



City Council Minutes  
The City of Cortland  
February 17, 2009

Council Meeting #4  
February 17, 2009  
Regular Session  
City Hall  
7:00 PM

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

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

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

There was no one present to speak.

Minutes of February 3, 2009

**RESOLUTION #17** OF 2009 – Approve the minutes of February 3, 2009.

By: Alderman Quail  
Seconded: Alderman Dye

Approved: Ayes – 5  
Nays – 0

Bills were reviewed and received.

Mayor's Report

He met with Leadership Cortland. He attended BDC/IDA meeting. He attended the Lawman of the Year award ceremony. Congratulations to Russ Phelps, the winner, and the two runners-up were Rob Reingoudt and Jeff Carr. He also attended the College Community meeting. He provided opening remarks for the Naturalization Ceremony at the Court House. He also met with Jim Seward.

He reminded everyone that he will be out of the office February 25 through March 4. Ken Dye, Acting Mayor, will be conducting the meeting on March 3. He had a conference call today with the Governor's Office to talk about the stimulus package. The State is going to get twenty-four point six (24.6) billion dollars on the funding side. They are not sure what each program will be getting in total and he will be meeting with the Governor's representative in Syracuse with Bernie Thoma to get an explanation.

#### Ward 2 – Alderman Benedict

He was glad to see that the burned house on Pleasant Street was taken down and cleaned up. He worked on a program to explain the basic information on the rental permit program. Tom Michales and Vivian Bosch were on the program with him. He thanked the new people learning to run the cameras. He has some concerns about parking and access to driveways. He had a person who was concerned about the sidewalk program and the contractor and he will do more investigation on that. He has been away so he will need more time to look into this.

#### Ward 3 – Alderman Dye

He has received numerous e-mails regarding the rental permit program. The majority of the people are happy we are close to having this program finalized. He received a phone call regarding the proposed TOPS gas station. He explained that no matter what the City suggests or explains, Cortlandville is going to do whatever they would like to.

He also received a phone call from the parents of a student that has an apartment near Tompkins Street. Our Code Enforcement has been at the residence a number of times and has issued a couple of citations for some violations. He passed this information along to the parents in hopes of getting this situation settled.

#### Ward 4 – Alderman Tobin

Last Tuesday, there was a small Housing Committee meeting to discuss the rental permit program which will be gotten into later in this meeting. He followed up with Public Safety about the entrance to the College on Tompkins Street. There have been a couple of accidents there because some people are parking fairly close to the entrance making it difficult for drivers to see when they are trying to pull out of there. Another issue brought up to him by a neighbor was that Warren Street was being used as a cut through by college students to get from the Towers over to the Physical Education Building and the sidewalk sort of ends and students are walking in the street. He got in touch with Mike Holland at the College and also Public Safety to see if something could be done about this. He doesn't want anyone getting hit by a car. He has received some e-mails about the rental permit program, some for and some against. He also received some e-mails about increases in taxes from the City's perspective.

#### Ward 5 – Alderman Quail

He has been dealing with some Code issues and parking on front lawns and snow removal problems. He is having a lot of trouble with crows especially on the end of Church Street. It's a real issue down there. He will contact Rob Avery about the sound machine. He attended the school board budget meetings. He congratulated Mecke Negal who was part of the naturalization ceremony. He is in the process of trying to schedule a Ward meeting and will get the details out soon.

Ward 8 – Alderman Michales

He has been dealing with garbage issues throughout the City. He has spoken with the Mayor and hopes to get the company owner here to the next meeting to answer questions. He read a list of some issues that have been brought to his attention. He also received a call regarding the rental permit program. He was told that there was nothing in the permit program to protect the landlords. He also attended the Lawman of the Year dinner. The guest speaker did an excellent presentation. He received a single e-mail complaining about the high County taxes and he asked the party to get a hold of her County Legislator as well as David Briggs to explain her large increase.

**RESOLUTION #18 OF 2009** – Consideration of a Resolution confirming the appointment of Charles Wood (191 Main Street, Cortland, New York) of Robbins Vending Co. as Commissioner of Deeds for the period of March 1, 2009 through February 28, 2011.

By: Alderman Dye  
Seconded: Alderman Michales

Approved: Ayes – 5  
Nays – 0

Alderman VanGorder arrived.

**RESOLUTION #19 OF 2009** – Consideration of a Resolution to approve Safe Routes to School project PIN 375502 (Ken Teter and Thoma Development).

Alderman Michales asked if this project was going to cover a traffic light. The Mayor indicated that he thought that it did and that it was a crossing light at the bottom of the hill. Ann Hotchkin, Thoma Development representative, was present to answer questions and to describe the project. Alderman Quail noted that some property owners had complained that they would be losing front yard property because of the installation of the proposed sidewalk and wondered why it couldn't be done on the other side of the street. Alderman Michales asked if this project was budgeted for every dollar amount or if there was some left over for another crosswalk at Randall and Pendleton, which is one (1) block down. Ann Hotchkin noted that there were two (2) planned crosswalks. The Mayor noted that it was too late to make any changes. There was also a question regarding the financing.

By: Alderman Quail

Seconded: Alderman Michales

Approved: Ayes – 6  
Nays – 0

**RESOLUTION #20** OF 2009 – Consideration of a request from the Central New York Mustang & Ford Club to close Main Street, from Central Avenue to Tompkins Street on May 17, 2009 from 2:00 P.M. to 6:00 P.M. to hold their “Cruise Nite” event.

By: Alderman Benedict  
Seconded: Alderman Quail

Approved: Ayes – 6  
Nays – 0

**RESOLUTION #21** OF 2009 – Consideration of a Resolution authorizing the adoption of the 2009 Community Development Miscellaneous Revenue Budget.

Alderman Tobin asked if some of the tree and stump removal money could be put towards sidewalk replacement. Ann Hotchkin, Thoma Development, was there to answer questions. She noted that tree and stump removal money was Public Safety and although they present this budget, they don’t manage it. She noted that they would be planting more trees this year because they also received a grant. She stated that she hated to take money away from Public Safety. Alderman Tobin noted that he would like to see more money put towards sidewalks. Ann Hotchkin noted that homeowners had to pay a portion of their sidewalk replacements and that there wasn’t a very long waiting list sometimes and other years there was a longer list. Alderman Tobin asked that \$5,000 be moved from the tree and stump removal line and added to the sidewalk line for a total of \$16,000.

By: Alderman Benedict  
Seconded: Alderman Tobin

Approved: Ayes – 6  
Nays – 0

Item No. 5 – Schedule Department Head meetings to discuss budget.

The Mayor asked the Council when they would like to start these meetings. He also asked the Council to have a plan for these meetings. Alderman Quail expressed concerns about lowering the tax rate and the possibility of a reduced revenue stream affecting next year’s budget. The Mayor asked if they could write the department heads a memo telling them what they wanted to know. Alderman Tobin wanted to see what the department heads priorities were for their department and that would be helpful to the Council and the public. He wanted to hear more about shared services between departments; what was already being done and what could possibly be done. Alderman Michales noted that those priorities could change seasonally. The Mayor noted that the

meetings could start on March 10 on the off Council meeting nights so they could spend more time with the Department Heads. The Mayor noted that the Council should ask about contract obligations. Alderman Benedict asked if they could schedule a work session to develop the criteria and then start the meetings. The Mayor thought they could organize their questions by e-mail. He asked who they wanted to speak with first. Alderman Benedict thought perhaps they could start with the Youth Bureau. Alderman Michales thought Public Safety would be a good one to start with. The Mayor put down Public Safety, followed by Waste Water Treatment, then the Youth Bureau could be next. He even thought they could schedule Public Safety and Waste Water on the same night if they were doing two (2) hour sessions. He then thought they could do the by the Fire Department, followed by the Police, including Finance Administration and Law and the Department of Public Works would be last. He would set up the schedule for March 10, March 24 and April 14 and see how it went from there. It was decided that on March 10, they'd review Public Safety and Waste Water. On March 24, they would review the Youth Bureau. On April 14, they would review the Fire Department. On April 28, they would review the Police Department, Finance Administration and Law. On May 12, they would do the Department of Public Works. It was decided that the meetings should run from 6:00 to 8:00 PM. Alderman Quail would like to see performance goals or key performance indicators so that Department Heads could measure performance in each of the departments. The Mayor noted they should ask the department heads what changes did they see in their workforce and if the current hours spent should remain the same and are they getting the most benefit from those hours. It was noted that some things are governed by past practice and others are contractual. The Mayor asked that all questions from the Council members be sent to Alderman Quail and then he will put the list together and forward it to the Mayor for distribution.

**RESOLVED TO GO INTO EXECUTIVE SESSION TO DISCUSS A CONTRACTUAL PROGRAM WITH THE LIBRARY AND A CONTRACT WITH THE DIRECTOR OF ADMINISTRATION AND FINANCE.**

By: Alderman Dye  
Seconded: Alderman Tobin

Approved: Ayes – 6  
Nays – 0

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

By: Alderman Tobin  
Seconded: Alderman VanGorder

Approved: Ayes – 6  
Nays – 0

**RESOLUTION #22** OF 2009 – Consideration of a Resolution to accept the Mayor’s recommendation of Dominic Mazza to be the Interim Director of Administration and Finance and to issue him a contract to start March 1, 2009.

The Mayor noted that he planned to issue a contract like the last contract issued to Andrew Damiano

By: Alderman Tobin  
Seconded: Alderman Benedict

Approved: Ayes – 6  
Nays – 0

Item No. 6 – Discussion regarding the Rental Housing Permit Program.

Alderman Tobin reported that one of the concerns brought up by several community members was owner occupied two family dwellings. The general consensus was that there should be some form of inspection even if it was owner occupied. There were differences of opinion and discussions regarding the owner self-certifying their unit, but that the other unit should be registered and inspected perhaps every three (3) or up to every six (6) years. There was not a consensus. It was noted an inspection should occur if a property changed hands. Alderman Tobin asked Corporation Counsel Lawrence Knickerbocker if it would be possible to deny an owner landlord a permit if they had unpaid property taxes. Corporation Counsel Knickerbocker said he would look into that. Alderman Benedict asked if they received information or an opinion back from County Planning. Corporation Counsel Knickerbocker noted that County Planning took no action because a unanimous vote was necessary to take action on this application. Not all members were present, but there was a single “yes” vote and five (5) against this program. There were three (3) staff recommendations. That this Permit Program be incorporated into the City Zoning Ordinance to give the Zoning Board of Appeals the ability to grant appeals and to grant variances. Secondly, they indicated that the proposed local law be revised because they felt there was a discrepancy regarding smoke detectors and carbon monoxide detectors being the responsibility of the tenants and elsewhere that was the property owners responsibility. Alderman Benedict noted that they felt that the tenant had the responsibility to notify the landlord if the unit was not working and it needed to be fixed or it was not there. This was a joint responsibility. Lastly, they recommended that this comply with SEQR. It was an unlisted action, so the SEQR can be done at that time.

Alderman Benedict made a motion to schedule a public hearing on the Rental Permit Program Law at the next Common Council meeting followed by a vote. Alderman Tobin was surprised that there were that many negative votes. Corporation Counsel Knickerbocker felt that although he wasn’t present at the vote, that perhaps those votes stemmed from the fact that this was not incorporated into the City Zoning Law and perhaps they felt that would give the Zoning Board of Appeals the only power to hear variance requests. He didn’t necessarily agree with their opinion. He cited some land use examples that were not under the Zoning Law. Alderman VanGorder noted that

they were saying that they were voting on a staff recommendation for approval of the application with the three (3) contingencies and that was where five (5) people voted against it. Alderman Benedict noted that's why Attorney Cheney made the Zoning Board of Appeals the official appellate body as opposed to the Common Council. There was further discussion regarding the sections dealing with the language regarding responsibility for smoke detectors and carbon monoxide detectors. Corporation Counsel Knickerbocker noted that the public hearing would have to remain open if they planned to add provisions based on public comments.

Alderman Benedict felt that the public had already had their opportunities to express their concerns time after time. Mayor Gallagher asked him if any changes had been made based on that input. The public wanted to see the final document, but if amendments were made, Corporation Counsel Knickerbocker noted that they would have to have a continuation of the public hearing. Alderman Tobin felt that they had gotten the feedback from both the City and County Planning Commissions and that they should make some adjustments and then get some informal feedback from County Planning before their next meeting. Corporation Counsel Knickerbocker said he would do that. Corporation Counsel Knickerbocker felt that they should get the public input at the March 3, 2009 Council meeting, make any amendments and then present the final document at a Public Hearing at the March 17, 2009 Council meeting. The Mayor noted that this was a great document and a lot of work had gone into preparing this. He asked what the cost was going to be to implement it. He wondered how many more people would be needed and what would be the effect on the City budget. Alderman Benedict noted that there were a large number of firemen who were registered inspectors.

Chief Glover noted that there were approximately twenty-six (26) firemen who voluntarily participated in this inspection program, but he cannot fill their days with inspections because they have other duties and responsibilities. They will take some of the load, but they can't take all of that. Mayor Gallagher noted that the Council will have to know what this program will cost to implement. It was noted that there would be income from fees, but a projection needed to be done to indicate income and expense before the public hearing. No fees had been established yet. Mayor Gallagher noted that they needed to come up with that fee structure and present that to the public. Alderman Tobin noted that was being worked on. He was also working with Chief Glover on the number of units and what the Code Department would need as far as manpower. This could be discussed on March 3. Alderman Tobin felt that they should get a better understanding of the objections of County Planning and address those concerns. He wanted to put forth the best document they could rather than rush something through. He also will be in further touch with Chief Glover to try to put together what will be the time requirements will be to do the additional inspections and to discuss what the fees should be to be consistent and to cover the cost. They don't want to add to the tax burden. Chief Glover gave some history on inspection fee rates and what might be involved in an inspection and how long each one might take. He noted that they did work off of a checklist. He noted that a well maintained property took less time to inspect than a property that had violations. In general, owner occupied properties were better maintained, but that was not always the case. He also noted that he had spotted a few discrepancies in the permit document and had

expressed some concerns earlier, but has not seen any changes made. Alderman Tobin asked him to send those items to him and he would see that they were discussed. They are now looking at further discussion on March 3 and scheduling a public hearing on March 17. It was noted that the fees should try to cover the costs of the program, but not have those fees be too high.

**Adjournment**

By: Alderman VanGorder  
Seconded: Alderman Benedict

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 17th 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**