



City Council Minutes

The City of Cortland

October 6, 2009

Council Meeting #19
October 6, 2009
Regular Session
City Hall
7:00 PM

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

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

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Fran Pizzola from Access to Independence was present. She was representing the Transportation Advisory Committee for Cortland County. She had received a letter of concern from a consumer who uses a wheelchair and he's not able to press some of the crosswalk controls because of their locations. She was speaking of the one at Clinton and Groton Avenues and Main. She has met with representatives of the State Department of Transportation to discuss some crosswalk updating to meet ADA standards. On Church Street there is a crosswalk that has been updated. Instead of having a tiny button to push, there is now a large silver button, which is more accessible. There is also a cuckoo clock sound that alerts sight impaired individuals when they are able to cross the street. She sent copies of this information to Mayor Gallagher and Mike Preston of Public Safety to see if the City would consider updating the Clinton and Groton Avenue crosswalk. This falls within the City's responsibility to come into compliance. She has spoken with Alderman Benedict regarding this issue.

She also was representing the Transportation Advisory Committee. They were requesting the consideration of putting a bus stop on Main Street that would be safe and accessible to wheelchair users. Currently wheelchair users cannot flag a bus down safely on Main Street. She noted that there was some grant money left

that could go toward funding such a bus stop. Their committee had an idea of where they might like to have a bus stop located and she would like to discuss that with the City.

Aaron and Maria Baier were present regarding an Access to Independence Proclamation.

Acting Mayor Dye read a proclamation signed by Mayor Gallagher declaring the month of October Disability Awareness Month.

Minutes of September 15, 2009

RESOLUTION #111 OF 2009 – Approve the minutes of September 15, 2009 as amended.

By: Alderman Feiszli
Seconded: Alderman Benedict

Approved: Ayes – 7
Nays – 0

Bills were reviewed and received.

Mayor's Report

None was given.

Ward 2 – Alderman Benedict

He noted that he and Stephanie Hayes handed out “How to be Good Neighbor” cards to student in our neighborhoods. The Hill Association also had a handout for students. Some of the children wrote messages on the sidewalks to remind people of the proper behavior to make friends with their neighbors.

Alderman Feiszli and he, along with several others, attended the Otter Creek Clean Up. Their project was to remove a big tree trunk that was across Otter Creek. Jim Myer and a visitor from out of town did the chain saw work. The group also removed debris from the creek.

He went to the Water Works on a rainy afternoon to view the site for the berm. Aldermen Michales, Feiszli and he met with Chris Bistocchi and Amanda Barber from Cortland County Soil and Water. The site was clearly away from any well heads. It was on the other side of the stream from the streets that go off from Groton Avenue. The proposed berm should not have any negative effect on the houses along Glen Street or any other houses in that area. This pond is meant to slow down the water for a period of time. After water levels go down upstream,

the berm will continue to release the water at a slow rate. The build-up and slow release will prevent flooding in this area. He was impressed with the amount of work Chris Bistocchi, Amanda Barber and Pat Reidy had put into this project. He felt that the Council should make this a priority because over the life of the berm it could save hundreds of thousands of dollars in street repair and clean up. It should also save a lot of money to those living in the flood path. Chris Bistocchi felt that it would take very little money and labor to maintain the berm.

A number of people have started handing out residential flooding survey cards. He has received a few that have been returned already. Some individuals have spent thousands of dollars and others were out of the flood plain enough so that they did not have any damage. It may take awhile to complete this survey.

He attended the City Planning Commission meeting. He was pleased to see that the board denied the addition of two (2) apartments at 19 West Court Street. He would like to see a change in the Code so that giant additions such as the one at 19 West Court Street could not be built in R1 and R2 residential neighborhoods. He also attended the Housing Committee meeting last Thursday.

He would also like to discuss the handicapped signal and the bus stop later in this meeting.

Ward 4 – Alderman Tobin

He noted that at the Housing Committee meeting last Thursday that they discussed the preliminary draft of the City's Comprehensive Plan and the housing component for that. There are some additional ideas regarding some other topics that they could possibly handle.

He dealt with some illegal parking down on Tompkins Street. He recently had some No Parking signs put up near the entrance to the athletic facility for the College and there had been some cars parking there. He placed a call to the Police about that.

He is working on becoming involved with the planning of the new Student Life Complex that SUNY Cortland is proposing. He met with Linette Mowers from SUNY Cortland Transportation Department. They would also like a bus stop on Main Street so they could transport students to classes.

He asked to add the Rental Permit Registration phase onto tonight's agenda along with Alderman Michales item regarding blighted buildings.

Ward 5 – Alderman Quail

He has several phone calls from a constituent regarding the proposed double digit tax increase. Their comment was no additional tax. He also made some calls to

some residents who have been parking across the sidewalk. He noted that the sidewalks are meant to be left open for pedestrians.

Ward 6 – Alderman Feiszli

She noted that it was a long agenda tonight and she would pass on her Ward report. She did note that she was please that Fran Pizzola had brought up the issue of the handicapped crossing.

Ward 7 – Alderman Hamilton

It has been pretty quiet in his Ward. He received one (1) e-mail concerning the Cabako Building on Huntington Street. It looked like the roof was going to cave in and there was concern about that. There were also some potholes reported North Franklin and Cleveland Streets and he has reported them to Chris Bistocchi.

Ward 8 – Alderman Michales

The tree at 67 Church Street has been removed and he wanted to extend a special thanks to all who were involved. He attend Chief Nichols retirement dinner as well as the Pumpkin Festival. He has dealt with one police issue in regards to a property off of Pendleton Street. There was a dispute over rights to a driveway. This will be an ongoing matter and he has referred the matter to Corporation Counsel Knickerbocker for his review.

He received a call from a constituent regarding the damage to Court House Park after the Pumpkin Festival. He stressed once again, that perhaps the City should include a fee for park maintenance for these events. This is the second time that he has brought this up. He also attended the berm site meeting at the Water Works.

Ward 3 – Alderman Dye

He attended the Rural Cemetery dedication at the Gibson Chapel. He attended the Pumpkin Fest and he received a couple of calls about 140 Groton Avenue after that attempted arson fire there especially for the number of students that supposedly live there. It is listed that eleven (11) students live there in a two (2) family house and they are checking onto that now.

Item #1 – Presentation of the Mayor's proposed 2010 budgets.

Director of Administration and Finance Bryan Gazda noted that sections one (1) through three (3) dealt with the General Fund. He went over some of the highlights. He noted that the tentative General Fund Budget was eighteen million two hundred ninety-three thousand nine hundred sixty-four dollars and twenty-nine cents, which is an increase of one million one hundred thirteen thousand three

hundred sixty-two dollars for a total of six point four eight (6.48) percent increase over last year's adopted 2009 budget. He had indicated some highlights and noted that health insurance is a four hundred seventy-five thousand dollar increase to now fully fund health insurance. This is a component of a seven (7) percent premium increase from Excellus Blue Shield/Blue Cross and because we used our reserves in the past, there wasn't any money available to fund it and now it had to be fully funded out of current appropriations. He noted that was the major increase to the budget.

The second was due to the downturn in the stock market, the New York State Retirement Fund has taken an approximately twenty billion dollars loss so the Comptroller has as was done, as in 2000-2001, gone back and asked the municipalities to contribute more to make up for the loss. So for 2010, the difference is two hundred thirty-nine thousand one hundred seventy-three (\$239,173) dollars for both the Police and the Fire and the regular employee retirement.

The third item is an in house budgetary clean up that he has done in regards to how the City funds road maintenance. Historically, they had made that adjustment out of the General Fund into the Capital Fund and this should have been left in the General Fund. Basically, it's an increase of three hundred and fifty thousand (\$350,000) dollars, but it's offset by bond proceeds that the Council approved earlier this year and then also our two hundred thirty thousand (\$230,000) for CHIPS that we normally get in. This will result in a zero effect to the actual budget.

He noted that the other costs were just contractual salaries and the escalating for utilities. The inflationary types of things we face. He noted that on the revenue side that there was a decrease in the non-real property estate revenues. This is all the money that is just not real property tax. He did his five (5) year analysis looking back at projected revenues and he felt that there was a slight decrease in those items. He also is proposing an item of new revenues, which is the storm water management fee. This is where impervious material such as roofs and parking lots because of the storm water work that we have to do now there's a program or a way for us to establish a fee to recoup some of this money because the City has to deal with the cost of storm water run off. He noted that it will require a change to the local law to institute, but he has included that in for 2010 and hopefully the Council will keep that in there and work on the local law.

