1. Agenda
   Documents:
   
   AGENDA.1.21.2020.PDF

2. Supporting Documents
   Documents:
   
   CC SUPPORTING DOC. 2020.01.21.PDF
COMMON COUNCIL AGENDA
January 21, 2020

7:00 PM  Public hearing regarding submission of potential Community Development Block Grant applications to NYS Office of Community Renewal by City in 2020.

Public hearing regarding submission of a Community Development Block Grant application to NYS Office of Community Renewal by City on behalf of NY Hemp Oil.

- Call Meeting to Order
- Salute to the Flag of the United States
- Public Comments
- Mayor’s Report
- Minutes – Approval of minutes

AGENDA:
Item #1 – Consideration of a Resolution to approve the special event application along with other required applications for Porchfest on Sunday August 16, 2020 from 11AM -6PM. (Mayor Tobin)

Item #2 – Consideration of a Resolution to waive the $250 amplified music fee for the special event Porchfest on Sunday August 16, 2020. (Mayor Tobin)

Item #3 – Consideration of a Resolution authorizing the City of Cortland to submit a grant to NYS Office of Community Renewal on behalf of New York Hemp Oil in an amount not to exceed $750,000; authorizing the Mayor of the City of to sign said application on behalf of the City; and upon approval of said request, authorizing the Mayor of the City to enter into and execute a grant agreement with the State for such financial assistance awarded to the City of Cortland. (Thoma Development)

Item #4 – Consideration of a Resolution to Amend the City’s 2020 General Fund Budget to Adjust for a 2019 Police Vehicle purchased in 2020. (Mack Cook)
Whereas, the City’s Adopted 2020 Budget was prepared to accommodate a department request to purchase in September 2019 a police vehicle from funds to be appropriated for in the 2020 Budget, and
Whereas, to accommodate the request the City provided for a reimbursement of the 2019 General Fund from the 2020 Budget, and
Whereas, the police vehicle was not purchased in 2019 and is now being purchase in 2020.
Therefore Be It Resolved, that the 2020 Budget is amended as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase Account Number A3120-340100 Police Department Vehicles</td>
<td>$47,000.00</td>
</tr>
<tr>
<td>Decrease Account Number A9950-590000 Fund Transfers</td>
<td>($47,000.00)</td>
</tr>
<tr>
<td>Net Effect on 2020 General Fund Budget</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

Item #5 – Consideration of a Resolution to Amend 2020 General Fund Budget to Accommodate Replacement of Police Department In-Vehicle Cameras. (Mack Cook)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase A3010-549500 Police Department Equipment Account</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Decrease A1680-540500 IT Computer Replacement Program</td>
<td>($2,000.00)</td>
</tr>
<tr>
<td>Decrease A1325-541600 Finance Department Cont. Education</td>
<td>($500.00)</td>
</tr>
<tr>
<td>Decrease A1325-541500 Finance Department Professional Fees</td>
<td>($1,500.00)</td>
</tr>
<tr>
<td>Decrease A3120-540300 Police Department Office Supplies</td>
<td>($500.00)</td>
</tr>
<tr>
<td>Decrease A3120-540301 Police Department Office Equipment</td>
<td>($500.00)</td>
</tr>
<tr>
<td>Decrease A3120-540800 Police Department Safety Equipment</td>
<td>($500.00)</td>
</tr>
<tr>
<td>Decrease A3120-541608 Police Department Cont. Education</td>
<td>($500.00)</td>
</tr>
<tr>
<td>Net Effect on 2020 Budget</td>
<td>-$00.00</td>
</tr>
</tbody>
</table>

Item #6 – Consideration of a Resolution to authorize the Mayor to execute a contract to update Charter and Code Book with E-CODES ($ 5170.00-$5785.00). (Ric VanDonsel)
Item #7 – Discussion of and setting date for a public hearing to amend City Code 107 (Vacant Building). (Ric VanDonsel)

Item #8 – Consideration of a Resolution to prepare Request for Proposal regard auctioneer for 2019 “In Rem Foreclosure” auction to be held early summer 2020. (Ric VanDonsel)

Item #9 – Consideration of a Resolution granting NYSDOT authority for the relocation and adjustment to the City of Cortland’s 8 inch NPS water main and appurtenances for the reconstruction of I-81 over the abandoned Lehigh Valley Railroad in the City of Cortland-BIN 1031381 and BIN 1031383 under Project Identification Number PIN 3501.61. (Chris Bistocchi)

Item #10 – Discussion of Code Office sidewalk shoveling policy. (Captain TenKate)

Item #11 – Consideration of a Resolution to accept, recognize and appropriate the following donations to the Youth Bureau. (John McNerney)

<table>
<thead>
<tr>
<th>Donation</th>
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<th>Budget Line</th>
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<td>$1,889.00</td>
<td>Park Improvements</td>
<td>A-7140.5405</td>
</tr>
<tr>
<td>Total</td>
<td>$2,989.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Item #12 – Consideration of a Resolution to establish a time line for environmental review of Parker School. (Ric VanDonsel)

1/21/2020—ESTABLISH LEAD AGENCY
1/21/2020—DETERMINE SIGNIFICANCE
1/22/2020—PREPARE AND PUBLISH DRAFT ENVIRONMENTAL STATEMENT
2/18/2020—PUBLIC HEARING ON DEIS
2/20/2020—LAST DAY FOR PUBLIC COMMENT
3/1-3/6/2020—PREPARE AND FILE FINAL ENVIRONMENTAL STATEMENT

Item #13 – Consideration of a Resolution to establish the City as Lead Agency for the environmental review of the purchase of Parker School. (Ric VanDonsel)

Item #14 – Consideration of a Resolution to determine significance of environmental impact of the purchase of Parker School. (Ric VanDonsel)

Item #15 – Consideration of a Resolution to Amend the City’s Adopted General Fund Budget as follows: (Ric VanDonsel)

- Decrease A3620-540100 Code Department Vehicle Acquisition ($32,110.00)
- Decrease A3410-541500 Fire Department Professional Services ($5,000.00)
- Decrease A3410-541600 Fire Department Travel and Education ($2,500.00)
- Decrease A1325-541000 Finance Department Education ($490.00)
- Increase A1429-541000 Law Department Professional Services $40,000.00
- Net Effect on Budget $0.00

Item #16 – Consideration of a Resolution to Support the New York Conference of Mayor’s 2020 Legislative Program. (City of Cortland Common Council)

Whereas, the City of Cortland and its sister cities, towns and villages have worked diligently to control property taxes, utility rates, and fees while maintaining fundamental services, and
Whereas, the City of Cortland and its sister cities, towns, and villages now require an increase in funding from the State of New York in order to be able to continue providing vital local services to all New York State citizens and residents, and Whereas, the City of Cortland and its sister cities, towns and villages require the tools and commitment from the State of New York to continue breaking down the barriers to efficiency and community revitalization for the betterment of all New York State citizens and residents.

Therefore Be It Resolved, that the Common Council of the City of Cortland joins with its sister cities, towns and villages to support the enactment of measures that:

- increases unrestricted State Aid to local governments
- establishes an annual State funding stream available to local governments to address water and sewer infrastructure needs
- expand highway funding
- amend the newly enacted Criminal Justice Reforms
- Limit the application and costs of the Prevailing Wage Mandate.

Item #17 – Discussion to make Otter Creek Place intersection at Groton Avenue “DO NOT ENTER” from Groton Avenue. (Chris Bistocchi)

Adjournment
City of Cortland Special Event Application

Event Name: DANCEFEST Cortland
Event Contact: Molly Reagan Andrzejko
Address: 19 Van Hoosen St.
Email: mollyandrzejko@gmail.com
Phone: 607-423-7878

Will proceeds of your event benefit a charitable cause that provides service to Cortland residents? Yes [□] No [□]
If yes, name the charitable causes: Cortland Youth Bureau Music Review

Event Information

NAME OF EVENT: DANCEFEST Cortland
TYPE OF EVENT (i.e. walkathon, street fair, festival, etc.): One Day Music Festival
EVENT LAYOUT: If the event is a walkathon, run, etc., attach a map of route and/or street closures. If the event is a festival or street fair, attach a map to indicate location of street blocks as requested, booth alignment and type of merchandise vended from each booth.

DATE DAY 1:
STREET CLOSURE:
Start Time: 11am End Time: 1pm
Lot:
AMPLIFIED MUSIC:
Start Time: 12pm End Time: 1pm

DATE DAY 2:
STREET CLOSURE:
Start Time: End Time:
Lot:
AMPLIFIED MUSIC:
Start Time: End Time:

START LOCATION: 19 Van Hoosen St.
END LOCATION: 19 Van Hoosen St.
EXPECTED # OF PARTICIPANTS: 1,500
# OF SPECTATORS: VEHICLES: NOT SURE! Need to collect same data!

Event Components

Location/Safety
City park use
City streets blocked
City sidewalks blocked
City parking lots closed
City barricades
City cones
Animal ban
Animals are part of the event
EMTs needed on site
Police escort requested

Waste Management
City litter pickup & disposal
City street sweeping

Other components not listed:

Structures
Temporary structures
Canopies up to 10' x 10'
Grounded tents over 10' x 10'

Rides or attractions
Street banner requested
Showmobile rental requested
Portable restrooms

Seating area
Sound

Fireworks
Amplified sound or music
Ceremonial Gun Salute

Food
Food cooked on-site
Alcohol
Alcohol sold on-site
Alcohol served

Vending
Vending of goods

Vending of food
Power Source

City electricity use
Generator use

Insurance
General Liability Insurance certificate
Liquor Liability Insurance certificate

Fire Approval:
CPD Approval:
Council Approval:
Addendum: Application for Street Closings

10 January 2020

Mayor Brian Tobin
25 Court Street
Cortland NY 13045

Dear Mr. Mayor,

I would like to have the opportunity to respectfully request a waiver for the $250 fee per Sct. 193-7 as it pertains to providing amplified music for a community event.

The “PorchFest Cortland” event we are hoping to host in the Van Hoesen Street neighborhood would have musicians and performers on various porches of private homes. Most musicians and performers have the capability to play acoustically, but some performers only have access to electric instruments, or instruments that necessitate amplification.

All acts that can possibly play acoustically will play without amplification. Any performer that needs amplification will play at a decibel level that is equal to their acoustic counterparts.

The reason I request this waiver is because we, the committee organizing the event, are private individuals hoping to plan a fun, engaging, local event to foster community spirit and engagement. The performers are donating their time and talent. Likewise, “PorchFest” will be free and open for the public to enjoy. To pay a $250 fee would prove to be a hardship for us, the individuals planning this small event.

Thank you very much for considering this request. I look forward to hearing from you.

Sincerely,

Molly Reagan Andrejko
19 Van Hoesen St.
Cortland NY 13045
mollyandrejko@gmail.com
(607) 423-7078
APPLICATION
For Street Closings
PLEASE PRINT ALL INFORMATION

Today's Date: 10/01/2020
Address of Street Closing: Van Wagenen St. Harrison Toy Chestnut Streets
Describe Event: Pink Test Courtland

Applicant: Andrzejko, Maly R. PH# (607) 423-7678 (607) 756-5014
Last First MI
Address: 19 Van Wagenen St. E-mail Address: malyandrzejko@gmail.com
Street Courtland
City: NY Zip Code: 13045
State

Date of Street Closing: August 16, 2020 Alternate or Rain Date: None
Start Time: 11 AM or PM Finish Time: 6 AM or PM
* (No earlier than 9:00 AM) * (No later than 8:00 PM)

(*Unless altered by Common Council)

Estimated # of persons attending: 500

Will amplified music be provided?: Yes
(If yes, refer to requirement #8 for compliance)
City Ordinance Sect. 193-5 requires Common Council permission; SCT. 193-7 requires $250 fee

Will alcohol be available? No
If so, which address(es) will have alcohol? Private residences on this street

Alcohol is only allowed on private property. All State and City alcohol laws still apply during Street Closings.

A Street Closing permit does not allow the sale of alcohol or the consumption of alcohol on public property or by persons younger than 21 years of age.
SOUND DEVICE PERMIT APPLICATION

DATE REQUESTED: Aug. 11, 2020

NAME: Molly Andrecko

ADDRESS: 14 Van Hoozen St.,
Portland, OR 97213

ISSUANCE DATE: 

EXPIRATION DATE: 

TELEPHONE: 607-423-7078

TYPE OF SOUND DEVICE: Music,amps Times: 12-2pm

NON-PROFIT: ✅

( *Please check if you are a non-profit group therefore no licensing fee applies)

LICENSE FEE: Fixed Location-$250 Mounting upon Motor Vehicle-$500 For Business: $100

**Fixed Location:** For the use or operation of any radio, phonograph, microphone or other device by which sounds are magnified and caused to be heard over any public street or public place from any one fixed location and not in, or mounted upon a motor vehicle, the sum of $250 for any day or part of a day for which the applicant desires permission hereunder. (Code of Ordinances 193-5 Noise Article II Sound Devices [adopted 8-5-1969 as Ch. 12, Art. VI, of the 1969 Code of Ordinances]

**Mounting upon motor vehicle:** For the use or operation of any radio, phonograph, microphone or other device by which sounds are magnified and caused to be heard over any public street or public place to be used in, or mounted upon, a motor vehicle, the sum of $500 for any day or part of a day for which the applicant desires permission hereunder. (Code of Ordinances 193-5 Noise Article II Sound Devices [adopted 8-5-1969 as Ch. 12, Art. VI, of the 1969 Code of Ordinances]

**Business permit fee:** For the use or operation of any radio, phonograph, microphone or other device by which sound is magnified and caused to be heard over any public street or public place from any one fixed location and not mounted on a motor vehicle, the sum of $100 for up to 6 events, as approved by Common Council in 2015.

Signature of Applicant: 

Date: 1/18/2020

APPLICATION MUST BE FILED WITH APPLICATION FEE AT LEAST TWO (2) WEEKS BEFORE FUNCTION AND ONE (1) WEEK PRIOR TO COMMON COUNCIL MEETING TO ALLOW TIME FOR APPROVAL.

IF APPROVED, YOUR PERMIT WILL BE MAILED TO YOU.

IF NOT APPROVED, YOUR APPLICATION FEE WILL BE RETURNED TO YOU.
MEMORANDUM

TO: Mayor Brian Tobin and Common Council Members

FROM: Thoma Development Consultants

DATE: January 13, 2020

RE: 2020 Economic Development Application – NY Hemp Oil

The City of Cortland is proposing to submit an application to the New York State Office of Community Renewal (NYS OCR) to facilitate the expansion of New York Hemp Oil. The Council approved submission of a grant on behalf of the company in April of 2019. A preapplication was submitted to OCR and an invitation to submit a final application was issued to the City, but the final application was not submitted in 2019.

The project appears to be finalized now and the required paperwork has been received so we would like to move forward with the final application submission. However, a new hearing and resolution are needed since the other work was done in a previous fiscal year. The hearing will be held at 7:01 PM prior to your January 21st Council meeting. The proposed resolution is attached.

New York Hemp Oil is operated by Allan Gandelman (Main Street Farms) who purchased JTS Lumber for the company’s new location. He and his investors have moved the company to and are currently operating in that location. The application will fund equipment needed to expand the business, with funds for administration and program delivery. The expansion will result in the creation of 38 new jobs, 51% of which will be available to low-to-moderate income persons as required under the CDBG Program.

If you have any questions with respect to the application, you can contact Dan Ellis in our office at 607-753-1433 or at dan@thomadevelopment.com

Attachment – Proposed Resolution

"The Crown City"
RESOLVED:

That the City of Cortland is hereby authorized and directed to file an application for economic development funds with the New York State Office of Community Renewal (NYS OCR) under the U.S. Department of Housing and Urban Development’s Community Development Block Grant Program for fiscal year 2020 funds, in an amount not to exceed $750,000; and that the Mayor of the City of Cortland is hereby authorized to sign said application on behalf of the City; and upon approval of said request, is authorized to enter into and execute a grant agreement with the State for such financial assistance awarded to the City of Cortland.

Signed: (City Clerk)
Dated: Municipal Seal
TO: Devon Rainbow, Mayors Office
   mayorofc@cornland.org
FROM: Todd Metcalfe, NY Account Manager
tmetcalfe@generalcod.com

CLIENT: City of Cortland, NY
       (CO0935)
DATE: 01/08/2020

PHONE: (315) 758-8374

Supplement No. 14 Estimate

Source Files:
We have reviewed Local Law Nos. 1-2019 through 8-2019 for an update to the City Code.

Supplementation:
General Code will codify and supplement the legislation listed above which includes but is not limited to:
   • Analysis of the new legislation and proper placement in the Code
   • Removal of repealed or superseded provisions
   • Updates to the Officials Page, Table of Contents, Disposition List, Appendices, Index, Histories,
     Tables, Charts, and other items as necessary
   • Review of statutory citations regarding the new legislation
   • Any conflicts, inconsistencies, issues or questions identified at this point will be brought to the
     attention of the municipality for resolution prior to publication
   • Insertion of cross reference and editor's notes, as appropriate
   • Creation of instruction page for removing and inserting revised Code pages
   • Printing of up to 5 sets of supplemental pages
   • Update to eCode360

Price:
Between $5,170 and $5,785, which includes shipping and handling.
The final invoice will follow completion of the supplement.
   • Any missing legislation received may result in additional costs.
   • Any newly adopted legislation received after authorization for this supplement will be held until the
     next supplement, unless otherwise noted.

Payment Terms:
Available upon request

Authorization:
To authorize the supplement, sign this ESTIMATE and EMAIL (ezsupp@generalcod.com) it back to us.

I authorize General Code to proceed with the supplement as outlined above. This order is subject to
General Code’s Codification Terms and Conditions, which are available at
www.generalcod.com/TCdocs.

Signature _________________________________ Date _________________________________

APPROVED AS TO FORM
RICHARD VANDONSEL, ESQ.
DATE 18/03/20
SIGNATURE

131 Elm Grove Road, Rochester, NY 14624  Toll Free: 800-836-8834  Fax: 585-328-8189  Generalcod.com
TO: Mayor Brian Tobin
    Members of the City Council
    Mack Cook, Director of Administration and Finance
    Lori Crompton, Finance Department

FROM: John McNerney, Youth Bureau Director

RE: CYB Donations

DATE: January 14th, 2020

I would like to ask the common council to accept and recognize the following donation. The donations should be appropriated to the following Youth Bureau budget lines outlined below.

<table>
<thead>
<tr>
<th>Donation</th>
<th>Amount</th>
<th>Event/Project</th>
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<td></td>
<td>Park Improvements</td>
<td>A-7140.5405</td>
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</table>

Total = $2,889.00

Attached is a copy of the checks and supporting details regarding the donations for your records. Feel free to contact the Youth Bureau with any questions at 753-3021.
Resolution Granting the State of New York Authority to Perform the Adjustment for the Owner and Agreeing to Maintain Facilities Adjusted Via State-Let Contract

RESOLUTION

Resolution # __________

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of I-81 over the Abandoned Lehigh Valley Railroad in the City of Cortland- BIN 1031381 and 1031382- PIN 3501.61 and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the relocation and adjustment to the 8NPS water main and appurtenances, pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project.

NOW, THEREFORE,

BE IT RESOLVED: That the City of Cortland approves of the relocation of and adjustment to their water mains and appurtenances and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the City of Cortland will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED that Mayor has the authority to sign, with the concurrence of the Common Council any and all documentation that may become necessary as a result of this project as it relates to the City of Cortland and

BE IT FURTHER RESOLVED: That the clerk of the City of Cortland is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Moved By: __________________________
Seconded By: _______________________
Vote: ___________________________________________

I, __________________________, duly appointed and qualified __________________________, do hereby CERTIFY that the foregoing resolution was adopted at a meeting duly called and held in the office of __________________________, a quorum being present on the day of __________________________, and that said copy is a true, correct and compared copy of the original resolution so adopted and that the same has not been revoked or rescinded.

WITNESSETH, my hand and seal this __________________________ day of __________________________.

________________________________________
Name, title
Since the construction, reconstruction, or maintenance of the transportation project described below, identified as:

<table>
<thead>
<tr>
<th>Project Identification No.: 3501.61</th>
<th>F.A. Project No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROW Declaration No.:</td>
<td>Map Nos.:</td>
</tr>
<tr>
<td>Parcel Nos.:</td>
<td>County of: Cortland</td>
</tr>
<tr>
<td>Contract No.:</td>
<td></td>
</tr>
</tbody>
</table>

Project Description: I-81 over the Abandoned Lehigh Valley Road

necessitates the adjustment of utility facilities as hereinafter described, the owner, City of Cortland, of said facilities herewith agrees with the State of New York acting through the Commissioner of Transportation that this agreement shall apply to the accommodation of these utility facilities. Any adjustment of said facilities will be accomplished under the terms of this agreement, in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way, in compliance with the attached Special Note "Coordination with the Utility Schedule, and in accordance with the contract plans, specifications, proposal, amendment(s) or change order(s).

1. Existing Facilities

Existing 8” water distribution system.

presently located on State Right-of-Way
as shown on the plans for the proposed transportation project are to be adjusted as follows: (describe type, size, capacity, location, etc.)

The states contractor will relocate a section of 8NPS waterline to the west to avoid a conflict with the new culvert at this location.

for an estimated $
ii. Financial Responsibility (check appropriate boxes):

☐ The facilities to be adjusted under the terms of this agreement are subject to Section 52 of the State Highway Law, and the cost of this adjustment is the sole responsibility of the owner.

☒ Subdivision 24 of Section 10 of the State Highway Law enables the Commissioner of Transportation to provide at the expense of the State, for adjustment to a municipally owned utility when such work is necessary as a result of State highway work. (Municipal Agreement required.)

☐ Subdivision 24-b of Section 10 of the State Highway Law enables the Commissioner of Transportation to participate in the necessary expenses incurred for adjustment of privately, publicly or cooperatively owned facilities, municipal utility facilities, or facilities of a corporation organized pursuant to the State Transportation Corporations Law. (Privately Owned Property Agreement or Reimbursement Agreement required.)

☐ Subdivision 27 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a municipality, to perform for and at the expense of such municipality specified work to be included within a State-let contract. (Betterment Resolution required.)

☐ Subdivision 33 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a public utility corporation, to perform for and at the expense of such public utility corporation specified work to be included within a State-let contract.

☐ Subdivision 13 of Section 30 of the State Highway Law enables the Commissioner of Transportation to enter into an agreement to reimburse with public funds the owner for necessary expenses incurred as a result of this adjustment, or to replace the facilities in kind.

☐ The owner will develop and keep a record of costs in accordance with the New York State Department of Transportation (NYSDOT) Reimbursement Procedures, and when federal funds participate in the cost, the Federal Highway Administration (FHWA) Federal-Aid Policy Guide Part 645, or as indicated below:
III. Physical Adjustment Method (check appropriate boxes):

The actual adjustment or design engineering will be performed by the following method (s):

☒ Contract let by the Commissioner.
☐ Contract let by the Owner, (check applicable statement, i.e., a or b)
   ☐ a. Best Interests of State.
   ☐ b. Utility not sufficiently staffed or equipped.
☐ By the Owner’s forces.

IV. Betterment, Salvage, and Depreciation Credits Due the Project (check appropriate boxes):

☒ There will be no extension of service life, improved capacity nor any other betterment of the facility (as defined by the NYSDOT Utility Reimbursement Procedures and by FHWA Federal-Aid Policy Guide Part 645) as a result of the adjustments made pursuant to this agreement.

☐ There is betterment described as follows:

☐ The owner will not claim reimbursement for that betterment portion of the work, but will duly account for it as required by applicable NYSDOT and FHWA procedures.

☐ The owner hereby agrees to deposit with the Comptroller of the State of New York the amount of $______________ to cover the cost of the betterment as described above.

☐ The owner agrees to comply with the requirements of the NYSDOT Utility Reimbursement Procedure and FHWA Federal-Aid Policy Guide Part 645 with the respect to salvage and depreciation credits when applicable.

V. General Covenants

The owner hereby agrees to accept full title and responsibility for the adjusted facility in writing upon satisfactory completion of the work. Such acceptance will acknowledge the owner’s responsibility to maintain the facility in accordance with all applicable codes, standards and regulations, including his obligation, where applicable, to remove any or all of the facility from the highway at the order of the Commissioner of Transportation, all in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way. All compensable claims covered by this agreement will be included in one of the following:

A. Privately Owned Property Agreement executed prior to the performance of the work.
B. Municipal Agreement executed prior to performance of the work.
C. Reimbursement Agreement executed prior to performance of the work.
D. Such other agreement as approved by NYSDOT Office of Legal Affairs.
VI. References

The following documents are herewith incorporated in this agreement by reference (check appropriate boxes)


☒ Contract documents:  

contracts number ____________________________

PIN _______________ 3501.61

Plan sheets No. ________________________________________________

☐ Owner’s plan sheets __________________________________________

☐ Owner’s estimate sheets form No. __________________________________

☒ Resolution dated ______________ , by ____________________________

☒ Granting the State of New York authority to perform the adjustment for the owner.

☐ Agreeing to maintain facilities adjusted via State-let contract.

☐ Authorizing deposit of funds by the owner.

☒ Certification by the owner or his agent that he has the legal authority to enter into this agreement.

(Print/Type Name) Owner or Agent (Signature) Title Date

For NYSDOT Commissioner of Transportation Title Date
804.1 **Purpose and Scope:** To establish policy for snow removal and enforcement in accordance with City of Cortland Code of Ordinances 245. This procedure applies to all members of the Cortland Fire Department that are responsible for code enforcement activities.

### 804.1.1 DEFINITIONS

Definitions related to this policy include:

- **Formal Complaint** – In order to be considered a formal complaint from the public the complaint must include an address where the alleged violation exists. General complaints such as the whole area around… will not be considered.

### 804.2 POLICY:

It is the policy of the Cortland Fire Department Code Enforcement Office that all enforcement actions in regard to sidewalk clearing be in accordance with local law.

### 804.3 Priority of Concern

Enforcement of the snow removal ordinance should follow the following areas of priority:

- a. Main Street / North Main Street including crosswalks from Grant Street to Huntington Street
- b. Other Main Streets including but not limited to: Main Street, North Main Street, West Main Street, Groton Avenue, Clinton Avenue, Tompkins Street, Port Watson Street, Homer Av, Pomeroy Street, Clinton Avenue Extension
- c. Areas in and around School Zones
- d. Areas where there is a significant grade
- e. Formal complaints received from the public
- f. Violations observed by staff

### 804.4 Processing of Violations

- a. All formal complaints shall be investigated
- b. When complaints are received via telephone or walk in to the office they should immediately be entered into IPS and assigned to a code officer.
- c. For complaints originating as the result of Code Office patrol the processing of the violation may take place after
804.5 Investigation of Complaints

a. The inspector should investigate the complaint as soon as practicable, however no complaints should be investigated sooner than 6pm the day following a snow fall.

b. The complaint investigation shall be marked as pass or fail.

c. If the inspection is Passed a passed inspection is documented, the complaint is closed and no further action taken.

d. If the inspection is Failed a failed inspection is documented and a Notice of Violation/Order to Remedy/Citation is posted conspicuously at the Property, unless the CEO is able to make direct contact with a Property Owners Representative, in which case the notice should be given directly to that person. Generally on the front door. Pictures should be taken to document the condition of the sidewalk and the posting of the Notice. (Office copy of Notice is given to Office Admin) For Failed inspections that have active rental permits, operating permits, etc. CEOs are encouraged to attempt to contact the property manager on file via call or text. This is NOT required and strictly a courtesy.

Exceptions:

1. For properties with no history of violations in the previous 12 month period the investigating CEO may issue a warning at their discretion. Repeat offenders should not receive a warning. Warnings shall be documented as a first offense.

2. In cases where the Property Owner has made some attempt to clear the sidewalk, yet the sidewalk is not cleared to the pavement or the full width the CEO may also issue a warning and attempt to educate the property owner.

3. In cases where the property is known by the CEO to be a repeat offender the reinspection in item e below may be omitted and a work order immediately issued in addition to any fines above.

4. UNSAFE Conditions: In instances where there is an UNSAFE condition such as but not limited to: Icy conditions on a hill, people walking in the road on a busy street because the walk is unpassable the CEO may immediately refer the walk to the Code Office contractor. In this instance the contractor should be advised that this walk will take precedence over any other walks referred.

   e. If the original inspection is failed a re-inspection shall be completed on the next work day, or a soon as practicable thereafter. If the violation has been corrected the complaint a passed inspection is documented and the complaint is closed and no further action taken.

   f. If the re-inspection is failed a work order should be generated to have the code office contractor shovel the walk. The complaint status should be changed to Pending.

   g. The code office contractor has 24 hours to conduct the work assigned. Once the work is completed the contractor shall submit an invoice and pictures. Once pictures have been received the Office Administrative Assistant should close the complaint.

804.6 Standing Work Orders

The Director of Code Enforcement may establish a list of standing work orders for properties in which there are repeated violations of the sidewalk shoveling law. These properties are ones in which the responsible party has made no visible effort comply with this section of the code in the previous snow falls. The Director will give this list to the Code Office Contractor and said contractor shall be authorized to shovel these walks anytime after 6pm on the day following a snow fall (only after the property is in violation). All rules regarding pictures and documentation shall be followed by the Code Office Contractor. When the documentation is received by the Code Office Administrative Assistant a complaint shall be created retroactively, documented as other complaints in this section. The property shall be billed both fine, the fee for removal, and administrative fee as otherwise in the policy.
804.7 Billing Process
a. Responsibility for Billing is the Code Office Administrative Assistant.
b. When a Citation is received the Administrative Assistant shall determine the number of previous violations, within the previous 24 month period to determine the correct fine. As this is a new policy, no violation prior to the effective date of this policy will count.
   First Offense $25
   Second Offense $25
   Third Offense $75
   Fourth Offense $125
   Fifth Offense $250
c. The correct fee shall be added to the complaint in Code Office Software.
d. In cases where the work was completed by the code office contractor the cost for the contractors work should also be added to the complaint plus a $25 administrative fee.
e. An invoice should be prepared with all fees for the complaint and mailed within 5 days and sent certified mail.
f. Unpaid invoices shall be applied to the taxes of the property in accordance with policy.

804.8 Appeals Process
a. The first level of appeal is to the issuing officer. The issuing CEO may choose to waive any fines for first time offenders at their discretion. Property Owners may skip this step and appeal directly to the Director of Code Enforcement if they wish.
b. The second level of appeal is to the Director of Code Enforcement. The Director may choose to waive any fees / fines at their discretion. Waiving fees for first time offenders is encouraged. Waiving of fees for repeat offenders is not. Property Owners may skip this step and appeal directly to the Administrative Appeals Board if the wish.
c. Administrative Appeals Board is the third level of appeal. Property owners wishing to appeal to the Administrative Appeals Board should contact the Finance Office to set up a time to be heard by the Board.
d. Property Owners not receiving a satisfactory outcome in any of these may appeal directly to the Common Council.

Attachment A City of Cortland Code of Ordnances 245-7 through 9
Attachment B City of Cortland Notice of Violation / Order to Remedy / Citation
§ 245-7 Duty to keep sidewalk free of snow, ice and other obstructions.

A. It shall be the duty and responsibility of the owner of any lot fronting upon any public street, alley, park or place within the City to maintain the entire width of the sidewalk in front of the premises and street crossing access on corner lots free and clear from snow, ice and other obstructions including but not limited to cracks, uneven slabs or tree roots.

B. In the event of snow, ice or other obstruction, such removal shall be completed by 8:00 p.m. the following day. In the event of a continuous long-term snowfall or blowing and drifting of snow, removal shall occur on a minimum of twenty-four-hour intervals. A sidewalk deemed by the Superintendent to be a hazard or injurious to the general public, and the expense thereof shall be assessed and collected in the same manner as described above.

C. In the event of cracks, uneven cracks, or tree roots such removal and/or replacement shall be removed within 30 days or upon such reasonable schedule as the Superintendent may approve.

§ 245-8 Removal of snow, ice or other obstructions by Code Enforcement Officer.

A. Authority. Upon the failure of an owner or occupant of property to remove snow, ice and obstructions including but not limited to cracks, uneven slabs or tree roots as prescribed in § 247-7, the Superintendent of Public Works shall have the power to remove the same and charge the cost thereof to the owner of said property. Such charge shall be in addition to any penalties for violation.

B. Collection of cost. Thereupon, the Department of Administration and Finance shall mail a statement to said owner or occupant to pay such cost, plus an administrative fee of $25, which shall become due and payable within 30 days from the mailing thereof. If such cost is not paid within such time, interest shall be charged thereon at the same rate as delinquent property taxes, per annum, and, if such cost with interest and administrative fee is not paid by December 31 of the year in which it is incurred, such cost and interest shall be added to the real property City tax rolls chargeable to said property and shall be collected in the same manner as any unpaid real property City tax.
§ 245-9 Penalties for offenses: snow and ice removal.
[Amended 12-15-1987]

A.
The Code Enforcement Officer inspecting and reporting violations of § 245-7 of this article shall send notice of the violation to the owner on record per the Assessor’s files, at the address as on record per the Assessor’s files, by registered or certified mail service. Within five days from receipt of such notice, the owner may pay or cause to be paid to the City of Cortland, through the Code Enforcement Office, as a penalty for and in full satisfaction of such violation the monetary sum as indicated by the appropriate checked box on the same line thereto. Such penalty shall be in addition to the cost of removal and administrative fee. The failure of the owner to make such payment shall render the owner subject to the penalties as provided in 245-10 of this article.

B.
The following penalties shall be in addition to the cost of removal and administrative fee described in § 245-8 of this article. Any person(s) violating § 245-7 of this article shall be guilty of a violation of the Code of the City of Cortland and, upon conviction, shall be punished by the fine prescribed herein:

Offense
1st offense in 24-month period
2nd offense in 24-month period
3rd offense in 24-month period
4th offense in 24-month period
Any subsequent offense in 24-month period
NOTICE OF VIOLATION / ORDER TO REMEDY / CITATION

City of Cortland, Code Enforcement Office, 25 Court Street, Cortland, NY 13045. People of the State of New York vs. the Registered Owner of the Property Listed Below

PROPERTY ADDRESS:


COMPLAINT NUMBER:

State of New York, City of Cortland SS: the undersigned officer understands false statements made herein are punishable by a class A Misdemeanor. Allegations of fact are made by the officer on direct knowledge and personal observation.

<table>
<thead>
<tr>
<th>CR</th>
<th>VIOLATION OF CITY ORDINANCE</th>
<th>FINE</th>
<th>SECOND OFFENSE</th>
<th>THIRD OFFENSE</th>
<th>FOURTH OFFENSE</th>
<th>FIFTH OFFENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Garbage ((220-7A)(2))</td>
<td>$100</td>
<td>$175</td>
<td>$250</td>
<td>$500</td>
<td>$500</td>
</tr>
<tr>
<td>2</td>
<td>Tall Grass ((220-7A)(4))</td>
<td>$100</td>
<td>$175</td>
<td>$250</td>
<td>$500</td>
<td>$500</td>
</tr>
<tr>
<td>3</td>
<td>Mattress/Furniture in Yard/ Porch ((220-7B)(5)(6))</td>
<td>$100</td>
<td>$175</td>
<td>$250</td>
<td>$500</td>
<td>$500</td>
</tr>
<tr>
<td>4</td>
<td>Extra Re-inspections of Violation** ([220-21])</td>
<td>$75</td>
<td>$150</td>
<td>$225</td>
<td>$300</td>
<td>$375</td>
</tr>
<tr>
<td>5</td>
<td>Item in Right of Way ((241-7))</td>
<td>Warning</td>
<td>$25</td>
<td>$50</td>
<td>$50</td>
<td>$50</td>
</tr>
<tr>
<td>6</td>
<td>Unshoveled sidewalk ((246-7))</td>
<td>$25</td>
<td>$25</td>
<td>$25</td>
<td>$125</td>
<td>$250</td>
</tr>
<tr>
<td>7</td>
<td>Complaint Response Additional** ([100-36])</td>
<td>Warning</td>
<td>Warning</td>
<td>$50</td>
<td>$100</td>
<td>$250</td>
</tr>
<tr>
<td>8</td>
<td>Other</td>
<td>$100</td>
<td>$175</td>
<td>$250</td>
<td>$500</td>
<td>$500</td>
</tr>
</tbody>
</table>

If the above violation(s) are not abated within 24 hours the City of Cortland Code Enforcement Office is authorized to correct the violations and charge the owner of the property for the cost of removal plus an administrative fee. You will receive an invoice in the mail. This must be paid within 5 days of receipt. Any balance outstanding after 30 days will be applied to the property taxes of the property.

If you have questions call the Code Enforcement office at (607) 753-1741. Number of Offenses is within a 24 month period (except complaint response billing which is 12 months).
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First Vice President, Richard C. David, Mayor, Binghamton
Second Vice President, Francis X. Murray, Mayor, Rockville Centre
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Ben Walsh, Mayor, Syracuse

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Chief Executive Officer
Peter A. Baynes, Executive Director (peter@nycom.org)

Legislative Director/Finance
Barbara Van Epps, Deputy Executive Director (barbara@nycom.org)

Government Operations and Community Development
Wade Beltramo, General Counsel (wade@nycom.org)

Employee Relations and Public Safety
John A. Mancini, Counsel (jmancini@nycom.org)

Environment and Energy
Rebecca J. L. Ruscito, Counsel (rebecca@nycom.org)
Dear Fellow New Yorker:

The legislative priorities included in NYCOM's 2020 Legislative Program, as developed and approved by our membership, share a common objective: to provide local leaders with the resources and discretion to deliver essential municipal services in the most effective and responsive manner for the taxpayers they serve. Municipalities are not a special interest group, but rather the providers of public services that directly benefit each and every resident and business of this State. Mayors are your partners and the success of our municipal governments depends upon a demonstrated commitment by the State, the clearest example of which would be for you to provide the first increase in general purpose aid in more than a decade.

In the face of significant fiscal pressures, New York's cities and villages are working diligently to control property taxes while maintaining fundamental services. The State demands much of our municipal governments and mayors have answered the call. It is now time for the State to in return increase its financial commitment to its local partners.

Our cities and villages need the funding, the tools and a genuine commitment from the State to help break down the barriers to efficiency and community revitalization. Enactment of the proposals advanced by NYCOM in our 2020 Legislative Program would ensure local success and, in turn, a better and stronger New York. I look forward to working with you in reaching this important goal in 2020.

Peter A. Baynes
Executive Director
New York State Conference of Mayors
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INCREASE UNRESTRICTED STATE AID

Cities, villages, towns and their taxpayers have suffered through eleven years without an increase in unrestricted State aid. Just as annual increases in school aid help school districts comply with the 2% tax cap and maintain essential services, municipal governments need and deserve growth in their assistance from the State. The fact that the tax cap is now permanent, coupled with the growing expense of local compliance with State mandates (e.g., the new discovery laws), only accentuates the need for growth in this local revenue stream.
ENHANCE FUNDING FOR WATER AND SEWER INFRASTRUCTURE

The Clean Water Infrastructure Act of 2017 dedicated $2.5 billion in funding for drinking water infrastructure, clean water infrastructure and water quality protection throughout New York State. The 2019-20 State Budget added another $500 million for these purposes. While this is a significant investment, it is being phased in over multiple years and only a portion of it is available to cities, villages and other municipal governments. NYCOM supports establishing an annual State funding stream that could be used by cities and villages to address their water infrastructure needs. Similar to – or in conjunction with – the CHIPS program, every municipality would receive an allocation based on the amount of pipelines and mains owned and operated by the municipality. This would help local governments manage and invest in the replacement and rehabilitation of existing municipally owned and funded drinking water, storm water, and sanitary sewer systems, and allow for better coordination with local road reconstruction projects.
Local highway infrastructure needs continue to far outpace the amount of resources currently available. The $438 million Consolidated Highway Improvement Program (CHIPS) assists local governments with the cost of construction, reconstruction and improvement of local highways, bridges and highway-railroad crossings. The funding is distributed annually based on local highway mileage and vehicle travel. After NYCOM fought for its restoration, the 2019-20 State Budget did again include an additional $65 million in Extreme Winter Recovery funds for the repair of local roads, but this is not added to the CHIPS base and is therefore not recurring. Local governments are also incurring additional costs as a result of the intensified enforcement of federal ADA requirements to provide curb ramps whenever streets, roads or highways are altered through resurfacing. In fact, some municipalities have indicated that the added expense associated with this requirement now consumes a significant portion of their CHIPS allocation.
First and foremost, local governments need more State transportation funding than they currently receive. Additionally, the CHIPS formula should be amended to provide additional aid based on sidewalk miles in a municipality.

Furthermore, the New York State Department of Transportation (NYSDOT) five-year capital plan is set to expire at the conclusion of the 2019-20 state fiscal year. NYCOM supports the continuation and codification of the PAVE-NY and BRIDGE-NY programs as part of the upcoming NYSDOT five-year capital plan.

Finally, under current law, when the estimate for construction work using CHIPS funding exceeds $250,000, such work may not be performed by municipal road crews. Raising that threshold to $500,000 will give municipalities greater flexibility in determining whether to bid-out such projects or use their own resources and workforce.
City and village officials understood the need to reform New York’s criminal justice statutes during the 2019-20 legislative session, but we strongly object to some of the drastic changes in the laws pertaining to discovery. The dramatic acceleration in the timing of discovery and the expansion of the matters to which it applies will have significant cost and justice implications for cities and villages with police departments, local justice courts or code/parking enforcement departments. Contrary to the contention of some, cities and villages will not reap savings from bail reform nor will many of them benefit from recent changes to the sales tax. On top of all this, municipalities are still trying to live within the 2% tax cap and have not received an increase in general purpose state aid in 11 years.
NYCOM supports the following amendments that are consistent with the intent of the criminal justice reforms but which will allow for more effective and affordable implementation:

**Ensure** that cities and villages are provided with additional financial and operational support to offset the cost of these mandated measures;

**Exclude** from discovery any violations or information not charging a misdemeanor or crime;

**Require** expedited discovery only when defendants are incarcerated;

**Make** discovery in felony cases not applicable until after indictments;

**Provide** a stay from discovery requirements for 30 days involving cases which may be subject to plea discussions; and

**Allow** for withholding of sensitive information, such as victim contact information, without having to obtain a court order.
The New York State Constitution requires laborers, workers and mechanics in the "performance of any public work" to be paid no less than "the rate of wages prevailing in the same trade or occupation in the locality within the State where such public work is to be situated, erected or used." However, the State's legal methodology for implementing this constitutional mandate distorts the "prevailing wage" and adds unnecessary costs to municipal public works projects. NYCOM supports the following legislative proposals that would make the prevailing wage mandate less onerous for local government entities:

- Amend the Application and Calculation of Prevailing Wage – The dollar threshold that determines when prevailing wages must be paid was enacted in 1971 and has not changed. However, since that time, consumer prices have quadrupled. A first and obvious step to reforming this
mandate would be to amend the statute to exempt building service contracts of less than $50,000 from prevailing wage laws. The current statute exempts only those building service contracts that are below $1,500. Similarly, the statute governing prevailing wage as it relates to public works contracts – which currently contains no threshold – should be amended to exempt public works contracts of less than $75,000 from prevailing wage obligations.

Additionally, the method now used for calculating the “prevailing rate of wages” for public works projects results in local governments having to pay highly inflated wages. The method used by the State to calculate “prevailing wages” for public works projects should be changed to use the State’s Unemployment Insurance Prevailing Wage tables to determine regional prevailing wage rates for projects. The Unemployment Insurance Prevailing Wage tables are updated annually based on the semi-annual Occupational Employment Statistics survey of employers and reflects local economies’ actual prevailing wages.
_oppose all expansion of prevailing wage – all public works projects, irrespective of capital costs, are subject to prevailing wage requirements in New York State. The Department of Labor determines the local prevailing wage by examining union contracts that cover at least 30% of workers in a designated trade and locality. However, the trades’ combined hourly wages and fringe benefits exceed market compensation rates and can add 13-25% to public works project costs depending on the region. Expanding prevailing wage mandates to other publicly funded projects, such as affordable housing, must be stopped.
The New York State Conference of Mayors and Municipal Officials (NYCOM) is the association of, and for, cities and villages in New York. Since 1910, NYCOM has united local government officials in an active statewide network focused on the singular purpose of finding the most effective means of providing essential municipal services. Through the active participation of our membership, which represents more than 12 million New Yorkers, NYCOM is an aggressive advocate for city and village interests before the Executive, Legislative and Judicial branches of state government. Our association is a readily accessible source of practical information touching upon every area of municipal activity, and is also a leader in the on-going training and education of local officials.

NEW YORK STATE CONFERENCE OF MAYORS AND MUNICIPAL OFFICIALS
119 Washington Avenue, Albany, NY 12210
Ph (518) 463-1185
www.nycom.org
@NYMayors • www.facebook.com/NYMayors
THIS AGREEMENT is made this First Day of January 2020, BETWEEN THE CITY OF CORTLAND, (hereinafter called the "City"), party of the first part; and the CORTLAND FIRE DEPARTMENT BOARD OF ENGINEERS, (hereinafter called the "Board of Engineers"), a duly organized and representative group of the existing fire companies of the City of Cortland, party of the second part;

WHEREAS, the City is a municipal corporation accountable for protecting the residents of Cortland and their property from the hazards of fire as well as manmade and natural disasters, and who relies in part for such protection from members of the volunteer fire companies organized within the City of Cortland Fire Department, and

WHEREAS, the Fire Companies are equipped to provide firefighting and other first responder services and who are further obligated to provide portions of its personnel with certain clothing, equipment, etc., and

WHEREAS, the Fire Companies do not have sufficient funds of their own to provide such items,

NOW THEREFORE, BE IT AGREED AS FOLLOWS:

The City hereby agrees to pay to the Board of Engineers a sum of Thirty Thousand Dollars, ($30,000.00), of which Five Thousand Dollars ($5,000.00) is to be immediately transferred to the operations budget of the Fire Chief to supplement the cost of annual volunteer firefighter physical examinations and related cancer screenings. The remaining twenty-Five Thousand Dollars ($25,000.00) shall be allocated to the individual fire companies based on a pro-rata formula that includes membership response to alarms, standby time, bunk time, etc.

The Board of Engineers and the companies hereby agree to use the aforementioned funds to provide supplies and other requirements of the volunteer firefighters including but not limited to;

- Expenses for items such as the annual inspection, attendance at parades, volunteer chief’s and officer allowances;
- Certain insurance policies and other supplies for the benefit of the volunteer members
- The purchase, cleaning, and maintenance of uniforms for the volunteer firefighters;
• Funds for Fire Police and Fire Investigative activities,
• Recruitment and Retention activities;
• Fire Prevention and community events such as Firefighter for a Day, Here Comes Santa visits, etc.
• Supplies incidental to the operation of the Fire Companies

This contract shall remain in full force and effect for the year 2020 and shall expire on December 31, 2020 at 11:59 p.m. Negotiations concerning the creation of a successor agreement for this contract shall be conducted in good faith during 2020.

IN WITNESS, WHEREOF, the parties hereto, by their duly authorized officers have caused this instrument to be executed on the _____ day of _________ 2020.

__________________________________________  ________________________________________
Brian Tobin, Mayor                                    Jason Thornton, President
City Of Cortland                                      Cortland Fire Department Board of Engineers

APPROVED AS TO FORM
RICHARD VANDONSEL, ESQ.
DATE 11/6/2020
SIGNATURE [Signature]