



City Council Minutes  
The City of Cortland  
February 3, 2009

Council Meeting #3  
February 3, 2009  
Regular Session  
City Hall  
7:00 PM

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

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

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT

The Mayor announced the passing of Director of Administration and Finance Andrew J. Damiano last Wednesday. He asked for a moment of silence and read a poem. He gave the Council members an opportunity to speak about Andy.

PUBLIC COMMENT

Ed Woodward made a proposal that the rental housing permit law contain an exemption for owner occupied rental units/ mostly because owner occupied rental units owners care more about and for their properties and their neighbors.

Mike Dexter spoke about working with Andy Damiano.

Minutes of January 20, 2009

**RESOLUTION #12** OF 2009 – Approve the minutes of January 20, 2009 as amended.

By: Alderman Dye  
Seconded: Alderman Tobin

Approved: Ayes – 6  
Nays – 0

Bills were reviewed and received.

### Mayor's Report

He attended the Loan Committee meeting and the East End Strategic Plan Committee meeting. He met with Relay for Life people for the Cancer Walk. He also met with Johnson Controls regarding the energy proposal for the City. He attended the SUNY Cortland College Council meeting. He attended CRMC annual meeting and also met with focus group at CRMC. He attended the reception for Jackie Gailor who has retired from the Cortland County Health Department.

I will be out of the office February 5, 6, 9 and 10. Also, February 25 through March 4. Ken Dye, Acting Mayor, will be conducting the meeting on March 3.

### Ward 2 – Alderman Benedict

He attended the MICA Conference which Mike Arcuri attended. He attended the annual Cortland Community Forum on Youth and Health. He received a number of calls about recycling and the blue bags. He received concerns about crows in some districts.

### Ward 3 – Alderman Dye

He received many e-mails regarding the City tax bills that were recently sent out. He noted that the City's portion was an increase of less than five (5) percent, while the County's was more than fifteen (15) percent. Much of this was due to the reassessment of the whole city. He received an e-mail regarding the sidewalks at the Water Works being icy and snow covered and this was taken care off.

He also received a couple of e-mails from residents in the Meldrim, Atkins and Glen Street area regarding the proposed gas station at TOPS. They would like the City to send a letter to the town of Cortlandville stating that this area is too close to the well head of the City of Cortland and to stress their concerns.

### Ward 4 – Alderman Tobin

He has been following up with Chief Glover and Corporation Counsel Lawrence Knickerbocker about the latest version of the Rental Housing Permit proposal. Hopefully this will be discussed more thoroughly at the next Council meeting and then come to some resolution on it and be able to move forward on that.

He noted that he had shared the use of the crow machine with Alderman Quail. He spoke with one of the professors at the College regarding the feeding areas of the crows, which seems to be outside of town. One homeowner contacted him about some frozen pipes and where the homeowner's responsibility ends and the City's begins. He would like to start getting department heads coming to meet with the Council to begin talking about next year's budget earlier on in the process considering the economic climate. He mentioned that a hiring freeze could be implemented or a more thorough

review be done to fill any vacancies that may come up. There was some discussion regarding overtime costs versus not filling vacancies savings. He mentioned that the department heads should be prepared to address what critical services are provided by their department along with scheduling community meetings to solicit input or feedback from the public. There was some discussion regarding community workshops.

#### Ward 5 – Alderman Quail

He noted that the crows have been in his Ward. He noted that Ed Ribble was an active member behind the scenes in the fifth Ward and he will be missed. He attended the Loan Committee meeting.

#### Ward 6 – (Read for Alderman Feiszli by Alderman Hamilton)

She received a call of concern about Trash and Recycle pick up. Called DPW who handles their contract and complaints? I would like to see some sort of penalty in their contract for consistent lack of pick up along with leaving recyclables strewn along the street. For ½ million dollars a year, I think that the City deserves better service.

She spoke to DPW about recycling containers to see if we could increase the size as people have increased recycling habits that contribute to overflowing of blue bins. The City has recently purchased more blue bins so it wouldn't make sense to buy a larger size at this time. You can, however, place additional recyclables in similar sized containers (such as a laundry basket) in conjunction with your blue bin.

She called Albany Department of Conservation to find out the status of the two vacant properties purchased by NYSEG two years ago on Charles Street. DEC is finishing up their internal review and will release the report in March. NYSEG will then prepare a feasibility study on what to do with the properties. I will arrange another meeting with NYSEG, DEC and Department of Health to meet with the public to address any questions or concerns once the report is finalized.

She received calls and emails regarding the new tax bill. Many residents living in Yaman Park and Morningside Drive areas got hit hard with the reval. This in combination with the high tax increase of the County raised one family's taxes up 45% from last year.

The Council will be working together over the next few months to look at ways to reduce spending. I encourage residents to continue calling or emailing me with suggestions on how to cut back taxes.

She met with representatives from County Soil and Water, Department of Health and SUNY Chair of Environmental Sciences regarding ongoing

flooding issues in the City. In light of the upcoming stimulus package they have offered to work with the City to prepare a request for funding for:

- Temporary Easement Rights for project work along Otter Creek
- Removal and replacement of 3 to 4 undersized bridges
- Removal and replacement of footbridges in constricted areas
- Widen and/or lower creek beds as required

She has spoken to the DPW Superintendent and Mayor who both expressed support with the request for funding as part of the Stimulus Package from the City.

She placed an agenda request for Cortland County Soil and Water to give a presentation to City Planning Commissioners to discuss the benefits of a Stormwater Maintenance Ordinance for the City. The County has offered to draft a plan for the City's review if we would like to move forward with this ordinance. She met with Thoma Development for the start up meeting regarding the East End. Chuck Hamilton attended the meeting as well and will provide information regarding an upcoming meeting planned with the community.

#### Ward 7 – Alderman Hamilton

He attended the St. Anthony's History Program at the East End Community Center, presented by Stephanie Passeri and Rita Alcorn. It was very interesting and the pride in the Church's heritage and a sense of community could be felt and heard as people would say, "that's my Aunt, that's my cousin, or I remember that". I attended the East End Strategic Plan Committee Meeting. We have a very enthusiastic group with lots of great ideas for revitalizing the East Side. I attended the travel program presented by Debby Rainbow at the East End Community Center. Debby provided information and answered questions about travel opportunities in 2009. He held a Ward meeting and only he and his wife attended.

I have received several complaints about this year's property tax increases. I have also received a few calls and e-mails from owners of two (2) family owner occupied houses concerning the Rental Permit Program. They feel they are being penalized for what seems to be a student housing and rental business problem. They are also concerned about the cost of operating the program. He spoke with a railroad employee last Thursday evening. The employee told him that they still intend to construct a two thousand five hundred (2,500) foot siding south of Port Watson Street in the spring and are waiting for an environmental impact study to be completed before they can begin.

#### Ward 8 – Alderman Michales

He received one (1) e-mail from a landlord expressing concern about the Rental Housing Permit proposal which he thought had been geared more towards student housing and not to the general public.

Item No. 1 – Presentation by Johnson Controls for energy performance contracting.

Chris Kalwara, a representative of Johnson Controls was present to give a slide presentation. The Mayor noted that Johnson Controls came at the request of the City to assess the cost of utilities and to assess the windows and roofing. They now wanted to come and do a complete feasibility study and to give the City a cost for their services.

Chris Kalwara is working as an account executive to the public sector from Buffalo to Albany. About a year ago they were asked by the City to look into energy performance contracting for the City and they conducted a preliminary assessment. He has the results of this assessment. He defined energy performance contracting. It's primarily procuring, constructing and financing infrastructure improvements that save energy. He noted that there is existing legislation that authorizes municipalities and public entities authorizing them to enter into these types of agreements. He noted a key feature of this law allows them to finance them through lease purchase agreements instead of bonding for them. There are performance guarantees with this and there is firm, fixed pricing with no change orders and the projects can be designed to be self-funding. He outlined self-funding. He noted that they conducted their audit of the City about a year ago. He summarized the results of that audit, which indicated about a fifteen (15) percent decrease in the City's utility budget. They came up with a self-funding project that would generate two hundred thousand (\$200,000) dollars for the City over a ten (10) year period. He went on to give a building by building facility improvement measure and the assessment of the opportunities for savings.

Next will be the energy audit and developing the scope of the project to be implemented. The final project will be what the City of Cortland wants to be implemented. There is no up front capital cost to the City until about 2010. Improvements are implemented all at once, not in phases and address a lot of needs. There are NYSERDA incentives also available as well as some other program incentives. Johnson Controls takes care of the NYSERDA applications for the City. He showed the planned kilowatt hours and gas savings if this plan was implemented. He also noted that this would reduce greenhouse gas emissions. He outlined other significant environmental savings for the City. He then went on to explain the process. He noted that the cost of the audit would be about \$33,000, which would be rolled forward into the project and there would be no initial outlay for the City and NYSERDA would pay for fifty (50) percent of that audit. The audit would take sixteen (16) to twenty (20) weeks. They would then establish firm pricing, along with savings they would guarantee and in the end, a performance contract agreement. Following that would be the installation period which would take about six (6) to twelve (12) months, probably closer to the twelve (12) months and then the lease payments would begin. They will monitor the savings on a regular basis and then give an annual savings report. If there is a shortfall, Johnson Controls makes up the difference. He gave background information about Johnson Controls as a company. He noted that they will look to convert City Hall to a geothermal heating system. They will run the numbers and then talk with the City to see if they want to go to the next step. He also noted that renewables were something else to look at.

Council members then asked questions about various aspects of their proposal.

**RESOLUTION #13** OF 2009 – Consideration of a Resolution to enter into contract with Johnson Controls for their services for an audit.

There was a question regarding the Fire Station. It was noted that the old Fire Station will have to be rehabbed and by doing it with this project proposal, it will reduce the cost of rehabbing in a separate project later on. It was noted that the first lease payment wouldn't come until about 2010. If the City decided not to go forward with the project, they would owe thirty-one thousand dollars (\$31,000) less the NYSERDA fifty (50) percent incentive and that cost could possibly be delayed until 2010.

By: Alderman Benedict  
Seconded: Alderman Dye

Approved: Ayes – 6  
Nays – 0

**RESOLUTION #14** OF 2009 - Consideration of a Resolution authorizing the Mayor to enter into contract with Michael Dexter for the period February 20, 2009 through February 19, 2010 to perform various duties at the Water Works facility.

The Council members noted that Mike Dexter did a wonderful job at the facility. Mike Dexter noted that they had a high percentage of LED lights now in use at the Water Works.

By: Alderman Michales  
Seconded: Alderman Hamilton

Approved: Ayes – 6  
Nays – 0

**RESOLUTION #15** OF 2009 – Consideration of a Resolution confirming the appointment of Jennifer A. Buggs (71 Van Hoesen Street, 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 Dye  
Seconded: Alderman Michales

Approved: Ayes – 6  
Nays – 0

**RESOLVED TO GO INTO EXECUTIVE SESSION TO DISCUSS A CITY COMMUNITY DEVELOPMENT LOAN.**

By: Alderman Benedict  
Seconded: Alderman Quail

Approved: Ayes – 6  
Nays – 0

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

By: Alderman Quail  
Seconded: Alderman Tobin

Approved: Ayes – 6  
Nays – 0

**RESOLUTION #16** OF 2009 – Consideration of a Resolution to approve City Community Development Loan Committee’s recommendation for a loan to Cortland Line Company for braiders in the amount of \$80,000.

By: Alderman Dye  
Seconded: Alderman Quail

Approved: Ayes – 6  
Nays – 0

Item No. 5 – Discussion regarding the Rental Housing Permit Program.

It was noted that the biggest issue has been the two (2) family owner occupied housing. It was noted that Chief Glover felt that two (2) family owner occupied housing was better maintained, but having said that, the way the codes generally work, owner occupied self inspections may not be the best thing to do. There were concerns about having large bills incurred to bring them up to Code. Chief Glover noted that the Code was less stringent with single family and two family dwellings.

Alderman Benedict noted that he thought the City would charge forty-five dollars (\$45) to register these units. Chief Glover was unsure if that would be for each unit or for the property. He has been working on trying to answer some questions sent to him by Alderman Tobin from the Housing Committee. He noted that some system should be developed so that the City could recoup the cost of time spent at owner occupied buildings that had more than two (2) units rather than charge by the property. Currently the fee schedule charges twenty-five dollars (\$25) for the two (2) unit owner occupied property and there was a fee scale for more units. Alderman Tobin noted that the registration fee and inspection fee would be one and the same. Chief Glover noted that they would have to decide if the fee was per property or per dwelling unit, as that would significantly impact what that fee was.

Chief Glover felt that the cost to the owner of bringing the units up to code in a two (2) unit owner occupied property would be significantly less than that for a multi-unit owner occupied property. Chief Glover indicated the self inspection issue is a matter for the Council to decide, depending on their comfort level. It was noted that County Planning

had not commented on the Rental Housing Permit Program, but City Planning had sent their recommendations to the Council. There were more questions regarding two (2) unit code requirements versus multi-unit code requirements. There were more questions regarding the costs of inspections and when this law could be voted on. It was noted that they should begin by registering units and then decide about the inspections and their fees. There was more opinions expressed about the inspection process for two (2) family owner occupied houses.

**Adjournment**

By: Alderman Benedict  
Seconded: Alderman Tobin

Approved: Ayes – 6  
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 3<sup>RD</sup> DAY OF FEBRUARY 2009. 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**