



City Council Minutes December 2, 2003

The City of Cortland, New York

COUNCIL MEETING #22
December 2, 2003
Regular Business Meeting
City Hall
7:00PM

PRESENT: Mayor Mary E. Leonard
Alderman Faraoni, Tobin, Morey, Guido, Quail, Partigianoni, Testa, and Hennessy

Staff present: Corporation Counsel, Mark Suben, City Clerk, William J. Wood, Director of Admin. & Finance Andrew Damiano.

7:00PM – Public Hearing: Proposed 2004 Wastewater Fund Budget.

There was no one to speak; therefore the public hearing was closed.

7:05PM – Public Hearing: Proposed 2004 Water Fund Budget.

There was no one to speak; therefore the public hearing was closed.

7:10PM – Public Hearing: Proposed 2004 General Fund Budget.

Wilma VanDee of 7 Taylor St. speaks on behalf of the SEIU. We all realize the City is trying to cut the budget to keep tax increase at a minimum. In the proposed budget they were planning on doing away with the secretary at the Fire Department. We would like to ask you to reconsider that. There has to be someone doing the work and does it according to civil service law and the union contract. We would appreciate your consideration.

There was no one further to speak; therefore the public hearing was closed.

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENT

Mick Pace of 1173 Blue Creek Rd. speaks with regard to the housing revisions in the code. He has been in the student housing business for 20 years. He has a couple of situations that could develop if this new ordinance is passed. He understands the City wants to curtail the student housing. He has a property on 36 Lincoln Ave. and back in the mid '90's the City of Cortland had a community development project and they ear marked funds for the Lincoln Ave. area. Very few people used the funds. He has used a lot of them. He has put a lot of money into this property. He was also required to freeze the rents for three years. Two different Mayors signed off on this project, Mayor Walsh and Mayor Tytler. They knew this was student housing. If this new ordinance is passed there is a possibility he could loose some of those students and

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income if it is reduced to four students. He could lose up to 25% of his income. He hopes that some of these will be grandfathered in. Because he used the money from community development it also freed up capital to do other improvements to his other properties and he did a lot of upgrades. Another issue was the City reassessment. Forms were sent out to student housing landlords. The Assessor Dave Briggs noted that assessments were \$10,000-12,000 per student. His property went from \$75,000 to \$227,000. He did challenge it and it got reduced a little bit. The City targeted assessments based on students. If you're going to take the students away then the assessments need to come down also. If he has to cut down on the number of students he rents to he will have to cut down on exterior maintenance, upkeep, etc. If he doesn't have the money to do the upkeep, he's going to have to let it go. It took him almost 15 years before he turned a profit. People think student housing is easy money, its not. He feels the good people should not be punished for the few bad landlords that do not take care of their properties.

Vivian Bosch of 49 W. Court St. speaks on behalf of the Hill Neighborhood Assoc. and the request to revise the proposed definition of family. She begins by saying they are very appreciative of the code revisions and we don't want the discussion on this one point to detract from the great job they did overall. The fact there has only been this one area of disagreement with all the changes that were made is very good. Regarding the definition itself, we feel the words of the revised definition of family have changed but the intent has not. The intent remains the same as the original willing to allow four or more unrelated individuals in a single family home. The revised definition states that the group must use furniture in common as opposed to common ownership as with respect to a traditional family or the functional equivalent of one. It is evident by the fact that the group must have a stable association rather than being unstable. Proof of having a stable association may be nothing more than sharing in common a kitchen, bath, or living area. This is exactly what we had objected to at the public hearing. Both of the proposed definitions support the direction that Mr. Oudemool was given regarding the creation of a new definition. That direction however, did not support the Cities master plan which calls for less density of population in the college hill area nor does it support the Cities preservation of R-1 residential district which is to enhance and to protect single family neighborhoods. We don't know why Mr. Oudemool was given the direction he was regarding the definition but that doesn't really matter at this point. What does matter is your vision for the City. It all comes down to whether you want to obtain the intent of the current definition of family or whether you want to change that intent and take the City into a new direction. Whether you want a definition that supports the purpose of R-1 neighborhood or one that disregards it. Whether you want a definition that is in line with the cities master plan or one that circumvents it. If your vision is one that includes preserving the character of a single family neighborhood, protecting the heart of our city, then you want the criteria in the Poukeepsie definition. The Poukeepsie criteria would clarify and stress our current definition of family while maintaining the intent. The right and straight forward way to achieve such a significant change in direction would be by addressing this in a new master plan and not by simply implementing a definition of functional family but to uphold the current master plan in an R-1 zone.

Katy Silliman of 30 Pleasant St. speaks in favor of the Poukeepsie code.

MINUTES of November 12, 2003

By: Alderman Quail
Seconded: Alderman Partigianoni

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Approved: Ayes – 8
Nays – 0

Alderman Quail states he arrived late at that meeting. He did cast a vote but is not listed as being present.

