



CITY OF CORTLAND COMMON COUNCIL

OCTOBER 18, 2022 – 6:00 PM

City Hall, 25 Court Street, Cortland NY 13045

and via Zoom

MINUTES

PUBLIC HEARINGS

Public Hearing No. 1.

Proposed Local Law No. 12 of the Year 2022 to Amend Chapter 11 of the City Code Relative to Towing Fees, Storage Fees, and Towing Service Insurance Coverage

A Public Hearing was opened at 6:09 p.m. regarding proposed Local Law No. 12. No one was present to speak. The public hearing was closed at 6:10 p.m.

Public Hearing No. 2.

Proposed Local Law No. 13 of the Year 2022 to Amend Article §238 of the City Code Relating to Smoking on Public Property

A public hearing was opened at 6:10 p.m. regarding proposed Local Law No. 13 which would amend the definition of smoking in the City's Administrative Code to include use of marijuana and vaping devices. The proposal would expand areas where smoking is prohibited to include certain public spaces in the downtown Main Street area and portions of streets that converge with Main Street. The public spaces in this area in which smoking would be prohibited are defined as "within 25 feet of any entrance or exit of any building located on Main Street that provides access to or from Main Street and any public sidewalk that run along it, or other adjacent public sidewalk (i.e. corner buildings on Main Street with multiple entrances and/or exits)."

Danielle Winbish spoke in opposition of the proposal. She cited concerns about imposition of fines and smoking restrictions that would be placed on individuals whose residential units are within areas where smoking would be prohibited. Ms. Winbish suggested that consideration be given to allowing individuals to smoke outside their residential unit.

Jennifer Hamilton, Public Health Educator with the Cortland County Health Department and the Tobacco Free Zone program spoke in support of the proposal. She cited public health and community benefits of the proposal, and said that policies such as this have been successful elsewhere. She added that the County Health Department and Tobacco Free Zone program would help with signage and implementation.

The public hearing was closed at 6:18 p.m.

CALL TO ORDER AND ROLL CALL

Mayor Steve called the meeting to order at 6:19 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

The following Council Members were recorded absent:

Katy Silliman – Second Ward Alderperson
Troy Beckwith – Seventh Ward Alderperson
Thomas Michales – Eighth Ward Alderperson

SALUTE TO THE FLAG

MOMENT OF SILENCE/REFLECTION

PROCLAMATIONS/PRESENTATIONS

Presentation No. 1 Recognition of Outstanding Performance by Cortland Police Officers

Chief of Police Paul Sandy read letters of commendation for Police Officers Michael Maniaci and Ken Bush for their response in providing life-saving aide to an unconscious person bleeding from an inflicted wound until EMS responded and transported the individual to the hospital. The Police Department received a letter of gratitude from the individual’s family for the Officers’ life-saving assistant.

The Chief recognized Police Sergeant Penny Guerrero for her leadership in the Cortland Police Department being one of the select police agencies receiving accreditation and re-accreditation by the New York State Department of Criminal Justice Services. Sergeant Guerrero was honored as Police Officer of the Year in 2021.

PRIVILEGE OF THE FLOOR

No one was present to speak

MAYOR’S REPORT

Mayor Steve advised the Common Council that the tentative 2023 budget is being prepared and will be presented to the Council by November 1, 2022. The Mayor advised the Common Council that although the City Charter states that the tentative City budget be submitted by the Mayor on or before October 15th, he would be submitting it to the Council after that date in order to provide a more exact financial accounting by which the Council will adopt a 2023 City budget.

The Mayor provided information on meetings and discussions he has had since the last Council meeting on matters including providing assistance to homeless persons in the community, a ceremony in honor of Alton B. Parker, Guthrie Cortland Medical Center, county redistricting, potential uses and sale of the Parker School building, health insurance consulting services, rental housing and zoning, and energy and utility assistance to city residents.

The Mayor provided information on problems with prescription coverage reported by City retirees. A BlueCross BlueShield data problem caused erroneous reporting to pharmacies that the City’s prescription coverage had been cancelled. The insurer’s data error was identified and corrected. The Mayor advised that anyone who paid

out-of-pocket for prescriptions would be reimbursed and that anyone having problems caused by this should contact him.

WARD REPORTS

- Ward 1: Council Member Schutt missed the previous Council meeting as he represented the City of Cortland at a ceremony at which the Boy Scouts of America, Baden-Powell Council honored Norm Stitzel with its Cortland County Distinguished Citizen Award. Mr. Schutt presented Mr. Stitzel with a proclamation from the City. Mr. Schutt reported complaints from residents on Van Housen Street about speeding and suggested consideration of a flashing stop sign and crosswalk at the corner of Joy Street and Van Housen Street. He also received reports of needles in Dry Creek near Suggett Park. He investigated, found and safely disposed of needles. Mr. Schutt also said that he has received many positive comments about good things happening in the City of Cortland.
- Ward 3: Council Member Pennello thanked the Codes Office and Police Chief for addressing issues in the ward including placing an electronic speed display on Hamlin Street to help reduce problems of speeding. She is on contact with the New York State Department of Environmental Conservation to discuss steps to open walking trails in the Water Works.
- Ms. Pennello reported on discussions she had with the New York State Comptroller's Office including the Deputy State Comptroller about the City being placed on the a list of fiscally distressed cities based on the 2021 City fiscal year. She discussed with the Comptroller's office the budget deficits of the past several years and cash flow problems that contributed to this rating. She said that a meeting is to be scheduled with State Comptroller Thomas DiNapoli, and that the Deputy State Comptroller reported that the office is pleased with the steps currently being taken to address the fiscal deficiencies of past years.
- Ward 4: Council Member Lane stated that speeding continues to be a problem on Tompkins Street. She attended a meeting of the Town/Gown Ad Hoc Committee to establish plans in advance of the annual Cortaga Jug football game. She said that the City and College have coordinated a proactive approach and are prepared and ready for any problems that may arise.
- Ward 5: Council Member Thompson said that residents were happy with yard waste pickup by the Department of Public Works (DPW). He expressed concern that street signs informing people to be aware that a child with Autism lives nearby have been taken and need to be replaced. He said these signs are important to residents as they provide awareness in helping meet the challenges associated with Autism. Mr. Thompson also noted that a steel plate in the roadway which had caused trouble to vehicles as been fixed.
- Ward 6: Council Member Carpenter said he is pleased that the Clinton Avenue vegetation issue is being resolved with the Environmental Protection Agency, and that the Yaman park construction project is nearing completion. Mr. Carpenter followed up on the Mayor's earlier comments about problems caused to retirees with prescription coverage. He said he was alerted to the problem by a resident and was pleased with the Mayor's quick response. He noted that a similar insurer error occurred last year.

APPROVAL OF THE MINUTES

The minutes of October 4, 2022 were approved.

Motioned by: Council Member Schutt
Seconded by: Council Member Carpenter
Approved: Ayes – 5
Nays – 0

RESOLUTIONS

A motion was approved to table the following agenda item to the November 1, 2022 Common Council meeting:

Agenda Item No. 1: Adopt Local Law No. 12 of the Year 2022 to Amend Chapter 11 of the City Code Relative to Towing Fees, Storage Fees, and Towing Service Insurance Coverage

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

A motion was approved to table the following agenda item to the November 1, 2022 Common Council meeting:

Agenda Item No. 2 Adopt Local Law No. 13 of the Year 2022 to Amend Article §238 Relating to Smoking on Public Property

Motioned by: Council Member Thompson
Seconded by: Council Member Carpenter

Discussion: The proposed local law would amend the definition of smoking in the City’s Administrative Code to include use of marijuana and vaping devices. The proposal would expand areas where smoking is prohibited to include certain public spaces in the downtown Main Street area and portions of streets that converge with Main Street. The public spaces in this area in which smoking would be prohibited are defined as “within 25 feet of any entrance or exit of any building located on Main Street that provides access to or from Main Street and any public sidewalk that run along it, or other adjacent public sidewalk (i.e. corner buildings on Main Street with multiple entrances and/or exits).”

Council Member Thompson expressed concern that was shared by other Council Members about the infringement upon individuals whose residential units are within the areas where smoking would be prohibited. Mayor Steve stated the proposal is intended to apply to the public walkways bordering and building entrances facing the designated streets, and that people would be able to smoke outside the rear of such buildings. Mr. Thompson offered that the intent as stated by the Mayor may not be clear in the proposed local law. The Mayor said that the language in the proposal would be clarified on this point.

