



City Council **Minutes**  
The City of Cortland  
**October 1, 2019**

Council Meeting #17  
**October 1, 2019**  
25 Court Street  
7:00 PM

Present: Aldermen Kat McCarthy, Katy Silliman, John Bennett, William Carpenter, Troy Beckwith, Thomas Michales, Gary Thomas

Excused: Alderman Carlos Ferrer

Staff Present: Corporation Counsel Ric VanDonsel, Director of Administration and Finance Mack Cook, Police Chief Catalano, Wayne Friedman, City Clerk Raymond A. Parker, Confidential Secretary Devon Rainbow, and Superintendent WWJP Bruce Adams

**Public Hearing 1:** Local Law overriding the N.Y.S. imposed Tax Levy limit for fiscal year 2020.  
No one present to speak.  
Mayor closed public hearing at 7:02pm

**Regular Session:**

Mayor Tobin called the seventeenth Common Council meeting of the year to order at 7:02PM.

**Pledge of Allegiance**

**Public Comments:**

John Banewicz spoke stating he is running for Cortland County Treasurer. He explained his history which he feels qualifies him for this position.

Jo Schaffer spoke regarding item #22 regarding the Holiday Décor. She stated that we need to consider other religions & holidays. She also stated that item #23 still needs consideration/corrections regarding the decision making recommendation which should not reside in a single individual but represent the whole ward of missing representative. Should consider a 2/3 majority vote to a supermajority.

Dean O’Gorman stated that removal of the DEA will cause more issues. This person helps stop drugs coming into the City. He also stated he lost his son to overdose and read statistics on the drug matter. He talked more about the drug problem in the City.

Bill Fiske stated that item #12 should be tabled as there was not enough time to review. Items #23 & 24 were of a concern as they shouldn’t make it difficult to seek public office and punishment is not ok.

Bruce Tytler spoke about item #23 stating that they should be present at meetings but absences may be ok. Also stated that the Mayor should not be involved, that it should be the Ward & Political party.

**Proclamations:** Mayor Tobin read the following proclamations for the month of October:

Disability Employment Awareness

Anti-bullying Awareness

Breast Cancer Awareness

Domestic Violence Awareness – there is a cook off at the YWCA on Friday, October 4<sup>th</sup> from 5-7pm.

Fire Prevention Week (October 6-12, 2019) – There is an Open House this Saturday.

**Ward Reports:**

Ward 1: A lot of concerns regarding the decision on the DEA MOU. Good Job DPW on roads.

Ward 2: Received a lot of concerns regarding the decision on the DEA MOU. A lot of loud Thurs-Sat evenings lately.

Ward 3: Been fairly quiet. Forest Ave house has been purchased and rehabilitated. Had 3 calls about political signs.

Ward 4: Thursday evening there is a Budget workshop at 6:30. Received calls regarding the DEA MOU decision.

Ward 5: Emergency Service Day last Sunday and it was a great event with a great turnout.

Ward 7: Received a few calls regarding the budget. Pumpkinfest is this weekend (October 5 & 6).

Ward 8: Attend the ceremony service for Chief Glover and it was very moving. There was one code related issue that is currently being handled by the Code office. Would like to add item to the agenda being the permit for a Parrot. Bus issues with Schools and the School Board is working them out.

**Mayor's report:**

Pumpkinfest is coming up this weekend, October 5<sup>th</sup> and 6<sup>th</sup>.

Political signs in the Right Of Way (area between the sidewalk and the road) have to be set away from the road as they can potentially become a hazard.

**Resolution #240 of 2019** – Motion to approve the minutes from the meeting of September 17, 2019 as presented.

Motioned by: Alderman Bennett

Seconded by: Alderman Carpenter

Approved: Ayes – 7  
Nays – 0

**Resolution 241 of 2019** – Resolution to award funds from the City’s fiscal year 2018 Community Development Block Grant for Microenterprise assistance to Microenterprise applicants pursuant to recommendations for funding by the City’s MAP Review Committee.

Linda Armstrong with Thoma Development, stated that there were are twelve applications. Six of the twelve applications were awarded. Four of the six applicants were new businesses and two were existing businesses.

Motioned by: Alderman Bennett  
 Seconded by: Alderman Carpenter

Approved: Aye – 7  
 Nay – 0

**Resolution #242 of 2019** – Resolution to accept, recognize and appropriate \$314.54 in Bottle and Can donations from the Police Department to the Water Works Deer Fund.

Motioned by: Alderman Silliman  
 Seconded by: Alderman Bennett

Approved: Ayes – 7  
 Nays – 0

**Resolution #243 of 2019** –Resolution to declare a 2010 Chevrolet Impala as surplus property from the City Police Department, so it may be sold on Auction International.

Motioned by: Alderman Thomas  
 Seconded by: Alderman Silliman

Approved: Ayes – 7  
 Nays – 0

**Resolution 244 of 2019** – Resolution to appropriate sale proceeds from the auction to A3120.206-Operational Equipment to help purchase a newer police vehicle.

