



City Council Minutes The City of Cortland

August 7, 2007

Council Meeting #14
August 7, 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 fourteen Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Mike Dexter was present to address the July 26 Cortland Standard article regarding the hospital development and his concerns regarding houses and property they are buying and removing from the tax roll. He would rather see them spend their money to build a parking garage rather than take land and houses to build parking lots. Any houses torn down and removed from the rolls increases taxes. He feels that the administration should be contacting the hospital and to see what their plans are and discuss alternatives.

He also was representing the Landscape and Design Commission. He wanted to announce the celebration of planting forty-eight lottery trees in the City. He realizes that there are some dead and diseased trees that need to come down, but their goal is to replant those. He asked that home owners water the new trees so that they don't die.

Alderman Partigianoni noted that he would like to see that where a tree comes down, he would like to see it replaced at the same site if possible. Mr. Dexter noted that the new trees couldn't be planted in the same holes, but could be done nearby. Alderman Partigianoni asked if the Commission would plant trees in areas where trees have been taken down. Mr. Dexter noted that they would, but they did not have the funds. The Council would have to come up with the funding. They only were able to plant forty-two trees with the grant funds and to replace six (6). Alderman Partigianoni asked if those

locations where trees came down could be given priority in the lottery. Mr. Dexter noted that homeowners making the request for priority would have to speak with Ann Hotchkin of Thoma Development. They were the ones who developed the lottery program. It was noted that in Little Falls there was a nursery program that the Council might want to consider. Mr. Dexter noted that the Commission did not have control of the lottery program; it was up to Thoma Development. Alderman Partigianoni noted that he has spoken with Thoma Development and he does not want a lottery, he wanted more control of where and who the trees went to. Other Aldermen suggested that they speak with Thoma next year before approving their budget for this. The Mayor noted that he would speak with Ann Hotchkin in this regard.

Minutes of July 17, 2007

RESOLUTION #73 OF 2007 - Approve the minutes of July 17, 2007.

By: Alderman DeCarlo
Seconded: Alderman Quail

Approved: Ayes - 8
Nays - 0

Bills were reviewed and received.

Mayor's Report

He attended BDC Going Global with Dan Gunderson at the Ramada Inn as well as the Youth Awards ceremony at the Youth Bureau. There were probably over one hundred (100) people in attendance. He met with hospital executives to discuss their on-going plans. He also met with representatives of the YWCA and he also met with representatives of Marietta Corporation. He read a letter from Jim Yaman, who made a donation in his father's name, to cover the cost of playground equipment at Yaman Park in the amount of \$9,600.

It was noted that the hospital would be coming before the Council when they had their plans more finalized. It was hoped that expansion would bring in more doctors who might buy houses in the City and also to create more green space. The Mayor noted that he would continue to be in contact with the hospital.

Ward 1 - Alderman VanGorder

She noted that she is in contact with Chief Glover every couple of weeks in regards to several different issues in her Ward. She also noted that she has received emails regarding smoking in the City parks. Signs have not gone up yet. John McNerney has been contacted. She also thanked Jim Yaman for his wonderful contribution and support of this community. She also acknowledged Mike Dexter and the nice job that he does at the Water Works and she thanked him for the job he does over there.

She also noted that this was the first meeting of the month and it was time to run down the top five (5) things the Council has pinpointed to keep an eye on. She asked Andy to go over the facilities and the flooding issues.

Andy Damiano noted that since the last report, the City had entered into contract with C & S Engineers to do the evaluation of the detention pond and the study of the Otter Creek area. They've begun their field work and it will be awhile before they are done and get back to us. Chris Bistocchi has contacted DEC's flooding and also the wildlife divisions to talk about doing a walk through of Otter Creek now that the water levels are fairly low to see if they will allow the City to do any cleaning and dredging of silt. The City is waiting to hear from the DEC flooding division. There has also not been enough rain to determine whether the weir has been effective.

As far as the facilities go, Chief Baron and Mr. Damiano have considered proposals from three (3) firms that specialize in fire station construction and/or renovation. They chose Mitchell Associates out of Voorheesville, New York. Over the last thirty (30) years, they have either designed or renovated over two hundred (200) fire stations throughout the country. They are very experienced, that's their specialty. They have begun the evaluation of the existing floor plans and the properties that are being considered for construction of a new station. Their representative has brought up some ideas that have not been considered. It was also noted that there had been some discussion by the County regarding a new jail facility and perhaps more information would be coming forth on that.

