



City Council Minutes
The City of Cortland
January 15, 2008

Council Meeting #1
January 15, 2008
Regular Business Session
City Hall
7:00 PM

Present: Alderman VanGorder, Benedict, Dye, Tobin,
Feiszli, Partigianoni and Michales

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

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

The Mayor made note that as of December 31, 2007, the City Budget for 2008 was passed, the tax rate was set and by municipal law, the Council was not allowed to go back and adjust the budget.

James Brown spoke against low income housing being built in the City and the problems a project of this kind would cause to the City.

Anne Doyle spoke about the importance of the Library and her displeasure with the cut made in their budget.

Charlene Bushnell spoke about low income housing on Pendleton Street and why she was against more being added to that one area.

Nick Esposito spoke about the library, its use by the community and the negative effects of the budget cut.

Sylvia Mace expressed her disagreements with the cut made in the library funding.

Diane Ames expressed her opposition to the cut in the library funding.

Roger Wilmier is concerned about the location of the low income housing project and he outlined his reasons for opposition. He also expressed his support for the library.

Kay Zaharis, library Director, thanked the Council for past support. She welcomed the new Council members and asked for their support.

Russ Ruthig, library trustee, spoke about the library endowment and how it was being managed and used.

Connie Sorrells spoke regarding the library funding issue and the reasons behind the City's cut in their funding. She gave past history on the funding issue and she asked that the library consider looking for funding from other sources besides the City taxpayers.

Jane Richards, former legislator and teacher, spoke about her support for the library.

Robert Lee Strobeck expressed his concerns about the low income housing. He felt no further low income housing was needed.

Renee Rettie spoke about her concerns about the proposed low income housing project and funding for that project.

Sarah Tytler expressed her disappointment in the funding cut made to the local library budget.

Minutes of December 18, 2007

RESOLUTION #1 OF 2008 – Approve the minutes of December 18, 2007.

By: Alderman Partigianoni

Seconded: Alderman Dye

Approved: Ayes – 7

Nays – 0

Bills were reviewed and received.

Mayor's Report

The Mayor welcomed the new Council members.

He attended the St. Mary's Cookie Day celebration as well as the Loaves and Fishes Christmas Party. He did an interview with WXHC and Amy Bertini regarding First Night. He attended the reception for Reverend Don Wilcox who is leaving the community.

He attended First Night celebration. He attended the reception hosted by Judge Rumsey. He also attended the swearing in ceremony. He attended BDC/IDA for presentation by Larry Spring on \$41.6 million school project and the volunteer fire department annual dinner.

He met with representatives of C&S Engineering to review the study on Otter Creek. He also met with Congressman Michael Arcuri to discuss assistance with the fire department. He met with Chief Nichols and Lloyd Purdy to discuss the Chill-A-Bration at Court House Park. He attended the Community Forum at the Ramada Inn. He did a walk-around with the Police Department, DPW and Thoma Development regarding the grant for safety-to-school. He met with John Scanlon for an update on the Clocktower Building. He attended BDC/IDA meeting. He also attended the first meeting on the property reval put on by Dave Briggs, City Assessor at the East End Community Center.

Ward 1 – Alderman VanGorder

She welcomed the new Aldermen to the Council. She received many e-mails regarding the library. She noted that Kay Zaharis has been doing a wonderful job at the library. She has been using it for many years and she noted that the budget cut was not an easy decision for the Council to make. She suggested that the library go to the school and the County to ask for funding and thought that they would be supported. She thanked those who came to tonight's meeting to speak about the housing project. She felt that they made some good points and suggested that the Council really needs to look closely at this project. She also received a call from someone who received a ticket for parking all night in the street. She reminded everyone that they could not park overnight on the City streets. They also indicated that their car had been broken into awhile back and she contacted the police chief about that. She's also working with the Code Office on some continuing issues. She also received a few calls about the hospital and their expansion. She has spoken with the Mayor and Mr. Laubsher from the hospital and she is planning a Ward meeting at the hospital to discuss their plans and answer questions. It will be on January 30, 2008, at 5:30 p.m. in the Assembly Room just inside the nursing home section. She will be advertising this in the newspaper and flyers will be put out in her Ward.

Ward 2 – Alderman Benedict

He noted that he went to the NYCOM conference in Albany. He felt it was very helpful and he has brought back study materials to read. He has received some calls regarding the crow situation. He has contacted the DEC and they referred him to the US Department of Agriculture. They sent out information on the problems and measures that could be taken to get rid of the crows. They would come down and give a free estimate for crow removal. It sounded like it might cost \$10,000 to \$13,000 and he told them it was not something that could be done this year. He did pass the information on to the Mayor.

He noted that Alderman Feiszli's idea of having a crow posse to run the crows out of town was a good idea. Many attempts at scaring the crows that he has tried have worked. He asked that others consider doing the same thing.

He thanked the Mayor for talking with him and bringing him up to date on things in the City. He spoke with various Ward residents about housing stock and the condition of the neighborhood. It was noted that it was time to enforce the three (3) unrelated housing rule. This law has been upheld in several cities in New York. The definition of family came from the New York State Department of State. Another urged him to change the zoning soon, to keep families in the neighborhood. Another was concerned about the possible loss of the River Trail grant. It was felt that the River Trail would be a benefit to the community. He spoke about quality of life issues in Cortland. He noted that the library added so much to the community. He has spoken with individuals and he has received e-mails, all supporting the library. He understood the emergency problems the City faced that needed to be addressed in the budget. He felt bad that the library budget had to be cut and he asked that \$15,000 of this year's budget cut be given to the library and if there was a fund balance at the end of the 2008 budget year, that the City give the additional \$35,000 of the budget cut back to the library. He would like to see that matter put on the agenda.

He also received calls and e-mails on the Conifer Project. The calls were not opposed to the apartment complex, but there was concerns regarding the large tax breaks and big loans with low interest. He would rather improve the present housing stock, than build new ones that wouldn't bring in taxes. He thinks it would be unfair to the landlords in the local neighborhoods that would like to improve their houses. He felt that there were other ways to help the low income housing situation in the City.

Ward 3 – Alderman Dye

One of the issues brought to him was the traffic on Groton Avenue. It was noted that a lot of large heavy trucks are using that route. There also were concerns regarding the flooding issues on the Groton Avenue and Otter Creeks.

Ward 4 – Alderman Tobin

He apologized for his tardiness. He noted that while he was campaigning in his Ward, constituents complained about break ins to their cars. He urged everyone to contact the police if this happened to them. He also thought it would be a good idea to revisit the library and their funding.

Ward 6 – Alderman Feiszli

She welcomed the new Council members. She also was disappointed to hear that the County wasn't going to have enough money to pay for the River Trail project. She didn't understand why there had to be an asphalt trail, perhaps they could use crushed gravel.

She is still in support of this project and hopes that less expensive alternatives can be found.

She spoke about the flooding study that the City and the County paid for and noted that it has been recently received. She plans to meet with the engineers and the sub-planning committee which Carol Tytler chairs, and proceed from there.

A letter of request has been sent to the Department of Transportation to reduce the speed limit on Clinton Avenue from 40 to 30 miles per hour. This is a residential neighborhood and a lot of kids cross the street in that area and they also wait for school busses. She noted that this request had been made in the past, but with the bridge project ongoing, perhaps they had a better chance of receiving approval of this request. She has also received calls regarding the hospital. She finds it personally very upsetting to see homes being demolished and taken off of the tax rolls. Back in 2000 and 2004, the hospital came to the City and asked them to rezone the surrounding area from R-1 to PO with the understanding that any work that was going to be done would be tax positive or else they would do something to compensate the City for the loss of revenue. To her knowledge, there has not been any compensation for loss of revenue. She would like to request that a representative from the hospital to meet with the Council to talk about the original understanding and find out why they did not keep their promise with the City.

She also noted that there was a situation last weekend, where the City sewer line on Charles Street got clogged. She noted that this situation had once happened to her property and she called a private company to unclog the line. The homeowner on Charles Street did the same and the private company told them, that the situation was being caused by a clogged City sewer line. The private company stayed for an additional two (2) hours and then proceeded to bill the homeowner. The homeowner contacted Alderman Feiszli, because she felt that she didn't owe the bill, because it was the City sewer line that was clogged. Alderman Feiszli's first response was that the City should be responsible. But upon further investigation, she found out that whenever a homeowner's sewer line was clogged, they should first call the City DPW or the City Police if it's the evening or weekend and they will contact the DPW. Someone from the City will check it out and if they determine it is the City line, they will be responsible for the cost.

She also received calls regarding the proposed housing project on Pendleton Street. She will talk more about that when it comes up on the agenda. She also received calls in support of funding for the library. She noted that she and Alderman Partigianoni and Alderman Terwilliger voted against that cut. Now there are three (3) new Council members and she noted that legally the Council could not transfer funds because it had already been voted on. She did note that one thing that was not talked about was that when Covanta used to run the City Wastewater operation, they awarded \$50,000 to the City as a gift. She spoke with Director of Administration and Finance Andrew Damiano and noted that the money had been sitting in an account. The Mayor stated that it had

been in an account, but it also had been earmarked for a matching grant on a building for Beaudry Park, which had already been voted on and approved.

She also noted that they should continue to look at the hospital and to also look for ways to help the library. She would like to set up a work session before the next Council meeting to bring the new Council members up to speed on the budget. She also asked that this be placed on the February 5 agenda for consideration.

Ward 7 – Alderman Partigianoni

He received more than a dozen e-mails and three (3) phone calls in support of the library funding and the wonderful job being done by Kay Zaharis. He attended Judge Rumsey's open house. He attended the annual Volunteer Firemen's Dinner Dance at the Ramada Inn. It was a nice time. They had their awards presentation, too. Also at the Ramada, he attended the Cortland Counts Community Forum. He listened to the assessment team give a review of the health and well being of Cortland County. It was quite the presentation.

Last night, he attended Dave Briggs presentation at the East End Community Center regarding the City revaluation project. The talk was followed by a question and answer session. The reception was a positive one. Mr. Briggs will be scheduling more sessions regarding this project. He also has looked into a couple of code issues that have now been resolved. He also announced that the Cortland Youth Bureau is hosting a family dinner/dance night on January 21, Martin Luther King, Jr.'s birthday from 5:00 to 9:00 p.m. at the Teen Center on 35 Port Watson Street. The event is free and open to the whole family thanks to co-sponsorship from the Cortland Police Association and Crush Entertainment. Contact the Youth Center's Susan Williams for further information. Everyone is welcome.

The East End Community Center in conjunction with the Cortland Historical Society another presentation and this one will be the Ukrainian Immigration Story. This will be given by Mary Ann Kane, Historical Society Director and Randy Storch, Associate Professor of History at SUNY Cortland. It will be January 20 at 2:00 p.m. at the County Office Building Auditorium. These sessions are quite popular and many calls have been received. Following the presentation will be questions and answers as well as refreshments. Everyone is invited and the event will be free to all. Another upcoming event at the Community Center will be the opening of an office by Habitat for Humanity. They will be moving into the old police outreach office. Also the Community Center Advisory Committee is meeting tonight to finalize plans for another fund raiser on February 15 at the Ramada Inn. At the last event, over \$1,000 was raised.

He did receive input regarding the planned Tim Horton's on Clinton Street. This will be before the Planning Commission at their next meeting on January 28 at 5:15 p.m. Revised plans will be presented and a decision should be made. Also as a result of a tractor trailer truck and car accident on Dio Way, he requested that the Public Safety Department investigate the traffic pattern on that street. A unanimous decision was

reached as a result of this study that there is no street marking on either side of Dio Way. He asked that this be placed on the agenda for the next meeting.

He also noted that he received a phone call from an elderly crime victim in his neighborhood. There is assistance available from the Crime Victim Help through the YWCA. The victim did receive restitution and she was pleased.

Ward 8 – Alderman Michales

He also welcomed the new Council members. He attended the First Night Celebration and the Volunteer Fireman’s Dinner. He received several e-mails regarding the library funding as well as some calls. He received concerns pertaining to the Conifer Project and he plans to hold an informational meeting in the near future to bring the residents up to date on this project. He attended the ZBA meeting last night and expressed concerns regarding a certain property that’s looking to obtain a variance. It turned out that the zoning ended up changing what the owner had requested, so that will not take place and some cars on the property will be looked into by the Code Office.

He had a conversation with Deputy Clerk Sherrie Massmann to draft a letter to Country Max where they are selling exotic pets and informing them that the City does require a permit for these animals and he asked that the letter be cc: to the Cortlandville Town Clerk to inform them of the City intentions. He also asked that an agenda item be added for the next meeting to approve a permit application for five (5) ferrets.

