

October 16, 2001

A meeting of the Common Council was held on October 16, 2001 at 7:30PM in the Common Council Chambers at City Hall, 25 Court Street, Cortland, New York.

PRESENT: Mayor Bruce Tytler
Council Members Smith, Tobin, Abdulla, Lissberger, Strangeway, Hansen, Hyde and Hennessy
City Clerk, William J. Wood
Deputy City Clerk, Jodi M. McLyman
Corporation Counsel, James J. Baranello
Director of Admin. & Finance, Andrew J. Damiano

PUBLIC COMMENTS

Steve Barnes, 3 Hamlin St. Cortland, New York submits a petition by concerned neighbors with regard to 74 Hamlin St.

C. Ashley Ellefson, 23 Chestnut St. Cortland New York submits pictures and he feels the 74 Hamlin St. parking situation is a dangerous situation.

Sharon Brown of Cortland asks why the Dairy Parade doesn't need to show proof of insurance. She wants to have a parade as a memorial service.

Mike Shafer speaks as attorney for Dana Merkur of 74 Hamlin St. Mr. Shafer states that he has been corresponding with Greg Gates, Esq. for nearly a year on this matter. This has been a commercial property on that corner for 17 years. The parking situation is not new. We have suggested a number of possible solutions for this; none have been well received by Counsel for the City. He points out Mr. Dillingham, who lives across the street, does not have a sidewalk. Mr. Merkur is prepared to pay for the installation of the sidewalk on the other side of the street (Mr. Dillingham's property). This will provide the safe access everyone seems to be concerned about. Counsel Gates said this was not an acceptable solution.

To tell Mr. Merkur that now we are going to impose a new burden on you, you are going to loose your commercial parking is not an appropriate step the City should be taking. Especially the way the economic situation is. We need to be enhancing the relationship between commercial residents and residential residents. This is a light commercial business that is perfect for that location.

MINUTES

On the motion of Council Member Strangeway, seconded by Council Member Smith, voted and carried,

Council Member Hennessy asks that the tape be listened to with regard to Ann Hotchkin's presentation on the Sports Complex. Deputy Clerk McLyman will make the appropriate changes if any.

RESOLVED THE MINUTES OF OCTOBER 2, 2001 BE APPROVED FOR FILING.

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BILLS

On the motion of Council Member Strangeway, seconded by Council Member Smith, voted,

Council Member Hansen has a concern with the same bill that was discussed last time. She read the opinion and still has a problem with the way it was done. Council Member Lissberger asks if that can be separated out. Council Member Hennessy feels that we should be discussing the bills and looking them over but as far as approving them it doesn't really make sense. They are going to be paid anyway. Council Member Lissberger feels if nothing else it will show approval or disapproval to the public and on record. Council Member Hennessy feels it should be looked at as a discussion. A discussion ensues regarding reviewing vs. approving.

On the question;

Council Member Hansen, Lissberger, Abdulla voting Nay, Council Member Smith, Tobin, Strangeway, and Hyde voting Yes, Council Member Hennessy abstains.

RESOLVED THE BILLS BE APPROVED AND PLACED ON FILE.

Council Member Hennessy proposes a motion be passed that the bills be treated as a point of discussion, seconded by Council Member Smith, voted,

Council Member Tobin wants to leave them the way they are. He feels the Council does not get all the information to begin with. Their respective boards or commissions review most of the other department's bills. Council Member Smith does not feel that the Council should micro-manage the departments. Council Member Lissberger feels he still wants to be able to approved or disapprove.

On the question;

Council Member Strangeway and Council Member Lissberger voting Nay, Council Members Smith, Tobin, Abdulla, Hansen, Hyde voting Yes.

RESOLVED THE BILLS BE TREATED AS A POINT OF DISCUSSION.

MAYOR'S REPORT

The Mayor thanks all the personnel who helped with the Pumpkinfest and also the newspaper for the encouraging article on the volunteers.

Ward 1 – Council Member Smith

Council Member Smith had a constituent ask if the City would consider a hazardous chemical pick-up? Surrounding cities and counties have this. He feels a one-day pick-up would be a great idea. We don't want people putting chemicals down the sewer drains. Legislature VanDee is heading up a committee similar to this. Finding blue bags seems to be a problem. Does anyone on Main St. sell blue bags? Complaint regarding garage sale signs that are not promptly removed. Complaint regarding drywell on Lauder St. Bob Spada feels this is the

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highest point in the street but he will get a crew over there and see if there is anything he can do.

Ward 2 – Council Member Tobin

Pumpkinfest was a success. Praise all the volunteers.

Ward 3 – Council Member Abdulla

Pumpkinfest was a great event. Potholes and tree removal issues but they are being taken care of.

Ward 4 – Council Member Lissberger

All quiet.

Ward 5 – Council Member Strangeway

Complaint regarding a pothole on the corner of Denti Way and Main St.

Ward 6 – Council Member Hansen

The Pumpkinfest was wonderful. Thanks Jim Sponaugle, Laurie Williams, and Kathleen Hennessy. Ward meeting at the Grange on the 24th at 7:00. Last year Superior trash was running behind and they were still out there at 7:00PM. She wants to make sure they are done on Halloween night before dark. This is a dangerous situation.

Ward 7 – Council Member Hyde

The Pumpkinfest was a great event.

Ward 8 – Council Member Hennessy

The Pumpkinfest was a great effort by a lot of people especially Jim Sponaugle. Thanks NiMo as the light on Central Ave. is fixed. Thanks Public Safety for replacing the No Parking signs on Bartlett Ave. She attended senior enrichment day on Monday. There were a lot of interesting workshops they put on.

AGENDA

Item No. 1 – Discussion regarding the property located at 74 Hamlin St.

Council Member Hennessy and Council Member Hansen excuse themselves from the discussion.

The Mayor requests that a resolution be passed to follow the advice from Counsel on this issue. This is City property and he would like to bring some closure to this.

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Counsel Greg Gates, Esq. special counsel for the City of Cortland speaks with regard to the placement of the sidewalk. In the early 1920's that street was deeded to the City. It is a 50' wide piece of property that is created by measuring the distance between the foundations of the two properties of 74 and 76 Hamlin. If you look at exactly where that falls, in reality the City's property starts 5 1/2 feet from Mr. Merkur's foundation. The concern Mr. Gates has expressed is with that being City property he is very concerned about the potential for liability. City Council has no obligation to build a sidewalk anywhere. A significant percentage of the vehicles parked perpendicular to the property line extends out onto the City's property. The two choices are to cross the street or work around the back or front end of the vehicles. That is an accident waiting to happen. There have been a number of complaints logged with the Police and Code Departments.

If a sidewalk is placed on the Hamlin St. side it will limit the liability. It will clearly define what is there. Council Member Tobin feels that this property has been used as commercial pre-existing non-conforming uses have been applied to that property. It has always been used as this type of commercial building. Are there any ideas on what this commercial building is going to do? There is parallel parking on both sides of that street. Mr. Gates explains the building in non-conforming but that doesn't mean its right. Mr. Gates explains that Mr. Shafer and himself have been trying to come to a resolution on this situation.

The Mayor explains that the owner of the property is adamant about where the cars will be parked. He is going to continue to park the cars there. Mr. Gates states this is a very interesting piece of property. Council Member Strangeway asks if one side better than other to have the sidewalk on? Mr. Gates feels that the Southside of the street has the highest degree of pedestrian traffic; therefore, that's where it should be. The Mayor states there is no easy answer. The Code Office has said in the winter when Mr. Merkur plows snow, it is an extremely dangerous situation. Council Member Lissberger states in his ward he doesn't have sidewalks throughout the ward. Why are we putting in a sidewalk here? The City is not putting it in the property owner will. There was a sidewalk shown on a 1991 survey. That survey might have been an error. Council Member Smith states the former owner of that property says that it was always blacktop on the VanHoesen St. side. He has been called many times during the winter on that property. He has asked Mr. Merkur several times if maybe he would do things different as a good faith gesture but Mr. Merkur has said no. Council Member Lissberger asks if we are going to ask all homeowners to put in sidewalks if it is a safety issue. How are we going to dictate this to the other property owners? It seems unfair at the owner's expense.

Council Member Tobin makes a motion to table, there is no second.

MOTION DEFEATED.

Council Member Smith asks about striping. Mr. Gates states the construction of an actual sidewalk with curbs etc. clearly delineates the sidewalk. The use of a stripe is a transition type method. Council Member Lissberger feels it is very unfair to make the property owner put in a sidewalk.

Attorney Mike Shafer says that this problem has been ongoing. The first action on the City's part was to haul Mr. Merkur into court and charge him and his patrons with a criminal offense of parking on the sidewalk. The City chose to begin the dialogue on the use of the property that had been used for 70 years before Mr. Merkur purchased it. People park on City streets all over

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the City of Cortland. People park on the City right-of-way all the time. He doesn't feel this has been studied well. The Council has not deliberated on this issue and he has not had the opportunity to address any of these things with City Department Heads. One of the proposals we made was to designate a sidewalk immediately adjacent to the building. We would remove the soda machine and utility meter. We still could have some angle parking. This would alleviate some of the problems. Counsel said that this was not acceptable. Mr. Gates felt this could not be done. Mr. Shafer did not want to go and have his client spend the money in engineering costs if the City's position is that they are not going to do that.

Mr. Gates shows the detailed proposal Mr. Schafer described. It is a hand held map. He briefly explains this. He did not reject the proposal and wrote back to him and suggested he might get an engineer to show us how this is going to be possible. This is all that has been received from Mr. Merkur. Mr. Shafer explains that was a very rough sketch when the diagonal parking idea was proposed. Mr. Merkur would install barriers to ensure the sidewalk remains open.

On the motion of Council Member Smith, seconded by Council Member Abdulla, voted,

Council Member Smith	Yes	Council Member Strangeway	No
Council Member Tobin	Yes	Council Member Hansen	Excused
Council Member Abdulla	Yes	Council Member Hyde	Yes
Council Member Lissberger	No	Council Member Hennessy	Excused

RESOLVED THE CITY CAUSE A SIDEWALK WITH CURB TO BE CONSTRUCTED IN ITS OLD LOCATION ON THE SOUTHERN BOUNDARY OF VAN HOESEN STREET, WHICH WOULD EXTEND TO THE SIDEWALK ON HAMLIN STREET.

Council Members Hansen and Hennessy return. Council Member Lissberger excuses himself due to illness.

Item No. 2 – Consideration of a Resolution approving a Community Development Loan.

On the motion of Council Member Smith, seconded by Council Member Hyde, voted and carried,

Linda Armstrong is present from Community Development. This is for Northeast Transformer Services for a small expansion.

RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT LOAN FOR NORTHEAST TRANSFORMER SERVICES.

Item No. 3 – Consideration of a Resolution designating Thoma Development Consultants as the firm, which will provide program delivery and administrative services for the FY 2001 Community Development Block Grant.

On the motion of Council Member Hennessy, seconded by Council Member Hansen, voted and carried,

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RESOLUTION APPROVED DESIGNATING THOMA DEVELOPMENT CONSULTANTS AS THE FIRM, WHICH WILL PROVIDE PROGRAM DELIVERY AND ADMINISTRATIVE SERVICES FOR THE FY2001 COMMUNITY DEVELOPMENT BLOCK GRANT.

Item No. 4 – Consideration of a Resolution authorizing the use of certain city streets for the St. Anthony’s Annual Elf Run to be held on Saturday, December 8, 2001 (includes a 5K Race and a one mile walk/run).

On the motion of Council Member Abdulla, seconded by Council Member Smith, voted and carried,

RESOLUTION APPROVED AUTHORIZING THE USE OF CERTAIN CITY STREETS FOR THE ST. ANTHONY’S ANNUAL ELF RUN TO BE HELD ON SATURDAY, DECEMBER 8, 2001.

Item No. 5 – Consideration of the confirmation of the Mayor’s appointment of Nancy Hansen to the Planning Board.

On the motion of Council Member Hennessy, seconded by Council Member Strangeway, voted and carried,

RESOLVED TO APPROVE THE CONFIRMATION OF THE MAYOR’S APPOINTMENT OF NANCY HANSEN TO THE PLANNING BOARD.

Item No. 6 – Consideration of the Mayor’s reappointment of Mary Lou Pai as a Commissioner of Deeds.

On the motion of Council Member Smith, seconded by Council Member Hansen, voted and carried,

RESOLVED TO APPROVE THE MAYOR’S REAPPOINTMENT OF MARY LOU PAI AS A COMMISSIONER OF DEEDS.

Item No. 7 – Discussion regarding the scheduling of a Special Council Meeting to adopt a “Proposed Budget”; and the scheduling of budget review sessions.

The Council agrees to meet on the November 13, at 6:00PM and on Monday, November 26 at 6:00PM.

On the motion of Council Member Smith, seconded by Council Member Abdulla, voted and carried,

RESOLVED THE MEETING BE ADJOURNED AT 8:50PM.

MAYOR

CITY CLERK

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I hereby certify that the forgoing resolutions were presented to the Mayor in the time required and were approved by him.