



City Council Minutes  
The City of Cortland  
May 20, 2008

Council Meeting #9  
May 20, 2008  
Regular Session  
City Hall  
7:13 PM

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

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

Mayor Gallagher calls the ninth Common Council meeting of the year to order at 7:13 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Ann Doyle was present to comment. She has been coming to these meetings for about four (4) years now. She asked if it was possible to reinstitute the idea of a moratorium because it has been so long since anything has happened.

Tony Pace was there representing citizens from the 7<sup>th</sup> Ward who have been meeting regarding the growing problems surrounding the Marietta Plant located in their Ward. They are pleased to see that Marietta is growing and they wish them to continue doing business in Cortland, but there have been some pains as well. There is heavy truck traffic and trucks with extended trailers are causing a lot of dust on E. Court St., Elm St. and in many neighborhoods. He felt that fair use of property and personal health is being placed at risk, especially for the elderly. RubberMaid was required to oil the lot and did so for twenty (20) years. Extended trailer truck traffic on narrow streets is causing the trucks to jump the curbs and drive up on sidewalks. Truck tracks are visible as much as eight (8) feet from the curbing. The noise levels from the constant truck traffic on E. Court Street, Central Ave. and Hubbard Street usually interrupts sleep at night. Noise created by pumping out tanks on Central Avenue is heard at 5:00 a.m. Trucks being parked on neighborhood streets reduce visibility for car drivers and pedestrians moving through the neighborhood. The DMV road testing taking place on E. Court Street makes it difficult for the trucks to navigate turns and for residential traffic to proceed safely. The City and the Mayor's Office has shown steadfast commitment in

protecting and maintaining the character of residential neighborhoods for many years by designating and enforcing truck routes, implementing noise ordinances and requiring business owners to take steps to reduce their impact on the quality of life and the character of the neighborhoods through Code development and enforcement. He asks for nothing less. He asked that these problems have simple solutions and can be taken care of quickly by the City. He suggested more frequent street sweeping or designating and enforcing already existing truck routes, etc. Other suggestions would be to make Marietta take responsibility and follow rules and regulations to protect the public and the surrounding neighborhood, oil and stone their heavy truck lots and lots being used twenty-four (24) hours a day require more permanent solutions rather than oil and stone. We ask that this item be added to tonight's agenda, so that a timely discussion can take place. The neighbors are breathing dust and they ask for urgent action to be taken. He distributed materials to the Council and he also had a video.

Mike Dexter was present to speak about Return American Pride to Main Street Committee. Over the last weekend they put the flags out on Main Street. He asked for donations from the public to continue doing this. Most of the funds so far have come from the local service clubs. Canisters will be placed in downtown stores for the collection of funds. This is a non-profit organization. All flags are three foot by five foot flags if you have a new flag that you would like to donate.

Fran Uhlir was there to speak regarding the cats. He noted that stray cats are a problem nationwide. He noted that in 2001, he was on the SPCA Board and there were complaints then and a committee was formed. Alex Faoroni and Chris Farkas were among those on this committee. There was a lot of talk, but very little action taken. There was not enough group pressure to bring about changes. Since then CNY SNAP has done something about this. Under the auspices of Shelter Outreach Services, which is a veterinarian group that provides the doctors and equipment and they run a spay/neuter clinic every Monday at 178 Central Avenue (the old Thompson Boat Factory) and there is a clinic on Saturday, May 24. To date, they have done over 7,800 cats and dogs. There is something that can be done about the problem of stray cats and this is a totally volunteer group that is accomplishing this. Alley Cat Allies is also working on this in Washington, DC and they have affiliations nationwide. They concentrate on trapping, spay/neutering and releasing of feral cats. This reduces the feral colonies over time. He urged the Council to get in touch with Alley Cat Allies and get an affiliate going in the City of Cortland. He also asked for more volunteers to work at the CNY SNAP clinic. He wants the Council to consider the spay/neuter, release program as an option for Cortland.

#### Minutes of May 6, 2008

**RESOLUTION #55** OF 2008 – Approve the minutes of May 6, 2008.

By:	Alderman Tobin
Seconded:	Alderman Dye
Approved:	Ayes – 7

Nays – 0

Bills were reviewed and received.

### Mayor's Report

He attended TC3 for a tour of their new facilities as well as attending the BDC/IDA meeting. He attended the Downtown Partnership's kick-off for their new ad campaign. He also attended a dinner with Erik Bitterbaum, SUNY Cortland with graduation honorees and the SUNY Cortland commencement exercises. He also attended the YWCA annual meeting.

### Ward 2 – Alderman Benedict

He has received some complaints regarding potholes and noted that some work was being done today and he was pleased. He received a concern from a resident regarding the number of large fire trucks that report to traffic accidents. Apparently a person witnessed a minor accident where a ladder truck reported to the scene as well as two (2) other fire trucks. In light of the price of gas, he feels that the number of trucks dispatched to the scene of an accident should be reconsidered. He also suggested an energy audit of City buildings and vehicles to see if there was a way to cut back on energy consumption. It would be good for both the City budget and the environment. He also received feedback that a number of constituents are pleased that the Nuisance Party Ordinance has now been passed. There is still a big concern about the density of students in many areas. Residents in his neighborhood are very upset that so many single family houses are being changed into multiple dwellings. He noted that the moratorium issue was brought up this evening. He asked Corporation Counsel Knickerbocker if the new material had come in regarding the rental permit program and the revision of the Code. Corporation Counsel Knickerbocker noted that it should all be here by the end of the month. Alderman Benedict would like to see limits set on secondary structures and the size of additions placed on buildings. He knows that this would not apply to buildings already in the process of getting permits, but he would like to see something that would prevent a lot of big buildings on the College hill. The Rental Housing Commission will be reviewing the rental permit program.

He talked to some people on Lincoln Avenue who were upset that their calls regarding large bonfires being set by students were not being taken seriously right away by local authorities.

### Ward 3 – Alderman Dye

He received an e-mail and contact from people on Groton Avenue regarding the Rt. 281 construction. Now that it has begun, they were concerned that Groton Avenue would become a truck bypass route. They would like to see better signage and more enforcement of a "No Truck Route".

He also received two (2) phone calls regarding the construction around the City. Both people were glad that both Broadway and Groton Avenue are partially finished and they can see that the roads are being taken care of.

#### Ward 4 – Alderman Tobin

He spoke about the bus station. He noted that Alderman Feiszli had done a lot of work on this and Mr. Hartnett had followed up with some things and noted that it should be moved to the County Office Building. He has received some calls from interested individuals. A productive meeting was held and he hoped a resolution would be coming soon.

Housing is affecting people and a lot of people are concerned about it. A Housing Committee meeting is being held on Wednesday, May 21 at 5:00 PM at the Blue Frog. Hopefully some concerns can be addressed as more information is received.

#### Ward 5 – Alderman Quail

The Bus Station at Squires Street has generated a lot of anger and concerns. He also encouraged people to cut their grass. A number of lawns are looking like hayfields. He noted that the DPW had done a good job of getting the potholes filled.

#### Ward 6 – Alderman Feiszli

She put in a complaint about the timing of the traffic light at the intersection of Clinton and Pomeroy Streets to Public Safety who forwarded it to the Contractor who is working on the bridge. The timing seems to be much better now.

She spent some time looking into our City Vehicle use and that there is no policy in place for these cars. She obtained a copy of the County car policy and is looking at other municipalities, as well. She plans to provide the Council with some sample policies for their consideration. She felt that by having a car policy, the City would not only save money on gas, but reduce liability to the City.

She put in a call to the Code Office about the Riverside Plaza. It has not been maintained for some time and after calling the Code Office, the owner had someone empty the trash cans and clean the sidewalk.

She also has been looking at how other municipalities enforce their code and the possibility of adopting a local law which would give our Code Office the ability to fine repeat code violators such as letting the grass grow, not shoveling sidewalks and unkempt properties. This would also help eliminate a few steps currently taken by the Code Office. She has spoken with Amy Bertini, who was very enthusiastic about this, and would like to put this on the agenda for discussion at the next Council meeting.

She noted that the Flood Maps from FEMA have been received by the City for review. She was relieved to find that except for a few areas, most of the 6<sup>th</sup> Ward remains pretty much the same and in some areas, properties have been taken out of the flood zone. There are significant changes in other areas of the City and she thought that there are going to be questions and concerns that will need to be addressed. She felt that it might be a good idea to hold an informational seminar so that people could view the maps and have professionals available who could help answer questions. She hopes to have a date for that meeting set by the next Council meeting.

#### Ward 7 – Alderman Hamilton

He attended the 40<sup>th</sup> Anniversary celebration at Temple Brith Sholom. The ecumenical group that attended that gathering was representative of Cortland itself. Maybe the rest of the world could use that as an example. He also attended the 200 Years of Fire Fighting Program at the East End Community Center, hosted by Duke Glover, Charlie Greenman and MaryAnn Kane. It was very interesting.

