



The City of Cortland
City Common Council Minutes

July 5, 2022

6:00 p.m.

City Hall, 25 Court Street and via Zoom

Public Hearing

A public hearing was opened at 6:03 p.m. regarding proposed Local Law No. 5 of 2022 to create a Nuisance Animal and Pest Removal Assistance Program. Whitney Meeker spoke about the ongoing problem she has with woodchucks and other animals. She stated her opinion that residents should not have to pay for removal of nuisance animals and pests and that it is a city-wide problem. She said she does not think that \$5,000 allocated to the program is enough and that the city should appropriate more funds. The public hearing was closed at 6:09 p.m.

Call to Order and Roll Call

Mayor Steve called the meeting to order at 7:04 p.m., and the City Clerk called the roll. The following Common Council Members were in attendance:

Katy Silliman – Second Ward Alderperson
Mary Clare Pennello – Third Ward Alderperson
Patricia Lane – Fourth Ward Alderperson
Seth Thompson - Fifth Ward Alderperson
Thomas Michales – Eighth Ward Alderperson

The following members were recorded absent:

Wayne Schutt – First Ward Alderperson
William Carpenter – Sixth Ward Alderperson
Troy Beckwith – Seventh Ward Alderperson

Salute to the Flag

Moment of Silence/Reflection

Privilege of the Floor

No one was present to speak.

Mayor's Report

The Mayor praised the Fire Department for their response in containing an environmental spill. He said that the Drug Task Force he recently assembled is having success. He met with officials from the County

of Cortland to discuss a Memorandum of Understanding (MOU) for relocation of the State Courts from City Hall to the County Courthouse. He said there would be further discussion of the issue at the next Common Council meeting.

Finance Report

The Mayor said that financial statements were provided to Council Members and posted publicly on the City's website. He said that budget projections were on target overall, but that some equipment budget lines, Workers Compensation, medical and other insurance exceeded mid-year targets.

Ward Reports

- Ward 2: Council Member Silliman said that the newly hired Administrative Aide in the Codes Office is working out well. She praised the Fire Department for their response to a fire caused by oil on a stove. She received a complaint about taxi prices in the City which she is looking into. Ms. Silliman noted that lights had been ordered to replace lights that are out on West Court Street. She also received a call from a resident asking when Arthur Avenue would be repaved. The Mayor responded that it will be done next year.
- Ward 3: Council Member Pennello said she is proud of the Mayor, Fire Chief and Chairman of the Cortland County Democrat Committee for how they handled an incident of a Republican candidate for Governor's campaign attempting to use City fire trucks for political purposes. She reminded residents that the Little Library is available at the Water Works. She is pursuing the idea of expanding the Water Works trail.
- Ward 4: Council Member Lane echoed Council Member Pennello's remarks about how the political incident was handled by Mayor Steve, Fire Chief Friedman and Chairman Perfetti. She said that the Fire Department provided excellent response to a small kitchen fire on Pearl Street. Ms. Lane said there is a problem with motorcycles speeding on Tompkins Street. She also said that a resident voiced the need for a traffic light to be placed at the intersection of Tompkins Street and Pashley Drive.
- Ward 5: Council Member Thompson said there is a problem with speeding down Pendleton Street which poses an additional danger to student driver's coming from the high school. Complaints about loitering on Sunnyfield Drive were address by the Police Department and County Department of Social Services. Mr. Thompson asked that children's voices by included as part of the planning for Randall Park renovations and said that students at Randall School provided their feedback. He said there is an interest in the planting of more trees in the neighborhood with a particular interest in fruit trees. The Mayor noted that the City has a Tree Planting Program and residents are encouraged to sign up.
- Ward 8: Council Member Michales said that motorcycle speeding is being addressed by the Police Department. He said that tress in Randall Park had been vandalized and that an arborist is trying to save the trees. An arborist is also examining a tree that a resident wants removed. He thanked the Department of Public Works (DPW) for cutting down overhanging branches. Mr. Michales said that trash was removed and the lawn mowed at a nuisance property on Kellogg Road which is now for sale. He said a permit application was submitted for a snake by

a resident in the 5th Ward. He also noted that a faulty faucet in the Randall Park restroom resulted in water running and was quickly shut off by the Fire Department.

Approval of the Minutes

The minutes of the June 14, 2022 Common Council meeting were approved.

Motioned by: Council Member Silliman

Seconded by: Council Member Lane

Approved: Ayes – 5
Nays – 0

Resolution No. 101 of 2022 Approve Special Event and Related Permits for The Great Cortland Pumpkinfest

RESOLVED, that the Common Council does hereby approve a Special Event Permit, a Sound Device Permit without fee, an Operating Permit, and a Street Closure request for The Great Cortland Pumpkinfest to be held on October 1 and October 2, 2022.

Motioned by: Council Member Silliman

Seconded by: Council Member Michales

Approved: Ayes – 5
Nays – 0

Resolution No. 102 of 2022 Approve Special Event and Related Permits for Dark Horse Tavern

RESOLVED, that the Common Council does hereby approve a Special Event Permit, a Sound Device Permit, and a Street Closure request for the Dark Horse Tavern to be held from Noon to 8:00 p.m. on July 15, 2022.

Motioned by: Council Member Silliman

Seconded by: Council Member Pennello

Approved: Ayes – 5
Nays – 0

Resolution No. 103 of 2022 Authorize Additional Sidewalk Funds for the City’s 2022 Sidewalk Program

RESOLVED, that the City does hereby appropriate up to an additional \$20,000 for the 2022 Sidewalk Program to address the need identified by its citizens for safer walkways in the City.

Motioned by: Council Member Pennello

Seconded by: Council Member Lane

Approved: Ayes – 5
Nays – 0

Resolution No. 104 of 2022 Authorize a Mortgage Subordination and Agreement

RESOLVED that the City of Cortland subordinates, for a second time, its mortgage instrument #2016-02801

recorded on June 8, 2016 with the Cortland County Clerk, said subordination to facilitate a Home Equity Line of Credit with CFCU in the maximum amount of \$40,000 for said resident, and further authorizes Mayor Scott Steve to sign a subordination agreement for the same.

Motioned by: Council Member Silliman
Seconded by: Council Member Michales
Approved: Ayes – 5
Nays – 0

Resolution No. 105 of 2022 Authorize Contract with Carter’s Tree Service for the 2022 City of Cortland Tree and Stump Removal Project

RESOLVED that the Common Council does hereby authorize the Mayor to execute a contract with Carter’s Tree Service in the amount of \$19,500.00 for the removal of trees, stumps and debris to commence in the next 60 days.

Motioned by: Council Member Thompson
Seconded by: Council Member Pennello
Approved: Ayes – 5
Nays – 0

Resolution No. 106 of 2022 Authorize Homer Avenue Infrastructure Upgrades Grant Applications

RESOLVED, that the Mayor is hereby authorized and directed to file an application for funds from the New York State Consolidated Funding process for Homer Avenue Infrastructure Improvements and upon approval of said request to enter into and execute a grant agreement with the State for financial assistance to the City of Cortland, and, if appropriate, take actions necessary to implement the proposed grant project upon approval from the State.

Motioned by: Council Member Pennello
Seconded by: Council Member Thompson
Approved: Ayes – 5
Nays – 0

Resolution No. 107 of 2022 Authorize Submission of a Climate Smart Grant for Homer Avenue Infrastructure Upgrades

RESOLVED, that the Mayor is hereby authorized and directed to file an application for funds from the New York State Climate Smart Grant for \$4 million total project cost, and upon approval of said request to enter into and execute a grant agreement with the State for financial assistance to the City of Cortland, and, if appropriate, take actions necessary to implement the proposed grant project upon approval from the State.

Motioned by: Council Member Silliman
Seconded by: Council Member Pennello

Approved: Ayes – 5
Nays – 0

Resolution No. 108 of 2022 Authorize Local Government Efficiency Grant

RESOLVED, that the Mayor is hereby authorized and directed to submit as a co-applicant with Cortland County for funds, and upon approval of said request to enter into a Memorandum of Understanding with Cortland County, and, if appropriate, take actions necessary to implement the proposed grant project upon approval from the State.

Motioned by: Council Member Silliman

Seconded by: Council Member Lane

Discussion: The Mayor said the grant would fund a propose landfill leachate pipeline which could save county taxpayers \$280,000 and provide environmental benefits from eliminated trucking.

Approved: Ayes – 5
Nays – 0

Resolution No. 109 of 2022 Appoint Member to the City Environmental Advisory Committee

RESOLVED, that Steven Broyles is hereby appointed by the Common Council as a member of the City of Cortland Environmental Advisory Committee.

Motioned by: Council Member Silliman

Seconded by: Council Member Pennello

Approved: Ayes – 5
Nays – 0

Resolution No. 110 of 2022 Approve Local Law No. 5 of 2022 to Create a Nuisance Animal and Pest Removal Assistance Program

RESOLVED, that the appropriated funds shall be transferred to the City of Cortland Code Enforcement Office’s contractor budget line A3620 – 541505; AND BE IT FURTHER

RESOLVED, that the Common Council hereby adopts Local Law No. 5 of 2022 titled Amendment of Chapter §74 Creating Nuisance Animal Assistance Removal Guidelines and Removal Assistance Program; AND BE IT FURTHER

RESOLVED, that the text of the Local Law shall read as follows:

LOCAL LAW NO. 5 OF THE YEAR 2022

“AMENDMENT OF CHAPTER §74 CREATING NUISANCE ANIMAL ASSISTANCE REMOVAL GUIDELINES AND REMOVAL ASSISTANCE PROGRAM”

Be it enacted by the Common Council of the City of Cortland as follows:

Section 1. Enactment and Title.

Chapter 74 – Animals

Article IV. Removal of Nuisance Animals

§74-30. Definitions.

As used in the article, the following words shall have the following respective meanings:

CONTRACTOR – City of Cortland designated contractor for the removal of nuisance animals and the abatement of nuisance animal harborage.

HARBOR/HARBORAGE – Holes, dens, burrows, vegetation, debris, food “stuffs” that attract, provide residence for and sustenance to nuisance animals.

NUISANCE ANIMAL - Woodchucks, skunks, rabbits, raccoons, rodents, possums, vermin.

§74-31. Purpose

The purpose of this article is to 1) provide financial assistance, upon application, to City of Cortland residents, who require removal of nuisance animals as defined by in §74-31, and hire the contractor to aid in such removal; and 2) enact the requirement for residents to abate harbor of such nuisance animals.

§74-32. Financial Assistance.

- A. Upon an approved application by a resident of the City of Cortland, the City will provide financial assistance in an amount that is equal to fifty percent (50%) of the total amount billed by the contractor for services rendered; provided, however that the amount of financial assistance shall not exceed a total of two hundred dollars (\$200.00).
- B. The contractor shall invoice the City directly for services rendered, and the City will thereafter seek payment from the resident for the resident’s portion as outlined herein.

§74-33. Applicability.

- A. This article shall apply to owner occupied properties within the City of Cortland.
- B. A resident/property owner shall be limited to one claim for financial assistance per calendar year.
- C. Verification/proof of harbor abatement shall be required for financial assistance.

§74-34. Abatement of Harbor and Failure Thereof.

- A. Failure to remove the nuisance animal harborage within thirty (30) days of application for reimbursement shall result in a levy of all associated fees incurred by the City against the property, and may further subject the resident/owner to possible violation of *New York State Property Maintenance Code §302.5. Rodent Harborage*, and the associated penalties therewith.
- B. Compliance with the abatement provisions of this article is required of all residents and property owners facing nuisance animals, whether or not approved for financial assistance as provided in this article, and noncompliance may subject the said resident/property owner to the related penalties outlined in *New York State Executive Law Chapter 18 – Article 18. §382*.

Section 2. Separability.

If any part of provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall

have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Cortland hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3. Findings.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4 Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Motioned by: Council Member Silliman

Seconded by: Council Member Pennello

Discussion: The Mayor addressed the concerns of Ms. Meeker who spoke at the public hearing, agreeing that more money is needed as is a long-term solution. He said the local law and current funding appropriation is a short-term solution which should identify the extent of the problem. He said further steps could be taken next year. Council Member Lane stated that it is a city-wide problem and that more efforts are needed to address it. Council Member Michales said he would like to see more contractors participate in the future to make pricing more competitive.

Approved: Ayes – 5
Nays – 0

Resolution No. 111 of 20221 Authorize Nuisance Animal Removal and Harborage Abatement Services Contract

RESOLVED, that the City designates Sweeney’s Pest Elimination, LLC as the contractor under Local Law No. 5 of 2022; AND BE IT FURTHER

RESOLVED, that the City authorizes the Mayor to enter into a one-year contract with Sweeney’s Pest Removal Services, LLC to perform the nuisance animal removal and harborage abatement services associated with the nuisance animal removal assistance program.

Motioned by: Council Member Silliman

Seconded by: Council Member Lane

Discussion: Council Member Silliman noted that residents could avail themselves of the program only once a year for up to two animals, and that the problem is bigger than that.

Approved: Ayes – 5
Nays – 0

Resolution No. 112 of 20222 Fire Apparatus Purchase

RESOLVED, that the City of Cortland Common Council authorizes the Mayor to execute a contract with Premier Fire Apparatus, Inc., representing E-ONE manufacturing, for the purchase of one (1) E-One Custom Typhoon Stainless Steel Fire pumper apparatus with a 1500 GPM pump and 1030 gallon tank

equipped with a 450 horsepower Cummins motor (SO #145041) for the base price of \$599,000 with required modifications included to be \$50,000.00 for a total of \$649,000.00; AND BE IT FURTHER

RESOLVED, that the Mayor is hereby authorized to execute a municipal equipment bond to cover above costs.

Motioned by: Council Member Lane

Seconded by: Council Member Silliman

Discussion: The Mayor said that this is a big purchase which was not budgeted for last year, but that the opportunity to purchase this demo unit truck came recently whereas the normal wait is 18 months. This purchase, he said, is \$188,000 less than the same truck would otherwise be. The Mayor also said that the bond to be executed will include additional equipment needed by DPW. Ms. Lane said she is pleased with the purchase as the fire engine is much needed. Mr. Thompson added that this represented a good return on investment.

Approved: Ayes – 5
Nays – 0

Resolution No. 113 of 20223 Surplus of Fire Department Equipment

RESOLVED, that the City of Cortland Common Council authorizes the following equipment currently in possession and use by the Fire Department to be designated as surplus and authorizes the Fire Chief to advertise said equipment in appropriate manner as surplus and available for sale; AND BE IT FURTHER

RESOLVED, that the City of Cortland Common Council authorizes any revenue generated from the sale of this surplus equipment be transferred into the Fire Department Budget line A3410-540700 –Equipment Repair for future use by the Department.

Item #	Year	Description	VIN #	Inventory #
1	2011	Chevy Tahoe	1GNSK2E0XBR351687	CS1101
2	2009	Ford Pickup	1FTRX14W19FA84220	FU0902
3	1993	Chevy Utility	1GBJC34K0PE203884	CU9301
4	1995	Chevy Van	1GCGG35K6TF102863	CU9601
5		Various hose		
6		Various Radio equipment		
7		Miscellaneous nozzles		
8		Miscellaneous Equipment		

Motioned by: Council Member Silliman

Seconded by: Council Member Pennello

Approved: Ayes – 5
Nays – 0

Resolution No. 114 of 20224 Authorize Letter in Support of YWCA Historic Building Renovation Grant Application

RESOLVED, that the Mayor is authorized to write a letter in support of the YWCA Cortland’s grant

application to the New York State Office of Parks, Recreation and Historic Preservation and other potential funding sources.

Motioned by: Council Member Lane

Seconded by: Council Member Thompson

Approved: Ayes – 5
Nays – 0

Resolution No. 115 of 20225 Proposal to Explore City of Cortland Revolving Loan Fund – Sewer/Storm Lateral Repair, Water Service Repair, and/or Sidewalk Replacement Program

RESOLVED, that the City shall hold a public hearing at the next scheduled Common Council meeting, or as soon thereafter to discuss the details of a local law that will provide local residents with the benefit of a revolving loan fund, the creation of which is necessary to allow for such a program to be facilitated through property tax collection.

Motioned by: Council Member Pennello

Seconded by: Council Member Silliman

Discussion: The Mayor said he got this idea from other cities. The program would enable residents to spread these costs out over five years. He noted that the program could also help prevent the need to tear up streets after paving work is done. Council Member Silliman asked if a lower interest rate could be considered. Council Member Pennello said this program provides a wonderful show of support for residents and will help the appearance of the City.

Approved: Ayes – 5
Nays – 0

Resolution No. 116 of 20226 Appropriate Annual Cortland City Police Bike Sale Proceeds

RESOLVED, that the Common Council does hereby affirm the funds from the above noted bicycle sale can be divided equally between the Water Works Deer Fund, for purchase of winter hay, and the Cortland Youth Bureau, for the purchase of ice cream, which will be handed out to citizens throughout the parks over the summer as part of a joint Cortland City Police Department and Cortland City Youth Bureau Community Engagement effort.

Motioned by: Council Member Pennello

Seconded by: Council Member Thompson

Approved: Ayes – 5
Nays – 0

Resolution No. 117 of 20227 Authorize Credit Card Accounts for Use by the Youth Bureau

RESOLVED, the Common Council does hereby grant authority for the Cortland Youth Bureau to establish a credit card account with Tompkins Trust Company to conduct department business when circumstances necessitate in compliance with the City's credit card policy.

Motioned by: Council Member Lane
 Seconded by: Council Member Michales
 Approved: Ayes – 5
 Nays – 0

Resolution No. 118 of 20228 Accept and Recognize Donations to Cortland Youth Bureau

RESOLVED, that the Common Council accepts the donations listed below, and appropriates funds to the Cortland Youth Bureau operating budget accounts outlined below.

<u>Donor</u>	<u>Amount</u>	<u>Project/Event</u>	<u>Budget Line</u>
Cortland Elks Club	\$450.00	YC Field Trip: Enchanted Forest	A7320.5400

Motioned by: Council Member Silliman
 Seconded by: Council Member Michales
 Approved: Ayes – 5
 Nays – 0

Discussion Items

Discussion Item No. 1 Director of Administration & Finance

Council Member Pennello said that the Executive Personnel Committee reviewed a draft job description and is submitting the draft to the New York State Conference of Mayors for review and comment. She expects the Committee to finalize the job description at its July meeting and provide it for Common Council review in August.

Discussion Item No. 2 Parker School Ad Hoc Planning Committee

Council Member Silliman reported that the YWCA hired an architect to develop plans estimate costs prior to the pandemic. She said the plans will be reevaluated for current costs. The YWCA and CAPCO will then meet to discuss what can be done based on current costs.

Discussion Item No. 3 Trash and Recycling Ad Hoc Advisory Committee

The Mayor reported that the Committee is meeting July 6th to review the results of the public survey which has been shared with Council members.

Discussion Item No. 4 Town and Gown Ad Hoc Planning Committee

Council Member lane reported that she and the Mayor met with College officials including the President on how the City and College can work together. She said that the Mayor had wonderful ideas. Another meeting is scheduled for July 19th. The Mayor added that they discussed a science center at the Water Works and ways the City can recoup costs on city services which the College benefits from. Ms. Lane also reported that all SUNY Cortland students will vote at the Park Center.

Discussion Item No. 5 Conifer Park Tax and Certiorari Suit/Settlement

The Corporation Counsel updated the Council on two lawsuits which have been pending for several years and which he and the Mayor are working towards settling.

The Conifer Park suit challenged the City’s tax assessment and methodology for income-based residential properties. A judge ruled that the City was unable to document that such methodology had been established. An assessment settlement amount within a range ordered by the Court is being discussed with plaintiffs and co-defendants for settlement purposes based on court order. The Mayor added that once a settlement is finalized it will be presented by resolution to the Council. Real Property Tax Law statute relative to income-based residential assessments requiring certain methodology will be adhered to moving forward, the Corporation Counsel said.

The Corporation Counsel said the second lawsuit brought in 2019 challenged the uniformity with which zoning regulations were being applied to the same classes of buildings in the same district. A court ruled that city code provisions that enforce different regulations or require different permits for the same class of buildings in the same zoning district based solely on status of the property owner are invalid and discriminatory, including regulations relative to off-street parking requirements for buildings of the same class in the same district, the Corporation Counsel said. The Mayor suggested forming a committee consisting of Council members, the Corporation Counsel and community representatives to address the issue. The Mayor invited recommendations on membership. Council Members Silliman and Pennello said she would like to be on the committee.

The Mayor said the City has spent hundreds of thousands of dollars under the previous administration on these lawsuits over the past several years.

Discussion Item No. 6 Salary of the City Clerk

Council Member Pennello said that the issue of the City Clerk’s salary had been discussed by the Executive Personnel Committee. She said the current salary of \$5,000 is far below that of Clerk’s in comparable municipalities and is not commensurate with the City Clerk’s current duties. She said she planned to bring a resolution to the Council to increase the City Clerk’s salary.

Adjournment

The meeting was adjourned at 7:17 p.m. on motion of Council Member Silliman, seconded by Council Member Lane, and approved by a vote of 5-0.

I, ANDREW T. JEWETT, CITY CLERK FOR THE CITY OF CORTLAND, NEW YORK, DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED BY THE COMMON COUNCIL AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 5TH DAY IN JULY, 2022. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED FOR HIS CONCURRENCE IN ADOPTION OR REJECTION BY VETO POWER.

ANDREW T. JEWETT, CITY CLERK

SCOTT STEVE, MAYOR