



City Council Minutes The City of Cortland

May 15, 2007

Council Meeting #10
May 15, 2007
Regular Business Session
City Hall
7:00 PM

Present: Alderman VanGorder, Terwilliger, Cobb, DeCarlo,
Quail, Feiszli, Partigianoni and Michales

Staff Present: Corporation Counsel Lawrence Knickerbocker, Director of Admin. &
Finance Andrew Damiano and City Clerk John O. Reagan

Mayor Gallagher calls the eleventh Common Council meeting of the year to order at
7:00 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Abigail Cleary spoke lives on Stevenson Street and she is in favor of the moratorium. She has moved here from the mid-west five years ago. She likes the small community feeling and affordability. They are happy here and this is special, but it is fragile. Safe family neighborhoods could quickly change into non-cared for properties, densely populated non-residential community with absentee landlords. Small cities and towns have the greatest chance of controlling the kind of development that occurs in a neighborhood. Issues we confront are manageable. She urged the Council to adopt the moratorium.

Vivian Bosch turned in additional petition signatures, which now total 530. This is not just the Hill Neighborhood Association members, but includes residents from other areas of the city. They are also calling asking for moratorium signs. At the recent Ward meeting she learned that the City has not prosecuted a case of over-occupancy under the new definition of family which was implemented at the end of 2003. She was surprised to hear that. She felt that this law placed the burden of proof on the tenants to prove that they are a family and not us having to prove that they are not. She did research and our law is widely accepted in cities throughout the United States. Williamsburg, Virginia wants to use mandatory registration and inspection as a means of preventing more than three (3) unrelated individuals living together. She outlined some other information she learned about how other cities handle this issue.

Mike Dexter represented the Landscape and Design Commission. They have been notified by Ann Hotchkin who is in charge of the tree lottery through Thoma Development. Not many people have applied for trees this year and there are trees available. He brought applications with him. He has been notified by Jim Maloney of National Grid that the tree trimming has been delayed because of other projects so it may be done at the end of the summer or early fall. He announced that the City, the Landscape and Design Commission and the Cortland Free Library, they have planted twelve (12) apple trees at the deer pen and have fenced them in hopes of feeding the deer in the future.

Shawn Smith introduced herself and she is doing an internship with SUNY Cortland on housing policy in this area. She will be going out to try to interview people on this issue and at the end of the internship she will be giving a report on her findings.

Rosemary Taylor spoke in favor the moratorium. She was out collecting signatures for a petition and spoke to many residents about this concern. While out, she noticed many of the student housing properties were unkempt.

Kay Zaharis, Director of the Cortland Free Library spoke. She noted that old metal library shelving was used by Mike Dexter to hold up some of the fencing at the water works. The library is looking great and she invited everyone to come over. They have a fine staff of volunteers. They have many programs planned and have published a monthly activity sheet.

Minutes of May 1, 2007

RESOLUTION #46 OF 2007 - Approve the minutes of May 1, 2007.

By: Alderman Quail
Seconded: Alderman Michales

Approved: Ayes - 8
Nays - 0

Bills were reviewed and received.

MAYOR'S REPORT

He and Andy Damiano met with representatives from National Grid to discuss the contract. He was interviewed with Kevin Mooney on WKRT. He attended Boy Scout Dinner. He was interviewed with WHCU.

Met with Thoma Development to discuss on-going Building Now New York site and attended press conference on bio-diesel plant in Polkville. He hosted the Commissioner from the Governor's Office of Small Cities at a Meet and Greet program for municipalities in Cortland County. He also toured Water Works and Carl Ochs' property with Chris Bistocchi to identify possibilities for mitigating flooding problems in the Otter

Creek area. He noted that they are uncomfortable with the County's feasibility study as the ongoing costs of this are unknown. There are a lot of unanswered questions so the City is going to put the weir back in at the water works and that will have about a four (4) or five (5) acre holding retention pond to mitigate the flooding on Otter Creek. He thanked Alderman Terwilliger for her behind the scenes work on this project. The DEC had ordered the weir removed some years ago and Bob Spada had warned at that time that if it was removed, flooding would occur. The City has just found out from the DEC that it can be rebuilt to control the water and the estimated cost of this project is about \$500. Permission to rebuild was received just today. The rebuilding will begin early next week. There is also a detention pond going in by the Comfort Inn and Suites that will also help with this issue. The wells in that area will be monitored for sodium chloride. Alderman Feiszli asked if Chris Bistocchi could address the Council on this project as well as inviting County and County Planning Committee representative Carol Tytler to do the same. The retention pond will be in the back of the water works. The DEC is also going to provide a boom to remove debris out of the creeks and homeowners will be contacted to get access to the creeks for debris removal.

Upcoming events:

May 16	1:00 - 5:00 PM	Access to Independence Open House 20 th Anniversary
May 18	8:20 AM-2:30 PM	Homer School Living History Civil War Reenactment and Celebration
May 20	2:00 - 6:00 PM	Cruise Night
June 5		Dairy Parade

Ward 1 - Alderman VanGorder

Not much has been going on. She has had a couple of code issues and has contacted the Code Office regarding a house on Parker Avenue. She has also spoken with Chief Nichols regarding the speeding issue and the police are trying to get on top of that. She urged residents to take down license plate numbers of speeders and report them to the police and the police will pay those individuals a visit. Tickets won't be issued, but they will be warned. Many times these are repeat offenders.

Ward 2 - Alderman Terwilliger

Alderman Cobb and she had their combines Ward meeting last week. There was a good turnout. Carol Tytler came and she thanked her for speaking about the flooding issue. Amy Bertini was there to speak about code issues. Constituents had many issues and the moratorium came up. Many people in her Ward are in favor of the moratorium. She did receive some calls about the party on Monroe Heights and noted that it was patrolled and the landlords and students did do a nice job of cleaning up after the party. She hoped that some of the residents concerns will be addressed with agenda item #4, the rental property permit program. She also received some e-mails

regarding flood mitigation proposal. She thanked Alderman Feiszli for all of her hard work and she thanked those in the Ward who have worked on this.

Ward 3 - Alderman Cobb

She thanked all of the residents who came to their Ward meeting. There are a lot of concerns out there that they are trying to address and she feels that agenda item #4 tonight is a step in the right direction. She is also waiting to hear more about the moratorium. She hasn't had a lot of code issue calls and she has had e-mails regarding the County and City working together on the flood mitigation and also support for the moratorium.

Ward 4 - Alderman DeCarlo

He has received a few more calls on housing issues. They are paving Frank and Duane Streets. It's looking very good. There was an attempted burglary on Delaware Avenue. The individual responsible was caught in Ithaca. The City Police Department is doing a good job. He did bring a letter that he's going to pass onto the Code Office that his daughter received asking her to leave after the building where she has an apartment was sold and the new owners indicated that they are turning the two (2) properties into student housing. There will be further discussion when they get to agenda item #4.

Ward 5 - Alderman Quail

He had several code issues and he thanked Chief Glover for handling them. He was asked if anything could be done to control the beer pong games that are going on in front yards. He asked Corporation Counsel what could be done. Mr. Knickerbocker noted that the City only had jurisdiction if they were doing it in the public right of way. There was nothing the City could do if it was on private property unless the participants became noisy, disorderly or littered. This has been discussed with the Chief of Police when there was concern about Monroe Heights. The Chief took a pro-active stance and went to the landlords and tenants and told them that if they became noisy, disorderly or littered, that they would be arrested. He thinks that this has had an effect on keeping things down to a dull roar in this regard. The Chief also told tenants and landlords that if the police felt that someone on private property was under the age of 21 they would be seeking identifications and proof of age and that seemed to have an effect on these parties. He also received several calls and e-mails supporting the moratorium.

Ward 6 - Alderman Feiszli

She received a call from a resident on Bowers Street regarding a large drainage ditch that takes the run off from Rt. 81 that is owned by the State. It has been a concern for a number of years because of the debris that keeps falling into it and recently someone had cut down some trees and thrown the branches into it. The following day, she contacted DOT and the next day they came and took the trees and branches and cleaned out the ditch. The meeting of the East End Business Association was

cancelled on the 14th and will be rescheduled. It will be productive when they do meet because everyone is working very hard.

She walked the River Trail for the second time and she sent out questions about the trail itself to the County and saw was told that once the City meets with the County to go over some issues, the County will meet with the residents to address their concerns. Ann Hotchkin sent out packets concerning the sidewalk replacement program. In regards to having inmates clean City parking lots and riverbanks and railroad tracks, she is still working on that. She thanked Carol Tytler and the County Planning Committee and she is aware that they are waiting for an answer from the City regarding the flooding mitigation. She did receive calls about the moratorium. She realized it is not on the agenda, but the Council authorized Corporation Counsel to continue looking into legalities and he will speak about that.

Ward 7 - Alderman Partigianoni

He attended the Youth Conference acting as a chaperone. It was a full day event held at the Holiday Inn. He had a couple of code issues that the Code Office responded to and he was told by Capt. Knickerbocker, that one (1) issue will be rectified tomorrow. Work has stated on the Clinton Street Extension bridge. The DOT has two (2) year temporary lease on the old gas station property there to park their equipment there. He mentioned the free golf clinic scheduled for May 20 from 3:00 to 5:00 p.m. Four local pros, Steve Malloy, Bruce Martin, Mike Timmerman and Marcus Bernardo will try to be there. This is at the Elm Tree Golf Course driving range. Bruce Martin has made some holes available for this event.

Before you is the senior citizens and disabled persons City tax exemption sliding scale. A public hearing will need to be scheduled.

Corporation Counsel Knickerbocker explained that these local laws needed to be separate laws. The first is the senior citizens tax exemption and the other is the persons with disabilities and limited incomes tax exemption. They have now been set on the table and at the next Council meeting there will be a public hearing and then the Council will be able to vote on these at the meeting after that. These will amend what is already in place by increasing the range which was brought up by Alderman Partigianoni. They are the same as what is already in effect, but they just increase the income range. If approved, these will be in effect the next tax year. There will be a notice placed in the paper giving residents an opportunity to give their opinion.

Alderman Partigianoni noted that fifteen (15) trees have been marked with a yellow X to be removed. They are street trees and he did receive a few calls asking that additional trees be considered. These will be passed on to the Public Safety Office. Stub's Tree Service will begin work soon. He also had a call from an out of town Mayor regarding the Cortland Mayor's salary was extremely low in comparison to other communities. He noted that he was aware that this was a part-time position, but he noted that Mayor Gallagher was a full time mayor and often worked weekends. He gave some background on the present salary, noting that some time ago it had been reduced to accommodate a previous mayor and has been reduced every since. He asked that this

be looked at and addressed. He gave some examples of the salary disparity. He felt that the salary not only be restored to its previous level, but even increased further to a reasonable amount. Alderman Quail thanked him for supporting an issue he has brought up before. Alderman Terwilliger asked what the process would be to do this. Andy Damiano stated that it would be the process of enacting a local law and it can't take effect until the next term of office. The earliest it could take effect, if passed, would be January 1, 2008. He asked that it be placed on the agenda for the next Council meeting.

Ward 8 - Alderman Michales

He attended the groundbreaking ceremony for the bio-diesel facility along with the Mayor. He has received calls that are code related and has dealt with a woodchuck issue. Tonight he looked at a concern about two (2) parking spaces on Central Avenue. The church on the corner of Church and Central Streets wants to see if those two (2) spaces could be made into No Parking due to egress issues from their parking lot. Andy Damiano asked that they address their letter to Mike Preston of the Public Safety Commission for their review and recommendations. Field work will be done after the request is received. He is also trying to resolve a tree limb issue that came to Alderman Quail and was turned over to Alderman Michales. He also is looking into the issue of a large truck parked at a residential property. This is still on-going. He is trying to work with the homeowner, to place the truck at another location. He will be cited if that doesn't happen. He has an ongoing problem with some standing water and the water table is very high and will remain that way until it recedes. The homeowners do feel relieved that the issue is not caused by other neighbors. There was an issue with a tree removal that was done on Church Street and that was resolved.

Alderman Partigianoni brought up another item regarding a complaint he received regarding the County's expansion of their parking lot on Elm Street. The Mayor noted that the County wanted to put their generator there for the 911 system. This is not final and has to go before the full legislature. The Mayor thanked Alderman Feiszli for filling in while he was out of the office and he also thanked Chief Nichols and his department for the great job done on Monroe Heights over the past two (2) weeks. The Mayor noted only forty-one (41) arrests were made the first weekend and last weekend it was minimal. Police asked students to come out in the middle of the night to clean up their party mess and the arrests were significantly down from last year.

RESOLUTION #47 OF 2007 - Consideration of a permit request submitted by the Cortland County Relay for Life Planning Committee to operate a sound enhancing device at Davis Field (SUNY Cortland) from 7:00 P.M. on June 15, 2007 to 8:00 A.M. on June 16, 2007; and to waive any related fees.

By: Alderman Partigianoni
Seconded: Alderman Quail

Approved: Ayes - 8
Nays - 0

RESOLUTION #48 OF 2007 - Consideration of a Resolution recognizing \$14,626.65 in insurance recovery revenue, plus \$5,925.00 in revenue from the auction of old vehicles; and appropriating said additional revenue totaling \$20,551.65 to Account No. 3120-206-00 (Police Operational Equipment).

By: Alderman DeCarlo
Seconded: Alderman Cobb

Approved: Ayes - 8
Nays - 0

RESOLUTION #49 OF 2007 - Consideration of a Resolution authorizing the adoption of procedures for the application for and approval of street closing requests.

It was noted that this was the application from the last meeting, with all of the revisions and it has been reviewed and approved by the City Police Department. Alderman Feiszli thanked everyone who got together to work on this and those who supported it.

By: Alderman Feiszli
Seconded: Alderman Partigianoni

Approved: Ayes - 8
Nays - 0

Item No. 4 - Discussion regarding the concept of a residential rental property permit program (Alderman DeCarlo).

Alderman DeCarlo felt that it is time the Council acted on a measure that dealt with this issue. He has seen examples of a permit program adopted by other municipalities. In addition to that, he brought other information and asked for a work session to be scheduled. They Mayor noted that what they were looking at was to add a fee per unit per property permit, a nuisance permit for parties and vehicle and traffic violations for people parking on lawns and a house inspection program.

Alderman Feiszli asked for information on the City's current code in regard to wording already in place about inspections for single and multi-family homes. They Mayor noted that this was permission from the property owner and that isn't always given and if not given, you can't get into the property without a presumptive cause. Alderman DeCarlo wants to tie it in to the permit clause, so that the City has the ability to inspect the housing every semester. He referred to section 103-96 E from another community's code; no bedrooms for transient use shall be located above the second story; put into writing, this would address complaints about apartments going in on the upper floors. The Mayor noted that presently there weren't enough teeth in our code of ordinances to prosecute violators of this. Inspections and registrations are being done now, but it, too, doesn't have enough teeth to be enforceable. Alderman Feiszli read the current City

inspection code and asked if the City has been doing that. Andy Damiano noted that the biggest issue was that this was on the honor system and if the City was unaware if a single family home was being used for multiple units, the only way they would find out is if it was reported by a complaint. Alderman Feiszli asked if there was a way to review past judgments that have been dismissed to find out what has not been done and what they could be doing. Corporation Counsel noted that to bring these cases back to court, the City must have sworn statements from people evidencing that there are an excessive number of people there. Because some of these places are pre-existing non-conforming uses which the existing three (3) has nothing to do with. It's called grandfathering and that ordinance doesn't pertain to them. Relative to the ones it does pertain to you have to have sufficient proof to even get to court and that requires sworn statements. What has happened is, the tenants and certain landlords are aware of this and have formed a functional family unit or have not put names on mailboxes and there is no means of obtaining where these people live through the college because it's protected information and we can't get people to sign affidavits giving the City sufficient detail to bring them to court. With a program that people have to sign up for, there is the ability to enter by the Code Enforcement Office to see what's there and it makes it a lot easier to prosecute. It's not impossible to prosecute the three (3) unrelated, but this would be an easier vehicle to get where the City want to be. That's Corporation Counsel's view on this. Alderman Feiszli asked how long it would take for this program to work from beginning to the end. It was hoped to draw on the experiences of these other municipalities that have had it tested and learn from it. Alderman Feiszli asked if this was why it was a good idea to have a moratorium in place in order to get these issues ironed out. The Mayor and Corporation Counsel noted that the moratorium wouldn't address these issues, but it was noted that it could create a delay. Alderman DeCarlo stated that three (3) and four (4) bedroom homes in Cortland are being marketed by real estate agents as student housing because they were good income property. His daughter received a letter and in it was told that owners are receiving \$2,200 per semester, per room, per student. The house she lives in is a single family, rental home.

There was discussion regarding how to define the difference between a college student renter and a single individual renter. Another thing brought up is that you can't control who might buy a home and what they might do with it, but they can address how many people are in that house, where they park and how it's taken care of. Not all students are bad neighbors. Alderman Terwilliger doesn't know if the moratorium will address the issues that residents and the City are facing. Alderman Feiszli felt that the moratorium would stop conversions that are in the process until the City has something in place. The Mayor noted that these can be controlled now by certificates of occupancy and the Planning Commission. Alderman Cobb felt that realtors needed to notify potential buyers what can or cannot be done in the City and she wasn't sure that was being done across the board. Corporation Counsel stated that certainly was not being done because he has met with clients who have repeated to him what some real estate agents have told them in regards to what can be done with a property and how many people can be put in it and it is not correct. He also noted that if an owner took a single family residence, put up partitions and put a large number of students in there, the City could only act if the students themselves came and reported it. There was further discussion as to what the definition was of multi-family residence units versus

single family homes. Corporation Counsel noted that this issue came under the New York State Uniform Code and it dealt with multi-family and commercial properties. Alderman Feiszli noted that she is trying to get a program that works and the Mayor noted that was the goal, a program that they could get to court.

It was agreed that this can be done best at a work session and bring in the special Counsel to work on this.

Corporation Counsel Knickerbocker went on to talk about the counsel he was asked to retain. He found Cheney and Blair who seem to have an extensive background in moratorium issues. He went on to outline their experience in that and municipal law. He has brought them all of the City's background information on this issue for their review. They have indicated that because of their obligations to the Town of Sennet, that they had limited time to start working on this and he anticipates talking with them y the end of the week to see how they are progressing. They've indicated that they will be happy to come and meet with the Council as long as they receive advance notice. They are looking at the moratorium issue. A date for a work session will be set and public notice must be given five (5) days in advance.

There was discussion regarding the relationship between limiting the number of unrelated in a household and the spreading of those households to meet the demand for housing. There was also discussion of quality of life issues and their impact to a neighborhood. The City and Council are committed to doing something, but it won't happen over night, but they'll keep working on it.

Adjournment

By: Alderman DeCarlo
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 15th DAY OF MAY 2007. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN - CITY CLERK

MAYOR THOMAS GALLAGHER