Alderman Michales and I will be hosting a joint Ward meeting on Wednesday, May 21, 2008. He also noted that as Mr. Pace had said, he had been at several discussion groups regarding Marietta and problems in that neighborhood. He asked that that item be placed on the Council agenda for discussion for tonight if possible.

#### Ward 8 – Alderman Michales

He dealt with some woodchucks in the Kellogg Road area last week. They were caught and relocated. He rode along with the City Police Department last Saturday night. That's something that he does twice a year to review some of the procedures that are in place as well as getting a look at some of the new equipment that this Council has approved. He noted that the stretch from 4:00 p.m. to 11:00 p.m., fifty-eight (58) city miles were covered by the one vehicle he was in. He felt that parking these vehicles was not the way to solve the problem of conserving energy and thereby compromising the safety of local citizens.

He attended the Cortland Transit meeting today at the IDA/BDC Conference Room. They covered the results of the survey they did back in March. He announced that there would be a joint 7<sup>th</sup> and 8<sup>th</sup> Ward meeting, Wednesday, May 21, 2008 at 7:00 p.m. at the East End Community Center. Office Nelson will do a presentation on home security and they also will be discussing a neighborhood anti-violence program possibly for the 7<sup>th</sup> Ward.

**RESOLUTION #56** OF 2008 – Consideration of a Resolution for funding through DEC – Urban and Community Forestry Grant Program.

By: Alderman Tobin  
Seconded: Alderman Quail

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #57** OF 2008 – Consideration of a request to close Harrington Avenue for a neighborhood gathering on June 21, 2008 from 1:00 P.M. to 8:00 P.M.

By: Alderman Benedict  
Seconded: Alderman Feiszli

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #58** OF 2008 – Consideration of a request to allow the Cortland Fire Department to hold a chicken barbecue at 76 Main Street between marketplace Mall and the VFW on August 9, 2008.

The Mayor noted that this was going to be used as a fund raiser for the Cancer Society and that they hoped to do other barbecues to help other not for profit groups.

By: Alderman Michales  
Seconded: Alderman Benedict

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #59** OF 2008 – Consideration of a request from the Main Street Music Series Committee to waive the open container alcohol regulation and to close the Market Place Mall parking lot at 3:00 P.M. on Fridays from July 11 through August 15, 2008 for the 2008 concert series.

By: Alderman Quail  
Seconded: Alderman Tobin

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #60** OF 2008 – Consideration of a request from the VFW to close a portion of Main Street from Court Street to Tompkins Street for Memorial Day celebration (Monday, May 26, 2000).

By: Alderman Feiszli  
Seconded: Alderman Michales

Approved: Ayes – 7  
Nays – 0

Item No. 6 – Presentation by Jeremy Boylan concerning Cortland County’s Bi-Centennial celebration.

He noted that the actual 200<sup>th</sup> anniversary fell on April 8, 2008. There was a fun event held up at the High School. He updated the Council on the remaining events. There will be a Bi-Centennial Ball to be held on September 20, 2008 in Court House Park. A request to use the park will be forthcoming. They’ll also be holding a Bi-Centennial Parade on September 13, 2008 and will follow the same route as the Dairy Parade. He has spoken with the Code Office and the Chief of Police, so that they are aware of the event. An official request will be forthcoming, as well.

They are also looking into doing a barn dance at Chuck Lacey’s barn where the mural is in Polkville. They are also looking into doing a vintage baseball tournament in Truxton in August on either the 23<sup>rd</sup> or 24<sup>th</sup>. Please keep checking the website for further events. He turned the mike over to Jim Dempsey of the Visitors’ and Convention Bureau to talk about the Bi-Centennial Ball.

Jim Dempsey noted that on September 20, 2008 they planned to put up a tent in the Court House Park for the Ball and have a live orchestra. It will be black tie optional or have attendees come in costume.

Item No. 7 – Discussion regarding the harboring of animals (Alderman Michales).

Alderman Michales wanted to determine how they could go about setting up some kind of program which would help fund a trap and release type of a program here in the City. He reminded them that they had previously mentioned about possibly licensing cats to help offset these costs. Corporation Counsel Knickerbocker had indicated that he had some notes he wanted to refer to. Alderman Michales thought that they should discuss the number of cats allowed in a household versus licensing them and this would include dogs.

Corporation Counsel Knickerbocker noted that previous discussions had rather settled on no more than three (3) cats per dwelling unit and no more than (2) dogs in a dwelling unit or any other building. This led to other concerns. There was a concern regarding the birthing of litters of animals and the fostering of animals. That is why he had put forth the wording that for a certain number of weeks, there could be more than that number, with the idea being that after that period the newborn litter would be gone and the same for the fostering idea. The next consideration would be what the fine provisions would be. The fine amounts are pretty antiquated and a maximum \$10 fine in the first instance will hardly be a deterrent. He felt that a minimum and maximum fine should be considered allowing for the Court’s to decide, but not allowing a zero fine.

Alderman Benedict asked if a household had more than the allowed amount of cats prior to this law going into effect, would they be allowed to keep them (grandfathering). Corporation Counsel Knickerbocker noted that he would not propose doing this that way. He felt that coming up with an allowable number per dwelling unit and a fine

structure; it could be enacted, but not effective for a period of time allowing a dwelling unit with more than the allowable amount, to give people an opportunity to adjust to what the limit might be.

Alderman Feiszli noted that there was currently a limit in the City Code. Corporation Counsel noted that it was in the definition section of the Code, but it was not enforceable. It described three (3) dogs and five (5) cats. Alderman Feiszli asked if they could move that definition into the Code. Corporation Counsel Knickerbocker noted that it was impossible to enforce a definition and the allowable amount has to be stated in the statutory section of the Code. He also noted that there was a difference between the harboring issue and the feral cat issue. He felt that the licensing issue could come into effect and that would differentiate between cats that are household pets and cats that are feral. He noted that from the licensing structure of cats, funding could become available to start a trap, spay/neuter and release program to handle the feral cat colonies. This would then not be a further burden on the general populous to fund that type of program.

It was noted that it would be hard to find out how many cats were in a household unless there was an odor. The Mayor asked how the Council was going to be able to fund a cat census to begin with. He felt that it would be more effective to start with the feral cat issue and deal with that immediately. He felt that the harboring issue was less immediate.

Alderman Benedict asked if they could put out collection cans at the local veterinarian's offices to help offset the costs of the spay/neuter program. Mr. Pace noted that it had cost about \$100,000 in the past year to do their CNY SNAP program. Alderman Michales felt that it would be better to find a way to fund that type of program rather than having the Council set aside a sum of money in the City Budget each year. A budget cut could result in no funding in a particular year. Alderman Feiszli noted that the two (2) SPCA contracts for last year cost a little over \$77,000. She had information from the police department regarding the SPCA activities for last year. There were 151 impoundments, there were 348 complaints, there were 66 tickets issued and there were 127 cats brought into the SPCA from the City of Cortland.

Bill Carr of the SPCA felt that there should be a licensing ordinance in place with a higher fee for an unspayed/unneutered cat, then that would fund this type of program. Mayor Gallagher noted that people, who couldn't afford to license all of their cats, could license some and let the others go. Bill Carr noted that giving people a time frame to license their cats and work with them, would help. The Mayor was concerned about the cost of going door to door to determine the number of cats. Mr. Carr felt that once an ordinance was in place, this would enable him to make an impact when traveling through the neighborhoods. Once money begins to come in from the licensing program, then they could start doing a pet census.

Alderman Michales asked how much money the City currently took in from the licensing program for dogs on an annual basis. It was also noted that there were groups of feral

cats in various areas of the city. Alderman Feiszli asked if the Animal Committee evolved into the Exotic Pet Committee. She asked if the Animal Committee could work with the SPCA and research the information with Alley Cat Allies and making a recommendation to the Council. Alderman Michales suggested that they could do this more quickly by taking half of the proceeds from the present licensing program and put it toward a trap, spay/neuter and release program and get that started until we could do about a licensing program for cats. Alderman Benedict thought it was a good idea. Alderman Feiszli asked if an estimate could be developed to determine the cost of such a project.

Connie Feissner, a registered wildlife rehabilitator and volunteer with the SPCA, was present. She is also working with SOS. She noted that with any animal population, as long as there is any habitat that is suitable for that species, others will come in to fill the niche as some are removed and as long as the feral cat problem is a national problem even with a trap, spay/neuter and release program in place, if the habitat remains, there will always be cats. She noted that people feed them, there is shelter, etc., cats will move in on a continuing basis. Alderman Benedict asked if this happens even with a spay/neuter program. Ms. Feissner stated that it would happen. Alderman Dye felt that perhaps this should be dealt with on a larger scale and that perhaps representatives from the City, Cortlandville and the County could get together to discuss this because we are hearing that this problem is not going to go away. Connie Feissner noted that the only way to stop the feral cat population was to eliminate the habitat. She also noted that cats being dropped off at farms were a big problem and she was working with farmers to have low cost spaying and neutering of the drop off cats. The Mayor asked if Animal Control Officer William Carr would pick up stray cats and drop them off at the SNAP facility. Mr. Carr said if the City contract with the SPCA included that, he would do it and he thought it would be a feasible solution.

A lady in the audience indicated that she had a dog and two (2) inside cats and as a responsible pet owner, she did not see why she had to pay more money to license her cats that she had in her house. She's had cats since she was eighteen and the cats are not outside bothering anyone. Her dog doesn't wander, but he is license. Another lady, who has an inside dog that never goes out or wanders has wondered why cats shouldn't be licensed. Mike Dexter noted that he had actually been bitten twice by unlicensed cats in his years as a meter reader. He felt that cats should be licensed and didn't understand the State's reasoning. Alderman Feiszli would like to hear both sides of this argument. Mr. Pace indicated that the reasoning behind licensing cats, was that they could carry rabies and therefore needed to be vaccinated and that licensing would ensure that they were up to date with vaccinations. The Mayor asked Alderman Michales if he would speak with the SPCA regarding the feral cat program and bring that information back to the Council. Alderman Michales asked how much money was received from the current licensing program here in the City.

**RESOLUTION #61** OF 2008 - Consideration of a request to add another item to this agenda – Elks Club Request.

By: Alderman Quail  
Seconded: Alderman Michales

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #62** OF 2008 – Consideration of a request from the Cortland Elks Club to sell hamburgers and hotdogs in the Pocket Park at 9 - 11 Main Street the night of the June Dairy Parade (June 3, 2008) and donate all of the proceeds to the City to put towards lights in the Pocket Park.

By: Alderman Michales  
Seconded: Alderman Quail

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #63** OF 2008 – Consideration to add another item to this agenda – Marietta Packaging.

By: Alderman Quail  
Seconded: Alderman Benedict

Approved: Ayes – 7  
Nays – 0

Item No. 10 – Discussion of issues with Marietta Packaging.

Tony Pace noted that there had been complaints and discussion regarding the parking lot off of Elm Street. The Police Chief was there that night and told him that there was nothing that could be done about it as it was a private lot. He hoped to work something out with them. The Mayor noted that this has been a very troublesome issue. Management of Marietta has changed a number of times in recent months and there has been an ongoing problem with getting a hold of anyone to talk with the City. Finally, the Mayor got a hold of someone who would take care of the parking lot. He doesn't know when, but hoped it would be sealed with oil, so that the dust will be controlled. He has also been trying to meeting with their truck routing person, to try to get them to reroute the trucks. The "No Parking" signs have been installed on Dio Way. The Mayor also noted that they were trying deal with the noise, but they could not stop the beepers on the trucks as they are backing up as that is required by law.

The Mayor also noted that Marietta was emptying out their waste because their pre-treatment system isn't working over there yet and they are hauling their waste off-site at 5:00 a.m. The City is trying to get them to stop this whole thing. Mr. Pace would like to have screening installed along Dio Way to screen noise. The Mayor said that the biggest difficulty was in getting someone to talk with and to hear the neighbor's

complaints. The City is working on this. Mr. Pace is concerned about health issues for local residents. The Mayor noted that the City is torn, they're trying to get them to do the right thing, but they do employ 750 people. Mr. Pace felt that the East End has always supported industry there, but they want them to pay attention to their concerns. It was noted that the meeting was set up for Wednesday, May 28 at the East End Community Center at 7:00 p.m. The City will continue to work on this and is continuing to try to work on reaching top management representatives.

**RESOLVED TO GO INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER.**

By: Alderman Benedict  
Seconded: Alderman Dye

Approved: Ayes – 7  
Nays – 0

**RESOLVED TO COME OUT OF EXECUTIVE SESSION AND INTO THE REGULAR MEETING.**

By: Alderman Tobin  
Seconded: Alderman Benedict

Approved: Ayes – 7  
Nays – 0

**Adjournment**

By: Alderman Tobin  
Seconded: Alderman Benedict

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 20th DAY OF MAY 2008. 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**