



City Council Minutes  
The City of Cortland  
May 5, 2009

Council Meeting #9  
May 5, 2009  
Regular Session  
City Hall  
7:00 PM

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

Staff Present: Corporation Counsel Lawrence Knickerbocker

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

#### PLEDGE OF ALLEGIANCE

Corporation Counsel Lawrence Knickerbocker announced that the Rental Housing Permit Program Public Hearing had to be adjourned until the next meeting because the public notice requirement was not met. That had been a duty of Andrew Damiano and Corporation Counsel Knickerbocker did not realize that. When that was discovered, the public notice timeframe was too short to get it published. The notice will go in to the paper for the May 19, 2009 and the June 16, 2009 Council meetings with an anticipated vote on June 16, 2009. Alderman Benedict asked that the people present be allowed to speak and then to have the public hearing at the next meeting and also the vote at that time. Those present were allowed to sign up for the public comment at this time.

#### PUBLIC COMMENT

Tony Pace was present to speak about Marietta and truck traffic. He personally contacted the New York State Department of Transportation and spoke with an office that deals with signs on Rt. 81. He spoke with a gentleman there about putting signs on the southbound lane of Rt. 81 between exits 11 and 12 asking truck traffic for Marietta to exit at exit 10 and also from the northbound lane of Rt. 81 to do the same. He feels that will help solve the problem by having the truck traffic getting off at exit 10 and coming up Pt. Watson Street. He will contact Assemblywoman Lifton if additional help is needed and Senator Seward. He noted that there are also problems again with dust from the Marietta parking lot and he is going over to the Department of Environmental Health. Last year, they were the agency that got some action and he's going to do that again. He also noted that with the County Legislature talking about cutting in this

department, that this is an agency citizens can go to for help with environmental health issues and this is a very important department and we really need this agency.

He also spoke about the proposed Rental Housing Permit Program. He felt that there were some inconsistencies in some of the language in parts of it, especially with permission to inspect various parts of the house. He went on to describe what those things were. He also would like to see changed in the proposal to allow owner occupied two family homes to self-certify both units. He noted that contact persons in those cases lived in the residence and he felt that they were available to handle issues and will take care of them. He asked that that be considered.

Anne Doyle noted that she came before the Council in September 2003 asking for another attorney or a part time attorney to help Corporation Counsel Knickerbocker. Since then there have been a lot more activity going on in the City than there was in 2003. At that time, there was \$18,000 set aside to hire a part time attorney to help Corporation Counsel. She doesn't know what happened to that money, perhaps it was spent. She suggests that it would be a benefit to this community to have them appropriate some money to fund a part time Corporation Counsel. There is too much work for one person to do. She urged them to think about hiring extra help.

Alex Ussery was present. He is representing Ultimate Music and the other bands that practice there. He noted that there was an issue three (3) months ago involving the music store and bands that practice there until late at night. He noted that the building is an older one and is not sound-proofed very well and there are apartments next door. He noted that the speakers are not pointed out of the windows and they are not attempting to disturb anyone. He noted that every band that practices there pays \$300 per month to have that practice space. He noted that the bands all play out in the evenings and it is a second source of income for all of them. He asked that perhaps support could be enlisted from the Council to obtain grants to sound-proof the studios. He asked that a noise permit be granted for Sunday through Thursday until 10:00 PM, which he felt was pretty fair for the neighbors and on Friday and Saturdays until 2:00 PM due to the fact that the bars in the area are loud on those nights. He also noted that they only scheduled practice for one band at a time. He noted that the bands were working to schedule their time and they were also working on raising money for sound-proofing as well as looking for possible grants. He asked for consideration of the request for a sound permit.

Alderman Michales asked if the owner of Ultimate Music was present. Mr. Ussery indicated that he was not. Alderman Michales asked if there was currently any soundproofing material in the practice rooms. Mr. Ussery stated that each band put up some materials when practicing and that they are trying to raise money at their shows to replace the windows. He noted that this will be expensive. The building was in the Historic District and there were also building permits to consider as well as the cost of the windows. He noted that the bands are paying for inside sound-deadening products at this time. He noted that the building owner was taking money off of the studio rental fee for materials the bands put into the studios. Everyone is trying to make the building

a better place. He noted that given the location of the downtown bars and the pedestrian street noise level, he doesn't feel that this request is unreasonable.

Mike Dexter was present. He was present to talk about the tree lottery drawing which is taking place on May 15, 2009. He reminded the citizens to submit their applications for the lottery. He noted it was online and he has them and is also giving a copy to the newspaper. He stated that there were fifty-five (55) trees available.

He noted that on April 25, 2009, some citizens in Cortland pruned and trimmed some trees in the City. He mentioned that Diane Batzing, Chuck and Colleen Hamilton worked approximately six hours on Court Street. That finishes up their first round of trimming. They have done Main Street, Port Watson Street, Court Street, Central Avenue and Court House Park. He is hoping that the City Council can somehow pass a resolution to send something to National Grid to thank Jim Maloney, Supervisor of the Central New York Region. He has been there every time the group has gone out to trim trees. Mr. Maloney has done more for the City as far as the urban forest than anybody else in this City. He has worked with us the past four or five years, ever since the City created a Landscape and Design Commission. He noted that Mr. Maloney does this on his free time and does not get paid to come here. He asked that the Mayor and Council pass a resolution to pass on to National Grid acknowledging all the work that Mr. Maloney has done and thanking him for all that he has done.

#### Minutes of April 21, 2009

**RESOLUTION #48** OF 2009 – Approve the minutes of April 21, 2009.

By: Alderman Quail  
Seconded: Alderman Hamilton

Approved: Ayes – 7  
Nays – 0

Bills were reviewed and received.

#### Mayor's Report

He attended United Way meeting as well as attending a couple of meetings with the College and the Chamber regarding the Jets. He attended the annual charity ball. He attended the Central New York Regional Chiefs of Police annual recognition dinner. He attended the J.M. Murray Center annual meeting. He announced the beginning of the Relay for Life kick-off at the senior high school. He attended the Historical Society's presentation on President Lincoln's memorabilia. He kicked off the Purple Ribbon for Relay for Life on Main Street. He met with possible developer for the Rosen site. He also met with Johnson Controls for an update on their energy audit. He interviewed with WHCU radio.

He reminded everyone that there would be no Council meeting on June 2 as that was Dairy Parade night and he reminded everyone of the May 12<sup>th</sup>, Council work session with the waste water and law departments. Alderman Feiszli has scheduled a FEMA meeting at the Chamber of Commerce with representatives of the DEC and the City for June 2 from 1:30 PM to 4:30 PM.

#### Ward 2 – Alderman Benedict

He attended the town meeting that Barbara Lifton held in Cortlandville and he urged her to support the City's economic recovery projects. He also expressed his concerns regarding health insurance coverage for the unemployed. He attended the budget meeting with the department heads last Tuesday. He received some e-mails on the Rental Housing Permit Program. He received an e-mail about taxes. He thanked Alderman Feiszli and the County Soil and Water people for the new flood maps, it sounds like something wonderful has happened there. He announced a Ward 2 meeting on Thursday, May 21 on the first floor in the Beard Building at 7:30 PM. Stephanie Hayes will make a presentation on how to save money and energy.

#### Ward 3 – Alderman Dye

He has received a couple of phone calls regarding street lights that are out. He contacted national Grid and they'll take care of them. He had a conversation with Cortlandville Town Councilor Ron Rocco regarding a drive-up drop box for mail at the post office. He has the name of a person in Syracuse to contact to see about the feasibility of one being installed in Cortland. He noted that the Tompkins County Legislature and the town board have passed a resolution to support the passage of the employee free choice act in Congress. The Labor Council is hoping that the Cortland Common Council will follow suit. They have invited the Council to meet with them on May 19 at 6:00 PM in the Carriage House Building basement to provide information on this act. He has talked to a few people regarding the revised flood plain map. The Council is waiting for a readable revised map that will show people whether they are in or out of the flood zone.

#### Ward 4 – Alderman Tobin

He met with four (4) local landlords who represent a number of landlords in town. They discussed the upcoming rental permit proposal and the implications that may be when it is passed. He thanked Corporation Counsel Knickerbocker for explaining some of the issues and apologized for not following up on the public notice of the public hearing. He noted that Mr. Damiano had always taken care of those and he went on to state that the search committee for a Director of Administration and Finance has been meeting. He was contacted by a student renter with questions regarding their legal rights. He referred them to Code Enforcement.

He has been in contact with Jim Reese at the College, to try to work with the College about some of the plans for when the Jets come to town. He is concerned about traffic and the impact it may have on Tompkins Street. He is trying to solve any potential

problems. He attended a portion of Barbara Lifton's town hall meeting in Cortlandville last week. He also thanked Alderman Feiszli and everyone else for their work on the FEMA flood maps. It's nice to know that there has been a significant impact on the reduced number of property owners shown in the flood zone.

#### Ward 5 – Alderman Quail

He had some calls regarding the article in the newspaper about a North Carolina company coming in to build a five hundred (500) bed unit in his end of town. He had a lot of calls against it. There have been speeding concerns on Pendleton Street. A young girl was hit the other day in that area. He has also received many calls regarding barking dogs in the last couple of weeks. He also will be contacting the Code Office regarding a business in his Ward that is accumulating a number of vehicles by the basketball court. He thanked Mike Dexter for talking about the tree lottery. He also received a call from a senior citizen asking the Council to consider increasing the threshold for senior citizens on the tax exemption. He noted that Alderman Partigianoni had always taken the lead on this in the past.

#### Ward 6 – Alderman Feiszli

She did not attend the budget meeting with the Police Chief last week. She was preparing for the meeting with the Cortlandville Planning Board, drafting the letter regarding the TOPS gas station. She noted that when she read the article in the Cortland Standard, it sounded like the City Police were not willing to work with the County. She contacted Chief Nichols, Sheriff Lee Price and County Administrator Scott Schrader to discuss the article. She has not heard back from Chief Nichols, but based on her conversations with the others from the County, she would like to clarify a few things. She talked about the issue of moving the City Court to the County Court House. She noted the article referred to a letter that was sent in March 2006 from the City to the County supposedly stating that the City was not interested in renting the basement of the County Court House to use for City Court. She noted that the Council never had a resolution to approve that letter and she wanted to make that public. She hoped that there still might be a possibility of doing this if it was looked into further. She noted that the County Officials had also discussed a central booking area for years and according to Sheriff Lee Price, this has not happened due to the existing sheriff's station not having enough space. There would need to be ten (10) cells there and they just don't have enough space on the property. He also noted that it would take five point five (5.5) employees to do a twenty-four hour shift. So there is also the expense of the additional employees. She wanted to clarify that as well.

She received a concern about the dust at Marietta. She spoke to Alderman Hamilton about it. She requested a copy of the Planning Commission's order in 1983 and 1985 to Rubber Maid to require that the parking lots be oiled. It is her understanding that they were required by the Planning Commission to oil the parking lots. She requested the City Clerk to pull up those files. She spoke with Corporation Counsel Knickerbocker about transferring that order to the next owner. She noted that the Clerk had no problem obtaining those minutes, but that it would take some time. Alderman Feiszli

noted that she had offered to obtain them herself. She had discussion with the Mayor about how to obtain those files. She also noted that she had asked in her last Ward report for a departmental performance audit review and she had asked that it be placed on tonight's agenda and noted that it was not on there and she asked why it wasn't there. She noted that she had contacted NYCOM and was told that a departmental performance audit could be done for free by the State Comptroller's Office. Alderman Quail noted that at their last meeting, that no one had any problem with working with the County. Mayor Gallagher asked for a copy of a letter that was sent to Cortlandville and Alderman Feiszli noted that her FAX machine was down, but she would get the letter out to everyone. She went on to state that it was sent without the Council's authorization. She asked that the vehicle use policy be taken off tonight's agenda as she had not received a copy of a document from Interim Director of Administration and Finance Mazza and she asked that a discussion of the FEMA flood maps be put on in its place.

#### Ward 7 – Alderman Hamilton

His Ward has had some issues with dogs running loose. Bill Carr of the Animal Control Unit has, as usual, been quick to respond to these incidents and on at least one call, issued a ticket for no license. Mr. Carr is just one of the many dedicated employees that the City of Cortland is lucky to have working for them. He thanked all of those employees for all that they do. He noted that Mike Dexter, Chairman of the Landscape and Design Commission, Jim Maloney from national Grid and a few volunteers trimmed trees on Court Street and Central Avenue on Saturday, April 25<sup>th</sup>. Jim Maloney provided the equipment, his expertise, his time and a lot of hard work to help get the job done again this year. He thanked everyone who was involved with the project.

He continues to receive complaints regarding problems related to the tractor trailers traveling in and out of the Marietta Buildings on the East Side. He is continuing to search for acceptable solutions.

#### Ward 8 – Alderman Michales

He received a call from a resident on Kellogg Road regarding the mess left by the road construction. He noted that it was cleared up the next day and probably was planned as part of the project. He toured Waste Water with Intertek. He thanked Harvey Davis and Bruce Adams for the tour. He noted that there is poison ivy existing in the City as he came in contact with it on the Community Clean Up Day.

**RESOLUTION #49** OF 2009 – Consideration of a Resolution to table authorizing the adoption of a proposed salary for the position of City Assessor (currently a contractual agreement)(Nick Mazza).

The Mayor noted that this was in response to a letter received by Interim Director of Administration and Finance Mazza from Mr. Briggs, which was enclosed in the Council's packet. Alderman Feiszli noted that Mr. Briggs had reduced his price for each parcel assessed in this letter and noted that this was a reduction of thirty (30) percent. She

asked how long this overcharging had been going on. She wondered why he had reduced it. Alderman Quail asked if he would be receiving benefits. The Mayor indicated that Mr. Briggs had indicated in his letter that he would not be receiving benefits. Alderman Feiszli asked that this item be tabled until Interim Director of Administration and Finance Mazza could be present. She noted that she spoke with Scott Schrader and Interim Director of Administration and Finance Mazza about this issue and about the sharing of this service with the County. Interim Director of Administration and Finance Mazza stated that he would speak with Mr. Briggs and Scott Schrader to weigh the pros and cons of this idea. She felt that there might be a possibility of some cost savings there. Alderman Tobin noted that Mr. Briggs might not be taking City health insurance, but he would have New York State Retirement paid for by the City. He was not in favor of bringing on any new staff in light of the extra costs. Alderman Benedict noted that it sounded like the City had an obligation to bring the City Assessor onto its payroll. It was felt that they needed to look into this further. Alderman Feiszli noted that Interim Director of Administration and Finance Mazza was going to come back to the Council and share information regarding the possibility of this being a shared service with the County and the cost associated with this. It was asked that figures for past year's payments to the assessor be presented at the next meeting and also what the cost would be for both the proposed salary and retirement benefits.

By: Alderman Benedict  
Seconded: Alderman Hamilton

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #50** OF 2009 – Consideration of a Resolution authorizing the City of Cortland to assess an additional penalty of \$2.00 per parcel for the mailing of delinquent tax notices as allowed by the Real Estate Property Tax Law Section 987 (Notice of Unpaid Taxes).

Alderman Benedict noted that it would probably cost more than this, but he was in favor of doing this.

By: Alderman Dye  
Seconded: Alderman Benedict

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #51** OF 2009 – Consideration of a Resolution granting a noise permit to Ultimate Music through August 2009 for Sunday through Thursday until 10:00PM and Friday and Saturday until 12:00 AM (midnight).

Alderman Benedict noted that they were trying to get the neighborhoods quieter and he was concerned that this was setting a bad example for other areas in the late evenings especially after 11:00 PM. Alderman Michales noted that they would like to

accommodate those who work a second job and enjoyed music. He noted that a good portion of the City's foundation is based on the talents of people in music. It was noted that there weren't that many residences in that area. It was noted that the complaint that was received was for noise and the ticket was issued at 12:03 AM. There was discussion regarding the time frame. The request had been made for Sunday through Thursday until 10:00 PM and Friday and Saturday until 2:00 AM. Alderman Feiszli asked the applicant if they would be flexible with those hours. There was discussion regarding what time bands at local bars played until. It was asked where the apartments were located. Corporation Counsel Knickerbocker indicated that they were up over Mando Books, right across the street. It was noted that this was a case where the sound was coming out of the Ultimate Music building and neighbors had complained. Alderman Feiszli noted that they could issue a permit until three (3) or more complaints were received and then revisit it. The applicant indicated that it was difficult to get the entire band together at an early time because of their work schedules. Alderman Benedict asked Corporation Counsel Knickerbocker what the law was. Corporation Counsel Knickerbocker indicated that if the noise could be heard more than a distance of fifty (50) feet from the source, then the police could charge the violator. It didn't matter what time of day or night the violation occurred. Corporation Counsel Knickerbocker indicated that if they received a permit, then they were allowed to exceed that fifty (50) feet projection. Alderman Feiszli noted that she could not vote on this motion as she had a contractual relationship with one of the applicants. After August 31, 2009, the applicant would need to re-apply.

By: Alderman Tobin  
Seconded: Alderman Michales

Approved: Ayes – 4  
Nays – 2 (Benedict, Hamilton)  
Abstained – 1 (Feiszli)

**RESOLUTION #52** OF 2009 – Consideration of a Resolution authorizing the Fire Department to hold the "Fill the Boot" campaign for the Muscular Dystrophy Association on Saturday, May 16, 2009 at the corner of Tompkins Street and Broadway.

By: Alderman Dye  
Seconded: Alderman Quail

Approved: Ayes – 7  
Nays – 0

Item No. 5 – Discussion regarding SEQR for Water Works berm.

Corporation Counsel Knickerbocker informed the Council that there had not been adequate time for responses from other agencies. This item will tentatively be placed on the May 19, 2009 Council agenda. The berm project probably won't be able to be done until mid-July as the DPW has been busy with paving projects.

Item No. 6 – Discussion regarding the Director of Administration and Finance vacancy (Nick Mazza).

The Mayor noted that he and Aldermen Dye, Quail and Tobin and Interim Director of Administration and Finance Mazza met and reviewed twenty (20+) plus resumes and categorized them. Six (6) or seven (7) applicants were then picked and they would be contacted starting on Thursday. Once responses were received, they would begin the interview process.

Item No. 7 – Discussion regarding the proposed gas station in Cortlandville to be located over the City's drinking water supply. (Alderman Feiszli)

Alderman Feiszli stated that she attended the meeting, read the letter and that it will be sent to Cortland County Planning along with the head of the Water Department in Cortlandville, who also opposes this project. She noted that it had been asked that the project engineers come to speak to the Council to present their project and basically, the Cortlandville Planning Committee had recommended that the tank be put above ground. The project engineers didn't do that, they put it under ground and that's the way they are submitting it. The Cortlandville Planning Commission also had requested that the kiosk be moved forward a little bit and the engineers did not make that change. The original plans are being submitted. Alderman Feiszli went on to state, that it wasn't as if this project was not wanted. Since the loss of many gas stations, the TOPS station is wanted, just not in this location. As far as the Cortlandville Planning Board, they have to go through this process; they have to be fair to everyone. She noted that she has received many e-mails and she asked those opposed to focus on contacting TOPS and let them know of their feelings. There are concerns regarding not only the underground tank leaking, but leaking pipes or human error spills. She also noted that their emergency leak response person was located in Rochester and that made for a long response time.

Item No 8 – Discussion regarding a proposed Vehicle Use Policy. (Alderman Feiszli).

Not addressed asked that FEMA Flood Map be discussed instead.

Item No. 10 – Discussion regarding the FEMA Flood Map.

Alderman Feiszli noted that she had received e-mails from individuals who were concerned because the new map was difficult to read. She asked Eric Lopez, who has been fantastic in getting this information, to provide just a simple overlay of the original pre-maps and to just show the outlines of the green areas. There is no 2008 or proposed areas in there at all. It makes it easier for people to see how it's going to be. She stressed that it was important for people to understand how to scale off the flood plain versus the map. She noted that if their house was not in the flood zone, but a portion of their property was, they didn't have to pay flood insurance, only if their house was in the flood zone. Alderman Michales asked if there were any meetings scheduled like they had done early on. Alderman Feiszli asked them to schedule a meeting as soon as possible and they had indicated that next week was too soon. She feels that

people have waited long enough to review these maps. She asked for the Council's approval to have her coordinate a time for those affected to work to find a time to meet soon with a couple of engineers and Eric Lopez who would help decipher these maps for residents so that they could understand them. She noted that this meeting would be in house and with local people. She went on to state that the County and City Officials will be meeting on June 2, at the Chamber of Commerce from 1:30 to 4:00 PM. There FEMA will tell us what the next step is. She also wanted to mention for Wards 5, 7 and 8 that they were not appealed because the Council didn't request it. Only the Dry Creek delineations were requested. Alderman Quail noted that he was not aware of that. Alderman Michales stated that he was not aware as well. She also noted that she had contacted the engineer regarding Perplexity Creek, to do a study for that. It was noted that the original map was small and too difficult to read. She recognized, Pat Reidy, Dan Dineen and Eric Lopez for their work on this. She also thanked the public for their petitions and Amy Bertini, Zoning Officer, for her work.

#### Item No. 11 - Proclamations

The Mayor read a proclamation declaring May 3 through May 9, 2009 Building Safety week.

The Mayor read a proclamation declaring May 10 through May 15, 2009 National Nursing Home Week.

The Mayor read a proclamation declaring May 16, 2009 MDA/IFF Local 27/37 Boot Drive Day. (Muscular Dystrophy Association).

#### Item No. 9 – Discussion regarding the Rental Housing Permit Program.

Alderman Tobin noted that the Rental Housing Permit is on the City's website for anyone who wanted to review it. There was also a summary there as well. There was also a checklist there. Alderman Benedict asked that a vote be considered on May 19, 2009. He felt that this was going on and on and they could work on some other things. It was noted that since two public hearings were mentioned, they were going to abide by that. Alderman Tobin noted that they should wait on the zoning piece until that portion of the Comprehensive Plan is done and that is not ready yet. He understands Alderman Benedict's frustration and he shares some of his concerns in keeping this moving forward, but he did feel that two (2) public hearings gives them flexibility and the opportunity to make changes. He is comfortable with the middle meeting in June. Next item for discussion could be how long to go for registration and moving forward to looking at zoning. We can talk about that starting May 19, 2009. He asked that a discussion item be placed on the next agenda to have the Council discuss zoning and what they would like to do. Alderman Feiszli agreed.

#### **Adjournment**

By: Alderman Dye  
Seconded: Alderman Tobin

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 5TH DAY OF MAY 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