



# City Council Minutes The City of Cortland

September 4, 2007

Council Meeting #16  
September 4, 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 sixteenth Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

There was no one present to speak.

Minutes of August 21, 2007

**RESOLUTION #86** OF 2007 - Approve the minutes of August 21, 2007 as amended.

By: Alderman DeCarlo  
Seconded: Alderman Partigianoni

Approved: Ayes - 8  
Nays - 0

Bills were reviewed and received.

Mayor's Report

He attended the Celtic Fest. He was also an invited speaker at the Noon Rotary. He met with Governor Spitzer and his wife. He did a guest interview with Kevin Mooney of WKRT. He also met with the Superintendent of Schools and the Chief of Police to discuss the student resource officer contract. He also read a letter from the Downtown

Partnership announcing Mrs. Spitzer's "I Love New York Summit" being held at the College and their plans for participating in this event with music, art and sidewalk events in downtown Cortland on Sept. 17, 2007.

#### Ward 1 - Alderman VanGorder

Her Ward has been pretty quiet this last couple of weeks. She did an update of the top five. She tried to get a hold of Chris Bistocchi at the DPW, but she was able to speak with Director of Administration & Finance Andrew Damiano. He noted that the City had entered into a contract with Mitchell Associates to do the architectural facilities study of the main fire station. They'll be in town again next week to meet with fire department personnel to do a scoping session to get an idea of what they need. Mr. Mitchell has a lot of research to do. The City entered into a contract with C & S Engineers to do field work on the detention pond and the flooding study of Otter Creek. A final report was received from Pat Reidy of Soil & Water Conservation regarding what his interpretation of the impact of the weir will be. He has also recommended that the City do some additional work in the Water Works property to clear some land that will allow the storage of up to twenty (20) acres of water, virtually millions of gallons of water, during a flood situation. Mr. Reidy recommended that the City increase the size, build a berm around a certain area to increase the volume of water that can be contained during a heavy rain situation and that will then be trickled in to Otter Creek slowly. The City can't perform the work that Mr. Reidy has proposed until the DEC reviews his report and gives the City their opinion because this could potentially impact wildlife. So the City is waiting for their okay. Preliminarily, the DEC seems to be receptive to this proposal. So the City may have a greater impact in controlling flooding than anticipated if allowed to store up to twenty (20) acres of water. He noted that progress is being made on all of these projects. He was happy to report from the fire department that the original "as built" blueprints were found from 1913. Copies were then made of these.

Corporation Counsel Knickerbocker gave an update regarding the Zoning issues. He noted that there was the workshop this evening on the rental permit program. It appears to be the first of a number of sessions. He announced that there will be a work session before the next Council meeting on the topic of the Nuisance Party Ordinance and Front Yard Parking, to get started on that. The Ad Hoc Committee that has been meeting and going through the zoning portion of our ordinances; those are continuing and they are working their way through that and when they get closer to completion, Mr. Cheney will come in to review those. Relative to the cats, a piece of litigation was started by Perrfect World to compel the City to go over and inspect their premises. Not the house, but the clinic behind it. They want to force the City to inspect it and determine whether or not they can occupy it again and that will be responded to next week. Perrfect World's sentencing is scheduled for September 20 at 10:00 am on the twenty-eight (28) charges they were convicted of. The City's position on that is that they will ask the judge, at a minimum, to impose a conditional discharge on them as a corporation and not permit them to occupy that building as a spay/neuter or any type of veterinary clinic for at least one (1) year in addition to the restitution. Then the City will have to look at whether they want to bring civil litigation against them for the money that the City is owed above the money it will receive from the restitution. Alderman Quail asked how much the City was short on the money being received from the restitution.

Director of Administration & Finance Andy Damiano stated that it was \$38,000. Corporation Counsel Knickerbocker noted that he and Andy Damiano had discussed this and were not sure that all of that would be recoverable in a civil action, but Corporation Counsel Knickerbocker felt that some of it would be recoverable. Alderman Michales understood that the house was being occupied again. Corporation Counsel Knickerbocker stated that it was and that the Code Department had inspected it and determined it was suitable for human habitation. It was noted that the tenant was beginning to collect cats and what could the City do about that? Corporation Counsel Knickerbocker noted that the current code did limit the number of pet cats that could be living in a house.

