



City Council Minutes  
The City of Cortland  
July 7, 2009

Council Meeting #13  
July 7, 2009  
Regular Session  
City Hall  
7:00 PM

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

Staff Present: Director of Administration and Finance Bryan Gazda and  
Corporation Counsel Lawrence Knickerbocker

Deputy Mayor Dye calls the thirteenth Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Anne Doyle again requested that the Common Council hire an assistant for Corporation Counsel Lawrence Knickerbocker. Her second request was that the Council members use their microphones when speaking so the audience could hear them better.

Randi Storch read a statement thanking the Council for their support of the Employees' Free Choice Act. She asked them to vote their support for this Act. She gave a history of this Act and the Wagner Act.

Howard Botwinick, a professor of economics at SUNY Cortland. He spoke in favor of the Free Choice Act and gave a history of labor rights.

Marc Keith spoke in support of the Free Choice Act. He is a union representative for Local 200 United, SEIU here at City Hall. He gave a history of union organizing attempts over the years and problems that had been encountered.

Kathleen Kania came with questions for the Council. She is a college graduate looking for work. She asked for insurance information regarding the Cortland Parks Apartments on Rickard Street because she fell and suffered injuries including amnesia. There was also a hit and run involving her car and she would like to be compensated. She also noted that there was consistent flooding in the parking lot there. She noted the

apartments do not have a good reputation. She had a list of complaints regarding the property. Alderman Feiszli stated that she would be in touch with her after the meeting.

David Marsh is President of the Tompkins Cortland Building Trades Council and Treasurer for the Mid-state Central Labor Council representing about eight thousand (8,000) workers. He spoke in support of the Employees' Free Choice Act.

Jo Schaffer spoke regarding the Employees' Free Choice Act and her support for this Act. She noted that it was important for the City of Cortland and described her various reasons why she felt it was important.

Gary VanGorder, Director of the Cortland Chamber of Commerce. He is against the Employees' Free Choice Act. He noted various business groups and members of his organization are opposed to this bill. This bill was voted down two (2) years ago in Congress. He explained his reasons for their opposition.

Minutes of June 16, 2009 and June 24, 2009

**RESOLUTION #72** OF 2009 – Approve the minutes of June 16, 2009 as amended and June 24, 2009.

By: Alderman Tobin  
Seconded: Alderman Hamilton

Approved: Ayes – 8  
Nays – 0

Bills were reviewed and received.

Mayor's Report

Deputy Mayor Dye read Mayor Gallagher's report. He was not here tonight due to his wife's surgery. He met with the owners of the Riverside Plaza to discuss the ongoing development of the plaza. There have already been several changes, i.e. new islands in the parking lot and a major clean-up behind the building. He met with potential developers of the Rosen site. He also met with BDC search committee for replacement of Executive Director, Thomas Gillson. He attended the 100<sup>th</sup> anniversary of NYCOM conference. He noted that Peter Baynes, President of NYCOM, is scheduled to attend the July 21<sup>st</sup> meeting to present a check to the City from New York Municipal Insurance Reciprocal. He attended the Loan Committee meeting. He met with Johnson Controls regarding the scheduling of the performance report. They expect to have the report to the Council by the August 4<sup>th</sup> meeting. He met with the Town of Cortlandville to discuss the grant proposal for running water from the Port Watson Street bridge through the Polkville corridor. As the plans get finalized, he will keep the Council updated. He attended the 100<sup>th</sup> birthday celebration for B. J. Manning at Walden Place. He announced that he will be in and out of the office until such time as his wife recuperates. If anyone needs to reach me please call my cell or let Monica know.

#### Ward 1 – Alderman VanGorder

Her Ward has been pretty quiet. She has received a few complaints regarding a lot at the end of Westvale Park which hasn't been mowed and the DPW has been contacted. She received information that the footbridge at Suggett Park is broken and it has been taken care of. She also has been contacted by several people who are against the Employees' Free Choice Act.

#### Ward 2 – Alderman Benedict

He received many e-mails and calls congratulating the Council on their passing of the Rental Permit Program. He received a couple of calls regarding the retention pond and they wanted to make sure that this project would proceed. He met with Assistant Chief Glover, Councilman Tobin, Councilman Hamilton and Mike Holland from the College about the setting up of the Rental Permit Program. He also met at another time with Alderman Tobin and Chief Barron to check on a number of things for the Rental Permit Program.

This morning he met with Bryan Gazda, Director of Administration and Finance, Chris Bistocchi, head of the DPW, Amanda Barber and Pat Reedy from County Soil and Water and Alderman Feiszli. The purpose of the meeting was to fill in Mr. Gazda on the retention pond in the Water Works and to see what the next steps were needed to be taken. He signed up to get economic recovery reports from the State government. The only information he received on the economic recovery was on the Owego Street apartments. He noted that if others can locate information on the firehouse or the retention pond, to please help point the way to the correct site.

#### Ward 4 – Alderman Tobin

The Housing Committee met to discuss the potential fee schedule for the Rental Permit Program. He will forward the potential fee schedule to the other Council members and will speak with Corporation Counsel Lawrence Knickerbocker before any fee structure is implemented. He met with Chief Glover and Chief Barron, along with Aldermen Benedict and Hamilton as well as Mike Holland and Jo Schaffer where the potential fee schedule was discussed. He contacted the SUNY Cortland Police regarding plans for parking around the Cortland campus when the Jets are in town. He believes it is being addressed and he will follow up on this with the Mayor.

He noted that he has had discussion with residents in his Ward about two (2) potential block parties. One on Pearl Street and another for the south side of Tompkins Street (potentially on Park Street). He felt that this would be a good way for residents to get to know their neighbors and perhaps help with the theft situation there. He asked to add a discussion item to the agenda about establishing a timeline for the Council to addressing the items mentioned in Interim Director of Administration and Finance Mazza's state of the City Budget presentation. It was noted that perhaps this would be a good item for the next agenda, allowing Director of Administration and Finance Gazda

time to get his feet on the ground. Alderman Feiszli noted that this perhaps this would be a good workshop topic. It was noted that Director of Administration and Finance Gazda would be e-mailing them the budget reports to the Council by the end of this week. Alderman VanGorder asked if they could have a workshop prior to the next Council meeting. A workshop was scheduled for 6:00 PM on July 21, 2009.

Alderman Tobin asked what the policy was for adding agenda items to the next meeting. It was noted that typically agenda items were not added to the published agenda once the department heads had met on the Wednesday before each Council meeting, but items were placed on the agenda at the request of Council members the night of the Council meeting, if they so requested. It was asked that requests be e-mailed to the Mayor's Office by the Tuesday before each Council meeting. Alderman Tobin requested that the Council agendas then be e-mailed to Council members on the same Wednesday that the Department Heads received their copies. Alderman Feiszli agreed with that, citing lack of time to research items and others agreed that was a reasonable request.

#### Ward 5 – Alderman Quail

He has received a few complaints regarding lawns not being mowed. That's been the biggest issue. He'll be contacting the IDA/BDC regarding one particular area.

#### Ward 6 – Alderman Feiszli

She attended the Cortlandville Planning meeting regarding the proposed TOPS gas station. It's expected that a SEQRA will be completed at their next meeting and the public will have another opportunity to comment. She asked concerned citizens to attend that July 28 meeting. She has been working with Corporation Counsel, the DEC and the owner property owners along the Tioghnoga River to determine whose responsibility it is to maintain control of brush and debris. She received an acknowledgement from the Department of Transportation regarding her second request to lower the speed limit on Route 13 on Clinton Avenue in front of Cortland Care. There the limit jumps up to forty (40) MPH and that's an area where children wait for school buses. The DOT sent a letter of acknowledgement and hopefully that speed limit will be lowered.

She is had a request to develop a Neighborhood Watch Group in the Yaman Park neighborhood due to concerns regarding activity in that area. She explained some of the process for developing a Watch Group. She met with FEMA and the DEC regarding the redesign of the flood maps and they went over the next step they will be taking to adopt the maps. She met with the NYS DEC and the Department of Health in regards to the status of the two (2) properties vacant on Charles Street. NYSEG used to be over on Charles Street years and years ago and they left what is called a holder tank that had some debris left in it. The Department of Health found that there was some contamination on the two properties, 43 and 45 Charles Street, and they purchased the homes from the owners and over the past two (2) years the DEC has been doing a series of tests. The final results of those tests is that there is no soil or air

contamination, but there is some light contamination about fourteen (14) to fifteen (15) feet down, but they can't keep the houses there. They have contacted Habitat for Humanity and they are looking at moving those houses and putting those two homes back on the tax rolls. There was a question as to what to do about the two (2) vacant sites and that will be discussed in the near future. She also attended an information seminar in Morrisville to learn about gas drilling in the Marcellus shale which will be later on tonight's agenda.

#### Ward 7 – Alderman Hamilton

His Ward has been quiet. He noted that there are now three (3) "No Trucks" signs on the corners of Clinton Avenue and Hubbard Street. He received only one (1) call about a single truck on Hubbard Street in the last few weeks.

He also received a call regarding Pomeroy Street being torn up at the corner of Cleveland Street for such a long time. Before he could contact the DPW, the next day to ask about their paving schedule, they were paving the location under question. He noted that considering the amount of work this department has taken on this summer, he thought they were doing an excellent job.

#### Ward 8 – Alderman Michales

He received a complaint from a resident with regards to a neighbor not keeping their lawn mowed. He informed the resident of the Ward's concern. He attended the reading of the Declaration of Independence at the July 4 celebration in Court House Park. He attended the IDA/BDC meeting.

#### Ward 3 – Alderman Dye

He had a couple of phone calls regarding the Free Choice Act. He also had a couple of e-mails regarding the Rental Housing Permit Program and he thanked those who sent him e-mails while he was in the hospital. He's doing fine now. He also noted that for July, August and September that there would be no lawn or tree trimming pick up.

**RESOLUTION #73** OF 2009 – Consideration of a Resolution authorizing the closure of Main Street, from Groton/Clinton Avenues to Port Watson Street, on August 8, 2009 from 7:00 A.M. to 4:00 P.M. in order to stage the 10<sup>th</sup> Annual National Brockway Truck Show.

By: Alderman Benedict  
Seconded: Alderman Michales

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #74** OF 2009 – Consideration of a Resolution authorizing the closure of Euclid Avenue for a street picnic on August 15, 2009 from 12:00 Noon to 9:00 P.M.

By: Alderman Feiszli  
Seconded: Alderman VanGorder

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #75** OF 2009 – Consideration of a Resolution to recognize additional revenue received from the NYS Office of Real Property Services for “Triennial Aid” in the amount of \$23,534.70.

Director of Administration and Finance Bryan Gazda explained what this was. It was money from the State for our participation in the re-evaluation of properties recently done in the City. This will be recognized as revenue and a budget amendment will need to be done.

By: Alderman Michales  
Seconded: Alderman Tobin

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #76** OF 2009 – Consideration of a Resolution to recognize additional revenue received by the Police Department in the amount of \$3,999.00.

The Police Department hopes to use the funds to purchase a used vehicle. This money was received from the sale of surplus police vehicles sold at auction. Alderman Tobin asked where the money would go if the Council did not appropriate the additional revenue. Director of Administration and Finance Gazda explained that the revenue would just go into the General Fund Revenues until an expenditure is approved by the Council and the appropriation will be made at that time.

By: Alderman Quail  
Seconded: Alderman Benedict

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #77** OF 2009 – Consideration of a Resolution for the City of Cortland to support the Employee Free Choice Act (Alderman Feiszli).

Alderman Feiszli passed around information about this Act and explained that information. She explained that the Mid-State Central New York Labor Council represents over sixty (60) unions in the Cortland Tompkins County area and they are asking for the Council’s support of this Act. She noted that this Act also will help the local economy become stronger. Alderman VanGorder explained that people needed a better understanding of this Act. She felt that vulnerable employees could be coerced

by co-workers as a result of passage of this law. She felt that it took away a chance for a secret ballot and was not best for workers and she does not support this Act. There was further discussion regarding the various elements of this Act.

By: Alderman Feiszli  
Seconded: Alderman Benedict

Approved: Ayes – 5  
Nays – 3 (VanGorder, Quail, Michales)

Item No. 5 – Discussion regarding New York State Comptroller’s audit of LED municipal traffic lights.

Information had been distributed to the Council from the State Comptroller’s Office. Deputy Mayor Dye noted that he wanted to know where the Comptroller’s Office came up with some of the figures in the audit report. It was noted that LED lights last seven (7) times longer than regular bulbs. Alderman Feiszli asked Director of Administration and Finance Gazda if the Council could transfer \$21,000 from the DPW Paving monies in the Bond Issue to cover the cost of this. Director of Administration and Finance Gazda noted that typically, bond issue monies could only be used for specific items presented in the referendum. He would check with Fiscal Advisors and get their opinion. Alderman Quail felt that this should not be taken out of a bond, but the General Fund. He wouldn’t want to pay for thirty (30) years on an expenditure that had a one (1) year payback. Alderman Dye noted that Johnson Controls would be coming back next month and perhaps this project could be included in what they are doing. Alderman Feiszli asked if Mr. Gazda had spoken with Interim Director of Administration and Finance Nick Mazza regarding his recommendation regarding Johnson Controls. Director of Administration and Finance Bryan Gazda indicated that he had not spoken with Mr. Mazza in that regard.

Item No. 6 – Discussion regarding feeding wild fowl at the Waste Treatment Facility (Alderman Michales).

Alderman Michales indicated that this has been an ongoing problem for years. He noted that an individual began feeding the ducks at that location. It began as about a dozen ducks and has now grown into hundreds of ducks. Alderman Michales has spoken with the DEC about the consequences of feeding of wild fowl in that area. Neighbors are complaining about the ducks on their property and other problems with the wild fowl in that area. He proposes a “No Trespassing” sign be placed in the area and a sign saying “No Feeding of the Water Fowl”. Alderman VanGorder noted that she thought that people shouldn’t be on that property already. Alderman Michales noted that the problem is with the City owned lawn and bank area from the fenced in area going to Pt. Watson Street in the area of the bridge near the entrance to the Waste Treatment Facility. He also noted that the DEC offered to provide the signage. It could be printed off of the internet and the City could have it laminated. A DEC representative also noted that feeding of breads to the water fowl could lead to nutrition problems. It was noted that it was public property and they couldn’t post a “No Trespassing” sign.

They could post a “No Feeding” sign. Alderman Feiszli noted that they could install coin operated duck feed dispensers so that duck feed would be the only thing allowed to be fed to the water fowl.

**RESOLUTION #78 OF 2009** – Consideration of a Resolution to put up a “No Feeding the Water Fowl” sign at the Waste Water Treatment Facility.

By: Alderman Quail  
Seconded: Alderman Benedict

Approved: Ayes – 8  
Nays – 0

Item No. 8 – Discussion regarding part-time employees receiving health insurance coverage (Alderman Michales).

Alderman Michales noted that this was a result of the Council’s discussion with Interim Director of Administration and Finance Nick Mazza. It was noted that seven (7) part-time people were in this program. This included the Mayor, Four (4) Common Councilors and two (2) support specialists; IT Support Dave Stathis and Corporation Counsel Lawrence Knickerbocker. This was an annual cost of \$112,786 for this insurance coverage. He noted that there were some options that they could discuss. Alderman Benedict noted that perhaps the federal government might come up with something in that regards and this won’t be a problem. Deputy Mayor Dye noted that this had been going on for a very long time and it was noted that any changes could not take effect until January 1, 2010. Director of Administration and Finance Gazda is looking at the insurance and at ways of trying to save money by perhaps higher deductibles or instead of a single family plan, looking at other options. Alderman Benedict noted that he did not take the insurance, but felt it was a good idea to offer it to the Mayor and Council members as an incentive to be involved in government. Alderman VanGorder noted that perhaps they could offer part time employees single coverage. Alderman Michales noted that perhaps they could pay a larger co-pay.

Item No. 9 – Discussion regarding Water Advisory Board (Alderman Feiszli).

Alderman Feiszli noted that a current concern had made her go to the City Clerk and find out who is on the Water Advisory Board to get some advice. Her concerns were with the City selling and/or treating water for hydrofracking by natural gas drilling companies and the proposed location of the TOPS gas station. Someone from Cortlandville suggested to her that the City’s opposition would have more strength if the opposition came from the City’s Water Advisory Board, but now she has found out that there is no City Water Advisory Board. Their terms expired last year. She has placed this on the Council agenda with hopes that the Board could be reinstated. After recently meeting with Director of Administration and Finance Gazda and Chris Bistocchi, Water Department Supervisor, she wondered if that was the right direction to go in. She noted that they had spoken about a different committee that she might be requesting instead. It could be called an Environmental Advisory Board. The purpose of this committee

would be to assess any potential environmental impacts and how they might affect the health and the well being of the City residents. This committee could make recommendations when requested to do so by the City Council or the City Planning Commission in regards to any project or issue that might have an environmental concern. The committee would consist of concerned citizens and there are many people from the College who are knowledgeable in various environmental areas, so this committee would not just address water concerns, but any environmental concerns. She now asked for the consideration of the adoption of a new Environmental Advisory Committee. Alderman Dye noted that the Water Advisory Board was no longer needed and their terms expired. Now that the Water Department is no longer autonomous and is part of the Department of Public Works, the Water Advisory Board was no longer needed. Alderman Benedict noted that he thought she was suggesting that an Environmental Advisory Board was needed. Alderman Michales noted that there was already a Board in place that discussed water and waste water issues and perhaps this could be tied in with that Board. Alderman Dye noted that there was a DPW Board and he asked Chris Bistocchi if that Board covered water issues. Mr. Bistocchi noted that they covered maintenance of the water system and distribution of water, but not coverage of the water in the ground. Alderman Tobin asked if it was an official committee, did it have to consist solely of City residents. It was also noted that it did, but if it was an advisory committee, members wouldn't have to be City residents. Alderman Tobin suggested that they have an ad hoc committee to deal with immediate concerns like the TOPS gas station. Alderman Feiszli asked for referrals and volunteers to sit on this committee. It would be the Environmental Advisory Committee. Director of Administration and Finance Gazda has worked with a board like this before and he'd get back to the Council on this.

Item No. 10 – Discussion regarding the City of Cortland's position on the use of City water for hydrofracking by natural gas drilling companies (Alderman Feiszli).

Alderman Feiszli noted that this item is a result of contacts and articles in the newspaper about what has been going on with gas drilling in the shale in Cortland County. Almost half the County acreage is being leased by gas drilling companies. She noted that she had not been aware that past Director of Administration and Finance Damiano was in negotiations with two (2) outside firms regarding the selling of water for the use of hydrofracking. Nothing resulted from those discussions, but there is a strong possibility, given the fact that there are so many acres being leased right now, that the City would be approached again about selling. She felt that one of the reasons for this Advisory Committee would be to take a pro-active municipal response in regards to development and how to protect its resources including the sale and treatment of the water used by the drilling industry. She distributed information and proposed a resolution to prevent hydrofracking by natural gas drilling companies. She noted that this process was currently exempted from regulation by most federal environmental regulations. Alderman Dye felt that this resolution might be a little late as the companies had already begun drilling operations in the area. Alderman Feiszli noted that it would be good to have an oversight committee to handle this. It was asked what the objective was for this resolution. Alderman Feiszli noted that she wanted to find out the implications of the sales of water before the Council had to make a decision and

vote on a request. Alderman Feiszli noted that she wanted to be pro-active. Deputy Mayor Dye noted that if a property owner gave the gas company drilling rights on their property, the City or County couldn't interfere. Alderman Tobin noted that the issue was making an ethical decision as to whether or not to sell water to assist in the drilling process. If the City were to sell water and environmental hazards happened as a result of that sale of water, it might not be worth the potential costs.

Alderman Feiszli noted that was why she wanted to put together a committee of knowledgeable people. Chris Bistocchi explained the process that Mr. Damiano had thought might work for processing the used drilling water. It didn't work out using the Buckbee Mears site for handling the used water and the negotiations never got farther than a few letters back and forth. Alderman Feiszli would like to get back to the agenda and would look into developing an environmental advisory committee.

Item No. 11 – Discussion regarding truck traffic in the East End (Aldermen Feiszli and Hamilton).

Alderman Feiszli gave an update. The Public Safety Commission approved that the new truck signs be placed on the corner of Hubbard and Clinton and three (3) were installed. The trucks continue to use these streets despite the signs. The City Police Department noted that there was nothing they could do because of the current laws. Alderman Hamilton noted that he had received a call regarding one (1) truck. Alderman Feiszli noted that in their meeting with the DOT with Lieutenant Geison, that Marietta wanted to increase truck traffic from three hundred (300) to seven (700) hundred. If that's the case the truck traffic on the residential streets will become more of an issue than it currently is. There is a meeting scheduled with City Police Chief Nichols to discuss these concerns with Marietta. The meeting will be held on July 23, 2009 at 1:00 PM on Huntington Street at Marietta.

There was further discussion regarding changes in local laws to deal with issues regarding trucks making local deliveries.

There was some discussion regarding moving a light pole on the east side of Pt. Watson street and changing some signage on Groton Avenue.

**Adjournment**

By: Alderman VanGorder

Seconded: Alderman Tobin

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 7th DAY OF JULY 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**