



City Council Minutes
The City of Cortland
September 7, 2010

Council Meeting #21
September 7, 2010
Regular Session
City Hall
7:00 PM

Present: Alderman Craig, Hayes, Dye, Tobin, Quail, Ferrer, Ferguson and Michales

Staff Present: Director of Administration and Finance Bryan Gazda, Corporation Counsel Ronald Walsh and City Clerk Carol Tytler

Mayor Feiszli called the twenty-first Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Mike Dexter spoke about the Comprehensive Plan and expressed concern about the hospital purchasing single family homes and tearing them down to make way for parking and the resulting loss of taxable property. He also spoke about the water lateral replacements and expressed concern for residents who had signed a contract with a private contractor, but are now being told they do not have to replace the lateral.

Reverend Mike Moshkowski spoke about the Storm Water Ordinance and stated that City residents had not had an opportunity to comment on the proposal. He further stated that the City does not have authority over religious organizations and the City should renegotiate contracts and other expenses before passing this new fee onto the churches in the community.

Reverend Wright spoke in opposition to the Storm Water Ordinance.

Minutes of August 17, 2010

RESOLUTION #183 OF 2010 – Approve the minutes of August 17, 2010.

By: Alderman Craig
Seconded: Alderman Hayes

Approved: Ayes – 8
Nays – 0

Hearing no changes or corrections, the minutes were approved.

REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Alderman Michales participated in a ride along with the City Police Department on August 27. That evening there was a significant fire at an apartment complex on Tompkins Street. Alderman Michales recognized the brave police officers and fire fighters that responded that night and thanked them for a job well done.

Alderman Quail thanked SUNY Cortland for mowing along Broadway making it safer for pedestrians. He has noticed a number of student housing signs fixed to rental houses and asked that the City look into it. He stated that many students do not know that they cannot park across sidewalks and he has left notes to warn them and let them know they will receive a ticket.

Alderman Quail raised a concern about several rental houses on South Avenue that place garbage out on Friday afternoon for Saturday pick up by a private hauler. Mayor Feiszli asked that he provide her with the addresses and she will look into it.

Alderman Michales stated that he has asked the Code Office about working weekends and taking time off during the week so staff could issue tickets on the weekends.

Alderman Quail stated that there will be a meeting on September 16 from 8:00pm to 9:00pm for the Government Modernization Task Force. Deb Warner from Centerstate CEO will be there to discuss consolidation projects in Onondaga County.

Alderman Dye participated in a ride along with the Police Department on September 3 and with a beat patrol in the West Court Street, Clayton Avenue and Pleasant Street area. He stated that the Police Department did a commendable job that evening.

Alderman Quail stated that the preliminary budget looks like it will be tight. Mayor Feiszli noted that the City was going to get one hundred thousand (\$100,000) dollars less in AIM funding than anticipated. Mr. Gazda stated there was a potential change to that, as there is new federal Medicare/Medicaid money and NYCOM has sent out a bulletin saying that we may not lose the five (5) percent. He will know more next week. Mayor Feiszli asked if all department heads had submitted their tentative budgets. Mr. Gazda stated that the only one he had not received was for the Waste Water Treatment budget.

Alderman Quail stated that he sent a note on a Strategic Planning Commission and the City needs to look at how to structure that. Mayor Feiszli stated that the County, Cortlandville and Homer were invited to the last meeting. She will write a letter requesting that they have a representative at the meeting so they are involved. She further stated that there will be an informal meeting to work on the mission statement. Alderman Quail stated that the Chamber is involved in Onondaga County. Mayor Feiszli stated that the City should definitely get the County, Garry VanGorder and Bob Haight involved.

Alderman Michales stated that he had asked to have several items on the agenda and asked if downsizing the building at Beaudry Park could be discussed tonight or at the next meeting. Mayor Feiszli asked if he had spoken to John McNerney or the architect. Alderman Michales indicated he had not. Alderman Quail suggested meeting with them first, but added that he disagrees with downsizing the building. Alderman Michales stated that he would meet with them first. Alderman Quail stated that he would set up a meeting.

Mayor Feiszli asked to add Agenda Item #7 which is a resolution to authorize the Mayor to execute a quick claim deed for the alleyway between Williams and Randall Streets.

Mayor Feiszli shared information about National Family Day and emphasized the value of families eating dinner together, which has been shown to reduce the incidence of smoking, drinking and illegal drug use in children. She then proclaimed the fourth Monday of September 2010 as Family Day, a day for families to eat together with their children.

AGENDA:

UNFINISHED BUSINESS:

Item No. 1 - Discussion regarding options for Water Lateral Replacement. (Bryan Gazda)

Chris Bistocchi was on vacation and unavailable for the discussion. Mayor Feiszli stated that Mr. Gazda provided the Council with three (3) options to consider, with and without labor charges.

Alderman Michales stated that he was told if we move forward, the difference would have to be made up in taxes. Mr. Gazda stated that the Water Fund is a user fund and is not based on taxes. Alderman Michales asked if the water rates might go up. Mr. Gazda stated that he tried to lay that out for the Council in the three (3) scenarios he had presented. He further stated that the numbers represent just this project and do not account for future issues such as the need for more laterals to be done.

Mr. Gazda stated that in the staff meeting, Chris Bistocchi did change the policy and wanted to have the City responsible for the main to the curb box which would require three (3) additional bodies and another piece of equipment, so he used \$200,000 as an estimate for salary and fringe benefits for the 2011 budget.

Alderman Quail asked if the City continues on with the laterals, will he (Chris) need more people. Mr. Gazda stated yes, that is what he said.

Mayor Feiszli stated that the City has eighteen (18%) percent of the laterals left to replace. Mr. Gazda stated that is about 200 laterals, but he is more concerned about replacing the copper ones that were done years ago and may break and the City is taking unseen responsibilities with this arrangement.

Mayor Feiszli stated that when the City had infiltration with the sewer lines we put sleeves in them which cut down on replacements. Mr. Gazda stated that most lateral water lines are only three quarters (3/4) of an inch and so the City cannot use the liners.

Alderman Tobin asked if the City had done any water laterals since 2006. He also noted that this was not an annual task that the Water Department did and Mr. Gazda stated that was correct. Mr. Gazda noted that the last time it was done on this scale was in 2004.

Alderman Tobin stated that the City would need a projection of when the next round would be and asked about the next streets that would be dug up. Alderman Tobin stated that the main issue why this came about and why this is such a problem, was the original letter that was sent. He felt that it was sent and it gave everyone the impression that it was a bill and these were hard and fast numbers. Alderman Tobin stated that the reality is some don't have to be replaced and people can use private contractors. If we do this, it will increase taxes as the

money will come out of the budget somewhere. He further stated that if private contractors have come forward and can do it cheaper, we shouldn't be trying to do this.

Alderman Quail stated that the other question is how can we be more competitive or we shouldn't be doing any of it.

Alderman Dye stated that the City is already paying for equipment use and labor. If you eliminate those expenses from the estimates, they all drop to less than \$1,000. Mayor Feiszli asked how close that figure was to the private contractor's price. A City resident in the audience stated that that figure is about half of a private contractor's rate.

Mayor Feiszli stated that the private contractor is going from the main to the curb box to the house, so they are not comparing apples to apples. The City was only going from the main to the curb box. Mayor Feiszli apologized for the way the letter went out to City residents, stating that it was poorly written. She further stated that the Council would issue another letter letting people know that they don't have to replace their lateral, but this is a good time to do it since it will be opened up. If the resident can have a private contractor and licensed plumber do the work and the inspection done by the City, they can consider that option.

Mayor Feiszli stated that the City would send information on assistance funding that is available for low to moderate income households. She added that if the Council did not want to pursue these options, they would need to change the rules and regulations.

Alderman Hayes stated that the Council was talking about changing the rules for a certain area that will impact the entire City, so the entire City needs to have a say. She added that she doesn't feel it is fair or equitable to impact everybody.

Alderman Michales stated at some point, other residents are going to be faced with the same problem. He further stated that if this crew was not doing this work, their labor would be designated elsewhere.

Alderman Quail stated that is was actually a different pocket. Alderman Tobin stated that if we are using DPW employees, it is solely City tax dollars and if we do work outside of the City, we will be opening up a can of worms if we do this. He added that the next thing will be sewer laterals.

Alderman Dye stated that outside of the City they had Cortlandville to handle what's theirs and we didn't do the maintenance for them.

Alderman Michales stated that there has always been a crew at the Water Department working on water laterals and we never had a DPW crew that worked on water laterals. It was always a special crew with the Water Department. He added that the City decided they could only do it halfway, from the house to the curb box. He asked for Mike Dexter's input on this issue.

Mr. Dexter stated that the City made the decision not to allow the Water Board to go from the curb box to the house and the ditches were left open until a private contractor came to finish the job. He also confirmed that there was a designated crew for the water laterals.

Alderman Quail stated that the City was not supposed to be doing the work from the curb box to the house as it was competition with the private sector. Alderman Ferrer asked if it was the

City or an independent company that was the Water Board, adding that when the City took over, they had to change it and only went half way.

Alderman Michales stated that the City needs to stay with past practice until all the laterals have been replaced. Mr. Gazda stated that if the City does this, we will face constitutional issues.

Alderman Quail stated that the City should either give some or get out of the business, but the status quo is not acceptable to most residents. Alderman Dye stated that if it is just materials and maintenance, have the City employees do it. Alderman Quail stated that Chris had indicated that he had work for those employees to do and he would need another crew. Alderman Dye stated that the City could have a Water Department crew doing this all the time and not be a part of DPW. He added that when the Water Department needs help, they bring in the DPW guys, but we still have people in the Water Department that do this.

Mayor Feiszli stated that Chris coordinates the workers for both departments. Alderman Craig asked how many laterals the City has done since taking over the Water Board. Mr. Gazda stated there hadn't been any letters sent out since 2004.

Mr. Dexter stated that a lot of streets have already been converted to copper so when they did the street paving, they didn't have to replace the water laterals. He further stated that it was a working relationship between DPW and the City and when they redid a street the Water Board went in and did those laterals so the street did not get torn up again. He stated that ninety-two (92) percent of the services have already been done and next year you have your list of streets to do and you will see how many of those services are already copper.

Alderman Ferrer stated that he didn't think we can make a change. Mr. Gazda stated that Chris is hoping to do the laterals this year and the paving next year.

Alderman Craig stated that after they did Cedar and Randall, how many more laterals are left to do and asked for a timeframe on when those will be done. Mr. Gazda stated that he thinks it will come up as the streets are done, depending on which streets are being paved. He further stated that the City needs to look at this as a policy change and you are looking at more than just the costs to the property owners. You are looking at future costs if you say you are going to do this from the main to the curb box. He stated that some businesses, such as the hospital, have four (4) inch lines which could be very expensive.

Alderman Quail stated only if we don't address that in the policy. He further stated that if limited funds are available and the City has limited capacity with the crews, we could say first come first serve or they would have to hire outside contractors.

Alderman Dye asked how many people there were in the Water Department. Mr. Gazda stated seven (7) or eight (8) people and of those there were four (4) workers and the others were plant operators.

Alderman Michales stated that the policy change is to charge people for equipment and labor for this work. Mr. Gazda stated that the rules and regulations from 1910 say that the property owner is responsible. Mayor Feiszli stated that other municipalities make the homeowners responsible for the materials only, but suggested waiting for an estimate from Chris.

Alderman Hayes stated that the money has to come from somewhere. She stated that the Council was just looking at numbers for these streets, but what is the rate going to be across the

board and into the future? She stated that the Council needs to look at the entire law and decide if we really want to be in this business or not.

Alderman Ferguson stated that some have said they paid it and it is not fair. She stated that the Council needs to see what to do going forward.

Alderman Quail stated that there has been a change in how they have been charged. He stated that it was substantially less in the past. Now that we are going by New York State rules and the cost is substantially higher.

Mayor Feiszli stated that in the past the homeowners didn't know they could use private contractors and that seems to be the least expensive way to go.

Alderman Tobin stated that this could be a resolution. He put forward a recommendation that we submit a letter to the residents stating a little bit more clearly what the options are; having it replaced at the City cost that has already been estimated, sticking with the State rates for now or they can hire a private contractor and also give the residents an adequate period of time to make their decision and then move forward with that.

Alderman Tobin added that he would like to see the City look at contracting out for these services and what can we do to reduce the tax load. If we expand this, it's going to increase costs. We can say we're going to take the labor and equipment out because we already pay those, but there are other things those people can be doing.

Alderman Dye stated that the costs are paid for by the Water Board. Their budget is separate from the City General Fund and you are not getting taxed. Alderman Tobin stated that the water rates will go up if we do this.

Alderman Hayes asked that information on the financial assistance be included with the letter.

Mayor Feiszli stated that residents will receive a revised letter. Alderman Hayes asked for an option to revoke for those that have signed a contract while not fully understanding their options. Alderman Michales stated that some residents have already had the work done.

City Clerk Tytler read back the motion that Alderman Tobin had proposed.

Alderman Tobin stated that the Council should move forward and let the Water Board take up the issue. The letter would make it clearer about what options are available, but not changing policy.

Alderman Dye stated that the biggest issue is labor and equipment. He stated that we are already paying these people and we already own the equipment and he doesn't see charging these rates for people within the City.

Alderman Ferrer stated that laterals are not included in the budget for the water rate.

Mayor Feiszli noted that there was a motion introduced by Alderman Tobin on the table and she called for a second.

RESOLUTION #184 OF 2010 – Consideration of a Resolution to have the City send out a letter to residents explaining more clearly what their options are regarding water lateral replacements;

the City will stay with the State rates for now, but provide residents with an option to have the City perform the work or to use private contractors or to choose not to do the work, additional information will be given on the financial aid program for this work and residents be given an adequate time period to make their decision.

By: Alderman Tobin
Seconded: Alderman Ferrer

Approved: Ayes – 4 (Craig, Ferrer, Hayes & Tobin)
Nays – 4 (Dye, Ferguson, Michales & Quail)

Mayor Feiszli cast the tie breaking vote in favor of sending out the letter.

Motion passes

Item No. 2 – Consideration of a Resolution to continue to study the issue with a goal of getting the rates for water lateral replacement work back down to where they were eight (8) years ago.

Alderman Michales made a motion that the City continue to study the issue with a goal of getting rates back down to where they were eight years ago.

Alderman Dye asked for clarification if it was to get the labor rates down to that level or to go back to the water rates that were being charged at that time.

Mr. Gazda stated that letters sent in 2004 did charge for equipment, but prices were lower. Back then a dump truck was fifteen (\$15) dollars for one (1) hour. He further stated that we were charging those rates, but they were just very much lower; so adding equipment and labor is not new.

Alderman Ferrer stated that the City needs a better way to do these estimates. Alderman Hayes asked if we are in the business or not....can we do rates that reflect the City, not the State rates and asked who has weighed in on this issue.

Alderman Ferguson stated that even if Mr. Bistocchi was not on vacation, the Council would not necessarily be able to decide.

Alderman Michales stated that these people know this now because there was an extensive Ward meeting. Hearing no second to his motion, Mayor Feiszli asked Alderman Michales what he would like to do.

Alderman Michales stated that he wants to go back and revisit what has changed drastically in these last eight (8) years. Alderman Quail stated that he was not disagreeing, but the Council can't resolve that tonight. He further stated should we impose the costs of Cedar and Randall on the rest of the residents that use the water.

Alderman Michales stated that people need to be better informed about where these rates came from. Alderman Quail stated that the Council can't resolve that until Chris is available. Alderman Michales stated that he would like to have it added to the agenda for the next meeting.

Mayor Feiszli stated that the City could look at just charging for materials in the future. Alderman Quail stated that the City needs to be careful as there are additional labor charges that are not in the Water Fund and he is not in favor of putting that cost on to the rest of the users. Alderman Michales stated that those costs may have been in water increases in the past.

AGENDA:

Item No. 1 – Consideration of Loan Committee recommendation to provide Program Income funds as a loan to an existing business per Memo from Thoma Development. Any discussion with respect to financial information should be held in Executive Session. (Thoma Development).

MOTION TO GO INTO EXECUTIVE SESSION

By: Alderman Dye
Seconded: Alderman Hayes

Approved: Ayes – 8
Nays - 0

MOTION TO COME OUT OF EXECUTIVE SESSION

By: Alderman Tobin
Seconded: Alderman Craig

Approved: Ayes – 8
Nays – 0

RESOLUTION #185 OF 2010 - Consideration of Loan Committee recommendation to provide Program Income funds as a loan to The Daily Grind South in the amount of \$33,060.

By: Alderman Michales
Seconded: Alderman Quail

Approved: Ayes – 8
Nays - 0

RESOLUTION #186 OF 2010 - Consideration of a Resolution to accept the Finance Advisory Committee's recommendation of the Bonadio Group for independent auditor and accounting support. (Bryan Gazda)

By: Alderman Quail
Seconded: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

Mr. Gazda clarified that the figures reflect the total cost per year. John Poli, a member of the Finance Advisory Committee explained the interview and rating process to Council members. Six (6) firms responded to the request for proposals and the four (4) highest ranking firms were interviewed. Alderman Tobin stated that the process was very fair and open throughout and he was impressed with the work of the committee. Alderman Hayes stated that she was also impressed with the committee's work.

RESOLUTION #187 OF 2010 - Consideration of the confirmation of the Mayor's appointment of Patricia Hansen (130 Tompkins Street) to the Water Advisory Board.

By: Alderman Hayes
Seconded: Alderman Dye

Approved: Ayes – 8
Nays – 0

Alderman Dye asked how many people will be on the Board. Mayor Feiszli stated that she believed the Charter calls for five (5) members. She further stated that this will be the second person that has been approved by the Council; Barry Batzing was already appointed.

Alderman Michales asked if it would be a commission or a board. Mr. Walsh stated that under the Charter, it is an advisory board.

Alderman Quail emphasized the importance of following the Charter. Alderman Michales stated that back then the Water Board had a lot of power and was receiving monies and they won't be now. Mr. Walsh stated that a local law amended the Charter in 2003 and abolished the Water Board and created the Water Advisory Board. All the powers of the Water Board then reverted to the Common Council with that action. Mayor Feiszli noted that this advisory board will receive complaints, look at adjustments to water rates and review the Water Budget.

Mayor Feiszli stated that the City currently doesn't have a board to review the Water budget or the Water Fund. She added that this board would also look at capital projects, very similar to other boards and commissions. Alderman Michales stated that the Council gave it duties before, but we want to follow the same practices. Alderman Quail stated that he did not understand his point as the Charter calls for a Water Advisory Board. Alderman Michales stated that we don't pay monies to the board any more.

Mr. Walsh stated that in the past the Mayor made only one (1) appointment to the Board with approval of the Common Council. In 2003, all the powers that the Water Board had were essentially assigned to the Common Council. He further stated that it is still a dedicated enterprise fund and they are still self-funding and that part hasn't changed.

RESOLUTION #188 OF 2010 - Consideration of the confirmation of the Mayor's appointment of the following individuals to the ad hoc Wellhead Aquifer Protection Committee:

- a. Mary Beilby (7 Broadway)
- b. Daniel Dineen (6 Parker Avenue) – Cortland County Planning Department
- c. John Helgren (96 State Route 41, Homer) – Cortland County Health Department
- d. Patrick Reidy (100 Grange Place, Room202) – Cortland County Soil & Water Conservation District

- e. Shawn Smith (40 E. Court Street) – City of Cortland Planning Commission
- f. Linda Ferguson (10 Cleveland Street) – Common Council

By: Alderman Tobin
 Seconded: Alderman Quail

Approved: Ayes – 8
 Nays – 0

Alderman Hayes stated that a representative from the Council should be included in the membership of the Committee. Mayor Feiszli stated that we have two (2) positions left; someone from the Council and someone from the Environmental Advisory Committee. Alderman Ferguson offered to be the Council representative.

Mayor Feiszli stated that this committee would be an ad hoc committee and reviewed the responsibilities of the committee in detail. The committee will develop specific recommendations on how development should be regulated. Any resulting regulations would be submitted to the Council for approval. Once the mission has been accomplished, the committee would be dissolved.

Mayor Feiszli made an amendment to the resolution to include Alderman Ferguson as a committee member.

RESOLUTION #189 OF 2010 – To Table until the October 5 Council Meeting Consideration of a Resolution to amend the 1910 Water Board Rules and Regulations (contingent on Council decision of previous discussion). (Mayor Feiszli)

By: Alderman Dye
 Seconded: Alderman Michales

Approved: Ayes – 8
 Nays - 0

RESOLUTION #190 OF 2010 – Consideration of a Resolution requesting Council approval for several budget modifications. (Bryan Gazda)

Water Fund

	<u>Transfer To</u>	<u>Transfer From</u>
F1990-40000 Contingencies		\$ 159.56
F8340-40220 Transm. & Distrib. – Repair Parts	\$ 11.14	
F8340-40230 Transm. & Distrib. – Repair Labor	\$ 35.00	
F8340-40510 Transm. & Distrib. – Grain	\$ 113.42	

Dept. of Public Works

A8160-41900 Trash Collection – Public Info		\$ 22.70
A8160-41800 Trash Collection – Postage	\$ 22.70	

Fire Department (auction sales & to recognize & appropriate proceeds)

A510 Estimated Revenues	\$2,715.00	
A960		\$2,715.00
A3410-402 Fire Dept. Apparatus Repair	\$2,715.00	
A2655 Minor Sales		\$2,715.00

By: Alderman Dye
Seconded: Alderman Craig

Approved: Ayes – 7
 Nays – 1 (Hayes)

Alderman Quail stated that money raised through vehicle sales goes back into the departmental budgets resulting in an understatement of overall expenses. He stated that the City should be keeping expenses clear from the revenue side.

Mr. Gazda explained how the revenue from vehicle sales would be reflected in the 2010 modified budget. When you look at the Fire Department's budget, A2655 - Minor Sales would increase, so we will do a budget amendment and up the amount in that line from the adopted 2010 revenue budget and we will do the same for their expenditure line in A3410-40200. You will see that in the Modified Budget column. The budget will show the original 2010 adopted amount, then the 2010 modified amount, as well as the 2009 actuals when we go through the budget process. Alderman Quail noted that you wouldn't see what the real expense is. He further noted that when we did the Police sales we ended up reducing the expenses so they could buy another car. Mr. Gazda said that's what we've been doing the last couple of months.

Mr. Gazda stated that they should be off-setting to each other. They are doing the same thing here by increasing their revenue and also increasing their appropriation that was originally adopted by the Council. He noted that they were doing a reimbursement. Mayor Feiszli stated that the City needs a standardized template for all departments so the Council can see this clearly.

Alderman Hayes asked if the Water Fund money had already been spent. Mr. Gazda stated that the report is for July and the transfers were needed for August. Alderman Hayes asked if they spent the money without prior approval as the Council has had discussions about that issue in the past.

Mayor Feiszli stated that these items are parts for emergencies. She stated that the Council needs to revisit the purchasing policy for the department heads so they have more leniencies for going over budget by a set amount.