He noted that next spring the City will be doing the in rem tax foreclosure process. With that and the real property tax increase of fifteen point seven nine (15.79) increase, it will require the tax rate to increase by sixteen point four four (16.44) percent. He put a note in the budget handout that the City's equalization rate is not at one hundred (100) percent. It's at ninety-nine (99) percent. So if you compare last year's equalization rate, when we were at one hundred (100) percent compared to this year, it's not a really true reflection because you are going from

one equalization rate to the next. If we were at one hundred (100) percent still, we'd only need to raise sixteen point one nine one eight (16.1918) percent. He noted that it was a very balanced budget and that the Mayor recommended that the Council adopt it as it is.

Alderman Feiszli asked if there had been any reductions made to any areas of the budget. Director of Administration and Finance Gazda noted that some deductions had been made, including all training in all departments. He noted that the departments had been running very lean in the past. Alderman Dye noted that in speaking with the Mayor, that prior to the cuts made by he and Director of Administration and Finance Gazda that the increase would have been in the neighborhood of twenty-one percent as compared to fifteen and a half.

Alderman Michales asked if Director of Administration and Finance Gazda had sat down with each department head to review their requests. Director of Administration and Finance Gazda stated that he had spoken with the department heads and got the feeling that the department's budgets were in line and not inflated. He noted that two thirds of the increase that the City is facing is health insurance and retirement and the other portion of the money is just normal increases in utilities. He noted that there wasn't much change in the departmental budget requests.

Alderman Hamilton asked if there was talk of freezing wages. Director of Administration and Finance Gazda stated that contractually the City couldn't freeze wages for people under collective bargaining units. He noted that there were sessions with department heads with some thought to that and it was decided to leave it where it was at. Alderman Dye noted that one of the items mentioned by Mayor Gallagher was to have a meeting with the union representatives to see if they could help the Council out. It was noted that other than department heads and part time individuals, all other employees were represented by unions.

Alderman Feiszli noted that it was important for the public to know that this budget is going to be filed and the Council will not be voting on it as yet and the Council has until November 15 to work on this budget. Director of Administration and Finance Gazda noted that a proposed budget will be in place until November 15 and then from there a public hearing will be scheduled. He also noted that the Council, according to the Charter, could make changes to the budget right up to the adoption of the budget, which is December 31. Alderman Feiszli asks for a budget work session prior to the next Council meeting. Acting Mayor Dye noted that sessions were being scheduled with each department to find out what they could possibly do without, as had been done in the past. Director of Administration and Finance Gazda noted that the Council should take home this budget document, review it, then highlight areas they wished to look at and then schedule meetings with department heads and move forward.

He noted the next item was the Water Fund with a tentative budget of one million eight hundred sixty thousand nine hundred sixteen dollars and sixty-one cents. This is a proposed tentative budget increase of two hundred thirty-nine thousand seven hundred sixty-four dollars or a sixteen point eight one (16.81) percent increase from the 2009 adopted budget. The necessary increase in the budget is dictated by the increased cost in health insurance, as well as the Otter Creek and berm project. The aspect is that as with the Sewer Fund, he included an additional forty-five thousand dollars (\$45,000) in the contingency account to offset any emergencies and to help replenish the fund's unappropriated, unreserved fund balance. He noted that in 2009, the Council allocated sixty-one thousand (\$61,000) from the bond issue to construct a berm on the water department grounds to help control flooding associated with Otter Creek. He noted that there was a capital reserve in this fund which had been received from the cell tower. He noted that if the Council wanted to move forward next year, which the Mayor is proposing, that Director of Administration and Finance Gazda and Chris Bistocchi get together to estimate the cost of the unforeseen regulatory requirements and studies and using funds from the Capital Reserve account to pay for the necessary studies that will be required by the regulatory agencies. He noted that if the Council wished to proceed with this project, that they consider administering this project through the Capital Fund.

He noted that once again, consumption is down and that there might have been some miscalculation in usage rates. The Mayor is proposing that they consider bringing the 2010 household rate to two dollars and twenty cents (\$2.20), the small commercial rate to one dollars and seventy cents (\$1.70) and the larger commercial rate to one dollar and fifty-five cents (\$1.55). This averages out to be a seven point two four percent (7.24) increase. He noted that the average household of four consumes one hundred sixty (160) unites of water per year and that would be about a sixteen dollar (\$16.00) per year increase per household.

Alderman Feiszli asked about contracts with other municipalities that the City might have for water. Director of Administration and Finance Gazda noted that the City had some with sewer, but did not think there were any with water, but he would check into that.

Director of Administration and Finance Gazda went on to the proposed 2010 Tentative Sewer Fund Budget. He noted that they were looking at a three million six hundred thirty-eight thousand one hundred seventy-five dollar and thirty-two cent tentative budget. The major portion of the five point eight two (5.82) percent increase was being dictated by the new SPEDES permit requirements. These are mandated requirements that must be done by next April. He noted that the BNR, removal of solids, now required mercury testing of the system. He noted that an engineering study needed to be completed for nutrient removal. He also noted that he had taken out of the General Fund, a portion of what is called sanitary sewers. He noted that they had been funding the lines in the streets under the General Fund, but historically, in other municipalities that he has worked in, this

has been funded in the Sewer Fund because it is directly related to the sewer. He noted that they were going to see a decrease in about one hundred sixty-four thousand dollars, which is basically that we are going to fund a couple of individuals directly out of the Sewer Fund rather than the way it had been done in the past. This cleans it up without all of the interfund transfers. He noted that the rate increase would be going from two dollars and thirty-five cents (\$2.35) to two dollars and ninety cents (\$2.90). He noted that they are still working on the billing process and there might be adjustments to these numbers.

Alderman Michales asked how they were going to work on some of these issues with a recession. Director of Administration and Finance Gazda noted that for the most part the EPA comes down and they'll say to the DEC or the State, that these are the requirements and you just have to move forward. They don't care whether a City has the money or not.

Harvey Davis noted that he had asked the EPA specifically if the City could avoid the engineering study and was told it had to be done before April 1, 2010. He also noted that the Waste Water Treatment Plant had to come into complete compliance with all of the parameters of the SPEDES permit by April 1, 2011. He went on with a further explanation of this and noted that this had brought about changes in chemical and equipment requirements. He noted that he would put on another presentation if the Council wanted him to.

Director of Administration and Finance Gazda noted that he also provided the Council with some additional information regarding charge backs as well as other information and a personnel analysis.

Alderman Benedict asked if the company was going to pay back the City for any or all of the overtime during the emergency situation when the transformer went out. Director of Administration and Finance Gazda noted that they didn't receive reimbursement for the overtime, but did receive some reimbursement for the actual damage done to the transformer. It amounted to about twenty-seven thousand (\$27,000) dollars and there might be an additional ten thousand (\$10,000) coming back after talking with Jim Place. This amounted to about forty to forty-five percent of the actual cost incurred.

Alderman Feiszli inquired of Harvey Davis if Johnson Controls had been able to locate some grant money for the digesters. Harvey Davis noted that the project was not considered "shovel ready". There had been two (2) grants available, one with a deadline of August 1 and the other with a deadline of October 15. He spoke with Ann Hotckin the other day and they were not eligible for those, but they would be keeping a diligent lookout for those types of grants.

Alderman Hamilton asked why various individuals paid different health insurance premiums. Director of Administration and Finance Gazda noted that it was contractual agreements that had been negotiated with the bargaining unit.

It was decided that a work session would be scheduled on Tuesday, October 13, 2009 at 6:30 PM. They could then schedule the various departments. There was discussion regarding the possibility of Saturday meetings. It was decided to keep to Tuesday and Thursday nights and schedule the smaller departments together. They decided to schedule October 13 to review what they wanted to have the Department Heads look at and then schedule work sessions for October 22, October 27 and October 29. They would have no later than November 13.

Item #2 – Discussion regarding letter from Office of the Attorney General for the State of New York regarding Cortland Free Library (Corporation Counsel Lawrence Knickerbocker).

Corporation Counsel Knickerbocker had been asked to write to the Attorney General's Office regarding the over-payment of funds. The City had received a reply indicating that though the Library received more than the City had anticipated, so long as they did not misuse the funds, the Attorney General's Office would not become involved in the matter. He gave an explanation of the history of this matter. Alderman Michales noted that the Council was just looking for reimbursement for the tax payer.

Item #3 – Discussion regarding vacant buildings and imposing an assessment.

Alderman Feiszli noted that last November there had been a discussion regarding vacant buildings downtown and throughout the City. She noted that she worked with the Code Office and NYCOM to get examples of "Vacant Building Registry" and she sent it to the Council for their review and consideration. Alderman Michales had also brought up his concern regarding vacant buildings especially in regards to the in rem process. What a "Vacant Building Registry" does is set a guideline for what happens to a vacant building. First the owner is charged a fee to register, the amount to be determined by the Council, and at that time the owner needs to state whether they are going to rehab the building, whether they are going to demolish the building or if they're going to sell the building. This would be the plans for the building. She also noted that the penalty on the registration would be an increase in the annual amount if the building continued to remain vacant. She noted that she spoke with Thoma Development who noted this and included it in the Comprehensive Plan draft. She noted that one of their goals for the City of Cortland was to adopt a vacant building ordinance. Alderman Benedict asked if this was to encourage owners to tear down buildings. Alderman Feiszli noted that it was to encourage owners to tear down the building or to rehab it or to sell it. She also went on to explain that during the time of vacancy, the owner would be required to make the building visually pleasing, so that it wouldn't just be boarded up. She asked that the Planning Commission look at this and come back to the Council with their recommendation.

Planning Commission Jo Schaffer spoke and noted that Nancy Hansen, Chairman of the Planning Commission, was on the committee for the Comprehensive Plan and well as herself. She noted that they would certainly discuss it and bring it back to the Comprehensive Plan meeting. She noted that it was their goal to keep those vacant properties on the tax rolls and not just be boarded up. She explained some options used in other cities.

Acting Mayor Dye noted that some of the owners of these buildings were not behind on their taxes, though the buildings were vacant. Alderman Feiszli noted that if it was made part of the Code, the owners would have to adhere to certain guidelines. There was also a concern expressed about who would be administering this program and what it would cost to implement. Alderman Benedict noted that the fees would cover the costs. Alderman Tobin noted that he would like to see a plan developed to establish what the cost implications would be for the City. Alderman Feiszli noted that one of the proposals established a two hundred fifty dollar (\$250) fee with annual increases in fees with the goal of getting the building back on the tax rolls as quickly as possible. Chief Glover stated that there was only so much that his department could do. Alderman Feiszli went on to note that they could work with the Planning Department to obtain grants to cover costs. Anne Doyle asked if there wasn't some way that the Council could get the Chamber of Commerce and the downtown business people and the banks to put up some money for young people to start their own businesses. She felt that would be something to look at. She thought they could form a committee to do this. Alderman Tobin noted that this could be any building, both commercial and residential. Alderman Benedict asked whether in these tough economic times, whether they should be penalizing the owners of these buildings like this.

Chief Glover noted that some of the vacant buildings they might be referring to aren't so easy to be dealt with. Some are behind in taxes and the owners don't have money to fix them up. Alderman Feiszli noted that perhaps they could be auctioned off. She asked if the Alderman Tobin and the Housing Committee could look into this. Alderman Tobin noted that he would look into what other municipalities have done and how they're covering their costs and get more background information.

Anne Doyle noted that everyone should get involved with this, work together on this and do something. Alderman Tobin noted that Thoma Development would also be a good resource on this.

Item #4 – Discussion regarding blighted buildings (Alderman Michales).

Alderman Michales noted that the Governor had created a program called New York Works. This program administers money to take care of this issue, much like Alderman Feiszli spoke about. He noted that the City Code addressed dangerous buildings and structures, but not blighted buildings. He asked that the Council create a blighted building ordinance. He felt that they should first target blighted

buildings, buildings that sit there boarded up, but they can be rehabbed and occupied again. Some have been damaged by fire, but not to the point of being torn down. He felt that first those buildings should be targeted, the owners notified and they would have twenty (20) days to respond as to what their plans are to bring the building back to one hundred percent, if the ordinance is created. Then they could have six (6) months to do it in before they face penalties. He noted that many municipalities already had this in their City Code and there's no reason why Cortland can't have it. He noted the buildings on Clinton and Pomeroy or Smooches on Main Street. Alderman Feiszli asked him to explain the difference between her proposal and his proposal.

Alderman Michales noted that hers would cost a lot of money to fix, whereas blighted buildings still had the taxes being paid on it, but there was no incentive for the owner to fix it up. He went on to explain that a vacant building is something that the owner could've walked away from, hoping to stick someone else with. There was some further discussion regarding where to find funding for blighted buildings. Alderman Tobin asked him for a definition of blighted. There was some further discussion regarding this.

Chief Glover noted that this had been looked at in 2001 and it would've been strictly for dangerous and unsafe buildings. This would've solved the problem of a building being an attractive nuisance, but didn't talk about what we would do after. There was discussion regarding what could and could not be done. Alderman Benedict asked if this could be passed on to a committee. Alderman Michales noted that these had been passed on in other instances to a committee called a Blighted Property Review Committee. These committees were made up of Planning Commissioners, City Code Office personnel and a few community people. Alderman Tobin noted that the Housing Committee could look into this. Alderman Michales noted the Code Office would probably have to hire someone. Alderman Quail noted that the Council would have to review costs carefully and to look at their resources. They couldn't afford everything. He was all for registration, but he wasn't for increasing the budget.

Alderman Tobin went on to discuss the Rental Housing Permit Program. He noted that the registration would begin this coming January. Through discussions with Chief Glover problems had been noted with the grant that he had applied for because of a tie up at the State level. He noted fee amounts had been bantered about. The Housing Committee had discussed the registration fee. The early registration fee discussed was fifty (\$50) dollars for January through June and then to eighty (\$80) dollars for afterwards. He noted that landlords had commented about not registering properties, but he noted that here was an opportunity to register early. He noted that they had spoken about the costs numerous times. He noted that if this resulted in hiring a full time person, then the cost would be significant. Perhaps they could do something with someone part time or that some of the inspections could be pushed back. He had spoken with Corporation Counsel Knickerbocker about legal ramifications of registering units,

by pushing back inspections until 2011 and if this would weaken the Rental Permit Program. Corporation Counsel Knickerbocker noted that the only problem that might be incurred would be that the information would become obsolete or stale. Alderman Tobin noted that they needed to have registrations and inspections; not just registrations. He also noted that they couldn't have inspections without registrations. He hoped that they could figure out a fee schedule tonight and pass that as a resolution. He also wanted them to look at the inspection fees that Code Enforcement currently charges. He felt that those should be raised. He noted that there should not be a tax burden on the general public. He felt that they should move forward and that they couldn't predict what they would run into until they ran into it and then dealt with it then. He asked that they move forward.

Alderman Tobin felt that the fifty dollars (\$50) for early registration for January through June and eighty dollars (\$80) for after that. Chief Glover felt this was going to be a complicated process where a great deal of time was going to be spent getting this program off of the ground. He also was concerned about budgeting for this. He noted that he couldn't start the registration process without knowing the fee. He cautioned them to set the fees high enough to not impact the budget and to make the program self-sustaining from day one even though a person wouldn't be hired right away. He felt that in order to do this program in its entirety there should be a single person dedicated to this program.

Alderman Tobin asked Director of Administration and Finance Gazda if they could move forward on this and start looking at the end of next year or 2011 for inspections to begin. Director of Administration and Finance Gazda noted that the goal of registration was to get to know who the owners were. He felt the fifty (\$50) dollar fee was meant to cover the cost of the software and supplies. He felt that the inspection fee was meant to be the body to go out and do the inspections. He sees it as two (2) components. He asked if the registration was a one time fee or if landlords would have to register every three (3) years. The inspection fee would be ongoing every three (3) years as the inspections came up. Director of Administration and Finance Gazda asked Chief Glover to come up with the cost of the registration process. Chief Glover noted it had been some time since he had looked at the numbers. Director of Administration and Finance Gazda asked that the hard numbers be obtained for the next Council meeting and the Council will then take a look at the registration component. He suggested that the software be included, as they didn't know where the SARA grant was going. This would be discussed again at the next meeting. The inspections fees would be tackled later.

Item #5 – Discussion regarding City of Cortland Senior Citizen Exemptions.

Alderman Quail asked the City Assessor to put together some numbers. Assessor Briggs put together some figures to come up to the County level. There were approximately one hundred ninety (190) City residents who qualified and it was estimated that another twenty-five (25) to thirty (30) might qualify. Based on that, the City tax rate would increase approximately five cents (\$.05) per thousand.

This would make the average tax bill on a one hundred thousand dollar house go up five dollars (\$5.00). This doesn't have to be acted upon until May 2010. They would be increasing the base from \$14,300 to \$16,500 then increasing the range upwards from \$22,200 to \$24,900. The Council felt that they could look at this again after they had completed the budget process.

Item #6 – Presentation - C & D Recycling Facility – Rosen site.

C & D Recycling sent a package of material to the Council describing their project. Vince Patriarco believes it is a good project and a good one for the site. They've engaged an engineering firm out of Buffalo. They've worked on similar projects in other states. It is believed in the next few years that DEC regulations will be changing and others put in place. Cortland has the opportunity to get in the lead on this ahead of other municipalities. They had sent a letter to Mayor Gallagher asking that they be allowed to do a two (2) year study. The permitting process coupled with the location makes it a good situation, but the regulation will regulate their activity. This is not a garbage situation. They'll be recycling building materials and then bringing them back out for use. It is a beneficial recycling use. There are some benefits to the City, there are some strong benefits to the County with regards to landfill space, but also the ability to be lead certified. These types of facilities will allow you to enable, not put more barriers in place for local area.

Alderman Benedict asked if this company was tax exempt or if they were a for profit company. C & D Recycling noted that they were a business and to come into that property, they would need an arrangement worked out along those lines. We believed they could do it, but would need a two (2) year period to work through some of those things. It is an extremely expensive endeavor and to do it properly and to do it in the way it needs to be done, it will need to take time to put together. They also will need time to make arrangements with the City and the County. They are a profit making business and we would be paying taxes. As a State and Federal entity, they would be doing that. Would they be requesting other aspects of tax exemption? In that we don't own the property, it wouldn't make a big difference and typically, that's how a lot of these work. Alderman Benedict asked if they planned to rent the property. The C & D Recycling rep noted that was a good question and he didn't have all of the answers. He noted that the City could grant them the two (2) years and then at the end of that time the City could decide not to go ahead with the project. Then the only one that would be out would be us, we'd be out a lot of money.

Alderman Feiszli asked Corporation Counsel Knickerbocker if someone came to us and asked to secure City property for two (2) years with no down payment legally, can the Council do that. Corporation Counsel Knickerbocker stated that if the Council were to give C & D Recycling an exclusive with no payment and then the City can't do anything with the property if someone else were to come in and want to purchase it, that's problematic. It can be overcome by fashioning a contractual arrangement whereby they can put a certain amount of money in and if

we were to sell it, then the buyer could pay them back, but to give them an for two years to conduct a study with no money down, then that doesn't make sense. Alderman Feiszli asked if they could ask for a good faith deposit. Corporation Counsel Knickerbocker noted that this presentation was being given to see if the City thought the idea was viable. If we think it's viable, then we can go back and try to fashion something that would work both ways. It has to be structured in some way that protects both parties. Alderman Quail wanted to know what the impact would be on the community and Alderman Benedict was concerned about the impact on the High School. They felt that there were issues. C & D Recycling feels that they will be doing this project somewhere, but they would prefer the Rosen site. It was a brown field site for years and they'll be turning it into a green field site. He also felt that no one would be interested in ever buying. He felt it was a good land use project and they would be putting things that are cohesive and that work together. This is about being green, it's about recycling, it's about being more efficient from an environmental perspective. It isn't just taking and reusing the materials, but it's also about using the materials from the neighboring property. The C & D rep also noted that the City couldn't get trucks onto the property with that short entry way. He noted that the EPA and the DEC both liked the idea of this project after they had spoken with them. He felt that more and more of these types of projects were coming down the road. Alderman Feiszli asked who would be in the customer stream for this company. The C & D rep noted that the City itself would be one of the largest clients, with their leaf and brush collections, stump grinding, etc. He felt that this would be a significant savings for the City. This would also be part of the City's arrangement with us so that would be a good benefit for the City.

Alderman Feiszli asked Chris Bistocchi for some rough numbers. He indicated that he had spent eighty-eight thousand (\$88,000) on trucking our refuse from our waste area at the DPW. It has to go to a DEC approved dumping site and the DEC monitors it. Once they feel that it is at capacity, we have to cap it and move to the next area. The City is now hauling to Virgil with our mulch and chippings. That's just the trucking. We have a total bill of about thirty thousand (\$30,000) for the tub grinder. You have to understand, the City pays sixty-three (63) percent through the municipal agreement set up in 1999 which was set up with the Town of Cortlandville, the Village of Homer and the City of Cortland. He noted that this year they did not haul brush part of the year, but everyone has caught on and is hauling it down to the DPW site. We still have a full dump area. The savings to us would be significant. Alderman Feiszli asked if this was something that would need to go to the Planning Commission. It was noted that it would, but it would be a small piece of the puzzle. This is why we need the time for the study, before we can answer all of their questions.

Alderman Feiszli likes this project, but she feels that they should go through Planning. The C & D rep noted that they weren't agreeing to the project, the Council was only going to be granting them access to the site. The City could still decide in two (2) years that they weren't going to allow the project. It was noted

that this would only contain construction and demolition debris, there would be no leachate. Green buildings are going up all over the State and there is a need for recycling. Some places are already doing it. I have collection boxes at SUNY Cortland for sheetrock and Cornell is doing it with their construction projects. The idea is to lower the amount to the landfills, beneficial use for whatever you can use and recycle the rest. That's the whole idea. This will be done mostly indoors. There will be a composting area in the back corner. If there's a better way to do something by the time we get to the project, then we'll be doing it. It will be a state of the art operation. It will be over a five million dollar operation. They don't intend to purchase the property. They hope they can get federal funding help with the build out. They like to see a brown field turn green.

It was noted that it was an industrial area. Corporation Counsel Knickerbocker noted that no one wanted to own it because of the past environmental problems. Chris Bistocchi noted that this was a capped site which would limit who would be interested in this site and this type of business would not disturb that cap. He also noted that the City would have to run water and sewer and power and build a new street to get into the site if another company was interested. Jerry and Vince don't need any of that.

Corporation Counsel Knickerbocker suggested that the Council put this on their next agenda and take the time to review all of the items that they have presented. They can come back and answer any more questions that the Council may have. He felt that the big issue was the fact that they were asking for an exclusive for two (2) years.

The C & D rep noted that they wanted the opportunity to work with the EPA, the DEC and it was going to take time. They weren't going to do it halfway, but efficiently and effectively. They asked if the Council was willing to make the effort to go forward with them if the City felt it was the right thing to do. They also noted that the City could get out of that agreement before then if they wanted to. They would be available to answer any questions.

They'd be willing to come back and give a full presentation at the next meeting if the Council would like.

Alderman Feiszli felt that would be very helpful and the Planning Commission could be invited to participate. This is going to be a cutting edge project. It will also create jobs. Alderman Feiszli asked if they could require materials to be brought in by rail. The C & D rep noted that having the railroad there was significant, but they couldn't require items to be shipped in by rail. Alderman Quail asked them how many trucks would be in and out in a day. The rep said they would provide all of the numbers in the SEQR process. Alderman Michales asked if anyone else has been interested in this property. Corporation Counsel Knickerbocker noted that occasionally someone had looked at the property. It was decided that this would be placed on the next agenda.

Item #8 – Discussion of the handicapped bus stop on Main Street.

It was noted that Mike Preston of Public Safety was working on getting some figures together. He also noted that the Mayor would not be available for the next meeting. They would like a place to be near the Market Place Mall, where there looks like a good place to stop a bus. They want to have a regular stop, so that they don't have to go out and flag a bus down. Acting Mayor Dye suggested that they talk with First Transit to see if they couldn't establish a regular stop in that area.

Adjournment

By: Alderman Feiszli
Seconded: Alderman Michales

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 6th DAY OF OCTOBER 2009. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER