



City Council Minutes
The City of Cortland

December 4, 2007

Council Meeting #21
December 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

Public Hearing: Proposed 2008 Wastewater Fund Budget

No Comments
Public Hearing Closed

Public Hearing: Proposed 2008 Water Fund Budget

No Comments
Public Hearing Closed

Public Hearing: Proposed 2008 General Fund Budget

No Comments
Public Hearing Closed

Mayor Gallagher calls the twenty-first Common Council meeting of the year to order at 7:05 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Lloyd Purdy was present to relay good news. He has put together a 2008 Preserve America grant application and would like a resolution of support from the City. The City is the applicant and it will be the conduit for the funding. Director of Finance and Administration Damiano asked that the Council consider adding this item to tonight's agenda.

Vince Minnella was present to discuss the Fire Commission budget. He noted that the fire station is over ninety (90) years old, the average age of the apparatus is seventeen (17) years old and you know that they have gone from a shift of eleven (11) down to a shift of seven (7). He also noted that the volunteers have gone from one hundred sixty (160) plus down to eighty (80) and of those, only a small proportion are interior fire fighters. The Commission is concerned because of the implications that this represents. He asked if the Council had considered the effect on response time to commercial building fires on Main Street. He noted if there was a fire on the downtown retail area, it would have an effect on the tax base and the sales tax revenues. The impact of this can affect the entire City. There have been incidents on Main Street. There have been incidents where the loss of a commercial building on Main Street was dramatically reduced because the fire department's response came during a shift change when both shifts were able to respond. This is a good illustration of how manpower can make a difference. There is a lot of talk of protecting out tax base and consideration has to be given to preserving retail businesses on Main Street from loss by fire. The Fire Department is the Council's protector of that investment. He didn't want to see coverage during a fire be a dice roll. He noted that when something of a major size occurs that affects other adjacent communities, they won't be able to provide resources or support or mutual support and you will be falling back on the City Fire Department. Please consider this when deciding to make a budget cut.

Minutes of November 20, 2007

RESOLUTION #117 OF 2007 - Approve the minutes of November 20, 2007 as amended.

By: Alderman DeCarlo
Seconded: Alderman Terwilliger

Approved: Ayes - 8
Nays - 0

Bills were reviewed and received.

The Mayor again asked if there was anyone present to speak regarding the 2008 General Fund Budget. No one was present.

Mayor's Report

Friday the Armory was the focal point for training in crisis negotiation put together by the FBI and the Cortland City Police Department. A total of 32 people from police agencies in four counties participated in the 40 hour training. Two of our staff people were part of that training program. He met with members of the management group from the Cortland Regional Medical Center to discuss their on-going development plans. Conversation took place regarding the on-going purchase of property and "removing from the tax roll" and the possibility of straightening the corner at Homer, North Main and West Main. He also attended the City's Comprehensive Plan Steering Committee

meeting at Barry School as well as attended the interview sessions for the Executive Director of the BDC/IDA.

He conducted the Christmas Tree Lighting Ceremony at City Hall on Saturday evening. Well over 100 people were in attendance. A big thank you to Price Chopper for supplying the refreshments and the Cortland Fire Department for the transportation of Santa Claus and opening their doors for the party. A special thank you to the St. Mary's chorus and their teacher, Mrs. Palmer. Their performance was well received. He attended the meeting with the County regarding their intentions to assist the City in our on-going financial situation. There will be another meeting on Thursday.

Santa Claus is coming to the Waterworks on Saturday, Dec. 15 from 4:00 pm to 6:00 pm, Sunday, Dec. 16 from 4:00 pm to 6:00 pm, Wednesday, Dec. 19 from 5:00 pm to 7:00 pm, Saturday, Dec. 22 from 4:00 pm to 6:00 pm and Sunday, Dec. 23 from 4:00 pm to 6:00 pm.

