



City Council Minutes The City of Cortland

September 19, 2006

Council Meeting #16
September 19, 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 sixteenth Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE TO THE FLAG

Public Comment

Ann Doyle was present with several concerns. She was asking for a solution to Carpenter Place and wanted the Council and the Mayor to know that there are many small school children, families as well as college students, who use that right of way. Because of the uncontrolled parking of the residents at 71 Lincoln and the two (2) multi-dwelling houses at 88 Groton, all of these people are endangered. She asked that a "No Parking" sign be erected in the area of the wooden fence that encloses the backyard at 73 Lincoln. She asked that they give the Public Safety and Police Departments the authority to enforce parking and issue tickets. This is a safety issue.

She also asked that the Council, the Mayor and the Code Enforcement Office look into and pass a moratorium on houses in the Ward 2 being turned into student housing. She has told this to the Council and the Planning Commission numerous times, the City Master Plan calls for less density, not more. Ward 2 is the smallest ward with the most density and this is an important issue which needs to be addressed and fixed.

The City Attorney's office needs a paralegal or a second attorney or some other help. While Mr. Knickerbocker has begun to take action with abandoned and disreputable housing in Cortland, he needs additional help to complete this work and with other legal matters, in a timely manner. She would like to note that if City officials had listened to the request and complaints of the citizens who live on upper Maple Avenue and

Wheeler for the last five (5) years, they might have prevented the Wheeler Avenue cat problem and saved the City some money. Reviewing the City code book, she is aware that the responsibility of different departments states that they are to review all citizen complaints and devise solutions. She is asking that this be done, not just listen and ignore. She had pictures of the Carpenter Place situation and some taken as late as this morning and some taken last spring. She showed them the pictures and also showed pictures of a "No Parking" area on Pinecrest. The pictures were reviewed.

Alderman Partigianoni and Ann Doyle briefly discussed Carpenter Lane. Corporation Counsel Knickerbocker noted that he has been unable to find that the City has any interest in the Lane. He has looked for it and hasn't found it, because maybe it doesn't exist. If it did exist, it has certainly not been used as a City road in numerous years, which could constitute abandonment. He doesn't believe that the City has an interest, at this point. He hasn't stopped looking for this, but at this point in time, it doesn't appear to him that the City has any legal interest there enabling the City to dictate to people what can and can't be done with it. Ms. Doyle noted that the properties at 71 and 73 Lincoln have it listed as a right of way on both of their deeds back to eighteen something. Mr. Knickerbocker also had seen those deeds and didn't believe that it meant that it was a right of way to the City. He felt it came from a prior existing owner that permitted others to bring their horses up through there. Ms. Doyle noted that it had been in use for over one hundred (100) years. Mr. Knickerbocker felt that it may be a private right of way that has existed for a very long time, but it doesn't mean that it's a municipal right of way. Ms. Doyle asked that they do something about it and she noted that she was going to keep after them until something was done.

Mike Dexter was next representing the Landscape and Design Commission. He noted that the Cortland Standard had an article about some upcoming events. They are holding a seminar on proper tree pruning at 7:00 PM, September 27 at the East End Community Center. Their Commission Chairperson has sent out an email to all of the Aldermen to contact their Ward residents to attend this session. They are hoping for a large turnout. Joe Maloney, Forestry Supervisor for National Grid, will present the seminar. National Grid and the Landscape and Design Commission have been working together over the past four (4) years to grow, manage and maintain the City's urban forest. This benefits the neighborhoods and the environment.

Minutes of September 5, 2006

RESOLUTION #97 OF 2006 - Approve the minutes of September 5, 2006 as amended.

By: Alderman DeCarlo
Seconded: Alderman Partigianoni

Approved: Ayes - 8
Nays - 0

Bills were reviewed and received.

Mayor's Report

He was a guest speaker at breakfast Rotary Club. He attended SPCA award ceremony as well as had several meetings with SPCA, DA, Chief and Code. He met with County Legislator Carol Tytler to discuss flooding issues and possible grants to alleviate the problem. He also met with Lindy Glennon the new director of CAPCO.

He did a radio show with Kevin Mooney as well as attended the 5th Annual Bean Pickers Reunion at the Red Dragon. He also attended a Leave A Legacy meeting.

He announced that there will be a strategic meeting for South End residents at Randall School at 4:30 on September 20th. The Habitat for Humanity has completed their house on 36 Fox Hollow Road and will be dedicating it at a ceremony Saturday, September 30 at 1:00 PM.

Ward 1 - Alderman VanGorder

She thanked everyone, again, for the work done with the cat rescue. She noted that everyone has been working night and day and they still need volunteers and donations. Her Ward has been quiet other than that. She congratulated Alderman Terwilliger on the birth of her new baby.

Ward 2 - Alderman Terwilliger

She thanked Alderman VanGorder and all the constituents who were nice and lenient with the delayed response to their problems in the recent weeks because of the birth of Maude, her baby born on September 1. Everything is going well at home. She has been working on dumpsters being emptied up on campus at 5:30 AM in the residential neighborhoods, which is unacceptable and she has spoken with SUNY Cortland Physical Plant people and working with them on moving the time and that problem should be fixed soon. She has been speaking with Ann Doyle about her problems on Lincoln Avenue and hopefully, those will be rectified.

Ward 3 - Alderman Cobb

Her Ward has been pretty quiet. She has been working the Otter Creek clean-up and things are progressing nicely. She will be having a meeting this Friday, September 22 at the Birtch Building at 7:00PM. They still need volunteers for the clean-up which will be on September 30 with a registration at the parking lot across the street from the Parker School at 9:30 AM. There will be coffee and donuts and she hopes to see a lot of people there.

Ward 4 - Alderman DeCarlo

He noted some vandalism on the street and litter on porches which is occurring on some weeknights, but things that are getting left on the curb are put on others property. He had a report of speeding on one of the side streets off of Tompkins Street. He also

has received quite a few call ins on homes being converted to college housing and he is working on that.

Ward 5 - Alderman Quail

He attended the Library festivities on Saturday and extended congratulations to Kay Zaharis on her tremendous job to get the Library up to date. They had to go through sixty six thousand (66,000) books to go through and sort out and one of the things that they found was that a number of books in the basement had their cards still in the card catalogue. This was a tremendous job to go through these books and cards. He noted that the computer center furniture looks like the existing furniture throughout the Library. They also have nice bookmarks there.

He attended the South End Strategic Meeting. They are doing some work with visioning, taking pictures of things they like and don't like in the community and they will be talking more about that and the housing issues in the South End tomorrow night, September 20 at 4:30 PM at the Randall School. There is also another meeting, Wednesday, October 4 at 4:30 PM at the Randall School. He also has received correspondence in regard to residential properties being turned into rental properties and he thought the Council should consider registering all rental properties within the City. He felt if they were going to get their arms around this they would have to figure out how to do this. One thing they didn't know was how these rental properties were being used within accordance with City Code. He noted that the City of Syracuse was implementing a similar procedure and he felt that they should take a look at what Syracuse came up with. He noted that it was difficult to enforce some of the rules that had been established.

Ward 6 - Alderman Feiszli

On October 2 at 9:00 AM at 37 Church Street, the owner of the Riverside Plaza would like to meet with interested leaders of the City and anyone who would like to join in. He is looking for ideas to improve the Plaza area and this is very encouraging. She felt that it would be nice to see that plaza redeveloped like it used to be, but she was also concerned with the traffic flow and pattern on Clinton Avenue which now, gets pretty congested. She would like to see the increased traffic volume dealt with if the area is developed.

She met with some constituents and the City regarding the possibility looking into an ordinance for neighborhood gatherings and street closings. She felt that more were being held in the neighborhoods and from time to time there had been some misunderstandings. She had pulled up some information from some people who had been doing this for fourteen years and wanted to see how it would apply to Cortland events. She planned on bringing that to the table once it had been worked on and developed. She wondered if she should work with Public Safety on this. Andy Damiano noted that the Police Chief has dealt with this issue a lot in the past and was aware of some of the problems incurred with the larger parties and would like to speak with her in that regard, but didn't feel that it needed to go to Public Safety. She feels pretty positive about this.

Ward 7 - Alderman Partigianoni

He attended the monthly DPW meeting and a couple of things came out of that. He noted that some manholes had been repaired with the FEMA money. They have run out of money on the street paving. He attended the CAPCO Open House along with the Mayor. His Ward had a nice Ice Cream Social at Dexter Park attended by about two hundred (200) people. He would like to do that again.

He attended the bean picker's reunion. Mayors from Cortland and Homer were present and it was a lot of fun. The Greg Partigianoni Memorial was held a week ago Saturday, John Sincebaugh was the 2006 honoree and won a \$2,000 scholarship award for exemplifying Greg Partigianoni's ideals on and off of the baseball diamond.

He received a call from a concerned citizen regarding a yield sign at a T intersection. He learned that a yield sign means a driver must come to a complete stop. He felt that a stop sign would soon be put there by the Public Safety Commission. Saturday night was dance night at the Center sponsored by the Seven Valley Whirl-A-Way Dance Club and it was a lot of fun and a return engagement is planned. He also noted that last Spring when he rode with the Meals on Wheels that he was very impressed and evidently the people on the national level were impressed also. Cortland received another Gold Award, a \$2,000 award and he congratulated them. He also attended President Bitterbaum's luncheon, Saturday, before the Cortland State home opener football game. They won a thriller.

Upcoming events noted, the Landscape and Design Commission tree trimming seminar on September 27 at 6:30 PM at the East End Community Center. The other event is this weekend, the start of the 54th season of the Small Fry Football Program. There is a lot of interest in the program this year and this may be a record breaking season as far as participation in the program. Finally, on September 28 at 7:00 PM there will be a 7th Ward meeting at the East End Center. Topics will be Code Procedures and Code Policies. There seems to be a lot of questions and interest in this. The presenters will be Asst. Chief Glover and Amy Bertini of the City Code Office. The meeting is open to the general public as well as the 7th Ward residents.

Ward 8 - Alderman Michales

He noted that when going down Main Street and seeing the recent upgrades there, he had noticed that the trees are different sizes, shapes and varieties and the grates need to be painted. He asked if this project had been signed off on. Andy Damiano noted that the City had not signed off on the project. Mike Dexter noted that the grates would not be painted due to the weather. Alderman Michales would like to see them painted, but it was noted by Mr. Damiano that this was not part of the original specs for the project.

He also attended the Library's Open House on Saturday. He thanked Kay Zaharis for all of her hard work and for a successful event. He also thanked Cortland State's President Bitterbaum for tour of the new stadium and the luncheon following. He

congratulated the Red Dragons on their recent win over Brockport. He will also be hosting a Ward meeting which will be held October 11 at 7:00 PM with the location to be announced at the next Council meeting. He noted that the SPCA is still looking for assistance and contributions to help out with the cat rescue. Anyone who is interested should stop out at the Cortlandville Fire Hall to sign in on the schedule there.

He extended special thanks to Joanne Cleary for the great job she did and all those who were involved in raising money for the Red Cross. He is honored to have the Red Cross right here in Cortland and whoever thought someone could raise \$25,000 from selling T-shirts.

RESOLUTION #98 OF 2006 - Consideration of a Resolution authorizing the submission of an application for grant funding from the Restore NY Communities Initiative Program.

Linda Armstrong was present to answer any questions regarding the project and there were none. She did speak about some of the write offs on some approximately twenty (20) loans that they would like to write off that are minor in nature. There were three (3) economic development loans and sixteen (16) housing loans that total approximately three hundred dollars (\$300). These were more than likely the result of rounding errors or clerical errors or amortizations, etc. and they have been on the books for quite some time. They are about to go through an audit and would like to have these cleared up before then. There is one (1) loan that has a principal balance of around six thousand (\$6,000), it was for a company possibly looking to go into the Elm Street Bakery that went under. The City became a mortgage holder on the property and when the property was eventually sold, the City would be paid back. When that was finally done there was about \$20,000 left after the bank was satisfied and the City took \$20,000 on the \$26,000 loan balance, which was better than nothing or the property going to foreclosure; and that is why there is that balance left. Lori Crompton spoke with the auditors today and they stated that the loans could only be written off with the Common Council's approval.

Ms. Armstrong noted that the two (2) projects under the grant funding application were the Clock Tower building construction and the demolition of the old Cobakco Building on Huntington Street.

By: Alderman DeCarlo
From: Alderman VanGorder

Approved: Ayes - 8
Nays - 0

RESOLUTION #99 OF 2006 - Consideration of a Resolution authorizing the Finance Department and Thoma Development to "write off" and remove from the Community Development records nineteen (19) Community Development Loans with minimal remaining balances; six thousand one hundred nineteen dollars and ninety-nine cents (\$6,119.99) from the loan made to Pasta DiPefetti, and any additional loans which are deemed uncollectible with a remaining balance of two hundred dollars (\$200.00) or less.

By: Alderman Quail
Seconded: Alderman Cobb

Approved: Ayes - 8
Nays - 0

RESOLUTION #100 OF 2006 - Consideration of a Resolution authorizing the transfer of \$1,000 from Account No. A1990.400 (Contingencies) to Account No. A3120.415.02 (Police-Contractual) to fund nuisance animal control.

By: Alderman DeCarlo
Seconded: Alderman Cobb

Approved: Ayes - 8
Nays - 0

Consideration of the following actions relating to the proposed issuance of \$3,850,000 in serial bonds for the reconstruction of the sewer system and various improvements at the Wastewater Treatment Plant:

RESOLUTION #101 OF 2006 - Consideration of a Resolution determining that the proposed actions are Type II Actions for purposes of the SEQRA process.

By: Alderman Terwilliger
Seconded: Alderman Quail

A Roll Call Vote was Taken:

Alderman VanGorder	- Aye
Alderman Terwilliger	- Aye
Alderman Cobb	- Aye
Alderman DeCarlo	- Aye
Alderman Quail	- Aye
Alderman Feiszli	- Aye
Alderman Partigianoni	- Aye
Alderman Michales	- Aye

Approved: Ayes - 8
Nays - 0

RESOLUTION #102 OF 2006 - Consideration of a resolution authorizing the issuance of \$3,850,000 in Serial Bonds to finance the cost of the sewer system repairs and various Wastewater Treatment Plant projects.

Alderman Feiszli confirmed that Kennedy Parkway was included in this project. The Mayor noted that the storm sewer on Kennedy Parkway was included. Alderman Terwilliger noted that this total project had to be done. It was noted that there was some slip lining in the project and some major reconstruction with conventional digs, but

they would try to do the least amount of disruption as possible. It was noted that the project would begin in 2007 and run two (2) to two and a half (2 ½) years as certain projects could not be done in wet weather. It was noted that the project was split pretty evenly with about \$875,000 in slip lining and \$886,000 in actual structural repairs and then there is some storm sewer work and manhole replacements. It was noted that it would not affect the tax rate, but would affect the sewer rates. Mr. Damiano noted that on the debt service side it would amount to about twenty (20) cents per unit for the year 2007 because there is only a partial payment due that year. The final year it will go up an additional ten (10) cents per year. The average household is about one hundred forty (140) units consumption and the average household account will cost about \$28 per year. The good thing is that the cost will be spread to everyone, households and businesses. Alderman Quail inquired if there would be fewer capital requests coming from the Sewage Treatment Plant over the next several years. Mr. Davis head of Waste Water Treatment felt it would cover them for quite a few years, but unfortunately the DEC will be making them do some biological nutrient removal by 2009. The preliminary cost estimate for that includes a ten million dollar (\$10,000,000) upgrade. Some of these projects will be in anticipation of that. The upgrade that Stearns and Wheeler proposed and submitted to the Susquehanna River Basin Commission didn't include half of the items that were needed. If we get the stuff that they did and the stuff that we know that we really need, it might be in the twenty million dollar (\$20,000,000) range. We will work diligently to try to keep this down to a couple million dollar project. A large construction project would inhibit us both financially and locationwise, because we are landlocked. The nine hundred thousand dollars (\$900,000) will do us really well for this year, but not a whole lot for next year. He outlined some of the things he hoped they could accomplish next year.

Andy Damiano asked for the status of the nutrient removal process. Mr. Davis noted that the initiative started back in the late 1980's and started with the six (6) states surrounding the Chesapeake Bay. Initially, New York State was not on board, but joined in 1996 or 1997, which was one (1) or two (2) years after we built our upgrade. This was very frustrating. Had they done this at the time of the upgrade in 1994, it would have only cost us an extra \$750,000 to \$1,000,000 to do the biological nutrient removal. Now it is very difficult because we are so landlocked and we have had three (3) upgrades and every time you put a shovel in the ground, you hit something. It is a very interesting struggle, but he doesn't think it will cost us ten million dollars (\$10,000,000), but for ten million dollars (\$10,000,000) he feels we can build a facility that will take us to 2025. There is one hundred forty-seven thousand (\$147,000) in the project for the repair of the tanks. The plan is that this money spent on these tanks at this time will get us to 2020 with no further large structural work providing that everything is okay when they get them apart. They will have some concrete pillars they have to remove underneath and then install new pillars. The existing pillars are held together with strapping for the tanks.

Alderman Michales inquired how these repairs could be made and the plant still conduct business as usual. Mr. Davis noted that they would try to do this at low flow and have minimum impact on the neighborhood, but problems sometimes occur. It was asked in there was any federal money available for this type of project. Andy Damiano noted that he applied through the Environmental Facilities Program and they did a rating of

each application and there were about a thousand (1,000) applications. Cortland's was rated in the two hundred (200) neighborhood and they were only funding up to number fifty (50). Although they were an eligible project, they were not eligible for funds. It was noted that the program was not a grant program, but a loan program. Alderman Michales inquired how a community of this size was expected to pay for something like this. Mr. Damiano noted that the DEC just mandated it.

Mr. Damiano noted that the sewer fund was in the black, but could be a lot better. The income from Buckbee Mears was in the four hundred thousand (\$400,000) a year range and that's what kept them in the black. But the last two years, the income from Buckbee Mears has been zero (0), so a lot of what was our reserve has been depleted as a result of losing that huge revenue stream. The Water Fund has been affected the same way and that has been why we have seen a rate increase in the Water Fund. Buckbee Mears was a major industry that was generating six hundred fifty thousand dollars (\$650,000) in billings for our two (2) utilities per year and now we get nothing from that customer. That is a huge pool of revenue to lose for any municipality. So what we had in reserve, we have gone through, in order to stabilize the rate. Otherwise there would have been double digit rate increases last year to keep up with costs. It doesn't look like Buckbee Mears is going to be back, so this is something we are going to have to adjust to.

Alderman Quail noted that there had been some discussion in regards to reduced electrical usage. Mr. Davis noted that there have already been some power savings. It was also noted that this was a very wet year, but they didn't see additional chemical use because of I & I with higher than normal flow as it doesn't require higher chlorine demand, but higher hydraulic use. So there will be some savings with pumping in a dryer year.

By: Alderman Cobb
Seconded: Alderman Terwilliger

A Roll Call Vote was Taken:

Alderman VanGorder	- Aye
Alderman Terwilliger	- Aye
Alderman Cobb	- Aye
Alderman DeCarlo	- Aye
Alderman Quail	- Aye
Alderman Feiszli	- Aye
Alderman Partigianoni	- Aye
Alderman Michales	- Aye

Approved: Ayes - 8
Nays - 0

Adjournment

By: Alderman Cobb

Seconded: Alderman DeCarlo

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 19TH DAY OF SEPTEMBER 2006. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN, CITY CLERK

MAYOR THOMAS GALLAGHER