RESOLUTION #2 OF 2008 – Consideration of a Resolution designating the Cortland Standard as the official newspaper of the City of Cortland.

By: Alderman VanGorder
Seconded: Alderman Michales

Approved: Ayes – 7
Nays – 0

RESOLUTION #3 OF 2008 – Consideration of a Resolution designating the following depositories for City funds:

- A. Alliance Bank
- B. Key Bank of New York
- C. J. P. Morgan Chase Bank N. A.
- D. HSBC Bank, USA
- E. MBIA – Class
- F. M & T Bank

By: Alderman Partigianoni
Seconded: Alderman Benedict

Approved: Ayes – 7
Nays – 0

RESOLUTION #4 OF 2008 – Consideration of a Resolution designating Andrew J. Damiano and Lori Crompton as the signators on all accounts.

By: Alderman Benedict
Seconded: Alderman VanGorder

Approved: Ayes – 7
Nays – 0

RESOLUTION #5 OF 2008 – Consideration of the confirmation of the Mayor’s appointment/reappointment of the attached list of individuals to various City boards and commissions.

The Mayor noted that he compiled the list after consulting with the various commission and board chairpersons and they had submitted their recommendations to him. Alderman Partigianoni announced that if anyone was interested in volunteering service on one of the commissions or boards, that they should contact the Mayor’s office.

By: Alderman Dye
Seconded: Alderman VanGorder

Approved: Ayes – 7
Nays – 0

RESOLUTION #6 OF 2008 – Consideration of the appointment of Alderman Valarie VanGorder as Acting Mayor for 2008.

By: Alderman Michales
Seconded: Alderman Partigianoni

Roll Call Vote: Alderman VanGorder – Aye
Alderman Benedict – Nay
Alderman Dye – Aye
Alderman Tobin – Aye
Alderman Feiszli – Abstain
Alderman Partigianoni – Aye
Alderman Michales – Aye

RESOLUTION #7 OF 2008 - Consideration of the confirmation of the Mayor’s appointment of Wilma VanDee as Commissioner of Deeds for the period January 1, 2008 through December 31, 2009.

By: Alderman Tobin

Seconded: Alderman Partigianoni

Approved: Ayes – 7
Nays - 0

RESOLUTION #8 OF 2008 – Consideration of the following action relating to the 1st Annual “Chill-A-Bration”:

- A. Permission to use the City’s portion of Court House Park on March 1, 2008.
- B. Permission to place promotional signs near the City’s entrance signs, from February 1 to March 2, 2008.
- C. Permission to sell beer.

Lloyd Purdy was present to describe the event and answer questions. He noted that the insurance would be carried by Leadership Cortland. Greek Peak will be bringing in snow making equipment and there will be snow sport activities. There will also be a chili tasting, a chili cook off, a beverage center, snow sculpting competitions with prize money all this will make for a fine event.

By: Alderman Tobin
Seconded: Alderman Michales

Approved: Ayes – 7
Nays – 0

Item #7 – Consideration of a Resolution to approve City Community Development Loan Committee’s recommendation for a loan to Conifer Realty, LLC for the development of affordable family units on Pendleton Street.

Pictures of the project were distributed into the audience. Linda Armstrong gave out information regarding the loan. There was a concern expressed regarding toxic waste near the property and if that was going to be a problem for the City. It was not known yet and a phase II environmental investigation was being done. There is a superfund site nearby and there was some groundwater contamination found. The superfund site is a remediated site and clean up is ongoing and it wasn’t thought that this would be an issue, but they would have to wait and see. Linda Armstrong gave an update on Thoma’s market study on affordable housing for low and moderate income people in Cortland. Alderman VanGorder asked where the residents were coming from for these apartments and would this create vacant units all over the City for building owners who couldn’t offer subsidized rents. It was noted that there was an income limit guideline for these units.

Alderman Michales asked if a study had been done on the need for housing for higher income households. Linda Armstrong indicated that Thoma Development had not done one, because this development was for lower to moderate income households. She also noted that people in those lower income brackets did not have as much choice in

available housing. Some units available to these households were very expensive compared to their incomes, some units they could afford were below standards and tenants felt they could not make complaints to their landlord for fear of losing their housing.

Alderman Feiszli noted that the IDA/BDC had denied Conifer's application for funding and she wanted to know why and also if they didn't receive the additional tax incentive and also grant money and would they be paying property taxes. The Mayor explained that Conifer would be on a modified PILOT, they would be paying \$21,000 for each year for fifteen (15) years. Based on the cost of the project, projected taxes would have been \$26,000, so the plan is to give them a \$5,000 a year break. He also noted that the City of Cortland does not control whether Conifer would get the PILOT or not, the IDA/BDC makes that decision. Linda Armstrong also noted that they weren't turned down for their application; the Mayor noted that there weren't enough members of that group present to make a quorum to vote on the application. The loan interest percentage will be decided at that time. Linda Armstrong noted that this was not City taxpayer money, but loans from HUD and Urban Development grants awarded to the City and put in a revolving program fund. As funds are repayed by previous borrowers, new loans are made and all are under strict HUD/Urban Development eligibility guidelines. This is not General Fund money. Housing Visions money came from this same pool of money. Alderman Partigianoni inquired what the current assessment was on the property and what would the value be when the project is completed. The current taxable amount is about \$1,700 a year and would increase to about \$26,000 a year. The reduced PILOT would allow them to pay \$21,000, so that this would be increasing the City's tax revenue. Alderman Feiszli noted that there were a lot of other issues brought up in regards to this project, such as population density, traffic, impact on the schools, etc. One of the things she questions was that this is zoned industrial and if the current owner is not paying their taxes and the City were to acquire the property in a couple of years, wouldn't it be more beneficial to the City as an industrial site. Alderman Partigianoni noted that there hadn't been any industry in that area in many, many years.

Alderman Michales asked what would happen when the fifteen (15) year PILOT program ended. The Conifer representative indicated that they would enter into an extended use agreement to keep the rents affordable for forty-five years. There will be an onsite management and their housing projects have received very high ratings from government overseers. They have 9,000 units in four (4) states. Conifer is a "for profit" company. The Mayor noted that this was the first time approval had been given to a PILOT program that benefited the City. Questions were asked about who the renters would be and where would they come from. Alderman VanGorder noted that landlords who lose renters for their substandard units to this program would then advertise out of the area to bring in renters to occupy their units. There were concerns expressed that those vacancies would be detrimental to all the City neighborhoods. Linda Armstrong noted that a problem in any college town was that students could afford to pay more and were competing for the better units. Aldermen VanGorder and Benedict asked how this funding could be used to improve the existing housing stock. Linda Armstrong

noted that since Cortland was a small city, they had to compete for the grant money yearly. Last year they had a program that was offered to income property owners to apply for funding for improving their property that was part grant and part loan. This has been available for a couple of years and before that there were similar programs for the elderly. Alderman Michales asked if Thoma had looked into subsidized housing for the elderly. Linda Armstrong noted that they checked into that, but where there had once been waiting lists for the high rises, now that was no longer the case. It was decided that the criteria would be low income and would cover all age ranges.

It was noted that the Housing Authority had been keeping their buildings up beautifully, but it was felt that there was no need for another fifty (50) units in the same Ward. Linda Armstrong noted that there wasn't much choice in finding a piece of suitable developable land within the City. The reason they looked within the City was that these individuals often didn't have cars, needed easy access to City and County agencies, etc. There were additional comments and questions from the audience about funding for construction and paying for rent subsidization. There was audience support for subsidizing the small income property owner. Linda Armstrong indicated that there was a loan program already in place and there was still money available, but it was a loan, not a grant. There was also concern expressed in regards to vandalism already going on near one of these types of housing units. There was concern that more affordable housing should be available for the elderly. The developer noted that there would be units available for the low income elderly.

It was decided to table this item until February 5, 2008's meeting.

RESOLUTION #9 OF 2008 - Consideration of a Resolution authorizing the Mayor to enter into a one year extension agreement with the PBA covering the period 1/1/09 through 12/31/09.

By: Alderman Dye
Seconded: Alderman Michales

Approved: Ayes – 7
Nays – 0

RESOLUTION #10 OF 2008 – Acknowledge receipt of a check from Jim Yaman for \$16,675.00 to cover the cost of the Yaman Park paving project.

By: Alderman VanGorder
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

Adjournment

By: Alderman Dye
Seconded: Alderman VanGorder

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 15TH DAY OF JANUARY 2008. I FURTHER CERTIFY THE FOREGOING
RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.**

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER