



City of Cortland Common Council Meeting

August 2, 2022

25 Court Street, Cortland NY 13045
and Streamed via Zoom

MINUTES

Please note that this copy of the minutes is pending approval by the Common Council on September 6, 2022.

PUBLIC HEARINGS

Public Hearing No. 1:

Proposed Local Law No. 6 of the Year 2022: Amendment of Article III – Increasing Terms of Councilpersons from Two (2) Year Terms to Four (4) Year Terms

The public hearing was opened at 6:02 p.m. No one was present to speak. The public hearing was closed at 6:04 p.m.

Public Hearing No. 2:

Proposed Local Law No. 7 of the Year 2022: Amendment of Article IV – Increasing the Term of Mayor from a Two (2) Year Term to a Four (4) Year Term

The public hearing was opened at 6:04 p.m. No one was present to speak. The public hearing was closed at 6:05 p.m.

CALL TO ORDER AND ROLL CALL

Mayor Steve called the meeting to order at 6:05 p.m., and the City Clerk called the roll. The following Common Council members were in attendance:

Katy Silliman – Second Ward Alderperson
Mary Clare Pennello – Third Ward Alderperson
Patricia Lane – Fourth Ward Alderperson
Seth Thompson - Fifth Ward Alderperson
William Carpenter – Sixth Ward Alderperson
Troy Beckwith – Seventh Ward Alderperson
Thomas Michales – Eighth Ward Alderperson

The following member was recorded absent:

Wayne Schutt – First Ward Alderperson

SALUTE TO THE FLAG

MOMENT OF SILENCE/REFLECTION

PRIVILEGE OF THE FLOOR

No one was present to speak.

FINANCIAL REPORT

The Mayor said that departments have begun the process of developing budget recommendations for 2023. He said that capital budget items and insurance costs would be included with budgets for respective departments.

The Mayor said that there is approximately \$1.5 million in unspent American Rescue Plan (ARP) funds. He said that an audit of ARP funds is being done and that a report will be available for the next meeting. The report will include clarification of what ARP funds may be spent on.

He noted that financial statements have been provided to Council Members. The financial statements are posted publicly on the City website.

MAYOR'S REPORT

New K-9 Unit Officer Kristyn Drake and her partner K-9 Kort were introduced. Officer Drake described their training and said that Kort will be used as a drug and patrol dog. She said she is honored to be the first female K-9 Unit Officer and is happy to be working in the community.

The Mayor said that a parking study has been completed by the Cortland County Business Development Corporation/Industrial Development Agency (IDA/BDC), SUNY Cortland and a consulting firm, and will be released publicly this week. He said that there are issues raised in the report which will need to be addressed.

He said that he is continuing to work on the homeless issue with the county Department of Social Services (DSS) and other community partners.

A leachate pipeline funding grant has been submitted, he said.

The Mayor noted that SUNY Cortland students will be returning soon and that construction issues and traffic flow are being coordinated.

The Mayor provided a status report on construction on Main Street, Clinton Avenue and other city streets.

The Mayor spoke about the process of forming a rental housing committee in response to a lawsuit settlement related to zoning. He said he is seeking people representing a cross-section of the community and asked for additional volunteers and recommendations.

WARD REPORTS

Ward 2: Council Member Silliman said the Town and Gown Ad Hoc Committee met recently and spoke about issues pertaining to the return of SUNY Cortland students and parents weekend. She noted that there is an upcoming meeting of the Parker School Ad Hoc Planning Committee.

- She said that she met with the Zoning Officer to discuss proposed zoning changes. She said that potholes on Jewett Avenue will be addressed by the Department of Public Works (DPW) and that there are lights out on West Court Street. Ms. Silliman was contacted by constituents concerned about trees with carpenter ants and taxi rates. She indicated that she looked into transit options for the constituent and suggested putting a link to the county transit system on the City's website. She said she received questions about the rodent and nuisance animal problem and is looking into electric fencing to help keep them out of areas. The Mayor commented that he and the Codes Office are studying the problem and looking for solutions including at a city-wide contract for removal.
- Ward 4: Council Member Lane said that speeding on Tompkins Street seems to be getting worse. She suggested that a permanent speed display be placed on Tompkins Street coming into the City. Ms. Lane also suggested that a crosswalk with flashing lights to warn traffic be placed at the intersection of Tompkins Street and Pashley Drive. The Mayor noted that the NYS Department of Transportation (DOT) would need to address the issues related to a speed display and crosswalk. Ms. Lane said that a resident asked for no bicycle signs to be placed on Main Street as they have encountered hazardous situations. She indicated that the Town and Gown Ad Hoc Committee had a productive meeting recently, and that there is an upcoming Parker School Ad Hoc Planning Committee meeting. Ms. Lane noted that she attended the opening of the Grace Brown House and a ground breaking at the Gutches Lumber Sports Complex.
- Ward 5: Council Member Thompson said he attended the Grace Brown House opening and commented that the Gutches Lumber Sports Complex is a positive asset for the community. He said that a microburst weather event had significantly affected the 5th Ward bringing down a lot of trees. He said residents are trying to restore damage and work through insurance claim issues.
- Ward 6: Council Member Carpenter said he was pleased to see the City Fire Department provide mutual aid in responding to a fire in Ithaca where he was working. He said that a speed zone change on the north end of Clinton Avenue has been put into effect after many years of work. The speed limit has been reduced from 40 mph to 30 mph.
- Ward 7: Council Member Beckwith said that he is looking forward to progress on the cleanup of the Apex site. Mr. Beckwith expressed displeasure with trash at 4 Cleveland Street and said that he, the Mayor and Fire Department need to quickly address the issue. The Mayor noted that the problem goes back to last year, and stated that there is a legal process underway to remove the tenants and that the trash would be addressed this week.
- Ward 8: Council Member Michales said he will be following up on a chicken permit this week. He said that Dawn Drive residents are looking forward to the street being paved in the future.

APPROVAL OF THE MINUTES

The minutes of July 19, 2022 were approved.

Motioned by: Council Member Carpenter

Seconded by: Council Member Pennello

Approved: Ayes – 6
Nays – 0
Council Member Silliman abstained from voting.

RESOLUTIONS

Resolution No. 134 of 2022 Authorize Request for Proposal for Evaluation of Health Insurance Programs

RESOLVED, that the Common Council does here by authorize the issuance of a Request for Proposals for an independent consultant to evaluate and compare options for administration of the City’s health insurance programs; AND BE IT FURTHER

RESOLVED, that such Request for Proposal and evaluation is solely for the administration of benefits and is not intended the change contractual benefits provided to City employees.

Motioned by: Council Member Michales

Seconded by: Council Member Beckwith

Approved: Ayes – 7
Nays – 0

Resolution No. 135 of 2022 Adoption of Local Law No. 6 of the Year 2022: Amendment of Article III — Increasing Terms of Councilpersons from Two (2) Year Terms to Four (4) Year Terms

RESOLVED, the he Common Council approves adoption of Local Law No. 6 of 2022 amending Article III, §C3-3. Terms of Councilpersons, changing terms from two (2) years to four (4) years, subject to approval by City voters at the General Election on Tuesday, November 8, 2022; AND BE IT FURTHER

RESOLVED, that if approved, the term of office for a person elected Councilperson for the City of Cortland at the General Election, to be held on November 7, 2023 and at each election for said office thereafter, shall be for a full four (4) year term, with such four (4) year term commencing January 1, 2024, AND BE IT FURTHER

RESOLVED, that Local Law No. 6 of 2022 shall read as follows:

**CITY OF CORTLAND, NEW YORK
LOCAL LAW NO. 6 OF THE YEAR 2022
“AMENDMENT OF ARTICLE III – INCREASING TERMS OF COUNCILPERSONS
FROM TWO (2) YEAR TERMS TO FOUR (4) YEAR TERMS”**

Be it enacted by the Common Council of the City of Cortland as follows:

Section 1. Enactment and Title.

§C3-3. Terms of Councilpersons.

The Councilpersons shall each serve a four-year term.

Section 2. Separability.

If any part of provision of this Local Law or the application thereof to any person or circumstance be

adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Cortland hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3. Findings.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4 Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State in accordance with section 23 and section 27 of the Municipal Home Rule Law.

Motioned by: Council Member Beckwith

Seconded by: Council Member Michales

Discussion: The Mayor noted that, if approved by voters, this would change the City Charter. He said he sees pros and cons to the four year terms and believes its best to let voters decide. Ms. Lane said she does not support this measure and that several residents have contacted her in opposition. Ms. Silliman said that two year terms are good and that four year terms are too long. She said she would vote against the resolution. Mr. Carpenter noted that many cities have four year terms and that a four year term gives time to successfully address long-term issues and projects. Mr. Thompson stated that under the current two year term, Council Members are in office one year and need to start campaigning the following year which takes away time from their Council duties. He said he sees the benefit of longevity.

Approved: Ayes – 5

Nays – 2 Council Members Silliman and Lane voting Nay.

Resolution No. 136 of 2022 Adoption of Local Law Np. 7 of 2022: Amendment of Article IV – Increasing the Term of Mayor from a Two (2) Year Term to a Four (4) Year Term

RESOLVED, The Common Council approves Adoption of Local Law No. 7 of 2022 amending Article IV, §C4-1. B. Term; qualifications, changing the term of Mayor from two (2) years to four (4) years, subject to approval by City voters at the General Election on Tuesday, November 8, 2022; AND BE IT FURTHER

RESOLVED, that if approved, the term of office for a person elected Mayor for the City of Cortland at the General Election, to be held on November 7, 2023 and at each election for said office thereafter, shall be for a full four (4) year term, with such four (4) year term commencing January 1, 2024; AND BE IT FURTHER

RESOLVED, that Local Law No. 7 of 2022 shall read as follows:

**CITY OF CORTLAND, NEW YORK
LOCAL LAW NO. 7 OF THE YEAR 2022
“AMENDMENT OF ARTICLE IV – INCREASING THE TERM OF MAYOR
FROM A TWO (2) YEAR TERM TO A FOUR (4) YEAR TERM”**

Be it enacted by the Common Council of the City of Cortland as follows:

Section 1. Enactment and Title.

§C4-1. Term; qualifications.

B. The Mayor shall be elected by the electors at large and shall serve a four-year term.

Section 2. Separability.

If any part of provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Cortland hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3. Findings.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4 Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State in accordance with section 23 and section 27 of the Municipal Home Rule Law.

Motioned by: Council Member Pennello

Seconded by: Council Member Carpenter

Approved: Ayes – 5

Nays – 2 Council Members Silliman and Lane voting Nay.

Resolution No. 137 of 2022 Cancel August 16, 2022 Common Council Meeting

RESOLVED, that the Common Council does hereby cancel the Common Council meeting scheduled for August 16, 2022; AND BE IT FURTHER

RESOLVED, that the City Clerk shall publish public notice of this cancellation in newspapers and on the City’s website.

Motioned by: Council Member Beckwith

Seconded by: Council Member Carpenter

Approved: Ayes – 7

Nays – 0

Resolution No. 138 of 2022 Approval of Assumption of Microenterprise Grant Obligations of Tanya Dammert, dba FireCrest Restaurant by Carballo, LLC dba Los Lagos Restaurant, 13 Groton Avenue

RESOLVED, that the City’s Common Council does hereby approve the transfer of all Community Development Block Grant funded equipment and other items purchased with Microenterprise Assistance Program funds by Tanya Dammert dba FireCrest Restaurant to Carballo, LLC dba Los Lagos Restaurant in

return for Carballo’s assumption of the Community Development Block Grant obligations including execution of a deferred payment loan agreement with the City; AND BE IT FURTHER

RESOLVED, that Mayor Scott Steve will request approval of said transfer from the Microenterprise Assistance Program funding source, the NYS Office of Community Renewal as well as requesting that Office waive the training requirement for the Microenterprise Program in consideration of Andrew and Elizabeth Fox’s years of experience operating a similar venture in the City of Cortland.

Motioned by: Council Member Pennello

Seconded by: Council Member Lane

Discussion: Mr. Beckwith asked if there is a list of equipment referenced in the resolution. Linda Armstrong, Program Manager for Thoma Development Consultants said that equipment items in lien have serial numbers and that an inventory accounted for all items except one small item which was returned after purchase.

Approved: Ayes – 7
Nays – 0

Resolution No. 139 of 2022 Authorize Letter of Support for McNeil Development Company Funding Application

RESOLVED, that the Common Council does hereby authorize the Mayor to submit a letter in support of McNeil Development Company’s application for funding through the NYS Environmental Facilities Corporation Green Infrastructure Grant Initiative for the sustainable reconstruction of parking lots in downtown Cortland.

Motioned by: Council Member Beckwith

Seconded by: Council Member Carpenter

Approved: Ayes – 7
Nays – 0

Resolution No. 140 of 2022 Authorize Request for Proposals for Stormwater Mitigation Study

RESOLVED, that the Common Council authorizes the issuance of a Request for Proposals for an engineering report which shall address the Hickory Park, Kellogg Road and Forrest Avenue areas and include a description of the problem, an evaluation of the existing conditions, recommendations for potential engineering solutions, budgetary project cost estimates, and potential funding sources.

Motioned by: Council Member Pennello

Seconded by: Council Member Carpenter

Discussion: The Mayor explained that the study is intended to address longstanding issues noting that the original developments did not address stormwater. Ms. Silliman said that there is an issue on upper Clayton Avenue. The Mayor said that exploratory research is being done on the issue.

Approved: Ayes – 7
Nays – 0

Resolution No. 141 of 2022 Authorize Memorandum of Understanding with SUNY Cortland Police Department Relating to Coordination of Law Enforcement Efforts

RESOLVED, that the Common Council does hereby authorize the Mayor and Police Chief to execute a Memorandum of Understanding with the SUNY Cortland Police Department relating to coordination of law enforcement efforts.

Motioned by: Council Member Carpenter

Seconded by: Council Member Beckwith

Discussion: The Mayor noted that there are additional issues that will be addressed in subsequent MOUs with SUNY Cortland.

Approved: Ayes – 7
Nays – 0

DISCUSSION ITEMS

Discussion Item No. 1 Parker School Ad Hoc Planning Committee

Ms. Silliman said there is an upcoming meeting on updated project costs. There was discussion about funding allocated by the County for a staff position to assist in management of the facility.

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

No new updates to be provided.

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

There was a brief discussion about collaborative efforts relating to the return of SUNY Cortland students.

Discussion Item No. 4 Director of Administration & Finance Position

The Mayor explained that the Executive Personnel Committee has recommended a change in the form of government that would make a change from having a Director of Administration and Finance to a City Manager. A draft job description for a City Manager was provided prior to the meeting to Council members and was posted publicly on the City website. It was explained that the Common Council and the Mayor would oversee a City Manager. There was discussion about the job qualifications including different or additional educational background.

The Mayor said that he could invite the Corning City Manager and the president of the NYS City/County Management Association to attend the next Council meeting to provide information and answer questions. Several Council Members indicated that they would like this to happen.

The Mayor outlined the next steps which include inviting these individuals, refining the job description, holding a public hearing and considering a resolution to adopt a local law.

ADJOURNMENT

The meeting was adjourned at 7:23 p.m. on motion of Council Member Silliman, seconded by Council Member Beckwith, and approved by a vote of 7-0.

I, ANDREW T. JEWETT, CITY CLERK FOR THE CITY OF CORTLAND, NEW YORK, DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED BY THE COMMON COUNCIL AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 2ND DAY IN AUGUST, 2022. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED FOR HIS CONCURRENCE IN ADOPTION OR REJECTION BY VETO POWER.

ANDREW T. JEWETT, CITY CLERK

SCOTT STEVE, MAYOR