



City Council Minutes  
The City of Cortland

October 2, 2007

Council Meeting #18  
October 2, 2007  
Regular Business Session  
City Hall  
7:00 PM

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

Staff Present: Corporation Counsel Lawrence Knickerbocker and City Clerk John  
O. Reagan

**Public Hearing: Local Law No. 3 Of 2007 - Increasing the Mayor's Salary to  
\$25,000 per Year.**

No one was present to comment.

The public hearing was closed.

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

No one was present to comment.

Minutes of September 18, 2007

**RESOLUTION #99** OF 2007 - Approve the minutes of September 18, 2007 as  
amended.

By: Alderman DeCarlo  
Seconded: Alderman Quail

Approved: Ayes - 7  
Nays - 0

Bills were reviewed and received.

## MAYOR'S REPORT

He was the guest speaker for the senior citizens at the County Office Building and he attended the United Way Day of Caring. He also attended the groundbreaking ceremony for the new Childcare and Education Building at SUNY Cortland as well as the BDC/IDA meeting regarding their search for a new director. He attended the Cable Commission meeting and also attended the presentation by Allstate Insurance Company at the Community. He met with Tim Slack, SUNY Cortland Physical Plant Director for an update on the reduction of carbon on the SUNY campus. He also attended the Cortlandville Town Hall open house.

Ward 1 - Alderman VanGorder

Her Ward has been quiet, but it is the first of the month and even though Director of Administration and Finance Damiano is not here, he left a memo that she will read to update everyone.

On the Fire Station project, Mitchell Associates have met with Mr. Damiano and the executive staff of the fire department and the firefighters' union, members of the board of engineers and representatives of the volunteers to discuss what was needed in a modern fire station. Mr. Mitchell was briefed on the various issues regarding a modern fire station. Mr. Mitchell has concluded his review of the space assessment study concluded in 2003 by Ashley and McGraw Architects and he further reviewed and verified the critical maintenance issues noted in that study. Mr. Mitchell advised Mr. Damiano that most of his preliminary work and research has been completed and a number of additional questions have since arisen and accordingly a second round of meetings are scheduled for October 3, 2007.\

As far as the flooding study and the retention pond; a meeting was held with engineers from C & S, who will be undertaking the study to discuss the parameters of their report. The City was represented by Mr. Damiano, Chris Bistocchi and Alderman Feiszli. The County was represented Mr. Chambers and Carol Tytler and Pat Reidy from Cortland Water and Soil Conservation. There was a brief discussion regarding the previous study done by C & S and the Otter Creek corridor which will serve as a basis of the data on the creek size, topography and historic flows. In addition, a great deal of time was spent on need to incorporate the impact of the weir installation on the Water Works property into the study. Pat Reidy also discussed the study that he completed, which included an estimate of the amount of water which would be detained on the Water Works property and minimal alterations on that site. Pat agreed to provide his calculations to C & S for their consideration. No specific time frame was provided for when the study will be completed. C & S will present their findings upon conclusion of their report.

Corporation Counsel Knickerbocker gave an update on zoning and the nuisance party ordinance and more than likely, more work sessions will be scheduled. The rental

permit program has been handed out to numerous landlords for their consideration. He assumes that also will be coming back for further discussion. Front yard parking will be discussed later this evening. The sub-committee on the zoning changes are continuing to meet and are getting close to wrapping up their preliminary changes and at that point, Cheney and Blair will be brought in the look those changes over and to meet with the sub-committee before everything comes to the Planning Commission and then to the Common Council. Relative to the animals, mostly cats, he did do a draft which he will bring with him to the next meeting, the change that was suggested in the number of cats, both in multi-family and single family residences. That will be on the next agenda for discussion. Relative to the situation on Wheeler Avenue, the Court sentenced in the criminal matters, 28 Ag and Markets law violations on Perfect World. The Court sentenced them to a one (1) year conditional discharge with certain terms and conditions. One (1) of the terms being that they cannot operate any kind of facility at that location with feral, stray or donated cats, or cats of any nature without the express written authorization from the City of Cortland. Perfect World also sued the City to try to compel us to inspect that premises. That lawsuit is still pending. Final submission was to be to the Court by Monday of this week. When the judge signed the order to show cause, he struck a provision in there that would have permitted them to start operating again in the interim period and their attorneys made a motion to the appellate division to have that overturned. The City submitted opposing papers to that, that was returnable a week ago Monday and we have not gotten a decision from the appellate division on that. He has written to the Attorney General's Office again and he spoke with them yesterday at some length as to that operation and their not for profit status.

Corporation Counsel was asked if Cheney and Blair had given any feedback on the preliminary zoning changes. Mr. Knickerbocker indicated that he had not given them anything, he was waiting for the sub-committee to finish with the whole thing and then have them look at it as a whole.

Alderman VanGorder spoke with Chris Bistocchi of the DPW regarding an update on their projects around the City. There is some delay with the bridge on North Main Street with the receipt of a pre-cast concrete form. They hope to have all of North Main Street paved from Pudgies to the hospital either this fall or in the spring, depending on the weather. They are also started the sewer rehab project on Kennedy Parkway, North Main and Homer Avenue. They are also waiting on NYSEG to finish Greenbush Street.

Ward 2 - Alderman Terwilliger

She has been talking with some residents of single family homes in the Ward who are concerned with the front yard parking ordinance. She also noted that the Probation Department notified her that a Risk Level 2 sex offender lurking near the parking lot of St. Mary's School and she cautioned parents to be careful with their children.

Ward 4 - Alderman DeCarlo

He was invited to participate in the Civics Education Panel Discussion up at the college, which went well. They discussed Article 10, which is being delayed in the State

Legislative body. They are working on the energy issues. He received e-mails about some code enforcement issues, but there was nothing really serious.

#### Ward 5 - Alderman Quail

He has been working on a couple of disrespect issues in the Ward and he is getting close to a resolution on those. He attended the Bi-centennial Kick Off at the Community Center, where they voted on the emblem. The Sweet Adelines were very good.

#### Ward 6 - Alderman Feiszli

To follow up on Director of Finance and Administration Damiano's update on the meeting with the C & S Engineers; she spoke to the principal engineer of C & S who told her that they are planning to get the report completed by November and at that point they are going to hold a public meeting to present their findings and recommendations. She met with constituents who wanted to show her some gravel bars or islands that have developed on the Tioghnioega River right behind Euclid and Sansom Streets. There are also some at the end of Otter Creek. DPW did as much work there as was allowed by the DEC and she has contacted the local and regional DEC authorities to get these spots along areas of concern, so that those are cleaned up. There is a lot of confusion regarding who can get into these areas to clean them up. She did receive some calls from landlords regarding the rental permit program and the nuisance party ordinance. They had some recommendations and good feedback. She is glad to hear that they were given those documents to review more carefully and she is looking forward to a future work session.

She thanked Sgt. Carpenter for his presentation at her Neighborhood Watch meeting last month. The police department has recently ordered a couple of programs and brochures on home safety. She will be handing them out soon in her Ward. She also received a call from DEC in Albany regarding the properties purchased by NYSEG on Charles Street. An information letter called a FACT sheet will be mailed to residents and the school this week. She has been told by DEC that they plan on being available to meet with individuals at St. Mary's school in the middle of this month, but the date and time have yet to be announced.

#### Ward 7 - Alderman Partigianoni

He asked the Mayor to give an update on the Cable Commission. Mayor Gallagher noted that the first meeting was held with the Time Warner representative and a representative from the Public Service Commission. They had been given a copy of what the City would like to see in the contract and they came back with changes, taking everything out. The Public Service Commission representative was not very happy with Time Warner's response, so she went back to meet with her people in Albany and she has gotten in touch with John Nagelschmidt and he will be coming to our next Council meeting for an update.

He noted that the Bi-centennial Meeting was held at the Community Center, there was a full house and it was both entertaining and informational. The Sweet Adelines were

there and he noted that the East End Center is in the process of recording a short program for Time Warner Cable with the Sweet Adelines. He received a call from a resident in regards to how the Council handles the budget process which sent him to the Charter and Code of the City. The Excelsior Street party was held a few weeks ago. He's also been busy with the Friday night storm that did some damage on Pomeroy Street. It brought down some trees and residents lost power. Mr. Maloney from National Grid came this morning and looked the situation over. He removed branches coming in contact with wires and they are still in negotiations with him in regards to some of the other trees that look to also be dangerous in that area. He thanked Mr. Maloney for coming and bringing in his crew. He wished they could have done more, but he was grateful for what they were able to do.

Ward 8 - Alderman Michales

He attended the Cortlandville Open House. Tonight he received a call concerning the intersection of Randall and Cedar Streets. Many cars have been observed not stopping during school hours. He asked the Chief of Police to get a car over there to observe that intersection. He would like to move forward and make that intersection a four (4) way stop. He noted that the Habitat Selection Committee is looking for eligible families. Those interested should contact Kathy Taverone at (607) 753-0661 or [ktavaron@TWCNY.rr.com](mailto:ktavaron@TWCNY.rr.com); she will be taking phone calls and messages from families who are interested. He has a Ward meeting scheduled for October 17 at 7:00 PM at the BOCES Center for Career Development on Pt. Watson Street or at City Hall. Right now he is proceeding with the BOCES Center. The agenda will include a Neighborhood Watch update as well as an update on the BMC clean up efforts.

**RESOLUTION #100** OF 2007 - Consideration of a Resolution authorizing the Mayor to enter into a contract with Thoma Development Consultants to provide program delivery and administration services for the South End Neighborhood HOME Rehabilitation Program.

Bernie Thoma was present to give an update on the program and noting that they will probably begin taking applications in November.

By: Alderman Michales  
Seconded: Alderman Quail

Approved: Ayes - 7  
Nays - 0

**RESOLUTION #101** OF 2007 - Consideration of the adoption of Local Law No. 3 of 2007, increasing the annual salary for the position of Mayor to \$25,000 effective January 1, 2008 (Public Hearing held on October 2, 2007).

By: Alderman Partigianoni  
Seconded: Alderman Quail

Roll Call Vote: Alderman VanGorder - Aye  
Alderman Terwilliger - Aye  
Alderman DeCarlo - Aye  
Alderman Quail - Aye  
Alderman Feiszli - Nay  
Alderman Partigianoni - Aye  
Alderman Michales - Aye

**RESOLUTION #102** OF 2007 - Consideration of a Resolution authorizing the installation of street lights on Park Street and Sunnyfield Drive at a cost of \$120 per year, per light.

The Mayor noted that two (2) lights would be installed. It was noted that the cost was for installation and electricity per year.

By: Alderman DeCarlo  
Seconded: Alderman Quail

Approved: Ayes - 7  
Nays - 0

**RESOLUTION #103** OF 2007 - Consideration of a Resolution authorizing the use of the Water Works property by the Cortland High School baseball team on October 27, 2007 to stage their annual Haunted Hayride.

By: Alderman VanGorder  
Seconded: Alderman DeCarlo

Approved: Ayes - 7  
Nays - 0

**RESOLUTION #104** OF 2007 - Consideration of a Resolution authorizing the closure of Court Street from Church Street to Main Street for the Pumpkinfest.

Alderman Michales expressed a concern that the area get roped off around the residential properties along the North side of the park to prevent any problems. The Mayor indicated that Jim Sponaugle would take care of that.

By: Alderman DeCarlo  
Seconded: Alderman Michales

Approved: Ayes - 7  
Nays - 0

Agenda Item No. 5 - Continuation of the discussion regarding the proposed revisions to the front yard parking ordinance.

Alderman Terwilliger expressed her concerns that if this was done there would be no creation of any parking spots for the people who now have no place to park their cars. People in her neighborhood are coming up with creative measures, but she's concerned that this will create more hardships on them, without a City provided solution.

Chief Glover was present to outline the present front yard parking ordinance. He noted that his office continued to write parking tickets and the judge didn't feel that was the appropriate vehicle for dealing with the issue. He suggested that they write appearance tickets instead. That is way too cumbersome for the City departments to handle. This modification would make the landlord responsible under a given set of circumstances. The Code Office is not looking to go after the landlords specifically, but they are trying to address the front yard parking issues so that the judge will no longer throw out the parking tickets based on his interpretation of the law.

Alderman Feiszli inquired if this was an issue more in one part of the City than in others. Chief Glover noted that since 2000, that his office generally had a larger amount of problems in the college hill area. They do exist in other areas and his office addresses these. His office issues a parking violation notice and then goes to a \$30 parking ticket and the last resort is a court appearance. Usually a \$30 parking ticket makes this problem go away. He noted that with the advent of more cars per family, this problem occurs in other residential areas. This is not only an aesthetic problem, but it is a fire safety problem in not being able to get fire equipment close enough to a building because of vehicles parked in front. He hopes that this issue can be resolved, so that they can go back to writing tickets, rather than appearance tickets to solve the issue. Alderman Feiszli asked him to explain the legality of towing vehicles from private property. Chief Glover and Corporation Counsel noted that from investigation of this practice, it would set the City up for litigation and they were not doing this. Chief Glover noted that the property owner could have the cars towed. Chief Baron concurred that the fire department could have vehicles towed in a fire emergency. There's the issue of fixing the ordinance and also to look at how to fix the actual lack of parking. Alderman Feiszli noted that she would like to go ahead with this ordinance, but she would like to have separate work sessions to deal with the lack of parking. This situation is only going to get worse and we should find out how other cities handle this or how landlords handle this.

Corporation Counsel Knickerbocker referred to the amended sections of the City Code that he had prepared and distributed. Alderman Partigianoni inquired about some of the older houses that had parking in their front yards because that area is paved and has been that way for years. He asked what would happen to those. It was noted that if they were approved or grandfathered properties or the owners had received variances, they would not be affected.

Alderman Terwilliger asked if odd even parking could be talked about as an option. She knew that there were some areas of her Ward where this parking issue was going to be a huge concern and she asked if a solution could be found. The Mayor noted that this should be a separate issue. He asked if a motion could be made to adopt the ticket portion to the City Code of Ordinances and if the Council could then discuss solutions to the parking issue with some of the department heads who are present here tonight. He

noted that by adopting this wording modification to the ticket portion of the City Code, it would allow the City to ticket and it puts some of the responsibility onto the owner of the building if they permitted this type of parking to continue. The Code Enforcement can then issue appearance tickets to those landlords. It's a two-fold thing, which would allow the Code Office to ticket the individual violator and to also issue an appearance ticket to a landlord who encouraged their tenants to park in the front yard, especially when they found out that the judge had interpreted the current ordinance to be unenforceable as worded. This would give the City the ability to put the landlord on notice. Alderman Michales asked if this would cover single family residences. Corporation Counsel noted that it would cover all houses in the City of Cortland and would go into effect immediately. It was felt that there should be public notice given to allow everyone time to come up with their solutions or to make them aware of this law.

**RESOLUTION #105 OF 2007** - Consideration of a Resolution to change the wording of the Cortland Code Sections 11-155 Parts C, D. & E be amended as set forth in the previous provisions provided as well as Cortland Code Section 11-172B, Sections B-1 and B-2 be amended as provided, and Cortland Code Section 11-173 would also be amended as previously set forward and provided, effective November 1, 2007 after Public Notice.

By: Alderman DeCarlo  
Seconded: Alderman VanGorder

Approved: Ayes - 7  
Nays - 0

Further Discussion of the Parking Situation.

Alderman Partigianoni asked for further information regarding discretionary enforcement of this provision. Corporation Counsel Knickerbocker noted that City Code has always been subject to discretionary enforcement by all departments. Chief Glover noted that a variance was always an option.

The Mayor asked Chris Bistocchi, Chief Baron and Chief Nichols to speak on how odd/even parking would affect the performance of their department's duties. Alderman Feiszli inquired if the City could try odd/even parking during the summer months to see how it worked and then find an alternative solution for when college was in session. Chris Bistocchi noted that this was an issue throughout the City, not just the college area. He outlined the difficulties of City snow removal and illegally parked cars. Chief Baron noted that if the City went to overnight parking on the City streets, this would encourage residents to have even more people come to their residences and therefore there would be even more cars parked in their areas. The streets would be used as parking lots and there would be more building population overloading. Chief Nichols noted that this will lead to an enforcement issue. He had a limited number of officers already on patrol and now adding enforcement of odd/even parking, creates additional work. Right now it's no parking on City streets from 2:00 AM until 6:00 AM or else tickets will be issued. By adding the component of odd/even to this, this will be a huge job. He has spoken with other departments who have this issue. This is already a

problem in the City's parking lots, even with signage. He noted that with the limited resources within the City between the plowing, the enforcement and the fire service, creating additional free parking on City streets, he believes is not the right approach. He felt that the City currently had a strong parking permit system which encourages people who reside in the area surrounding Main Street to use the City parking lots and the current permit system. He noted that there are currently nine hundred (900) parking spaces in downtown Cortland. He also noted that the parking lots at City parks could also be used as well as SUNY Cortland parking lots that sit empty at night. He suggested that talks begin with the College about utilizing their parking lots for overnight parking. The City already provides free parking along Prospect Terrace for hundreds of cars, also James Street. He felt that odd/even parking would add an additional burden to the City. He doesn't feel that the City should be obliged to provide a property owner with free parking if there was none there when the property owner purchased the property.

Further work sessions on this issue need to be scheduled. They scheduled a work session on the rental permit process for 5:30 PM on October 16, 2007.

### **Adjournment**

By: Alderman DeCarlo  
Seconded: Alderman Michales

Approved: Ayes - 7  
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 2nd DAY OF OCTOBER 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**