



City of Cortland Common Council Meeting

July 19, 2022

City Hall, 25 Court Street, Cortland NY 13045
and Streamed via Zoom

MINUTES

PUBLIC HEARING

A Public Hearing was opened at 6:01 p.m. regarding proposed City of Cortland Revolving Loan Fund Programs – Sewer/Storm/Water Service Repair/Replacement Program, and Sidewalk Repair/Replacement Program. No one was present to speak. The public hearing was closed at 6:03 p.m.

CALL TO ORDER AND ROLL CALL

Mayor Steve called the meeting to order at 6:04 p.m., and the City Clerk called the roll. The following Common Council members were in attendance:

Wayne Schutt – First Ward Alderperson
Mary Clare Pennello – Third Ward Alderperson
Patricia Lane – Fourth Ward Alderperson
Seth Thompson - Fifth Ward Alderperson
William Carpenter – Sixth Ward Alderperson
Troy Beckwith – Seventh Ward Alderperson
Thomas Michales – Eighth Ward Alderperson

The following member was recorded absent:

Katy Silliman – Second Ward Alderperson

SALUTE TO THE FLAG

MOMENT OF SILENCE/REFLECTION

PRIVILEGE OF THE FLOOR

The following city retirees spoke regarding proposed changes to city retiree health insurance program:
Pam Barden, Rick McMullin, Kathy Barnes and Tom Brady

Each speaker expressed concerns relating to whether the cost and coverage of the proposed AETNA Medicare Advantage option would be as good as their current Blue Cross/Blue Shield plan. Each speaker

said that retirees should be allowed to opt in to the proposed Medicare Advantage plan instead of being allowed to opt out of the proposed plan. The issue was addressed by the Mayor and Common Council members during Discussion Item No. 5 later in the meeting.

MAYOR'S REPORT

The Mayor reported on the progress of the Clinton Avenue construction project and noted that several problems were being mitigated.

The Mayor asked the Fire Chief Friedman to introduce two recently graduated firefighters who have joined the Fire Department. Douglas Medler and Patrick Dahulich are receiving in-service training and will be assigned to the Code Enforcement Office.

Mr. Steve also recognized Fire Department Battalion Chief Reynolds who spoke about the upcoming youth firefighter for a day program.

WARD REPORTS

Ward 1: Council Member Schutt said there has been positive feedback on LED solar powered stop signs installed at several intersections. He thanked the Code Enforcement Office, Fire Department and Police Department for responding to constituent needs, including a gas spill remediated by the Fire Department.

Ward 3: Council Member Pennello thanked the Code Enforcement Office and Police Chief for addressing issues in the ward.

Ward 4: Council Member Lane said that it was nice to have SUNY Cortland alumni in town recently. She received comments about street lighting on Clinton Avenue not being bright enough and questions about the schedule at Wickwire Pool. She also noted that construction work is scheduled to begin on Broadway between Pashley Drive and Tompkins Street.

Ward 5: Council Member Thompson said that residents have expressed appreciation for recent street cleaning. He thanked the Mayor and the Police Chief for their efforts in addressing the homeless problem and said there is more to be done. He thanked the Code Enforcement Office for addressing complaints about grass that had not been mowed. Mr. Thompson commented on the robust response to the City's trash survey which he said noted that service and price are out of alignment. He said there is an opportunity to make positive changes in the City's trash system.

Ward 6: Council Member Carpenter said he is pleased that Yaman Park will be renovated and have walking trails added. He commented on the Trash and Recycling Ad Hoc Committee's recent meetings and recommendations to eliminate the existing blue bag system and to provide residents with a trash tot and recycling tot which would be included within property taxes. He stated that the current system does not work anymore.

Ward 7: Council Member Beckwith asked about the status of the Apex Site. The Mayor replied that a contract for cleanup had been awarded and that work will begin within the next two weeks. Mr. Beckwith commented that there are trash issues which need to be addressed.

Ward 8: Council Member Michales thanked the Fire Department for a quick response to a kitchen fire which was contained. He said the Police Department help address in issue between neighbors about security cameras and lights. He reported on an incident in which an aggressive dog left its owner’s porch and attempted to attack a dog being walked. He said the issue has been referred to the SPCA’s Law Enforcement Officer.

APPROVAL OF THE MINUTES

The minutes of July 5, 2022 were approved.

Motioned by: Council Member Carpenter

Seconded by: Council Member Beckwith

Approved: Ayes – 7
Nays – 0

RESOLUTIONS

Resolution No. 119 of 2022 Authorize City of Cortland Revolving Loan Fund Programs – Sewer/Storm/Water Service Repair/Replacement Program, and Sidewalk Repair/Replacement Program

RESOLVED, that the City of Cortland Revolving Loan Fund Program for Sewer/Storm/Water Repair/Replacement and the City of Cortland Revolving Loan Fund Program for Sidewalk Repair/Replacement are hereby approved and authorized, and said programs shall take effect upon the release of respective program applications and associated documentation; AND BE IT FURTHER

RESOLVED, that the City reserves the right to amend any components of either program, as necessary, with Council approval, to ensure successful implementation and participation.

Motioned by: Council Member Pennello

Seconded by: Council Member Schutt

Discussion: The Mayor explained that this would allow residents to spread out the costs of these capital investments over a five year period.

Approved: Ayes – 7
Nays – 0

Resolution No. 120 of 2022 Authorize Special Event Permit for Empire State Challenge 4 Mile Race

RESOLVED, that the Common Council does hereby approve a Special Event Permit including street closure for the Empire State Challenge 4 Mile Race to be to be held on July 30, 2022 from 10:00 a.m. to 10:30 a.m.

Motioned by: Council Member Schutt

Seconded by: Council Member Carpenter

Approved: Ayes – 7
Nays – 0

Resolution No. 121 of 2022 Appoint Records Retention Officer

RESOLVED, that the Common Council does hereby designate Carrie Lynch, Registrar in the Office of the City Clerk as Records Management Officer for the City of Cortland.

Motioned by: Council Member Schutt

Seconded by: Council Member Beckwith

Approved: Ayes – 7
 Nays – 0

Agenda Item No. 4 was amended to read as follows:

Resolution No. 122 of 2022 Authorize Salary for the City Clerk

WHEREAS, the duties of the City Clerk are enumerated in the City Charter and include recording proceedings of the Common Council and various boards and commissions, serving as the City’s Records Access Officer under Freedom of Information Law requirements, and maintaining a record of all City proceedings, local laws, ordinances, resolutions, rules, regulations, contracts and agreements; AND

WHEREAS, additional duties assigned to the incumbent City Clerk under authority of the City Charter include preparing Common Council resolutions and agendas, publishing agendas, minutes and public notices on behalf of the Common Council and various boards and commissions, and ensuring that information is updated on the City’s website; AND

WHEREAS, the incumbent City Clerk is performing these and other duties enumerated and authorized by the City Charter; AND

WHEREAS, many duties of the City Clerk which are enumerated and authorized by the City Charter including preparing resolutions, agendas and minutes of the Common Council and various boards and commissions, serving as City Records Access Officer (FOIL), publishing notices, and ensuring that information is updated on the City’s website were delegated to other City employees during previous administrations; AND

WHEREAS, employees other than the City Clerk were paid stipends under previous administrations totaling \$12,058 for such duties that the incumbent City Clerk is performing; AND

WHEREAS, the Common Council confirms that the aforementioned duties are to be performed by the City Clerk as prescribed by the City Charter; AND

WHEREAS, the Common Council acknowledges that the City Clerk’s current budgeted salary of \$5,000 is not commensurate with the aforementioned duties, nor in accord with that in comparable municipalities; NOW, THEREFORE, BE IT

RESOLVED, that the Common Council authorizes the City Clerk to be paid \$20,000, and that funds be transferred to the Office of the City Clerk budget line A1420-510000 Personal Services.

Motioned by: Council Member Pennello

Seconded by: Council Member Lane

Approved: Ayes – 7
 Nays – 0

Resolution No. 123 of 2022 Authorize Application for Funding to Update the City’s Comprehensive Plan under the Smart Growth Grant Program through the Consolidated Funding Application Process

RESOLVED, that the City of Cortland authorizes Thoma Development to resubmit an application on the City’s behalf for funds through the Smart Growth Program to update the City’s comprehensive plan.

Motioned by: Council Member Schutt
Seconded by: Council Member Beckwith
Approved: Ayes – 7
 Nays – 0

Resolution No. 124 of 2022 Authorize Application for 2022 Environmental Protection Fund Parks Development Grant for the Randall Park Improvements Project

RESOLVED, that the City of Cortland is authorized and directed to accept Environmental Protection Fund Parks Development grant funds in an amount not to exceed \$500,000 for the project described in the grant application; AND BE IT FURTHER

RESOLVED, that City of Cortland is authorized and directed to agree to the terms and conditions of the Master Contract with New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) for such Randall Park Improvements Project; AND BE IT FURTHER

RESOLVED, that the City of Cortland is authorized and directed to agree to the terms and conditions of any required deed of easement granted to OPRHP that affects title to real property owned by the municipality and improved by the grant funds, which may be a duly recorded public access covenant, conservation easement, and/or preservation covenant; AND BE IT FURTHER

RESOLVED, that the Common Council delegates signing authority to execute the Master Contract and any amendments thereto, any required deed of easement, and any other certifications to the Mayor.

