



City Council Minutes
The City of Cortland
May 19, 2009

Council Meeting #10
May 19, 2009
Regular Session
City Hall
7:30 PM

Present: Alderman VanGorder, 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

PUBLIC HEARING

Local Law No. 1 of 2009 – City of Cortland Rental Housing Law

Mike Stevans thanked the Council members for their work on this program. He feels that it is long overdue. He is expecting approval of this law.

Tony Pace feels that this has been a long process. He has been working on the owner occupied section and he feels that an owner occupied building should be able to self-certify their own unit as well as the other units in their building. He felt that buyers might not be able to purchase these types of multi-unit homes if they had to have the non-owner occupied units inspected. This would encourage further neighborhood blight.

Ed Woodworth is opposed to this law. It is an unnecessary expense. Landlords won't be paying the costs for these inspections; it's going to be the renters who will pay. Every renter will see the monthly rent on their units go up by \$12 or more. This will hurt the lower income renters. He recommends that this law not be implemented and voided. If this does not happen, he hopes that come election time that the landlords and renters will remember which Council members voted for this law.

Katie Silliman thanked the Council for their work on this law. She disagreed with the gentleman who just spoke. She lives on the hill. She lives in a mixed neighborhood area and supports this housing law. She has called the police when she has seen illegal activities taking place. She supports a mixed neighborhood and this law.

Abi Cleary lives on Stevenson Street. She has attended many meetings on this issue. She noted that landlords are in the business of property rental. Property rentals, like

any other business, needs to be regulated and monitored. She spoke how this worked in other job situations. She supports this law. She feels that this will make the landlords more accountable to running a good business.

Brian Bosch supports the rental permit program. He feels that it will protect the quality of life in the city's neighborhoods by improving the quality of rental housing. He noted that under the current code only three (3) and four (4) unit rentals needed an inspection. He noted that many single family homes in our neighborhoods are changing into rental units with, often, absentee landlords. He feels that this law will insure that all rental units will adhere to health and safety standards and adhere to the City codes. This law process began over two years ago when there was a public outcry for a moratorium. Over six hundred (600) residents signed a petition for a moratorium, but the City felt there was a better way to handle the problem and they have come up with the Rental Permit Program.

Tim Gerhard supports the Rental Permit Program and he supports the process and appreciates the work that has been involved with the details in developing this law. He feels that instead of landlords packing in more students than allowed in a single family home, that if this wasn't the case, more of these homes would remain single family homes. He feels that there is an unenforceable code right now and is aware that rental homes are over-occupied. Landlords who are buying single family homes to rent as over-occupied properties to students are making a lot of money and interested single family buyers can't compete with them in the real estate buying market. He likes to see a mixed neighborhood, not a dense student housing neighborhood. It makes the neighborhood more livable.

Jo Schaffer supports this Rental Permit Program. It's an investment in the future of the City to protect the nature of the R1 districts, primarily. This will protect the health and safety of those who are in the rental program. She feels that landlords are running this as a business and if they are charging renters \$12 more a month because of this law, then they are gouging. This permit fee is only being charged once every three (3) years. She encourages the Council to pass a well developed rental permit program.

Anne Doyle supports this program. She came before the Council seven (7) years ago in anger because of the way her neighborhood was going, with parties, etc. Every year, things have gotten a little better. She noted that after Brian Tobin got elected, he noted that the City had a lot of problems, but we need to form committees and work on these problems and the housing committee got started. She gave the history of the process that led to the Rental Permit Program law and she urged the Council to pass this law.

Mick Pace spoke about the City finances and how bad they are. He noted that the Council has asked Chief Glover a number of times to come up with a program and to let them know how much it's going to cost to implement this program. We have yet to hear how much this program is going to cost. He asked what it's going to cost.

Gerry Ruggiero is a landlord. He noted that many landlords favored the inspection process. He noted that they already get inspected every year to get on the student

housing list and he didn't know if that everyone realized that. He noted that there are various groups forming in Cortland trying to work on reducing the outrageous real estate taxes imposed by local governments and school districts. He noted that the Council will place a burden on taxpayers by placing an unspecified cost of enacting this program to handle these inspections. He noted that these inspections could be done by Bruce Weber or Atlantic Inland with no additional City salaries, computers or computer programs, pensions, unions or benefits. He has no problem with that. He also noted that the Council is using this law to enforce the unconstitutional three (3) unrelated law. He noted that the City Court has ruled that the 1988 law was unconstitutional. He read a comment from Attorney Cheney and his opinion on the best ways to handle the issue of over-occupancy.

Randi Stark noted that zoning is important to our cities. She noted that multi-family rental houses are important to this community, but she felt that they should be planned and regulated. She lives in a mixed neighborhood which is largely residential. She noted that if her neighbor decided to put a gas station on that property, she hopes the City would stop that from happening. As of now, she has neighbors that are stuffing their properties full of people. She urged the Council to respect City laws and enforce them.

The Public Hearing was adjourned until Tuesday, June 16, 2009 at 7:30 PM when the Common Council will reconvene in the Council Chambers prior to the regular Common Council meeting.

Mayor Gallagher calls the tenth Common Council meeting of the year to order at 7:30 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Tony Pace noted that down on East Court Street, they were being inundated with dust from the Marietta truck lot. It's making the conditions down there unlivable. He noted that they pray for rain on their street to cut the dust. He has been diagnosed with bronchitis from all of the dust. He can't go outside in his yard or open any windows in his house. He noted that truck traffic is also a problem. He noted the minutes from the Council meeting of a year ago noted problems with trucks parking on Dio Way that would be taken care of and it's still going on. He contacted the NYS DOT about signage being placed on Rt. 81 and they said they couldn't do it because to place Marietta's name on those signs would be advertising. He is still working on this and wants some action down there. He encouraged continued pressure on Marietta to resolve this.

Jo Schaffer spoke regarding the situation with the SUNY Cortland Commencement parking. She noted that it was a once a year event, but this year the NY Jets will be coming to the college and she is concerned about people parking on the neighborhood streets near the college. She asked that the City Council set up some sort of joint

committee with the College to discuss the prospect of controlling parking for the influx of people who will be coming to see the Jets. She hoped that they would use this opportunity to make this a good experience for both the College and the Community. She asked that parking in the R1 district immediately surrounding the athletic fields that they place temporary "No Parking" signs during the time when the Jets are on campus. She asked that the Council encourage the College to use the Rt. 281 parking lot and perhaps they could charge for that. They could perhaps make some money on that and get the parking off of the neighborhood streets. This is a good opportunity to enhance public relations for both the College and the City.

The Mayor noted that there have already been several meetings with all of the police agencies and those issues have been brought to the table. People will be routed to the Rt. 281 parking lot, there will be a charge of \$5 and right now all of the police agencies are working together. One of the issues discussed, was what to do with the people parking in the neighborhood residential streets and that will be dealt with as soon as the committee comes to a decision. They are also working on a traffic pattern to get visitors through the City and to the parking lot. Alderman Tobin noted that he has already spoken with College representatives and they are working on this.

Ray Hamilton lives on Hubbard Street. He noted that two (2) months ago, he got a petition together to keep the trucks off of Hubbard Street. The only thing he has seen since then is that one (1) sign was put up and the trucks are still going up Hubbard Street. He noted that the police put up a speed machine there, but they didn't turn it on. The trucks are still going up and down the street. He has contacted the police and never, once, has he seen the police respond to those calls. He asked something to be done. He suggested that the trucks get off Rt. 81 at Exit 10, go down Pt. Watson Street and turn right onto Pendleton. He noted that if the trucks had a problem with turning onto Pendleton, that it wouldn't take much to move the stop lines on Pt. Watson and Pendleton to give the trucks room to turn. He asked that the Council please do something.

Kathie Wilcox is a County Legislator for District 5 and she lives on South Church Street. She's here to talk about the trucks going to Marietta on Hubbard Street as opposed to East Court Street. She is glad to see that the Council is considering a truck routing system, but she encourages the Council to include South Church Street in that system. South Church Street is not a truck route, has never been a truck route and she has brought this up to several of the Council people in the past as well as the Chief of Police. There has been no resolution to this issue. She noted that there is a "No Truck" sign going onto that part of South Church Street and the trucks are still going up and down there all day long. This street is meant for local trucks only, which is delivery trucks. She asked that South Church Street be included as part of the truck route system.

Minutes of May 5, 2009

RESOLUTION #53 OF 2009 – Approve the minutes of May 5, 2009.

By: Alderman Hamilton
Seconded: Alderman Dye

Approved: Ayes – 8
Nays – 0

Bills were reviewed and received.

Mayor's Report

He attended the 90th birthday celebration for local realtor Jim Yaman. He also attended the BDC/IDA meeting. Executive Director Tom Gillson tendered his resignation. The BDC/IDA has formed a search committee to look for a new director. He met with Tompkins County Trust and also met with the college to discuss Jets coming to Cortland. He met with search committee and Nick Mazza to review candidates for Director of Administration and Finance. He attended the SUNY Cortland graduation. He met with Fran Pizzola, Access to Independence and Clay Benedict to discuss handicapped crossings and he also spoke to Economics class at Cortland High School. He received a call from Marietta. They have a new CEO and a new General Manager and completely unsolicited by the City, they called because they heard neighbors were having problems with the parking lot and they are working on the pot holes there and they plan to have it stoned and graveled within the next ten (10) days. He will be out of the office from May 21 through May 28. He would like to schedule a work session on Thursday, June 11 at 6:00 PM so that Interim Director of Administration and Finance Mazza can do a PowerPoint presentation.

He noted that there was an issue at the Waste Water Plant and he has asked Wayne Swindon to come to this meeting tonight to explain it.

Wayne Swindon noted that an alarm occurred about a day and a half ago at the plant. Operator McCall responded to it and while he was there a main live voltage transformer decided to quit. That put the facility onto four (4) emergency generators. Wayne got in there and got a hold of the live voltage expert out of Cicero. A quick diagnosis was that there was a main blown fuse on the incoming line. An attempt was made to restore power to the main transformer and the fuse blew up in the yard. No one was injured. National Grid personnel were there at the time. The plant is still on line and there have been no violations. This transformer was installed last August of 2008 and it has been professionally serviced and tested for seven or eight years. The City purchased it for \$100,000 with a two (2) year warranty, that's the good news. Unfortunately, it didn't make it even nine (9) months. With that issue in front of us, we rely on Ridley Electric of Syracuse. They were gotten on site. In the meantime we are still running the four (4) generators and using about six or seven hundred gallons of diesel fuel oil to operate them. Ridley wired in some additional equipment that was never intended to run on generators and it looks like our outage time is going to be several days. Until they determine the cause of the failure, he couldn't give the Council a timeframe. He noted that the transformer was lifted today via a crane, put on a flatbed and was moved back to where it was built to be checked out and try to get it repaired and to get it back. It's a

large unit and they typically last twenty-five (25) or thirty (30) years. He thinks that we are going to get warranty coverage on it which will help everyone out. The other bump that was had was that one (1) of the generators that is running full time developed an oil leak shortly after it was placed into service. These machines are professionally serviced and are exercised every week. This machine was installed in 1977. He noted that it is old. What was done was an emergency rental generator was brought in to the plant. The plant is still operating and Chief Operator Harvey Davis has notified the DEC of what has been going on and communicating with them daily. There are no plant personnel at risk and no risk for anyone in the area. There are just some additional noise and diesel fumes. Because of this situation, they have had to keep an operator on duty around the clock in case there is an emergency with one of the generators. If one of those fails, they'd have another issue. They are working towards a solution as quickly as they can. They will keep the City informed on the repairs and situation. Mirabito is supplying diesel fuel for the generators. He noted that since the generator is still under warranty, they will bring up the subject of reimbursement for the costs the City has had to incur because of the generator's failure.

Ward 1 – Alderman VanGorder

She thanked Alderman Feiszli for her hard work on getting the flood maps revised. There are a lot of people in my Ward, who are also very appreciative. She thanked Pat Ready, also. She noted that this took a lot of time and effort and there are many grateful people out there.

She received an e-mail today about a problem with a tree on chestnut Street that she is working on. There was also another problem on Chestnut and she is working on that as well as a couple of other code issues.

She continues to get e-mails and calls regarding the Rental Permit Program. She thanked Chief Glover for putting together an estimate of costs involved and she is extremely concerned about how much this is going to cost, especially as the Council is holding all of these budget meetings to try to come up with ways to cut costs.

She congratulated the Cortland State lacrosse team on once again making it to the finals in Foxboro, Mass. And wished them good luck and good luck to the other Central New York teams. She noted Cornell and Syracuse and LaMoyne, who have a Cortland connection with the White brothers playing on both – Joel playing for Syracuse and Steven playing for LeMoyne.

Ward 2 – Alderman Benedict

He attended the Department Head's Budget Workshop on Tuesday. He also attended the FEMA Map program at the County Office Building. He thanked Alderman Feiszli for setting that up. He will be having a ward meeting on Thursday, May 21, 2009 at 7:00 PM in the Beard Building (1st floor) located at 9 Main Street. The meeting will start off with a workshop: Saving Energy: Saving Money. Workshop presenter Stephanie Hayes will give helpful hints about saving energy thus saving money on utility bills and at the

gas pump. Ms. Hayes is the facilitator for the TST BOCES GO GREEN Initiative. She provided information and training on the topics of resource management, sustainability and conservation. Following her presentation there will be a review of the City Council Highlights for the last year followed by a question and answer session with myself.

This afternoon, he went to see a problem left by a tree removal truck at 18 Hamlin Street. He will continue to work on this. He noted that while he was voting at the School Budget vote, two (2) people complained about the rough condition of Madison Avenue especially near Westfield and near the town house apartments at the Homer Avenue intersection. He attended several events celebrating the Lincoln Bicentennial in Homer and at the Living History Museum. He feels that the Living History Museum will be a great tourist draw for our community. He has received a number of e-mails about the Rental Permit Program. He attended a meeting with the Mayor and Fran Pizzola about making crosswalk signals at Groton and Main Street more handicapped accessible.

Ward 3 – Alderman Dye

He has received numerous e-mails regarding the Rental Permit Program. He noted that people are glad that we are getting to the point where we are holding Public Hearings. There are some concerns that need answers and hopefully, we will have those answers tonight and we can go forward.

He received a phone call from a tenant on Sands Street about how to properly dispose of their final garbage pick-up. He explained what they needed to do and how to go about getting rid of the recyclables they have. He met with the Mayor, Interim Director of Administration and Finance Mazza and Alderman Quail last Thursday night to go over the resumes of applicants for the Finance Director's job. The process is moving along nicely and we should have the field narrowed down for our next Council meeting.

Ward 4 – Alderman Tobin

He is still working on some housing issues and will be scheduling a Housing Committee meeting. He is also going to speak to a Vice President at TC3 to try to get them actively involved and to discuss student housing issues. He also left a message for the company in North Carolina regarding their wanting to potentially build a student housing facility on Pendleton Street. He will keep everyone updated. He met with Alderman Quail, the Mayor and John Daniels to discuss consolidation and what can be done to streamline budgets. He announced the Red Cross is having a fundraiser golf tournament on Saturday, June 6 starting at 9:00 a.m. at Walden Oaks.

Ward 5 – Alderman Quail

He has been working on several code issues. He brought up the issue of garbage sitting on the sides of the streets of homes where college students have moved out of the units there. Sometimes the garbage sits there for a week and he wondered if the Council should address that. He felt it was very unsightly and the crows have gotten

after some of it. He feels something should be done. He noted that there have been some blacktop issues on Owego Street and Denti Way. He noted that Ward 5 took a bit of a hit with the flood zone map and he was not aware that his Ward had been left out of the review. He thought the letter was for all areas, but the letter indicated that it was just for Dry Creek and Otter Creek areas. He will continue to work on this.

Ward 6 – Alderman Feiszli

She noted that Morningside/Colony and Parkwood Drive have been milled and the Water Main Replacement is moving along. She received calls of concern from Hickory Park Road residents about their property being listed in the flood plain. The lower areas of the back yards are in the 100 yr. Flood zone, but all of the structures are out which means that they are not required to pay flood insurance. She was interviewed on WHCU regarding the appeal to FEMA. She spoke to DOT about keeping the temporary sidewalk under the 81 overpass after they complete the bridge repair work. She received a concern about the discontinuation of funding for the Tioghnioaga River gage that notifies the National Weather Service and Cortland County Emergency Department in the event of high water and flooding events. Brenda DeRusso (Emergency Management Coordinator) will speak to the County. I also contacted Congressman Mike Arcuri's office and was told that they have been working closely with Congressman Hinchey and other members to find additional funding sources for the gauge since my first request last year. Congressman Arcuri has also joined other members in signing a letter to the Chairman of the House Commerce, Justice, and Science Appropriations Subcommittee requesting that 2.4 million be included in the fiscal year 2010 spending bills for the Susquehanna River Flood Forecast and Warning System. This funding would allow the re-activation of the stream gauges in the event that the Tioghnioaga River gauge is shut down and we should know if funding is available sometime mid summer. The meeting to allow the public an opportunity to review the revised flood plain maps was held last Thursday evening. I would like to thank Amy Bertini, the City's Flood Plain Manager; Pat Reidy from Cortland County Soil and Water and Eric Lopez, Cortland County GIS specialist for attending and assisting the public with the maps. A revised Flood Plain map showing aerial views should be available on the City website sometime this week. The aerial views will enable viewers to see structures in relation to the flood plain line. There has been concern from the 5th and 8th Wards about properties near Perplexity Creek now being in the flood zone. I explained that with the Council's approval, the City could hire an engineer to study Perplexity Creek and design a system to mitigate flooding. After the improvements are made, a Hydraulic Analysis of the Creek would be conducted. This analysis would then be used to request FEMA for another study to reduce those flood plain areas. A similar procedure could also be used for Otter and Dry Creek after the berm is constructed in an effort to further reduce the flood plain in those areas as well. Funding assistance through SEMO to help offset the cost of engineering and water mitigation improvements will be available after the County's Hazard Mitigation Plan is completed and approved by FEMA. According to Brenda DeRusso, this process is expected to be completed by February of 2010.

She attended the Planning Commission meeting to review the proposed site plan at the Riverside Plaza that includes an 8' wide river walk and she distributed a site plan which

had been submitted. She attended the East End Strategic Planning Committee meeting where we finalized our Vision Statement and continued to look at ways to address areas of concern such as the vacant gas station. She received a call from the Hospital's engineer regarding additional work at the Child Care Center parking lot on Homer Ave. I notified the captain of the area neighborhood watch to alert residents and call if there are any concerns or issues.

Ward 7 – Alderman Hamilton

He continues to receive complaints regarding problems related to the tractor trailers traveling in and out of Marietta buildings on the East side. He will continue to search for acceptable solutions. Alderman Feiszli has been asked by residents in the 7th Ward, including me, if she could help us out and she has said that she would.

He has had several comments made by residents about the “revised flood zone map” and the appeal process. They, as well as myself, think that Alderman Feiszli has done a very good job on this. People have said it is not often that you get FEMA to admit that they were wrong. He thanked Alderman Feiszli for her hard work.

He noted that the Saint Anthony's Festival will be taking place on Friday, June 12th through Sunday, June 14th. There will be food and entertainment all three (3) days. He stated that for information, the public can go to their website at SaintAnthonyFestival.org. He also stated that Stephanie Passeri, from St. Anthony's, has told him that Saint Anthony's recently received official word from the Diocese that Saint Mary's and Saint Anthony's are not going to merge. They will be, instead, linked, which means two (2) parishes, two (2) corporations and two (2) buildings and one (1) pastor, Father Mark Kaminski. This is good news for everyone. His Ward has been quiet, otherwise.

Ward 8 – Alderman Michaels

He extended a special thank you to the Flag Committee for placing the flags back on Main Street. This was done over the weekend. He attended the preview of the proposed outline of the flood plain maps at the County Office Building. He noted that there were two (2) lights out at the intersection of Main Street and Pt. Watson Street. This makes for a very dark intersection. He received a concern regarding the deteriorating wall at the Water Works. He will speak to Chris Bistocchi about this.

He received concerns from a resident as to why Perplexity Creek was not included in the proposed draft flood plan. He spoke with Pat Reidy as well as Alderman Feiszli regarding this issue and will work towards a Plan 2, to get this included in the plan. He noted that there will be a cost to the City because this had been left out of the first process. He hopes that Phase 2 will have the full support of the Council, much the same as they supported Phase 1 for the residents of the North End so they will be included in this program.

He did a ride along with the City Police Department. He does this twice a year to see the new equipment. He observed the new tasers being issued. The cruiser he was riding in on Friday night responded to the robbery call on North Main Street. They were able to respond quickly as they were right in the area. There were witnesses in the area and they were able to get a good description of the suspects and a chase through the neighborhood ensued and both suspects were apprehended within twenty (20) minutes. He thanked the County's K9 Unit for responding. The dog was instrumental in apprehending one of the suspects.

RESOLUTION #54 OF 2009 – Consideration of a Resolution authorizing the adoption of a proposed salary for the position of City Assessor.

Alderman Michales asked if the current contract was a three (3) year contract. Interim Director of Administration and Finance Mazza, was not sure of the terms of the current contract, but noted that this motion would end that agreement. He noted that it had been brought to his attention by decisions from the Office of Real Property Tax Services legal staff and the Comptroller's Office that it is not legal to have an assessor under contract. The assessor must be an employee of the City. Mr. Briggs brought this to his attention. The proposed salary is \$44,800 with no health insurance benefits. It is the same amount of money that was agreed to in the current contract. Details about paying for the cost of office overhead, postage and computer use, still need to be worked out. This should not exceed the total amount of the current contract. He noted that the term for Assessor is for six (6) years. Alderman Michales asked what the amount of increase will be each year. Mr. Mazza noted that was up to the Council to review it each year at budget time. It was noted that the vote tonight was for the proposed employee salary plus the pension benefits on top of that, which would amount to about \$50,000. The current contract for salary, benefits and contractual benefits is for \$60,000. It was noted that by becoming an employee, the City will be paying for the FICA costs and his pension. He will not receive compensation time. It was asked if the Council should post this position to see who might apply. Mr. Mazza didn't feel that was wise to do at this time, especially with the in rem process beginning. He also felt that Mr. Briggs was doing a good job. He was using equalization rates to determine that. He felt that in the future, the Council could talk to the County with regards to shared services. There were concerns expressed regarding the terms of the contract. Corporation Counsel Lawrence Knickerbocker was charged with negotiating the terms of that contract with the hopes that there would be a favorable impact on the 2009 budget.

By: Alderman Dye
Seconded: Alderman Tobin

Approved: Ayes – 8
Nays – 0

RESOLUTION #55 OF 2009 – Consideration of a request from the VFW to close a portion of Main Street from Court Street to Tompkins Street for Memorial Day celebration on Monday, May 25, 2009 from 10:00 A.M. to 12:00 Noon.

By: Alderman Benedict
From: Alderman Michales

Approved: Ayes – 8
Nays – 0

RESOLUTION #56 OF 2009 – Consideration of a request from the Main Street Music Series Committee to waive the open container alcohol regulation and to close the Market Place Mall parking lot at 1:00 P.M. on Fridays from July 10 through July 31, 2009 for the 2009 concert series.

Police Chief Nichols noted that the open container regulation is waived for the parking lot only.

By: Alderman VanGorder
Seconded: Alderman Quail

Approved: Ayes – 8
Nays – 0

RESOLUTION #57 OF 2009 – Consideration of the confirmation of the appointment of Trevor Bilodeau to the Cable Commission (Village of McGraw).

By: Alderman Benedict
Seconded: Alderman VanGorder

Approved: Ayes – 8
Nays – 0

RESOLUTION #58 OF 2009 – Table the Consideration of a Resolution to authorize the mayor to enter into a Project Development Agreement with Johnson Controls for Phase Two of the NYSERDA Project to include the replacement of the 1939 anaerobic digester complex at the Wastewater Treatment works.

Information on the project was distributed to the Council. Chris Calware from Johnson Controls gave a presentation on the project. He noted that the facilities evaluation will be completed by sometime in July. He was here this evening to discuss the possible replacement of the anaerobic digester through an energy performance contract. He gave an overview of what performance contracting is. This is a concept of constructing, procuring and financing of energy saving projects. There is typically a performance or savings guarantee. Our approach is to provide a fixed contract price allowing for no change orders and the legislation allows for these projects to be financed through lease/purchase agreements as opposed to general obligation buying. This does not impact debt capacity and interest rates are competitive. Typically, municipal projects are financed over a fifteen (15) year period and this project will have an expected life of the equipment of thirty (30) years.

The current digester was installed in 1939 and has reached the end of its life. He noted that an egg shaped digester was more efficient and requires less maintenance and cleaning. The price is about eight (8) million dollars over the thirty (30) years expected life of the system, would be cash flow positive. He described the development of the project and showed a timeline. There would be an energy audit. Phase I would be about a twelve (12) week effort and then after the Council reviewed this, they would decide whether or not to proceed to Phase II. If the City moved to Phase II, they would get to a thirty (30) percent design point. At the completion of Phase II, Johnson Controls would present the City with a proposal to start implementation and construction. That would last about a year and a half. He noted that the first payment wouldn't be due until the beginning of 2011. They are requesting, this evening, approval to proceed to Phase I. He outlined the points of Phase I which would be evaluation. He noted that if the City decided to proceed to Phase II, then the cost of Phase I would be rolled into that cost.

He then outlined Phase II, where they would provide a fixed price for the project. They would make the equipment selection and structural modifications. They would come back for authorization from the Council to begin Phase II, which would be about a twenty (20) week effort. He couldn't pinpoint the cost of Phase II. That could only be done after Phase I was completed.

He noted that they would complete applications for stimulus money on the City's behalf. There are several programs that are available for these types of projects. There is also grant funding that could be applied for and they would do the applications. It is competitive grant money. Alderman Quail asked how that would apply to the contract as it was not noted in there. Mr. Calware noted he was asking for their support of this project as it was stand alone from the energy audit project. Alderman VanGorder asked why they didn't include the digester in their 2008 study and why Stearns and Wheeler didn't include new digesters in the thirteen (13) million dollar plant upgrade in 1995. Mr. Calware noted that the technology is so much different than what the other project entails, so they treat it as a stand alone project. Alderman Feiszli asked if they had spoken with anyone about this. He noted that Harvey Davis had spoken to them about this. Alderman Feiszli asked what the cost savings would be and what would give NYSERDA the incentive to finance this project. Bruce Adams noted that methane gas can be used to fire an electrical generator. Ithaca has co-generation now and they have saved quite a bit off of their electrical bill. He noted that they currently use methane in their boiler to provide heat to maintain the digesters at their correct temperature. The digesters are currently being used outside of their scope of intent. It described the process of the digesters and the fact that the digesters are not completing full decomposition at this time. This increases costs. Mr. Calware noted that NYSERDA is always looking for new ideas and new ways to save energy and he believed that this would be one of the first applications of using digesters like this in New York State. Alderman Feiszli asked if they had an outline of the pay back on the eight (8) million dollars based on the savings for generating the methane. She also asked if the cost of this could be shared by all users, such as Cortlandville. It was noted that it would be factored into the water and sewer rates levied. Alderman Quail asked them to outline the benefit by going through Johnson Controls as opposed to applying for stimulus

funds directly from the government. Mr. Calware noted that the performance contract and the utilizing of the lease/purchase agreement without having to go to bonding were incentives. Alderman Quail noted that the City could go out to bid on their own and have other companies bid on this and perhaps come in with a better proposal. Mr. Calware noted that if his company was successful in obtaining stimulus money it would all go directly to the City. It was asked if Corporation Counsel Knickerbocker had reviewed this contract. He indicated that he had reviewed the first contract, but had not reviewed this contract. It was asked why NYSERDA couldn't do this work. Mr. Calware indicated that they supported this work, but they did not perform the work. He also noted that his company guaranteed the savings. Interim Director of Administration and Finance Mazza asked him what his estimate was of the first lease payment. Mr. Calware wasn't prepared to answer that. Concerns were expressed that Mr. Mazza had not had the opportunity to review this and that this should be decided upon once a permanent Director of Administration and Finance was on board. Mr. Calware noted that the reason why they would like a decision on this was to get it in the works before the various sources of funding dried up. He indicated that he did not know if the cost savings would offset the expense of the project on an annual basis. Mr. Mazza noted that there was no way that they wouldn't have to raise the funds through rate increases. He felt that this proposal should be looked at, studied and compared to a traditional approach. Alderman VanGorder asked if they could apply for the stimulus money in the meantime, while this proposal was being reviewed. Mr. Calware indicated that he had no idea. Corporation Counsel Knickerbocker noted that in a conversation with Harvey Davis that he had mentioned that there was some funding stream that was very brief. Mr. Calware indicated there was a program that would pay for up to ninety (90) percent of the program, but that would depend on how many applications they received and applications are due by May 29. There was some discussion regarding the retirement of an existing bond, so that there would be no new debt financing. Alderman VanGorder felt that they would like to see what this was all going to cost before they decided. Alderman Michales noted he would like to see this all mapped out a bit better so that the Council could make some sound judgments. Mr. Mazza felt that they should do some comparative analysis. The Council asked that Mr. Mazza and Lori Crompton take a look at this and give them some direction on this. Alderman Tobin noted that he would've liked to have heard about the increased costs related to the old digesters at their May 12 Budget Meeting so that they could have a better understanding of this process.

By: Alderman Quail
Seconded: Alderman Benedict

Approved: Ayes – 8
Nays – 0

Item #6 – Consideration of a Resolution designating the Common Council as Lead Agency for the Cortland County Water Works Berm Construction – SEQRA Process (Alderman Feiszli).

Corporation Counsel Lawrence Knickerbocker stated that this had been done back in March 2009. Alderman Feiszli asked if anyone had from the DEC. It was noted that when the City Council went through the SEQRA process it would be necessary for Chris Bistocchi and Pat Reidy to be present. Corporation Counsel Knickerbocker spoke with Chris Bistocchi about his construction calendar and he asked that they put the SEQRA process on the agenda for either June 16 or the first meeting in July. They decided that they would put it on the June 16, 2009 agenda.

RESOLUTION #59 OF 2009 – Consideration of a Resolution to request the Mayor to write a letter to NYSDOT requesting that a STOP LINE be placed 7' to 10' from the intersection of Port Watson Street and Pendleton Street to allow a wider truck turning radius (Aldermen Feiszli & Hamilton).

It was noted by the Mayor that had been done last year, after he, Chief Nichols and Mike Preston had gone down and reviewed it. The line had been moved back seventeen (17) feet. Alderman Feiszli stated that it was her understanding that because it was a State route they needed to get permission from NYSDOT to do that. She noted that because they were milling the street this summer, they will put the line back where it was originally, unless we make this request. She spoke with the NYSDOT today and shared a letter she received from them with the rest of the Council. She noted that the Council would have to approve this whole truck route proposal before the NYSDOT could proceed further. She noted that all of these items flowed together. It was asked why this had to be a resolution, why couldn't it be addressed by Public Safety. Alderman Feiszli noted that she had spoken with Mike Preston and he didn't recommend that they do it that way. She went on to give a history of this truck route situation and the proposed solutions needed. There was discussion regarding if this had gone through Public Safety prior to this. Alderman VanGorder noted that the resolution could be done with the recommendation that it go through Public Safety and then if they approved it, referred to the NYSDOT. Alderman Tobin felt that they should go through the process of giving it to Public Safety first and then have it come to the Common Council with their recommendation. Alderman VanGorder noted that Public Safety had already approved it. Alderman Michales noted that there was a school crossing on Pendleton and they were going to increase truck traffic where kids would be crossing. He was concerned about the increase in truck traffic. Alderman Hamilton also noted that the light pole on the corner of Pendleton Street at the Hess Station had been hit many times by trucks using that intersection. Alderman Feiszli noted that Pt. Watson Street was already designated as a truck route. Chief Nichols was called upon to give some information. He stated that trucks weighing over five (5) tons were allowed on City streets to make local deliveries. He noted that the City had the same ordinances that all surrounding communities had regarding truck traffic. This included Auburn, Ithaca, Syracuse, etc. He noted that there is a truck route system established in every community. He noted from those highways, the trucks may leave the truck routes to make their deliveries. Alderman Feiszli noted that Rubbermaid had established this truck route years ago. She also had contacted NYCOM for their interpretation of our current code. NYCOM's interpretation from Katie O'Neill was that the City of Cortland's Charter only allows trucks in excess of five (5) tons to drive on the roads detailed in Section 11. However, there does appear to be a section carved out to

allow entrance and egress on those roads necessary for travel to pick up and deliver goods as pick up and delivery should not be prevented. This could be used to prohibit travels on highways that might be more convenient, but have not been designated. Chief Nichols indicated that they have been going through this since 1969. In 2003, the Council removed Groton Avenue from that system saying that only trucks making local deliveries can use Groton Avenue. He noted that trucks in excess of five (5) tons can't use Groton Avenue unless they are making a local delivery. He noted that if they removed Hubbard Street, what would happen if they began to use Elm Street. Alderman Hamilton noted that Marietta had mapped out the truck route for trucks to take Exit 10 and use Pt. Watson Street. There was further pro and con discussion regarding establishing a truck route using Pt. Watson Street to Pendleton Street to East Court Street. It was noted that this was not deviation from a truck route for local delivery, but was industrial traffic. Tony Pace stated that he had spoken with a NYSDOT representative who stated that the Council needed to pass a resolution or they would repaint the stop line back to its original location and that they needed to pass the resolutions listed here if they expected the NYSDOT to back them up. Mr. Pace said he asked them specifically if they got the trucks off of Hubbard Street, couldn't they go on other streets and the DOT representative told him, "Not if you designated it as a Truck Route". If the trucks go off it, the police can ticket those trucks and the word will get around and the trucks will stop driving over those streets. There was further discussion regarding enforcing and ticketing for violations. Alderman Michales noted that these intersections were designed years ago and don't accommodate today's larger trucks. Tony Pace noted that when Rubbermaid was there, they used the section of Pendleton Street and a section of East Court Street to get to their loading docks. They were never all over the neighborhood.

Alderman Feiszli noted that the DOT spokesman had told her that once these resolutions were approved, they were to write a letter to the NYSDOT Traffic Safety. They review it and then it goes to Albany for their review. Chief Nichols noted that they were adding more routes to the Truck Route system. Alderman VanGorder noted that they were designating a truck route and restricting them from the other streets. Chief Nichols noted that the trucks actually came down Pendleton Street to a loading dock area on East Court Street and they unloaded unfinished product. The empty trailer is then transferred to the storage facility on East Court Street. When those trailers are again needed they are brought over to the Hubbard Street, Elm Street loading dock area. Once they're loaded, they leave the Elm Street side. That vehicle does not go all the way back over Hubbard, Dio Way and East Court. There was more discussion regarding the definition of a local delivery. Chief Nichols explained again the reason why a truck route was established.

Corporation Counsel Knickerbocker suggested that the Council refer all of these issues to the Board of Public Safety. That's what their job is and they'll compare definitional sections such as local and industrial delivery. They'll talk with NYSDOT, look at maps and come back to us with their recommendations. Chief Nichols also mentioned that they had already talked with Public Safety and DOT last year about moving that pole back on Pendleton and Pt. Watson.

By: Alderman Benedict
Seconded: Alderman Tobin

Approved: Ayes – 8
Nays – 0

RESOLUTION #60 OF 2009 – Consideration of a Resolution to request the Mayor to authorize Public Safety to paint a STOP LINE to be placed 7' to 10' from the intersection on Pendleton Street and Port Watson Street to allow a wider truck turning radius (Aldermen Feiszli & Hamilton).

By: Alderman Benedict
Seconded: Alderman VanGorder

Approved: Ayes – 8
Nays – 0

RESOLUTION #61 OF 2009 – Consideration of a Resolution to request the Mayor to obtain a written document from Marietta for placing dust control on East Court Street trailer parking lot to keep down dust and protect the health of neighborhood residents and that this document be provided in a timely manner to the Council for their approval (Aldermen Feiszli and Hamilton).

Alderman Feiszli stated that this was pretty much self-explanatory. She noted that Marietta had agreed to put down the calcium chloride at the end of this month and the next was scheduled for September. Depending on the weather and the dryness, it might not last the whole summer when it's windy. She'd like it to be done more frequently, on an "as needed" basis. She requested that Marietta give the Council a schedule. It was noted that they had heard they were putting down tar and stone, which would be better, but they need to give it to us in writing. She noted that if they did not follow their schedule, it was her understanding that all of the parking lots in the City of Cortland need to be paved. It was noted that this was not true. Chief Glover stated that would be true if they were constructing a new parking lot, but this is an existing one. She noted that the Mayor had told her that Rubbermaid had an agreement with the City to maintain a parking lot with oil. The Mayor denied having told her that. It was noted that this situation had already been reported to the Health Department. Alderman Michales noted that couldn't the Council ask Marietta to step up their tar and stone schedule to accommodate some health issues. Alderman Feiszli felt that if the Council was given a written schedule that would be better. She also noted that the residents of Port Watson Commons who live in the back can't open their windows because of the dust. Alderman Hamilton noted that there are residents in his ward that can't be outside to barbeque or anything because of the dust. The Mayor agreed to send Marietta a letter and would copy the Health Department.

By: Alderman Tobin
Seconded: Alderman Benedict

Approved: Ayes – 8
 Nays – 0

Item No. 10 – Consideration of a Resolution to request the mayor to include north of Pendleton Street (from port Watson St.) to East Court Street to the entrance of Marietta as an allowable Truck Route and to be included in ARTICLE XI (Truck Route System) of the City of Cortland Code (Aldermen Feiszli & Hamilton).

This will be referred to Public Safety and the Council will await their recommendation.

Item No. 11 – Consideration of a Resolution to request the Mayor to include East Court Street from the railroad tracks to the entrance of Marietta Trailer parking Lot as an allowable truck route and to be included in ARTICLE XI (Truck Route System) as per Chapter 11-167 of the Charter and Code for the City of Cortland (Aldermen Feiszli & Hamilton).

This will be referred to Public Safety and the Council will await their recommendation.

Item No. 12 – Consideration of a Resolution to request the Mayor to instruct the City of Cortland Police Department to enforce traffic regulation of the City, to make arrests for traffic violations and carry out those duties specifically imposed upon the Police Department as per Chapter 11-167 of the Charter and Code for the City of Cortland (Aldermen Feiszli & Hamilton).

Alderman Feiszli felt that this was poorly written by her and she apologized if it offended anyone. She was only looking to make the law effective by stronger enforcement. She asked that this be taken off of the agenda.

Item No. 13 – Consideration of a Resolution to request the Mayor to instruct the Department of Public Works to clean out storm drains located in front of 11 and 12 Euclid Avenue (Alderman Feiszli).

Alderman Feiszli noted that when they have heavy rains, this areas floods. Alderman Quail asked if she had contacted Public Works to have them clean it out. Alderman Feiszli stated that it was her understanding that every request had to go through the Mayor. It was noted that this should've been a Ward report item. Alderman Feiszli asked the Mayor to follow through on this.

Item No. 14 – Discussion regarding auditing the financial details of departmental operations.

Alderman Feiszli had brought this up before. According to the Office of the New York State Comptroller a performance order includes the study of the economy and efficiency of departmental operations and whether the department has complied with laws and regulations. The results of such an audit would give the Council, Mayor and the incoming Financial Administration a clear understanding of current department procedures which would allow them to make any changes deemed necessary to

improve efficiency. Alderman VanGorder asked who performs this audit and what the cost would be. Alderman Feiszli noted that there would be no cost for this audit and the Comptroller's Office performs the audit. Interim Director of Administration and Finance Mazza noted that the Comptroller's Office does performance audits. He noted that the Comptroller's Office will not just come in and do a wide spread audit of performance. If the Council has concerns about a specific department, the Comptroller's Office will come in and look at that department. He asked that a meeting be set up with him and the Council and in a private way; indicate what they are looking for. The Comptroller's Office will want to know what the Council's concerns are and what area the Council is looking at and how their findings will be implemented. Alderman Quail noted that an annual financial audit is done every year and he has a copy of the latest one from 2007. There are recommendations in that audit for improving controls.

Item No. 15 – Discussion regarding the Director of Administration and Finance vacancy (Nick Mazza).

Interim Director of Administration and Finance Mazza stated that the search committee has met, they've gone through all of the resumes and they are in the process of scheduling a number of interviews in the month of June. It is his hope to have the committee's recommendation to the Mayor by late June or early July.

Item No. 16 – Discussion regarding zoning of City properties (Alderman Benedict).

Removed from agenda

Item No. 17 – Discussion regarding a proposed Vehicle Use Policy (Alderman Feiszli).

Alderman Feiszli has spoken with Interim Director of Administration and Finance Mazza. She noted that if she wanted one, she would have to write it. She noted that it wasn't a Councilperson's responsibility, but if the Council wants to have a policy they would have the Mayor authorize the incoming Director of Administration and Finance to draft one or any other policy that the Council would desire. This was Mr. Mazza's recommendation.

Item No. 18 – Discussion regarding the Rental Housing Permit Program.

Alderman Tobin noted that they had were talking about having another housing meeting and meeting with TC3. He noted that Mr. Cheney, Esq. was present to answer questions this evening. Alderman Tobin noted that there was discussion regarding the changing of the wording allowing an owner occupied dwelling to be able to self-certify for their own unit as well as their rental unit. He was concerned about the legal obligation if something were to occur in the renter's half, when the owner had self-certified their unit. Chief Glover felt that it was a safety issue. He noted that what would make an owner qualified to inspect their rental unit and he felt that allowing this would create a problem. Chief Glover noted that there were perhaps about three hundred rental units in owner occupied buildings. He also went on to note, that if the owners were able to self-certify their own units in a multi-unit building, what they might miss in their unit may impact the health and safety of the renters living in the other units.

Alderman Michales asked if they should consider moving away from owner occupied self-inspections. Alderman Quail noted that his focus was not to increase costs. He wouldn't support a program that would add more costs to our current cost structure. He noted that they should look at outsourcing it. Chief Glover noted that from day one, he has stressed, that the Council let him know what they expected his department to do and he would come up with a fee schedule that would cover the costs of this program. He has stressed that he would need additional personnel, equipment and software to implement this program. He noted that he did not want them to pass a law, that he could not enforce a year from now. Alderman Michales felt that perhaps they could phase it into next year's budget and not absorb the whole cost this fiscal year. It was noted that they would do the registration period first and then perhaps bring someone on at a lower pay scale than a fireman's pay. Alderman Tobin noted that they would like to have another housing committee meeting to try to come up with recommendations for implementation to keep the costs manageable and not increasing the costs for the taxpayers. Maybe the fees will be able to what we want to do. Chief Glover stated that there will be a lag time from the time the program is implemented until the program generates income from the fees. The Council will have to front that money. He noted that if this law was passed, that he would have to prosecute those who did not comply. He also noted that notices regarding this law and registration would have to be sent out to landlords using certified mail and that would cost about \$8,000 for fifteen hundred (1,500) mailings. There is an awful lot of work involved in just the registration process. Process servers have to be hired for non-compliant landlords and he doesn't know what would have to be done regarding those who live out of state. Alderman Benedict asked if they couldn't just send the notices via first class mail and only use the certified mail for those who don't register. Chief Glover noted that he had been down this road before in 2002. Alderman Tobin felt that the Code Office could phase the costs in over a period of time, but the housing committee would have to talk about this and look over the costs and decide what to spend the money on first. It could be the mass mailing, the certified mail, etc. The housing committee will come up with a recommendation and then they can move forward.

Corporation Counsel Knickerbocker noted that what the Council has before them now, is what they will be voting on June 16, 2009. He noted that if the Council wanted to make any changes to that and have it set on the table that would have to be done tonight. Otherwise, what we have now is what you are going to vote on. He went on to say, that if the Council went on to the public hearing on June 16 and the Council decides to make some amendments or some changes, at that point in time, we would have to amend the Local Law, set on the table and it would not be able to be voted on at least until the next meeting. He wanted the Council to be very clear in their understanding of this. They could not make changes to the Local Law on June 16 and then vote on it the same night. The Local Law has to be on the table in final form. He noted that what they have in front of them right now is what they will be voting on June 16, 2009. He noted that the housing committee could meet, but if they came back with proposed changes on June 16, you won't be able to vote on the law that night. Alderman Feiszli asked if a SEQRA would have to be done on this. Corporation Counsel Knickerbocker stated that a SEQRA would have to be done on June 16, 2009. It was asked about a change in a definition and if that was addressed after this meeting,

but before the next public hearing, could that be done. Corporation Counsel Knickerbocker stated that it would make the Local Law in its final form at the June 16, 2009 Council meeting and the Council would then be voting on it in July. He stressed that any changes the Council wished to make to the Local Law, would have to be done tonight at this meeting in order for them to vote on it June 16. Alderman Michales noted that Attorney Cheney was present and if they had questions, they could ask him tonight.

Alderman Benedict noted that they had a straw poll letting the owners self-inspect. He noted that if they wanted to change that, it would be fine to change it now, but people seemed to be comfortable with the owners self-inspecting their own units. Alderman Michales noted that he had gone to an owner occupied unit on South Avenue on Friday night and he wished that some of the Council members had been with him, because he would've asked the question then, if they wanted owners to self-certify their units. Alderman Feiszli noted that if there were complaints or suspicions of violations, then the Code Office would go ahead and do the inspection. Alderman VanGorder was more comfortable with doing that. Alderman Feiszli noted that Raleigh had a law like that.

It was then noted that three (3) family homes, the Code Office already inspected and that what was in question was the two (2) family homes and single family dwellings. It was brought up one more time that did the Council want to allow self-certification of owner occupied two (2) family homes for both units with the stipulation that if there are any complaints then it would be inspected by the Code Office. The Council felt that was a reasonable concession. Alderman Hamilton noted that he was in agreement with Alderman Michales, that some two-family homeowners are not qualified to self-certify. Alderman Hamilton also noted that all complaints had to be filed by the renters, and it could not be done by an outside party. The Council asked if the law could be revised so that an outside party, such as a neighbor or a police officer, etc., could file the complaint. Chief Glover noted that the tenant controlled his space and the landlord controlled his space and he would have to get a warrant to go in to the landlord's space. Alderman Tobin asked if the tenant didn't want to raise the issue in a two-family, owner occupied dwelling, could an outsider file a complaint. Mr. Cheney noted that the owner or a tenant could refuse an inspector's entry. Chief Glover noted that this was the case with or without this Rental Permit Law. Corporation Counsel Knickerbocker noted that there was a jump from a complaint to an administrative warrant. An administrative warrant had to come from a judge and the judge would want to see what proof was being submitted. Someone walking down the street, claiming they saw something, probably wouldn't be enough for a judge to issue an administrative warrant. If the evidence presented was a bit more tangible, then maybe the judge might issue an administrative warrant. It depends upon the degree of proof being put before the judge. The Mayor noted that if the tenants and owners all refused, then there would be many applications for administrative search warrants in two-family, owner occupieds.

Alderman Tobin asked if the ordinance could be amended in the future. He was told that it could be amended. He went on to say that if they allowed self-certification for both units in owner occupied two (2) family dwellings and if they found they were running into a lot of problems, then the Council could make a change to the ordinance. Mr. Cheney noted that they could. If they found a part of the ordinance wasn't working,

then they could come back and change it. Corporation Counsel Knickerbocker told the Council that they could try it for awhile and see how it worked. Alderman Tobin stated that they would make the amendment tonight allowing self-certification for both units in an owner occupied two (2) family dwelling and if and when the law passes the Council designate a time period and get a report back from Code Enforcement. If they find that this is an issue, the Council will then revisit the ordinance. He asked what the rest of the Council thought. Alderman Michales felt that this would allow some people to get by with certain safety violations. It was hoped that tenants wouldn't want to risk their lives and that they would raise the issues. The Council seemed to be comfortable with this and they took a straw poll. It was noted that should be added to the Local Law. Chief Glover asked if he should give the owner a checklist of items in their mailing. He was encouraged to send that.

There was some discussion regarding common areas. Mr. Cheney noted that common areas were treated a bit differently. It was noted that a common area definition was not presently included in our ordinances. Mick Pace asked that if it was a two (2) family owner occupied house and the owner was able to self-certify both units, what would happen if the rental unit was over-occupied by five (5) students. Corporation Counsel Knickerbocker noted that it was not legal, but if the owner self-certified and says there are only three (3) people in there, then that's what you are faced with. Mr. Cheney noted that the law now read with a section about common space. Alderman Benedict asked if it could now read as "all living space". Mr. Cheney said it could and they went through the law. He would also add a definition of "common area" which would allow a Code Officer to enter into a unit into a common area. Alderman Benedict noted that they were including the common areas as well as the kitchens and bedrooms. Chief Glover had no problem with that. Alderman VanGorder asked where they were with allowing other entities to inspect. She wanted to know if there were any approved entities. Alderman Tobin noted that they had spoken about Section 8 inspections and whether or not they would be acceptable and they haven't decided about that yet. He asked if that would have to be included in the ordinance. Mr. Cheney noted that it would have to be added, as right now they had the Code Officer. They'd have to word it so that it would be allowed. He did note that the one reason they might not want to allow that, would be to control the consistency of the inspections. Alderman VanGorder asked if they could develop a checklist so that Bruce Weber could inspect. Alderman Feiszli stated that she had always been an advocate of the Code Office having more help so that they wouldn't be overburdened. Alderman VanGorder noted that they could put in the law, "someone approved by the Common Council or Code Office", to prevent an unscrupulous inspector. Alderman Benedict was concerned that false documents might be filed by outside inspectors being paid by homeowners. Chief Glover noted that this might be a labor union issue and currently a union contract is in effect that says Code Enforcement does code inspections. Corporation Counsel Knickerbocker stated that was true. The Mayor noted that to allow others to inspect, the Council would have to negotiate that with the union. Corporation Counsel Knickerbocker noted that the contract in effect was up in 2010. Alderman Tobin asked that the wording in the law be "inspections done by Code Enforcement or their designee", thereby allowing others to inspect if that was negotiated in the next firefighters' contract.

Corporation Counsel Knickerbocker noted that there were two (2) changes being made to the Local Law now before them:

1. Is self-certification of two (2) family – self-certification of both sides by the owner occupant.
2. And language relative to Code Enforcement will also include “or their designee”.

That will put the Local Law in final form. That’s what the Local Law will be, that’s what will be presented here on June 16, 2009 for a vote after the Public Hearing.

Adjournment

By: Alderman Tobin
Seconded: Alderman Dye

Approved: Ayes – 8
Nays – 0

I, JOHN O. REAGAN, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 19th DAY OF MAY 2009. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER