



# City Council Minutes The City of Cortland

July 3, 2007

Council Meeting #12  
July 3, 2007  
Regular Business Session  
City Hall  
7:00 PM

Present: Alderman VanGorder, Terwilliger, DeCarlo,  
Partigianoni and Michales

Staff Present: Director of Admin. & Finance Andrew Damiano and  
Corporation Counsel Lawrence Knickerbocker

Mayor Gallagher calls the twelfth 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 June 19, 2007

**RESOLUTION #62** OF 2007 - Approve the minutes of June 19, 2007.

By: Alderman DeCarlo  
Seconded: Alderman Partigianoni

Approved: Ayes - 5  
Nays - 0

Bills were reviewed and received.

Mayor's Report

He attended the River Trail meeting at the County Office Building. He met with Marietta officials to discuss their upcoming business plan. He also met with Governor Spitzer's new representative, Dan Young. He did a radio interview with WHCU, as well as attended the Firemen's swearing in ceremony. Ken Thompson was the newly hired

fireman and Lee Price was promoted to Captain. He was the guest speaker at the ground breaking for Housing Visions. He did a radio interview with WKRT. He also attended the League of Women Voter's meeting where Marty Mack was the guest speaker. There have been some outages at Cortland Plastics and Cayuga Press. They've been going on since last Friday, but the problem has been located and now everything is fine.

Ward 1 - Alderman VanGorder

She has received some calls regarding the Baptist church on Rt. 281 and the paving of the parking lot there. She spoke with the Code office about it and made sure that they had all the permits for this. She also received some calls regarding the cat house and she spoke with Corporation Counsel Knickerbocker and Director of Administration and Finance Damiano and passed along the neighbors concerns. She also talked with them about the top five (5) issues; the police station, the fire station, City Hall; as one. Flooding issues were another, the moratorium was another, the pet ordinance was one and also, she spoke with Chris Bistocchi of the DPW to get a rundown of what is going on with the various paving projects. Andy Damiano is going to update us on the first two issues and Larry Knickerbocker will address the next two issues.

Director of Administration and Finance Damiano stated that the first domino that has to fall if we are going to do any renovating of any facilities, the fire station issue needs to be addressed. The City is looking at the Ames property as a possibility for expansion of the main station. The City is also looking at another property, which he is not at liberty to address publicly because the owners haven't given the City permission to do so. It has been looked at for about a year. The next step will be for a professional to determine whether or not the Ames property or the other property makes sense in either building new or expanding. A professional architect that has experience in fire station construction needs to come in and do an evaluation of the City's needs is the first step. After that is identified, this professional needs to assess the two properties to see if either one or both could meet the needs and give us an estimate of cost to build either a completely new facility or expand the existing facility. Chief Baron, the Mayor and I have been very active in talking with architectural firms to determine what it would cost to do that type of evaluation. The City has gotten a range from \$20,000 to \$45,000, which is not overly expensive. Obviously for more money they can do elevations and other things. The initial assessment and recommendation on which property to go with would probably be in the range of \$20,000 to \$25,000. We obviously have no funds in the budget for that expenditure. He has recently been doing evaluation and assessment on the Capital Fund regarding bond issues to see where the City is on various projects. It looks like the City has completed their portion of the South Main Street project payments, other than perhaps one (1) more bill, it looks like they came in under budget and there may be funds left in the 2005 bond issue that was earmarked for the South Main Street project that we might be able to use for the engineering/architectural study. He will verify that for the next Council meeting. We will probably be looking for, at that point, is approval from the Council to proceed with hiring a firm to make that evaluation so that we can move on with this process. They have talked with a couple of very competent firms with a lot of experience and he is confident that either one would be great. It's just a matter of how large a scope the City would like

them to take in this study. This evaluation would be necessary to determine if any of the properties they are looking at would work and then proceed from there. Then we can decide what we can do with the Main Fire Station as it currently exists. If it continues to be a fire station then that's what it's going to be. If it comes off of the City's inventory of building for that purpose, it then becomes available for another use. Until that is determined, they cannot proceed with the police issue or City Hall issue.

Andy Damiano contacted C & S Engineers who is in the process of drafting the three (3) party agreement between the City, the County and them to do the study about flooding. He had read to the Council what Soil & Water Conservation is going to do for free, which is the evaluation of the Water Works facility and the impact they think the weir will have on the flooding. They started that study, but the results have not yet been received. Alderman Michales asked if anything had been heard from Cortlandville and the Mayor noted that Cortlandville had made it quite clear that they are not going to participate in this study. He noted that they are doing a partnership with Cortlandville and the Highway Department for a retention pond out on Starr Road and they're also working with Gutches Lumber on their flooding issues. Their hands are full, just like ours.

Corporation Counsel Knickerbocker noted that regarding the moratorium, that there was going to be a joint meeting before the next Council meeting starting at 5:00 PM with the Planning Commission to discuss the proposed moratorium. Cheney and Blair that drafted the initial proposal, was just a sketch of what they thought the Council might be looking for based on the documentation that Corporation Counsel provided to them. He provided them with the Master Plan, proposed amendments, our existing zoning, what the proposed moratorium should entail as given him by the Council and what he thought the issues were. This is open for discussion and if you have any ideas or thoughts and you want to give them to him ahead of time, he will forward them to Cheney and Blair. They will be here for that meeting and they will assist the Council through the process and any decision making as to whether we want to do a moratorium and the language that needs to be utilized or if we don't want to do a moratorium. He has also provided them with documentation relative to the rental permit program that Nick, Shannon and the Mayor have brought forward based on what some other college communities have utilized to try to get a handle on this. Andy Damiano provided him with a document as to a case that had been cited by NYCOM as to potentially being problematic in that. He read the case and then forwarded it to Cheney and Blair and hopes that they will be able to provide the Council with the viability and legality of that process and also some of the things that can be done to tweak the other ordinances to make them fit in Cortland. Cheney and Blair have the zoning ordinance as it currently exists for the City as well as the proposed revisions that were done as of the end of March 2007.

Relative to the animal/cat issue; based on the finding of guilty by Judge Meldrim, there is a sentencing conference next Tuesday between the defense attorney, the district attorney and Corporation Counsel. Mr. Damiano on behalf of the City filled out a victim impact statement and he reviewed it and thinks that it sets forth very well what the City's position is in this. Not just monetarily, but all of the time of the regular personnel spent in getting prepared for this and all of the additional volunteer personnel that came forward and assisted, which kept the costs really down as compared to what it would

have been otherwise. He also did a very good job in putting forth what that dollar amount means to the City of Cortland in what other alternative things we could have done such as paving roads, getting additional police protection, etc. Hopefully that will hit a nerve with the court. This is only a conference. Sentencing will not be going forward that day. He thinks the judge wants to get a feel for where everyone is at with this and probably will adjourn it for a week or so and then have the sentencing a week or so after.

Relative to the individual homes with animals, that is an easy fix, if that is what the Council wants to do with the specific numbers that have been talked about. The problem they are really looking to face is the spay and neuter clinics. Andy Damiano has followed up on that and will give you more information. He has contacted Ag and Markets and the New York Secretary of State. They have no interest in it. This is both good and bad. Better, in his view, that the State becomes involved in the sense that there would be common laws and practices throughout the State as to how these things are to be handled. It makes it easier on everyone throughout the State. This isn't just a Cortland problem, at least once a year, without fail, there's an article in the NYCOM bulletin about feral and stray cats. Since the State has not stepped in, the City is not pre-empted from coming up with their own ideas as to how to handle this. Dr. Cadwallader is quite ambitious in this and is trying to get the NYS Veterinary Medical Society to try to come up with some standards that we could impose as far as air circulation, density of animals, etc., and even if we were to impose these standards, the Society would partner with us to see that those things are being done. He doesn't know if there is any type of ordinance in New York State in a municipality so Cortland could be a frontrunner in that. Since it's a wide open field, it gives us a lot of latitude to do what we want to do, so long as we don't step on any constitutional rights of anyone.

Alderman VanGorder also spoke with Chris Bistocchi who gave her a brief rundown of where the DPW is at this summer. In June, they completed overlay projects on Wheeler Ave., Elizabeth, Valley View, Duane, Frank Streets and pretty much done, but they still have some driveway aprons to do and will get back in July and August on those aprons. The Water Department finished its gate valve and service work on both Kennedy and Greenbush. NYSEG now needs to install gas mains sometime in July or August and when that is complete the DPW will pave. The work on the North Main Street bridge will start on July 9, which will close that street off to all but local traffic. Sanitary and storm sewer contracts are scheduled to be bid and awarded on July 25, with storm sewer work on Kennedy Parkway and from the hospital down North Main Street to Miller Street. Once these projects are completed, the DPW, depending on time, will pave these streets as well. This is really good for everyone to hear about these things and the progress that's being made. She drove through downtown today and the trees are full and the flowers are out and people were walking around and it looked really nice and she wanted to commend the people involved. Linda Kline was thanked for having painted over the boards on the Shangri La store building.

The Mayor noted that the City did get a grant to fix up the filters at the Wickwire Pool, but the money has not been received and that project has not yet been done. Dan McNeil is going to help them through that process.

Alderman Partigianoni noted that he was disappointed with the hiring of the land use attorney. His idea was that we'd hire experts in this field to tell us the pros and cons of a moratorium and the repercussions. That didn't really happen. They came before the Council with a moratorium and showed them how to really lay it out. Corporation Counsel noted that was why a work session had been scheduled with the Planning Commission. He also noted that the direction he received from the Council was to prepare a draft moratorium and that is what they did. They offered no opinion as to whether it should or should not be put in place. When you meet with the Planning Commission, I believe there will be a full discussion about that and you can certainly pose to the attorneys as to what their opinion is and if they feel that will address the issue at hand. They want to hear what the concerns of the Council are and what you are trying to address. Alderman Partigianoni referred to page 3 where the Council was mentioned. Corporation Counsel noted that in preparing the draft, they had to note that there was an underpinning of legislative intent and reasoning of the Council. This is only a draft. You will have to come to a consensus and make decisions for this moratorium to be passed. This is just an example.

Ward 2 - Alderman Terwilliger

She spoke with some individuals on Arthur Avenue and they noted that the curbing over there was all mangled. She spoke with Chris Bistocchi sometime ago and he did tell her that they did curbing with the asphalt on Brown Avenue a couple of years ago and he is going back to check that out. She noted that perhaps the people on Arthur weren't too keen on asphalt curbing, but it is the taxpayers' responsibility. She did ask the Mayor if perhaps something could be done like the sidewalk program, where the City shared the costs so that people could redo their sidewalks. The City must've done them originally because they are all the same. Andy Damiano noted that the City did that when the streets were installed years ago.

She also noted that walking around the neighborhood she heard a request from a number of people in regards to a train station in town. There isn't one here and she thinks that one would be utilized. It might be an incentive to bring people in for tourism as well conserving energy. The Mayor noted that there are two (2) things going on. The College just got a study grant to talk about passenger service and also, for two (2) years there has been a group working out of Binghamton to bring the rail service from New York City to Syracuse and running passenger service. They already have it from New York to Syracuse, going the other way, but not up through Binghamton and Scranton. They have been working on that and there is a meeting scheduled for next week. The other issue is that that is privately owned. The rail station is all done. Walter Rich saw to that quite awhile ago, so there are people working on it. The College got \$30,000 for the grant. Alderman Michales noted that he will be meeting with that group on Monday and he invited everyone to attend. He noted that it's at 10:00 a.m.

Ward 4 - Alderman DeCarlo

He has been out in the neighborhood lately looking at the houses that have been up for sale. Originally he was given a list of student housing, by somebody in the Hill

Association. It's not real accurate, so he's been taking notes as to what private houses have been utilized for rental whether by students or other tenants. Right now there are a lot of vacancies, so it's pretty easy to tell which ones are being used by students. He has some questions regarding the moratorium signs, such as are they legal or is there a City ordinance regarding signage. He has had questions in this regard from some constituents. Andy Damiano and Lawrence Knickerbocker thought they might fall into a similar category as political signs. This falls into a free speech issue. Lawrence Knickerbocker felt that they probably were legal. The Mayor noted that the signs didn't make the community look very good, when the signs were tipped over, etc. Alderman DeCarlo noted that he would be on vacation during the next Council meeting and he wanted the Council to be aware of his opinion on the rental permit program. He wanted to know if the language in our Code could be change to address this issue. He wondered if the definition could be added for transient people, those only residing from semester to semester. Can we tie into the frequent home inspections from a safety stand point? He would like to see the Code changed if a permit program is adopted so that we would be allowed to inspect purely at random. It was noted that the inspectors had to be allowed in. Alderman DeCarlo noted that the City of Oneonta had safety factors that must be met for student housing. Andy Damiano noted that the courts have determined that mandatory involuntary inspections are a violation of their constitutional rights. Alderman DeCarlo felt that we needed to find a way to enter these rental homes to determine if they are up to code. He noted that dormitories are inspected as soon as they are vacated to make sure that they are up to the State's standards. He feels that if homes are being used this way, the tenants are entitled to the same standard. Andy Damiano noted that the College was the owner of the dormitories and they wanted the inspections, whereas the landlords don't necessarily invite us in or want us in. Corporation Counsel noted that potentially there could be some type of incentives for them to undertake this program. The incentive could be as simple as the City has an approved list of landlords because they allow us to come in quarterly and let us look at their premises and within a reasonable amount of time fix all violations thereafter. That could be on our website or a publication and parents looking at that when their children are coming to school, it will make them more confident that the City is doing something to protect their children. Andy Damiano noted that the City would have to have a number of disclaimers on a list like that.

Alderman DeCarlo also noted that the Downtown Music Series starts this Friday night with Charlie Bertini. He attended last year, working for one of the concession stands and he enjoyed the wonderful music. Its impressive how many people turn out for these concerts.

#### Ward 7 - Alderman Partigianoni

As promised at the last meeting, he has distributed a salary listing for the Council to study and see what they think. The other item he has is the Cortland County Senior News and he wanted to comment that May marked the celebration of the Older American's Month. They bring valuable experience and strength to our community. He found very interesting that during the month members of the Older American's advisory board brought gifts to centenarians throughout the county and there are ten (10) in Cortland County at the time of this publication. He read their names and offered his

blessing to them. He also found that the Cortland Retired Senior Volunteer Program was chosen by the National Association of County's recently selected Cortland County's RSVP as one of the best volunteer county programs in the country. Director Cindy Stockholm went to Washington, DC to receive the award on our behalf. Our program was one (1) of seventeen (17) nationwide to be recognized for outstanding public service. The staff at the Senior Citizens wants to thank all of the volunteers for their efforts that made this award possible.

He received three (3) calls from apartment house owners regarding concrete dividers that were put up between the two (2) buildings. This is going before the Planning Commission and they will make that decision. He also received another call from a resident on the corner of Clinton and Cleveland Streets. It seems that a business establishment purchased two (2) residential properties and plans to open up a new restaurant. It borders her house and she's not happy about it. He will give more information on that latter. He also received calls regarding the Greenbush paving. The DPW informed him that the paving has been delayed because the gas company is behind and this paving will not be done before the end of August.

Ward 8 - Alderman Michales

Greenbush is also on his list. There are festivities coming up in that area and he would like to see if we couldn't speed that project up. The Mayor felt that this wouldn't be happening. He also received a call from a resident regarding a sink hole in front of their house. It's an unfinished project regarding a water main break and he referred this to Chris Bistocchi and he is waiting to hear back from him. He placed a call to the Drug Task Force on an issue that was brought to his attention. He also wants to add an agenda item regarding an exotic pet permit, but will be holding off until the next meeting.

Alderman Partigianoni noted that he missed an item on the Senior Citizens is the filing deadline for those sixty-five (65) years and older for the senior exemption is August 1, 2007. They must apply every year, so he wanted to remind them to apply. It was also noted that the Senior Citizen STAR Program registration was also due about that time.

**RESOLUTION #63** OF 2007 - Consideration of the following actions relating to the Cortland Celtic Festival:

- A. Use of the City's portion of Courthouse Park from August 24-26, 2007 to stage the event.
- B. Use of a portion of the area for a tent where alcoholic beverages will be served.
- C. Closure of Central Avenue, from Church Street to Greenbush Street, on August 25, 2007 from 9:00 A.M. to 5:00 P.M.
- D. Issuing a permit for a sound enhancement device and a waiver of the fee for the August 25, 2007 concert from 9:00 P.M. to 11:00 P.M.

Danny Ross was present to explain the events and answer questions. He noted that the insurance certificate indemnifying the City and the County would be provided for their records. He noted that any damage done by athletic activities would be repaired.

He noted that there is no admission to this year's event and they've been working very hard at fundraising and advertising. There is an admission fee to attend the evening concert.

By: Alderman Terwilliger  
Seconded: Alderman Partigianoni

Approved: Ayes - 5  
Nays - 0

**RESOLUTION #64** OF 2007 - Consideration of the following actions relating to City of Cortland Sewer Rehabilitation/Replacement and Storm Drainage Improvements Project:

A. Consideration of a Resolution declaring the Common Council as the lead agency for the SEQRA process.

By: Alderman Terwilliger  
Seconded: Alderman Michales

Approved: Ayes - 5  
Nays - 0

**RESOLUTION #65** OF 2007 - Consideration of the following actions relating to City of Cortland Sewer Rehabilitation/Replacement and Storm Drainage Improvements Project:

B. Review of the Short Environmental Assessment form.

The review questions were read and answered.

C. In the event no positive impacts are identified, consideration of a Resolution making a negative declaration.

By: Alderman VanGorder  
Seconded: Alderman Terwilliger

Approved: Ayes - 5  
Nays - 0

**RESOLUTION #66** OF 2007 - Consideration of the confirmation of the Mayor's re-appointments of Warren Eddy and Mary Jane Corey to fill the expired terms on the Cortland Housing Authority Board and appoint Patricia Chapman and Donna Kelley as the two (2) Tenant Representatives.

By: Alderman VanGorder  
Seconded: Alderman Terwilliger

Approved: Ayes - 5  
Nays - 0

**RESOLUTION #67** OF 2007 - Consideration of a Resolution determining that there is no conflict of interest in William Starr's participation in the HUD Program and to forward a waiver request on his behalf.

Corporation Counsel disclosed that William Starr would like to participate in the HUD Program and this discussion was being held because of Mr. Starr's peripheral involvement with the City of Cortland and this has to go into our record and Corporation Counsel with then send a letter with his opinion that this is not a conflict of interest. The Office of Community Development pre-qualified William Starr for the City's 2006 income participation rehabilitation program. The HUD regulation 24 Code of Federal Rules 85.36.b.3 prohibits the participation of any employee, agent, officer elected or appointed official or any person with whom they have business or family ties from participating in the CDBG Program without a waiver of the conflict of interest requirements. As you are aware, William Starr's wife, Elizabeth Starr, is a City Police Officer and William Starr is a Commissioner on the City Waste Water Treatment Plant Board. For this waiver request, the City Council must openly discuss Mr. Starr's intended participation at a Common Council meeting, obtain the opinion of Corporation Counsel letter stating that this doesn't violate state or local law, and submit a waiver request to the State. He will be submitting this letter and he asks that if they desire, they direct the Mayor to submit a waiver. He communicated with Thoma Development that the Council would be reviewing this at this meeting. He asked Thoma to send some information regarding the program and read them the eligibility requirements, which he did.

Andy Damiano stated it was important to note that neither Mr. nor Mrs. Starr in their City capacities had any influence over decision making process of the housing rehabilitation program. Corporation Counsel asked that if this was approved, that the Council shall ask the Mayor to submit a waiver request to the State for this.

Alderman Partigianoni asked Corporation Counsel if this was legal. Corporation Counsel indicated it was because neither of the Starr's had any authority over the decisions being made relative to the money or any of the housing issues that the City has. They still have to abide by all of the regulations of the grant.

By: Alderman Terwilliger  
Seconded: Alderman VanGorder

Approved: Ayes - 5  
Nays - 0

### **Adjournment**

By: Alderman DeCarlo  
Seconded: Alderman Terwilliger

Approved: Ayes - 5  
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 3rd DAY OF JULY 2007. I FURTHER CERTIFY THE FOREGOING  
RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.**

\_\_\_\_\_  
**JOHN O. REAGAN - CITY CLERK**

\_\_\_\_\_  
**MAYOR THOMAS GALLAGHER**