



City Council Minutes
The City of Cortland
October 7, 2008

Council Meeting #17
October 7, 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

PLEDGE OF ALLEGIANCE

Public Hearing: Local Law No. 3 of 2008 – Creating Chapter 101 of the Code of Ordinances.

There was no one to speak.

The public hearing was closed.

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

PUBLIC COMMENT

Amy Ayotte of 29 ½ Hubbard St. was present asking if any progress was being made concerning heavy truck traffic at the Marietta Plant.

Chief Nichols indicated that meetings had been held with Alderman Hamilton to devise traffic patterns with Marietta to keep trucks off of the feeder streets. The City Ordinance does not prohibit trucks of any size from making local deliveries and this is considered historically as a local delivery. He indicated that new management has been more cooperative. They have moved to correct problems in the parking lot on East Court Street and overtime parking on Hubbard Street.

Amy Ayotte was concerned for children in the area and noted that trucks had taken down tree limbs. Chief Nichols noted that a plan had been developed for a traffic

pattern of using exit 10 off of Rt. 81 and to follow a specified route. The police department has also put a patrol in the area to attempt to identify specific trucking companies that are violating the traffic pattern. He noted that truck traffic is a problem and he and Alderman Hamilton are working very hard to remedy this situation. Residents have noted various violations by certain companies.

Alderman Benedict noted that Alderman Hamilton had been working with Marietta to develop better traffic patterns. Alderman Hamilton noted that he would be meeting with the Marietta Plant Manager sometime this week.

Mike Dexter was present to give an update on the work of the Landscape and Design Commission. A week ago, last Thursday, the Commission, in cooperation with Alderman Hamilton held a seminar at the East End Community Center to teach people about pruning and trimming trees. Only three (3) people attended. Jim Maloney of National Grid, who is an arborist, was there. Mr. Dexter was disappointed in the turnout. The following Saturday, Mr. Maloney came down on his own time and they trimmed trees on Court Street. Due to the poor weather, they were only able to trim ten (10) trees, but the trees that were done show a big difference. National Grid has purchased a tree for the City for Arbor Day and it was hoped that it could be planted in honor of the Bicentennial. The tree will be planted on Thursday morning at 9:00 a.m. on the Court House property opposite the County Office Building. The Youth Bureau, National Grid and the Landscape and Design Commission will be there to plant the tree.

Ann Doyle was present to make a comment regarding parking tickets. She agreed to reserve her comments until it was brought up on the agenda.

Minutes of September 16, 2008

RESOLUTION #105 OF 2008 – Approve the minutes of September 16, 2008.

By: Alderman VanGorder
Seconded: Alderman Tobin

Approved: Ayes – 8
Nays – 0

Bills were reviewed and received.

Mayor's Report

He attended the United Way Day of Caring at Cortland High School. This year they did a food drive. He met with Dan Young from the Governor's office and the Mayor of East Syracuse to do a walk-around in the downtown business district. He also met with Carl Haines and Martha Hubbard of TC3 to discuss TC3's presence in Cortland. He made a presentation to Cortland High School law class. He attended the retirement party for Mark Reitano. He met with representatives of the Governor's office, Town of

Cortlandville, Assessor's Office, Chamber of Commerce and the BDC/IDA for an update on the Governor's tax cap proposal. He thanked Ken Dye for representing him at the Disability Awareness program.

He also received a letter from Ken Teter which will be referenced in agenda item No. 5. He also noted that he received a newsletter on the State of the Youth Update and the Cortland Youth Bureau had a large write up in this publication noting that this was the first Youth Bureau in the State.

Ward 1 – Alderman VanGorder

She attended the Bicentennial Parade and Ball and she commended all of the people who worked on those events. She received many e-mails and phone calls regarding resident concerns about speeding. She has spoken with Chief Nichols regarding this and she noted that in her travels to various college towns, that the speed limit on residential streets in other areas is 25 MPH. She noted that Chief Nichols has been considering this and she wondered if any of the other Aldermen had been hearing complaints about this.

She had several complaints regarding the hospital and the fence. She has spoken with Mayor Gallagher and a meeting has been scheduled for next week. She has also received some complaints about the house on Wheeler Avenue and she felt that the Council should get moving on the ordinance regarding the number of cats and dogs that can be harbored in a city dwelling.

She also has received a lot of comments regarding the bond issue. Many are in favor of it, but many are concerned about the impact it might have. She felt that the Council has to be really careful with their decision as residents are really hurting with this economy.

Ward 2 – Alderman Benedict

He noted that there was a lot of concern in his Ward about the loss of single family homes. He spoke with a member of the committee that is working on the code revision. They are working hard and he hoped that they would be done soon.

He received some calls concerning the flooding. Residents are concerned about next spring. He urged Chris Bistocchi of the DPW to set up times to meet so that the Council could take a tour of the Water Works and see where he has in mind to build the retention pond and perhaps the County Legislators could take the tours at those times. He urged that not too many Aldermen come at the same time to avoid the appearance of violation of the open meetings rules. Alderman Benedict has been down there to look things over and he encouraged further study of other plans, as well.

He also explained some of his votes on the bond issue. He planned to vote on many items that last over ten (10) years, but he felt that items that have short lives, should be put in the regular budget. He understood why some purchases had been put off in the

past, but he noted that in 2010, the City would be able to claim property for taxes and that should help the budget. It is his goal that this bond issue will allow the purchase of necessary equipment and spread the cost over a number of years. He noted that he is not afraid of high mileage vehicles and stated that his vehicles have over 100,000 miles on them. He was concerned that the City was wasting money repairing old cars, trucks and equipment that were costing more than if the City purchased new ones. He did not want to put the residents in danger because the City's cars and fire trucks were not safe or that plows were inoperable. He chose not to give the City departments everything they wanted, but he did want to try to catch up on the replacement of necessary vehicles and equipment. He felt that some of the vehicles could go on to serve in other departments where they might get less use. He felt that some replacement had to be done now and that cost should be spread over a number of years. However, he also noted that a fund should be established so that purchases can be made when State bids came up instead of putting them on a bond issue. He has spoken with various departments to learn more about their needs.

He also heard about an article in the Post Standard regarding the nuisance party ordinance praising the program. He attended the Housing Committee meeting and he feels that it gave him a greater appreciation of the concerned landlords that are in the community. Many are good landlords, but community members are concerned about the loss of single family residences in their neighborhoods.

He attended the Pumpkin Fest and he appreciated all of the work that the volunteers did to get the event off of the ground and he thanked them all.

Ward 3 – Alderman Dye

He attended the Kick Off Breakfast for the National Disabilities Awareness Month and the tribute to the many companies in the County that employ people with disabilities. In the Mayor's place, John Daniels, the Chairman of the County Legislature, and he did a tag team presentation for both the County and the City's proclamation.

He received a phone call concerning the Boot Program, to see if the City had actually started the crack down on offenders. He received an e-mail regarding some of the items on the bond issue. He explained his position and what he felt should be done about the items. He did not receive a negative reply back, so he assumes that the person was satisfied with the response.

Ward 4 – Alderman Tobin

He held a couple of Ward meetings. One was at the Barry School trying to get to know some of his constituents. There were about thirty (30) people in attendance. He started work on the organization of a Neighborhood Watch Program. He is in the process of soliciting neighborhood captains for the Watch program. At the second Ward meeting they went to the new polling place, Studio West, which is up at the college. Individuals should contact him if they have questions.

Another Housing Committee Meeting was held and questions were finalized for Atty. Cheney. He also passed along concerns regarding speeding on City streets. He hoped that this would be a short term problem.

He also met with Alderman Quail and John Daniels to discuss the potential for consolidation opportunities. He felt it was a good conversation to begin formulating idea.

Ward 5 – Alderman Quail

He thanked the local police, fire department and TLC for their quick response to his accident on Saturday. He spoke with several property owners regarding the condition of their properties and urged them to clean up their mess before he had to make a call to the Code Office. He attended the Bicentennial Parade and Ball and they were excellent. He congratulated those involved in the decoration of the Bicentennial Ball.

Ward 6 – Alderman Feiszli

She noted that another meeting was held with the sub-planning committee which is trying to address the flooding issues in the City. Chris Bistocchi was there, but she noted that he asked if the Council could set aside some monies to be used for future mitigation projects. She felt that the mitigation project was within their means in the near future. The larger projects outlined by the engineers would have to wait until grant monies could be obtained to offset their costs.

She noted that the Otter and Dry Creeks clean up went well. Volunteers found interesting items which included a wallet and a class ring which were taken to the Police Station. There were fallen trees behind Helen Ave. and Townly Ave. Volunteers worked over tow (2) hours cutting off tree limbs and dragging them to the street corners. She thanked the volunteers who worked in the rain that Saturday.

The creek walk with the DEC, floodplain management, Soil and Water and the Department of Public Works is confirmed for October 14th. She is in the process of mapping out areas of concern that would require the City to obtain permits from DPW to do work which includes removal of a large tree, dredging in a few areas and removal of brush and weeds.

She was interviewed by WHCU the morning of the Clean Up and they also called for an interview about the possibility of funding being cut for the Tioghnioaga River gauging station. She wrote and called Congressman Arcuri's office to ask for continued funding for this gauge which is used by Cortland County Emergency Management and the National Weather Service to issue flood warnings along with their severity and duration. It is her understanding that funding will be continued until the middle of March 2009. It is important for the community to understand how critical this information is and to work together to ask Congress to not cut funding on this gauge.

She noted that the East End Strategic Planning Steering Committee should be starting next month. It is her understanding that Thoma Development has already begun identifying businesses in this area and taking a closer look at the current housing stock. About two years ago, the Mayor, Alderman Partigianoni and she looked at local businesses because of the concerns that a lot of the businesses in the downtown Cortland area were getting improvement grant money and the other smaller businesses on the East End felt left out. One of the purposes for this strategic plan is to help promote façade improvement and provide loans to small businesses. She noted that Riverside Plaza will be part of this strategic plan. This is the gateway to the community, being right off of Rt. 81 at Exit 11. She is continuing work on the vacant gas station without a lot of luck. It is nice to now have a group of people working together on this area.

The City car use has been an ongoing project with her. She noted that Director of Administration and Finance Andrew J. Damiano has been busy working on the 2009 budget and the bond issue. She continues to look into this and have questions. She has been in contact with other municipalities and obtained some written policies from other communities. She would like to develop a committee to establish a vehicle use policy and to also look for further ways to conserve fuel and money and asked that this be placed on the October 21, 2009 agenda for discussion. She hopes that the Council will support this new committee.

Ward 7 – Alderman Hamilton

He thanked Lt. Gesin and Chief Nichols for their attention to the Hubbard Street truck traffic issue. He hopes that they can stay with this problem and keep trucks to their intended routes with regular patrols. He attended the Tree Care and Pruning presentation given by Mike Dexter and Jim Maloney. It was a fantastic presentation and the literature provided will help us all with taking an active roll in caring for our City trees. He noted that they met on Saturday, September 27, to trim trees on Court Street. He expressed hopes that another day can be chosen to do this type of work and that the weather will cooperate and more volunteers will turn out.

He attended the Comprehensive Plan meeting at the Chamber of Commerce last evening. It was very informative and gives a bright picture of the future of Cortland.

Ward 8 – Alderman Michales

He received a couple of calls regarding the displacement of the Farmers' Market and concerns that it be kept close to downtown. It was noted that a committee was working on this and more information would be forthcoming. He attended the Pumpkin Festival.

A Bicycle Coalition representative asked if the bike rack installations could be placed on the agenda for tonight's meeting. The Mayor indicated that if there were no objections from the Council, it could be placed on tonight's agenda.

Alderman Michales noted that he attended Lloyd Purdy's farewell party last night. He noted it was well attended. He thanked Mr. Purdy for his hard work in bringing 1.6 million dollars to the downtown area.

He has continued to receive calls regarding trash sitting out on Main Street at night, with bins overflowing. It is unsightly and he asked if something could be done. It was noted that folks living along Main Street should be using blue bags not trash receptacles. He also received a call from the individual that won the crab apple tree at the Bicentennial Ball asking permission to plant it in the Church Street median. He has since spoken with an individual from the Landscape and Design Commission, who felt that was not a good place to plant that tree. He will get back to the homeowner. He noted that he did read the article in the Post Standard about the Nuisance Party Ordinance. Cortland received favorable coverage. He noted that it is working.

The Mayor thanked the Pumpkin Fest Committee and the Fire Department and the Police Department for all of their hard work.

RESOLUTION #106 OF 2008 – Consideration of the adoption of Local Law No. 3 of 2008, creating Chapter 101 of the Code of Ordinances.

Alderman Michales was concerned about the \$100,000 escrow amount. Corporation Counsel Lawrence Knickerbocker suggested that the escrow deposit amount be placed on the agenda for the next meeting. He noted that once the local law was established, then the amount of escrow could be changed as necessary by resolution of the Common Council without having to amend the local law each time. The Local Law will end with Section 6. The attachment is the resolution which should be a separate item.

By: Alderman Dye
Seconded: Alderman Tobin

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

Approved: Ayes – 8
Nays – 0

RESOLUTION #107 OF 2008 – Consideration of a Resolution confirming the reappointment of Shirley J. Cobb and Tammy Bergmark of the District Attorney's office as Commissioners of Deeds.

By: Alderman Quail
Seconded: Alderman Benedict

Approved: Ayes – 8
Nays – 0

RESOLUTION # 108 OF 2008 – Consideration of a Resolution authorizing an amnesty period until November 7, 2008 on past due parking tickets.

Chief Nichols was present to answer questions regarding the amnesty program. He noted that amnesty was not the correct word. He noted that violators had between now and November 7, 2008 to come in and pay the original cost of the ticket(s), plus any additional charges. Nothing was being waived. After that, starting on November 10, 2008, if a vehicle is found with violations it will be booted. The boots are here, the procedures are in place and Maury's Towing Service will be the agency booting the vehicles. The program will operate as discussed and it will be operated within normal business hours. It will not operate nights or weekends. Above the cost of the unpaid ticket(s) and fees, there will be a \$100 fee when a vehicle is booted and if the vehicle is towed, there will be an additional \$100 tow fee plus a \$40 a day storage fee. It will be cheaper to pay the ticket(s) and fees than to go through this process. People having unpaid parking tickets who want to find out what they owe, may contact the City of Cortland Finance Department. It was noted that fines and fees could be mailed in, but must be postmarked by November 7, 2008.

By: Alderman Tobin
Seconded: Alderman VanGorder

Approved: Ayes – 8
Nays – 0

Item No. 4 – Continuation of the discussion regarding the finalization of a Local Law that would create a Rental Housing Permit Program.

Director of Administration and Finance Damiano noted that there was not yet a final form on the Local Law. Alderman Benedict hoped that the Council would give their input on how to define a family unit; i.e., three (3) or four (4). The Mayor noted that they also could consider square footage as a determining factor. Alderman Feiszli noted that consideration should also be given to zoning designations and that in some areas square footage would be used and in others the number of unrelated people in a residence. Alderman Tobin felt it would be good to better match up the zoning with what is in the neighborhood, as things have changed over time. Some areas can have more density and others need to be kept with a lower density. Part of the problem is finding out where the current rentals are and where people want to rent.

Alderman VanGorder noted that this sounded like a project that would go in stages. That areas could be assessed and then perhaps a decision could be made based on the data received, whether they will go on the number of unrelated or go with the square footage. Alderman Tobin felt that the Housing Committee felt that their document took in a number of people's perspectives. He felt that there was still a fair amount of disagreement regarding where three (3) unrelated or four (4) unrelated should be allowed in certain zones versus square footage. He felt it should be placed on the agenda for the next meeting if no decision could be reached this evening. The Housing Commission wanted to send official notifications out in January 2009 and that inspections would start in the following two (2) or three (3) years. He noted that properties having a large number of complaints or violations would go to the top of the inspection list. He felt to go forward with this program, the rental permit program had to be approved. It was also asked if a new zoning category could be developed, perhaps a student housing category. It was noted that perhaps a multi-family housing zone. Corporation Counsel Knickerbocker noted that was already a permitted use under certain zoning categories such as R4.

The Mayor noted that the Council would need to establish the rental unit inventory before they could then decide on rezoning certain areas. Alderman Tobin noted that was a good point. He felt that current usage as well as supply and demand could be shown by taking such an inventory. The Mayor also noted that the Comprehensive Plan would also be key to this process. Corporation Counsel Knickerbocker noted that there was high demand around the college, but typically these areas had been full of single family residences, but they have changed over time. Alderman Tobin noted that was also something to consider. He noted that by taking an inventory, it wouldn't create a moratorium, but it would delay the conversion of new rental properties. Code will be able to tell new property owners what they can and cannot do with a rental property. He felt that this would limit new owners doing something that is not appropriate for their zoning. It might even encourage some properties to return to single family ownership. Alderman VanGorder asked if square footage would be tied to the number of occupants and what they would look at to determine occupancy. Alderman Tobin noted that the number of bedrooms would not be used to make a determination. They wanted to keep it simple. The Housing Committee thought that limiting it to three (3) or four (4) unrelated as opposed to square footage, would preclude a residence from having six (6) or seven (7) bedrooms. It was noted that zoning would also limit that. It was asked what additional information could be provided to the Council to make them more comfortable in making a decision.

Alderman Tobin noted that a general consensus of the Housing Committee after reviewing the zoning map, was that zones R1 and R2 should be limited by three (3) unrelated and R4 going to four (4) unrelated. R3 could potentially be three (3) unrelated. There was some question regarding a portion of Groton Avenue. It was noted that the Council should really look at a copy of the current zoning map before making their decision. The Mayor noted that they also had to take in consideration the properties that were grandfathered prior to 1988 and would not be limited to the three (3) unrelated. Corporation Counsel Knickerbocker noted that besides looking at a

zoning map, they should talk with the Code Office regarding pre-existing non-conforming properties and what is in those locations and also to talk with the Assessor to obtain a feel for what the occupancy is in some areas since he has just done a reval. Lastly, there was a listing from SUNY Cortland of what landlords placed on their website as to occupancy. He felt that those resources would give the Council some idea of what they are looking at. Alderman Michales noted that it would be good to have a large zoning map that they could easily read and mark on.

There was further discussion regarding grandfathered properties in R1 and what was allowed in other zoning areas and current square footage allowances. This will be placed on the agenda for the next Council meeting. Corporation Counsel Knickerbocker noted that he would obtain information from Assessor Briggs.

Vivian Bosch noted that there was another map that showed the college areas and nearby housing, which would also be helpful to look at. There was discussion regarding owner occupied housing and how to properly identify those. Chief Glover noted that the STAR rebate program list could help with that. It was noted that any information that could be provided prior to the next meeting, would be helpful.

RESOLUTION #109 OF 2008 – Consideration of a Resolution authorizing the Mayor to enter into agreement with the lowest bidder for the drilling of borings for the Yaman Boat Launch Project.

Director of Administration and Finance Andrew J. Damiano noted that the low bidder was about \$1,600. Alderman Michales asked if this launch was going to be used strictly for canoes or personal watercraft. Mayor Gallagher noted that it would be used for canoes, kayaks, paddle boats, etc., but not for motorized craft. He was unsure how it would be controlled. It was noted that the grant was received three (3) years ago.

By: Alderman Benedict
Seconded: Alderman Feiszli

Approved: Ayes – 8
Nays - 0

RESOLUTION #110 OF 2008 – Consideration of a Resolution authorizing the Mayor to enter into a contract extension agreement with the SEIU for the period January 1, 2009 through December 31, 2010.

Alderman Quail asked how many employees were covered. Director of Administration and Finance Andrew J. Damiano indicated that eight (8) were covered by this extension. There were no other changes except those agreed upon in the extension agreement.

By: Alderman Dye
Seconded: Alderman Quail

There is also little installation expense and they will be left out year round. The Council seemed to like the idea, it will be reviewed in the upcoming Staff meeting for their feedback and it will be placed on the next Council agenda for a vote.

RESOLUTION #112 OF 2008 – Consideration of a Resolution to table the further discussion regarding the proposed bond issue and to schedule a work session for October 21, 2008 at 5:30 p.m.

The Council felt that they would like to go line by line at a work session prior to the next meeting and weren't prepared to vote on the bond issue at tonight's meeting.

By: Alderman Benedict
Seconded: Alderman Tobin

Approved: Ayes – 8
Nays – 0

RESOLUTION #113 OF 2008 – Consideration of a Resolution to increase the blue bag fee; going from \$2.50 for the large bag to \$3.00 per bag and going from \$1.75 for the medium bag to \$2.00 per bag effective January 1, 2009.

Director of Administration and Finance Andrew J. Damiano noted that if the current cost of the program would be going a little into the red for 2008, but if no action is taken, it will go significantly into the red in 2009. The program was originally designed to be a break even program and it's his responsibility to inform the Council when it changes from that. Alderman Michales wanted to know when was the last time blue bag fees were increased. Director of Administration and Finance Damiano noted that it was a couple of years ago, probably 2005. Alderman Michales asked if it was the cost of transportation causing the problem. Mayor Gallagher and Director of Administration and Finance Damiano felt that it was the cost of petroleum as the plastic bags were petroleum based and fuel and labor costs were also going up. Director Damiano noted that at the end of this year, he would be putting the bags out to bid again and he had no idea what the cost would be, but thought that it would be higher than the current bid price. It was suggested that the increase be in fifty (50) cent increments, i.e., the current cost of \$2.50 for the large bags would go to \$3.00 and that would probably cover the anticipated increase in costs. Alderman Tobin added the increase in price to his resolution thinking it should be a fifty (50) cent increase, i.e., going from \$2.50 for the large bag to \$3.00 per bag and going from \$1.75 for the medium bag to \$2.00 per bag effective January 1, 2009.

By: Alderman Tobin
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 1 (VanGorder)

Adjournment

By: Alderman Benedict
Seconded: Alderman Tobin

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 7th DAY OF OCTOBER 2008. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER