



City Council Minutes The City of Cortland

June 20, 2006

Council Meeting #11
June 20, 2006
Regular Business Session
City Hall
7:00 PM

Present: Alderman VanGorder, Terwilliger, Cobb, DeCarlo,
Quail, Partigianoni and Michales

Staff Present: Director of Admin. & Finance Andrew Damiano,
Corporation Counsel Lawrence Knickerbocker and
City Clerk John O. Reagan

Mayor Gallagher calls the eleventh Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE TO THE FLAG

Minutes of May 16, 2006

RESOLUTION # 62 OF 2006 - Approve the minutes of May 16, 2006 as amended.

By: Alderman Michales
Seconded: Alderman Terwilliger

Approved: Ayes - 7
Nays - 0

Bills were reviewed and received.

The Mayor acknowledged the pride of the City and the College to those in attendance in regards to the SUNY Cortland lacrosse team's victory. He proceeded to read a proclamation proclaiming June 2006 Red Dragon Lacrosse Month to honor their tournament win as the National Collegiate Athletic Association Division Three Lacrosse Champions. He presented the proclamation to the team members and presented each of them with a City pin. He then asked them to introduce themselves to the Council and all those in attendance.

Public Comment

Lloyd Purdy, Cortland Downtown Manager, was present to ask everyone's assistance with ideas and comments on revitalizing downtown Cortland.

Mike Dexter was present. He met with Jim Maloney. They toured Cortland and then went to Ithaca to look at trees over there. They're trees that are compatible with wires. Mr. Maloney will come down and talk with the owners of trees in the City if they have issues in that regard. He noted that the honey locust trees are having a problem right now with a honey locust plant bug. He's hoping that many will re-leaf and survive. He's hoping that attention is paid to this creature and that trees can be saved. He discussed the replacement of lights and the hanging flower pots downtown. He is asking residents to be vigilant, so that the pots are not vandalized. If they see something, please report it. He commented on First Night. He noted that he would rather see the ball drop from the front of the Cortland Standard Building as opposed to dropping from the top of a fire truck. He thinks there are buildings downtown that are more appropriate. He related a story he heard in honor of our troops overseas and asked the residents of Cortland to stop and remember the troops fighting abroad. He also mentioned that they are working to bring the flags back to Main Street. They are trying to do this by July 4th. Lloyd Purdy is also working on this.

Mayor's Report

The Mayor then continued with his report. He attended the CBN meeting at 1890 House, met with the new directors of the Salvation Army and attended Chamber of Commerce Round Table with Seward Lifton and Kolb. He participated in the opening ceremony of the Lumberjack competition at the McDonald Sports Complex and attended Randall School's Author's Day, as well as the Business After Hours at the Hampton Inn.

He toured the 2nd and 3rd floors of Nordic Sports for possible development, met with Mike Arcuri, Congressional candidate for Boehlert's seat and attended Cortland Downtown Partnership meeting. He also attended First Night meeting to discuss ball dropping. He participated in the Memorial Day services at the VFW and also met with members of the Little League field to discuss the building of the concession stand.

He joined Linda Hartsock, Bernie Thoma and met with Glenn King in Albany at the Governor's Office of Small Cities. He participated in the graduation ceremonies for Leadership Cortland. He met with members of the towns and villages to discuss the sales tax issue as well as, met with Pyramid Brokerage Company to discuss marketing of the Rosen site. He attended a Spitzer for Governor meeting at Dairy Development as well as attended the Cortland County Dairy Parade.

He met with Hage Real Estate employees for an update on City activities. He participated in the opening ceremonies of the Empire State Senior Games and

also attended CFCU groundbreaking. He participated in the St. Anthony's Day celebration. He also met with Bonnie Heath, Red Cross, to discuss their on-going challenges.

He attended the first-ever Cortland City Court graduation ceremony for drug rehabilitation. He also attended BDC/IDA meeting, as well as meeting with Legislative Chairman Marilyn Brown to discuss the sales tax contract.

He also attended Flag Day ceremony at the DAV with Chief Nichols and Alderman Michales for the dedication of the Musto Gardens and attended the Impact Sports bank auction. He toured the Rosen site with Bernie Thoma and Jim Jacobs from BDC and attended the sales tax meeting with County Chairman and representatives of the CCTV. He participated in the Relay for Life, attended the Brine Upstate Lacrosse League Opening last week and he thanked Linda Kline and Mike Dexter for painting the fountain in the park.

Ward 1 - Alderman VanGorder

She has been working on some different code issues. She noted that the Ward meeting will be Wednesday, June 28, at the Armory at 6:00 pm. Bryan Mitteer, from the hospital will be their guest. She received an e-mail from a constituent inquiring about an Amnesty Day. She noted that it has been done before, but Andy Damiano noted that the County did it this year. If the City were to do it, it would be cost prohibitive due to the tipping fees. She received several e-mails regarding the hospital and smoking. She spoke with Tom Quinn in regard to portable ashtrays and she believes that the hospital actually purchased some and things are getting better. She spoke with folks in regards to the Wadsworth Street event. When it comes, it will be a nice thing to do.

Ward 2 - Alderman Terwilliger

She inquired if the street closing was going on at the Randall School. Andy Damiano noted that it was going on tomorrow, due to a calendar change. Other than that everything is well in the Ward. A constituent, Ann Doyle, asked that Alderman Terwilliger express her anger about the 2nd Ward and the looks of the Lincoln Ave. neighborhood. Alderman Terwilliger informed her that there was some grant money coming around and she hoped some of it would find its way to that area. Maple Avenue received some and things look very nice there. She did receive a call in regards to the dredging of the creeks and she didn't know where that stood. In the Spring, there was no money or manpower, but she inquired if perhaps there might be some in the future.

Ward 3 - Alderman Cobb

She also received some calls in regard to the deterioration of the creek banks and what the City intended to do. She did speak with the Mayor and related back to the callers what had been discussed. It's been an ongoing situation with the Council for years and she's hoping that they can reach a solution. Perhaps there

might be grants to assist the residents with this. She had a call regarding some garbage to be taken care of.

Ward 4 - Alderman DeCarlo

His Ward is looking good. A couple streets are still ripped up and some water pipe is still going in. Timing was an issue with the machine that has been on loan. He wished much luck to one of his long time neighbors who is moving out of state. He noted that the City Democratic Committee will miss her.

Ward 5 - Alderman Quail

He has received calls regarding the dust situation on South Main Street. He noted that the streets have been watered down in the area. He has been dealing with a number of code issues. He also noted that there will be a joint 5th and 8th Ward meeting on June 29 at the East End Community Center. More information will follow. He attended the Dairy Parade and it was a long one this year and a lot of people attended. He participated in the Relay for Life, there was a good turn out in spite of the deteriorating weather and about \$180,000 was raised. It was noted that the many luminaries were still burning at 5:00 a.m. in the morning.

Ward 7 - Alderman Partigianoni

He made a brief announcement regarding the sycamore trees. They have come back nicely this year. Hopefully the honey locusts turn out the same way. He acknowledged the receipt of a letter from a resident concerning blue bags. He participated in the Emergency Chemical Leak Drill as a member of the City command post. He described the event and he believed that it went well. Everyone came together very well. He attended the ground breaking ceremony for CFCU. Construction has started and he noted it might be the first bank to locate in the East End. The East End renaissance is continuing. The Senior Games have concluded. He is happy to report that the local ASA Chapter was delegated to handle the softball end of it and it was well received at the State level. The 96th Annual St. Anthony's Holiday Festival was held June 11. The Mayor was there and enjoyed visiting with some old acquaintances. It was a great event, in spite of the weather.

He received two (2) Code calls. One (1) has been resolved and one (1) is pending. He expects a positive resolution on the second one. He did receive two (2) complaints in regard to the damage done to the flower beds on Excelsior that were built last year as a beautification project. Inadvertently, it was damaged pretty good. Game night was held at the East End Community Center and an upcoming event is on June 28 at 7:00 pm, the Center will host its second session of its gardening series with a representative from Cornell Cooperative Extension and soil samples will be tested. It's free and open to the public. On June 29, at noon, the Seven Valley Council and the Family Health Network will hold a free program at the Cortland Youth Center dedicated to the education and prevention of irresponsible alcohol and substance abuse in Cortland County.

This program is free and open to the public. They will feed all those in attendance for free.

Ward 8 - Alderman Michales

He attended the CFCU groundbreaking ceremony. He received two (2) calls. One (1) was police related and the other was Code related. The police related item pertained to skate board use and it's being looked into and there is a city ordinance prohibiting the use of skate boards in the General Business District. He attended the Memorial Day ceremonies at the VFW, as well as that in Courthouse Park. He attended the Memorial Garden dedication on Owego Street. He attended the first meeting on sales tax distribution, as well as the ribbon cutting and grand opening for the Cortland County SPCA's new spay/neuter clinic. He participated in the Relay for Life. This was the fifth (5) annual event. It was a great show of support by the community. He noted that there will be a Ward meeting on June 29 at 7:00 pm at the East End Community Center. The main topic will be home security and a representative from the Police Department will be providing information and a presentation will be given by Sentry Alarms. Refreshments will be provided by Sentry Alarms. This is open to the public.

He provided an update from the Flag Committee. As of today, he received a verbal commitment that they were halfway to their goal in contributions. They are shooting for the July 4th installation of flags on Main Street.

The Mayor gave a brief update on the sales tax issue. There was a group representing Cortlandville, Village and Town of Homer, Marathon and the City and they met two (2) or three (3) times and today they met with the Finance Committee and the County Administrator, the County Chairman and it was very progressive and very open. Good discussion and he feels they are very close to a contract and he hoped that it would be in the paper tomorrow. He noted that he thought that they were within a half of a percent of coming up with a six (6) year contract. He noted that this will be an off year program, so that election politics won't play into it and there should be more to report as soon as the County has their Legislative meeting. It was a very good meeting and it was a pleasure to be in attendance. He noted that each community would receive something and no one would get hurt in this six (6) year program. He noted that with the way things were going with the economy in the community, he expects that the sales tax will be up.

Andy Damiano noted that he was impressed with the cooperation displayed at this meeting. It went very well and this is a good sign in regards to the relationship between the City Council and the County.

It was noted that the next Council meeting will be July 18th and it will be the only one in July.

RESOLUTION #63 OF 2006 - Consideration of a Resolution authorizing the Mayor to enter into contract with Thoma Development for comprehensive community development services.

Linda Armstrong was present to discuss this contract. It was noted that the range for a segment of the work was that it went from \$3,300 to \$3,500 and it's a two (2) year contract. The Mayor noted that the City got their monies worth working with Thoma Development. There was discussion regarding the number of projects Thoma was working on for the City. Alderman Michales extended his appreciation for all the work Thoma was doing on behalf of the City.

By: Alderman Partigianoni
Seconded: Alderman DeCarlo

Approved: Ayes - 7
Nays - 0

RESOLUTION #64 OF 2006 - Consideration of the following action relating to the Cortland Main Street Music Series.

- a. Authorization to close the Main Street Parking Lot on Fridays from 3:00 PM to 10:00 PM; from July 7, 2006 to August 11, 2006.

By: Alderman VanGorder
Seconded: Alderman Michales

Approved: Ayes - 7
Nays - 0

RESOLUTION #65 OF 2006 - Consideration of the following action relating to the Cortland Main Street Music Series.

- b. Adoption of a Resolution waiving the open Container ordinance from 6:00 PM to 10:00 PM on the evenings of the concerts.

It was noted that it was only in the Main Street parking lot.

By: Alderman VanGorder
Seconded: Alderman Quail

Approved: Ayes - 7
Nays - 0

RESOLUTION #66 OF 2006 - Consideration of a Resolution authorizing the closure of Wadsworth Street on July 15, 2006, from 11:00 AM to 6:00 PM, in order to hold a neighborhood picnic.

Alderman VanGorder noted that the organizers have spoken with all of the neighbors and they are in favor of it. It was noted that the idea of an old fashioned neighborhood party was nice to see.

By: Alderman DeCarlo
Seconded: Alderman VanGorder

Approved: Ayes - 7
Nays - 0

RESOLUTION #67 OF 2006 - Consideration of an amendment to Section 11-41 of the Code of Ordinances to add a STOP sign on Argyle Place at its intersection with South Main Street.

By: Alderman Quail
Seconded: Alderman Terwilliger

Approved: Ayes - 7
Nays - 0

RESOLUTION #68 OF 2006 - Consideration of a request for a zoning change, from R4 to GB, for the vacant parcel on River Street owned by James and Robert Lucas (Added to the request previously submitted by Seven Valley Realty.) to refer this to the Planning Commission.

Mr. Terwilliger was present to describe the addition of this property to his original request. Alderman Partigianoni inquired if the Planning Commission had to be told of the intended use of the properties prior to making a decision to recommend a zoning change. Mr. Terwilliger felt that was not necessarily so. He noted that it would be easier to market the property if it was zoned commercial or general business and he hoped that there would be interest in building another hotel, motel or a restaurant there.

By: Alderman Quail
Seconded: Alderman VanGorder

Approved: Ayes - 7
Nays - 0

Item No. 6 - Presentation on the issue of inflow/infiltration in the sewer system by Craig Smithgall, Consulting Engineer.

Craig Smithgall distributed handouts of a summary of a study that was conducted in 2003 through 2005. He went through the major points of things found and things they were looking for. The study was funded by the EPA and no local funds were expended. There was background for this study, it had been noted that there was far too much water in the sewer collection system and it occurs at times when it's raining or sometimes when the ground water level is high. He

spoke of significant system infiltration and structural problems in the system. The report tells what was done and why it was done. They looked at two (2) and a half (1/2) years worth of treatment records at the plant. It was permitted for an average daily flow, calculated on a monthly basis, of nine million (9,000,000) gallons per day. There are months where the flow is up over fourteen million (14,000,000). Anytime when there is a series of months where the parameters of the discharge permit are being exceeded the DEC and EPA get involved. They looked for hydraulic bottle necks in the system. They didn't find any significant bottlenecks. They also did a manhole inspection with Bob Spada and looked at about six hundred (600) in the system, which is not all of them, but is a very good sampling. They found a lot of problems. The City was fortunate that about forty thousand (40,000) feet of the system was televised and about twenty-thousand (20,000) of that was clean; all done via this grant. He listed some other points in the report such as the rehabilitation of the system and recommendations.

He went over the recommendations generated by the review of the sewer system. He discussed liners and highlighted twelve (12) problem areas in the system. He also discussed the magnitude of the infiltration problem and the need for remediation and the timeline for the project.

A copy of his overview report is attached. The estimated cost is two and one half million plus dollars, an engineer needs to be hired and costs may increase and the City will have to bond for the work. It looks like the City will have to bear the brunt of the expense because grant money for this type of project has all but dried up.

Andy Damiano also noted that with this project's completion and the elimination of the excess water, there may be a down side to this project. The undiluted waste stream odor will be very, very strong. He has asked the treatment plant operators to develop an odor control plan for this new problem which is assumed will occur. The DEC will also cite them for that if it occurs, so he wants a comprehensive plan in place to address the I and I and the assumed odor issue and also there's some equipment issues that have to be dealt with at the plant. These are all sewer fund bond issues, not funded by the taxpayers, but funded by the rate payers. They'll have to come with estimates of costs for all of these components of the project and bond for the whole thing.

Mr. Smithgall noted that there are a number of contracts that will have to be dealt with and the fewer number of contractors will result in better prices for the work. He anticipates there will be significant bidding for this work. After the remediation, a report will have to be sent to the DEC, updating them on the effects of the remediation and on whatever frequency they want to be updated.

There were questions regarding the issue and infiltration and exfiltration, manholes, structural problems, etc. Andy Damiano noted that the sewer assessment bill will go up for all users to pay for this project and will be covered by all of the waste water users, including the town of Cortlandville, the Village of

Homer, the Village of McGraw and everyone; including the industries. He noted that sewer debt can be extended out over thirty (30) years.

Mr. Smithgall listed some of the cities that he has done work for if the Council wanted to check with them on the success of their projects. He also offered to come back and take those interested to some different problem areas. He also noted that work was being done on two (2) manholes starting tomorrow on Arthur Ave. if anyone wanted to observe. Andy Damiano noted that the DEC was playing a large role in this and asked Mr. Smithgall to expound on that. He noted that the DEC expected Cortland to comply with their directive and if not, they would issue a consent order and we would be ordered to comply. It's not in the city's best interest to force the DEC to go to a consent order. We have to do it and there's no sense in making enemies with the regulatory agency. It was noted that it was a good thing that the DEC was on top of it before the situation became catastrophic if not taken care of now. Andy Damiano noted it could become a ten million (\$10,000,000,000) project in the future. Mr. Smithgall noted that once done, there could be an annual energy cost savings of \$700,000 over twenty (20) years. This is estimated at current rates, but there are so many variables that need to be looked at. As far as DEC is concerned they don't care about costs or savings, all they care about is compliance. This needs to be costed out, scheduled and be given to the DEC. Andy believes that the next step is to give the schedule to the DEC for their approval and then proceed with the bond issue. This project won't start until next year. Andy Damiano thought the bonding would begin in the fall. He noted that the DEC is becoming unusually aggressive with these issues.

Adjournment

By: Alderman DeCarlo
Seconded: Alderman Terwilliger

Approved: Ayes - 7
Nays - 0

I, JOHN O. REAGAN, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK, DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 20TH DAY OF JUNE 2006. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN - CITY CLERK

MAYOR THOMAS GALLAGHER

