



City Council Minutes
The City of Cortland
January 20, 2009

Council Meeting #2
January 20, 2009
Regular Session
City Hall
7:00 PM

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

Staff Present: Corporation Counsel Lawrence Knickerbocker

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

No one was present to speak.

Minutes of January 6, 2009

RESOLUTION #7 OF 2009 – Approve the minutes of January 6, 2009 as amended.

By: Alderman VanGorder
Seconded: Alderman Benedict

Approved: Ayes – 8
Nays – 0

Bills were reviewed and received.

Mayor's Report

He attended the Communities that Care program at the Cortland Elks. He met with Tim Slack from SUNY Cortland to discuss green energy. He attended the volunteer firefighter's banquet. He interviewed with WHCU. He met with Casella regarding lack of service for garbage and recyclable pick up. He also met with the Chamber, Convention and Visitors Bureau, Cortland Regional Sports Council, and SUNY Cortland to discuss the cancellation of the Senior Games. They are all working on this and

encouraging participants to contact the Governor's Office. He attended the Cortland Counts seminar at the Ramada. He participated in conference call with NYCOM regarding Paterson's upcoming budget proposal.

Ward 1 – Alderman VanGorder

Things have been pretty quiet in her Ward, but she is working on a couple of things. She did receive calls about the trash haulers no longer taking garbage in a container with a blue bag tied to the garbage can. They have missed recycling on Elizabeth Street. She received a few more e-mails regarding the rental permit program. Since she missed the last meeting she did want to send her thanks and best wishes to Andy Damiano and his family. He has always been willing to answer any questions she had or to help her with anything that came up. He has always had the best interest of the City of Cortland in whatever he did. She wanted to send him her best and her prayers are with him.

Ward 2 – Alderman Benedict

He attended a workshop on zoning put on by Thoma Development Consultants. Thoma is working on a new Comprehensive Plan for the City. Land use regulations and zoning have been upheld by the U.S. Supreme Court. The staff of Thoma told participants about the different forms of zoning and their advantages and disadvantages. They also mentioned overlays. Our Housing Committee is discussing the use of an overlay.

He received a number of e-mails about fees. He thinks the City Council needs to clarify this for our next meeting and let the department heads know about their determination. He received some inquiries about the blue bags and recycling. He will do a little research on this and get back to her.

He understands that the owner of the burned out house on Pleasant Street has appeared in court two (2) times. He will appear again before the end of the month. He is hopeful that the house will be torn down by then.

He also wanted to say that he appreciates all the work that Andy Damiano has done for the City. His knowledge of the City and finance has earned his respect. He is glad that Andy is here to help in the transition.

Ward 3 – Alderman Dye

It has been quiet in his Ward, but he did receive an e-mail regarding the Smooch building and it's disrepair. He forwarded that e-mail to Chief Glover who has assured him that he will keep an eye on the building.

He also received another e-mail regarding snow plowing. This was in praise of Chris Bistocchi and the DPW for a job well done. He thanked Chris.

Ward 4 – Alderman Tobin

The crows have moved from his Ward to the next street over after using the crow machine. He did send out an e-mail today and he hopes that the Council can discuss how to address this problem on a larger scale. They might start with using cans for garbage.

Ward 5 – Alderman Quail

He noted that there has been an issue with recyclable pick-ups which he is working on. He attended the volunteer firefighters' banquet. They did a very nice job. He noted that the crows are back in his Ward. He referred to the letter to the editor about the positive use of poppers to scare the crows and it does work.

Ward 6 – Alderman Feiszli

I asked to have the agenda for this meeting emailed to me the day the packets were mailed out as Monday was a holiday and I wanted an additional day to review the agenda in case there were questions to be answered.

I had been told that the agenda would be emailed the following day (Friday). Why was my request denied as I assume that this was at the Mayors directive?

Andy Damiano had mentioned a couple of months ago that NYSERTA performed an energy audit for the City of Cortland and that a representative would outline the audit for the Council. I recently asked the Mayor for a copy of this audit but did not receive a response. The reason why I bring this up is because Chad Loomis who is a legislator for the 8th Ward would like to work with the City to explore a more energy efficient LED streetlight and help reduce the City's current energy costs. I would like to request the Mayor to submit to the council NYSERTA's energy audit and ask for the Council's support for Chad to further explore ways for the City to save on energy costs.

I received a call from someone who recently received a bill from the City for cost's incurred by the City for a recent fire. I contacted Corporate Council to ask if the Charter determines the difference between the Council adopting fees (such as blue bags, sprinkler, and rental registration) vs. department heads arbitrarily adopting their own.

The Committee has made some progress on this policy. There are many questions that need to be address about current vehicle use and we are in the process of gathering information to develop a policy that best suits the City's needs.