An amended version of the proposed local law will be considered at the November 1, 2022 Common Council meeting and a public hearing on that proposal will be advertised and held at 6:00 p.m. November 1, 2022.

Approved: Ayes – 5
Nays – 0

Resolution No. 179 of 2022 Authorize Mortgage Subordination and Agreement

RESOLVED that the City of Cortland subordinates, its mortgage instrument #2021-07448 recorded on December 20, 2021 with the Cortland County Clerk to the above noted remaining deferred payment loan portion, said subordination to facilitate a new first mortgage with CFCU in the maximum amount of \$303,000 for said Owner, and further authorizes Mayor Scott Steve to sign a subordination agreement for the same.

- Motioned by: Council Member Schutt
- Seconded by: Council Member Carpenter
- Approved: Ayes – 5
 Nays – 0

Resolution No. 180 of 2022 Transfer Funds to City Departments for Fuel Budget Shortages

RESOLVED, that the Common Council approves transfer of funds totaling \$65,250 from the Contingency Account #A1325-41120 to the following City Department’s fuel lines:

Youth Bureau	A7110-540100 Contr Motor Equip	\$2,250
Police Department	A3120-540100 Contr Motor Equip	\$32,000
DPW	A5110-540100 Contr Motor Equip	\$13,000
Fire Department	A3410-540100 Contr Motor Equip	\$18,000

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

Resolution No. 181 of 2022 Authorize Sale of Police Department Surplus Vehicle

RESOLVED, that the Common Council hereby declares a 2015 Chevrolet Tahoe utilized by the Cortland City Police Department as surplus and grants permission for the agency to sell the vehicle on Auction International, with any proceeds from the sale being placed in the Cortland City Police Department 2022 budget account A3120-520600-Operating Equipment to be used towards the purchase of new police vehicles and/or equipment.

- Motioned by: Council Member Schutt
- Seconded by: Council Member Carpenter
- Approved: Ayes – 5
 Nays – 0

Resolution No. 182 of 2022 Appoint Carrie Kane to Wastewater Treatment Board

RESOLVED, that the Common Council does hereby affirm the appointment of Carrie Kane to the Wastewater Treatment Board for a term beginning November 1, 2022 and expiring October 31, 2025.

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

Resolution No. 183 of 2022 Authorize Sale of Youth Bureau Surplus Lifeguard Equipment

RESOLVED, that the Common Council affirms the surplus of two (2) lifeguard chairs AND BE IT FURTHER

RESOLVED, that the Common Council authorizes the Youth Bureau Director to sell the surplus lifeguard chairs on Auctions International with the money from the sale appropriated to budget line 7180.5206.

Motioned by: Council Member Carpenter
Seconded by: Council Member Schutt
Approved: Ayes – 5
Nays – 0

Resolution No. 184 of 2022 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>
Royal Motor Company	\$1000.00	Youth Football	Small Fry Account

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

Council Member Thompson requested that the Common Council be provided more information about individuals being recommended for appointment or reappointment to boards and commissions. He requested that such information include criteria for board or commission appointment and background information and qualifications of individuals to serve on these agencies.

ADJOURNMENT

The meeting was adjourned at 7:14 p.m. on motion of Council Member Schutt 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 THE FOREGOING IS A TRUE AND CORRECT RECORD OF THE MOTIONS AND PROCEEDINGS OF A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND HELD OCTOBER 18, 2022. I FURTHER CERTIFY THAT THE AFORESAID RESOLUTIONS ADOPTED BY THE COMMON COUNCIL WERE PRESENTED TO THE MAYOR IN ACCORDANCE WITH ARTICLE III OF THE CITY CHARTER FOR HIS APPROVAL OR REJECTION BY VETO POWER.

ANDREW T. JEWETT, CITY CLERK

I, SCOTT STEVE, MAYOR OF THE CITY OF CORTLAND, NEW YORK, DO HEREBY APPROVE THE AFORESAID RESOLUTIONS ADOPTED BY THE COMMON COUNCIL ON OCTOBER 18, 2022.

SCOTT STEVE, MAYOR