



City Council Minutes

The City of Cortland

August 4, 2009

Council Meeting #15
August 4, 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, Corporation
Counsel Lawrence Knickerbocker and City Clerk John O. Reagan

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Mike Dexter shared pictures of the eighty trees planted along South Main Street three years back and the work that was done by the Landscape and Design Commission and Jim Maloney to work on them. Jim Maloney picked up and paid for some special structural soil and placed that in an area where a tree had been struggling. It is thought that the tree that replaced the bush in that location will look better, especially after a few years. They also installed landscape barriers on South Main Street as a deterrent to weed growth. He noted that Jim Maloney and his crew will cut down some of the trees that are in bad shape along South Main Street, the DPW will haul them away and this will save the City approximately three (\$3,000) to four (\$4,000) thousand dollars. National Grid will cover the cost.

The second item he was here for was to inform residents of the damage that is being done to the hanging flower baskets, the planters and the flowers around the City and at the Water Works. He implored people of the City who witness acts to contact the police. He noted that Jets flags have been taken, pots have been turned over, etc. He noted that the veterans allowed the American flags to be taken down for three (3) weeks while the Jets were in town. He went on to explain that the brackets and poles belong to the veterans and that during the thefts of the six (6) Jets flags, the brackets and poles have been broken.

He also noted that he was unable to attend the Cortlandville meeting regarding the TOPS gas station. He went on to state that the article in the Cortland Standard was very concise as to what the problems are with this gas station location. He noted that technology being used is probably state of the art, but allowing that gas station to be located as proposed, they are putting a problem onto future generations if something were to happen. He is against locating a gas station over the aquifer. He agreed with the Director of the Cortland Health Department's letter to the Cortland Standard, and he read an excerpt from that letter. He also agreed with Pat Reidy that a study should be done to determine what the costs would be if something did happen and affected the City's wells.

Minutes of July 21, 2009

RESOLUTION #86 OF 2009 – Approve the minutes of July 21, 2009.

By: Alderman Hamilton
Seconded: Alderman Michales

Approved: Ayes – 8
Nays – 0

Bills were reviewed and received.

Mayor's Report

The College and the greater Cortland community are to be congratulated on welcoming the Jets to Cortland. This has been a great opportunity for the City. The Jets will have their first inter-squad scrimmage on August 6 at 7:00 PM at SUNY stadium. He met with the Police Commission to discuss and interview candidates for the position of Chief of Police. He welcomed the kick-off of the Bon Ton Roulette. There were approximately five hundred twenty-five (525) riders who toured the Finger Lakes area and had their base camp at the McDonald Sports Complex. He had preliminary discussions with the Police Union. The Brockway truck show will be held on Saturday, August 8.

Ward 1 – Alderman VanGorder

It has been pretty quiet in her Ward. She did receive a couple of calls and a letter regarding the yard pick up that we've all been going back and forth with. She felt that if people continue to leave yard waste out, even after the articles in the newspaper that the Code Office needs to get involved. Yard waste cannot be left out until October. She also felt that the Jets camp was great to have in this area and she congratulated all those who worked so hard to get them here.

Ward 2 – Alderman Benedict

He thanked Police Chief Jim Nichols for his many years of fine service to the community. He called some people to find out the progress on the detention pond. Some people were under the impression that the detention pond was not in the bond issue and he read from the estoppel bond resolution notice where it was indicated that it was in the bond issue. He also received some calls today telling him that the Rental Permit Program has not been signed by the Mayor. Seems to him that if the Mayor did not return the Rental Permit signed, then he or the Clerk should've notified the Council out of courtesy if not by law. He attended the Cortlandville meeting on the TOPS gas station. He's very concerned that a gas spill there could cost our water supply and cost the City a lot of money.

He also received a number of calls on brush pick up. He found close to thirty (30) places in his Ward that had clippings and brush out. He also reminded people to go out to the Brockway Truck Show on Saturday.

Ward 3 – Alderman Dye

He attended the ceremony for the Youth of the Year held at the Cortland Youth Center. The ceremony honored five (5) youths in our communities, with the Youth of the Year award going to Diana Guest of Homer. They Youth Bureau has held this award ceremony for the past twelve (12) years.

He has spoken with a couple of people about the yard and tree trimmings pick up. He has stressed that Franklin Street is open all hours, so it is convenient to drop the clippings and tree trimming off there.

He thanked those who stopped by his house to inquire about his health. To put people at ease and to put down any rumors, he stated that his health is fine now.

Ward 4 – Alderman Tobin

He asked that the Rental Permit Law be added to tonight's agenda for discussion. He, too, heard a couple of rumors and he felt it would be beneficial for all, to discuss this item. There were no objections to that.

He has been passing out flyers in his neighborhood so that neighbors could contact him if there were concerns regarding parking issues during the Jets stay. So far, there seems to be no issues. He has been going around and has received positive feedback from residents regarding the Jets stay. He also had an idea for the fall when the college students return. He noted that there seemed to be some issues in some neighborhoods with "noise pollution". He had an idea about purchasing and posting signs, "Noise Ordinance starts 10 PM". He would be willing to purchase a couple of these signs himself and perhaps other City residents would also purchase some. He felt that local residents could post these in their yards as a gentle reminder that residents are concerned about the late night noise. He hoped to get some feedback on this idea.

He also attended the TOPS gas station hearing in Cortlandville. He spoke against the proposal. One of the main reasons he spoke against it, was that the three (3) public health agencies have already come out against it. He felt that was fairly compelling evidence. He also has a question about getting more information concerning the air stripper if there is pollution. He has spoken with Dr. Broyles at the College about this. Mayor Gallagher noted that he had also spoken with Dr. Broyles and that information would be located for him.

Ward 5 – Alderman Quail

He continued to work on several Code issues in his Ward. He is addressing the grass and garbage. He went to the Saturday morning Jets workout. He noted that they are a professional team who go from drill to drill and it's amazing to watch. He gave thanks from Ward 5 to Mike Dexter, Jim Maloney, Mike Polk and Diane Batzing for the work they did to keep the urban forest healthy. He also noted that a permit had been issued by the City to a vendor who is parked on Tompkins Street. After a discussion with Chief Glover he noted that there is nothing wrong with the permit, but he felt that at some point the Council should revisit it. He felt that where it was now in an R4 district it wasn't a nuisance, but perhaps in the future, it could be parked in front of someone's home and could be a nuisance. Alderman VanGorder felt that not only the location should be looked at, but perhaps they should revisit the fees charged.

Ward 6 – Alderman Feiszli

She met with Marietta regarding the truck traffic and parking lot dust issues. She has received calls and e-mails about yard debris not being picked up during summer months. She doesn't agree with sending the calls to the Code Office. She would like to continue discussing the possibility of having another department to help out for the next two (2) months instead of having DPW crews taken away from their projects.

She attended the Cortlandville Planning Board meeting and read a letter on behalf of her constituents about concerns with the proposed TOPS gas station. She was interviewed on WHCU about the proposed gas station. She updated her web page on the City website. She also received e-mails of concern such as dogs barking, yard debris not being picked up during the summer months and the Rental Permit Program and she has been working on these issues. She worked out a problem along with Chief of Police Nichols and residents regarding a street closing event which has been resolved. After an amicable compromise, this item can be taken off of tonight's agenda. She met with the Environmental Advisor Committee. They are working on their mission statement and they are looking for more interested people to join.

Ward 7 – Alderman Hamilton

He attended the July 23, 2009 meeting with the Marietta management and several City officials to address truck traffic problems and possible solutions. It was suggested that a committee be formed with at least one (1) representative from each street affected by traffic around Marietta and other issues to meet with Marietta once a month. He asked

interested individuals to contact him at (607) 753-3017 or to contact Matt Ducatt at Marietta.

He received calls about two (2) problem houses in his Ward. One (1) is on Elm Street and one (1) is on Crandall Street. He reported these to Code Enforcement and Deputy Chief Catalano and both said that they would investigate to see what was going on at these locations.

Ward 8 – Alderman Michales

He had several Code related issues. Three (3) were related to disabled vehicles, with and without plates. The Code Office is looking into this. One (1) owner has been cited. A resident expressed concern regarding a broken fence bordering the DPW and that has been repaired. He noted that there has been excess truck traffic on a residential street. He spoke with the Mayor about this and asked that a sign or two (2) be placed along that street. He's still looking into that at this point.

He contacted National Grid regarding two (2) street lights that were out on Brook Drive. Jim Maloney took down the pole numbers to attend to these. He received a complaint about a resident parking on the wrong side of the street. Vehicles were ticketed and he visited the resident to discuss the concerns. He also noted that the concerned resident had been receiving phone calls and may be issuing a complaint in regards to those calls.

He had received a call regarding the street being in bad condition, which he referred to the DPW to find out their paving schedule. He noted that there was also a tree limb down in the last thunder storm and that will be picked up soon. He attended the financial meeting with Director of Administration and Finance Bryan Gazda. He attended the Youth Bureau's Youth of the Year Award ceremony. His congratulations to all of the nominees and especially Diana Guest, who received the award.

The Mayor gave an update. The Yaman Park boat launch is just about finished. It is a little scraggly yet between there and the gazebo and Jim Yaman presented a check today to the Youth Bureau to have that cleaned up by Stub's Tree Service.

Item No. 1 – Presentation by Cortland County SPCA Board President Sharon Blatchley and Executive Director Donna Davie.

Donna Davie thanked the City for this opportunity and their ongoing support of the SPCA. She thanked Alderman Michales for his work at the shelter, as well as Sharon and Jane. She wanted to talk about sheltering and what they do. Sheltering has changed a lot in the last decade. She wanted to clear up some misconceptions and to answer questions. She noted that they were a private, no kill shelter that exists exclusively on the generosity of this community. They have no affiliation or connection with any other rescue organizations, especially the ASPCA. They do not get funding from the ASPCA, which is located in New York City. They also are not connected to any other SPCA in any other locality. They are also not federally funded in any way.

They exist solely on generosity and contracts. The SPCA has contracts with the City for dog control and one with the County for cruelty. The third item is that the shelter is a "no kill". This means that they do euthanize, they are not a sanctuary. They euthanize an animal that is suffering, they will euthanize an animal that is beyond their means to medically fix and they have a moral obligation to put out safe animals into the community and will euthanize any animal that is a safety issue. They are evaluated, it's not perfect, but they try their best. They do not euthanize animals for spaying. They are trying to educate people and make them more responsible for their pets. They are a customer service oriented business. They are here to help the animals and people of Cortland County. They are more than a pound. She opened up the forum for questions.

Alderman Feiszli noted that about a year ago there were discussions regarding feral cats. A representative from SNAP was here and it was her understanding that a few people were going to try to get together to work together to resolve that issue. She asked for an update on that. Alderman Michales noted that representatives from the SPCA, the Council and from SNAP met and they determined that this was a countywide issue as well as a citywide issue and would take a large amount of funds to put a type of spay/neutering program in place. It was more than the amount the City of Cortland was willing to bear at this point. Donna Davies noted that this was more than most communities could bear, especially the smaller, rural communities. Alderman Feiszli asked what the City contract was with the SPCA this year. Donna Davie noted that she thought it was \$60,000, but didn't look it up before she came. Alderman Benedict felt that it was impressive that they had so many adoptions last year and he encouraged people to go to the SPCA to adopt a pet.

Alderman Michales asked her to outline what the SPCA provided for the City of Cortland for the \$60,000. Donna Davie stated that the City got dog control five (5) days a week from 7:30 am until 3:30 pm. During that time they do routine patrols in various areas of the City. They answer any calls regarding stray dogs or injured dogs. In the evening, they have an emergency pager, so they can respond to calls. They work closely with the City Police Department and with emergency responders. Recently they responded to a house fire to rescue animals in that building. They work with County agencies like DSS to assist. Basically, the City contracts for dog control.

Alderman Feiszli asked how many dogs the SPCA picked up last year. Donna Davie noted that so far this year, they had picked up one hundred eighty-nine (189) dogs and last year they had about four hundred thirty (430) dogs, but that is not just for the City. She noted that it comes in waves. Alderman Benedict pointed out that this service saves the City money. It would cost the City more to hire a person to do this or to have the Police Department do this. Aldermen VanGorder and Benedict noted that this is State mandated. Donna Davie noted that the SPCA was also lucky to get a grant that funded the purchase of the emergency response vehicles that the dog control officers are using. They are especially equipped for animals. She feels that the SPCA saves the City a lot of money. Alderman Michales noted that the City not only would have to hire someone, but they would have to house the animals and they would have to hire someone to oversee the housing and they would have to pay a veterinarian to care for

sick or injured animals. Donna Davie noted that they, too, had to pay for veterinarian services. Veterinarians do not give the shelter free services. She went on to explain the medicines administered as well as the cleanliness factor necessary to prevent the spread of parasites and insects. Alderman VanGorder thanked the SPCA for the work they did, as the Kitty City incident was in her Ward and they did a fabulous job. She also noted that her cat was adopted from the SPCA. Alderman Dye asked if there was anything that could be done to encourage the State to consider the idea of licensing cats. Donna Davie felt that there should be some roundtable discussions regarding this look into this further and see what would work in this community. She felt that there was a different feeling in the community in regards to cats being more disposable than dogs. She also felt that exploring the licensing aspect should be looked at more closely. Alderman Benedict noted that sheltering an animal averaged about two hundred eighty dollars (\$280) and the average cost of adoption was around sixty-six (\$66) dollars. Donna Davie noted that currently they could get twenty-five (\$25) for a kitten and one hundred thirty-five (\$135) for a puppy at the shelter. She went on to explain that the two hundred eighty dollar (\$280) cost was to shelter, vaccinate, feed and spay or neuter animals. She also explained how they started the alternative to surrender program, where in these hard times, if people couldn't afford to feed their pets, the shelter provided free food, cat litter and animal supplies. She also noted that they had a foster program as well for kittens and puppies, which helped them a lot. She encouraged people to stop by the shelter to see the work that they are doing and how nice it looks. Their golf tournament is scheduled for September 26, 2009 at 9:00 am.

RESOLUTION #87 OF 2009 – Consideration of confirmation of Chief of Police.

Mayor Gallagher read a letter from the Board of Police Commissioners. After several meetings, they recommended that F. Michael Catalano be appointed. They interviewed three (3) viable candidates, Deputy Chief Catalano, Lieutenant Sandy and Lieutenant Gesin.

Alderman Tobin noted that the Council was being asked to vote on an appointment, but had not sat in on the interviews and had not received any information on those interviewed. He felt it would be very beneficial for the Council members and the general public to learn a little bit more about Deputy Chief Catalano and the rest of the candidates. Mayor Gallagher noted that he had the resumes for all three (3) candidates and he would be happy to share them with the Council. Alderman Benedict noted that it was a little late to be reading the resumes. Mayor Gallagher noted that this was the Police Commission's recommendation. Alderman Benedict and Tobin noted that it would be best to have more information. Alderman VanGorder felt that the Council could have gotten the resumes earlier by just contacting the Commission. Alderman Tobin was unaware how the process worked. He spoke with the Mayor last Tuesday, but the process was well underway at that time. Alderman Feiszli noted that this had happened before and she felt the same way. She asked Deputy Chief Catalano to tell the Council something about himself on a personal level.

Deputy Chief Catalano noted that he hadn't anticipated this, but would give them the information requested. He noted that he had been a life-long resident of Cortland. He

has lived most of his life in the City and attended the City School system. He attended Tompkins Cortland Community College where he received an associate's degree in criminal justice. He continued his education at SUNY Cortland. After one (1) semester there, he was hired as a correction's officer with the Cortland County Sheriff's Department as a jailer. He did that for a year and a half, he was then promoted to the road crew as a rural deputy. He did that for two and a half (2 ½) years. In 1980, he started basic training and he received his police certification. In 1984, he requested a transfer to the City Police Department. He received the transfer and he started as a patrolman. He worked as a patrolman for several years and was promoted to a uniform line sergeant after around nine (9) years. After that, he was transferred to the detective bureau as sergeant for three (3) years. After that, he was promoted to uniformed lieutenant with a candidate interview process and civil service testing. He remained a uniformed lieutenant for about six (6) years and then he was promoted to Deputy Chief in 2003. He noted that through the last five (5) years of his career he continued to go back to college and he enrolled in the Empire State College. He has one (1) more class to go for a bachelor's degree in Community Human Services and Criminal Justice. He should complete that this fall. He has been with the Cortland City Police Department all these years and it has been his life and his career.

Alderman Tobin noted that he wanted his opinion on consolidation and shared services with Cortland County. Chief Catalano stated that he supported the idea of consolidation, but it will take a lot of time. He felt that initially there wouldn't be a lot of cost savings due to the fact that there was a lot to be considered. Alderman Tobin noted that when he spoke of consolidation, he wasn't talking about reduction, but about a larger force, which was better organized and coordinated. Chief Catalano noted that if he was appointed, he would continue to work with the County on centralized booking as far as jailing went.

Chief Catalano addressed Mayor Gallagher, Director of Administration and Finance Gazda, the Police Commission and the Common Council and thanked them for their confidence in making him the City's twenty-second police chief. He noted that leading the police department was a tremendous task and that he would do everything within his power to uphold his responsibility to meet the challenges of this position. He has always upheld the safety and well being of the residents and visitors to the City in his best interests, as well as its police officers. He noted that he and Chief Nichols worked diligently together as partners to enhance the functions of the Police Department. They have been able to do this by seeking grant funding to obtain technological advances and newer equipment in the law enforcement field. This has enabled us to provide our officers with the best tools and to provide the best service to the community and make their duties more efficient and safe. He noted that he has difficult shoes to fill with Chief Nichols' retirement. He noted that Chief Nichols has been a great mentor and teacher to him. He thanked his wife and children for their past and continued support and sacrifices they made during his career. He hoped to continue the support of the Mayor's office and the Common Council. He looked forward to working together with them as a team and he can only see great things ahead for the City Police Department and the City of Cortland. He noted that the newly appointed Deputy Police Chief would be Paul Sandy and he introduced him.

Mayor Gallagher thanked Chief Nichols for all he had done over the years. He stated that the salary for the Police Chief was seventy-seven thousand four hundred forty dollars (\$77,440) and he'll be going to eighty-five thousand (\$85,000) for twelve (12) weeks of a probationary period and will be going to eight-eight thousand (\$88,000) dollars. The position was advertised at eighty-four thousand four hundred sixty-nine thousand to eight-seven eight hundred forty-seven and seventy-six dollars (\$84,469 to 87847.76). The range is established by Civil Service and the State.

By: Alderman Hamilton
Seconded: Alderman Michales

Approved: Ayes – 8
Nays – 0

Item No. 3 – Consideration of a Resolution to enter into an Agreement with the State of New York regarding North Main Street culvert.

Corporation Counsel Lawrence Knickerbocker stated that this had all been taken care of in 2007 and that this may be withdrawn from the agenda.

RESOLUTION #88 OF 2009 – Consideration of a Resolution authorizing the closure of Pearl Street, from Tompkins to Warren, for a neighborhood gathering on September 7, 2009 from 10:00 AM to 7:00 PM.

Alderman Benedict asked if people would be allowed to go in and out and not be stopped from getting to their homes. Alderman Feiszli noted that perhaps next year the Council should revisit these street closings. She felt that perhaps they should circulate a petition. Alderman Tobin noted that some people had to get to their houses. Alderman Feiszli noted it was a case of being a good neighbor. In her case, they will be moving the barrier for an hour to allow access and residents will be there to watch the children when traffic is moving during that time. Alderman Michales noted that in his Ward they left an opening rather than totally blocking it off and it worked for them.

By: Alderman Tobin
Seconded: Alderman Dye

Approved: Ayes – 8
Nays – 0

RESOLUTION #89 OF 2009 – Consideration of a following actions relating to the Cortland Celtic Festival:

- A. Use of the City's portion of Courthouse Park on August 21 and 22, 2009 to stage the event.
- B. Use of a portion of the area for a tent where alcoholic beverages will be served.

Danny Ross noted that this was the third year the festival was being held at the park. It's a great place to have a festival as it brings people into the center of the City. Alderman Michales reminded him that since this was located in his Ward, to be sure that the fencing to the tent area where alcohol is being served be very secure. Mr. Ross assured him that it would be. He noted that there would be full insurance coverage indemnifying the City and that the music would only go until 9:00 PM with a permit.

By: Alderman VanGorder
Seconded: Alderman Benedict

Approved: Ayes – 8
Nays – 0

RESOLUTION #90 OF 2009 – Consideration of a Resolution to recognize and modify A960 Appropriations and A1910-400 Unallocated Insurance in the amount of \$10,252.50 and A510 Estimated Revenues and A2680 Insurance Recoveries in the amount of \$10,252.50.

This is to recognize the money received from NYMIR.

By: Alderman Quail
Seconded: Alderman Tobin

Approved: Ayes – 8
Nays – 0

Item No. 7 – Consideration to amend Euclid Avenue street closure on August 15, 2009.

Mayor Gallagher noted that Alderman Feiszli had taken care of this and this was being withdrawn from the agenda.

Item No. 8 – Discussion of the Rental Permit Program

Alderman Tobin noted that during last week's meeting of the Housing Committee, one (1) of the members expressed some concerns about the status of the proposal. Alderman Tobin spoke with Mayor Gallagher today. Alderman Tobin felt that the best way to approach this was to give a breakdown of what has happened since the Council voted on the Rental Permit Program and where it stands in the process of becoming an ordinance. Corporation Council Lawrence Knickerbocker noted that it was a local law not an ordinance and he has it. It's been signed and it needs to be sent to the Department of State and as soon as it is received there, it will become effective. He noted that he mistook how this was going to be taken. He was hoping that the resolution for the fee money and how that would get done would get approved and then he would file the local law. He thought the resolution would follow directly behind the passage of the local law, but that didn't happen. The resolution wasn't forthcoming on

the finances of it, so at this point, it will be shipped on and filed with the Department of State.

Mayor Gallagher expressed his concerns that the City had a law in effect when the Council still didn't know how much it was going to cost the taxpayers. He is still very concerned about that. Alderman Tobin has presented some figures. Mayor Gallagher has spoken with Chief Glover and he's not sure. The Mayor felt he was looking at some big number and he didn't know how the Council could burden the taxpayers with anything. He noted the Council has talked about cuts, cuts, cuts and not burdening the taxpayers and we're going into a program where we don't have any idea of the cost. This could break even or it could cost the City money. Alderman Hamilton felt it was going to fund itself. Mayor Gallagher asked him to explain how. Alderman Hamilton felt it was a good program and it was close enough to funding itself. Mayor Gallagher felt it was an excellent program, he wasn't saying it wasn't. Alderman Hamilton felt that they should take the chance. Mayor Gallagher asked him to come back to explain it to the taxpayers. He noted that for every seventy thousand dollars (\$70,000) spent, that represented a one percent (1%) tax increase.

Alderman Benedict noted that Alderman Tobin's figures showed there would not be a burden on the taxpayers. He went on to say that if the Council found out that they were running way behind, that they certainly should look into raising the fee, which hasn't been raised in ten (10) years or so. He felt that the property owners could pay for a fee increase if it hasn't been raised in ten (10) years. This was something to look into if it was needed and this should be studied.

Mayor Gallagher noted that they would have to spend the money before any money could be brought in. Alderman Benedict noted that right now three (3) family homes were being inspected. He noted that if they had to increase the fees to have the program pay for itself, then those properties will bring in some money before the single and two family homes need to be inspected. Alderman Hamilton noted that they were starting out with a registration. Alderman VanGorder and Mayor Gallagher noted that the registration mailing would cost money. Alderman Benedict noted that they were having two (2) fees; a registration fee and an inspection fee. Alderman VanGorder noted that the registration fee would be fifty dollars (\$50) per property not per unit. Alderman Tobin noted that would be a one-time fee and this would cover the cost of the start up of the program. He noted that rather than have the cost of the mass mailing, they would advertise in the newspaper initially to contact them. He went on to explain that they already knew who owned the three (3) family homes, what they didn't know was the owners of the single and two (2) family homes. He went on to explain that they had discussed the possibility of someone not registering. If that happened, they would put the money on the tax bill. The property owner would pay it, because they were a businessperson and they were running this as a business and we need to assure that the business is being kept up to a standard.

Alderman Tobin went on to explain that the quality of the housing stock had been discussed for two (2) years and was part of a concern identified in the City and County Comprehensive Plan. He noted that this should not cost the tenants and it should not

cost the City, it should cost the people who are making the money. Mayor Gallagher asked if at the end of the year if this program had cost twenty-five thousand dollars (\$25,000), this amount would be levied against the property owners. Alderman Tobin didn't see how that much could be spent before the money came in. He noted that with a year of registration, as per the recommendation, the data would be collected. He outlined the increase in the number of inspections this would cause, but it wasn't that significant. He also noted that there should be a penalty fee instituted for not registering. There was discussion regarding how many two (2) family properties were in the City. The estimate was about six hundred fifty (650) two (2) family properties in the City and it was estimated that about half of those had rental units.

Alderman Feiszli noted that the County Real Property Tax Service had that information. Alderman Tobin noted that he had met with Aldermen Benedict and Hamilton and Mike Holland and Chief Glover. He noted that Mike Holland had a very good idea of overestimating the number of inspections, so the information that was distributed about the total number of inspections is on the high side. That is overestimating the number of inspections that may be required. He noted that they also fairly underestimated on the income side and higher on the work side. He stated that they had talked about seven (7) to eight (8) inspections a week, on the high side, possibly, nine (9). The idea was to overestimate how much work may be put upon the inspections. Alderman Michales noted that this program was no different than any other program the Council had has been established by this Council. You always anticipate that there's going to be some up front costs to any new program. He noted the boot program. Mayor Gallagher noted that they knew they were going to get that. It wasn't that much of a challenge. Alderman Michales noted that they would recapture this money; it just may not be all at once. Mayor Gallagher stated that the Council was gambling with the taxpayers' money and if the Council was confident in their constituents support, he was fine with it. Alderman Benedict stated that it was still State law that three (3) units and above have to be inspected. He noted that those people have to register and they have to have an inspection, so that money is going to be coming in and if they need to, they can raise fees, if necessary. He thought the Council could see within a month or two (2) how things were going to go and then they could bring a resolution to the City to raise the fees. Alderman Michales noted that this was a bit more complicated program than the Boot Program. What he would like to see is someone mapping out a timeline of events from initiation to inspection and put a cost schedule together along with a fee schedule and an outline for enforcement. Then he noted they should allow the public to buy in on this program. Alderman Benedict noted that sounded like a plan and that they had already done a schedule. Alderman Michales noted that people were bringing up questions and there had been an article in the newspaper. Alderman Benedict felt that they could answer the newspaper fairly quickly and offered to make the call himself.

Mayor Gallagher asked how much had been set aside for possible litigation and who was going to pay for that. Alderman Michales stated that was a point that he had brought up a few weeks ago. He felt that amount should be budgeted for. Mayor Gallagher noted that the Council wanted to stop spending, but yet wanted to take money out of the budget for litigation. Alderman Tobin asked how much currently was set aside for professional fees. Corporation Counsel Lawrence Knickerbocker felt that

there was perhaps half of what was budgeted at the beginning of the year, which was about \$15,000. Alderman Benedict stated that Corporation Counsel Knickerbocker was on retainer and he would be taking care of this on what was already being paid to him. Mayor Gallagher stated that Corporation Counsel had a part-time job and that he couldn't take care of all of the things he had going now. Alderman Tobin noted that Anne Doyle was correct, that at some point the Council would have to look at using that thirty thousand dollars (\$30,000) for additional resources for Corporation Counsel. He noted that there was also ten thousand dollars (\$10,000) in the contingency budget. Corporation Counsel Knickerbocker stated that it was his guess that the Council wouldn't see litigation on the Rental Permit Program this year because by the time the registration process began, the Council wouldn't see litigation begin until the enforcement part of the registration process began. He felt that they should be thinking of that in doing the next year's budget process for 2010. He felt that as soon as a fine was imposed for non-registration, that's when litigation would begin and that would probably be in the second half of 2010. He noted that it could happen this year, but he didn't think it would.

Alderman Tobin noted that other cities had rental permit programs. Corporation Counsel Knickerbocker didn't feel that the focus would be on the rental permit program. Corporation Counsel Knickerbocker had spoken with Alderman Tobin and noted that with the Comprehensive Plan being developed and potential zoning changes and the potential overlay districts, may very well resolve many of these things that have been problems in the past. He's only guessing, but that may cut down on the possibility of litigation because the areas that are more densely populated now are in the areas of which there would be overlay districts permitting greater density, you probably will not see litigation. Alderman Tobin noted there were the two means of generating income; the registration fee and the inspection fee. He noted that this was in two (2) parts. The new proposal was one (1) and two (2) family and the second part was three (3) units and more. He went on to note again, the second part had a fee schedule that had not been updated in years. He noted that they had already been told that the recommendation to the Council was to alter fee schedules. This would make the fee schedule more consistent with what the going rate is. This will increase the projected income. He noted if anyone was uncomfortable with the projected income presented previously, then the Council could look at doing both of those. Increasing the rate from thirty-five dollars (\$35) to what Chief Glover had originally recommended which was fifty dollars (\$50) per inspection for the single family and the two family. Alderman Tobin felt the Council could ask Chief Glover to come up with a new fee schedule for three (3) units or more. Alderman Michales asked if the inspection fees were to sustain this program, the registration was a one (1) shot fee unless there is a transfer of ownership or if a property which wasn't a rental property became a rental property. Alderman Tobin agreed. Alderman Tobin also asked that Chief Glover return to the Council with further information. Mayor Gallagher noted that Chief Glover was working on that already. Alderman Tobin noted that perhaps Director of Administration and Finance Gazda might have some additional ideas, as well. Alderman Tobin noted that one of the reasons why he asked to have this put on the agenda was that he wanted to be sure that the filing of this law was moving along, there were no expiration dates and this would not be subject to suit because the City did not do something in a timely manner.

He was assured by Corporation Counsel Knickerbocker and Mayor Gallagher that was the case. Alderman Tobin noted that this made him feel better.

Corporation Counsel Lawrence Knickerbocker explained that he had been misinformed, that there was a section under general municipal law that indicates that from finalization of a local law it needs to be filed within ten (10) days. That is not a provision that strikes down the statute. It's more an informational section. There is all kinds of case law, that if it's filed over the ten (10) day time period, it does not affect the validity of the underlying statute. There's a wealth of case law about that. Alderman Tobin noted that the Housing Committee had met to discuss where to go at this point. The Committee would like to discuss with Thoma Development some of their recommendations once the Comprehensive Plan is completed and how the Housing Committee can be of use in moving forward. Officially, they've now added three (3) new members at their last meeting. Alderman Hamilton hoped that the Housing Committee would take up the topic of all of the sub-standard rental housing that is here in the City.

Adjournment

By: Alderman Tobin
Seconded: Alderman Benedict

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 4th DAY OF AUGUST 2009. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER