



City Council Minutes
The City of Cortland
April 15, 2008

Council Meeting #7
April 15,, 2008
Regular Session
City Hall
7:00 PM

Present: Alderman VanGorder, Benedict, Dye, Tobin, Quail, Feiszli,
Hamilton and Michales

Staff Present: Director of Administration and Finance Andrew J. Damiano,
Corporation Counsel Lawrence Knickerbocker and
City Clerk John O. Reagan

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Sharon Stevans spoke in support of the Nuisance Party Ordinance and implored the Council to adopt it.

Steve Broyles offered congratulations on Cortland being chosen Tree City USA. He asked that we educate ourselves and make everyone aware of urban forests and our tree resources. He has worked with the Landscape and Design Commission and many students and Thoma Development and some citizens who have collected meaningful data on our urban forest. He presented a gift of a report on the local urban forest done by SUNY students. He noted that the City received \$380,000 in environmental services for free because of all of the efforts being done with the trees. He noted that for every \$1 invested in trees annually, the City received \$10 back in benefits each year. He asked for everyone's help in maintaining the urban forest. He asked for everyone's help. He thanked everyone for their help and he hoped the Council would take action to continue this.

Mike Dexter was in support of the passage of the Nuisance Party Law. He felt it would be a big help for those who have been affected by nuisance parties. He also was pleased at how the process had gone to fill the 7th Ward Alderman and he was pleased

with the special election. He welcomed Mr. Hamilton to the Common Council and paid tribute to the accomplishments of Jim Partigianoni.

Minutes of April 1, 2008

RESOLUTION #43 OF 2008 – Approve the minutes of April 1, 2008 as amended.

By: Alderman Tobin
Seconded: Alderman Benedict

Approved: Ayes – 8
Nays – 0

Bills were reviewed and received.

Mayor's Report

He interviewed with WHCU. He participated in a welcoming ceremony at SUNY Cortland for 2008/2009 freshman. SUNY had received 12,000 applications for 1,085 openings. He met with Manny Lann and Angela Perry about Cortland Transits routes and had asked for his opinion. They felt that more people should be riding the bus and are looking to increasing the areas served. He attended the Bicentennial Celebration at the High School. He had to give Jeremy Boylan and his staff a lot of credit. It was a wonderful celebration. He attended the Chamber of Commerce After Hours and also met with Cinquanti Real Estate to discuss the 2007 State of the City Report.

He attended the Forty Below presentation on Main Street. They did a great job of identifying what they felt Main Street needed as far as retail businesses. He participated in the Art Awards ceremony for Cortland County students K – 12 at the Center for the Arts in Homer. They had about 750 to 820 people in attendance. He attended the press conference for Senator Seward announcing the \$500,000 for the industrial park in South Cortland. He attended a reception at SUNY Cortland and he attended the BDC/IDA meeting.

Ward 1 – Alderman VanGorder

She welcomed Chuck Hamilton to the Council. She noted that the stop sign had been installed at Elizabeth and Wheeler thanks to Mike Preston. She has been working on the Community Clean Up and reminded everyone that it was being held on Saturday, April 19 at 8:30 a.m. at the Chamber of Commerce parking lot. There will be refreshments before workers went out into the various wards. She has a group coming from the hospital, a group from the high school and the radio station at the College has a group coming and there are a couple of fraternities and sororities that she had heard from. She wanted to know if individuals or groups had contacted other Aldermen, as she was trying to get a count to give to Graph Tex for the T shirts. They and Key Bank were helping with the sponsorship of this event. Her husband, Gary, from the Chamber

was also helping her to coordinate this clean up. She asked for donations of pick up trucks to help at the Armory. She is looking forward to nice weather and the clean up will be over around 11:00 a.m.

Ward 2 – Alderman Benedict

He attended workshops put on by the Cortland County Planning Department and the NYS Department of State. One was Adopting and Amending Zoning and the other was Sign Control. He asked Corporation Counsel Knickerbocker if there had been any response received from Cheney and Blair. Corporation Counsel Knickerbocker stated that he had not followed up on this, as he didn't know where the Council was with that. He would get the attorneys on board when the Council let him know. Alderman Benedict also attended the Bicentennial Celebration at the Cortland High School. He noted that the music was great and the actors were very educational. He noted that Eric Mulvihill did a nice job as narrator.

He also had a pleasure of speaking with all of the fine candidates for Alderman. He felt it was a testament to Jim that there were so many fine candidates that wanted to be on the Council. He welcomed Chuck Hamilton to the Council. He received mail from Tobacco Free Cortland and they would like to ask local vendors to stop selling candy cigarettes at the Dairy Parade. He will pass that over to the Mayor.