The Chamber of Commerce recently wrote a letter to the editor acknowledging those who were involved with the design and construction of the new welcome sign to the City of Cortland. I would like to also recognize Linda Kline for her input with the design and colors for the sign.

I contacted Congressman Arcuri's office after the County and City had not received a response from repeated requests for information and acknowledgment of our appeal. I'd like to thank the Congressman for his quick response and to FEMA for sending the

information that we requested. It is my understanding the maps have been modified but to what extent and who is affected we will not know until early February. I have contacted County Planning to ask if they would do an overlay of new map over the last map so that property owners can easily identify if their property. There will be only 30 days to appeal these maps so a meeting will need to be quickly set up with the public for their review. This meeting will be held at the County Office Building as the last time. The media will be contacted to announce the date and time.

Received two calls about Recycling not being picked up on schedule. One was on Washington Street and the other was on Clinton Ave. One was a owner occupied residence, the other was a small business that needed to use a dumpster but wanted to recycle but their blue bin had been ignored and not picked up. I am in the process of finding out if it would cost taxpayers more money to pick up recyclables from tax payers with dumpsters and am waiting to hear back from Don Chambers who is in charge of the recycling facility to see if there is currently a market for recyclables. What I would like to know is if we discourage recycling is this counterproductive if there is a market for certain recyclables that could bring in additional income to the County.

I asked Council members if they were interested in going forward with Soil and Water to draft up a Storm Water Management Plan for the Councils review. There seemed to be an agreement that this plan would benefit City Planning and Code Office to help restrict impervious areas such as parking lots and allowing more green space requirements for new construction.

The Council also expressed concern with run off into the City from surrounding communities and 281 Construction.. I plan on taking these concerns to a meeting scheduled for tomorrow with the County sub-planning committee that will be addressing flooding and storm water management to see how we can best work to address these concerns.

The steering committee has been established and will meet this week to begin planning for the East End.

I attended the last meeting with Thoma development who provided a power point presentation on zoning and land use regulations. The most important thing that I learned was how it is imperative to dovetail the comprehensive plan with re-zoning. I would like to strongly urge the Council to wait before acting on any changes with zoning until the Comprehensive Plan has been adopted by the Council.

Ward 7 – Alderman Hamilton

He received a call about the fire on 136 Clinton Avenue and charges of \$671.95 for materials and services. He has since received a call and that has been resolved. He asked that that be put on the agenda for discussion. The Mayor noted that Chris Bistocchi of the DPW was present this evening and he could answer any questions about this. It was noted that this was a new fee.

Chris Bistocchi noted that he was not sure if it needed to be a local law or not. He approached it by the schedule of fees the Water Department currently charges, which he passed around. There are several different fees that the City charges for the Water Department. He has tried to break the costs down by any of the tasks done by the department. The hydrant fee was something that he instituted in August 2007. That summer there were many contractors illegally stealing City water by hooking up to hydrants. Rather than contacting Chief Nichols to press charges, he decided to charge the contractors a fee of \$250 for unlawful use of City hydrants. He later determined that if there was a need the Water Department would charge them \$100 to use any City hydrant. The reason he chose that was because each year all hydrants must be inspected. That costs about \$8,000 for the inspection of all of the hydrants in the City. The \$100 is the cost of maintenance for each hydrant if it is used. In the case of the fire, he checked with a couple municipalities in December. He went on to say, that if the Fire Department uses a hydrant, the Water Department has to take the hydrant apart, repack it and service it. He found that several municipalities in New York directly charge their Fire Department or their district per hydrant or they charge their Fire Department a flat fee for the number of hydrants. We don't have anything like that here in Cortland. Norwich actually bills the fire department directly for the use of each hydrant, which is called a fire service. He checked with Jim Place and Jim Place told him that insurance companies will, in fact, pay for any type of service that is rendered in an emergency. He went on to explain what was done at 136 Clinton Avenue by the Water Department and what it costs, which was billed to the property owner. Given the state of our economy and the times, he decided to start charging for these services. Alderman Benedict noted that there was merit to what Mr. Bistocchi was saying, but fees had to be approved by the Council. Corporation Counsel Lawrence Knickerbocker noted that not every fee has to be approved by the Council and he gave some examples of those that did not need to be approved. He noted that those were internal administrative items that they raise to adjust for the cost of providing those services to the public. He did note that some fees did come before the Council when they were first being instituted and he will look into that further and get back to the Council. Chris Bistocchi stated that he has set up a meeting with Chief Sherman and Jim Place and they will work to create a little bit more user friendly approach to this. It was noted that the insurance company would be paying for this. Corporation Counsel Knickerbocker noted that the idea was not to hurt the homeowner, but to get a pass through to the insurance company who is willing to pick up some or all of the costs. Chris Bistocchi noted that his department does inspections for private companies at a rate of \$50 and if they need to be repacked, a bill is submitted for materials on top of that. He will come to the Common Council after the meeting with Chief Sherman and Jim Place. There was further discussion regarding other fees that were being charged. Alderman Hamilton noted that the reason he brought this up was the fact that homeowners didn't realize they were being charged this fee. It was also noted that this probably came up because the insurance company settled this claim so quickly that the bill wasn't even presented to the homeowner to be submitted to their insurance company. It was also noted that perhaps it should be the Fire Department that issues the bill to the homeowners and not the Water Department.

Alderman Hamilton went on to note that the East End Strategic Plan meeting will be held this week and they will review the surveys that were mailed to East Side residents included in the plan. He hopes to get a few more residents on the committee as it is composed mostly of business owners.

He noted that train traffic still seems to be a problem and he will be making some calls again. He asked that people contact him with times and dates of when they are being held up by the train. He also noted that the Holiday Lighting Contest was a success. The committee held a gathering on January 14th at the East End Community Center for all of the participants. They were served cake and punch and were all awarded prizes of gift certificates. On January 29, 2009 at 6:00 PM, Debby Rainbow will present a program with information, brochures and advice about travel and vacation opportunities for 2009. It will be held at the East End Community Center. As a reminder, anyone who has not reserved a seat for the St. Anthony's History Program this Sunday, needs to call the Youth Bureau, as only those who reserve a spot can attend.

Ward 8 – Alderman Michales

He received a call from a woman on Pendleton Street regarding the absence of a Safety Patrol person at the corner of Pendleton and Randall Streets. The student that normally watches over that intersection was out sick that day. Working with Lt. Gesin and Principal Kostic, there will be coverage when the assigned student crossing guard is unable to be there. Other measures have been discussed to slow traffic down before and at the school's dismissal times on Pendleton Street. He also attended the volunteer fire department's dinner.

Item No. 1 – Presentation by Hayner-Hoyt Corp. regarding the Clocktower Project.

Douglas Arnold, Project Manager for Hayner-Hoyt gave the presentation. He showed scale drawings to the Council and noted that they would be breaking ground any day. He has spoken with the City Code Office regarding excavation at the site. He noted that during that process, they might have to utilize half of the sidewalk during that process. He noted that would leave a five (5) foot wide pathway for pedestrian traffic. If a problem occurred, they might have to block off the entire sidewalk to pedestrians and that would be a problem. After discussing this with Chief Glover, it was noted that they would have to come before the Common Council to request a sidewalk closure permit. It was noted that Route 13 was New York State Department of Transportation and they are very strict. He went to them first and gave it to them. They were given this drawing of the site and the NYS DOT issued a permit. He used their guidelines on the request he was presenting to the Common Council. He noted that he had the two (2) options. Option #1 was the partial closure and Option #2 was the total closure of the sidewalk. He hoped that they didn't need to go to Option #2, but that was developed in the event that they needed it. They didn't want to hold up the project by getting a permit for only Option #1 and later finding that they needed to close the sidewalk and then applying for another permit. They felt it was better to get it for both options before hand. They will take care of all of the signage and they will develop a mid-block crossing site west of the proposed project and on the south side. He hoped that if the closures were necessary,

that only one (1) sidewalk would need to be closed at a time. He anticipated that it would only be for a couple of weeks, if it was necessary. He also noted that there was the possibility of further sidewalk closures due to steel erection in the month of April out of a concern for public safety. Shortly thereafter, there will be brick work that will require hydraulic scaffolding and he's pretty sure he will need to close the sidewalks at that time for safety, but they will work as quickly as possible. He noted that this could happen as soon as this week, because of issues in the excavation process. That might last two (2) to three (3) weeks and he hoped to alternate, so he was only closing one (1) sidewalk at a time. The second closing would be in April for the steel erection and the third would be for the brick work in the middle of May and that would be for about eight (8) weeks. The mid-block crossing would be to the YMCA driveway. Concerns were expressed that that was a busy area. Doug Arnold noted that the crossing could be moved to accommodate that and a ramp could be installed to provide ADA access. It was asked if Chief Nichols had seen the proposed crossing and it was noted that it had not been sent to him. It was also noted that the egress onto Tompkins Street had also been approved by the NYS DOT and had been part of this process. Alderman Feiszli wanted to make this contingent upon Chief Nichols review of the proposed sidewalk closings and she also expressed concerns regarding insurance liability. Corporation Counsel Lawrence Knickerbocker noted that they would run it by Jim Place, but he noted that insurance requirements were in place as part of the contractual agreement with Mr. Scanlon. Everyone wanted to be sure that there was clear communication between City Department Heads and also with the Council. Alderman Quail wanted to be sure of this, as it was his Ward. Corporation Counsel Lawrence Knickerbocker asked Mr. Arnold if NYS DOT designated the proposed crossing or if they just agreed with the concept of it. Mr. Arnold noted that he had presented the NYS DOT with his drawing, they reviewed it and they approved the actual spot. It was noted that the Council should approve a sidewalk closing permit for both Tompkins Street and South Main Street.

It was also asked when the neighboring Sperry home building would be coming down and Mr. Arnold noted that it would begin very soon as it was in the way. Concern was expressed about how asbestos would be handled. Mr. Arnold noted that a local firm, Contento's, would be doing the demolition and would handle the asbestos issue and the site would be monitored by a third (3rd) party.

RESOLUTION #8 OF 2009 – Consideration of a Resolution to approve the sidewalk closing permits as requested by and in accordance with the site drawings submitted by Hayner-Hoyt on both Tompkins Street and South Main Street as required.

By: Alderman Quail
Seconded: Alderman Dye

Approved: Ayes – 8
Nays – 0

Item No. 2 – Continuation of a discussion regarding the Rental Housing Permit Program.

It was noted that the City Planning Commission had this on their agenda for their January 26th meeting. Alderman Tobin asked Corporation Counsel Lawrence Knickerbocker to check with Attorney Cheney, just to make sure that everyone had the latest version of the Rental Housing Permit Program. Corporation Counsel Lawrence Knickerbocker did note that since they subsequently took the zoning piece out of the Rental Housing Permit Program document, the County Planning Board didn't necessarily need to review it, but it wouldn't hurt to see what they have to say. It was felt that a vote on this program could possibly be held at the February 17, 2009 Council meeting.

Alderman Feiszli asked considering the manpower time and cost involved, with the New York State Housing Maintenance Code in place, was it required to inspect owner occupied rental units. Chief Glover noted that in New York State Department of State Law regarding the administrative code enforcement program language, it is required that we inspect multiple housing units within thirty-six (36) months. It doesn't say there is a requirement to inspect single or two (2) family homes by New York State. It doesn't address owner/occupant. That decision will have to be made by this Council. Chief Glover did feel that an owner/occupied two (2) family might be better maintained than one that was not owner/occupied. Chief Glover was asked if he had a plan for inspections once this was adopted. He felt that he might begin with inspections of non-owner occupied multiple unit homes as there was some comfort in that owner/occupied homes were less problematic than those that were not owner/occupied. It was noted that some homes had already been inspected. It had been Chief Glover's plan when he came to the Code Office to inspect one third of the two family houses, one third of the multiple residences and one third of everything else. For a whole variety of reasons, the inspection process never really got off of the ground. He was asked how many single family rental dwellings he estimated there were in the City. Chief Glover thought there might be about three hundred (300). He felt there were six hundred (600) to six hundred twenty-five (625) two family rental dwellings and based on past inventory efforts, there might be three hundred twenty-five (325) that are not owner/occupied. That would be about nine hundred (900) plus dwelling units that would have to be inspected and would not be subject to self-certification. It was noted that it would be nice to have an application form available on line.

RESOLUTION #9 OF 2009 – Consideration of the confirmation of the Mayor's appointment/reappointment of the attached list of individuals to various City boards and commissions.

It was noted that they would vote on the list presented. Alderman Quail asked if Mr. O'Mara could hold a place on a City commission if he was an elected County Official and John Troy's appointment was also questioned. Corporation Counsel Lawrence Knickerbocker noted that he would look into that and recommended that the Council vote on the appointments with the understanding that if there is a conflict, those appointees would be informed and their approvals rescinded and others would have to be appointed.

By: Alderman VanGorder

Seconded: Alderman Dye

Approved: Ayes – 8
Nays – 0

RESOLUTION #10 OF 2009 – Consideration of a Resolution confirming the appointment of Donna M. Johnson (7 Louise Drive, Cortland, New York) of the District Attorney’s office as Commissioner of Deeds for the period January 1, 2009 through December 31, 2010.

By: Alderman Tobin
Seconded: Alderman Benedict

Approved: Ayes – 8
Nays – 0

RESOLUTION #11 OF 2009 – Consideration of the following action relating to the 2nd Annual “Chill-A-Bration”:

- A. Permission to use the City’s portion of Court House Park on February 28, 2009.
- B. Permission to place promotional signs near the City’s entrance signs, from February 1, to February 28, 2009.
- C. Permission to sell beer.

By: Alderman Tobin
Seconded: Alderman Benedict

Approved: Ayes – 8
Nays – 0

Adjournment

By: Alderman Benedict
Seconded: Alderman Dye

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 20th DAY OF JANUARY 2009. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER