



City Council Minutes  
The City of Cortland  
November 18, 2008

Council Meeting #20  
November 18, 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

**Public Hearing: Proposed Bond Issue**

Connie Sorrells was present and asked the Council to take careful consideration of the bond issue. She noted that with increased costs of everything, she asked them to think carefully and to be fiscally responsible.

David Kingsly noted that his assessment had increased 50%. He did not support the bond issue initially, but after receiving more information, he now supports it.

The public hearing was closed.

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Tony Pace was present. He had more comments on the rental housing permit program. He asked that the Council take a closer look at the increased costs this program would bring because of added City personnel to administer the program. He noted that their salaries, benefits, equipment needs and office space costs would be very expensive. He feels that there would be a severe impact on lower income families who rent. He felt that the biggest complaint about students was student behavior and he felt that work was being done by the College to improve that situation.

Mick Pace is a student landlord. He met with Alderman Tobin regarding landlord issues. He asked that Alderman Tobin bring the ideas expressed by the landlords who were present at a meeting of the housing committee to the Common Council. He asked that future correspondence between the landlords also be shared with the Council. He asked how they were going to address the three unrelated issue in different situations. He also brought up the rental permit ordinance that Raleigh, North Carolina was using. He noted that it targeted it problem rental properties, which is what has been brought up at the housing committee meetings. He felt that this ordinance went after problem units and permits were only necessary if the unit was in violation. He felt that this was a very simple program, which would have little cost to the City and it addresses the problem. He brought copies of the ordinance with him and he distributed copies to the Council.

Rosemary Taylor spoke as a homeowner on the hill. She has lived on the hill for about fifty years and it was a neighborhood when they moved in. Now the next door home is a student rental house and it's no longer a neighborhood and she doesn't want that. Students are not neighbors who take care of the properties.

Mike Dexter was there for the Landscape and Design Commission. He spoke about the Bicentennial tree that was planted on Central Avenue in the Court House Park. He thanked the representatives from National Grid who helped plant the tree, members of the Landscape and Design Commission and Ann Doyle. He hopes that they will be able to put up a plaque commemorating the Bicentennial. He also thanked the Youth Bureau for their help. He also noted that the Landscape and Design Commission are representatives of Tree City USA, who take their responsibility very seriously and he thanked them for their hard work. They have worked on a booklet on how to plant and care for trees. Money for this booklet was given by National Grid. He distributed copies of the new booklet.

Jim Meyer was there to address the issue of the housing problems in Cortland. He noted that many landlords were present and he felt that student housing was an issue and that many of those landlords did not want to take responsibility for the problems student housing caused. He felt that the landlords were not concerned about the neighborhoods, but only their income. He noted that Jim Reeners can control his student renters on his property, but he can't understand why other landlords with smaller units, can't control their students. He felt that Mr. Reeners talked with the students, their parents and had developed a lease that controlled student behavior.

JoAnn Dukalow is an absentee landlord. She felt that the City was in no position economically to expand and hire more people to develop this rental housing program. She noted that it was supposed to be a self-sufficient program and it wouldn't be. She noted that because she has student housing on the hill, she pays \$40,000 more in taxes per year than her neighbors with single family houses. She also felt that landlords had preserved, repaired and saved the historic houses on Tompkins Street. She felt that only student housing landlords could afford to buy, renovate, do upkeep and pay taxes on these large structures. She felt that all landlords would be furthered burdened in an effort to control a few problems.

Amber Murphy is a SUNY Cortland student. She has a student housing problem with her landlord. Her apartment was not completed as promised, there wasn't even a bathroom for her to use for over a month. She noted that large groups of students living together also tended to party more. She thought that the three (3) unrelated enforcement would lead to quieter tenants and better tenant behavior.

Minutes of October 21, 2008

**RESOLUTION #122** OF 2008 – Approve the minutes of October 21, 2008 as amended.

By: Alderman Tobin  
Seconded: Alderman Dye

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #123** OF 2008 – Approve the minutes of November 12, 2008.

By: Alderman Quail  
Seconded: Alderman VanGorder

Approved: Ayes – 8  
Nays – 0

Bills were reviewed and received.

Mayor's Report

He attended the United Way meeting and was the guest speaker at the Leadership Cortland program. He met with potential buyers of the Riverside Plaza. He attended the SUNY Cortland College ceremony honoring Barbara Lifton. He was the featured speaker at the New York State Grange Annual Meeting. He judged the children's pumpkin painting contest. He toured the Armory with Chief Nichols and Jim Sponaugle.

He attended Business After Hours at First Niagara Bank as well as participating in the College Community Forum. He attended the McDonald's Sports Complex anniversary celebration. He also attended two meetings of the College Council. He attended luncheon with Congressman Michael Arcuri. He was also the guest speaker at the annual Youth Bureau Small Fry banquet. He attended the Chamber of Commerce annual awards banquet. He attended BDC/IDA meeting. He attended Governor Paterson's Town Hall meeting in Syracuse. He interviewed with WHCU, the Ithaca Radio Station. He attended the Salvation Army Kettle Campaign kick-off.

He noted that the East End Community Center was sponsoring a City-wide Holiday Lighting Contest. Judging would take place in several categories on the weekend of December 19 through December 22. Entry forms are available at the East End

Community Center, the Cortland Youth Bureau and City Hall. Please contact the Youth Bureau with any questions or Alderman Hamilton.

He noted that the City has been working with National Grid and they will be replacing forty-nine (49) lights on Main Street at their cost. The cost to the City will be about sixty (60) dollars per light for the utility costs. The new poles will be fourteen (14) foot poles and the lighting will be such that it will illuminate Main Street better and will look more like the South Main Street lights and will be more energy efficient. They'll be matching the Central Avenue and South Main Street lights.

The Mayor noted that the booting program has brought in about fifteen thousand dollars (\$15,000) so far with nine thousand three hundred (\$9,300) the first day.

Ward 1 – Alderman VanGorder

She attended the Chamber of Commerce Awards Banquet. She received a couple of inquiries about the hospital and the Kleen Corner site. She has been working with the hospital to see what can be done about the sidewalk there. She has been contacted by several people about the rental permit program and the bond issue and the budget. She also spoke about the Cortland Regional Sports Council and the recent soccer tournament. She noted that the City gives money to this council and there were twenty (20) soccer teams participating in the recent tournament from all over New York State. She felt that this was a wonderful tournament that brought in many people who brought in money to local businesses. She was involved because Cortland High School made it to the semi-finals this year and her two daughters were on the team as well as her nieces. She felt that this was a very big accomplishment and she congratulated them as well as the Sports Council. She felt the money the City gave the Sports Council was well worth it.

Ward 2 – Alderman Benedict

He also attended the ceremony honoring Barbara Lifton. He also talked briefly with Mike Arcuri the last time he was in town about possible funding of the flood mitigation. Mike, as well as everyone else, is worried about budgets, but he felt that there would be some funding available for a project in the water works.

He attended the Housing Committee meeting. It was nice to have student representation there. They tried to work out some of the details of the rental permit program and listen to ideas and problems of the students. He has also heard from a number of people about the three (3) unrelated clause in the Rental Permit Program.

He noted that the house on Pleasant Street was also a concern for people and noted that Assistant Chief Glover is pushing things along there. He also noted that flooding is still a topic that people in several wards are concerned about. He hopes that the Council will be able to come up with a plan and money to do something for these people that are living in fear of the next flood.

### Ward 3 – Alderman Dye

He has received two (2) e-mails regarding the proposed budget. Both people stressed the economic hard times and urged the Council to use prudence when finalizing the budget. He has had three (3) phone calls about leaf pick-up. He stressed to people that the leaves would be picked up and asked for patience.

He has spoken with a couple of retired teachers this past week concerning the proposed berm in the water works. He advised them that we are strongly in favor of this and hopefully things would all fall into place next spring.

### Ward 4 – Alderman Tobin

He has had conversations with residents about the rental permit program and the Housing Committee met last week and there were a couple of students there. He has been speaking more with students up at the College. He also has been speaking with residents in other areas of the City and feels that it is a bigger issue than just a couple of neighborhoods. He noted that the bond issue and the budget are also concerns that residents have contacted him about.

### Ward 5 – Alderman Quail

He also attended the Chamber Awards Banquet. He congratulated Jeremy Boylan for the public service work he had done this year on the Bicentennial. He attended the SUNY Cortland – Brockport game. He also has had issues with crows. He also had a question regarding the website and the posting of the Council agendas. He also congratulated the Cortland High girls' soccer team and all fall sports teams for a job well done.

### Ward 6 – Alderman Feiszli

She posted her last Ward report on the City website. Recently, she spoke to National Grid about the lighting at the intersection by the Riverside Plaza. She noted that the lighting will be installed within the next few weeks. She noted that Congressman Arcuri's office called her last week with an update regarding the Tioghnoga River gauge that is in jeopardy of being eliminated due to funding cuts. It is her understanding that alternative funding might be secured and the gauge is off the list to be removed. That's good news. It's used for emergency management and it's important that we keep that gauge. She put in a request for an update of FEMA's review of our appeal to the flood insurance maps, so that the public could be kept aware of the review.

On Miller Street and Euclid Avenue, residents had some issues with traffic and parking on both sides of the street while the childcare center parking lot was under construction. She contacted Public Safety and the Police Department, who placed temporary no parking signs in the area and these signs will stay up until the completion of the project which should be completed by the end of this month, weather permitting.

She received a request for a yield sign on the corner of Hickory Park Lane and Hickory Park Road. This was forwarded to the Public Safety Commission and she is awaiting a determination. She met with a National Grid representative and a resident on Pearne Avenue regarding the installation of a new light pole by the railroad tracks to help increase safety and to deter trespassers. Permission has been received from the property owner to access the light for maintenance. National Grid says that they could do this and she has also spoken to the railroad and she will be sending them a map showing them the location. Verbally, the railroad didn't see that there was an issue there. That was good news for those in that area.

She asked that an item be placed on the December 2, agenda for discussion and consideration; a new ordinance which would require registration of vacant and at-risk properties within the City. She noted that there were many vacant structures within the City that are not only unsafe, but have been an eyesore for years. The purpose for this ordinance would be to establish a uniform and effective program for identifying and registering these vacant buildings, determine the responsibilities of the owners and to speed up the rehabilitation of vacant properties, whether by demolition or rehabbing it. She sent copies of ordinances that she received from NYCOM along to Corporation Counsel and also to the City Code Office for their review.

#### Ward 7 – Alderman Hamilton

He attended a ceremony on Veterans Day at SUNY Cortland to thank the veterans, faculty, staff and student body as well as the veterans from the Cortland community from various branches of the service. Veterans are not forgotten.

He noted that we are continuing to experience problems with the trash bins on Main Street and he has received several more complaints. He was told that another day had been added to the pick up schedule and the contracted hauler was advised of the trash left on the ground that falls from the cans when they pick up, but they are still ending up with overflowing barrels and trash left under them even after a pick up. He isn't sure what the solution to this situation is. Perhaps they should look at more frequent pick ups, or perhaps another company or perhaps signage on the containers advising users as to the intended purpose of the containers or if the Police could keep an eye on them and make a call for pick up when needed. He proceeded to read some excerpts from e-mails that he had received. He asked people to not forget the wonderful things about Cortland that make it a wonderful place to live.

#### Ward 8 – Alderman Michales

He received concerns from some residents living in the Randall School area regarding child safety at drop off and pick up on Randall Street. It was noted that children often had to cross between parked cars. He worked with Chief Nichols of the Police Department, Mike Preston of Public Safety and Tom Tobin of Public Works to place an additional crosswalk stripe on Greenbush Street, which clearly identifies a No Parking Zone. This stripe allows children to be clearly seen by approaching traffic.

He also received a concern from a resident regarding Library work in progress before 7:00 a.m. in the morning. This complaint was regarding work at 4:00 a.m. He spoke with the Mayor and they were unable to figure out where the noise was coming from at that hour.

The Mayor asked that an additional item concerning an appointment be placed on tonight's agenda if there were no objections.

**RESOLUTION #124** OF 2008 – Confirmation of the Mayor's appointment of Marie Welsh to the Cortland County Board of Health as the representative from the City of Cortland.

He noted that she has served two (2) terms on the Board and was committed to the health and well being of the residents of Cortland County and the City of Cortland.

By: Alderman Feiszli  
Seconded: Alderman Benedict

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #125** OF 2008 – Tabling consideration of a Resolution authorizing a bond issue pursuant to the document prepared by bond counsel (Roll Call Vote).

Director of Administration and Finance Andrew J. Damiano noted that during the work session they reviewed whether to do a bond issue now or a bond anticipation note now or a combination of the two. It was determined that the Council was not ready to proceed at this point and that another work session was needed.

By: Alderman Quail  
Seconded: Alderman Dye

Approved: Ayes – 8  
Nays – 0

Item No. 2 – Discussion regarding proposed retention pond in Water Works property.

Pat Reidy and Chris Bistocchi were present. Pat Reidy spoke about the meeting that was held with regulators concerning this retention pond. The meeting was called by the Department of Environmental Conservation a couple of weeks ago. The DEC permitting folks were there, as well as a couple of engineers from Flood Protection and Dam Safety, the was a DEC biologist from the Bureau of Habitat and a representative from the Army Corp of Engineers involved with jurisdictional wetlands. He took away from this that the main point of the meeting, as that the DEC wanted to inform the City of regulatory issues that would be involved with this project going forward in the Water Works.

There are four (4) options and one (1) that they worked on the most. That was diverting flow from Otter Creek to the side and creating an embankment to slow the water down. The other three (3) options were developed by C and S Engineers which are really bigger projects. Focus was first brought on the smaller project. He noted that a SEQR process needed to be followed and noted that the Water Works was a critical environmental area and that has implications for the SEQR process. DEC thought that the nature of this project and the nature of the critical environmental area this might not be that big of a deal, but the City may need to be the lead agency in this process. The State Office of Parks and Recreation oversees archeologically sensitive areas and this area is one of them. Therefore an application would need to be made to the State and then they would need to determine if an actual onsite investigation would need to be done. If it was necessary, it would only need to be done in the area of the dam. Wetlands is a big issue from the regulators' perspective. There are Federal wetlands along Otter Creek and the duck pond is basically a wetland. There may, in fact, be other wetlands in there that aren't identified on the maps. The Army Corps of Engineers has jurisdiction over these wetlands. If there is less than a tenth of an acre of disturbance, the project could go in under a nationwide permit which is relatively painless. If it's more than a tenth of an acre, then you need to think about creating mitigating wetlands somewhere else, which is a lot more difficult.

They came to the conclusion without doing a detailed study, that this will be less than a tenth of an acre of disturbance adjacent to Otter Creek, so that would be able to go under a nationwide permit and that any other wetlands might be able to be avoided if the proposed alignment intersected any wetlands. So Option #4 would be relatively easy and seems like a doable project from the regulators. Wetlands will need to be delineated by the USDA and may be at no cost to the City. Stream bank disturbance, locally, you need to get an Article 15 permit through DEC and that would need to be done for the work immediately adjacent to Otter Creek. This also didn't seem to be a major obstacle. Dam safety was another issue. If the height of a dam is less than six (6) feet, then you don't fall under the State's regulations as far as needing a permit. If it's over six (6) feet, a permit must be obtained, which involves a lot of things. There are a lot of issues with a dam over six (6) feet and they were encouraging the City to consider a dam of less than six (6) feet.

He noted that Options #1 through #3 were bigger projects and they weren't discussed as much. It was noted that there were greater impacts and more regulatory hurdles to clear with those options. Those projects would be permitted dams under those options.

Alderman Benedict proposed that the Council put forty thousand dollars (\$40,000) in the budget in a special fund for flood mitigation. He noted that should the City receive funding from other sources for this purpose, the remaining money should be used as a contingency fund for other emergencies. He noted that this amount of money could easily be spent by people replacing furnaces and appliances. He also noted that the City could pay a lot of money in repairing streets and clean up after a flood and felt it would be a good investment.

Mayor Gallagher asked where they would obtain the forty thousand dollars (\$40,000) from.

Alderman Feiszli noted that with the proposed bond, there had been discussion regarding nine hundred thousand dollars (\$900,000) going to improving of the infrastructure and potentially setting aside forty thousand dollars (\$40,000) for flood mitigation. Director of Administration and Finance Andrew J. Damiano noted that was doable. Pat Reidy noted that although things he had mentioned sounded like a lot, that many were possibly painless. Alderman Benedict felt that there was the possibility of funding being obtained elsewhere, possibly from the County. He thought perhaps eventually they might be able to get Federal or State funding, as well and they might not need to spend the forty thousand dollars (\$40,000). Alderman Feiszli thought they should set up a plan of action and that the Council should meet with the County and perhaps set up a Planning Committee.

Alderman Feiszli noted that in meeting with Carol Tytler, there was some discussion regarding the building of the berm and they seemed to be open to bringing in material and hopefully there will be some cooperation. There was discussion regarding funding of this special fund and establishing the estimated costs of various projects to be covered by the special fund. The Mayor thought they should try to establish the total cost of the project. Chris Bistocchi cautioned that they could establish a cost for the project, but if an archeological survey had to be done or some other engineering services were required, they needed to consider that impact. Alderman Benedict then asked if a line could be placed in the 2009 budget with no figure put in there.

Alderman Feiszli felt that perhaps they weren't prepared to decide on this tonight and they needed to obtain more information regarding costs. Alderman VanGorder noted that this money would be taken out of the bond and not added to the budget.

Item No. 3 – Continuation of the discussion regarding the creation of a rental housing permit program.

Alderman Tobin stated that a meeting was held last week discussing benefits from a rental permit program. He noted that rental issues had been a concern for decades. He knows there has been a lot of discussion, but nothing has been done. He noted that the Housing Committee was formed to try to look at housing in the City in general and identify the greatest needs and look toward fixing those needs. He noted that they had come up with a document enabling them to enforce the codes and to maintain structures that are up to code.

He went through some of the benefits of the program for those in the audience. He noted health and safety issues and the ability for local Code Enforcement to uphold and enforce local and state codes. Occupancy density enforcement is another issue which has been discussed. They've also discussed maintaining property values and neighborhood appearance of owner occupied homes. Encourage more density in the downtown area and not in the neighborhoods. Maintaining consistency in inspections giving Code Enforcement a greater say in inspections. Requiring a local contact

person if the owner does not live in the town or county in the event of a problem. Requiring information of maximum occupancy and a contact number for Code Enforcement would also eliminate some problems. This would allow student tenants to have some rights and responsibilities if they have a problem. An improved relationship with the College would show that the City is taking a positive step toward having high quality student housing. He also noted that this would give renters an avenue of repair without fear of reprisal from the landlord. This is for all tenants, not just college students.

He noted that student behavior issues has been brought up as an issue and the nuisance party law is helping with that. He thinks that getting this rental housing permit program started initially will be the most expensive part. He felt that maintenance of the program could be made cost effective, by working with the Code Department. He noted that there are different rental housing problems in different sections of the City. He wants all problems to be addressed consistently. He noted that the three (3) unrelated that they discussed, refers to adults. Anyone younger than seventeen would be null and void in this issue.

Alderman Tobin noted that students have given them other stories dealing with issues they have run into with landlords. He encouraged the Council to vote on this. Corporation Counsel Lawrence Knickerbocker noted that if this was to be enacted as a local law, it needed to be finalized, placed on the table, a public hearing needed to be scheduled and then it needed to be voted on. If changes needed to be made, now would be the time to do it, before it could be placed on the table. Alderman Feiszli felt that she wasn't ready to deal with the three (3) unrelated portion and asked that it be taken out. Alderman Benedict felt that enforcement of that was the major part and that needed to be dealt with. Alderman Feiszli felt that re-zoning would be a bigger help in controlling density and rental properties in residential neighborhoods. Alderman Benedict was concerned that if they waited two or three years to adopt something, they could lose the neighborhoods. He wanted Code Enforcement to be able to gain entrance with an administrative warrant. There was further discussion regarding enforcement and gaining entrance. Some Council members were in favor of the rental housing permit program, but wanted to take the three (3) unrelated out of the document until they had a chance to look at other options such as zoning changes or overlays, but to go ahead with the inspection and permit portions of the rental housing permit program. Alderman Tobin noted that if this law was passed, property owners would be notified in January and registrations would begin before August on a voluntary basis and inspections would begin within a few months. The Code Office would also begin to inspect properties where there were known violations or that were deemed a hazard. In terms of properties that are over-occupied, he felt that it should come back to the Council or they could delegate to the Housing Committee to determine how long properties that are out of compliance can be out of compliance.

There was further discussion regarding the three unrelated that was already on the books. Alderman Benedict wanted to have it included in the rental permit program and noted that was the advice given by Blair and Cheney. Alderman Feiszli stated that she just would like to register all of the rental properties, finding out where all the rental

properties are and mapping them out, meet with a group and identify where you would like the high and low density, keep residential neighborhoods and possibly look at overlay districts. It was noted that while the three unrelated was already on the books, Code Enforcement couldn't get in to the units to enforce it. This would get Code Enforcement in. Alderman Michales noted that an individual on the committee had come up with the number of one hundred seventy (170) units that five or more occupants in them. They could possibly be legitimate, but there were some that were probably over-occupied. Alderman Quail noted that Alderman Tobin needed to get back with Mr. Cheney to find out why he wanted the three unrelated clause left in this document. There was more discussion regarding overlay districts, but Corporation Counsel Knickerbocker noted that they had to be careful of discrimination as to why some would be allowed and some wouldn't.

Alderman Feiszli asked if the owner-occupied was still in the wording. Corporation Counsel Knickerbocker noted that the owner's unit would not be inspected, but the rental unit would be. Alderman Tobin noted that this would protect the tenant. Mayor Gallagher asked if they had a copy of the permit inspection document. Alderman Tobin noted that he would get together with Chief Glover and review what he had put together. Mayor Gallagher then asked if Alderman Tobin could bring the rental permit program back to the Council. There was more discussion regarding addressing high density issues and perhaps noting them and warning them that the City is aware of the high density and that once the overlay districts are made or zoning is changed, they might allow the higher density.

Alderman Tobin noted that what he thought Alderman Feiszli was suggesting was a registration component and then enforcement component. He then asked Corporation Counsel Knickerbocker if they could do that and then set an implementation date and set a separate compliance date. Corporation Counsel Knickerbocker noted that this would then nullify a piece of the zoning ordinance which was already in place and they would have to be very careful about doing that. This would nullify an existing law and make it unenforceable for that period of time. It was noted that buildings of three (3) or more units need to be inspected by State Law, but single family homes and duplexes do not fall under that law. This law that we are proposing would help bring all rental properties into compliance. Chief Glover noted that the State doesn't require inspection of single family rental homes, but the local municipality can require it.

Corporation Counsel Knickerbocker stated that he planned to circulate what had been done last time and the Council will do what they wish with it. They will be starting with one common document and then reach a consensus as to adopting the document as proposed, amend the document or not vote on it at all. That would be his recommendation.

**RESOLVED TO GO INTO EXECUTIVE SESSION TO DISCUSS LEGAL ADVICE REGARDING AN ONGOING CONTRACT INTERPRETATION AND A PERSONNEL ISSUE.**

By: Alderman VanGorder

Seconded: Alderman Tobin

Approved: Ayes – 8  
Nays – 0

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

By: Alderman Tobin  
Seconded: Alderman Dye

Approved: Ayes – 8  
Nays - 0

**Adjournment**

By: Alderman VanGorder  
Seconded: Alderman Benedict

Approved: Ayes – 8  
Nays – 0

**I, JOHN O. REAGAN, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO  
HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED AT A REGULAR  
MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON  
THE 18th DAY OF NOVEMBER 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**