



# City Council Minutes The City of Cortland

January 16, 2007

Council Meeting #2  
January 16, 2007  
Regular Business Session  
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 second Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

No one was present to speak.

Minutes of January 2, 2007

**RESOLUTION #7** OF 2007 - Approve the minutes of January 2, 2007, as amended.

By: Alderman Terwilliger  
Seconded: Alderman DeCarlo

Approved: Ayes - 8  
Nays - 0

Bills were reviewed and received.

Mayor's Report

He attended Governor Spitzer's State of the State message in Albany. He also attended the annual volunteer fireman's dinner at the Holiday Inn as well as the IDA/BDC meeting. He met with Thoma Development regarding the grant for the City's

comprehensive plan. He also attended the Cortland High School Education Foundation meeting.

#### Ward 1 - Alderman VanGorder

She received a couple of calls from different people and she is working on these. She noted that she is glad these work shops on facilities are being held and that it's important.

#### Ward 2 - Alderman Terwilliger

She has had a couple of code issues that she is working on and plans to schedule a Ward meeting in March.

#### Ward 3 - Alderman Cobb

Her Ward has been very quiet. She noted that there have been no crow calls. She did receive a letter regarding small construction projects in homes, that don't require a dumpster or a large truck. He was concerned about the remnants of these projects being left outside of homes or garages and he suggested a plan whereby the City could make some money and help to keep that sort of thing cleaned up. She asked if that could be added to a Council agenda for discussion.

#### Ward 4 - Alderman DeCarlo

There has been a little bit of vandalism down on Park Street behind the Food Bag at the end of his street. Someone had attempted to break into some cars, allot of holiday lights and ornaments were taken or destroyed. He spoke with Jim Sponaugle in regards to an additional streetlight. He plans to have a Ward meeting to see if a Neighborhood Watch group can be organized. He did tour the fire station #1. He hopes this will assist in making a decision down the road.

#### Ward 5 - Alderman Quail

He enjoyed the tour on Saturday, noting that it was good to see things first hand. He has a meeting scheduled for January 30, 2007 at the County Office Building at 7:00 PM. He and Ron Van Dee will be meeting to go over where the County is with the County Health Building. He apologized to the volunteer firemen. He planned on attending their dinner and family challenges intervened. His Ward has been fairly quiet. He also noted that he felt that the community has been fairly clean; no papers flying around.

It was noted that another Community Clean Up Day was in the works, possibly for April, and will be on the Council agenda soon. It was also noted that along Broadway, the brush had been cleaned up by the college and looked better.

#### Ward 6 - Alderman Feiszli

She spoke about the DOT work being done on Rt. 281 and the flooding on Otter Creek. She noted that maps were shown the phases of work, the acquisition of property and plans for a retention pond to restrict the flow of water from there to Otter Creek. She spoke with Michael Arcurri last Saturday.

The purpose of this meeting was to make him aware of local concerns and issues. Five (5) or six (6) people were in attendance. She asked the Mayor to FAX a letter and a list of priorities to Mr. Arcurri because he is on a number of committees, one of them being on infrastructure. He is aware that Cortland needs a new fire station. She enjoyed the tour of the fire stations and is looking forward to hearing from the people.

#### Ward 7 - Alderman Partigianoni

He also met with Congressman Arcurri on Saturday morning. He received a call regarding the crows, indicating that banging pots and pans does scare them away. St. Anthony's had a full house on January 5, 2007. The Council of Churches and all of the choirs were there. It was very impressive and it was a nice performance. He also attended the volunteer firemen's dinner at the Holiday Inn. It was beautiful and very impressive.

#### Ward 8 - Alderman Michales

He received one (1) call concerning a piece of rental property. He referred that to the Code Office and he plans to follow up with a recommendation. He understands that the owner lives out of state, but they may be back up here in the next few weeks for an occasion. He will try to sit down with the owner and iron out some of the problems with this property.

He also attended the Planning Board meeting last Tuesday night. He also toured both fire stations on Saturday. This was quite an eye opener. He also asked if the Council had heard back from County Chairman Brown regarding the letter that was sent on January 3, 2007. The Mayor indicated that no response had been received.

**RESOLUTION #8** OF 2007 - Consideration of a Resolution authorizing the Mayor to enter into an agreement with Thoma Development Consultants to provide program delivery and administration services for the FY2006 Economic Development CDBG (Cortland Plastics).

By: Alderman Partigianoni  
Seconded: Alderman VanGorder

Approved: Ayes - 8  
Nays - 0

**RESOLUTION #9** OF 2007 - Consideration of the confirmation of the Mayor's appointment/reappointment of the attached list of individuals to various City boards and commissions.

A thank you was given by the Council to all of these individuals who served on these boards and commissions for their hard work and for attending training sessions, both volunteer and mandatory. It was also asked if it could be noted in the future which individuals were appointments or reappointments.

By: Alderman DeCarlo  
Seconded: Alderman Michales

Approved: Ayes - 8  
Nays - 0

**RESOLUTION #10** OF 2007 - Consideration of a Resolution requesting the State of New York implement necessary reforms to improve the economic prosperity and financial health of our cities.

The Mayor noted that mayors from across the state are getting together to send this out and he asked for the Council's support.

By: Alderman Quail  
Seconded: Alderman Terwilliger

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

Item No. 4 - Discussion regarding the number of animals that may be harbored at a property (Alderman Michales).

It was noted that in Liverpool the number of cats is six (6) and Cortland's is five (5). The number of dogs is three (3) in a residence. The Mayor noted a special permit was required for exotic animals. It was noted that the bill for the recent situation, must be about \$80,000 now. Andy Damiano thought it was about \$68,000. It was noted that the situation occurred because the location was allowed to function as an animal clinic, a pre-existing non-conforming use in that District. The Zoning Board of Appeals had made that determination, which allowed PurrFect World to run, what they called, an animal clinic, because the pre-existing, non-conforming use was a veterinary office. That only applied to the back building, but did not apply to the house. That is why it was cited and for other things. Counsel Knickerbocker stated that the use could not be expanded. They had contacted Zoning Officer Bertini to be allowed to go into another floor of the back building and were turned down. They wrote back and asked for reconsideration and they were told no again, to an expansion of a pre-existing, non-conforming use. What happened there was taking advantage of that pre-existing, non-

conforming use and they believe they may have done some expansion in there and were cited for that also.

Alderman Michales stated that he would like to resolve some issues so that this does not happen again. The Mayor noted that they were discussing two (2) different things; a clinic as opposed to a residence. Alderman Michales wanted to address the residence issues first. He spoke with the SPCA last night and was told that they have found a residence with at least twenty (20) cats in Cortlandville. This will be dealt with sometime this week. This was just something the SPCA bumped into. They have no idea how many other residences in the City have something similar to this or larger. He noted that the City had no jurisdiction to enter these premises. Andy Damiano noted that the City responds to complaints and that's how the Wheeler Avenue situation came about. Neighbor complaints are the only way the City has to know about situations like this. Those residences, harboring more than what is allowed by the section of the Code, will be investigated and cited. It will go before the City Court. All dogs must be licensed and owners will be cited for unregistered dogs. This is done by the SPCA and sometimes the police. NYS Ag and Markets inspects, licenses and cites dog kennels. There are no regulations regarding cats. Ag and Markets does not regulate them or cat clinics. They don't inspect them, etc. When contacted by the City in regards to the Wheeler Avenue incident, they indicated that they didn't do anything with cats, only dogs. Dr. Cadwallader, the veterinarian who worked with the City on this, would like to work with the City and the State to come up with some legislation that would require cat clinics to be licensed and inspected. There are some good private cat clinics. A local law would be helpful and wouldn't interfere with anything the State does. Counsel Knickerbocker noted that there have been a number of NYCOM articles and the lack of legislation to regulate them. He feels that the City can regulate this based on public health concerns within the City limits. Dr. Cadwallader would like to volunteer to be a resource on this. There is some concern that the PurrFect World owner might be grandfathered in. Counsel Knickerbocker noted that the Court may prohibit the owner from that type of activity in the future, thereby preventing this from happening again with that person.

It was felt that something should be done locally, but also letting the State know that something should be done there also. The Mayor noted that with NYCOM articles and the three (3) incidents in this area, the State was hearing more and more about this. It was felt that the Council had an obligation to do something. Counsel Knickerbocker stated that he would try to come up with some wording in regards to the harboring, spaying/neutering, boarding, kenneling, etc., of cats within the City limits and the restrictions of those items, such as the length of time. He felt that perhaps they should be made to get permits. If they did not have a permit and they would be in violation. If they got a special permit, then the City would know where they were located. It was noted that the development of this process should be tied with the SPCA.

Alderman Partigianoni noted that the blue bags they currently use were different from what had been available in the past. He can hardly carry his to the street without it ripping. He was aware that they were produced per specs, but this was a different manufacturing company. He asked if anyone else on the Council was experiencing this problem and some others indicated that they were.

**Adjournment**

By: Alderman Terwilliger  
Seconded: Alderman Cobb

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 16th DAY OF JANUARY 2007. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.**

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**JOHN O. REAGAN - CITY CLERK**

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**MAYOR THOMAS GALLAGHER**