



City Council Minutes The City of Cortland

August 1, 2006

Council Meeting #13
August 1, 2006
Regular Business Meeting
City Hall
7:00 PM

Present: Alderman VanGorder, Terwilliger, Cobb, DeCarlo, Quail,
Feiszli, 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 thirteenth Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE TO THE FLAG

The Mayor asked for a presentation on the recent flooding in the City. Brenda DeRusso gave an update. She noted that this flooding event was a month long event, from June 27 to July 10, 2006, that is the Presidential Declaration. Anything after the 10th has to be fought for and they are in the process of doing this. They are looking to have FEMA extend the date to July 30, 2006 which would incorporate all of the additional flooding and get some additional reimbursement for that. Right now, she has been told that there are only six (6) counties that had additional flooding this past weekend. She outlined the declaration process that must be followed and gave some reasons why they might not qualify for the stand alone declaration. They are making efforts to convince them to move that deadline out. It's never happened before, but it's not to say that it couldn't happen now. She will continue to fight for that in hopes of obtaining some reimbursement for all of these damages that we have incurred. Alderman Feiszli inquired if Ms. DeRusso had a damage estimate for the City of Cortland. Ms. DeRusso has not been able to establish that as yet, but noted that there had been quite a bit of damage reported and they are trying to pull those figures together now. It was noted that the damage was both public and private. Ms. DeRusso noted that they were able to obtain individual assistance. For that, people had to substantiate that the municipality has five (5) percent of their total population, that that many homes and businesses sustained forty (40) percent uninsured losses. That is a difficult threshold to meet. They didn't meet that in June, but she feels that we probably meet that now, if the

McGraw and Otter Creek damages are added into that figure. Alderman Michales inquired when they might know something. Ms. DeRusso hoped that they would hear something on the decision by Friday. She also noted that those who received Federal assistance last year could be eligible for assistance again this year, if they had done what FEMA had recommended and if those that still carried mortgages had obtained flood insurance.

Chris Bistocchi did a presentation on the flooding in the City of Cortland. He indicated that it had been a record setting month of rainfall; the ground was saturated and couldn't absorb anything more. He outlined recent changes in the drainage patterns due to various developments and changes surrounding the City. He described his department's efforts to compensate for these changes. He noted that water drains from outlying areas through the creeks and into the river. He noted that this was a fifty (50) year storm. He felt that this was not the norm, but the exception, but it could happen again at any time. He stated that the drainage system was not plugged and worked as designed, but flow doesn't happen until all water levels go down throughout the system, including the river. He felt that the creeks needed some work due to erosion.

Alderman Feiszli inquired if the ball fields under construction were to build a retention pond, would that perhaps stop some of the drainage from that area adding to the flooding. Mr. Bistocchi was unsure, but would have someone look into it. The Council noted all of the various construction projects that have taken place just outside of the City. They thought that perhaps the Council should work more closely with Cortlandville on this. It was also noted that there had once been a retention pond in the waterworks, but Andy Damiano noted that the City was ordered to remove that by the Health Department because they didn't want the run off from Rt. 281 to settle or pond in the waterworks.

Craig Smithgall was present and he noted that these types of heavy storms seemed to be occurring more and more frequently. He noted that different parts of the city got more impacts than others. He also noted that outside community's drainage also impacted what was happening within the City. He spoke of ways that the City could request that developers outside of the City limit their one hundred (100) year storm discharge should be no more than what it currently is and there are various ways for them to do that, such as retention ponds, etc. He felt the Cortland situation was complex. The City was built on a gravel ledge and if this storm had occurred during a dry period, there would have been no problem. This storm occurred when it had been very wet and the ground was saturated. He suggested that dialogue be opened with other people from communities within the City's drainage basin, certainly upstream on the various creeks. He suggested a comprehensive drainage study for these tributaries, so that everyone is on the same page when a developer comes in and wants to pave over a large area that could essentially impact the City.

Andy Damiano noted that Craig had also looked at the storm water systems in three (3) areas, but that was in relationship to their impact on the I & I project. There was one on Kennedy Parkway, one up near the hospital and one down on Johnson. He also noted that there were a number of dry basins throughout the City. Those were put in with the thought to pipe them to the river or the creek. Most of the time these will work, but when you have high ground water like this month; the wettest on record, there is not a lot of room for this water to go. You add a big storm on top of that and it's going to

cause problems. There may be areas that could benefit by constructing storm sewers by studying past flooding. You could also do a comprehensive City drainage study, but that would only address problems within the City. Alderman Michales noted that the drain in the Kellogg Road area should also be looked at. Mr. Smithgall noted that connecting these problem areas to various drains could also result in problems during times of peak flow and probably wouldn't make things any better. Alderman Feiszli inquired if Kennedy Parkway, in her Ward, would benefit from being connected to a storm sewer system. Mr. Smithgall outlined the project that they have developed to solve the storm water drainage on Kennedy. He also discussed how they should plan to clean and test basins as part of a periodic maintenance plan.

Public Comment

None

Minutes of July 18, 2006

RESOLUTION #74 OF 2006 - Approve the minutes of July 18, 2006 as amended.

By: Alderman Partigianoni
Seconded: Alderman Terwilliger

Approved: Ayes - 8
Nays - 0

Bills were reviewed and received.

Mayor's Report

He issued a Proclamation declaring August 6 through 12, 2006 as Health Center Week in the City of Cortland.

He issued a Proclamation endorsing HR676 of the National Health Insurance Act and calls on the United States Congress to pass this bill.

He met with Thoma Development to discuss the VFW parking lot proposal and attended the Youth of the Year award ceremony. He attended Council of Churches outing and the Downtown Festival. He spent Friday touring flooded parts of the City. The flooding was not isolated to one area in the City, but in several key locations including: Port Watson/Pendleton, South Main Street, Broadway/Townley, Groton Ave., Woodruff, Lincoln, and Maple. A few homes on Bellrose, Forest and Melvin also experienced flooding. A decision was made to provide dumpsters on Lincoln, Maple and Madison to help the homeowners with disposing of flood damaged materials. It was noted that the County was also waiving the tipping fee on these dumpsters and it was nice of them to do that.

He received word that Housing Visions has received the OK to proceed with the South Main Street area renovations. He also received letter from Governor's Office of Regulatory Reform that we have been awarded the Build Now New York site

designation for Rosen Park. Under this program, we could receive up to \$100,000 to permit the site and make it marketable. He announced that the City also received \$297,500 to continue its HOME program. The funding will be used to help first-time homeowners purchase and renovate sub-standard homes in the City.

Ward 1 - Alderman VanGorder

She received a couple of calls regarding some Code issues that she is working on. She received a call about Wheeler Avenue and Elizabeth and she spoke with Mr. Bistocchi. They are waiting for NYSEG to come in.

Ward 2 - Alderman Terwilliger

She thanked the City for providing the dumpsters for the storm damaged materials. She would like the City to open up dialogue with the County to look into a study regarding the flooding causes. She received a couple more calls about cats. One, in particular, was from a homeowner who is elderly and recently moved in. She doesn't know what to do and the SPCA is filled to capacity. The Mayor noted that the City was working with Bill Carr, Animal Control Officer, on that issue. She also noted that another constituent needed to have a groundhog removed from her garage. The Mayor also encouraged her to let people know that the dumpsters were for water/flood damaged materials, not tires or amnesty items.

Ward 3 - Alderman Cobb

Her Ward also has been having some issues with critters both woodchucks and cats. She is working on those issues, as well as a garbage issue. She received a petition from some residents of the Otter Creek watershed and she read the petitioners request to the Council. She asked that the Council make this flooding issue a high priority and she sees that this is a growing problem. Andy Damiano noted that Amanda Barber of Soil and Water Conservation has already begun to do the research on potential causes of the Otter Creek flooding and contacted Cortlandville. Alderman Feiszli noted that Ms. Barber has addressed her subcommittee on this and there are representatives there from McGraw, Cortlandville, etc., countywide. The Committee has realized that this flooding is a serious issue and has been meeting on this for about five (5) months.

Ward 4 - Alderman DeCarlo

His Ward has been quiet. They are putting in the water lines on Frank Street. He noted that there are a lot of cats in his neighborhood, but he has noted that he did see a ferret on Park Street.

Ward 5 - Alderman Quail

He noted that there was flooding in Beaudry Park and flooding on Pendleton Street. Other than that, his Ward was not badly affected. There have been some Code issues, but other than that it has been fairly quiet.

Ward 6 - Alderman Feiszli

Her Ward has been quiet.

Ward 7 - Alderman Partigianoni

He received a few calls regarding the high water levels. He noted that there has been a graffiti problem in the East End. He spoke with Chief Nichols who is investigating and it was felt that it might be young people emulating inner city gangs. A resident of Elm Street complained again about softballs landing on his property and the Mayor has an idea on that. The other item he has been involved in is the rezoning request for the property on River Street, which is on the agenda. He also spoke about Recreation Alleys on Port Watson Street, which is closed and up for sale. He has been asked by some residents and in turn, asked Mr. Damiano if this property was feasible for a fire station. Mr. Damiano noted that he was not the person to ask that of, but he doubted it because it was such a narrow lot which would limit the size of a new building. It was also noted that traffic was extremely heavy in that area and the intersection could be blocked with as few as eight (8) or nine (9) vehicles. He also received a call regarding trash collection problems. He noted that the haulers will not pick up recyclables in plastic bags.

He spoke with the City Assessor, David Briggs, who will be coming before the Council to address them. Mr. Briggs has told him that a homeowners assessment on their property does not go up for property maintenance, such as painting or siding installation. The assessment might go up, if a homeowner remodels and increases the value of the property.

Sunday was a busy day in the East End. There had a Band Day at the Holiday Inn from the Community Center. It was a fundraiser. Two (2) groups performed and received very good reviews. They were Book Ends and Jazz Happens. Both bands donated their services and the Community Center was most grateful to them and the Holiday Inn and all those who attended or sent donations. The other big deal at the Holiday Inn was the Contento's 60th wedding anniversary brunch and family history program.

Ward 8 - Alderman Michales

He received one (1) Code issue regarding garbage being placed at the curb ahead of time. He has spoken with them. He worked with a homeowner last Friday night bailing out their basement. They had six (6) inches of water. He believes it's from the drywell located just outside the perimeter his house. He will be looking into this more to see what can be done for the residents down there. There is a light at the corner of Church and Port Watson Streets and the DOT has replaced the crosswalk countdowns. He also has received an exotic pet permit application for a ferret and asked that to be placed on the agenda for the next meeting.

Mayor Gallagher extended a thank you to the City Police Department and the City Fire Department for their work during the flooding over the weekend. Citizens who contacted the Mayor were discontented over the flooding, but gave high praise to the DPW, police department and fire department personnel.

A NYCOM article was read regarding recommendations on how municipalities should handle the issue of stray cats.

RESOLUTION #75 OF 2006 - Consideration of a Resolution authorizing the Mayor to enter into contract with the lowest bidder for the Parking Lot Project.

By: Alderman DeCarlo
Seconded: Alderman Partigianoni

Approved: Ayes - 8
Nays - 0

RESOLUTION #76 OF 2006 - Consideration of a Resolution authorizing the acceptance of a State Archives Grant for the City Clerk's Office in the amount of \$6,036 and amending the 2006 General Fund Budget to account for said funds.

By: Alderman VanGorder
Seconded: Alderman Feiszli

Approved: Ayes - 8
Nays - 0

RESOLUTION #77 OF 2006 - Consideration of a Resolution authorizing the closure of Main Street, from Groton Avenue to Port Watson Street, on August 12, 2006 from 7:00 AM to 4:00 PM, in order to hold the 7th Annual National Brockway Truck Show.

By: Alderman Michales
Seconded: Alderman Terwilliger

Approved: Ayes - 8
Nays - 0

RESOLUTION #78 OF 2006 - Consideration of a Resolution authorizing the waiver of the open container ordinance on August 20, 2006 from 12:00 Noon to 6:00 PM at the Main Street Parking Lot only for the Cortland Main Street Music Series, in support of the Cortland Memorial Foundation's Nightingale Run.

By: Alderman Terwilliger
Seconded: Alderman VanGorder

Approved: Ayes - 8
Nays - 0

RESOLUTION #79 OF 2006 - Consideration of approval to proceed with a zone change request for two (2) properties on River Street (will require the scheduling of a public hearing and the completion of a short form SEQRA environmental review).

Alderman Feiszli noted that this would make those properties contiguous with other General Business properties. Alderman Partigianoni noted that since these properties

were in his Ward, he wanted to be sure that the City notified the other property owners in the area of this pending zoning change. Mayor Gallagher noted that there would be a legal ad regarding the public hearing published in the Cortland Standard and a copy of the legal notice of a public hearing would be sent to the four (4) residential property owners in the area.

By: Alderman DeCarlo
Seconded: Alderman Terwilliger

Approved: Ayes - 8
Nays - 0

RESOLUTION #80 OF 2006 - Consideration of a proposal to retain James Sponaugle as the Safety Coordinator on a part time basis after his retirement.

It was asked if the City was planning on replacing Mr. Sponaugle, in the long term. Mr. Damiano noted that Mr. Sponaugle's civil service title is Safety Coordinator for training and the City will have to find someone to do the other portion of his job, which is Buildings and Grounds. He described Mr. Sponaugle's various duties under Buildings and Grounds. He would like the Council's permission to speak with Civil Service on how the City can accomplish that and bring that piece of the pie back to the Council to break up Jim's job into two titles. This is just a proposal to retain him part time as a Safety Coordinator in an amount not to exceed \$25,000 per year. Mr. Damiano felt that hiring someone to replace Jim and perform both jobs, would cost the City about \$70,000. Jim, doing both those jobs, was receiving \$57,000. Mr. Damiano felt that he couldn't be replaced for the same amount of money, but he felt that by retaining Jim on a part time basis, it would be easier to attract a maintenance coordinator. He also noted that the City had made a substantial investment in Jim to have him trained and for him to obtain his various certifications. He also noted that Jim would be around to help train the new person for Buildings and Grounds. Mr. Sponaugle was not present because he had just returned home from the hospital. Alderman Quail inquired if this would be salary and benefits and Mr. Damiano indicated that it would be just a salary as Jim has earned his retirement benefits.

By: Alderman Partigianoni
Seconded: Alderman Cobb

Approved: Ayes - 8
Nays - 0

RESOLVED TO GO INTO EXECUTIVE SESSION TO DISCUSS A CONTRACTUAL MATTER.

By: Alderman Michales
Seconded: Alderman VanGorder

Approved: Ayes - 8
Nays - 0

RESOLVED TO COME OUT OF EXECUTIVE SESSION AND INTO THE REGULAR SCHEDULED MEETING.

By: Alderman Quail
Seconded: Alderman DeCarlo

Approved: Ayes - 8
Nays - 0

Adjournment

By: Alderman Cobb
Seconded: Alderman Terwilliger

Approved: Ayes - 8
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 1st DAY OF AUGUST 2006. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN - CITY CLERK

MAYOR THOMAS GALLAGHER