorus removal is part of Chesapeake Bay radiation. It’s is an excellent opportunity.

Motion By: Alderman Bennett
Seconded By: Alderman Carpenter

Approved: Ayes—8
Nays—0

Resolution #130 of 2016— Resolution to accept a HOME grant in the amount of \$304,000 awarded to the City of Cortland by the NYS Housing Trust Fund Corporation's Office of Community Renewal for the purpose of rehabilitating income eligible, owner-occupied, single family homes in the City, and further to authorize the Mayor to execute any and all agreements and documents required by the funding source to accept and administer said HOME grant.

Rich Cunningham stated that this was authorized by the City for income eligible, home owners, Veterans and physically disabled. They will be able to do about 10 homes. There will be a link for this once the grant gets going.

Motion By: Alderman Silliman
Seconded By: Alderman Carpenter

Approved: Ayes—8
Nays—0

Resolution #131 of 2016— Resolution to encumber the following amounts totaling \$145,508.94 to the designated accounts in the General Fund for the year ended December 31, 2015.

Motion By: Alderman Bennett
Seconded By: Alderman Carpenter

Approved: Ayes—8
Nays—0

Resolution #132 of 2016— Resolution to approve the Memorandum of Agreement with CSEA.

CSEA is going to pay into an insurance fund. They are now looking into extending the benefit for vision. This only affects the members of CSEA.

Motion By: Alderman Bennett
Seconded By: Alderman Silliman

Approved: Ayes—8
Nays—0

Item #19 – Discussion on proposed revisions to Chapter 220 of the City Code pertaining to Property Maintenance.

This will enforce codes regarding property maintenance. If there is something of real danger, they will be cited. The idea is to encourage people to take care of their properties. This will not make people's taxes go up as it just helps maintain standards. There are a lot of programs out there to help people financially take care of their properties. The Housing Committee can help guide people with this. A public hearing is set for June 21st at 6:45 PM.

Resolution #133 of 2016— Resolution to authorize the mayor to execute an easement across City property (S. Franklyn Street DPW Lot) for Suburban Propane and new owner.

Motion By: Alderman Bennett
Seconded By: Alderman Carpenter

Approved: Ayes—8
Nays—0

Resolution #134 of 2016— Resolution to authorize the Mayor to execute the Department of Labor's 'Summary of Unpaid Wages Agreement' dated 5/11/16 and approve payment of unpaid wages to FLSA designated non-exempt employees in the following departments. Payments due are a result of the City following collective bargaining agreements. However, the Federal Department of Labor found a discrepancy between a CBA and Federal Labor Law.

Department	# Employees	Total Due
Police	38	\$31,857.48
Fire	0	\$0
Youth Bureau	0	\$0
DPW	0	\$0
Other City Employees	0	\$0

Motion By: Alderman Bennett
 Seconded By: Alderman Carpenter

Approved: Ayes—8
 Nays—0

Resolution #135 of 2016— Resolution to accept a Facilities Feasibility Study regarding the Fire Department and Police Department with opportunity to include the County Sheriff. The cost would be \$33,500 for the City Police and Fire Department and a total of \$43,500 with the County Sheriff.

The study will take 90 days to complete. The earliest the County could vote on this would be June.

Motion By: Alderman Bennett
 Seconded By: Alderman Silliman

Approved: Ayes—8
 Nays—0

Resolution #136 of 2016—Resolution where the City recognizes that the construction of a new Police and Fire Facilities, whether rehabilitation of existing Police and Fire Facilities has a significant impact on Community redevelopment. Therefore it would hereby directed that the City’s cost of the Police, Fire Facility Feasibility study be paid from the Community Development fund miscellaneous revenue account.

Motion By: Alderman Bennett
 Seconded By: Alderman Carpenter

Approved: Ayes—8
 Nays—0

Mayor Tobin – The Battle of Badges was today. This is a fund raiser for the American Red Cross. The Police Department and the Fire Department solicit people to come to 42 Church Street to donate blood. People write whether they are there for the Police Dept. or the Fire Dept. This is the 3rd year for doing this. There is always a great turnout.

ADJOURNMENT

Motion By: Alderman Silliman
 Seconded By: Alderman Bennett

Approved: Ayes – 8
 Nays – 0

I, RAYMOND A. 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 17th DAY OF MAY, 2016. 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.

RAYMOND A. PARKER, CITY CLERK

MAYOR BRIAN TOBIN