Motioned by: Alderman Silliman  
 Seconded by: Alderman McCarthy

Approved: Ayes – 7  
 Nays – 0

**Resolution #245 of 2019** – Resolution to accept, recognize and appropriate the following donations to the Youth Bureau.

Donation	Amount	Event/Project	Budget Line
The Guthrie Clinic	\$500.00	Porch Fest Sponsor	A-7550.5405
Diane & Donald Chu	\$200.00	Aquatics	A-7180.5405

Total	\$700.00		
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Thank you for the donations.

Motioned by: Alderman Silliman  
 Seconded by: Alderman Bennett

Approved: Ayes – 7  
 Nays – 0

**Resolution #246 of 2019** – Resolution to approve the contract between SVHC and the City for food recovery network in Cortland.

Susan Williams stated that it is the same program to approve a contract between NYS DEC and the City. So the contract is between Seven Valley and the City to execute the grant work. The primary work is food recovery and they are planning to start a food recovery network in Cortland. There is a 3 year grant period. They started doing a little work in August.

Motioned by: Alderman McCarthy  
 Seconded by: Alderman Bennett

Approved: Ayes – 7  
 Nays – 0

**Resolution #247 of 2019** – Resolution awarding a 5-year service contract to Martin Energy Group for the Maintenance of the Combined Heat and Power System at the Wastewater Treatment Facility and authorizing the Mayor to execute the contract. The 5-year term cost of the contract is to be \$553,740.00.

Bruce Adams stated this is a 5 year contract to upgrade the electric generator.

Motioned by: Alderman Bennett  
 Seconded by: Alderman Thomas

Approved: Ayes – 7  
 Nays – 0

**Resolution #248 of 2019** – Resolution to approve the appointment of Carrie Kane to the Wastewater Advisory Board for a 3 year term.

Motioned by: Alderman Carpenter  
 Seconded by: Alderman Beckwith

Approved: Ayes – 7  
 Nays – 0

**Resolution #249 of 2019** – Resolution to approve the Interfund Transfer of \$141, 616.98 from the Wastewater ER&R account to the Capital Fund to cover expenses related to the facility upgrade.

Bruce Adams explained that the request for this transfer is associated with the length of time to get the NYSERTA reimbursement.

Motioned by: Alderman Thomas  
Seconded by: Alderman Bennett

Approved: Ayes – 7  
Nays – 0

**Resolution #250 of 2019** – Resolution to close Court Street in front of Headquarters in conjunction with the Fire Department Annual Open House and the Pumpkinfest. October 5, 2019 from 0900-1600hrs. From Church Street to the NBT Bank parking lot.

The event is from 9AM-4PM with activities for everyone.

Motioned by: Alderman Thomas  
Seconded by: Alderman Carpenter

Approved: Ayes – 7  
Nays – 0

**Resolution #251 of 2019** – Resolution to accept a grant from the FEMA Assistance to Firefighters Grant program for the acquisition of a Vehicle Exhaust Retrieval System for station #2. Total award amount of \$28,911 with a 5% match of local funds which will be absorbed through the Fire Department Operating Budget.

Motioned by: Alderman Silliman  
Seconded by: Alderman Thomas

Approved: Ayes – 7  
Nays – 0

**Item #12A**– SEQR for Bond Resolution authorizing water system improvements at an estimated maximum cost of \$4,650,000.

**Item #12B**– SEQR for Bond Resolution authorizing reconstruction of the Wickwire Swimming Pool Locker Room at an estimated maximum cost of \$1,232,000.

**Item #12C** – SEQR for Bond Resolution authorizing reconstruction of Downtown Core at an estimated maximum cost of \$5,925,000.

**Item #12D** – SEQR for Bond Resolution authorizing Owego Street Drainage improvements at an estimated maximum cost of \$300,000.

**Mayor Tobin asked Council to consolidate voting on the resolutions below. All of the Bonds are to cover the cost while waiting for reimbursement funds to come in.**

**Resolution #252 of 2019** – Bond Resolution authorizing water system improvements at an estimated maximum cost of \$4,650, 000.

Motioned by: Alderman Silliman  
Seconded by: Alderman Thomas

Approved: Ayes – 7  
Nays – 0

**Resolution #253 of 2019** – Bond Resolution authorizing reconstruction of the Wickwire Swimming Pool Locker Room at an estimated maximum cost of \$1,232,000.

Motioned by: Alderman Silliman  
Seconded by: Alderman Thomas

Approved: Ayes – 7  
Nays – 0

**Resolution # 254 of 2019** – Consideration of a Bond Resolution authorizing reconstruction of Downtown Core at an estimated maximum cost of \$5,925,000

Motioned by: Alderman Silliman  
Seconded by: Alderman Thomas

Approved: Ayes – 7  
Nays – 0

**Resolution #255 of 2019** – Bond Resolution authorizing Owego Street Drainage improvements at an estimated maximum cost of \$300,000.

Motioned by: Alderman Silliman  
Seconded by: Alderman Thomas

Approved: Ayes – 7  
Nays – 0

**Resolution #256 of 2019** – Resolution authorizing public notices of a Bond Resolution authorizing water system improvements at an estimated maximum cost of \$4,650,000.

Motioned by: Alderman Silliman  
Seconded by: Alderman Beckwith

Approved: Ayes – 7  
Nays – 0

**Resolution #257 of 2019** – Resolution authorizing public notices of a Bond Resolution authorizing the reconstruction of the Wickwire swimming pool locker room at an estimated maximum cost of \$1,232,000.

Motioned by: Alderman Silliman  
Seconded by: Alderman Beckwith

Approved: Ayes – 7  
Nays – 0

**Resolution #258 of 2019** – Resolution authorizing public notices of a Bond Resolution authorizing reconstruction of Downtown Core at an estimated maximum cost of \$5,925,000.

Motioned by: Alderman Silliman  
Seconded by: Alderman Beckwith

Approved: Ayes – 7  
Nays – 0

**Resolution #259 of 2019** – Resolution authorizing public notices of a Bond Resolution authorizing Owego Street Drainage improvements at an estimated maximum cost of \$300,000.

Motioned by: Alderman Silliman  
Seconded by: Alderman Beckwith

Approved: Ayes – 7  
Nays – 0

**Item #21** – Discussion regarding the City's nonrenewal of the MOU with the DEA.

Chief Catalano stated that there is an opioid crisis in the community. Police can't do the work alone. The City will still have the local task force and Angel Program. The arrests are made by officers on patrol. He can get out of MOU if it doesn't work.

**Item #21B** – Consideration of a Resolution to allow the Police Department to continue the MOU with the Federal DEA.

Motioned by: Alderman McCarthy  
Seconded by: Alderman Silliman

A roll call was done.

Ward 1- Yes, Ward 2- Yes, Ward 3- No, Ward 4- No, Ward 5- No, Ward 7- No, Ward 8- Yes

Fails: Ayes – 3  
Nays – 4 (Ward 3, Ward 4, Ward 5, Ward 7)

**Enter into Executive Session** – To discuss entering into a contract and negotiations of a contract with the potential for action afterwards.

Motioned by: Alderman Bennett  
Seconded by: Alderman Carpenter

Approved: Ayes – 7  
Nays – 0

**Exit out of Executive Session:**

Motioned by: Alderman Bennett  
Seconded by: Alderman Carpenter

Approved: Ayes – 7  
Nays – 0

**Resolution #260 of 2019** – Resolution to allow the Mayor to enter into negotiations for the purchase of gently used Holiday decorations.

Motioned by: Alderman Silliman  
Seconded by: Alderman McCarthy

Approved: Ayes – 7  
Nays – 0

**Item #23** – Consideration of a Resolution to approve Council Attendance.

Alderman Silliman suggested a change in part 2 C that instead of saying two thirds say super majority and part D to either say the Mayor in conjunction with appropriate party chair or could say with the advice and consent of the appropriate party chair shall make a recommendation of a resident or residents of the ward in the same political party.

This has never been challenged in legal court.

Motioned by: Alderman Bennett  
Seconded by: Alderman Silliman

A roll call was done.

Ward 1- Yes, Ward 2- Yes, Ward 3- No, Ward 4- Yes, Ward 5- No, Ward 7- No, Ward 8- No

Failed: Ayes – 3  
Nays – 4 (Ward 3, Ward 5, Ward 7 and Ward 8)

**Resolution #261 of 2019** – Resolution to adopt Guidelines for Councilmembers 2019.

Motioned by: Alderman Bennett  
Seconded by: Alderman Silliman

Approved: Ayes – 6  
Nays – 1 (Alderman Thomas)

**Item #25** – DRI update  
Still moving forward.



**Item #26** – Discussion on dates for Council budget workshops.

Thursday October 3<sup>rd</sup> at 6:30pm in Council Chambers  
Tuesday, October 8<sup>th</sup> and Wednesday, October 16<sup>th</sup> at 6:30pm

**Resolution #262 of 2019** – Resolution to approve exotic pet permit for a parrot.

Motioned by: Alderman Thomas  
Seconded by: Alderman Carpenter

Approved: Ayes – 7  
Nays – 0

**Resolution #263 of 2019** – Resolution authorizing Coughlin & Gerhart LLP as attorneys for City of Cortland to represent City Code & Zoning Enforcement proceedings including drafting of accusatory instruments, prosecution of violations of City Code and Zoning Ordinances, drafting of motions, appearances in court, appeals there from and any other action needed to fully prosecute said proceedings at an hourly rate of \$200 with payment requests to be submitted by voucher on a monthly basis.

Motioned by: Alderman Thomas  
Seconded by: Alderman Carpenter

Approved: Ayes – 7  
Nays – 0

**Motion to adjourn:**

Motioned by: Alderman McCarthy  
Seconded by: Alderman Silliman

Approved: Ayes – 6  
Nays – 0

**I, RAYMOND A. PARKER, CITY CLERK FOR THE CITY OF CORTLAND, NEW YORK, DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED BY THE COMMON COUNCIL AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 1ST DAY IN OCTOBER 2019. 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.**

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**RAYMOND A. PARKER, CITY CLERK**

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**MAYOR BRIAN TOBIN**