RESOLUTION #159 of 2003 – Approve the amended minutes of November 12, 2003.

BILLS

Bills are received.

MAYOR'S REPORT

The City tree lighting is this Sat. evening. We hope Father Christmas will be there to turn the lights on and the Saint Mary's choir will be present. She wants to recognize a young man in the community who received the designation of Eagle Scout this past weekend, David Horack. Congratulations to him and his family. Also this evening the principal of the Randall Elementary School is present. Mr. Cliff Kostuk receives a proclamation in observance of the 75th anniversary of Randall School. Principal Kostuk feels one of the ways the school would like to celebrate was to put a school sign up in front of the building. We have tried to solicit our friends, neighbors, and alumni to help contribute to that endeavor. One of the interesting things that has happened besides getting donations is getting letters from people who fit into different periods of Randall School history. He has heard from someone from Texas who was in the original kindergarten class from 1928. He couldn't find his kindergarten picture but he sent his first grade class picture sitting on the front steps of Randall School. Those things are even more valuable. He encourages people who are former students, faculty, etc. to send in to us your memories, pictures, etc.

The Mayor sends condolences to the family of Francis Tracey, a long time City firefighter, who passed away recently.

WARD REPORTS

Ward 1 –Alderman Faraoni

He would like to spend time his time on the budget. The Deputy City Clerk's salary would be increased to \$32,008. plus \$2,375.00 for longevity which comes to \$34,383.00. Alderman Quail would like to cover these all at once in an additional agenda item.

Ward 2 – Alderman Tobin

He acknowledges Fran Tokar and the way he took care of the Youth Bureau. He thinks it would be a very responsible act for the City to potentially name the Youth Center after Fran. He did a lot. Mr. Tokar hasn't been over here the last few years and he is being reflective. When he played small fry football, Fran was here. When he became a Council member, Fran was here. Fran retired a few years ago but rather than waiting to memorialize it, it would be a better thing to name the Youth Center after Fran Tokar. Maybe it won't be this Council's decision but maybe the next Council.

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Ward 3 – Alderman Morey

Things are quiet in the third ward. She has been flooded with phone calls in support of the library. She has gotten several phone calls about the family definition. Since the snow is here, the code office will certainly be flooded with calls. Please keep your sidewalks shoveled.

Ward 4 – Alderman Guido

It was brought to his attention there were three gentlemen that have put 30 years of service in at the DPW. Tony Dintino, Mike Giamichael, and Mike Kanellis. He has had calls regarding crowd sittings.

Ward 5 – Alderman Quail

Things have been quiet. Please keep the sidewalks clean.

Ward 6 – Alderman Testa

Quiet in the sixth ward. He has had a few calls concerning the budget which will be covered later.

Ward 7 – Alderman Partigianoni

He has had calls regarding the budget.

Ward 8 Alderman Hennessy

She has received several calls regarding the library. She reminds people to either enter yourself or enter a neighbor with regard to the holiday lighting contest. The entry forms are in the Mayor's Office, the library, and soon on the website. The deadline is Wednesday December 17th.

AGENDA

Item No. 1 – Consideration of the following actions relating to proposed Local Law No. 4 of 2003:

- a. Declaration by the Common Council to assume lead agency status for the SEQRA process.
- b. Completion of the Short Environmental Assessment Form
- c. In the event a negative declaration is made in the SEQRA process; consideration of the adoption of Local Law No. 4 of 2003.

Corp. Counsel notes it's hard to imagine what impact the zoning change would have on the environment but it is a requirement that they do it. The Mayor asks if it is the consensus of the Council that you would like to see one more amendment to the proposed Local Law No. 4 to change that family definition. The Council states yes. The Council would like the Poukeepsie definition of family implemented and the Council will deal with everything all at one time at the next meeting. The final form will be the Poukeepsie language. The political signs have been

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revised. This is in its final form and is being laid on the table to be acted on at the next Council meeting.

RESOLUTION #160 of 2003 – Approve the amendment to Section 100-4B(1) of the Code of Ordinances to require the inspection of commercial /business occupancies every 36 months.

By: Alderman Guido
Seconded: Alderman Morey

Approved: Ayes – 8
Nays – 0

Item No. 1 of 2003 – Consideration of an amendment to Section 100-4 of the Code of Ordinances adding sections C and D which provide fee schedules which were adopted by the Council on May 4, 1999.

By: Alderman Hennessy
Seconded: Alderman Faraoni

The Mayor asks if the Council could adopt the fee schedule and the fee schedule would be available at the Clerk's Office. Chief Glover states that would be acceptable in order to have the document memorialized somewhere for public access.

The Mayor notes that perhaps an amendment would suffice so that we would not have to keep updating it every time the council opted to change the fee schedule.

MOTION WITHDRAWN by Alderman Hennessy and Faraoni. The Mayor suggests Chief Glover go back to the drawing board and clean it up a little bit to make it easier to accomplish what it is they are trying to accomplish.

RESOLUTION #161 of 2003 – Approve the amendment to Section 100-4 of the Code of Ordinances adding a Section E, which provides authority to attach unpaid inspection fees to the property owner's tax account.

By: Alderman Hennessy
Seconded: Alderman Faraoni

Approved: Ayes – 6
Nays – 2 (Testa, Morey)

Alderman Testa notes if he reads this right it would be possible for someone to run a business in his building and if they are fined and they do not pay the fine, it will go on his tax bill. Chief Glover feels the tenant somewhat drives the requirements in which they would be inspecting for. Therefore, the philosophy was such that the tenant should be responsible for the inspection fee as a result of doing business. Alderman Testa feels this will ultimately get attached to the property owner. The property owner may not even know until after the tenant leaves that money is owed. He agrees this should be paid for by the tenant but ultimately is the landlord's responsibility. A brief discussion ensues regarding tenant/landlord, etc. Chief Glover states the burden is on the property owner. Alderman Morey does not want to add anymore costs to the

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property owner. Andy notes we can bill the property owner and have them fight it out with the tenant or we can bill the tenant and if they don't pay it, the landlord will have to fight it out with the tenant. When the system fails, we still need to be able to collect.

RESOLUTION #162 of 2003 – Amend Section 100-3 of the Code of Ordinances to correct a typographical error in line 6 of said section.

By: Alderman Guido
Seconded: Alderman Testa

Approved: Ayes – 8
Nays – 0

RESOLUTION #163 of 2003 – Approve the amendment to Section 100-5 of the Code of Ordinances adding a Section D, which authorizes the Code Office to conduct inspections based upon complaints.

Alderman Morey asks about bona fide complaint. How is that defined? Chief Glover notes the wording is taken from the Administrative Code publication.

By: Alderman Tobin
Seconded: Alderman Faraoni

Approved: Ayes – 6
Nays – 2 (Testa, Morey)

RESOLUTION #164 of 2003 – Authorize the placement of a 3-way “Stop” signs at the intersection of Sunnyfield Drive at Fox Hollow. (Recommendation of the Public Safety Commission).

Alderman Quail clears up the original request of Fox Hollow instead of Kent Dr.

By: Alderman Quail
Seconded: Alderman Faraoni

Approved: Ayes – 8
Nays – 0

RESOLUTION #165 of 2003 – Approve the request by the Cortland First Night Committee to close various streets from approximately 6:00PM on December 31, 2003 to 1:00AM on January 1, 2004.

By: Alderman Faraoni
Seconded: Alderman Morey

Approved: Ayes – 8
Nays – 0

Item No. 9 – Budget Amendments.

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Alderman Morey states after talking to several people in the Fire Department that position is a position the City cannot give up at this point. They have proven their case. There are two different unions. There is no one else that can do this work. She is asking to restore the amount for the secretary's position in the Fire Department. Alderman Faraoni would like a portion of the Deputy Clerk's salary restored. Alderman Tobin would like to see the library fund restored. Alderman Morey has had numerous calls on the library. Mayor Leonard explains that some discussion has come up regarding the library and the way of measuring the service that is provided and the people who use it. The library is going to be looking into this so they can say to us that this is dollars and cents benefit to the City of Cortland. The Mayor is a library user and she wishes the City could give them as much as they can use because it is a good benefit to our community but what started to concern her was when we looked at what appeared to be the amount spent per person per cardholder; City of Cortland residents as opposed to what other municipalities were paying, it didn't seem fair our taxpayers were bearing the burden for other municipalities. In the future I would hope the next Council and Mayor take a closer look to make sure we are working from numbers that everyone agrees on. In the past it looked like a guess. No one has ever questioned whether the library runs conservatively, efficiently, and well. We do need to justify to the taxpayers why that amount of money is going to that entity. If we can find a way to fund the library without causing a detriment to the other services the City has to provide, she is all for it. Alderman Testa suggests taking the extra money from the Youth Bureau vacant part-time position and adds it to the library making it \$29,000.

Alderman Quail notes the appropriations for maintenance of the Armory. To fund the rest of the activities they are choosing to eliminate the funding of two new positions in the police department. These are the only two positions not occupied by an individual at the current time. These are proposed positions. This was a difficult decision and when additional revenue is available or costs can be reduced, these positions will be reconsidered. The Council decides to not adopt the budget until the next meeting.

Adjournment.

By: Alderman Quail
Seconded: Alderman Faraoni

Approved: Ayes – 8
Nays – 0

I, WILLIAM J. WOOD 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 2nd DAY OF DECEMBER, 2003. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

WILLIAM J. WOOD – CITY CLERK