Motioned by: Council Member Michales
Seconded by: Council Member Thompson
Approved: Ayes – 7
 Nays – 0

Resolution No. 125 of 2022 Authorize Mortgage Subordination and Agreement

RESOLVED, that the Common Council subordinates its mortgage instrument #2018-04485 recorded on August 7, 2018 with the Cortland County Clerk, said subordination to facilitate a Home Equity Loan with CFCU in the amount of \$15,000.00 for said residents, and further authorizes the Mayor to sign a subordination agreement for the same.

Motioned by: Council Member Carpenter
Seconded by: Council Member Pennello
Approved: Ayes – 7
 Nays – 0

Resolution No. 126 of 2022 Authorize Application for 2022 Water Quality Improvement Program Wastewater Treatment Improvement Grant for City of Cortland Wastewater Treatment Facility

RESOLVED, that the City of Cortland is authorized and directed apply for a Water Quality Improvement Program grant, and if approved to accept these grant funds in an amount not to exceed \$5,000,000 for the proposed \$6.68M project described in the grant application, with the City providing a 25% grant match; AND BE IT FURTHER

RESOLVED, that City of Cortland is authorized and directed to agree to the terms and conditions of the Master Contract with the New York State Department of Environmental Conservation for such Cortland Wastewater Treatment Facility Improvements Project; AND BE IT FURTHER

RESOLVED, that Common Council delegates signing authority to execute the Master Contract and any amendments thereto, and any other certifications to the Mayor.

Motioned by: Council Member Lane

Seconded by: Council Member Schutt

Approved: Ayes – 7
 Nays – 0

Agenda Item No. 9 was amended to include the account numbers contained in the resolved section of the resolution.

Resolution No. 127 of 2022 Authorize Funds to Support Downtown Promotional Initiatives

RESOLVED, that the City Council hereby authorizes the expenditure of up to \$10,000 from account #A-1250 to #A-7550.540500 to support downtown promotional programs, events, and activities.

Motioned by: Council Member Schutt

Seconded by: Council Member Pennello

Approved: Ayes – 7
 Nays – 0

Resolution No. 128 of 2022 Authorize Memorandum of Understanding with the County of Cortland for City Court Space

RESOLVED, the Mayor is hereby authorized to execute a Memorandum of Understanding with the County of Cortland for relocation of the Cortland City Court to the Cortland County Courthouse.

Motioned by: Council Member Carpenter

Seconded by: Council Member Beckwith

Discussion: The Mayor said that the move of City Court from City Hall to the County Courthouse has been a long time in the making and that the County has been waiting several years for the City to act on the Memorandum of Understanding. He said that there will be savings and added conveniences to the move. He noted that space would remain in City Hall for arraignments.

Approved: Ayes – 7
 Nays – 0

Resolution No. 129 of 2022 Appoint Member to the Environmental Advisory Committee

RESOLVED, that John Busch is hereby reappointed by the Common Council as a member of the City of Cortland Environmental Advisory Committee.

Motioned by: Council Member Thompson

Seconded by: Council Member Carpenter

Approved: Ayes – 7
 Nays – 0

Resolution No. 130 of 2022 Authorize Court Decision, Order, and Judgment directed Re-Assessment Stipulation of Settlement for Conifer Cortland, L.P. v. City of Cortland, Et al.

RESOLVED, that the Mayor, or alternatively Corporation Counsel, is hereby authorized to execute a Stipulation as agreed by all parties named in the litigation, which shall provide an amended assessment of Conifer of Cortland Associates, L.P. property (Tax Map No.: 86.84-01-15.000) consistent with the parameters required in the applicable Real Property Tax Law sections, as ordered by the Court.

Motioned by: Council Member Pennello

Seconded by: Council Member Carpenter

Discussion: The Mayor noted that the Corporation Counsel briefed the Common Council on the matter at the previous Council meeting.

Approved: Ayes – 7
 Nays – 0

Resolution No. 131 of 2022 Authorize Alcoholic Beverage Consumption During Arts Off Main Event

RESOLVED, that the Common Council does hereby grant permission for a petitioned area for the sale and consumption of alcoholic beverages, conditioned on sales being made by a caterer with approved permits to sell alcohol, at the Arts Off Main and excuses the Cortland City Police Department from enforcing Section 208-2 “Consumption or Possession of Alcoholic Beverages in Public” within the petitioned area at this event.

Motioned by: Council Member Beckwith

Seconded by: Council Member Carpenter

Approved: Ayes – 7
 Nays – 0

Resolution No. 132 of 2022 Authorize Alcoholic Beverage Consumption During The Great Cortland Pumpkinfest

RESOLVED, that the Common Council does hereby grant permission for a petitioned area for the sale and consumption of alcoholic beverages, conditioned on sales being made by a caterer with approved permits to sell alcohol, at the Great Cortland Pumpkinfest and excuses the Cortland City Police Department from enforcing Section 208-2 “Consumption or Possession of Alcoholic Beverages in Public” within the

petitioned area at this event.

Motioned by: Council Member Schutt

Seconded by: Council Member Lane

Approved: Ayes – 7

Nays – 0

Resolution No. 133 of 2022 Appoint Member to Youth Bureau Advisory Board

RESOLVED, that the Common Council does hereby approve appointing Laurie Hogan to act on the Youth Bureau Advisory Board.

Motioned by: Council Member Carpenter

Seconded by: Council Member Beckwith

Approved: Ayes – 7

Nays – 0

DISCUSSION ITEMS

Discussion Item No. 1 Parker School Ad Hoc Planning Committee

Council Member Beckwith said a meeting with an architect is scheduled and a further update will be made at the next Common Council meeting.

Discussion Item No. 2 Trash and Recycling Ad Hoc Advisory Committee

Council Member Carpenter provided an update during his ward report and indicated here that a resolution would be brought forward for the Common Council to act on.

Discussion Item No. 3 Town and Gown Ad Hoc Planning Committee

The Mayor indicated that SUNY Cortland officials had to reschedule planned meetings.

Discussion Item No. 4 Autism Walk

The Mayor said that the Fire Department and Youth Bureau are organizing the Autism Walk scheduled for August 13, 2022 from Noon to 5:00 p.m. at Dexter Park.

Discussion Item No. 5 Retiree Health Insurance

Mayor Steve thanked the retirees who spoke earlier in the meeting for their comments. The Mayor addressed concerns expressed by the retirees by stating that the proposed Medicare Advantage plan would provide the same or better coverage than the current plan at a lower cost. He said a decision of whether retirees would opt in or opt out of the proposed plan was open for discussion. The Mayor stated that a decision on the proposal he has put forward will be decided on by the Common Council and that he has a duty as Mayor to be a good steward of tax dollars and to consider a plan that will save taxpayers money while providing the same level or better of health care coverage.

Several Council members said that they preferred to allow retirees to opt in to the proposed Medicare Advantage plan rather than opt out. Council members also expressed that further dialogue and information was needed. The Mayor asked whether hiring an independent consultant to compare the

proposed plan with the current plan and to provide further education on the matter would help. It was the consensus of Council members that this would be a good way to proceed.

The Mayor thanked everyone for a good discussion and said he was pleased that a public discussion is taking place. He said he does not want to rush or force the issue, and does not want to dismiss the proposal without retirees and the Council being fully educated.

Discussion Item No. 6 Changes in Term of Office for Mayor and Common Council

A question was asked whether the Council had previously voted to make the terms of Council members and the Mayor four years. The mayor said that the previous Council had in fact voted twice to do so but that the prior administration had failed to take the necessary legal steps to place it on the ballot for referendum. The Mayor said he would place a resolution on the next meeting agenda to adopt a local law to make the terms of Council members and the Mayor four year terms. If the local law passes, the issue will be placed on the ballot in November as a referendum.

Discussion Item No. 7 Code Changes

Zoning Enforcement Officer Bob Rhea said that he will send Council members information about proposed code changes which will be considered at a future meeting. He said the proposed changes focused on parking, animals and areas of the code needing clarification.

EXECUTIVE SESSION

Executive Session Discussion of Personnel Lawsuit

Council Member Schutt made a motion to enter executive session to discuss a personnel lawsuit. The motion was seconded by Council Member Beckwith and approved 7-0.

Council Member Carpenter made a motion to adjourn the executive session. The motion was seconded by Council Member Beckwith and approved 7-0.

The Council returned to its regular meeting proceedings and no further action was taken prior to adjournment.

ADJOURNMENT

The meeting was adjourned at 8:05 p.m. on motion of Council Member Michales, seconded by Council Member Lane, and approved by a vote of 7-0.

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 19TH 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