



City Council Minutes  
The City of Cortland  
March 17, 2009

Council Meeting #6  
March 17, 2009  
Regular Session  
City Hall  
7:00 PM

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

Staff Present: Interim Director of Administration and Finance Nick Mazza, Corporation Counsel Lawrence Knickerbocker and City Clerk John O. Reagan

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Wesley Pesante was thanked the Council members and hoped that they had received his letter. He was there to express the feelings of the students of SUNY Cortland and TC3 about issues between them and the Cortland City Police Department. Student leaders are calling for leadership and action on behalf of the department. There appears to be no follow through from the police department to improve that relationship. They are resisting change. Officers use intimidation and fear to control the student population. The Cortland Police Department is not adequately equipped to deal with the growing diversity of the college student population. He noted that the SUNY Police Department is a model of what a police department should be. It is founded on mutual respect and trust. The Cortland Police Department's model seems to be intimidation and aggression. Some officers are unapproachable and don't seem to understand the culture of its temporary City residents. Not all officers behave in this manner. He explained how one officer helped him and treated him well. He read from a document on equality. He asked that there be more diversity within the department when they hire new recruits and that they consider more lines of communication and treat them as adults contributing to the community. He noted that he left a letter to the Council to be distributed to them.

Tony Pace spoke about the Rental Housing Permit Proposal. The goal may have been lofty to resolve a problem that has gone on far too long, but the end result is making him

feel like it has stopped in its tracks. He is concerned about the structure and methodology since he has been involved in this process. He doesn't believe that the housing committee was representative, the meetings were secret, not be publicized. No minutes were recorded for research or reporting purposes. The meetings were unstructured. Often it was landlords against the housing committee members' atmosphere that prevailed. People were talked down to and given lip service or actually misdirected. The members have reported to the Common Council minimal and incomplete information. He feels that there will be ill results of that. As a result of these factors, he feels a lack of trust with this program. He feels that this has been a secret process. He quoted from a speech by Pres. Kennedy regarding secret societies and proceedings. He felt that no Council member should fear public scrutiny and he urged that an open process begin. He would like to see landlords, neighbors and the Council members acting as a mediator and leave the process up to them to decide what to do. He felt that by using that process, the Council would see ownership and acceptance of a proposal that the Council can vote on and feel confident that every side was represented and all the facts and consequences were brought to the public.

Dominick Partigianoni noted that they have a law that is not being enforced. He stated that blue bins are out for a full week many times. There hasn't been one prosecution of any of these violations. He asked why it hadn't been done. He suggested that the law be advertised and then enforced and when some residents are made an example of, the City will look better. He also noted that many residents were not shoveling their walks during the winter. He noted it's hard to walk in those areas that are icy and snow covered and no one is doing anything about it. He felt that some individuals should be prosecuted and then the rest of the culprits will comply.

Mike Dexter greeted the Council and welcomed Interim Director of Administration and Finance Nick Mazza back to Cortland. He asked everyone's forgiveness for his wearing of his Yankees hat. He noted that it was difficult for him to remove, especially on St. Patrick's Day. He then put on his Arbor Day USA hat. He noted that the Mayor and he, a few weeks ago, received a letter from the Arbor Day Foundation. As Chairman of the Landscape and Design Commission here in the City, unofficially known as the Tree Committee, he read from the letter that was received. It was congratulations to the City for being named Tree City USA status for 2008, the second year in a row. An accomplishment that assures all of the local citizens' opportunities that they may yet realize. He read from a press release that the Arbor Day USA program sent. He thanked the other current and past members of his Commission for their dedication and he also thanked the City. He noted that they will be receiving two (2) more signs and a flag. He also reminded the Council that they took out of the budget, tree removal money to put into the sidewalk program. He noted that was good, but if they had walked around the City, they would see that there are a lot of trees that need to come down. He also noted that his Commission also had to come up with two (2) dollars for every City resident to qualify to be a Tree City USA. So somehow they will have to address that as this year, they had barely made it. They will need to find that money so that they can qualify for the 2009 application.

Marc Pace noted that he is not against the registration of rental units, but his big problem is with the three (3) unrelated issue. He noted that if the Council were to push all the grandfathered housing out, it would push a lot of kids into other neighborhoods, spreading the kids out. He thought perhaps five hundred (500) to six hundred (600) students that would be forced out of their apartments.

He also addressed the comments made by Wesley Pesante regarding the Police Department. He noted that the Police Department in the past few years has been more aggressive in taking care of City problems, but he felt that the department was doing a better job in patrolling the neighborhoods and keeping the kids locked down. As far as TC3 students go, he felt that many landlords didn't like to rent to them for specific reasons. There was more damage to property, etc. He no longer is renting to them.

The Mayor took the opportunity to introduce Nick Mazza, who is the Interim Director of Administration and Finance. He was in that position in the 1980's. Nick will be with us until we find a replacement for Andrew Damiano. Nick started last Thursday, hit the ground running and has a lot of things going. He welcomed Nick.

#### Minutes of March 3, 2009

**RESOLUTION #27** OF 2009 – Approve the minutes of March 3, 2009 as amended.

By: Alderman Tobin

Seconded: Alderman Dye

Approved: Ayes – 7  
Nays – 0

Bills were reviewed and received.

#### Mayor's Report

The Mayor read a Proclamation declaring April 2009 as Fair Housing Month.

He met with Department of Commerce to discuss the upcoming national census. A committee needs to be put together for this. He attended the BDC/IDA. He also met with Adam Megivern, Downtown Partnership Director, to discuss the on-going parking permit program. He attended the Women in Leadership awards luncheon in Syracuse to recognize Catherine Bertini as one of the leadership award winners. He met with the GO21 transportation group to discuss their on-going passenger and freight rail transportation issues. He attended the Loan Committee meeting as well as the College Community Forum meeting at the college. He celebrated St. Patrick's Day with a flag raising ceremony at City Hall. He thanked Nick Lundberg for coming down to City Hall to play the bagpipes. He also had a letter from Ces Scott from the Youth Bureau asking each Alderman to choose one (1) or more people from their Wards who would be willing to serve on the East End Community Center Board. She spoke with the Board and they

felt that they should have more inclusiveness of the whole City since programs and services are for the whole City.

#### Ward 2 – Alderman Benedict

He met with the Housing Committee where they discussed the fee schedule. He thinks that they came up with a very reasonable amount and will discuss this during the Rental Housing Permit part of the agenda. He noted that late this morning he had stopped to discuss a number of concerns with the Mayor and he thanked the Mayor for taking time to meet with him. At that time, he was also able to welcome Interim Director of Finance and Administration Nick Mazza.

He also received a call about a tree down across Otter Creek. He sent an e mail to the DPW. The property owners have been away, so he could not talk with them until yesterday. He is hopeful that they will be able to coordinate with the DPW to get this taken out of the stream. He also received a call late this afternoon about a retaining wall on Clayton Avenue and he will pass that information on as soon as he can.

#### Ward 3 – Alderman Dye

After the last Council meeting was televised, he received a couple of calls and e mails regarding Casella's attempt at picking up our recyclables and garbage. His Ward has many retired people and all they are asking for is to have the recycle bins placed back on their lawns where they were placed the night before. He also received a couple of e mails regarding the Rental Housing Permit Program. Half are for the program and half are against. Now that the Council is getting down to where they almost have a finalized document, most people are anxious to get this completed and implemented. He has continued to talk to a couple of parents that have children who are residing in the Tompkins Street area, concerning issues their students have with their landlords. He has advised them that if these are health or safety issues, to contact our Code Enforcement Office and see if they can help. So far Chief Glover and his staff have helped them out and parents have told him to thank the Code Office for the job that they have done.

#### Ward 4 – Alderman Tobin

One of the issues that has been brought up is the entrance to the College athletic complex on Tompkins Street. He noted that it was nice to see temporary "No Parking" signs had been put up. This allowed greater visibility for cars exiting the parking area and hopefully will make it a safer intersection. He noted that he has been contacted by concerned neighbors about the parking lot that is going in for Memorial Baptist Church on Park Street. He has spoken with them and it seems that they are doing a very good job in terms of storm water management, lighting and maintenance. Their plans have been reviewed by the City Planning Commission, as well. He also noted that there was a Housing Committee meeting where they discussed potential fees, inspection scheduling and more will be discussed about this later in this meeting.

## Ward 5 – Alderman Quail

He welcomed Nick Mazza. He noted that there is a problem with big pot holes and that there has also been flooding on Sunny Hill. He noted that there is run off coming off of that hill. There was some flooding and that has receded, but he will continue to deal with that. He attended the Loan Review Committee meeting.

## Ward 6 – Alderman Feiszli

She noted that County Storm Water Management had spoken to the City. She asked if the Planning Commission could give their recommendations regarding the adoption of a storm water management plan for the City. She has spoken with the DPW regarding the upcoming water main replacement and street resurfacing on Colony, Morningside and Parkwood Drive. Mr. Bistocchi will be writing up a time frame for this work so that the residents will know what to expect. She contacted the Dewberry Engineers who were contracted by FEMA to do the remapping of the flood zone areas and she is still waiting for firm data on when the City can expect to receive those new maps. She met with the Strategic Committee for the East End. Thoma Development presented them with a site plan for the Riverside Plaza prepared by C & S Engineers along with two (2) conceptual designs for façade improvements. Thoma has met with Empire Management who plans to improve the appearance of the plaza this summer in order to attract some tenants. She has placed a call to one of the owners and hopefully she will have a meeting set up soon to get a better idea as to what their plans are.

She noted that the bridge repair work has begun on Route 81 by the Riverside Plaza. She went on to say that the Public Safety Commission met regarding the request for a sign for Hickory Park Lane and Hickory Park Road. The recommendation was that a stop sign be installed pending a final approval for the sign by the Council at their next meeting. She received a news release from the National Resources Conservation Service that it has funding available from the National Recovery Investment Act to purchase flood plain easements. She spoke with Suzette Kocher from NRCS and there will be an article in tomorrow's Cortland Standard. Basically, they hope to purchase floodplain easements and the cost to restore the floodplain will be covered one hundred (100) percent by NRCS. Eligible property owners whose land has been damaged at least twice in the last ten (10) years or once in the last twelve (12) months who would like to learn more can call Suzette Kocher at 753-0851 Ext. 3.

She noted that the Council has begun their series of meetings with Department Heads to look at ways in which to cut spending for 2010. She noted that the Superintendent of the DPW plans to cut over one hundred and fifty thousand (\$150,000) dollars by leaving two (2) positions vacant next year after current employees retire. She felt that it was worth mentioning that the DPW has saved around one thousand (1,000) dollars each month by minimizing unnecessary travel with a policy that was established last year. She noted that there was discussion regarding the elimination of brush and leaf pick up during the summer months. It costs City residents ninety-five thousand (\$95,000) for the seven (7) months of service. By cutting back a pick up during the summer months, it would save time and money that could be better focused on infrastructure. She also

recognized a nursing and rehabilitation center that has located in Ward 6. Her Mom has been staying there since her recent hospital stay following surgery and she thanked all of the employees for their exceptional care.

#### Ward 7 – Alderman Hamilton

He received a couple complaints regarding nuisance dogs, barking and owners not picking up after them. In one location, the dogs are tied so close to the sidewalk, that people walking by have to cross the street to avoid the dogs and the smell. Bill Carr, Dog Control Officer from the SPCA contacted him and will be looking into the problem and addressing it. Mr. Carr told him that the City has one of the better animal control ordinances. This had been a concern of Alderman Hamilton's and he has now found that owners can be ticketed for not cleaning up after their pets and for allowing pets to run loose. It has also been brought to his attention that the recycle bins and blue bags that are being left open or that have been put out days ahead of time and there were concerns about potholes.

#### Ward 8 – Alderman Michales

He noted that once the snow started melting over at Court House Park, he got over there to assess the condition of the park. He felt that it was important to maintain the park and he asked if a discussion of a Park Usage Agreement could be placed on the next Council agenda. This could address park usage, clean up and maintenance. He also did a home visit regarding an exotic pet license application in Alderman Quail's ward. The animal has had its rabies shots and the female will have hers in a month, once it is old enough. The applicant has had ferrets in the past. He noted that the City Youth Bureau will be holding a chicken barbeque on Saturday. They also held one last Saturday with great success.

Mayor Gallagher asked Interim Director of Administration and Finance Nick Mazza to give the Council an update. He noted that there was an advantage to having been working for the City before in that he knew where places were. He noted that Lori Crompton had been very helpful to him. He plans to be here six (6) to eight (8) days a month and primarily to work on the process of selecting a new Director. He attended the Loan Committee meeting, he met with City Hall staff and the Mayor and the Finance Department particularly Lori Crompton. He spent a good portion of one day at the Sewage Treatment Plant and he was very impressed with what he saw. When he was here in the 1980's that was a huge problem area for the City, both nationally and operationally and it's nice to see the tremendous improvements that have taken place there both in operations and the financial outcomes that they are producing. That was good to see. He spent some time dealing with some union matters and relations matters. He looked at the health insurance program and the Mayor and he spent part of an afternoon with Ron Brown, the insurance consultant with some ideas that he gave them regarding cost savings. They will look at them and get back to the City. He also spent some time with the labor attorney who has worked on some issues and he wanted to introduce himself and checked to see if there are any pressing issues there. He also spent a good part of his time with Chief Nichols and the Police Department and

things seem to be going well there. They are looking forward to the bond issue and modernizing some equipment and looking at some stimulus funding for law enforcement. He spent time with Bernie Thoma and the Mayor. He and Bernie toured some of the housing developments. He was impressed with what he saw going on with South Main Street. Back in his time, that was an area of worry. He thought the downtown program was going well. He felt that those were attractive things for a candidate for this position, to know that there are a lot of positive things that are going on with Cortland. He noted that the Water and Sewer Funds seem to be in relatively good financial shape, but there is no doubt that there are some stresses on the General Fund that need to be dealt with. The biggest issue that needs to be dealt with immediately are the unpaid tax liabilities. The City has about two million dollars (\$2,000,000) in unpaid taxes sitting out there. This is a very serious problem that needs to be addressed. He noted that the Council had approved the Article 11 in rem and that will take effect in the later part of 2009. However, he has had personal experience with Article 11 programs in Livingston County and he must tell the Council that they must prepare now for when the effective dates take effect. He noted the County has talked about hiring a niche law firm from Rochester that is expert in the Article 11 in rem process. The Council must realize that the amount of work that goes into the Article 11 process to make effective and to work. There is a lot of work that really should be going on as we speak. He also has spoken with Corporation Counsel Lawrence Knickerbocker and Lori Crompton and he doesn't believe that to have a successful Article 11 in rem enforcement program that you can give it a part time effort. For people with full time commitments to undertake what he sees as the job here. There are over one hundred (100) parcels with over two million dollars (\$2,000,000) in unpaid taxes. There are bankruptcies that need to be looked at. This is a very detailed and specific legal process. Property tax searches need to be done by competent people who know what they are looking at. Under this process, property owners must be notified. The legal publishing is not sufficient, the courts have ruled that. Every lien holder has to be notified by registered mail, the courts have ruled. Deeds and transfers have to be prepared. You cannot expect our staff to do. He has given to the Council a draft form of a contract that he currently has handled and what is expected of an outside counsel. He noted that the next question was who would be paying for them. He noted that hopefully it would be paid for by the people who were redeeming their property or by auction proceeds. He noted that the cost of up to two hundred and fifty dollars (\$250) could be added to the cost. He noted that might not be enough, but in some cases, it might be more than was spent. He asked the Council to understand what this process administratively entailed. It is a time consuming, legal process. If the Council waited until the Article 11 kicked in, they would be years catching up. He asked the Council to look over the schedule C and that he would recommend that in four (4) weeks that at that time they would be looking at price quotes and contracts from firms to do this. It's the only way that he can see that the City can be successful in acquiring money or getting those properties back on the tax rolls. He noted that the City is the enforcement body for these uncollected taxes, but they've paid the County and the schools and it's the City that is out the money. He noted that the City may not get it all back, but they would have to deal with getting the majority of it back. He noted that five hundred eleven thousand (\$511,000) of the unpaid taxes is the old Buckbee Mears site. He has talked with the assessor and what they might be able to do in going forward with them,

but a good deal of that sum has been paid to other entities. He feels that the City can't wait on this issue. He recommended that they get competent, experienced people to handle this process. He noted that he has also spoken with the County Administrator in regards to their Article 11 procedure. There has been talk about hiring Philips Lydell, but he doesn't know if they are going to. He noted that is not a reason for the City to wait, as the City has a bigger problem than the County has. He felt that once the City got caught up, that there might be the opportunity for sharing those services, such as having one (1) auction, one (1) tax sale with both the City and the County working together on that. It would be to both parties advantage. He asked the Council to review the information that he had distributed. He had met with the Mayor and the Interview Committee but he is hopeful that the hiring process for this position can move along. He noted that City employees have been very nice, very helpful and have the best interests of the community at hand. He thanked the Council.

Alderman Feiszli asked him if there was anything the Council could do before the next meeting to put together a resolution to start moving this along. Mr. Mazza noted that he preferred that they understood the process fully and that he wants to spend some time addressing their concerns and he wants the time to negotiate and come up with something that works and then getting a consensus that this is a step that the Council wants to take. Alderman Feiszli asked about amnesty. Mr. Mazza noted that was not something that he had considered or discussed. He felt that they should not wait to start this process until the end of the year, that letters should go out soon, giving delinquent property owners the heads up that this is coming soon. He personally felt that amnesty was not something they should talk about in fairness to those who paid their taxes. Alderman Benedict agreed with that thought.

**RESOLUTION #28 OF 2009** – Consideration of a Resolution authorizing the submission of a FY2009 Community Development Block Grant application.

Linda Armstrong was present to answer questions. Alderman Feiszli noted that four hundred thousand (\$400,000) was basically for the East End and there was some micro enterprise money on the South End available. She asked for an explanation why this money was not available to the South End. Linda Armstrong noted that there was already a comprehensive grant for South End which was running out soon. She went on to note that this grant was basically for income property and that they had also submitted an application for owner occupied homes. For both programs, income of homeowners and tenants was looked at. She noted that Thoma went in to inspect properties and the greater the need the substandardness of the properties, the more points they received, as well as for the number of units and the number in a household and the lower median income of those households also converted into points. Then they distribute applications, rank them by points and start with the three (3) or four (4) worse ones. Applicants (landlords) must be current on their taxes to receive funding from this grant. Alderman Michales asked if Thoma was totally focused on the East End. Linda Armstrong stated that was the target area had been pared down by eliminating some of the commercial properties. The owners of eligible properties have been notified. Alderman Hamilton asked how the loans were to be repaid and what the interest rates were. Linda Armstrong stated that they were the same as in 2008. They

had a maximum amount per structure, half as a deferred payment loan and the other half as a direct loan that must be repaid. The interest in the one to be repaid will be zero percent (0%) and the deferred payment loan, for which there is no monthly payment, the amount decreases one sixtieth (1/60) over the course of five (5) years. At the end of five (5) years, the loan is forgiven. There is a two (2) year freeze period where the owner doesn't have to pay anything back and in return, they must freeze the rent for their tenants for that two (2) year period. Alderman Hamilton asked if this was restricted to income properties. Linda Armstrong stated that it was, but she noted that Thoma had also applied yesterday to the State under the HOME program for the East End and that will be for single family, owner occupied homes. She is hoping that they will receive both sources of funding for the East End.

By: Alderman Dye  
Seconded: Alderman Tobin

Approved: Ayes – 6  
Nays – 1 (Hamilton)

**RESOLUTION #29 OF 2009 – Consideration of a Resolution authorizing the mayor to enter into a contract with Countree, Inc. for tree planting services (lowest bidder).**

By: Alderman Quail  
Seconded: Alderman Hamilton

Approved: Ayes – 7  
Nays – 0

**RESOLVED TO GO INTO EXECUTIVE SESSION TO DISCUSS THE CITY COMMUNITY DEVELOPMENT LOAN COMMITTEE'S RECOMMENDATION FOR A LOAN AND UPCOMING LITIGATION.**

By: Alderman Benedict  
Seconded: Alderman Quail

Approved: Ayes – 7  
Nays – 0

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

By: Alderman Quail  
Seconded: Alderman Hamilton

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #30** OF 2009 – Consideration of a Resolution to approve City Community Development Loan Committee’s recommendation for a loan to an existing business in the amount of \$100,000.00.

By: Alderman Benedict  
Seconded: Alderman Quail

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #31** OF 2009 – Consideration of a Resolution authorizing the following actions to close out fiscal year 2008:

- A. Recognizing excess revenues received and appropriating the funds to various accounts.
- B. Authorizing a number of year-end encumbrances.
- C. Authorizing various transfers to close out accounts with either unexpended or overdrawn balances.

By: Alderman Dye  
Seconded: Alderman Michales

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #32** OF 2009 – Consideration of a Resolution approving exotic pet permits for two (2) ferrets owned by Ms. Moshier of 30 ½ South Avenue, Apt. #1.

Alderman Feiszli asked if the landlord was aware of the pets. Alderman Michales noted that notification of and permission from the landlord was part of the application process. There was concern regarding the other tenants in the building, but Alderman Michales noted that the landlord gave permission and he only inspected the one (1) apartment. There was a question regarding the rabies shot for the second ferret that was too young at present. It was noted that it was scheduled for next month.

By: Alderman Michales  
Seconded: Alderman Dye

Approved: Ayes – 7  
Nays – 0

Discussion regarding property valuation relating to the Rental Housing Permit Program.

Mayor Gallagher noted that Assessor David Briggs was present. Alderman Michales noted that he had asked Mr. Briggs to answer questions after things came to his attention in the Rental Permit process. He wanted Mr. Briggs to explain what would happen to the assessments on properties that weren’t able to house as many tenants

as they were originally assessed for. This will have an effect on the City budget. Assessor Briggs reviewed the assessment procedures for student rentals. In 2008, the student rental area of the City was defined and the valuation that was done for student rentals was based on sales within that area of that type of property. He knows that the number of twenty thousand (\$20,000) per student or bedroom has been tossed around. There were numerous factors in the valuation of this type of property. One was the selling price, the price per unit, the price per bedroom, the price for square foot, the income the property could produce, the replacement costs, depreciation and capital sales. All those were done on these types of properties. The say that this was a per student or per bedroom assessment is not correct. All those valuation parameters were used to determine which was the most appropriate to determine the value on a particular property. As the number of occupants went up or the number of beds the price per occupant was adjusted.

The way he sees it, if they went to a rental permit program there could be two (2) scenarios occurring. The first would be that students would be displaced throughout the City to other units and the incomes of those properties could potentially go down and there could be a loss in value and consequently an adjustment in the assessment would be appropriate. The other scenario would be that for those displaced, it could make the properties they would go into more valuable. Prime student locations would be most desirable, where students would be paying more for those units and so rents could go up for those units and there would be a possible increase in value or there would be a stabilization in value. Either one of those scenarios could happen.

What he would do as Assessor, would be the same as what he does for any other property in the City. Assessments have to be done by August 1 of each and every year. He would review the sales and any documentation from the previous year and evaluate where changes are necessary to be made. He doesn't have a crystal ball and he can't predict which these two scenarios might occur, but that could be proven after the permit program was in place. Sales would either show an increase in value or rents or a decrease in value or rents. Then assessments would be adjusted, but it wouldn't happen immediately. He also reminded them that if any property owner who didn't agree with their assessment, could go to Grievance Day and present their documentation to the Assessment Board after Labor Day as to why they disagree with their assessment.

He went on to give some examples of how properties had been valued by the assessment process. It was not twenty thousand (\$20,000) dollars per student tenant. Every property in the City was looked at and many factors were used to determine valuation.

#### Discussion regarding the Rental Housing Permit Program.

Alderman Tobin talked about the Housing Committee meeting. He noted that the first topic talked about was Section 8 housing and inspections that are currently being done and the number of units and the like. He noted that inspections of those units are done every eleven (11) months for Section 8. They also are inspected for the number of

occupants. Someone local does these inspections. There are about two hundred fifty (250) inspections of these units done annually and about a third of the inspections are done in two (2) family houses and they estimate that is around eighty (80). Mayor Gallagher noted that those are inspections that the City would not have to do. Alderman Tobin noted that if the Council voted to accept those inspections done by that inspector of Section 8 housing, then the Code Office wouldn't have to do those. He was obtaining a copy of their Section 8 inspection check list. Alderman Tobin the City already currently inspects anything that is over a two (2) family building, even though a Section 8 inspection has been done and there are very few single families. Alderman Michales asked Alderman Tobin who officially employed the Section 8 inspector. Alderman Tobin stated that he had only been asked yesterday and that he hadn't had a chance to call her and to find out who she was employed by. He noted that she was listed under the heading of Cortland Housing – Section 8 Inspector. Alderman Michales noted that there were some hidden costs of these inspections. He had found out that if a Section 8 inspector went in and found something wrong, that they could then fix it and charge that cost back to the person who has the apartment; whether it was a leak in the ceiling or a light bulb replacement. Alderman Tobin noted that when he spoke with the inspector, he would ask more in depth questions regarding their procedures. It was noted that the one (1) person did the eighty (80) Section 8 two-family building inspections.

Alderman Tobin went on to some other concerns. The Housing Committee members wanted to talk with Chief Glover to go over potential costs and to make sure that they were factored in. He is hoping that they can meet later this week or next week. They did come up with a fee figure, but they are not sure it is valid until they are sure that they have all of the information. The current fee is \$25 for a single family and they thought an increase to \$35 would be reasonable and a two family would be \$35 per unit and owners could self certify their half, with no fee. There would be no registration fee and the fee would be applied every three (3) years.

He noted that they then went on to discuss whether or not second or third visits were necessary because of violations. They felt that the second visit would not result in another charge, but if the problems were not remedied, then a third visit would warrant a charge. Alderman Feiszli asked if owners would get a copy of the inspection checklist. Alderman Tobin noted that they would and it would also be placed on line. They wanted to be sure that the information was out there. Alderman Feiszli asked about the CO2 detector section of the inspection being more stringent than the New York State code. Alderman Tobin noted that what they had in the Rental Housing Permit Program inspection was more stringent than what New York State required. He noted that he believed Atty. Cheney said that the City could put that in there and that it was enforceable. He would check with Atty. Cheney on that. Alderman Feiszli asked if they could get the answers to their questions prior to the next Council meeting. Alderman Tobin felt that they could.

Alderman Tobin then went on to discuss the timeline for registrations for inspections. He would like to set August as a registration date, where landlords will be expected to register the properties by August and part of the registration process could be asking

who would be willing to get inspected first. They then would go on a voluntary basis for the first year. So from September 2009 to September 2010, they would begin with the volunteers. Part of the rationale, would be they could get an idea of how long the inspections would take and to get an idea of how many there actually were and that they all could be inspected within the three (3) year time frame. He noted that the other portion of discussion was what the penalties for violations would be and that would come from the Council. He noted that Atty. Cheney recommended that there be a fee if a violation was found and a fee for each day thereafter until that violation was corrected. He also noted that there was some language that also went on to say, that if a landlord was making a reasonable honest effort and would not be able to fix a violation quickly, they would not get a penalty.

Alderman Michales noted that if units had been pretty much up to Code in the past and they had said they had six (6) tenants and they could prove they had room for seven (7) and the Code Office felt it was safe, would there be a grace period to allow it. It was noted that Chief Glover was not present to answer that. It was noted that the Council didn't want to lose money on this program. Alderman Feiszli asked if the Council approved and enforced the three (3) unrelated would this force student sprawl into residential neighborhoods. She wondered if they should eliminate occupancy restrictions. It was noted that it would be up to the students to decide whether they wanted to be in student housing that was farther away from campus or if they wanted to go into residential housing. It was also noted that the farther away students were, the less they wanted to pay.

Alderman Tobin noted that another topic of discussion was zoning and the potential for an overlay district or a new zone entirely, where they would try to encourage a more dense population. It needs to come back to after registration and they have an idea of where the current rentals are and the number of occupants. He noted that there have been a lot of concerns regarding enforcement and how it impacts what are currently over-occupied properties. Part of the goal of registration is identifying where the heavier, more dense populations lie and what we can do to encourage that. The side benefit of that is to encourage it downtown or as close to downtown as we can. This will keep the City as a whole, healthy. That possibly would go back to City Planning and be looked at this fall. This will give whoever is in charge of zoning a year to take a good hard look at where more dense populations are and where they should be allowed. There was some discussion regarding the on-going process with the Comprehensive Plan and its progress.

## **Adjournment**

By: Alderman Michales  
Seconded: Alderman Quail

Approved: Ayes – 7  
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 17<sup>th</sup> DAY OF MARCH 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**

\_\_\_\_\_  
**MAYOR THOMAS GALLAGHER**