



City Council Minutes  
The City of Cortland  
August 19, 2008

Council Meeting #14  
August 19, 2008  
Regular Session  
City Hall  
7:00 PM

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

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

**Public Hearing: Local Law No. 1 of 2008 – Establishing fees for sprinkler systems and other water services.**

Nasrin Porvizi, Associate Vice President for Facilities at SUNY Cortland was present. She expressed concerns about adverse effects of the establishment of these fees on the College. Her concerns were both budgetary and on the SUNY Cortland/City of Cortland relationship. She noted that the College provided many free services to the City and perhaps they would need to begin charging for these services. She is concerned about what further fees might be instituted in the future.

Timothy Slack, Director of the Physical Plant, SUNY Cortland He spoke about the amount of water used by the College sprinkler system testing and his concerns for what the charges might be. The Mayor noted that the proposed charges were \$11,050 for twenty-one (21) buildings. Mr. Slack felt that SUNY didn't use anywhere near that much water in checking their systems.

Mike Dexter was present. He commented that last year's taxes were over ten (10) percent last year and that over fifty (50) percent of the property in the City is not taxable and growing. He wasn't sure that this was the right way to help keep taxes down, but the City had to start somewhere, by having not-for-profits give something back to the City for the services that they used. He was concerned about rising taxes. He felt that the \$11,050 proposed for SUNY Cortland's charges wasn't exorbitant.

There was no one further to speak.

The public hearing was closed.

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

No one was present to comment.

Minutes of Aug 5, 2008

**RESOLUTION #88** OF 2008 – Approve the minutes of August 5, 2008.

By: Alderman VanGorder  
Seconded: Alderman Dye

Approved: Ayes – 7  
Nays – 0

Bills were reviewed and received.

Mayor's Report

He interviewed with WHCU. He attended BDC/IDA announcement of grant to South Cortland Business Park. He met with Dan Byer from DHCR to discuss Governor's concerns regarding affordable housing. He met with representatives of Congressman Mike Arcuri's office to discuss possible funding for the new fire station. He also met with representatives of the Governor's office to plan for the upcoming visit of the Governor to Cortland for the groundbreaking for the Clocktower Building on August 21 at 2:30 PM. He also noted that the Celtic Fest was this coming weekend. He also noted that the East End Strategic Plan was beginning and he asked that Aldermen Feiszli and Hamilton find eight (8) people to volunteer to work with Thoma Development on that plan.

Ward 1 – Alderman VanGorder

She has had calls and e-mails about the FEMA revised flood plans and the impact on the 1<sup>st</sup> Ward. She commended those 1<sup>st</sup> Ward individuals, Mr. Menapace, Beverly and Ash Ellefson, Mike Pitcher and many others who have been working so diligently on this. She noted that there was a meeting scheduled with FEMA and DEC representatives at the County Office Building from 7 – 9 PM tomorrow evening. They are working to get a good turnout at this meeting. It will not be a question and answer meeting. She also thanked Alderman Feiszli with all the work she has done with the 1<sup>st</sup> Ward group on this. It affects five hundred and one (501) properties.

Ward 2 – Alderman Benedict

He received some calls about East Main Street. Although it's not in his Ward, but there were some concerns expressed about traffic from Grant Street going onto East Main Street. He has spoken with individuals about the FEMA map and the flood insurance requirements and noted their concerns.

He has met with the Fire Chief, Chief Glover and Alderman Tobin about the concerns regarding fire equipment and the fire station.

#### Ward 3 – Alderman Dye

He has received four (4) phone calls regarding the boot program and all were in favor of the program and wondering why this wasn't started sooner. He also spoke with two (2) individuals regarding lawn and tree trimming pick ups. He advised them that we are looking at better ways to utilize public works employees. He will get in touch with those individuals when the scheduled pick ups will be. He also received two (2) e-mails regarding the rental permit program. They were in favor of the three (3) unrelated and opposed to the square footage method. While distributing handouts for the FEMA meeting he spoke with many people and the consensus is that it will be hard to prove that FEMA made a mistake on their models for a one hundred year flood and harder even for them to admit that they made a mistake and almost impossible to them to make any corrections to this map.

#### Ward 5 – Alderman Quail

He spoke with the Code Office regarding some issues and other than that, it's been quiet.

#### Ward 6 – Alderman Feiszli

She received an e-mail regarding the seven million dollar renovation of the fire station and how that would impact City taxes. There are areas in the 6<sup>th</sup> Ward over by Hickory Park and Morningside Drive were reassessed and the overall was a decrease. Many property assessments were reduced, a few went up and some stayed the same. She received some calls and e-mails questioning how the determination was made on similar properties that had significant differences in assessed values. David Briggs told her that by law, the only changes that can be made at this point are by the Board of Assessment Review which meets September 2, 2008. In the meantime, property owners can contact his office with specific questions.

In regards to the FEMA Flood Insurance Maps and the meeting tomorrow night, she is disappointed that the format she envisioned of having a Q and A format with the panel will not be taking place. FEMA noted that they could have that type of meeting in the future, but they had asked for this particular meeting just to be like the previous one. She did not attend the last one, but understood that many questions were not answered. Her concern is that there will be a large group of people in attendance who

will not be able to get their questions answered. There will be representatives who will discuss various aspects of this plan. As of August 1 the ninety (90) day appeal and protest period began for FEMA's proposed Flood Insurance Rate Maps. At the last Council meeting a resolution was passed to have Cortland County Soil and Water to study the technical basis behind the proposed Flood Insurance Rate Maps and present their findings to the Council. In discussion with Soil and Water last week about the status of their technical findings, it appears that they have found significant reasons to challenge FEMA's study. They are questioning how FEMA went about the model and they are questioning the flow rates. Pat Reidy has agreed to come to the September 2, 2008 council meeting to make a presentation and to answer questions. She asked to add an agenda item on for the September 2, 2008 meeting for Consideration of a Resolution to appeal FEMA's Flood Insurance Rate Maps of 2008 based on technical findings. She also noted that besides tomorrow night's meeting with FEMA, there was another meeting scheduled with the City scheduled for September 16, 2008 to talk about the appeal and protest process. She felt that was running a little bit late with the ninety (90) days, giving them only six (6) weeks after that meeting. There is information regarding this process on the website.

She spoke with Congressman Arcuri last week regarding the flood maps. He told her that he was on the Transportation Committee that oversees FEMA and requested that if the City were to object to the maps to send a formal objection along with the data to him and he would ensure that FEMA reviewed the support data and work with the County and City to resolve the differences.

#### Ward 7 – Alderman Hamilton

He continues to receive calls regarding trains blocking the roads in the East End. He has spoken with a representative of the Susquehanna and Western Railroad and he has been told that the work on the new siding will be done in the next few months. He is working with them on better timing and they seem to understand and will try to manage their schedules better. I will keep on top of this situation. The residents need to be patient and realize that the waiting times will be longer than usual until the project of putting in the new siding is completed. The energy conserved by use of the rail system will benefit all of us.

He attended the 9<sup>th</sup> Annual National Brockway Truck Show on Saturday, August 9<sup>th</sup>. He was impressed by the variety of trucks that Brockway produced. He reminded everyone that the East End Community Center is hosting a back to school Health and Safety Night on August 27, 2008 from 5 – 8 PM. The event is free.

#### Ward 8 – Alderman Michales

He received some calls from some residents on Bartlett Street regarding early morning ringing of door bells. The City police resource officer will follow-up with suspect individuals that may know who is involved with this.

He attended the Brockway Truck Show. He extended a special thanks to Amy Bertini and her volunteers for another great Downtown Friday Night Music Series. He received a call regarding a street light that's out. He will need to follow up on the pole number to get it fixed.

**RESOLUTION #89** OF 2008 – Consideration of the adoption of Local Law No. 1 of 2008 establishing fees for sprinkler systems and other water services.

It was asked if all companies would be hit with these new fees, including the taxpaying companies. The Mayor noted that all companies would be affected that met the requirements. Corporation Counsel Lawrence Knickerbocker noted that this will go into effect as soon as this local law is filed with the State of New York. Bills will go out shortly afterwards. Alderman Benedict is concerned that some companies would not have enough time to put aside money to pay this new fee. He asked if they could phase in the billing amount so that people will have an opportunity to plan better. Mayor Gallagher noted that this would be an annual billing for the one time fee and these first bills being sent out would be for the last quarter of this year. The Council would have to decide when they would want the bills to go out for next year. It was noted that it had been under discussion for the past six (6) months. Alderman Michales noted that his company had been planning on this and was willing to pay their fare share. There was discussion of multiple payments. Corporation Counsel Knickerbocker noted that the way the proposed law was submitted, it would be an annual one time collection. If the Council wished to change the wording of the proposed local law, the Council would have to go through the public notice and public hearing process all over again.

By: Alderman Quail  
Seconded: Alderman Hamilton

Roll Call Vote: Alderman VanGorder – Aye  
Alderman Benedict – Aye  
Alderman Dye – Aye  
Alderman Tobin – Excused Absence  
Alderman Quail – Aye  
Alderman Feiszli - Aye  
Alderman Hamilton – Aye  
Alderman Michales - Aye

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #90** OF 2008 - Consideration of a Resolution authorizing the scheduling of a Public Hearing on September 2, 2008 at 7:30 P.M. to accept comments on Local Law No. 2 (Booting of Cars).

Corporation Counsel Knickerbocker provided some background on this local law.

By: Alderman Benedict  
Seconded: Alderman VanGorder

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #91** OF 2008 – Consideration of a Resolution authorizing the closure of Pearl Street, from Tompkins to Warren, on September 1, 200 from 1:00 P.M. to 8:00 P.M., to hold a neighborhood picnic.

By: Alderman Dye  
Seconded: Alderman Benedict

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #92** OF 2008 – Consideration of a Resolution Authorizing the closure of William Street, from Church Street to Greenbush Street, on August 30, 2008 from Noon until 6:00 P.M., to hold a neighborhood picnic.

By: Alderman Michales  
Seconded: Alderman Hamilton

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #93** OF 2008 – Consideration of a Resolution approving a Parade Permit Application submitted by the County Historian for a parade to be held on September 13, 2008 from 9:00 A.M. to 11:30 A.M.; from N. Main Street and Madison to Huntington Street.

The City will have a float in the parade. Contact John McNerney if you would like to participate.

By: Alderman VanGorder  
Seconded: Alderman Benedict

Approved: Ayes – 7  
Nays – 0

**RESOLUITON #94** OF 2008 – Consideration of a Resolution amending Chapter 11, Article IX, Section 11-82 of the Code of Ordinances to establish fees to be charged by towing companies willing to remove vehicles by order of the City.

Alderman Michales asked if this was something that could be bid out. Chief Nichols noted that if the companies met the criteria and wanted to be placed on the list, that

they were then added to the rotation. If a vehicle owner asks for a specific tow operator, that request is honored otherwise they go to the rotation list.

By: Alderman Quail  
Seconded: Alderman Dye

Approved: Ayes – 7  
Nays – 0

Item No. 7 - Consideration of a Resolution amending Chapter 11, Article IX, Section 11 of the Code of Ordinances to create a registry of towing companies willing to remove vehicles by order of the City.

Corporation Counsel Knickerbocker confirmed with Police Chief Nichols that they had internal regulations already set up for this system. Chief Nichols asked that this item be tabled so that he could prepare some information for the Council to better address this topic. He was not sure if the one hundred dollar (\$100) fee was appropriate. He noted that if the towing companies refused to pay the one hundred dollar fee to be on the list and they no longer had companies willing to tow in the City, he didn't know what the City would do. He wanted more time to research the imposition of the one hundred dollar (\$100) fee. He noted that the process they have in place now works.

By: Alderman VanGorder  
Seconded: Alderman Dye

Tabled

**RESOLUTION #95** OF 2008 – Consideration of a Resolution approving the following relating to improvements to be made by NYS DOT to Routes 11, 13, 41 in the City:

- A. Authorizes NYS DOT to adjust water main valve covers and sanitary sewer manhole covers to final grade (all costs to be state's responsibility).
- B. Authorizes the Mayor to execute all of the documents necessary to complete the project.

By: Alderman Benedict  
Seconded: Alderman Hamilton

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #96** OF 2008 - Consideration of a Resolution authorizing the Mayor to enter into contract with IAFF Local 2737 for the period covering January 1, 2009 through December 31, 2010.

Alderman Benedict noted that he was new and that he did not receive the complete contract to review. He asked if this was the process. The Mayor noted that contract negotiations were handled by Director of Administration and Finance Damiano and that is what the Council hired him to do. Alderman Benedict requested that in the future, the Council members receive complete contracts to review prior to approval. Corporation Counsel Knickerbocker noted that perhaps there was a misunderstanding about this. He noted that this was a contract extension, which means than other than the terms, and conditions set forth as altered, everything else remains the same. So in essence the Council is re-ratifying what has already been negotiated and approved. The changes proposed would go for the term of the contract going to 2009 through 2010 and those are what you received. If the Council were to go back over what was already negotiated, then everything in that contract becomes open. He noted that he has a written agreement from the paid firefighters that this is indeed what is being agreed to; a contract extension for the two (2) years with the changes that have been set forth in the document that was provided to the Council. Otherwise, everything else remains the same.

Lee Price was present. He is Captain of the Fire Department and the chair for the negotiating committee of this union. He noted that what Corporation Counsel said was correct. He noted that there were only six (6) changes made and the rest of the contract remains the same and the contract will be extended from 2009 through 2010 as is except for those changes. This contract is a result of hard work between his committee and Director of Administration and Finance Damiano, going back to April. He offered to answer questions for the Council on the union's position of public safety issues. He noted that the paid firemen would be only too happy to meet with them and to answer any of their questions.

The Mayor noted that if the Council had any further issues with this contract, that they could meet with Director of Administration and Finance Damiano and share their concerns. This negotiated proposal before them tonight only concerned some sick days, salary and health insurance. Alderman Hamilton brought up one of his concerns which is volunteers driving City fire trucks. Corporation Counsel Knickerbocker noted that another issue that was brought up was the student bunking program, which is in place now. This will continue because it is a contract extension. Another issue was the volunteers driving. That would also continue because there has been no change on that. There was also a question regarding residency and Director of Administration and Finance Damiano did take that into consideration. He spoke with the union very frankly about that and the union expressed their opinions on that. There are some management prerogatives in that area because it comes off of a Civil Service list and your ability to take from the top three (3). That still can be a factor without opening up the contract and attempting to renegotiate everything. So those were the three (3) areas that Mr. Damiano felt that there might have been some misinformation placed out in the general public or to any specific Alderperson. Mr. Damiano wanted those things clarified before the Council voted on this. Lee Price noted that this was correct. He again offered to meet with the Council.

There was further discussion regarding the original contract and the extension. Item No. 7 of the contract was discussed regarding aspects of volunteer training and that included driving. Lee Price reviewed goals of the paid firefighters.

By: Alderman Feiszli  
Seconded: Alderman Hamilton

Approved: Ayes – 7  
Nays – 0

Item No. 10 – Discussion regarding the introduction of a Local Law that would require project sponsors to pay the expenses for a third party review of projects being considered by the Planning Commission and/or the Zoning Board of Appeals.

Alderman Michales asked Chief Glover how this all came about. Chief Glover noted that the Common Council approved the hiring of a technical advisor for the Planning Commission to assist with technical issues in site plan reviews that they did not have enough background in. He noted that as the projects became more significant and more controversial, the expenses for the technical advisor have increased and are getting beyond the capacity for his budget to cover. He noted that most communities have put a clause in their ordinances to require that project sponsors pay the expenses for third party review of larger or more controversial projects. Alderman Benedict asked how much this would cost the applicant. Chief Glover noted that there was a fee schedule and an escrow would be set up with the applicant's money to pay the third party reviewer. Corporation Counsel Knickerbocker noted that there were things that had to be worked out with this plan. The Planning Commission could not hold a project planner hostage for payment of third party reviewer fees that exceeded what was placed in the escrow account before authorizing approval of the project. He felt that enough money needed to be obtained up front rather than holding the applicant hostage. He did note that surrounding townships are doing this on these types of projects. He stated that this was nothing unusual from what most municipalities do.

The Mayor noted that this item would be placed on the agenda for the next Council meeting.

Item No. 11 – Discussion regarding the proposed 2008 Multi-Purpose Bond Issue.

Department Heads were present to answer questions. Alderman Feiszli asked that when the City bonded for something what was the life of the bond compared to the items purchased with the bond. The Mayor noted that the bond was for fifteen (15) years and items purchased, like cars, etc., typically had a life of only five (5) years. He noted that Director of Administration and Finance Damiano typically breaks those items out and at the beginning of the bond, those types of things get paid for up front. Alderman Michales noted that the vehicles chosen were those that were being offered by the State. Alderman Benedict noted that the State should be offering greener vehicles. Alderman Michales noted that communities like Cortland should urge the

State to offer these types of vehicles. Mayor Gallagher noted that those types of vehicles typically were much more expensive and currently vehicles bought were lasting four (4) years, on average. Chief Nichols noted that his department had gone to smaller vehicles which get better mileage. He also noted that the newest vehicles were flex fuel vehicles and the cars cost about \$20,000 each, completely outfitted. They're also not considering any larger vehicles for this current bonding. He noted the 4 wheel drive vehicles lasted longer, their first one being purchased in 1997 and is still being used by the fire department. He noted that the fleet is being converted over to the smaller Chevrolet Impalas for patrol purposes. He noted that the unmarked cars were Chevrolet Luminas, which also lasted a long time. He also noted that by purchasing that type of vehicle for administrative purposes, the warranties lasted three (3) years. They also were saving money, by buying fuel through the County. Chief Nichols noted that what has typically been an issue with these purchases is that the City has been behind the eight ball. The State contracts are running out and we miss the cut off dates. After that the company that has had the State contract will then sell them at a premium. Chevy Malibu's sold by local dealers can't match or beat the price of a state car. This bond issue will allow us to buy on state bid. Alderman Benedict felt that this might be a good time to buy vehicles, but he felt the total package was too much and taxpayers wouldn't support it. Some of the Councilors agreed. Alderman Michales asked if Director of Finance and Administration Damiano could provide them with some budget projections. The Mayor noted that they would have to compare the cost of financing new versus the upkeep of old vehicles. Alderman Quail felt that they Council had to look at the financing of a new fire station as well as financing of the equipment listed. It was noted that the fire station bonding would be down the road a bit. It was asked if there could be a work session scheduled to discuss long term debt and all the bonding that will be needed to make some of the projects happen. It was suggested that the General Fund budget could take care of some of the purchases if it was planned to do so in the coming years. It was thought that Sept. 23, 2008 at 6:00 PM would be a good date and time for a work session for everyone.

## Adjournment

By: Alderman Benedict  
Seconded: Alderman Quail

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 19th DAY OF AUGUST 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**