#### Ward 2 - Alderman Terwilliger

She received an e-mail regarding the suggestion of a traffic light or crosswalk be put in at the intersection of Woodruff and Groton Avenues. She didn't feel that this had been brought up in the Planning Commission and Public Safety meetings and she felt that this was a good idea, especially since an apartment complex would be going in there. Director of Administration & Finance Andy Damiano noted that he would put that on the Public Safety agenda. Alderman Terwilliger noted that it was a dangerous crossing especially with people crossing to the Byrne Dairy. Corporation Counsel Knickerbocker noted that probably would have to go to the State DOT because it was a state highway. Alderman Terwilliger felt that this needed attention. It was also noted that there was a need for a crosswalk sign in the direction of Groton Avenue headed towards TOPS. She also reminded everyone that school was starting tomorrow and asked that everyone be extra careful in school zones.

#### Ward 3 - Alderman Cobb

She also asked that drivers be careful because of the start of school. Her Ward has been quiet, but she noted that she had received the e-mail regarding the Woodruff and Groton Avenue crossing.

#### Ward 4 - Alderman DeCarlo

He welcomed back the SUNY Cortland students and is glad that they are back. He has a couple of concerns in his Ward about street lighting and he'll get in touch with Chris Bistocchi regarding those. He's concerned about the dead end street and persons going up to the Food Bag store. With no street lights, there seems to be some destruction going on up there. He announced that there would be a Neighborhood Watch meeting now that school was open and he would be contacting the Police Department about that. Andy Damiano asked him to forward his street light request to Jim Sponaule. He handles that.

#### Ward 5 - Alderman Quail

His Ward has been quiet. He has been working through some code issues. He also welcomed back the SUNY students and asked that they be mindful of sidewalks. They have a tendency to park their vehicles over the sidewalks which forces the City's younger kids to walk in the street.

## Ward 6 - Alderman Feiszli

She asked if the City had ever done a welcome back or information packet for incoming new students. She asked if the College provided anything like that, so that students were familiar with local ordinances and information on local shops and restaurants. Andy Damiano noted that the City didn't and the Mayor noted that it probably would be up to the Visitor's Bureau or the Chamber of Commerce. Andy Damiano noted that they did receive a brochure reminding them that they did live in a City, not just on a campus. The Mayor noted that he spoke at their orientation and reminded them that they were living in this City.

She had a couple of meetings regarding the retaining walls in her Ward and looking into potential grant money which prompted a meeting with Andy Damiano and the Mayor and Bernie Thoma. After much discussion regarding the impact of obtaining a grant, doing this work and how it would effect residents downstream and even in other towns downstream, it became apparent that a more comprehensive plan might be needed to address the flooding issues. She spoke with Carol Tytler, Chair of the Sub-Planning Committee, that addresses the issue of flooding and she is going to bring this to her next meeting this month. She also spoke with Congressman Arcuri putting the word out that we need to work on the flooding mitigation issues. A woman called her because there's going to be an Otter Creek, Dry Creek and Tioghnioaga River clean-up. She was also asked to go for a walk between Arthur Avenue and Homer Avenue, but there was a retaining wall that fell down this past year and when she walked she noted that her Ward wasn't that bad compared to this Ward in regards to retaining walls.

She thanked Mike Dexter for getting a hold of National Grid. They cleared off the brush and the trees and the residents appreciated that. This was a courtesy done for this year by National Grid. She met with the Mayor of Ithaca regarding a housing rehab program that they've had there for about seven (7) years. Like every other college town, they have a similar problem with single family homes being turned into multi-family or unit housing. The City of Ithaca has obtained a rotating bond of two (2) million dollars and with this money, they targeted areas where it was turning into a high density, multi-family area and they purchased particular homes when they came up for sale on the market and they converted them back into single family homes. Then they are put back on the market and sold with the stipulation that they not be converted back into apartments. The Ithaca Mayor noted that the money from the home sales goes back into the rotating bond. This is one way the Ithaca is working to improve their neighborhoods.

She noted that the Sub-Planning Committee was meeting on September 6 at 7:30 am at the County Office Building. The Committee meeting regarding affordable city housing will be held September 14 at 10:00 am and the next Sixth Ward meeting with a Neighborhood Watch update will be September 25 at 6:30 pm at the East End Community Center.

## Ward 7 - Alderman Partigianoni

He received a response from Thoma through the Mayor's office regarding the tree lottery and an amendment to all some trees to be set aside to replace ones that had been removed. Some cities and villages have that policy, i.e., Homer. He attended the State Comptroller's brunch at the State Fair. It was a large gathering.

He had two (2) announcements. The Small Fry registration starts Wednesday, Thursday and Friday, from 3:00 to 5:30 pm at the Sports Complex. Sunday, September 9, 2007, the second annual Ice Cream Social will be held at Dexter Park. Last year, it was a big event and activities are planned again for this year.

He received two (2) letters when he arrived here this evening from concerned residents regarding block parties. Andy Damiano noted that block parties are not legal unless they receive permission from the Council. He inquired if this was about one that went badly. Alderman Partigianoni noted that one event went badly and letters had been sent to the Mayor and Council members about it.

#### Ward 8 - Alderman Michales

He dealt with a code related issue regarding an owner occupied duplex where the owner wants to install a deck. He received a call on Saturday regarding some street flooding and he is working with Chris Bistocchi and Andy Damiano to resolve that. He attended the Celtic Festival. He noted that it was well organized and that it was a great day to host it. A lot of people were in attendance. He noted that school will be starting up on Wednesday and he asked that drivers take care and to watch out for kids going to and from school.

#### Item No. 1 - Presentation and update by Jeremy Boylan regarding the County Bicentennial celebration in 2008

Mr. Boylan handed out information regarding what has been planned to date including a bi-centennial parade. They are looking at a tentative date of September 13, 2008. That does not present a conflict with the Dairy Parade or the Brockway Show. Gary VanGorder is the Chairman of the Parade Committee and will be organizing that. Work is being done on the Bi-centennial Ball. They are looking at Court House Park for that and are planning it for September 20, 2008 and there appears to be no conflict with using the park. Work on the historical supplement with the village, town and municipal historians to put together a nice 24-25 page newspaper insert is coming together. They are still planning on a countywide bell ringing ceremony and they are working on a fireworks celebration and a countywide Heritage Weekend, which would allow all museums to be open at the same time. He asked for interested volunteers to contact him. He also noted that there was a September 19, 2007 event planned for the East End Community Center, called "Remembering the Past, Planning for the Future". He asked anyone who participated in the centennial celebration, to attend and bring pictures or share their experience. He also noted that they would be voting on the bi-centennial logo. About fifty (50) entries had been submitted and these will be voted on, one will be chosen and then they will have their promotional materials printed using the logo. He asked that the City contribute to this celebration by putting a float in the parade. He asked that they have a historical theme to it relating to the history of the City of Cortland.

Item No. 2 Consideration of a Resolution authorizing various revisions to the Exotic Pet Permit Program (Alderman Partigianoni)

He passed out two (2) documents, one (1) being his suggestions and one (1) from the County Health Department in regards to rabies vaccinations. His suggestions were:

1. Any permit issued shall not be transferable. A change of address will require a new application with no additional fee if the application is approved.

It was noted that an applicant who has already paid for their annual permit, should have the fee waived for the change of address. It was also noted that this was for a different location and for a different owner. It was decided that there would be no additional fee if the application was approved.

2. A letter granting permission to harbor exotic animals will be required from the landowner and property owner and building residents and bordering neighbors.

After some discussion it was decided to change it to bordering neighbors.

3. Contact the Common Councilor from the applicant's (pet owner's) ward prior to the application being put on the Common Council agenda.

4. This permit allows an applicant to house an exotic pet and does NOT allow the exotic pet to be displayed in public places or at a public gathering unless it is a special circumstance, such as an educational display/show at the library or at a school.

Corporation Counsel Knickerbocker noted that there was nothing in the City Code deals with this. All this is, is a permit procedure. If the owner meets the requirements, it's a done deal. This now says if you do certain things, you will be fined and this needs to be implemented in a different manner other than a permit application. Alderman Partigianoni referred to the Code of Ordinance and it was read and discussed. It was noted that there should be a permit for birds. Alderman Partigianoni noted that the Code did not address the issue of people going down Main Street. Corporation Counsel Knickerbocker noted that a permit application was not a place for putting this restriction and establishing punishment. That required the passage of an ordinance and putting it in the Code, stating what the violation was. He went on to say that it can be placed on the permit, but to make it enforceable, a law must be passed. He noted that the police could stop an individual, ask them to not display the animal, but they can't be fined until an ordinance is passed. There was some discussion regarding what the definition of an exotic pet was. Currently, the Code allowed only cats and dogs. Alderman Partigianoni noted that it was the snake in his Ward that brought this to his attention and he felt that people should not be parading them on the street and wanted to do something about that. Corporation Counsel noted that what was needed was an amendment to the ordinance outlining what was not allowed and then what the fine would be for violating the ordinance. This could be placed on the permit, but was not enforceable until the ordinance is changed.

5. Adoption of an enforceable ordinance that makes the display of exotic pets in public subject to a fine.

There was discussion regarding how much the fine should be. It was agreed that the fine would be \$25 and \$50. It was also noted that birds could not be harbored without a permit. Corporation Counsel noted that he would draft an amendment to the current provision.

6. Permits can be revoked for repeated violations or any variance from the terms of this application.

It was noted that this was already included in the current ordinance and that portion of the ordinance was read by Alderman Feiszli. It was thought that a copy of the code should be given to an applicant when they applied.

7. The County Health Department recommends that ferrets have rabies vaccinations and should be supplied at the time of application.

There was discussion that this should be included. Notes were taken and Andy Damiano noted that this was not a resolution and this would be put on another Council agenda once the amendment to the Code of Ordinance was prepared.

**RESOLUTION #87 OF 2007** - Consideration of a Resolution authorizing the Mayor to sign an addendum to the City's labor agreement with CSEA Local 1000.

By: Alderman DeCarlo  
Seconded: Alderman Quail

Approved: Ayes - 8  
Nays - 0

**RESOLUTION #88 OF 2007** - Consideration of a Resolution authorizing the Mayor to execute an Agreement for Advance Payment in response to the NYS DOT's eminent domain proceedings.

It was noted that this was a resolution for option #2, where the City did not give up its rights to get the money. Director of Administration & Finance Andy Damiano noted that the money would be received about a year after filing. He had also spoken with Chris Bistocchi in regards to getting something in writing from NYS DOT on that project and a copy of the minutes from a DOT meeting were received that stated that they would replace the chain link fence as part of the construction project at no cost to the City and at DOT's expense.

By: Alderman Feiszli  
Seconded: Alderman Partigianoni

Approved: Ayes - 8  
Nays - 0

**RESOLUTION #89** OF 2007 - Consideration of the confirmation of the Mayor's reappointment of David W. Briggs as the City Assessor for the period October 1, 2007 through September 30, 2013.

By: Alderman Terwilliger  
Seconded: Alderman VanGorder

Approved: Ayes - 8  
Nays - 0

**RESOLUTION #90** OF 2007 - Consideration of a Resolution authorizing the Mayor to enter into a service agreement with David W. Briggs to perform the duties of City Assessor.

Alderman Quail stated that he had a discussion with David Briggs and noted that the contract percentage increase was up about three and a half (3.5) percent. Mr. Briggs mentioned that his expenses such as gas and postage and salaries have all been going up and that is why his contract went up. Director of Administration and Finance Damiano noted that Mr. Briggs maintained his own staff, his own office building, etc. and that this was not just a salary increase.

By: Alderman Cobb  
Seconded: Alderman Terwilliger

Approved: Ayes - 8  
Nays - 0

### **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 4th DAY OF SEPTEMBER 2007. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.**

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**JOHN O. REAGAN - CITY CLERK**

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**MAYOR THOMAS GALLAGHER**