Corporation Counsel Knickerbocker gave an update on the moratorium/zoning revision/master plan, parking and the cat/dog ordinance. He noted that the Council authorized a contractual relationship with Thoma Development for the comprehensive plan at the last meeting. That will be moving forward. Relative to the code revisions, the Planning Commission and the Ad Hoc committee has been meeting every Monday to go through the code line by line. There has been citizen involvement with that process which has been very helpful and provided greater understanding. They'll continue to meet every Monday until they are finished, unless it's a regular Planning Commission session or the scoping meeting scheduled for August 13. Corporation Counsel Knickerbocker will be sending to Cheney and Blair what the Commission and committee have done for their review and comments.

Tonight's agenda includes the nuisance party ordinance and the front yard parking ordinance for the Council's consideration and comments. He has already met with Code regarding the front yard parking. They've offered some suggestions and language changes and he will take these into consideration and hopes to move ahead on the front yard parking, so that it is in place before school starts. He hopes this will address some of the issues that have come forward to the Council and the Planning Commission regarding housing issues and how to handle them differently. He noted that perhaps the property owner instead of the occupant should be made responsible for the burden by changes to the existing code. Jim Place has given him some ideas to address some of these issues.

The cat/dog limitation can be ready for presentation at the next meeting. He has not contact Dr. Cadwallader regarding the spay/neuter issues. That will be a much more complicated issue.

The rental permit program which is being considered. He has spoken with Cheney and Blair. They have done extensive research and they've started drafting a proposed rental permit program for the Council's consideration. They will try to have a draft of this for distribution prior to the next Council meeting. This will take some time to go over and enact.

Alderman VanGorder noted that she did receive an e-mail from the DPW for an update. It's pretty much the same as last month. She noted that there is a base coat down on Greenbush.

Ward 2 - Alderman Terwilliger

Due to the construction on North Main she was contacted in regards to some buses being rerouted down Brown Ave. The County dispatcher was contacted and the problem was resolved. She was asked about starting a City dog park. This has come up before and she would like to do some research on this and she hoped that Alderman Michales would work with her on this. There were many things, including liability, to be considered.

Ward 3 - Alderman Cobb

Her Ward has been very quiet. She did have a couple of calls regarding her not running for another term. She noted that she will be moving out of the district and she thanked them for their support.

Ward 4 - Alderman DeCarlo

He has just returned from vacation.

Ward 5 - Alderman Quail

He extended thanks to Mike Dexter for doing some tree trimming in his Ward. He spoke at the Cayuga Press open house last week. He invited anyone to take a tour of their facility and noted that it was a class act. He has been dealing with some code issues. He also received a call on the SuitKote odor, primarily in the morning.

Ward 6 - Alderman Feiszli

She has also received some calls regarding SuitKote odors and she called Environmental Health and was told that the County is in a preliminary fact finding stage with the State Board of Health regarding the smell. It was asked that individuals who are aware of the smell, to keep track of the date and time that the odor was smelled that would help the Health Board.

She participated in the DEC walkthrough regarding the dredging in Dry Creek. This is a perfect time. She also has received some calls regarding stagnant water. Carol Tytler also asked to be included in this walk. She has also looked into retaining walls and funding for those. She has spoken with Bernie Thoma and he indicated that there was a process that needed to be gone through to apply for block grant funds.

She received the e-mail regarding smoking in the City parks. She noted that the signs were not up yet. She did contact a Youth Bureau Board Member in regards to banning smoking in City parks and she asked if it could possibly be policed by park attendees and also offering a smoking section perhaps in a parking lot. She asked John McNerney to put this on the Youth Bureau agenda to consider a permanent ban on smoking.

O'Brien and Gere Engineers were part of the bid process for the sewer renovation program. This will take place the first part of September and will take approximately six (6) weeks to complete. She welcomed the participants in the Bon Ton Roullet on behalf of the City. She also thanked the citizens who have been involved in the zoning revision process. She did receive a few calls about 19 West Court Street and the demolition of the garage building. They did not have a permit for that demolition and she questioned the current site plan review process that doesn't currently require a site plan review for building demolition. She asked that the Planning Commission and the Ad Hoc Committee to broaden that term of alteration to also include demolition if there is no immediate danger.

She thanked the DPW and Public Safety for going out and rerouting traffic on North Main Street.

Ward 7 - Alderman Partigianoni

He noted that the DPW had resurfaced Greenbush Street through his Ward. He also thanked them for expediting this and the River Street driveway projects. He also received a call from an Elm Street resident regarding the Planning Commission's permission to the Marietta Corp. allowing them to install additional tanks on the street. He attended a meeting at the East End Community Center with the Advisory Board. Chief Nichols was the invited guest to address several complaints that had been received in the East End.

He asked that the exotic pet permit process be placed on the agenda. He felt that the process needed some modifications. Andy Damiano asked if he had suggestions that could be distributed to the Council prior to the next meeting. Alderman Partigianoni indicated that he had spoken with Chris Farkas and Alex Faraoni previous members of this Committee. They had given him some suggestions that he supported.

Ward 8 - Alderman Michales

There were some police related issues. They responded after he was contacted regarding vehicular traffic being blocked with cardboard boxes. They also dealt with a break-in into an apartment building. The Neighborhood Watch was involved and they contacted the police immediately and those involved were apprehended. He has a

neighborhood walk scheduled for tomorrow night. All the neighbors have been asked to participate, as well as a police officer. He had a neighbor concerned with a code issue regarding a brown leaf bag on the curb. He removed the bag from the property. There was also a rug dumped from a yard sale around the corner and he dealt with that. He also noted that there were items marked "free" left on the curb after tenants had moved. He has dealt with the property in the past and he hopes to have something resolved soon with the out of state landlord.

The Mayor asked him to represent the City in his absence on Saturday and he gave a speech. He also referred to another Neighborhood Watch incident that occurred in his neighborhood. He also attended the Art and Wine Tasting Event in the park. He thanked all who were involved in organizing it and noted that attendance was good. He attended the youth awards ceremony at the Youth Bureau. He noted that there were some very moving stories told at the event. He noted that he was at a working fire at Central and Greenbush the other night. It was knocked down very quickly and he thanked the fire department for doing a wonderful job. He also noted that as they approached zoning and code issues, one of the items that should be noted for consideration is that when items are left over from yard/garage/lawn sales and are put curbside and marked "free". These items sometimes sit out for a long period of time. That occurred recently when someone moved and he gathered up the items that had been gone through and strewn and placed them on the back porch. The Code Department took pictures.

RESOLUTION #74 OF 2007 - Consideration of the following action relating to the 12th Annual Great Cortland Pumpkinfest:

- A. Permission to use the City's portion of Court House Park on October 5-7, 2007.
- B. Permission to place promotional signs near the City's entrance signs, from September 17-October 8, 2007.
- B. Permission to use a portion of Court House Park for a Microbrew sampling on October 6, 2007, from 1:00 P.M. to 5:00 P.M.

By: Alderman Terwilliger
Seconded: Alderman Cobb

Approved: Ayes - 8
Nays - 0

RESOLUTION #75 OF 2007 - Consideration of a Resolution appointing Mary Lou Pai as a Commissioner of Deeds (employed in the District Attorney's Office).

By: Alderman Quail
Seconded: Alderman Michales

Approved: Ayes - 8
Nays - 0

RESOLUTION #76 OF 2007 - Consideration of a Resolution authorizing the closure of Main Street, from Groton/Clinton Avenues to Port Watson Street, on August 11, 2007 from 7:00 A.M. to 4:00 P.M. in order to stage the 8th Annual National Brockway Truck Show.

By: Alderman DeCarlo
Seconded: Alderman VanGorder

Approved: Ayes - 8
Nays - 0

RESOLUTION #77 OF 2007 - Consideration of a Resolution authorizing the closure of the east section of William Street on August 18, 2007 from Noon to 6:00 P.M. in order to hold a neighborhood picnic.

By: Alderman Michales
Seconded: Alderman Quail

Approved: Ayes - 8
Nays - 0

Item No. 5 - Continuation of discussion regarding a proposal to increase the salary for the position of Mayor.

Alderman Partigianoni noted that this has been ongoing for three or four meetings. There have been two (2) proposals, one for \$30,000 and another for \$25,000. He asked for any more suggestions or ideas. The discussion continued. Corporation Counsel Knickerbocker noted that before this could be done, they would have to enact a local law, hold a public hearing and then a vote would take place. Alderman Partigianoni suggested \$25,000. Alderman Feiszli asked to abstain from this discussion because she felt that she was not comfortable participating in this due to budget reasons, other personnel salary inequities, etc. Alderman Partigianoni asked when was the Mayor's salary last increased before it was decreased by a previous Mayor's request. Director of Finance and Administration Damiano noted that it went from \$10,000 to \$13,800 in the last term of Mayor Walsh's administration and received by Mayor Tytler. It's been about eight (8) years since it has been amended. Alderman Terwilliger noted that other elected officials salaries should be reviewed as well as incentive for other people to be interested in running. There was more discussion regarding comparable Councilperson's and Mayor's salaries in New York State.

Andrew Damiano noted that to include an increase in the Mayor's salary in the 2008 budget, they would have to approve an increase and start the process now, before the budget is adopted.

RESOLUTION #78 OF 2007 - Consideration of a Resolution to increase the salary of the Mayor to \$25,000 effective January 1, 2008.

Alderman Michales asked if this amount could be revisited after a period of time. Corporation Counsel noted that the local law would have to be changed.

By: Alderman Partigianoni
Seconded: Alderman Terwilliger

Approved: Ayes - 7
Nays - 1 (Feiszli)

It was noted that this was an unofficial vote, subject to Local Law approval after a public hearing.

Item No. 6 - Discussion regarding possible resolutions to the issue of softballs being hit out of Dexter Park and entering private property.

Alderman Partigianoni noted that this was in his Ward and he had been dealing with this for a number of years. He also noted that the Council was told nothing had been done, but he also noted that three (3) things had been done. This helped the situation immensely, but did not solve the problem completely. He noted that fifteen to twenty games a week are played at Dexter Park. There's no other place to play these games. In the three (3) months they've been playing there, nine (9) balls have gone out of the park. That was an improvement. He also noted to the Council that there are two (2) other City parks in Cortland. There are residents all around these parks. Balls do go out of the park. An extra tier of fencing was put up to alleviate some of this. Alderman Partigianoni has been told that adding yet another tier will cost \$15,000. He felt that for the nine (9) balls that have gone out, that was a lot. He noted that there had been no damage done by these nine (9) balls and asked Director of Finance and Administration Damiano to confirm this. Mr. Damiano noted that there had been no damage that the City had been libel for. Alderman Partigianoni's concern was if they spent that kind of money for one (1) person's complaint, what were they going to do for the other parks? He asked what the alternative was; he felt that there was no alternative. The Mayor noted that they had met with Mr. Duca on several occasions and many changes had been made as a result of these meetings and nine (9) balls weren't all that many. They were going to wait to hear more from John McNerney at the Youth Bureau regarding pricing for netting. Alderman Partigianoni noted that he did agree with Mr. Duca that one (1) homerun ball almost did reach his front window. There was further discussion regarding this issue.

Item No. 7 Discussion regarding the following issues:

- A. Proposed Nuisance Party Ordinance
- B. Amendments to the Front Yard Parking Ordinance.

Corporation Counsel Knickerbocker asked for input on these two (2) issues. He noted that the only change to the front yard parking ordinance was an addition to the language, "any building used for residential purposes....." He will work on making the language less cumbersome in the definition of front yard. The Code Office was the only department that made suggested changes. He did note that he wanted to add the word "approved" to the section when referring to a driveway. He also noted that they wanted to make sure to address concerns about parking on corner lots. He noted that

changes will allow the Code Office to issue tickets for violations to the zoning. The changes would also put the onus on the building owner rather than the violator by citing the building owner as well as the violator.

Alderman Terwilliger noted that she was concerned about single family homes on certain streets in residential areas that had no places to park a second car. She was concerned about this and how this could be handled equitably. Corporation Counsel noted that this didn't deal with that; this was specifically for parking on green spaces. There was concern about the need for one side or alternative street parking or how to change the zoning for allowing less green space and more parking in older neighborhoods where houses were built long ago before families had so many cars. These were some thoughts expressed to help address this problem. There was discussion regarding creative ways to create more parking in the future. Corporation Counsel Knickerbocker asked that if there were any more comments or ideas, that the Council members please contact him. He would like to get this prepared for them for the next meeting.

He also had a copy of the City of Syracuse Nuisance Party Ordinance. The Code Department got this for him and he had spoken with a Syracuse Common Councilor who indicated that this ordinance had worked for them. The idea is to place some burden on the landlord or property owner to rectify situations that are unpleasant for the rest of the neighborhood. This is a laundry list of twelve (12) items here. This is aimed at large gatherings of people in residential neighborhoods and makes the landlord or property owner, occupant and other tenants subject to violation responsibility. This would help address the fears of the Clayton Avenue block party spreading to other neighborhoods as well as other large public gatherings on private property where there are problems. This would go right into the City ordinance section. It doesn't have to go before the Planning Commission and we can put in some section of our code and it shouldn't take too long. It was noted that the Syracuse Ordinance mentioned police officers or peace officers. It was decided that that language could be left in there to cover any eventuality. It was questioned how a property owner could be held responsible. Corporation Counsel noted that the property owner/landlord could put in their lease agreements that if the nuisance party ordinance is violated, that would terminate the tenants lease. This ordinance will put the landlords/property owners on notice. This came about after the near accident of a floor collapse at a gathering next year. It also deals with the problem of gathering attendees not admitting where they live, but the Code Office knows who the property owner is. This also helps with the absentee landlords, now they can be held accountable. Corporation Counsel Knickerbocker indicated that he would draft something for the next meeting.

RESOLUTION #79 OF 2007 - Consideration of a Resolution authorizing the Mayor to enter into a contract with the low bidder for the sewer rehab replacement project.

Sealed bids were received and opened on Thursday, July 26, 2007 for the sewer rehab and replacement storm drainage improvement project. Three (3) bids were received for contract number one and were reviewed by O'Brien and Gere. The low bidder was Ad Hand Piping, Inc.

By: Alderman DeCarlo

Seconded: Alderman Partigianoni

Approved: Ayes - 8
Nays - 0

Alderman Quail noted that a letter was received from the American Red Cross. It was a nice letter complimenting the young adults who are working as life guards. It was noted that they were doing a wonderful job.

Item No. 9 - Discussion regarding exotic pet permits.

Alderman Partigianoni asked that this be discussed this evening giving the Council time to think about it for the next meeting. Alderman Michales asked that it be postponed until the Deputy City Clerk was able to attend the meeting. She was asked to attend, but was unable to do this due to transportation problems. Alderman Partigianoni wants to have a discussion now. He referred to the exotic pet permit that was approved at the last Council meeting. He went to the neighbors and was appalled by the fact that this person exercised his pets on the neighbor's lawn as there was no lawn at 1 ½ Garfield St. He was not happy to learn this. He spoke to the other neighbor and she also knew about that and took her grandchildren and pets inside when the snakes were out.

He also learned that exotic pets are being paraded down Main Street. He is concerned about that. There was also an incident at the Court House Park where a woman fainted during the Pumpkinfest after seeing a man with a large snake. It was also reported to him that a man was in the park with multiple snakes. He's not happy about these instances. Four or five years ago a pet committee was formed to control the exotic pet situation. In his opinion, he does not believe we are meeting our goals and intentions because there are only four (4) permits currently issued in the City. He spoke with Chris Farkas and Alex Faraoni and they told him that each permit was handled on a case by case basis. The way he sees it there are no hard and fast rules. He had developed a list of recommendations. No. 1 - Pets must be contained and not allowed to roam around free. He also learned from the City Clerk's Office that a permit was issued for one (1) year. There was no provision for reapplying or getting another permit if they moved. No. 2 - If you move, you must reapply. No. 3 - Should have a larger committee to investigate these applications. No. 4 - We should make sure that it is a stable environment and that the owner has an understanding of the pet.

Alderman Michales noted that some of these things mentioned had already been taken into consideration. Habitat and environment were looked at, the food source. They take more precautions than when they issue a dog permit/license. We don't inspect dog owners' houses. A lot of consideration is taken when they go to these peoples homes for an inspection. This is now a voluntary process; there is no way to make people go to City Hall to apply for these permits. That's why there are so few. This will be discussed at the next meeting.

Adjournment

By: Alderman DeCarlo
Seconded: Alderman VanGorder

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 7th DAY OF AUGUST 2007. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN - CITY CLERK

MAYOR THOMAS GALLAGHER