Alderman Partigianoni asked if the Mayor could provide more information about the Cortland Regional Medical Center. The Mayor noted that they discussed the Center's thirty (30) year ongoing program and what was planned for their campus. They discussed their recent purchases on Homer Avenue. It was noted that where the Kleen Korner was, they are planning to build a medical office building. Half of it would be Family Health Network, which is not for profit and non-taxable and the other half would be taxable. The Mayor and Director of Administration and Finance Damiano met with the CRMC to open lines of communication regarding the CRMC removal of properties from the tax rolls, so that the CRMC will come to the City and tell the City what they planned to do with the properties that they planned to take off of the tax rolls. Further meetings have been planned. Alderman Quail asked if any in-kind contributions were discussed with CRMC and the Mayor noted that that was discussed. He also noted that Alderman Feiszli also met with CRMC and discussed in-kind contributions. Alderman Feiszli and Alderman VanGorder have both been in contact with CRMC. Alderman VanGorder noted that CRMC seems more open to communicating with the City. It was noted that they do provide a great service to the county. Alderman VanGorder felt that even if a portion of the new proposed building were to be taxable that could provide tax revenue for the City. Alderman Feiszli noted that previously when they had requested a zone change from R1 to PO, CRMC had indicated at that time that they would be having tax positive property, which didn't happen. What happened are parking lots. The hospital now owns forty-one (41) properties and thirty-three (33) of those are tax exempt, soon to be thirty-four (34). If they need to expand, that's wonderful, but the City needs to be more aggressive in asking for compensation for the loss of tax revenue. This affects remaining neighboring residential properties as well, in that their values go down in because they are now bordered by parking lots. It was noted that CRMC did pay for sewer and water and for their cooling tower, but not for DPW and Fire Department services.

Ward 1 - Alderman VanGorder

She noted that because the Council had been so busy with the 2008 Budget, they will not go through the Top 5 until January. She received an e-mail from folks that recently moved into the area. They had parked in the street one night and received a ticket.

They didn't realize that they couldn't park in the street overnight and questioned the lack of signage announcing parking regulations on City streets. There was an inquiry about a parking permit program allowing overnight street parking for a fee. Perhaps this could also raise some revenue. There was some discussion regarding odd even parking and how other cities managed to implement this and plow streets.

She is now receiving crow calls in her Ward. She noted that they are just moving from one area to another and she asked for a commitment from the rest of the Council members to find two (2) or three (3) people in each of their Wards to coordinate a crow scaring effort. This would have to be announced in the paper. She offered to coordinate it. Alderman Michales noted that the County is using a crow deterrent apparatus at the County Office Building and it is working. There are no crows in the park area. Chief Nichols has spoken with some people who are in the process of hiring Sweeney's Pest Patrol to do the same thing on their private property, which is a distressed bird call. The Mayor noted that the Fire and Police Departments are also going out and blasting air horns. Alderman VanGorder noted that the crows are bad in Suggett Park and the Mayor noted that they are also bad in Clayton Avenue. Alderman VanGorder will get in touch with everyone via e-mail and try to get this organized and give it a try.

Ward 2 - Alderman Terwilliger

She had some crow issues a few weeks ago. She also received some e-mail in regards to the tax rate being so high. She thanked Director of Finance and Administration Damiano for whittling the tax rate down to seven point eight percent (7.8%).

Ward 3 - Alderman Cobb

Her Ward has been very quiet. She has received no crow calls or streetlight calls.

Ward 4 - Alderman DeCarlo

In his Ward a lady's grandsons have been screaming and hollering to scare the crows. He reminded residents to please shovel their sidewalks.

Ward 5 - Alderman Quail

He noted that the City Christmas Tree Lighting Ceremony was a success, as usual. He has been speaking with Marty Mack's office regarding fire districts and fire departments to get a better handle on what is required by municipal law to maintain a department or a fire district. He thinks they should look at a Countywide Fire District, not just the City. He wants to understand better, what the City is required to do.

Ward 6 - Alderman Feiszli

She spoke with Thoma Development regarding the procedure to be aware for upcoming grants for her Ward. Thoma suggested that Aldermen provide Thoma a list of addresses and homeowners and infrastructure problems or drainage to see if they are eligible for block grant money or other grant money. At the last meeting she mentioned

the huge hump in the road on Grant Street left by the gas company. She spoke with DPW and they indicated that all of Grant Street is scheduled for repaving after they replace the water line. At the last meeting, she mentioned the letter written to the DOT regarding the speed limit on Clinton Avenue Extension in front of Cortland Care Center. The speed limit goes from 30 to 40 MPH and a lot of children cross over from Cherry Street to go to Morningside Drive to wait for the school bus or people crossing to go to the park. She is getting further information to try to reduce the speed limit, because this denied previously when broached by a former Council member. She is working on building up justification to try to build up a case for this change.

She attended the County Legislature meeting where Legislator Ron VanDee had put up for consideration for renegotiating the sales tax sharing with the City. This was unsuccessful, but she thanked him for bringing it to the table. Most importantly, a series of meetings has begun with the County to talk about the Library and she asked for support for this.

On Willow Avenue there were a couple of lights out and have been fixed. She will be getting out the contact sheets for getting light repairs done to other Council members shortly. She received a lot of calls and e-mails regarding the proposed 2008 budget, which is being continued to be worked on. This will be voted on at the December 18, 2007 Council meeting. She also noted that the Comprehensive Plan Visionary Meeting scheduled for this evening was cancelled. She attended the previous one and encouraged all residents to attend the one scheduled for December 11 at Barry School or December 6 at the East End Community Center.

Ward 7 - Alderman Partigianoni

He also attended the City/County meeting and spoke with individuals and he came away with a good feeling. He noted that the Italian class at St. Anthony's Hall had begun and over eighty (80) people had signed up. He also attended the Planning Commission meeting last week after receiving several calls about the planned building of Tim Horton's Restaurant on Clinton Street. He was surprised to see that the plans submitted to the Commission were not what was in the newspaper that they were going to exit and enter on Cleveland Street. This was not the case at all. The chain had misidentified the entrance and exit was on Cleveland Street, but it's actually on Clinton Street. Cleveland Street residents had contacted him. He stressed that it was on Clinton Street. It was a misunderstanding.

Thursday at 4:00 pm at the East End Community Center, Thoma Development is hoping their Comprehensive Plan Visionary Meeting. The public is invited to attend.

Ward 8 - Alderman Michales

He attended the Comprehensive Plan Visionary Meeting the other night. He also attended the tree lighting ceremony at City Hall. It was very chilly. He received some calls regarding his fire tax proposal. Believe it or not there were some mixed opinions on this. He attended the County meeting today on City/County cooperation. He was impressed with home the City was received and it was well attended.

Item No. 1 - Update by David Briggs on the Reval project.

David Briggs gave the Council an update and noted that he was going to be moving into a more visible phase of the project and wanted to alert the Council. To date, they've completely photographed all of the properties in the City and these are now on computer file with the County. We also have driven by all of the residential property in the City to check existing data on the property and made necessary changes. Now every property owner in the City will be receiving a data or inventory mailer. This will list all of the physical characteristics of each property, i.e., when the house was built, the style, the number of bedrooms, bath, decks, porches, garages, etc. If anything is incorrect, the owner just needs to cross it out and write in the correct information and send it back to him and the file will be updated. He presented a sample to the Council members of that document. He wanted to do a couple of public informational meetings prior to this mailing going out. Those will be scheduled soon. These will be informational about this project and when new assessments can be expected. This informational gathering is the first step in the reval process. They were slightly delayed by the additional work caused by the STAR rebate glitch.

Alderman Michales asked what a homeowner could expect for a house valued at \$80,000. Mr. Briggs noted that for 2007, the City average for all types of residential property was seventy (70) percent of value. Now with a reval being done, homeowners can expect a thirty (30) percent increase in their assessment, but with that increased assessment increasing the total tax evaluation for the City, the tax rate per thousand gets reduced. Some areas could see an increase, but others could see a decrease or stay the same. He guesstimated that it would be about a third (1/3) for each. He noted that multiple housing properties around the college have been assessed at fifty (50) percent, but sold for a much higher value. This will bring those properties into line by bringing them into current market values. Alderman Michales asked how often a reval should be done to keep properties at one hundred (100) percent. Mr. Briggs noted that while property values fluctuated in a city the size of Cortland as opposed to more stable smaller places, a reval should be done when it's noted that the market is getting more volatile. Cortlandville was reassessed in 2005 and already they're at ninety (90) percent, but Homer was reassessed the same year and they're at ninety-two (92) percent. The City of Cortland had fewer fluctuations from year to year as compared to Homer and Cortlandville. He noted that Council members should refer any calls they received regarding this process to his office. Alderman Feiszli asked if tax exempt properties were also reassessed and Mr. Briggs answered that all property was reassessed including those. It is very important to get real numbers on those properties and care is being taken to get these properly assessed. This determines the true total assessed value of the City. Alderman Michales asked if other cities were like Cortland to have so much tax exempt property. Mr. Briggs noted that it was very common for a County seat to have a university branch and other government buildings and to run approximately fifty (50) percent exempt. He mentioned Plattsburg and Genesee as examples. Cortland has been in the top ten (10) in its relationship to exempt property. Alderman Quail noted that that approximately \$30,000 was in the 2007 and 2008 budgets, just for this project. So roughly half of our percentage increase is going for this project. Director of Administration and Finance Damiano noted that that figure would drop out of the budget in 2009. Mr. Briggs noted that the City would be reimbursed from the State approximately five (5) dollars for each parcel, which is

approximately \$25,000 towards this project. This money isn't received until the project is completed, but he estimated in 2008 or 2009. It's hard to predict with the State.

RESOLUTION #118 OF 2007 - Consideration of the confirmation of the Mayor's appointment of Anthony Camilli, Jacqueline K. Henry and Janice Kline as Commissioners of Deeds for the period January 1, 2008 through December 31, 2009. (All employed by the Department of Motor Vehicles.)

By: Alderman Partigianoni
Seconded: Alderman VanGorder

Approved: Ayes - 8
Nays - 0

RESOLUTION #119 OF 2007 - Consideration of the confirmation of the Mayor's appointment of Paul Lorenzo (32 Tompkins Street) to the Wastewater Treatment Advisory Board.

By: Alderman DeCarlo
Seconded: Alderman Terwilliger

Approved: Ayes - 8
Nays - 0

RESOLUTION #120 OF 2007 - Consideration of a Resolution authorizing the submission of a Shared Municipal Service Incentive Grant application, in conjunction with the Town of Cortlandville, for funding to expand a City water main to the Town.

By: Alderman Partigianoni
Seconded: Alderman Quail

Approved: Ayes - 7
Nays - 1 (Feiszli)

Alderman Quail asked for confirmation that there would be no cost to the City. Director of Administration & Finance Damiano assured him there was no cost to the City. Alderman Feiszli asked what the benefit was to the City. It was noted that there was the possibility of fifty (50) new customers and the Mayor noted that there was also the possibility of development in the Polkville area. Several inquiries had been received about projects, but because there was no municipal water, the projects didn't go there. Alderman Feiszli noted that ETL was using well water and would only use this source of water for sprinklers, what's to stop other new businesses from doing the same. The Mayor noted that they didn't know that. He also noted that if they actually received the Shared Municipal Services Grant, part of that would determine how many would actually be hooking up to the water. The potential is for billables, but that may not happen. This came about because of the biodiesel plant; they wanted municipal water because of the pressure. The other thing is that other companies located in that area would save on their fire insurance, which is a huge number for them. That's why ETL put it in; they wanted to keep their rates down. Alderman Feiszli asked about the wording in the last

paragraph, about a tie in with the LWRP Program and for an explanation. The Mayor noted that Thoma Development was not here to answer that question. Andy Damiano noted that the Council had already passed a resolution for their support of the LWRP Program. Alderman Feiszli noted that she couldn't see where that would apply. She asked if this would jeopardize the Shared Services grant.

By: Alderman VanGorder
Seconded: Alderman Terwilliger

RESOLUTION #121 OF 2007 - Consideration of a Resolution authorizing the Mayor to enter into a franchise agreement with National Grid.

John Beaudoin from National Grid was present. He noted that the current franchise agreement had expired in 2001. He stated that typically a franchise agreement was into perpetuity or lasted fifty (50) years. He also said that this agreement made it possible for the City to receive economic incentive grants. He noted that this agreement was retroactive to the end of the 2001 agreement and would go for a total of fifteen (15) years. He discussed working with Mike Dexter on the tree trimming project and stated National Grid's commitment to being an asset to a community not a liability. Andy Damiano noted that the actual petition stated that the agreement would begin in 2007. Mr. Beaudoin noted that he would consult with their attorney on that. Andy Damiano noted that unfortunately there was no franchise fee coming to the City, but there was the potential for grant money coming to the City. It was noted that the cable company paid the City a franchise fee. Mr. Beaudoin noted that National Grid was a top ten tax payer in the City and they didn't pay franchise fees in any other city. Alderman Quail thanked him for his support for the tree trimming program on Main Street.

By: Alderman VanGorder
Seconded: Alderman Terwilliger

Approved: Alderman VanGorder - Aye
Alderman Terwilliger - Aye
Alderman Cobb - Aye
Alderman DeCarlo - Aye
Alderman Quail - Aye
Alderman Feiszli - Aye
Alderman Partigianoni - Aye
Alderman Michales - Aye

RESOLUTION #122 OF 2007 - Consideration of the following actions relating to the water and sewer projects included in the South End CDBG program.

- A. Resolution declaring the Common Council as the lead agency for the SEQRA process.
- B. Review of the Unlisted Action SEQRA form.
- C. Resolution determining a negative declaration, if applicable.

By: Alderman Quail
Seconded: Alderman VanGorder

Approved: Ayes - 8
Nays - 0

RESOLUTION #123 OF 2007 - Consideration of a Resolution to support the submission of a grant application to the 2008 Preserve America Program by the Cortland Downtown Partnership and further authorizing the Mayor to execute the necessary documents.

The Mayor noted that all of this was being handled through the Downtown Partnership Program and the City didn't have to come up with the fifty (50) percent match.

By: Alderman Terwilliger
Seconded: Alderman DeCarlo

Approved: Ayes - 8
Nays - 0

Item No. 7 - Continuation of the discussion regarding the number of animals that may be housed at a residence and other related matters.

Corporation Counsel Lawrence Knickerbocker noted that he had provided the Council members with the one (1) existing provision in the Code and he also provided some proposed language. This did not include numbers of cats and dogs per unit, he left that blank. He also provided the existing penalty provision which seems to be light in regards to monetary fines. He wants the Council to propose some changes and he will be happy to change them. He tried to address the concerns that the Council had in regards to certain types of animals being totally outlawed, as they are presently and secondly, places that would be keeping them for sale wouldn't be permitted without a permit and lastly, that any place in the City would have a limit on the number of cats or dogs and he tried to divide that up by single family dwellings, two family dwellings, multi-family dwellings and all other buildings. Just being concerned that someone might turn a commercial or industrial use into some type of cat or dog factory, similar to the situation the City already addressed once. Then he tried to add a proviso, relative to newborns, such as a litter of kittens or puppies for a limited amount of time or for someone who is carrying for someone's pets for a period of time. Once everyone agrees on the numbers to plug in, he would proceed with this. He would take any thoughts they might have and then include them or remove them and prepare a draft for the next meeting.

Corporation Counsel Knickerbocker also noted that it had been mentioned that Cheney and Blair had tentatively been scheduled to come to the next meeting to talk about the rental permit program at a work session at 5:30 p.m. He felt with the budget situation, that perhaps, they might want to reschedule it for a later time, if the Council wished. Alderman DeCarlo noted that he was very interested in this and he also was interested in the crow and pigeon problems. Alderman Quail stated he wanted to work on the budget process on December 11 and would still like to hear from Cheney and Blair on December 18. He asked what everyone else wanted to do. Alderman Partigianoni felt

that the budget was more important than the rental permit agreement. Alderman Quail wanted to do the budget work session on December 11, not wait until the next Council meeting. It was decided to leave it open and have a work session on the budget if new information became available to warrant such a meeting and continue to schedule Cheney and Blair for a work session on December 18, 2007 at 5:30 p.m.

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 DECEMBER 2007. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN - CITY CLERK

MAYOR THOMAS GALLAGHER