Ward 3 – Alderman Dye

He received two e-mails. One was about garbage now that the snow is gone. He spoke with one of the people involved and they will clean up the area. He also got an e-mail about the flooding on the corner of Groton Avenue and Graham which was gushing down through there and going down Lincoln Avenue. He wondered if the storm sewers in that area might have been plugged.

Ward 4 – Alderman Tobin

He had the opportunity to conduct phone interviews with the candidates for the 7th Ward. He noted that it was nice to see so many qualified applicants. He also met with Mike Holland up on campus trying to get a better personal perspective in terms of housing issues from the College's perspective. He has spoken with Chief Nichols and a local resident about starting a Neighborhood Watch Program. He attended the Habitat for Humanity groundbreaking at Delaware and Tompkins. It was a very nice ceremony. He attended a couple of meeting of the Friends of the Tioghnoga River Trail. One meeting was with Mr. Schrader, where he expressed a level of support in terms of giving the group the opportunity to try to seek alternate sources of funding. He noted that anyone interested in this should contact Angela Johnson. The next meeting is scheduled for 6:00 PM at the Blue Frog on April 29. He also participated in helping the American Red Cross with their fund raising drive locally.

Ward 5 – Alderman Quail

He welcomed Chuck Hamilton to the Council. He had held a Ward meeting at the Randall School on April 9. The discussion centered around the water run off in the Pendleton Street across from Sunnyfield. There was also discussion about old garbage in the back lot of the high school. Those in attendance wanted to know if a copy of the City Code book was on file at the Library. He attended the Bicentennial Celebration and noted it was well organized. He attended Laurie McGovern's Law II class and the main topic was the traffic pattern at the high school in the morning. He asked that the Public Safety review the traffic pattern. He also distributed copies of the City Charter and spoke about the duties and responsibilities of a Council member. He attended a reception for Senator Seward. He asked the Senator about the State budget that was just passed. Senator Seward indicated that while the Governor had cut the City aid, they had restored it and there was additional funding in there. He also had received the copy of the consolidation report for Cortland and Cortlandville. He hadn't had a chance to go through it all, but he noted, there was no one size fits all solution and we would need an open mind and creativity to accomplish. He wanted to have some planning and focus and have people looking at this report. He felt it was a start, but more needed to be done with the report.

Ward 6 – Alderman Feiszli

She agreed with Alderman Quail that this was a start. She asked that this report be placed as a discussion item to determine what the Council's next step should be. She wondered if this document was available to the public on-line. The Mayor was unsure, but felt it could be put on-line. It was also noted a copy would be placed at the Library. She also discussed the reason for bringing up the amendment to the April 1, 2008 minutes in Item 10. She felt that the majority of the Councilors had agreed to write a letter to the State Director of Housing and Rehabilitation regarding the application that was sent in by Conifer for funding. She indicated that the letter was not very detailed, but basically said that the Councilors signing the letter wanted the State Director to know that any letters received earlier from the City did not reflect the vote of the Council or the City at large and she is attaching a copy of the Council minutes to reflect that the vote went six (6) to two (2) and outlined the concerns that the Councilors had.

The Habitat for Humanity had a groundbreaking and she will let Alderman Michales talk about that because he is on that committee. She volunteered on this particular project on the renovation of the inside of the house and also the site plan and layout. She also did a rendering of the project house. She reminded everyone that this was the lot that was donated to Habitat. She noted it was a small, three (3) bedroom, Cape Cod house. She noted that it was an exciting process and that Habitat is always looking for volunteers.

She also welcomed Alderman Hamilton to the Council. She spoke about the vacant gas station in the 7th Ward. She gave an update on this building. The State was using it during the bridge project and after November the owner would be demolishing it. She also spoke with the Arts Council because of the artwork done on the Smooch's Building

downtown. She had suggested that the boards on the gas station could be painted in the same way promoting East End businesses and the downtown. She wanted some response on that. She also spoke about the Fire Station and asked for an update. Director of Administration and Finance Andrew J. Damiano stated that the architect was working on pricing out the project according to the plans presented. Alderman Feiszli noted that she had not seen the plans. Director of Administration and Finance Damiano noted that a number of adjustments were requested by the Fire Department and they were made and once the final draft is available with the cost estimate, then the architect will come to the Council with a presentation. Alderman Feiszli asked if alternate sites would be presented. Director of Administration and Finance Damiano noted that the architect looked at alternate sites, but based upon his review, he would only be recommending one site. Alderman Feiszli would like to see the plans.

Ward 7 – Alderman Hamilton

He thanked everyone for the opportunity they had given to him. He noted that Jim had set high standards in this position and he would do his best to uphold those standards. He has already received some complaints. He contacted Chris Bistocchi regarding street repairs and Chris would be starting next week. There is also a voter registration drive going on at the East End Community Center April 19, 2008 from 8:00 a.m. until 2:00 p.m. He also has scheduled a Ward meeting at the East End Community Center for Wednesday, April 23 at 7:00 p.m. He hoped for a good turnout.

Ward 8 – Alderman Michales

He welcomed Chuck Hamilton to the Council. He spoke at the Habitat for Humanity groundbreaking on April 5. He noted that this was their first “Green Build” in the City. They will begin building late this month. He attended the County Bicentennial Celebration. He also attended the Forty Below Presentation. He had a meeting with Dan Dineen of County Planning to discuss Cortland Transit. They are trying to find ways to improve the bus system as well as enhance what they already have. He attended the Self Defense presentation by Officer Nelson at the East End Community Center last Wednesday. He had a conversation with two (2) of the five (5) 7th Ward candidates. He thanked Chuck for contacting him. He addressed a concern from a resident regarding feral cats lying on parked cars. At this point he asked that the Cat and Dog Ordinance that was started last year, be brought back for discussion at the next meeting.

He also noted that the Court House Park is in need of attention after the Chilibration Event. He would like to see work begin on that very soon. He will be scheduling a Ward meeting in mid-May. One of the topics will be home security. He plans to hold it at the East End Community Center so other Wards can participate.

The Mayor spoke about an announcement he had received indicating that Trailways and Greyhound Bus would be ceasing business at Grant Street effective May 1. He asked for help in locating another site for a bus station. Alderman Feiszli had come up

with the idea of the Wilson Farms Store. It was noted that this would be a challenge to come up with a place and the Chamber of Commerce should be asked for feedback as well.

RESOLUTION #44 OF 2008 – Consideration of a Resolution authorizing the issuance of a sound enhancement device permit for the Delta Chi Fraternity on April 25, 2008 in conjunction with their family weekend (Tabled on 4/1/08).

Deputy Chief Catalano noted that the fraternity was recognized nationally and that Chief Nichols had spoken with the College and they indicated that there have been no problems in the past. This is to be a members only gathering, not open to the public from 4:00 p.m. to 5:45 p.m. The Mayor indicated that there would be no drummer and it would be just family members.

By: Alderman VanGorder
Seconded: Alderman Michales

Approved: Ayes – 8
Nays – 0

Item No. 2 – Consideration of a Resolution authorizing the Landscape Commission to plant a tree in Courthouse Park in recognition of the County Bicentennial.

No action taken.

The Mayor read an Arbor Day Proclamation.

Mike Dexter gave a report. He noted that it has been a lot of work for the Landscape and Design Commission to get the City declared a Tree City USA. He has been on the Commission since day #1, then an ordinance had to be passed and then the Mayor had to proclaim Arbor Day last year and do that annually. The work that the Landscape and Design Commission members have put into this has been extensive. Mr. Graham was instrumental in helping the process along. There was Steve Broyles, who spoke earlier, about protecting the urban forest. There was also Skip Chapman who went after National Grid with many editorials that helped get better trimming of the trees in the City. While not perfect, but this has come a long ways in the six (6) years that the Commission has been working with Niagara Mohawk. Others on the Commission are Theresa Quail, John Davidson, Diane Batzing, John Steve, Linda Kline and two others no longer on the Commission, who worked very hard; Suzanne Etherington and Mary Leary. He would be remiss if he did not include Jim Maloney of National Grid. He noted all of his donated time to work on the trees around the City. He noted the work in the park and was hoping for money to fix the fountain in the Park. He noted that the City had received two (2) metal signs to post at the City entrances about being designated a Tree City USA and also a flag.

John Graham will present the Mayor with the plaque. He reminded everyone about the tree lottery and encouraged everyone to apply for the forty (40) available trees.

John Graham is a forester from the New York State Department of Environmental Conservation here in Cortland. He was here on behalf of the National Arbor Day Foundation to present the Tree City USA plaque. He noted that there are less than one hundred (100) tree cities in New York State. These awards were given by the Arbor Day Foundation and given to cities that show their commitment to trees. There are criteria to be met. He gave the history of Arbor Day celebrations.

The Mayor thanked Mr. Dexter for all of his hard work. Mr. Dexter also thanked Brian Skinner, National Grid supervisor, who wants to partner with the City and plant a tree at their expense in memory of Arbor Day and the work done to receive the designation of Tree City USA. The Landscape and Design Commission is also looking to plant a tree in the City in recognition of the Bicentennial Celebration.

RESOLUTION #45 OF 2008 – Consideration of the request submitted by Cortland NYSARC, Inc. to develop a community residence facility at 19 and 21 Locust Avenue.

Alderman Feiszli noted that she had not heard any objections from neighbors that were contacted.

By: Alderman Dye
Seconded: Alderman Quail

Approved: Ayes – 8
Nays – 0

Item No. 4 – Discussion regarding the creation of a committee to address housing concerns in the City of Cortland (Alderman Tobin).

Alderman Tobin noted that housing has come up a number of times since he has been on the Council. He felt that a bi- partisan committee be formed with a couple of Council members, landlords, residents and representatives from the college, both students and administration. The committee would be charged with investigating the issues facing housing, passing along collected information to the Council and identify courses of action. This could become a standing committee to address any issues. This is common in other cities. This committee could look at the consolidation, flooding, etc. He felt that there were three (3) things to be discussed: 1. was this idea worthwhile, 2. committee members and 3. what exactly was the committee looking to do.

He asked if this was worthwhile. The Mayor noted that a lot of information was available from the Cortland Committees that Care, who did a huge study on this and that would be worth looking at. Alderman Tobin noted that there was something from Housing Track regarding housing. The Mayor noted Joanne Wickman from the Housing Confab had a folder of all of the studies done on the local housing situation and he felt

that would be a great start. Alderman Tobin asked before a committee was formed, he wanted to know what the charge of that committee would be. Alderman Feiszli noted that the committee should focus on one thing and should be small and identify some goals and make recommendations to the Council. The Mayor noted that rather than look at the issues which had already been identified, perhaps they should look at how to solve those issues.

Alderman Tobin felt there should be more contact with the College in regards to housing and the community. He also noted that NYPERG was doing a survey on housing which could be very useful. Alderman Benedict thought they could work on rental permit process and move that along. Alderman VanGorder felt that was a good idea. The Mayor noted that the other issue with this was that this private property and individuals and how the City can make them do what needs to be done. Alderman Feiszli noted that enforcement seemed to be the issue and they needed to see why this was an issue and perhaps do things a different way. Alderman Michales felt that moving the rental permit process forward would be a good idea rather than go back to square one. Alderman VanGorder felt that a committee approach is a good idea and should be done on a lot of different issues that the Council has to deal with. A committee could focus on and bring resolution to some of these items. Alderman Feiszli felt the community wanted to see things getting done. The Mayor thought it would be good to focus on how we can solve some of these issues that had already been identified.

Alderman Tobin volunteered to organize this. He asked how many Council persons could be involved in this committee without violating any open meetings laws. He was told that there could be up to four (4) Councilors. Alderman Tobin from there they would go on to locate interested individuals to participate. Alderman Benedict indicated he would be interested in being involved and Alderman Feiszli would also like to be involved. Alderman Michales was also interested. Corporation Counsel Lawrence Knickerbocker stated that he would find out where the attorneys were with the rental permit program and get back to Alderman Tobin and the committee and meet with them and answer questions.

RESOLUTION #46 OF 2008 – Consideration of the adoption of a Nuisance Party Ordinance.

Alderman Feiszli noted that they had a long work session and landlords were present and questions had been answered. It was noted it could be changed if it was not working out.

By: Alderman Benedict
Seconded: Alderman Feiszli

Approved: Ayes – 8
Nays – 0

RESOLUTION #47 OF 2008 – Consideration of a Resolution requesting the Board of Elections hold a special election for the 7th Ward Alderman on or about June 24, 2008.

Corporation Counsel Lawrence Knickerbocker outlined some of the regulations by law governing a special election. The polls have to be open from 6:00 a.m. to 9:00 p.m., voting couldn't take place on a Saturday or a Sunday and you will want to keep the same number of polling places as there were in a regular elections. The City will foot the bill. This has to be a recommendation to the local Board of Elections and it is their responsibility to see that it meets the law and come back and tell us whether it can or cannot be held on the date that the Council recommends to them.

Alderman Benedict asked if the Constable election would also be held at that time. Corporation Counsel Knickerbocker felt that they were two (2) different issues and he will be writing to the State Commissioner of Elections in that regard. Alderman Tobin noted that there had been a past precedent when there had been a tie between Angie Wyatt and Ron VanDee and there was no special election. He asked what the difference was between these two situations. Alderman VanGorder noted that would be a citywide election. Director of Administration and Finance Damiano noted that the cost of a citywide election would be about twelve thousand dollars (\$12,000). Alderman Benedict asked that this discussion be tabled until they received further information from the Election Commission and the State.

Corporation Counsel Knickerbocker recommended that the Council request a special election and a specific date to have that on and the Election Board will let them know if it can be done. Alderman Benedict still felt they should have an election for a constable. Corporation Counsel Knickerbocker felt this did not apply to a tie situation.

By: Alderman VanGorder
Seconded: Alderman Dye

Approved: Ayes – 8
Nays – 0

Adjournment

By: Alderman Hamilton
Seconded: Alderman Benedict

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

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER