



City Council Minutes
The City of Cortland
June 17, 2008

Council Meeting #10
June 17, 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 Damiano,
Corporation Counsel Lawrence Knickerbocker and
City Clerk John O. Reagan

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Liz McCartney was representing the East End Community Center and asked for the Council's approval for the renaming of the Dexter Park softball field in memory of 7th Ward Alderman Jim Partigianoni. She gave the history behind Parge's umpiring background and the reasons for renaming the field at Dexter Park. The family was completely supportive of this.

Minutes of May 20, 2008

RESOLUTION #64 OF 2008 – Approve the minutes of May 20, 2008 as amended.

By: Alderman Hamilton
Seconded: Alderman Michales

Approved: Ayes – 8
Nays – 0

Bills were reviewed and received.

Mayor's Report

He met with Suit-Kote representatives to witness the new low-temperature blacktop mix being put down on Steger Road in Preble. He also met with Greg Hartz, President of Tompkins Trust. He attended the legislative session with Senator Schumer as the guest speaker.

He attended the YWCA Aid to Victims of Violence luncheon. He also attended Chuck Hamilton's Ward meeting. He toured the Rosen site with a couple of prospective developers.

He attended the Cortland County Historical Society annual meeting and retirement dinner for Mary Ann Kane. He met with representatives of Marietta, DPW, and Public Safety to review the truck route for the Marietta (Rubbermaid) plant. He attended the Cortland County dairy breakfast at the McMahan farm and also attended the Dairy Parade. He had the honor of driving the young man who won the Big Cheese contest through United Way. He attended the Future Leaders dinner sponsored by First Niagara Bank honoring all of the valedictorians and salutatorians of Cortland County schools.

He provided opening remarks for the Empire State Senior Games at SUNY Cortland. He attended the swearing in ceremony for our new firefighter Tim Clemmons and a presentation of the Distinguished Fireman of the Year Award by the American Legion to Bill Buttino. He attended the NYCOM awards dinner in Saratoga Springs. The City of Cortland was presented the NYMIR Risk Management Award. Jim Sponaugle deserves credit for his efforts on risk management and related training efforts.

He attended the Leadership Cortland project presentation ceremony at Tinelli's. He met with representatives of the Bank of India and their attorney, EPA, DEC, and the IDA for an update on the cleanup of the Buckbee Mears plant. The mini mall at 37-39 Main Street has been approved to upgrade their façade. This is part of the Main Street rehab program. He met with Senator Seward at McGraw Central School. The City has been awarded \$25,000 toward the Armory-Smith School generator project. He also attended the St. Anthony's Day mass and celebration.

Ward 1 – Alderman VanGorder

She has had a few calls regarding pot holes and paving of West Main Street. She contacted Chris Bistocchi and they will be trying to pave West Main Street on Friday. The Mayor noted they will be trying to do most of West Main Street, Church Street, Madison and put the finishing top on Broadway on Friday, dependent upon weather. Grant Street will be awhile longer because of a sewer project.

She had a couple of code issues. Someone contacted her about the P & C. She contacted Alderman Feiszli who took care of the issue right away. She thanked her for that. Someone had also asked for a four (4) way stop on Chestnut Street. She will look into that for the people in that area. She attended the St. Anthony's Festival as well as the induction ceremony at the high school for the National Honor Society.

Ward 2 – Alderman Benedict

He attended Alderman Hamilton's meeting with the leaders of Marietta and local officials. He felt it was a very productive meeting. He attended the Planning Commission meeting as well as the meeting with Senator Schumer. He enjoyed the Dairy Parade. He noted that the organizers deserve a lot of credit. He attended the senior honor banquet at the local school. He's proud of our school system and of the students who attend there. He attended the St. Anthony's event and enjoyed the fine food and entertainment. He attended the Brockway Truck presentation. He feels that the new living history museum will be a great tourist attraction for our community. He noted that the Brockway Truck show will be August 9, 2008.

He attended the League of Women Voters award dinner, where Sharon Steven, our video taper won the Alice Walker Award. She does many great things throughout the community. Shawn Smith made a presentation on housing in Cortland and there were many ideas that may be helpful to us. He attended a meeting of the Housing Advisory Committee. He feels that after the rental permit issue is dealt with, that the committee should study a housing court of some kind, so that enforcement is done on a consistent basis. Perhaps there could be an arbitrator rather than an elected judge to take care of some of the issues. He sent out e-mails asking for an ordinance that would limit the construction of secondary buildings and large additions in residential zones. This would pertain to the future projects that might be started in quiet residential areas. This is an attempt to keep the population density down in our neighborhoods. This is in our revised code, page 13, section 300-9, which has not been adopted yet. He felt that restrictions might also be added to that section, limiting the size of additions. He felt that since it's taken such a long time for Blair & Cheney to return this should be approved so that there aren't some giant apartment buildings put up on the upper end of Court Street. He asked that a letter should be sent to Mr. Cheney to inform him that if he does not return our revised codes with comments fairly soon, we will seek other representation on future land use questions. He asked that these be added to our agenda. He asked that this be added to the next agenda for discussion.

Ward 3 – Alderman Dye

He has been contacted about the ongoing problem of truck traffic on Groton Avenue. This is still going on and needs enforcement. At least twice in the past week, when coming home at midnight, there were at least two (2) tractor trailers coming up Groton Avenue. He felt that better signage at Main and Groton letting them know this was not a truck route, might help.

He received a phone call regarding the untimely pick up of lawn and tree trimmings. He wondered if the date to pick up these items was still the second Monday of the month, or had this date been changed. He was asked if something could also be done about the Groton Avenue paving and if something could be done about the holes around the

shut off valves and sewer grates. The pot holes are getting bigger again. The Mayor asked him to call Chris Bistocchi regarding this.

Ward 4 – Alderman Tobin

He participated in the Housing Committee and met with Aldermen Benedict and Michales on June 4 and June 16, 2008 to review the proposed rental law. Everyone gave extensive feedback. He coordinated the swimming events for the senior games. He attended the American Red Cross Regional Meeting. He noted that disaster response was a big issue. He volunteered to be the interim President for the region regarding goal setting for the region. The annual Cortland County Red Cross Volunteer Dinner is Wednesday, June 18 at 6:00 pm in the Caleion Room. There they will recognize volunteers and appoint a future board.

He worked to resolve questions over Cortlandville's construction on Tompkins Street that extended into Cortland. He thanked Andy Damiano and Chris Bistocchi for their prompt feedback on that. He attended the Dairy Day Parade. He set up and attended a meeting with Alderman Hamilton and John McNerny to learn more about the Youth Bureau and its functions. He also attended Senator Schumer's presentation.

Ward 5 – Alderman Quail

He had an opportunity to view the 7th Ward video put together by Leanna and Tony Pace. He has been dealing with some issues on Fox Hollow from the Housing Authority as far as maintaining the fences that surround the property up there. He has received some complaints regarding the stop sign on the corner of Sunnyfield and Fox Hollow. It doesn't seem that people are even stopping there anymore.

He is dealing with a debris issue on Winter Street along the railroad tracks. He attended the June Zoning Board of Appeals meeting. The owner at 28 South Avenue lost his grandfathering clause. This house had a fire and has gone through three (3) owners. Because a building permit lapsed, the grandfathering lapsed also. So instead of a five (5) unit it is back to a two (2) unit. For those that are familiar with the South End Strategic Plan it notes that there are houses back to back in there. He is against the proposal to give the new owner relief. He feels that there is no way he can get that many people in the units and there is no parking back there. Also before the ZBA, was the issue of taxes. He noted that his church was looking to purchase another parcel of property for a parking lot and to take it off of the tax rolls. He noted that the Council has to begin looking at some way to make charitable organization pay to support some of the City's services.

He reminded everyone of the June 26, CCTV meeting after the County Legislature meeting. He has been emailing Daniel Young, the regional representative for the Governor's office in an attempt to get more information regarding a fire district. He enjoyed the Dairy Parade. He asked that consideration be given to the amount of freebies that are given away. He noted that the street cleaner broke down and the

street was covered with litter. He also attended the honors banquet at the high school. He congratulated Fred Amante, the principal of Barry School, who is retiring after twenty-three (23) years. He felt that our principals do a tremendous amount of community work and deserve credit for that.

Ward 6 – Alderman Feiszli

She noted that almost a year ago, she started looking into PILOTs and showing justification for reimbursement for police, fire and DPW services. About eight (8) months ago, she asked a volunteer fireman to prepare a report on all of the tax exempt properties in the City of Cortland and then to see how many responses the Fire Department had made to these entities to establish some documentation on this and then perhaps trying to establish a fair fee structure for these properties. He is just finishing up and she can't wait to see what the report reveals when he reports on this project.

She has been working on the FEMA flood map information. Amiee Milks did a nice job with the Cortland Standard on this. She did receive some calls from some people because of their concerns that instead of the flood zones being decreased, they had increased. Her Ward had remained basically the same. She noted that on June 25th at 2:00 pm they will meet with the City. There will be a public informational session at the County Office Building at 6:00 pm. She also asked that the Euclid Avenue street closure request, be added to the agenda.

Ward 7 – Alderman Hamilton

He noted that he had attended a meeting on May 28 with representatives of the Marietta Corporation and the City. He felt that the meeting went very well. Marietta outlined plans to fix several problems. Residents were able to ask questions of the people in charge. He noted that their truck parking lot has been coated, which has just about eliminated the dust. It also seems that they have cut back on late night trucking on Hubbard and Elm Streets. Neighbors have reported less noise. He has scheduled a Ward meeting for June 26 at the East End Community Center to follow up on any Marietta issues. He encourages anyone with any other issues to attend.

He attended the police workshop at the East End Community Center on Drugs in Your Neighborhood and urged anyone who suspected a drug problem in their neighborhood to report it to the police. He was unable to attend the Brockway Truck history program because he got into town too late. He did get to the St. Anthony's celebration, which was a great success. He is concentrating his efforts to help St. Anthony's and asked parishioners for their ideas on how he could help them.

Ward 8 – Alderman Michales

He also attended the drug workshop at the East End Community Center. He also attended Alderman Hamilton's Ward meeting on the Marietta truck traffic. He was

contacted about another issue regarding woodchucks. He attended two (2) of the housing advisory committee sessions and that committee is moving right along. He attended the Flag Day ceremony held at the American Legion. The Cortland Elks were also there to present a flag. He attended the Dairy Parade. He also held the first meeting to deal with the feral cat issue with representatives from the SPCA, SNAP, Cortland County Health Department, and the Cortland County Ag and Markets Committee. They are all on a fact finding committee to try to come up with some numbers to define how big an issue this really is.

It was decided that the request to add the Code Revision to the agenda be postponed until the July 1, 2008 meeting. Corporation Counsel Knickerbocker will get back to Alderman Benedict regarding amending the ordinance previously mentioned.

RESOLUTION #65 OF 2008 – Consideration of a request to put the Euclid Avenue Street closing request on the agenda.

By: Alderman Feiszli
Seconded: Alderman Benedict

Approved: Ayes – 8
Nays – 0

RESOLUTION #66 OF 2008 – Consideration of a Resolution authorizing the Mayor to enter into contract with Thoma Development Consultants to perform comprehensive community and economic development services from June 1, 2008 to May 31, 2010.

There was discussion regarding hourly rates, the changes in the contract and the numbers and the status of outstanding loans and the services provided to the City.

By: Alderman VanGorder
Seconded: Alderman Dye

Approved: Ayes – 8
Nays – 0

Item No. 2 – Consideration of an amendment to the Resolution adopted on May 6, 2008 to add a fine for the sale of candy tobacco products at all City of Cortland sponsored events.

The Mayor read an email that he received from Tobacco Free Cortland and the Cortland County Reality Check. It stated that it was noted that candy cigarettes were being sold at this year's Dairy Parade. They asked that this be noted on the vendor contract. Corporation Counsel Knickerbocker noted that there were two (2) items involved in this. One (1) being the contract issue and the other being the fine structure. That couldn't be put into the resolution. A fine structure would have to be put in the Code or the City would have to amend their vendor contracts or permit applications to indicate that the

sale is prohibited and to set up the structure there. He noted that were a number of ways to handle this; perhaps revoking their privilege to sell at future events as opposed to a fine structure. This could be put right on the permit they receive. Corporation Counsel Knickerbocker and City Clerk Reagan will review this and come up with some wording to present to the Council. The Mayor noted that another issue would be who would police this.

RESOLUTION #67 OF 2008 – Consideration of a Resolution to table the confirming of the Public Safety Commission’s decision to deny a request to change the 12-minute parking area of Clayton Avenue to 2 hours; and further denying a request for a handicap parking space in front of the YWCA.

It was noted that there were only four (4) parking spaces there. Alderman Benedict didn’t know the whole story. It was noted that the request for a handicap space is necessary. The Mayor urged the YWCA to work with Access to Independence on this issue. It was noted that it would be nice to have representatives from the YWCA and Public Safety Commission present at the next meeting to answer questions.

BY: Alderman Benedict
Seconded: Alderman Quail

Approved: Ayes – 8
Nays – 0

RESOLUTION #68 OF 2008 – Consideration of a Resolution authorizing the issuance of a noise enhancement permit, and the waiver of the fee, in support of the American Cancer Society’s Relay for Life fund raising event at Davis Field from 7:00 P.M. June 20, 2008 to 7:30 A.M. on June 21, 2008.

BY: Alderman Quail
Seconded: Alderman VanGorder

Approved: Ayes – 8
Nays – 0

RESOLUTION #69 OF 2008 – Consideration of a Resolution requesting that the Board of Elections hold a Special Election on July 1, 2008 to fill the vacant 7th Ward Alderman position and a letter will be sent to the Election Board requesting this.

The Mayor noted that it is now a moot point because there isn’t enough time now to do it. Alderman Quail asked for clarification noting that the process was started on April 15, 2008 and a letter was sent by Director of Administration and Finance Andrew J. Damiano on April 17, 2008 and it was a month later before the County even took action on it and now we’re here in June being told we can’t hold it. It was noted on April 16, 2008, both Election officials were present at the Council meeting and were aware of the dates between June 24, 2008 and July 7, 2008. Corporation Counsel Knickerbocker

referred to the letter he sent to the Election Board outlined the chronological history of what happened and wondering whether the military ballots can be done in that time frame. He noted that the City asked them to have the election, the City told them they wanted it a number of times and for whatever reason they have chosen not to do it and not to communicate with the City about the election. The Election Board got an opinion from the County Attorney whether or not they could do it and he indicated that they could do it. Corporation Counsel Knickerbocker noted that if he hadn't run into one of the Election Commissioners at the Post office, he would have had no idea that there was any problem with doing it. He thought it was scheduled and was going to happen. He's baffled by this. Alderman Feiszli asked if there wasn't a special election, what would happen. Corporation Counsel Knickerbocker noted that it would just go to the general election in the fall. He also noted that they didn't have to have a special election. Alderman Michales asked who governs the Election Board. Corporation Counsel Knickerbocker felt that it was the State Board of Elections or perhaps the Attorney General's Office. Disappointment was expressed in the Election Board's lack of effort on this. Alderman VanGorder asked if the letter could be forwarded to the State. Corporation Counsel Knickerbocker noted that the City couldn't force the Election Board to get this special election done.

Alderman Benedict asked if this had to be publicized a month ahead of time. Corporation Counsel Knickerbocker noted that in his conversation with the Election Board, he asked them if they would have time to meet the publication and all other requirements if the election was scheduled for July 1, 2008. He was told yes, but four (4) hours later a message was left that there were problems, but no indication was given as to what the problems were and that Corporation Counsel was to call the State Board of Elections. He still doesn't understand what the problems were and no explanation has been given to him or the Council. Alderman Michales would like to take this to the next level. Director of Administration and Finance Damiano didn't know what that would accomplish. Alderman VanGorder felt that it should be done to show that the Council meant business and needs to explain to the Council why it was impossible. Corporation Counsel Knickerbocker noted that petitions didn't need to be signed for a special election. The parties only needed to appoint the candidates involved. He also noted that the special election needed to be set at least one hundred twenty (120) days before November 4, 2008, which was felt to be July 7, 2008. Alderman Benedict wondered if July 1, 2008 was not enough time to let candidates campaign and they should have another date. Alderman Feiszli noted that she had spoken with Scott Schrader and at that point, the County was going to reimburse the City for the cost of the special election, but maybe now they might not.

BY: Alderman Quail
Seconded: Alderman VanGorder

Approved: Ayes – 7
Nays – 1(Feiszli)

RESOLUTION #70 OF 2008 – Consideration of a Resolution to name the Dexter Park softball field in memory of 7th Ward Alderman Jim Partigianoni.

It was noted that this was for naming the softball field only, not the park itself.

By: Alderman Hamilton
Seconded: Alderman Michales

Approved: Ayes – 8
Nays – 0

Item No. 7 – Discussion regarding the proposed Rental Permit Law as submitted by Donald Cheney, Esq.

There was discussion regarding tenants' responsibilities and landlord notification. Alderman VanGorder noted that defining square footage per person was going to make this difficult to control density. Alderman Benedict felt that in some of the larger homes, it would allow more tenants than were allowed currently. He wondered if both square footage and three (3) unrelated could be used. He felt that enforcement will be a problem. Alderman Feiszli felt that as it stood now, anyone could purchase a single family home in an R1 District and rent it out to three (3) unrelated. She felt that this should be categorized as a business and the owner should have to go before the Zoning Board of Appeals and obtain an allowance to do that. She felt that it would help control this.

The Mayor asked how it could be controlled. Alderman Benedict noted that visual observation could tell someone if students were renting a house. The Mayor noted that this suggestion could mean that the realtor selling the house would have to tell the City what the new owner is going to do with the house. Alderman Benedict felt that realtors should tell perspective buyers that they can't rent the houses to lots of students or lots of citizens. It was noted that perhaps the realtor should tell the perspective buyers if they plan to rent the house, they have to consult with the Code Office to determine if they are complying with the code. It shouldn't be up to the real estate agent to tell the perspective buyer how to run their business.

Alderman Feiszli noted that if a buyer planned to run any kind of business out of their single family home, whether renting to students or running a trucking company, they would have to go before the Zoning Board of Appeals. Corporation Counsel Knickerbocker noted that he was unaware of that type of thing, because he felt they were talking about two (2) different issues in this instance. One being, that the persons renting were the occupation and the other was that the activities that they were undertaking were the business. Alderman VanGorder noted that having three (3) unrelated people living in a single family house anywhere in the City is not the City's issue unless they violate something. Alderman Benedict felt that the square footage allowed in the document was quite liberal. Alderman Tobin noted that if the Council only considered just square footage, some large older houses could be opened up for

rental properties. The consensus of the Housing Committee was that this was not something that they wanted. The next question discussed was why square footage was looked at as the determinant for the number of occupants. Alderman VanGorder felt that three (3) unrelated was the best way to go and they could leave what they already had on the books. Alderman Benedict felt that if prosecution of violators could be started earlier in the year, they could better enforce this. There was discussion regarding the spread of student housing into other neighborhoods if the three (3) unrelated was strictly enforced. He also noted that a landlord had told the Housing Committee that they needed to have a certain number of students in a rental unit in order to make a profit. Alderman Tobin noted that another problem that needs to be addressed was what the City going to do if there was a flare up of student housing when this ordinance went into effect. He felt it would be less than what is going on now. He felt that some houses currently were over occupied at this point and they needed to be brought back into compliance before. The Mayor noted that the Council had to stop consider this as students, as there were many rental properties that were over-occupied, but were not rented to students. It was noted that this was not wanted either. Alderman Quail felt that other factors needed to be looked at, such as parking.

Director of Administration and Finance Andrew Damiano asked if the concern was that square footage compliance might increase the density in some cases. Alderman Tobin noted that could happen. Director of Administration and Finance Andrew Damiano noted that occupation could be defined in different areas by different square footage depending upon the zoning. Alderman Benedict noted that he had seen a chart somewhere that showed that. The Mayor wondered if they could up the square footage to make this feasible. It was noted that perhaps they could eliminate square footage in an R1 district so large families could live together because they're related and in other areas it could be dictated by square footage.

Alderman Tobin noted that with this program, houses would have to be inspected prior to permitting. Currently there is a problem getting into homes other than for a fire inspection. If the City decides to implement this with a renewal of the permits every three (3) years, then every three (3) years, these properties will get checked. If there is consistent violation, there is an opportunity for Code Enforcement to go in earlier and there is a provision for revoking the permit as well. This is not for owner occupied single family homes, but for any rental dwelling. He felt that the general consensus was that this was a good idea and needed to be addressed before next year's rentals begin in September and October. The fact that it took so long in getting this document from Cheney and Blair was an issue for many people. If they hoped to have something in place by late September or early October, they needed to do something soon.

Alderman Benedict wondered if the Zoning Board of Appeals was the appropriate Board to handle appeals as a result of this document, or should another Board be created. Corporation Counsel Knickerbocker felt no other Board was necessary. Alderman Tobin asked that the two (2) most discussed suggestions mentioned tonight should be sent to Cheney & Blair. Alderman Feiszli felt that it would be good to have the principal owners of each property listed by name rather than their LLC and responsible parties or

property managers must be located in contiguous counties. Alderman Benedict felt that a phone number of a responsible owner/management party should be on file with the City. Alderman Tobin noted that getting the Zoning/Codes review back from Cheney and Blair was also important. Corporation Counsel Knickerbocker was assured by Cheney and Blair that it would be sent to him in time for tonight's meeting, but he did not receive anything from them. It was also felt that the square footage requirements in all of the zoning areas should be looked at. Alderman Tobin felt that the Housing Committee could make some determination whether they should use higher square footage versus three (3) unrelated in various areas of the City. Corporation Counsel Knickerbocker noted that they had to remember that in any zoning district in the City, they would find a number of pre-existing, non-conforming uses that were grandfathered. Alderman Tobin thought that he had read an article that there was a limitation on those, whereby they could give someone a timeframe to get back into compliance. Alderman Benedict learned at a Zoning Training session that Cortland had a very liberal grandfathering allowance policy.

Corporation Counsel Knickerbocker noted that Cheney and Blair had recommended that they amortize this new policy in over the next year. Alderman Quail asked how this would affect our City Code when it came to parking spaces. It now was two (2) per unit and that had to be considered in this issue. A number of landlords were buying permits to City lots, but it still is an issue.

Alderman Michales noted that they needed to discuss proposed fees and fines. It was noted that the Housing Committee could come up with some proposals for presentation to the Council. Alderman VanGorder noted that the idea of having a Housing Committee was a great idea and a great way to get things done.

RESOLUTION #71 OF 2008 – Consideration of a request to close Euclid Avenue on August 16, 2008 for a neighborhood picnic from 3:00 p.m. to 9:00 p.m.

By: Alderman Feiszli
Seconded: Alderman VanGorder

Approved: Ayes – 8
Nays - 0

Adjournment

By: Alderman Quail
Seconded: Alderman Michales

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 17th DAY OF JUNE 2008. I FURTHER CERTIFY THE FOREGOING
RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.**

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER