



City Council Minutes
The City of Cortland
July 21, 2009

Council Meeting #14
July 21, 2009
Regular Session
City Hall
7:00 PM

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

Staff Present: Director of Administration and Finance Bryan Gazda, Corporation Counsel Lawrence Knickerbocker and John O. Reagan, City Clerk

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

PLEDGE OF ALLEGIANCE

Item No. 1 – Presentation by Peter Baynes, NYCOM President

Peter Baynes and Mr. VanEpps from NYCOM came from Albany to make a presentation. Mr. Baynes is the executive director of the New York State Conference of Mayors. They have an insurance program called the New York Municipal Insurance Reciprocal which was formed in 1993 with the Association of Towns and the State of New York. In the late 1980's and 90's, towns were having difficulty getting insurance and the rates were exorbitant. NYCOM formed an insurance company to protect municipalities from the sharp rise and drops in insurance rates from year to year. They incorporated in 1993 with twenty-six (26) municipalities. One of the first to join was the City of Cortland in 1997. There are now over six hundred cities, villages, towns and counties in the State of New York that are members of NYMIR. They are a regulated insurance company and not a pool. To raise capital, members who joined had to pay a premium as well as pay a capital payment for the first five years. It was hoped that someday, when the company grew and established themselves they could someday pay back that capital payment. The Board of Governors of NYMIR decided, late last year that they were at that point. So over the next three (3) years, all of the subscribers to NYMIR who have been in for five (5) years or more are to get back three quarters (3/4's) of the initial capital they paid in to the program. He was happy to present the first check to the City of Cortland for \$10,252.50. They will receive payment over the next two (2) years, as long as they remain members of NYMIR, of that same amount. He presented the check to Mayor Gallagher.

Mayor Gallagher noted that NYCOM was one of the biggest and best thought of organizations in the State of New York at this point in time. They are a big advocate for every one of the towns, cities and counties and that they are a great resource. He thanked NYCOM for the check and congratulated them on their one hundred (100) year anniversary.

PUBLIC COMMENT

Chief James Nichols, Chief of Police. On August 22, he will have completed forty (40) years as a police officer with the Cortland Police Department. He will be retiring, effective at the close of business, on August 27, 2009. He took the opportunity to thank everyone for their support during his tenure as Chief of Police. It has been his honor to serve the City of Cortland. He gave credit to his wife of thirty-seven (37) years, his children and colleagues. He noted that the Department has an outstanding group of men and women serving the community and he will truly miss this profession. He thanked the wonderful people of the City of Cortland for allowing him the opportunity to serve as the Chief of Police in his hometown as a police officer. He has been truly blessed. He thanked everyone.

Kathleen Kania was present. She is a resident of Cortland County and is forty-four (44) years old. She was present to state that in 2008 her landlord, Cortland Park Apartments or Sterling Management collected \$1,230 from her. This was a money order for \$630 for apartment security deposit, plus an additional pet security deposit of \$300 each for two (2) cats and \$580 for water and sewer and trash of \$50. Her two (2) cats are now at the SPCA. She has documentation that she has sent letters to Cortland County Social Services, dated and stamped, documenting the lease agreement and payments made. According to the Tenants Rights booklet given to her by the Tax Assessment Department, the landlord must deposit the tenants' security deposit in a New York State bank account. She was never provided by the premises owners as to where her \$1,230 was deposited. She wants this matter investigated by the proper authorities. She will look into filing a civil matter on her own with the City Court Clerk, in addition to other issues.

Minutes of July 7, 2009

RESOLUTION #79 OF 2009 – Approve the minutes of July 7, 2009 as amended.

By: Alderman Dye
Seconded: Alderman Hamilton

Approved: Ayes – 7
Nays – 0

Bills were reviewed and received.

Mayor's Report

He met with members of the Cortlandville Planning Board and reviewed engineering reports on the proposed gas station at Tops. It was a very informative meeting. He met with representatives from the Town of Cortlandville and Chris Bistocchi to discuss the inter-municipal agreement on the tub grinder. We currently have an agreement with the Village of Homer and the Town of Cortlandville. Due to DEC concerns in the Village of McGraw, they have asked for permission to be a part of the tub grinding contract. The parties jointly own the equipment and are responsible for the following portions: City - 63%, Village of Homer - 11%, Town of Cortlandville - 25%. Based on the percentages and the use of the tub grinder it was agreed that McGraw's share would be 2%.

The City funds the cost associated with the operation and maintenance of the equipment and maintains the records of all expenses incurred. At the end of each calendar year, the City provides an accounting of such expenses to the Village and the Town. The Village and Town reimburse the City for their proportionate shares of the operations and maintenance costs at the rate of participation noted above.

He and Bryan Gazda met with Brown & Brown, the City's insurance broker, to discuss further insurance options for City employees. He attended the Access to Independence 19th anniversary celebration at Suggett Park.

The Mayor noted that the Council, at their July 7th meeting, passed the Employee Free Choice Act. He had suggested at a previous meeting we hear from both sides so that an intelligent decision could be made. Following the July 7th meeting, he received calls from local businesses who were verbally upset that the Council would take this action without discussing it with the life blood of our community, "small business". He understands that Garry VanGorder, the Director of the Cortland County Chamber of Commerce, made some remarks at the meeting opposing the Employee Free Choice Act. The Chamber represents over 400 small businesses in our community. The Mayor hopes that those that voted for this Act took the opportunity to discuss this with some of the small businesses in our community since they represent the working core of Cortland County. He did notice that in Monday evening's Cortland Standard there was a letter to the editor from one of our local businesses that employs over 400 people expressing his concerns over the Council's actions. He realizes that the Council has already voted on this, but in the future noted that they may want to take the time to listen to both sides.

Ward 1 – Alderman VanGorder

It's been a quiet couple of weeks. She did have a complaint regarding the "no brush" pick up. The lot that she spoke about at the last meeting has been mowed and she will follow up with the DPW on that. She and the Mayor noted that the City DPW doesn't have a small mower to do some of these areas. John McNerney of the Youth Bureau will be picking up some community service people and they could do some of this type of mowing. The Mayor noted that he would take care of that with John McNerney.

Ward 2 – Alderman Benedict

He talked to a number of people about the detention pond in the Water Works. A number of these people seemed to have the different proposals mixed up. Some did not realize how big the recent proposal was. The location was also confusing to them. It might be a good idea to explain it to them with the use of a map and diagrams. Some citizens were concerned about the flooding of recent years and would like something done there this year. He attended the Holiday in Homer and the Taste of Cortland.

Ward 3 – Alderman Dye

He received a couple of telephone calls regarding the taxi cabs in the City of Cortland. One call was asking if there was a taxi commission in the City that regulates the taxi cabs and the other asking whom they should contact as to the condition of some of the cabs. He agreed with these people. The Mayor noted that the City Police Department regulates the City cabs. The conditions of some of the taxi cabs were disgraceful and they should not be allowed on the streets.

He noted that there is still a problem with a couple of street lights not working properly in his Ward. He has contacted National Grid a couple of times and the lights should be repaired shortly. He attended the picnic for Access to Independence, celebrating the 19th anniversary of the passage of the ADA Act. He attended and read a proclamation for the 50th reunion for the Class of 1959 at SUNY Cortland. He and his wife had a great time listening to some of the stories these people had regarding some of the downtown Cortland establishments back in the 1950's and how even though the college has greatly expanded in fifty (50) years, the people of Cortland have not changed at all. They are very friendly.

Ward 4 – Alderman Tobin

He addressed a couple of neighborhood concerns. One was regarding music at the gas station on the corner of Broadway. Apparently sometimes their music is loud on their external speakers. This bothers neighbors in the summertime, when their windows are open. He contacted the company and they contacted the gas station to have the situation corrected immediately. He spoke with one of his neighbors who has been there for over thirty (30) years and has never been bothered by noise from the college. There have been some issues recently with noise from loud parties at student residences in the area, but there are no complaints regarding noise on the campus. He was pleased that the college is doing a good job of regulating this. He noted that SUNY also put in a new sidewalk along Tompkins Street going into the Park Center. One of the residents will have to maintain the new sidewalk installed in front of his house.

He spoke with Chief Nichols after speaking with Mayor Gallagher regarding parking concerns when the Jets arrive. He wanted to make sure that the neighborhood will not be overrun with people coming in and out. He spoke with people on campus regarding the new Student Life Center that is proposed. It will go up on the old Davis Field. They are into the preliminary stages of planning on that.

He noted that he hoped to have a Housing Committee meeting next Tuesday, July 28 at 6:00 PM at the Blue Frog. He invited anyone interested, to attend.

Ward 5 – Alderman Quail

His Ward has been quiet. He's still dealing with some code issues. He attended the City Zoning Board of Appeals meeting on July 13. There is a proposed development on Pendleton Street just above Sunnyfield. The residents who attended the meeting were very concerned about storm water run off and the character of the neighborhood. He wasn't sure where this will end up, but the applicant was instructed to go back and do a long form SEQR process.

Ward 6 – Alderman Feiszli

She attended the East End Advisory Committee Meeting and was pleased to hear about the award for a 400k HOME grant for the East End. This grant will provide funding to renovate fourteen (14) single-family, owner occupied homes in the neighborhood. Hopefully this is just the beginning of more to come. She met with residents on Locust Avenue and Saunders Concrete representatives regarding the loud noise from the dispatcher when he is calling someone over the exterior speakers. Saunders said that they wanted to be a good neighbor and agreed to remove the speakers. They have since provided their workers with handheld radios. She requested and received from the DPW, a tentative remaining work schedule for the Morningside area water main replacement. Her son and she distributed this information to the neighborhood last week.

She has been working with the Cortland Park Apartments regarding property ownership and maintenance along the Tioghnoga River. She has forwarded all information to Corporation Council Lawrence Knickerbocker and is waiting to hear back from him. Corporation Counsel Knickerbocker noted that he would be getting together with Chris Bistocchi of the DPW and that they might have to go over to that area and determine where the boundaries were and where the trees were and where the riverbank was and what they might have to do. She received a couple of letters of interest from those who would like to be on the Environmental Advisory Committee. She forwarded those names, along with a brief bio, to the Mayor and Council members for their review. She encouraged anyone else who might be interested in serving to contact her. She attended the Annual 3rd Taste of Downtown. She reported two (2) cobra light outages to Public Safety.

She forwarded a request for Stop Bars on the corner of Hubbard and Garfield Streets to Public Safety and thanked Public Safety for taking care of it the same day. She attended an information meeting at the Grange about gas drilling. She received a request for increased police patrols at Yaman park after 10:00 PM due to neighborhood concerns and she will continue to work on the development of a new Neighborhood Watch group in that area.

Ward 7 – Alderman Hamilton

It's been quiet in his Ward. He has not received a single call or e-mail. He is very pleased that the East End Strategic Plan Committee and Thoma Development have applied for grant monies to help the owners of single family, owner occupied homes in the East End. Many of these homeowners have kept their properties up and paid their taxes for decades and now live on limited, fixed incomes in tough economic times. This is making it hard for them to get by. This is one of the best things that he has seen happen since becoming Alderman for the 7th Ward. He thanked all that were involved in this project.

The Mayor thanked everyone for all of the well wishes for his wife. She is home from the hospital, but has a few months of recovery yet before her. He congratulated Alderman Quail on his son's graduation from Cortland High School.

RESOLUTION #80 OF 2009 – Consideration of a request by SUNY Cortland Athletics and the Men's and Women's Cross Country Team for usage of the Cortland Water Works as their official training course for the 2009-2010 academic year.

Mayor Gallagher noted that when he responded to SUNY that they provide a practice schedule to the Water Works so that Matt Wethje knows when they will be coming in and out. There have been incidents when Matt has found students in there when the gates have been locked.

By: Alderman Tobin
Seconded: Alderman Benedict

Approved: Ayes – 7
Nays – 0

RESOLUTION #81 OF 2009 – Consideration of a request by the Cultural Council of Cortland County to use the South Side of Court House Park for the Cortland Arts & Wine Festival to be held on August 1, 2009 from 10:00 AM to 6:00 PM and to have the open container law waived for a wine tasting events.

By: Alderman VanGorder
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

RESOLUTION #82 OF 2009 – Consideration of the confirmation of the appointment of the following individuals to the Cortland Housing Authority:

- Martha Diehl, 42 Church Street, Apt. 806, Cortland, NY 13045
- Donna Kelley, 51 Port Watson St., apt. 3004, Cortland, NY 13045

By: Alderman Feiszli
Seconded: Alderman Benedict

Approved: Ayes – 7
Nays – 0

RESOLUTION #83 OF 2009 – Consideration of a Resolution to recognize and modify A960 appropriations and A3120-206 Police Operational Equipment in the amount of \$3,999.00 for the purchase of a used vehicle and modifications to the budget.

By: Alderman Benedict
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

RESOLUTION #84 OF 2009 – Consideration of a Resolution to add Bryan Gazda as a signatory to all bank accounts.

By: Alderman Dye
Seconded: Alderman Benedict

Approved: Ayes – 7
Nays – 0

RESOLVED TO GO INTO EXECUTIVE SESSION TO RECEIVE AND DISCUSS THE CITY COMMUNITY DEVELOPMENT LOAN COMMITTEE’S RECOMMENDATION FOR A LOAN AND POTENTIAL LITIGATION.

By: Alderman Tobin
Seconded: Alderman Dye

Approved: Ayes – 7
Nays – 0

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

By: Alderman Dye
Seconded: Alderman Benedict

Approved: Ayes – 7
Nays – 0

RESOLUTION #85 OF 2009 – Consideration of Community Development Loan request recommended by Loan Committee for the Riverside Plaza for David Morrocco in the

amount of \$150,000 with an additional \$50,000 to be provided, if and when Mr. Morrocco executes a purchase agreement for the land in question.

By: Alderman Dye
Seconded: Alderman VanGorder

Approved: Ayes – 7
Nays – 0

Item No. 8 – Discussion regarding the Rental Housing Permit Law fees.

Alderman Tobin stated that he had passed around a copy of the email that was sent with notes from their meeting. He wanted to answer any questions that anyone might have. He noted that he, Alderman Benedict, Mike, Alderman Hamilton, Chief Glover and Jo Schaffer talked about the number of projected rental units. He noted that they were talking about three hundred (300) single family rental units and then about six hundred fifty (650) two family properties and they estimated that about half of those were owner occupied. That will be about thirteen hundred (1300) units. The approximate number is established by Code Enforcement is about forty-one hundred (4100) units. The proposed costs and revenue projections have been talked about. It was felt that a \$50 registration fee was pretty reasonable for a single family home. If it was a two-family home it will be a \$50 registration fee. This will be a new fee for multi-unit properties, but it will be per property, not per unit. The idea is that the cost of the registration fee would be spread out among all rental properties and would be based upon the property, not the number of units. Part of the discussion was about a \$40 registration fee, if the property owner was to register earlier. This was to encourage timely registration. The \$35 inspection fee would be per unit. A single family rental unit would be \$35; a two family rental would be \$70. He noted that the property owner would be paying both the registration fee and the inspection fee. A single family would come to \$85 and \$120 for a two family.

There was discussion regarding the current inspection fees for three (3) or more unit buildings and if those fees should go up. Mr. Mazza had recommended that all fees being charged by the City be looked at and Alderman Tobin felt that this was one fee that could also be looked at to increase. Chief Glover will check to see what is currently being charged. Looking at projected income, Alderman Tobin noted that there's a potential of \$15,000 just for single family houses. If everyone registered early, then they would be looking at \$12,000. He went on to note that if three hundred twenty-five units of the two family properties registered on time, they would be looking at \$16,250 or \$13,000 if they registered early. He then calculated that if the four hundred fifty multiple units registered on time it would come to \$22,500 or if they registered early it would come to \$18,000. The revenue could be as low as \$43,000 if everyone registers early or on the high end, \$53,500.

He went on to talk about the number of actual inspections. It was suggested that they increase the potential number of inspections because owners may ask the City to inspect rather than do self-certification or that there may be more units out there than

they had calculated. He figured that there would be about a twenty-five (15) percent increase or about eight hundred twelve (812) units. He went on to note that in addition to that there would be four hundred fifty-three (453) units more and approximately twenty-five hundred units that are what we are currently inspecting.

Mayor Gallagher asked if the City had the manpower to do this and if the \$53,000 could pay for the program. Alderman Tobin noted that they were looking at one thousand one hundred twelve (1112) units of new inspections distributed over three (3) years. This would be three hundred seventy-one (371) annually. He noted that currently the firefighters are doing the three (3) unit or more inspections. One thought was that with the registration fee, the registration fee will more than cover what Chief Glover had given them as a cost for advertising, software upgrades, hardware upgrades. He noted that fifty-three thousand (\$53,000) in registration fees would cover the program costs and that the inspection fees would cover the rest. Mayor Gallagher noted that he didn't want to hear hopefully, he wanted to know if it actually would cover it or not. Alderman Tobin stated that the projected registration revenue on paper more than matches what Chief Glover gave the Housing Committee as a figure with the exception of the personnel expense. He asked them to remember that Chief Glover had estimated that it would cost fifty to sixty thousand (\$50,000 to \$60,000) in total expense and that involved hiring one (1) new staff member. Mayor Gallagher stated that hiring one (1) new staff member at thirty-five thousand (\$35,000) and add thirty-five to forty (35-40) percent, you're talking about over \$40,000. He noted that they would only have about thirteen thousand (\$13,000) left to buy the equipment and software.

Alderman Tobin noted that the registration fee was only one of the components. There was also the inspection fee. Alderman VanGorder noted that the registration fee was a one (1) time fee. Alderman Tobin noted that the initial cost of start up, i.e., the software, hardware, mailings for informing everyone, would be covered by the registration fees. The expectation was that if everyone paid that fee that the start up costs would be covered and would go towards legal fees, as they felt that there would be challenges to the registration process. The inspection fees would go to supplement the cost of additional inspections. He went on to note that when looking to see if current staffing could handle the increase; they were looking at three hundred seventy-one (371) additional annual inspections and depending on who you spoke to, some felt it was possible to do the inspections based upon the time line. It was felt that an inspection could take about an hour or less if there were no major violations. He asked them to look at the timeline with eleven hundred twelve (1,112) additional units and on the high end thirteen hundred thirty-five (1,335), which works out to about thirty-one (31) per month or seven or eight (7 or 8) per week. If you look at the high end, there could be potentially nine (9) per week. Alderman Tobin noted that there was a potential for a couple of things to happen. He thought that the inspection fees could be used as an incentive to firefighters to do more of the inspections. Mayor Gallagher asked about the work for the person who has to maintain all of the records. He wanted to know who would be maintaining all of the records. Alderman Tobin noted that they were already maintaining the records for the three (3) or more unit inspections, so it would be more information to the data base, but the process wouldn't be much more. Chief Glover would like an upgrade to the current management software which will increase the

efficiency for retrieving documentation. They would be adding two (2) software leases. It would be adding the software to manage this type of inspection, but to also eliminate the records management and filing. They'd be able to scan documents in and not have to save the paper documentation. There should be some efficiency gained from that. Alderman VanGorder asked about the incentive mentioned for firefighters. Alderman Tobin noted that the thirty-five (\$35) dollar inspection fee would cover the costs of the inspections. He noted that currently firefighters were doing inspections as part of their duties and he felt that it should be discussed about compensating them for doing more work. Alderman Feiszli noted that she thought they were currently getting a stipend for doing inspections. Alderman Tobin noted that was correct, they were getting fifty dollars (\$50) per month. Alderman VanGorder asked if the amount would be tied to how many inspections that they did. Mayor Gallagher noted that they would have to negotiate this and he also asked if Alderman Tobin had spoken with Chief Baron about this. Alderman Tobin stated that both he and Alderman Benedict had spoken with Chief Baron. Alderman Benedict stated that Chief Baron said that there was not a problem with the firefighters doing the inspections presently. Alderman Benedict stated that there didn't seem to be a problem. Alderman Tobin stated that they could get Chief Baron to weigh in on this topic again, if need be. Mayor Gallagher asked if they had run this by the Union President. Alderman Tobin stated that they had not, but also noted that they were not changing the contract. There was some discussion regarding the current stipends being paid. Corporation Counsel Lawrence Knickerbocker noted that the current firefighter's contract would be up in 2010 and this would be something to talk with the Union on. Management may want to take a different position on what is currently in the labor agreement. Alderman Hamilton stated that he thought they received the extra fifty (\$50) dollars to be certified, not to do the inspections. Mayor Gallagher stated that he wanted them to look at everything that they do from now on to determine what all of this is going to cost, above what is currently being spent in the Code Department. Alderman VanGorder asked what was currently being charged to do a three (3) unit inspection. Alderman Tobin thought it was thirty-five (\$35) dollars, but that there was a sliding scale for more than three. He noted that for four (4) or more units, it went to an hourly rate.

Mayor Gallagher asked what the current revenue was for inspections. Alderman Tobin did not know. He had mostly been concerned with covering the costs of this new inspection process. He noted that if the Code Office did not get to inspect a registered unit within the three (3) year period, that there would be no penalty to the owner. The owner would get offered an extension and then would be inspected the following year. Mayor Gallagher asked Alderman Tobin to take the worse case scenario, what if no one signed up. Alderman Quail asked what was going to be done after July 1, 2010. Alderman Tobin noted that there would be penalties of possibly one hundred fifty (\$150) dollars per day if landlords did not register. Further discussion noted that it would be better to go by business days, rather than calendar days. He noted that one hundred fifty (\$150) dollars per day was already on the books. He noted that the City of Pittsburgh charged a one thousand dollars (\$1,000) flat fee by the month. He noted that they had also talked about going with a two hundred dollars (\$200) fee per week. He asked Director of Administration and Finance Gazda for his opinion, of whether it was better to go by the day or to go by the week. Director of Administration and Finance

Gazda felt that going by the day was easier accounting wise. Alderman Tobin asked if the penalty for non-compliance needed to be more severe than a fee. He noted that the idea of one hundred fifty (\$150) dollars to two hundred dollars (\$200) per day would be substantial.

Mayor Gallagher noted that they had not built into the plan coverage for any legal fees that might be incurred. Alderman Tobin noted that it was under the registration costs. Mayor Gallagher noted that if the landlord didn't register, they weren't going to get registration fees and there would be the legal fees to cover. Alderman Tobin noted that Corporation Counsel would be responsible for litigation in the first instance. Mayor Gallagher asked what would happen if there were many instances. He thought that there might be one (1) group out there already, but there could be more as others jumped on board as individuals. Alderman Benedict felt that when landlords saw the size of the fines they might change their minds. Alderman Tobin noted that the multi-unit properties were essentially already registered, so he was assuming that those would be registered fairly promptly. Mayor Gallagher noted that he hoped that they didn't jump on the bandwagon with the nay-sayers.

There was some discussion regarding the current inspection process. It was thought there were approximately eight hundred (800) units being currently inspected per year. Alderman Tobin noted that those bigger multiple units were being charged thirty-five dollars (\$35) plus an additional hourly fee to get them all inspected. Alderman VanGorder asked if he planned to change the current fee for three (3) units or more. Alderman Tobin stated that they were not planning to change that fee structure. He was suggesting after talking with Chief Glover, a review of the current inspection fees since they hadn't been changed in years, but this was not part of this plan. The only thing that would be changing with those is that there now would be a registration fee for three (3) units or more of fifty (\$50) dollars; a one time fee for the current owner.

Mayor Gallagher asked what happens in subsequent years to break even. He wondered if the inspection fees alone would cover the program costs. Alderman Tobin noted that he didn't want to speculate too much into the future as the firefighter's contract was coming up for negotiations next year. He hoped that part of the contract discussions would be talking about the inspections, when and how they are done and the fees compensating those who are doing the inspections. This could be viewed as another way the firemen could increase their income other than things such as overtime. Mayor Gallagher was concerned about the amount of money that actually would be taken in to cover the costs of inspections, especially after the registration period has ended. Alderman Tobin felt that the costs of inspections would be rather minimal. He noted that the three (3) or more unit properties would be registered fairly early, then single and two (2) families hopefully wouldn't be too far behind. That's before the City would be doing anything with inspections. He noted that we were talking approximately a year until next summer before the new inspections would begin on one (1) and two (2) unit rentals. Alderman VanGorder noted that Alderman Tobin was not anticipating hiring any new people to do those inspections. Alderman Tobin stated that the firefighters and the Code people would be able to pick up the extra nine (9) or so inspections each week. He also noted that since there also would be money coming in

from the inspections, some of that money could be put towards compensation. This could be a win win situation for both the City and the firefighters in the new contract negotiations. The landlord will pay for the inspections and he sees this as a benefit. Each inspection, even with the paperwork, will run less than an hour. There will be some costs, but the money could come back to the Code Enforcement Department, but a significant portion of the inspection fee could be used to pay the firefighter to do the inspection. Alderman VanGorder noted that the firefighters were receiving a fifty dollar (\$50) stipend now, so in looking after the taxpayers' money, why did the Council need to pay more money for the inspections. Alderman Tobin noted that with every union contract negotiation there was always a little bit of give and take, so he sees this as a way to add to the incentive for firefighters to do inspections. This may make some other aspects of the contract more negotiable. It's an opportunity for firefighters to make more money by doing more inspections and it won't cost the City.

Mayor Gallagher noted that if they did three hundred seventy-one (371) units at thirty-five dollars (\$35) each, that's about thirteen thousand dollars (\$13,000) a year. He then asked if that would sustain the program. Alderman Tobin noted that he believed so. He based that on the fact that the number of new inspections, three hundred seventy-one (371) new ones added to the current number of eight hundred they are currently doing was only about seven (7) to nine (9) more a week. Mayor Gallagher stated that the Council needed to make sure that this program broke even and he has said that all along. He noted that there was going to be more work for the person in the office, plus amortizing the cost of the equipment, plus even though an inspection takes an hour, there's the time it takes to get there and back. He felt it would be more than an hour. Alderman Tobin again stated that he felt that the registration fee would cover the start up costs. He also felt it would update the software and Chief Glover would like to do that regardless, because the software that they are using now is not the best for what the Code Office is trying to do. He saw this as an opportunity to upgrade their equipment. Alderman Feiszli asked if the Chief Glover had applied for any grant money. Alderman Tobin replied that Chief Glover had applied and expected to hear the results of the application sometime in August or September.

Alderman Feiszli asked how much the postage cost would be just to get the registration process started. Alderman Tobin believed it was about eight thousand (\$8,000) for registered mail. They had discussed placing an ad in the paper to start the process and he would check with Chief Glover about when he would like to begin receiving registrations. We could start with an ad in the newspaper, followed by a letter in the January tax bill going to all property owners and then when they get to next April or May, after ending a six (6) month grace period, we would send out a formal letter out to any property owner we hadn't heard from letting them know they have to register their property by a certain date. That letter would be sent registered mail. Because by that time so many properties would already be registered, the costs would be reduced. We'd start off with the cheapest and easiest method, which would be to advertise the program in the newspaper and the most expensive would be the last method used. Mayor Gallagher asked what happens when they go to do the inspection, which is thirty-five dollars (\$35) and they find all kinds of issues, they have to go back, do they charge another thirty-five dollars (\$35)? Alderman Tobin stated that there would be no charge

for the second time, but if they have to go back yet again, there would be an additional fee. Mayor Gallagher asked if they didn't pass inspection, would their registration be yanked. Alderman Benedict noted that if they didn't pass inspection the first time, he assumed that the situation would improve considerably by the second inspection. He felt that if there had to be a third inspection, they should be charged another thirty-five (\$35) dollars. Alderman Feiszli wanted to know what would happen if the landlord couldn't afford to pay to fix up the property. Alderman Benedict noted that if the property wasn't safe for habitation then they shouldn't be renting. Alderman Feiszli wanted to know what would happen if the person had been renting for years and now the unit didn't meet the current New York State building code, what would be the penalty to the landlord. Corporation Counsel Knickerbocker noted that then they couldn't rent the unit out. Alderman Feiszli noted that then a permit wouldn't be issued and if they went ahead and still rented would they be in violation? Corporation Counsel Knickerbocker stated that then they would be in violation. Alderman Feiszli asked what the penalty for violation would be. Alderman Tobin noted that they were working on that, the Council would recommend a penalty, but ultimately the judge decides. He also felt that the penalty should be more than one hundred fifty dollars (\$150) because it should outweigh the potential for not following the law. Mayor Gallagher stated that he was still not convinced that this program was going to pay for itself. Alderman Tobin stated that he understood the Mayor's concerns. He noted that this has been a very large undertaking, in many respects. He felt that they had done a good job of following up with Chief Glover and Chief Baron, but he is very pleased with the product that they have put together. He noted that it looked good on paper and the only way to do it is to go forward and then make adjustments if they're necessary. He felt that with all the time and effort that has been put in, he was confident that they were looking at offsetting any major potential problems. Mayor Gallagher noted that he would be here, when the Council had to make the decision to raise taxes to cover the cost of this when this plan doesn't work. Alderman Benedict noted that the fees could be raised if the program cost more than anticipated. It was noted that there currently was eight thousand (\$8,000) budgeted in 2009 for inspections. Alderman Tobin noted that perhaps by the 2010 budget process in the fall, Chief Glover would have a better idea regarding the costs. He felt that they would be receiving registration fees prior to voting on the final budget in December, that this might give us a better projection about the total number coming in. Alderman Feiszli noted that she would like to see the registration on-line. Alderman Benedict noted that they would also have to pay for it.

Mike Holland noted that the point was that the program is not covering its costs. He noted that they should look at raising their inspection fees, which haven't been raised in ten (10) or fifteen (15) years. Currently the fees are not covering the cost of all the things the Council is trying to do here and he felt that the fees needed to be raised. Alderman Tobin stated that he was absolutely right. He asked that this be placed on the agenda for the next meeting for a potential resolution to vote on the fees. It would be the fifty dollar (\$50) registration fee, the thirty-five dollar (\$35) inspection fee per unit and the potential for the forty dollar registration fee, if the landlord registers within the first six months with a hard and fast end date. This will be voted on at the August 4, 2009 meeting.

Adjournment

By: Alderman Tobin
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

I, JOHN O. REAGAN, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 21ST DAY OF JULY 2009. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER