



City Council Minutes The City of Cortland

March 20, 2007

Council Meeting #6
March 20, 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

Alderman Feiszli calls the sixth Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Ann Gebhard was present to speak about the County's attempt to locate a health center in the South End neighborhood. The residents don't oppose a worthwhile use of the Main Street property, but she does challenge the quality of life change in that neighborhood that would ensue from a one hundred and seventy-eight (178) car parking lot. She noted that a parking lot running from Williams Street to Randall Street appears to her to be in violation of the R1 residential designation. She wants to address the fact that information has become available through Barbara Lifton's office. An attorney from Albany contacted her and stated that there is case law in the County of Monroe against the City of Rochester. That law establishes that a county need for property cannot take precedence over a city's reasonable zoning regulations. She urged the Council to consider the importance to the citizens of Cortland of preserving an important R1 neighborhood. She attended a meeting recently where it was presented that twenty million dollars had been garnered for downtown improvements through various agencies and she felt that one of the great ironies is that a City that has profited so largely by the efforts of people who want to preserve the dignity and quality of life downtown.

Mike Dexter was present and indicated that he had distributed a document outlining the Rochester Case that was noted by the previous speaker. Andy Damiano noted that the

City was familiar with this, but at this point they did not have a project presented that they could comment on. Corporation Counsel Lawrence Knickerbocker stated the same.

Mr. Dexter then went on to thank the Common Council and Mr. Damiano for the confidence given to him in hiring him to come back to work for the City. He also noted that the Landscape and Design Commission met with a representative from National Grid and they gave them a blueprint of when they will be coming into town to do tree trimming in certain areas. They will be notifying the City of where they will be and will probably start sometime in April. They may not be National Grid crews, but they will be crews hired by them to do the work. Mr. Dexter will pay attention to where they are and what they are doing. There also will be some telephone pole replacement on Cedar Street, Greenbush and Bartlett Avenue. The new poles will be forty (40) foot poles. Their representative, Jim, is good at talking with citizens, one on one and answering their questions.

Minutes of March 6, 2007

RESOLUTION #25 OF 2007 - Approve the minutes of March 6, 2007 as amended.

By: Alderman Terwilliger
Seconded: Alderman Partigianoni

Approved: Ayes - 8
Nays - 0

Bills were reviewed and received.

Ward 1 - Alderman VanGorder

She has received a few calls, some regarding drainage issues and a couple of recycling things that she is working on. She is having a Ward meeting, Monday, March 26 at 6:00 p.m. at the Armory. Gene Cilento will be there. Gene is the 281 Project Design Manager for the DOT to talk about the project and the First Ward Phase. She will be distributing a flyer to remind Ward residents.

Ward 2 - Alderman Terwilliger

She reminded folks concerned about the West Court Street development, that on Monday, March 26 there will be a Planning Commission meeting at 5:15 p.m. and she urged concerned citizens to attend that meeting. She announced that she and Alderman Cobb were having a combined Ward meeting on Monday, April 16 at 7:00 p.m. at the Birch Building and she is hoping to have Carol Tytler and Sean Clark, District Legislators, there to discuss flood and student housing issues.

Ward 3 - Alderman Cobb

Her Ward has been very quiet.

Ward 4 - Alderman DeCarlo

His Ward has been quiet as well. He did note that on Tompkins Street that there was a street light that had a globe come off and was hanging. He did call that in.

Ward 5 - Alderman Quail

He has had some code issues, particularly on Reynolds. When the students left for spring break, they left trash all over and it is a mess right now. The Code Office is working on that. The draft of the South End Strategic Plan is now available on line on the City website and through Thoma Development. They are having a meeting on the plan and then they will be going out to the public for some additional comments. He has given Corporation Counsel the issue that Ann Gebhard spoke about; Monroe County vs the City of Rochester. He felt that the City should become more familiar and knowledgeable with this case. He expressed his condolences to the Churchill family for the tragic accident this week.

Ward 6 - Alderman Feiszli

She received a call from Brenda De Russo, County Emergency Management Director. She warned that there was potential for flooding of the Tioghnioaga River and, thankfully, there wasn't any flooding, but there was some concern. She noted that she and other go to Yaman Park to check on the rising water levels and there is also another way to get information on the river level. She asked Brenda De Russo if they could put a link on the County website to the National Weather Service and that would show both the water level and the forecast for the river. This way concerned residents could check on this while they are at work or in the evening as well. At the next CCTBS meeting, Bernie Thoma from Thoma Development will be there to speak about the shared municipal grant opportunity. One of the uses of this grant would be to hire a facilitator to work with participating municipalities to avoid duplication of services and buildings. The meeting is scheduled for Thursday, March 22 at the County Office Building immediately following the Legislative Meeting which is typically around 7:00 p.m.

She received a couple more calls regarding the proposed Holiday Inn Express on Locust Avenue and the impact of traffic in this area. It is her understanding that through the County Planning Department that the DOT has reviewed this and they don't see a concern. Still, the residents have a concern and she has the proposed site plan and pictures of the elevation of the proposed building for review if anyone wants to give her a call and she invites anyone to come to her office to review the proposed site plan. This is going before the Planning Commission on March 26, at 5:15 p.m. and if approved, this will be going through. The same goes for the Saunders Property, which is right between North Greenbush and North Church Street. That was the old Saunders area that has been vacant for a few years now. There is a proposed apartment complex going there. There is a cluster of six (6) units with a total of approximately thirty (30) apartments and these areas are zoned for their intended use, but she would like to invite concerned people to come to look at the proposed site plan. She noted that this item will be on the March 26 Planning Commission agenda at 5:15 p.m.

Finally, she asked if city zoning could be an item of discussion, as she is not clear about the current zoning and there is concern about preserving single family homes. She wondered if this is something that had to wait until the Comprehensive City Plan is done or if it could be looked at now. Corporation Counsel Knickerbocker noted that he felt that the Planning Commission was working on a zoning document, but that the Council did not have to wait until the Comprehensive City Plan was done to discuss zoning as long as if a decision was reached, that it would be incorporated into the plan. It could be placed on the agenda as a discussion item down the road.

Ward 7 - Alderman Partigianoni

He noted that the East End Community Center had a big day on Sunday. They were pleased by the presentation and participation in the "100 Years of Music in Cortland". Over two hundred and sixty (260) people were present. Bruce Tytler, former Mayor was there and Mary Ann Kane as well as, Sam Forcucci and others gave a very informative and entertaining program to everyone. He just found out that it has been shown on Channel 2 yesterday afternoon and today. He was told that two (2) more telecasts are upcoming on Thursday night and Friday morning. It was a great day and it made the front page of the Cortland Standard. He thanked Evan Geibel of the Standard. He also thanked Wal Mart, for their \$1,000 donation to the Community Center and they are most grateful for that. He and another member of the committee went out to Wal Mart and spoke to their representative there.

Yesterday at the Holiday Inn the Cortland County Business Development Corporation and New York State Department of State hosted a work session. This session was titled, "The Outlook on Economic and Community Development on Local Community Needs". Unfortunately, the announced featured speaker Lorraine Cortez-Vasquez, the NYS Secretary of State, got caught up in the airline delays and did not make the session. There were some interesting speakers there led by Linda Hartsock.

The other big item, next Monday, March 26 at 6:30 p.m. will be an East Side Forum and information being shared will be of interest to everyone in the community and all are invited. That will be in the Holiday Inn ballroom. The last item is the Meals on Wheels. March is Meals on Wheels month. Tomorrow is Meals on Wheels Mayor Day and as you know, the Mayor is out of town, so Alderman Partigianoni will represent the City and the Mayor on this designated day meant to show countrywide support for the program in the community by delivering meals to homebound seniors. The Cortland County program has been cited with two (2) awards and is classified as one of the best in the country. We can be proud of them and the program.

Ward 8 - Alderman Michales

He also expressed his sympathy for the Churchill family for their loss. He attended the Focus Group meeting held on March 8 at the County Office Building for the residents within the 8th Ward. Out of that meeting came a four (4) page draft of the neighbor's concerns regarding the proposed Health Center. He also placed a call to some of the residents in the Kellogg Road area who had flooding in the past as the waters were

approaching flood stage level. He has a phone tree of neighbors down there, who are contacted during emergencies. He did receive a call from one resident who had some received some leakage.

RESOLUTION #26 OF 2007 - Consideration of a Resolution authorizing the Mayor to sign a grant application for 2007 CDBG funding.

Ann Hotchkin was present to explain the application. A public hearing was held prior to this meeting and a handout was distributed to the Council. The South End Strategic Plan has already been completed and is now in draft format moving towards finalization. Based on the input from the community in the South End, various projects were included in the block grant application. These were presented previously to the Council and some adjustments were made based on their input. This application now reflects the budget that will be needed to implement these projects, noting that the Community Center is now out of the picture and monies were redistributed accordingly. There will be single family housing unit rehabs, multi family housing rehabs, low income family home ownership opportunities, etc. There are also some extra monies allotted for code enforcement in the South End. There are also some really good public improvement projects as well as water and sewer projects on Pierce and Winter Street as well as paving there and on South Avenue. There will be trees planted and sidewalks done along the lot on South Avenue to soften that transition from that empty lot to the rest of the neighborhood. There is also hope to have a sidewalk program similar to the one that is ongoing citywide, giving additional funds to the South End.

Alderman Michales asked if the additional monies for code enforcement would be to give them more oversight over more than what that department would have done in the past. She noted that this would give them the ability to spend more time in the South End monitoring properties, tenants and property owners. It was noted that this was a two (2) year program schedule. Alderman Feiszli noted that she spoke with Ann on how the Council can be aware of upcoming grants and how the Council can be more proactive in areas that they might see fit for low and moderate income individuals or other grants. Ann had offered to come and speak to the Council about some of the other opportunities that might be available. Alderman Quail expressed his thanks and those of the South End residents for Ms. Hotchkin's efforts.

By: Alderman Quail
Seconded: Alderman DeCarlo

Approved: Ayes - 8
Nays - 0

Item No. 2 - Presentation by a member of the Cortland Celtic Cultural Association regarding their festival scheduled for August 25, 2007.

Mr. Dan Ross was present. The festival has been held at the Fairgrounds in the past. Last year, Lloyd Purdy, Director of the Downtown Partnership approached them to see if it could be moved downtown. It was looked at; the Mayor thought it was a good idea. It was felt that there would be better participation. Also there would be no admission.

That was taken into consideration, the park is handicapped accessible. It will be August 24, 25 and 26, 2007. The Friday night will be a concert on Main Street and the band will be Greenwich Meantime. This will be put on by the Cortland Downtown Music Association. It will be their last concert of the year and they will get the proceeds. On Saturday will be a major event and then there will be some events on Sunday. The Committee did speak with Chief Nichols prior to moving the event downtown. They discussed the fact of closing a portion of Central Avenue between Church Street and Greenbush Street, so vendors and pedestrians could use that area. It would be for Saturday only. It was noted that the scheduled athletic events would be held in part of the Park towards Greenbush Street. Alderman Feiszli inquired about the Fire Department approval and Mr. Ross said they would speak with them. Andrew Damiano asked if Mr. Ross could be present at a City Department Heads meeting to speak to all the departments at once to address their questions and concerns and then bring this request back before the Council. Alderman Michales noted that he has residents who live in the park area who have some concerns that whenever an event is held in the park area, they would not like to have their property violated and he asked that the Committee keep that in mind. Mr. Ross also noted that this event was not the only event that this Committee sponsored. A Celtic event was held at the 1890 House and a hundred and thirty (130) people were there. They also held a St. Patrick's Day dinner at the office and at the end of this month; they are putting on a concert at the Center of the Arts in Syracuse with Greenwich Meantime.

RESOLUTION #27 OF 2007 - Consideration of a Resolution authorizing the Mayor to sign a loan agreement with the New York State Department of State for \$60,000 in Emergency Services Revolving Loan Program funds.

Firefighter Don Hewes was present to describe this program. For ten (10) years the firefighters have been gathering information in regard to the diesel exhaust issue at the fire station. It is a significant health issue for the firefighters in that building as well as anyone who works or visits the fire station. Over the last year, they've worked more closely with the City to try and find a solution to this problem. The biggest part of the problem has been the cost. They've applied for over two (2) years for federal grant funding without any success. They continued to do the research on the significance of the problem with firefighter exposure to diesel exhaust and related health problems. This year, working with the Mayor and Andy Damiano, they redoubled their efforts and worked with the McNeil Company to help in the effort. McNeil's wrote an excellent report that helped organize all of the information that had been gathered in ten (10) years of files and it summed up the firefighters exposure and the urgency of the problem and evaluated their options on how to proceed. The report was very helpful in pulling everything together. About three (3) months ago, the City applied for the Emergency Services low interest loan which will allow the City to purchase the equipment needed to put in a diesel exhaust capture system in the fire station. They were just awarded the option of taking out this loan recently. Andy Damiano had distributed a memo to the Council outlining the conditions of the loan. It's a ten (10) year loan at a very good two and a half (2 ½) percent interest with minimal repayments of about \$6,800 a year. The first payment wouldn't be due until about 2008, so it wouldn't affect this year's budget. The City can now budget accordingly for the loan. The loan rate is very attractive. There are currently no budgeted or capital funds to do this project otherwise. Firefighter

Hewes thanked all of the individuals involved in reaching the solution to this problem. Alderman Michales related that his father's health may be related to exposure to diesel fumes. Alderman Feiszli noted that New York State now has a diesel emissions law in effect. Mr. Hewes noted that the system they planned to purchase was easy to install and also is highly portable, so it can easily be moved and installed in the new fire station. There is no exterior portion of the building that has to be designed around it. It is a complete capture system.

By: Alderman Quail
Seconded: Alderman Michales

Approved: Ayes - 8
Nays - 0

Item No. 4 - Discussion regarding amending the eligibility requirements for senior citizen exemptions (Alderman Partigianoni).

Alderman Partigianoni noted that the senior citizen tax exemption is somewhat of a misnomer because two (2) years ago the Council included those with disabilities and limited income senior citizens. He read the local law that was passed. He wanted to acknowledge and thank the Common Council. On two (2) previous occasions, they have been very cooperative in addressing this issue.

He noted that they were looking at a sliding income scale with various tax exemption rates. He proposed, with the suggestion of David Briggs, the City Tax Assessor, that the Council extend this to a sliding scale of \$20,001 to \$20,900 for 15%, \$20,901 to \$21,800 to 10% and \$21,801 to \$22,700 to 5%. He noted that currently about two hundred (200) senior citizens on limited income and there were less than fifty (50) on disabilities that were taking advantage of this program. It's affect on the tax base in the past, was about seventy-five cents (\$.75) for the average household taxpayer in the City. It was noted that Mr. Briggs will be here at the next meeting to discuss the minimal impact on the City. Andy Damiano agreed that it will be minimal, but was unsure that it was as low as this projection. It was also noted that the proposal before the Council was Option #2 as Option #1 was already in effect and the percentages had already been set by the State. It was noted that the County hadn't adopted the last two (2) percentage increases on the chart before the Council. Alderman Partigianoni asked if Dan Ross would take that back to the County for consideration. He asked for the Council's consideration of Option #2. Andy Damiano noted that no action could be taken at this time and he outlined the two (2) local laws of 2004 already on the books. To amend a local law already on the books, the Council has to rescind those laws and enact new local laws. What the Council has to decide is should they rescind those two (2) laws and enact two (2) new ones or consolidate the two (2) new ones into a single new law, which might be a better option, making it less confusing. Then the process is as usual. Present the new local law and lay it on the table for ten (10) days, schedule a public hearing, hold the public hearing and then vote some time after the public hearing is completed. There is no rush to do this, as it doesn't need to be in place until August. Dave Briggs is going to come on April 5 and give more details on the number of persons he thinks might be eligible for the revised local law. He will address whether the income

ranges can be changed and how, between existing State legislation; and the relationship to the County and School exemption tables. The Council can adopt a resolution asking that the County and School District consider changing their tables to match the City. It is a somewhat complicated and a lengthy process. He felt that it probably can be done by June at the latest. Alderman Partigianoni indicated that he would like this done so that it can go into effect by next year. Mr. Briggs will also address the Council on the impending re-evaluation that will start this summer and what it entails for the public.

Alderman Feiszli asked if the Zoning issue could be made into a Work Session as opposed to a Council meeting. Mr. Damiano noted that would make more sense. He thought that perhaps April meeting dates would be appropriate and various entities involved would be contacted.

Adjournment

By: Alderman DeCarlo
Seconded: Alderman Quail

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 20th DAY OF MARCH 2007. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN - CITY CLERK

MAYOR THOMAS GALLAGHER