



City Council Minutes
The City of Cortland
July 17, 2012

Council Meeting #13
July 17, 2012
Public Hearing and Regular Session
City Hall
6:30 PM

Present: Mayor Tobin, Aldermen Bird, Silliman, Dye, Bennett, Quail, Ferrer, Ferguson and Michales

Staff Present: Corporation Counsel Kelly Colasurdo, Director of Administration & Finance Mack Cook and City Clerk Judith Chamberlin

Public Hearing

Mayor Tobin opened the Public Hearing at 6:32 PM on the City of Cortland's Local Law No. 1 of 2012 – City of Cortland Rental Registry Permit Law Amendment

Erich DeMunn spoke about his opposition to the accountability clause in this law where landlords will be denied the ability to rent properties because of tenants' actions or for the landlords' inability to pay City water or sewer bills on time. He feels that this law violates someone's right to make a living because of the actions of their tenants. He feels that there is the potential for this clause to be abused and he feels that isn't right.

Joanne Dukalow asked to yield her time to Steve Muka.

The Common Council agreed to allow individuals to yield their time.

Ward Dukelow asked to yield time to Steve Muka.

Jamie Sweeten asked to yield time to Steve Muka.

Steve Muka spoke about the opposition to this permit law and outlined some of the things in this law that could be used to take away the right of the landlord to rent his building. He noted that under this law a landlord with multiple properties could lose his right to rent at all of his properties for violations that occur at a single building. He noted that a problem with cash flow could cause a landlord to get behind on his taxes or the water bill and with this law, they could lose the right to rent all of their units, even if there were no violations, the tenants are happy and the buildings are up to code. He felt that this would discourage investment in city property. He also noted that most landlords do not get involved with the three (3) unrelated issue, but rent to families. He stated that he has a lot of single bedroom apartments and he doesn't get into that issue at all, but this law would dramatically impact him and take away his rights. He felt that some rental property owners

would sell to minimize their risk if this law goes into effect. He also feels that there would be fewer buyers or investors. He noted that the City should want the private investors to come in. He felt that once there are fewer sales, the property values would begin to drop and other landlords will use that to fight their assessments based on those new comps. This would affect the City's tax base. He noted that then landlords would not put money into rehabbing their buildings because they wouldn't be able to justify their investment. He felt that banks would also notice and it would be harder to get financing. He outlined the possible tax impact for all City homeowners. He felt that the lawsuit regarding this law will continue. He also noted that the cost to the City for this law has probably exceeded two hundred fifty thousand (\$250,000) dollars. He felt that a significant amount of time and money had been spent by the Law Department that could have been used to work on other things. He and others feel that this law will not achieve the goals of the City and is counterproductive. He and others would like to speak with the City to avoid a possible class action suit. He feels that landlords and the City should work together.

There was no one further to speak and therefore Mayor Tobin closed the Public Hearing.

Regular Session

Mayor Tobin called the thirteenth Common Council meeting of the year to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

Public Comment

Joanne Dukalow spoke about gangs and drug activity going on in the City. She stated that a meth lab was dismantled on Lincoln Avenue last Friday and no one has been arrested. She noted that the lab was found in a non-student house subject to inspection under all kinds of current laws. She noted that these drug operations target local kids as the student population is gone. She asked what the Council was going to do about this and when. She asked for protection for the kids in her neighborhood.

Tom Gobel expressed his appreciation for what the City is doing. He sees some positive signs throughout the City in spite of the issues the last speaker brought up.

Ann Doyle spoke about the accidental discovery of a meth lab at 76 Lincoln Avenue. She noted that a child was living at that address. She is here tonight to alert people in the City that they have to pay attention to what is going on in their neighborhood. She spoke about the hours spent and work done by City Police, Fire Department, State Police and the HazMat team to deal with this situation and she thanked them. She explained that there could've been an explosion at that lab and noted that the building was owned by an absentee landlord, who lives on Long Island. She asked that if anyone sees anything they are concerned about, to contact the City Police. She stated if anyone was afraid to contact the police directly, they can contact her and she'll contact the police. She asked who screens the tenants who go into these buildings. She noted that residents need to be aware of what is going on in their neighborhoods and to pay attention. She asked

residents to take care of their neighborhoods and noted that Neighborhood Watch is starting up again.

Mayor Tobin stated that there is a lot that cannot be discussed regarding this or any case the Police Department is engaged in, but noted that the Police Department is doing their job.

Katie Hall spoke about the trees in Suggett Park. She enjoys all of the City parks. She heard that a row of trees were taken out in Suggett Park by the Wickwire Pool and it looks terrible. She is very upset about it. She is proud of our parks.

Mike Dexter reminded everyone to water their new trees on a regular basis, once or twice a week.

He noted that concerning the trees in Suggett Park, he's been in touch with John McNerney of the Youth Bureau. Mr. McNerney told him that a tree had come down a few weeks ago damaging three (3) cars and took out a telephone pole. He discussed this with Mr. McNerney after a visit to the site and told him that he would contact Jim Maloney, the National Grid Tree Advisor to the City Tree Commission. Mr. Dexter was disappointed that he did not know that a number of trees were coming down at the park. He has since found that Mr. Maloney had been in touch with the City and that National Grid took down those trees at their expense. He explained that the trees that were taken down were cherry trees which were in bad shape. He further explained that due to an alert put out by New York State because a falling tree had killed a park attendee in another part of the State, the State had asked all parks and recreation departments to look at the trees within their parks and determine if there were any hazardous trees. He explained that due to the falling tree a few weeks ago, the City was concerned and after an inspection it was determined that the remaining trees in that location were not in great shape. He explained that Nelson Tree, a sub-contractor for National Grid, did the removal. He noted that the Landscape and Design Commission will continue to monitor this situation in the park and he assured everyone that either the City will buy new trees or the Commission will buy new trees with their funds. He explained that new compatible trees will be planted in the park.

Mr. Dexter explained some of the work that is being done to beautify downtown. He noted that there has already been some damage done to plantings and to the new lights. He expressed his disappointment with this vandalism and asked that if anyone witnesses this being done to contact the Police and to not ignore this.

Mayor Tobin explained that on June 28 a large cherry tree toppled on its own in the park. He noted that no one was injured, but three (3) cars were damaged. He explained that a tree specialist was brought in and Rob Avery saw too it that the tree debris was cleaned up by 8:00 am the next day. He noted that National Grid also inspected the area and also replaced a power line. He explained that after an inspection, it was determined that the trees in that area should be taken down noting that there was a lot of foot traffic in that area and there was concern for both pedestrians and power lines. He stated that it was the right decision. He stated that replacing the trees will be a high priority and the trees will be appropriate for the area.

RESOLUTION #133 OF 2012 – Minutes of July 3, 2012.

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes - 8
Nays – 0

Bills were reviewed.

Ward Reports

Ward 4 – Alderman Bennett

Alderman Bennett stated that his Ward has been quiet.

Ward 8 – Alderman Michales

Alderman Michales reported that he's still dealing with some minor code violations which should be resolved soon. He expressed thanks for the assistance he had received in resolving issues at a certain property.

Ward 1 – Alderman Bird

Alderman Bird reported that her Ward has been quiet. She announced that she is heading up a Take Pride in Cortland Clean Up Event before the arrival of the Jets. She explained that the event will take place on Saturday, July 21 starting at 9:00 AM and volunteers should meet at City Hall. She asked that volunteers bring weed eaters, shovels and brooms. She noted that the goal is to clean up Clinton Avenue, Pt. Watson Street and Downtown to make it more appealing to Jets fans coming into the City. She invited participants to a free picnic lunch following the clean up.

Ward 3 – Alderman Dye

Alderman Dye reported that his Ward has been very quiet. He noted that he and Alderman Silliman are planning a joint Ward meeting.

Ward 2 – Alderman Silliman

Alderman Silliman reported that she has been away and has just found out about the issue in her Ward at tonight's meeting. She will be talking with the Police Chief regarding the meth lab situation and will provide information to her constituents.

Alderman Silliman announced that there will be a joint Ward 2, Ward 3 and Ward 1 meeting at the Burch Building in Suggett Park at 7:00 PM on Thursday, July 26. She noted that a topic of discussion will be the City/County sales tax agreement and where do residents stand regarding an increase in their taxes versus a cutting of some City services.

Alderman Silliman reported that she will be having some trees cut at her house this weekend and they will be replaced with more appropriate trees.

Ward 7 – Alderman Ferguson

Alderman Ferguson reported that she had received a complaint from a River Street resident regarding a tree damaging their sewer system. She is looking into this to see if the City can work with the homeowner to ease the financial burden of their complete sewer system replacement.

Alderman Ferguson noted that there is an ongoing problem with the trucks at Marietta which are continuing to park and idle too long. She has been researching an enacted State law regarding this and has spoken with Director of Administration and Finance Cook who will be working with her to help the people on Elm Street.

Ward 6 – Alderman Ferrer

Alderman Ferrer reported his Ward has been quiet. He stated that he has been talking with an Elm Street resident regarding the shiny container trucks parking across from his house and the bright reflection of sunlight coming off the trucks and into his house.

Alderman Ferguson reported that she was aware of this and thought it had been resolved, but now finds that there are three (3) of those mirrored trucks parked there. She noted that the reflection of the sun from these trucks shines into the second floor windows of peoples' houses and is awful.

Ward 5 – Alderman Quail

Alderman Quail reported that his Ward has been quiet. He noted that there have been some code issues as well as some illegal business taking place. He noted that some neighbors in the Ward are organizing a Ward meeting on August 16 and more information will be provided.

Alderman Quail reported that a Owego Street neighbor is scheduling his annual Pig Roast this Saturday and that about seven hundred (700) people are expected. The location is down by Beaudry Park near the basketball court, but the location is just outside of the City. He noted that the Police as well as the Town of Cortlandville are aware of the event and will be patrolling.

He stated that he's spoken with the Chief regarding the nuisance property ordinance. He felt that the ordinance should be strengthened.

Alderman Silliman reported that she attended a Wickwire Pool fundraising organizational meeting. She urged residents to be on the lookout for the upcoming scheduled events and to show their support with their attendance and donations.

Mayor's Report

Mayor Tobin reported on his youth activities meetings. He is scheduling a meeting next Friday at Yaman Park at Noon to work with high school kids to try to organize and accomplish some of the projects that they've suggested at previous meetings. He noted that this is an opportunity to work on some of the things that they see as concerns and as a possible way to put on an event for younger kids. Events developed will be up to those attending and the City will try to support their efforts.

Mayor Tobin reported that the Main Street lights are being worked on and that process will continue. Striping on the streets is also in progress, but the major work has been completed.

Alderman Ferrer thanked Director of Administration and Finance Cook and Rob Avery for the work they've done to assist in this process, i.e., placing cones and helping with the painting and wrapping the trees.

Mayor Tobin reported that he also assisted. He thanked Tom Tobin of Public Safety and John McNerney for lending one (1) of his seasonal employees to assist with some of the work. He noted it was a good example of City departments working well together.

Mayor Tobin reported that he would like to organize a meeting to deal with the issue of crows. He felt that now was a good time to plan before they return to the City to roost for the winter. He wants to find a time and date that is mutually agreeable. He asked that anyone interested in finding options to defer the crows from roosting in the City to contact his office by phone or email.

PINK SHEET Sign Off

AGENDA:

Item No. 1 – Presentation by Methane Harvest Co. on the co-generation of electricity using methane gas at the Waste Water Treatment Plant. (Methane Harvest Co./Jeff Meller)

Director of Administration and Finance Cook gave the background to this to connect the Council's activities to their mission statement and goal objectives which were developed six (6) months ago. He noted that one objective was to cooperate with other governmental entities and that has begun. He explained that one option for the type of economic development that might be possible in Cortland is the production of agricultural products. He reported that talks have begun with two (2) manufacturers that might locate out in the Cortlandville Industrial Park. He explained that what the City comes to the table with is water and waste water treatment. He noted that what the City is trying to do is to change the treatment of waste and the pricing of that treatment. He explained that we have the ability to create a significant amount of our own fuel at the wastewater plant, which is also the largest consumer of fuel. He noted that would cut down on the use of electricity, heating and gas. He is trying to put the wastewater treatment plant in play as an economic tool for the City.

Jeff Meller, CEO of Methane Harvest and Dr. Mark Green of O'Brien and Gere, gave the presentation. Mr. Meller explained that the equipment installation was free and the

company made their money by selling the City the electricity generated over a twenty (20) year period at a lower rate than the utility company charges. He noted that was an attractive incentive to municipalities. He explained their equipment, the installation and the process. He explained the installation and operation options available from his company as well as the projected cost benefits to the City. He noted that the savings target was about three hundred eighty-nine thousand (\$389,000) dollars.

Mr. Meller explained that the company has been in business for about a year. He also explained that after the twenty year contract is up, the City would have three (3) choices; the equipment could be removed, the City could buy the equipment from them and become their own operator or the City could extend their contract at a renegotiated rate. He explained that if the company were to go out of business before the twenty (20) year period, they would have to remove the equipment at no cost to the City, they would return the site to original and the City would again be purchasing power from National Grid. He also explained that if the company were sold, the new owners would be buying the existing contracts and the obligation to the City would continue.

The cost and savings projections were discussed. Mr. Meller explained that prior to this business, he was an attorney involved in the building of power plants overseas to customers using this same business model to finance their plants.

RESOLUTION #134 OF 2012 – Resolution to approve the contract with Cedarwood Engineering for seven thousand (\$7,000) dollars to develop a new Industrial Billing Formula for Significant Industrial Users of the City's Wastewater Treatment Facility and to authorize Mayor Tobin to enter into and sign the contract subject to review by Corporation Counsel. (Bruce Adams)

Bruce Adams explained that the current industrial formula was developed in the late 70's in an environment of manufacturing like Brockway and Smith Corona. He noted that two things going against that formula today are that any industry with a high level of organic material in their waste stream would be looking at a prohibitively high rate and that currently; industrial billing is directly tied to quarterly costs making for an unpredictable bill for the users. He explained that the goal is to develop a billing formula that will be friendlier to an Ag business and more budgeting friendly for businesses because it won't be predicated on what happens at the wastewater plant.

Alderman Quail asked if they would be looking at the operating and maintenance formula as well as the debt service formula. Mr. Adams stated that they would. Mr. Adams explained that this company has developed a billing formula for the villages of Walton and Delhi, New York, who each had Ag businesses located there. He noted that Cedarwood is intimately familiar with the City of Cortland's plant, what its future is and what its capabilities are.

Alderman Silliman asked if this new formula would make us more competitive for consideration as a location by the two (2) Ag businesses mentioned. Mr. Adams stated that using the current formula he gave one business a potential billing scenario and they said it wasn't doable. Alderman Silliman asked if we were now going to shape a billing formula around Ag businesses that would not work to the benefit of other businesses that

we might attract. Mr. Adams explained that he had instructed Cedarwood that the billings to existing customers are to be no worse and possibly better than they currently are.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #135 OF 2012 – Resolution to recognize and approve a budget modification to appropriate proceeds from the sale of four (4) vehicles from the City of Cortland Police Impound Lot, which had been classified as abandoned in accordance to Section 1224 (3)(a) of the New York State Vehicle & Traffic Law. (Deputy Chief Sandy)

Mayor Tobin noted that these vehicles were being sold for scrap.

A3120.206.00	Operational Equipment	\$908.80
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By: Alderman Ferrer
Seconded: Alderman Bird

Approved: Ayes – 8
Nays – 0

RESOLUTION #136 OF 2012 – Resolution to approve a recommendation by the Wastewater Advisory Board and the Chief Operator to make an adjustment in pay rates for two (2) employees (Edward Poole and Brian McCall) of the Wastewater Treatment Department to reflect their promotions last year to positions of greater responsibility. (Bruce Adams)

By: Alderman Silliman
Seconded: Alderman Bird

Approved: Ayes – 8
Nays – 0

RESOLUTION #137 OF 2012 – Resolution to approve the closing of Main Street from Groton/Clinton Avenues to Port Watson/Tompkins Streets from 7:00 AM to 4:00 PM on Saturday, August 11 2012 for the 13th Annual National Brockway Truck Show. (Brockway Truck Preservation Assoc.)

By: Alderman Ferrer
Seconded: Alderman Michales

Approved: Ayes – 8
Nays – 0

RESOLUTION #138 OF 2012 – Resolution to approve the closing of Court Street from Church Street to the Grace Episcopal Church from 4:00 PM to 6:00 PM (or a two (2) hour timeframe to be determined) on July 26, 2012, for the Jets arrival event. (Mayor Tobin)

Mayor Tobin explained that if there was an opportunity for an event and with it being a Thursday, a work day, the general consensus was that it would be problematic to close Main Street, so a section of Court Street seemed more suitable. This idea had been discussed with both Chiefs Catalano and Glover to be sure that this was not an issue and they assured him that it would not be a problem. Mayor Tobin noted that an arrival time for the Jets had not been established, so this resolution would give an approval to allow the opportunity to have a street closing if things can be worked out with the Jets to hold an event.

Alderman Ferrer noted concern for the blocking off of Court Street with regards to the Fire Department. Mayor Tobin noted that it could be blocked off from the Grace Episcopal Church to the Church Street intersection rather than the whole street to Main Street. Alderman Ferrer explained that would allow the Fire Department to park a truck at either end and they would still be able to respond to calls.

By: Alderman Ferrer
Seconded: Alderman Quail

Approved: Ayes – 8
Nays – 0

RESOLUTION #139 OF 2012 – Resolution to approve the confirmation of the Mayor's appointment of Chris Hotchkiss to the City Fire Commission to fill an unexpired term ending 1/31/2014 due to a resignation.

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes - 8
Nays – 0

Executive Session

Personnel Issue
Contract Negotiations
Contractual Negotiations

Motion to go into:

By: Alderman Ferrer
Seconded: Alderman Bird

Approved: Ayes – 8
Nays – 0

Motion to come out of:

By: Alderman Ferrer
Seconded: Alderman Bird

Approved: Ayes – 8
Nays - 0

Adjournment

By: Alderman Quail
Seconded: Alderman Bird

Approved: Ayes – 8
Nays – 0

I, JUDITH CHAMBERLIN, CITY CLERK OF 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 17th DAY OF JULY 2012. 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.

JUDITH CHAMBERLIN, CITY CLERK

MAYOR TOBIN