Mr. Gazda stated that the Council has not reviewed the budget in this way in the past and the department heads are not used to the Council looking at things on a monthly basis. He added that individual line items were less of a concern to department heads as long as the bottom line was good.

Mayor Feiszli stated that this is last year's budget and the City needs to put real figures into the 2011 budget based on actual figures for what we know they are spending and go through this process now and next year.

RESOLUTION #191 OF 2010 – Consideration of a Resolution to authorize the Mayor to execute a quick claim deed for abandoning the alleyway property between Randall Street and William Street as follows: (Mayor Feiszli)

WHEREAS, it had been brought to the attention of Common Council there exists a 20.00 foot wide alley that runs in a north-south orientation between the southerly line of William Street and the northerly line of Randall Street, the westerly line of which lies, at all points, South 79° 53'00" East a distance of 180.00 feet from the easterly street line of South Main Street, the entirety of said alley being described in more particular detail on Schedule A annexed hereto (the "20-foot alley");

WHEREAS, it had been requested of Common Council that the City abandon all of the City's an the public's rights in and to said 20-foot alley; and

WHEREAS, Common Council's consideration of said abandonment of said 20-foot alley was placed on the agenda for Common Council's regular meeting on Tuesday, August 3, 2010, and in connection with such consideration, a public hearing was duly and properly noticed to be conducted at said Common Council meeting; and

WHEREAS, at said August 3, 2010 regular meeting of Common Council, Common Council conducted said public hearing on the abandonment of said 20-foot alley; and

WHEREAS, at said public hearing the only persons who spoke were (a) a representative of Cortland Reentry Program, the owner of the premises adjacent to the west side of the north end of said 20-foot alley, (b) the owner of the premises adjacent to the east side of the north end of said 20-foot alley, and (c) a representative of the purchaser of the properties located both to the west and to the east sides of the center portion of said alley, and all spoke in favor of the abandonment of said alley; and

WHEREAS, at said public hearing, no person spoke in opposition to said abandonment; and

WHEREAS, Common Council, by motion duly made, seconded and considered, voted unanimously in favor of abandonment of said 20-foot alley;

NOW, THEREFORE, Common Council hereby resolves as follows:

The Mayor of the City of Cortland, Susan Feiszli, is hereby authorized to execute, acknowledge and deliver on behalf of the City, deeds of portions of said 20-foot alley to grant, convey and quit-claim all right, title and interest of the City and the public in and to said alley to each owner of premises adjoining to the west side and adjoining to the east side of said 20-foot alley, up to the centerline of said 20-foot alley; and

That the Mayor is further authorized to execute and deliver on behalf of the City such ancillary documents, such as forms TP-584 and RP-5217, in connection with the execution and delivery of such deeds, and to take all other necessary or appropriate action in connection with

the grant, conveyance and quit-claim of said portions of said 20-foot alley to the owners of premises adjoining to the east and west sides of said 20-foot alley.

By: Alderman Ferrer
Seconded: Alderman Ferguson

Approved: Ayes – 8
Nays – 0

Corporation Council Walsh read the document into the public record, reviewed the process and confirmed that the proper procedure had been followed for public notice and public hearing at which no person spoke in opposition of the abandonment.

Mr. Walsh clarified that the abandonment includes the alleyway behind the TC3 parcel and that six (6) different property owners would receive a portion of the alleyway. He further stated that TC3 hopes to close on the property next week and that is contingent on the City abandoning the alleyway.

Alderman Michales stated that there is a similar situation regarding Blodgett Street. Mr. Walsh stated that there is another street that Alderman Quail brought up as well and the City can move forward with both those situations.

Adjournment

By: Alderman Craig
Seconded: Alderman Michales

Approved: Ayes – 8
Nays – 0

Hearing no other business, the meeting was adjourned at 8:58pm.

I, CAROL TYTLER, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 7th DAY OF SEPTEMBER 2010. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

CAROL TYTLER – CITY CLERK

MAYOR SUSAN FEISZLI