



City of Cortland Common Council Meeting

September 6, 2022

25 Court Street, Cortland NY 13045
and Streamed via Zoom

MINUTES

PUBLIC HEARING

Public Hearing No. 1

Proposed Local Law No. 8 of 2022 “Amending Article §202 – Adjusting Hours of Operation for City Parks”

A Public Hearing was opened at 6:00 p.m. regarding proposed Local Law No. 8 of 2022 “Amending Article §202 – Adjusting Hours of Operation for City Parks”. No one was present to speak. The public hearing was closed at 6:01 p.m.

Public Hearing No. 2

Proposed Local Law No. 9 of 2022 “Amending the City Code Relating to Zoning Changes”

A Public Hearing was opened at 6:01 p.m. regarding proposed Local Law No. 9 of 2022 “Amending the City Code Relating to Zoning Changes”. No one was present to speak. The public hearing was closed at 6:02 p.m.

CALL TO ORDER AND ROLL CALL

Mayor Steve called the meeting to order at 6:03 p.m., and the City Clerk called the roll. The following Common Council members were in attendance:

Wayne Schutt – First Ward Alderperson
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

SALUTE TO THE FLAG

MOMENT OF SILENCE/REFLECTION

PRIVILEGE OF THE FLOOR

Timothy Bennett was granted privilege of the floor. Mr. Bennett questioned the rationale for Agenda Item No. 12: Approve Midnight on Main Event, and indicated that he intended to hold a New Year's Eve event on Main St.

FINANCE REPORT

The Mayor indicated that financial statements had been provided to Council Members and posted publicly on the City's website. He noted that sales tax revenues are on target.

MAYOR'S REPORT

The Mayor provided an update on construction projects, cleanup of the Apex site, and efforts to assist employees being displaced by business closures recently announced.

He said that there are several engineering issues relating to the Clinton Ave. construction and that a corrective action plan is being put in place. He also noted that there is a delay in obtaining concrete for sidewalk installation. He said that paving work on other City streets is ahead of schedule and that four additional streets would be paved this year.

Mr. Steve said that 35,000 tons of material had been removed from the Apex site and that environmental monitoring has begun. He said there are some parties interested in purchasing the property based in the site's cleanup.

The Mayor expressed gratitude for the many businesses, organizations and individuals who came together to promote employment and training availability and provide other assistance to approximately 500 employees being displaced by the closure of Voyant Beauty and ALPLA. He noted that Cortland High School is helping with Spanish language employees, and gave special thanks to Amy Buggs of Cortland County Employment & Training. Mr. Steve said he hopes to find buyers for the buildings that will be vacated.

Mr. Steve thanked the Fire Department for their efforts to assist a local grocery business which lost its refrigeration and freezers, and the Police Department for their help in assisting people who are homeless in accessing services. He also noted several recent community events including the Cortland Community Matters Fair and the Crown City Mural Fest.

WARD REPORTS

- Ward 1: Council Member Schutt thanked the Department of Public Works (DPW) for quickly addressing an issue on Homer Ave.
- Ward 2: Council Member Silliman noted that SUNY Cortland students had returned and she is optimistic about making more progress in positive relations. She met with the Zoning Officer about a survey of city sidewalks. Ms. Silliman also said that Lincoln Ave. residents are interested in the City ceding Carpenter Alley which is a public right of way.
- Ward 3: Council Member Pennello said that a beaver living near the footbridge along Broadway near Otter Creek Place is destroying trees. She is working with DPW to address the issue.

- Ward 4: Council Member Lane said that parking on Tompkins St. becomes a problem when the college is in session. She thanked DPW for quickly replacing a parking sign on Tompkins St. Ms. Lane said that a two-car accident at the intersection of Pashley Dr. and Tompkins St. highlights the need for a traffic light. She thanked the Fire Department and Youth Bureau for the fire hydrant painting program and said that she painted one. She thanked Sherry Timmons for painting several.
- Ward 5: Council Member Thompson thanked the Police Department for supporting a youth's lemonade stand and for purchasing him a bike. He thanked DPW for street cleanup after recent storms, and the Fire Department for their help with the local grocery store. Mr. Thompson said that ample progress is being made on street construction, but that he has received complaints amount the amount of construction and issues with rerouting traffic.
- Ward 6: Council Member Carpenter said that there is a need to relocate and add speed limit signs on the portion of Clinton Ave. where the speed limit has been reduced. He has received complaints about the plantings along Clinton Ave. The Mayor acknowledged that the existing plants look bad and noted that the City did not have any input into the plantings which were determined by the federal Environmental Protection Agency (EPA). The Mayor is working with the EPA to clarify the intent of their design and how the City can improve the look of planting along Clinton Ave.
- Ward 7: Council Member Beckwith said he is very pleased with the cleanup of the Apex site. He shared the same concerns as Mr. Carpenter regarding plantings on Clinton Ave.
- Ward 8: Council Member Michales said he is working with the Codes Office to identify the cause of a house left vacant. He noted that a utility company arborist will evaluate a tree on East Ave. He said flooding issues on Williams St. due to plugged drains had been alleviated. He thanked residents for painting several fire hydrants in the ward.

APPROVAL OF THE MINUTES

The minutes of August 2, 2022 were approved.

Motioned by: Council Member Beckwith

Seconded by: Council Member Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTIONS

Resolution No. 142 of 2022 Approve Special Event Permit for 9-11 Memorial

RESOLVED, that the Common Council does hereby approve the Special Event Permit and Sound Device applications submitted by the 9/11 Ceremony Committee to host the 9/11 Ceremony on September 11, 2022 at 8:30 AM and encourages all citizens to take part in the ceremony as a testament to the patriotism of our community and our refusal to become complacent about this horrific attack on our country.

Motioned by: Council Member Beckwith

Seconded by: Council Member Carpenter

Approved: Ayes – 8

Nays – 0

Resolution No. 143 of 2022 Authorize Administrative Contract for Fiscal Year 2022 Community Development Block Grant for Microenterprise Assistance

RESOLVED, that the City authorizes Mayor Scott Steve to enter into a contract with Thoma Development Consultants to administer the City’s fiscal year 2022 Community Development Block Grant pursuant to the Consultant’s response to the Request for Proposals, subject to approval by NYS Office of Community Renewal.

Motioned by: Council Member Pennello

Seconded by: Council Member Schutt

Approved: Ayes – 8

Nays – 0

Resolution No. 144 of 2022 Authorize Request for Proposals or Trash Compactor and Removal Service and for Trash/Recycling Removal Bins

RESOLVED, that the Mayor is hereby authorized to issue a Request for Proposals for trash compactor and removal services for the City of Cortland; AND BE IT FURTHER

RESOLVED, that Mayor is hereby authorized to issue a Request for Proposals for trash removal bins and recycling removal bins.

Motioned by: Council Member Schutt

Seconded by: Council Member Thompson

Approved: Ayes – 8

Nays – 0

Resolution No. 145 of 2022 Transfer of Volunteer Firefighters Length of Service Award Program

RESOLVED, the City of Cortland Common Council elects Penflex Actuarial Services, LLC to provide administrative and actuarial services for the Length of Service Award Program; AND BE IT FURTHER

RESOLVED, the Council elects RBC Wealth Management to provide investment and custodial services for the Length of Service Award Program; AND BE IT FURTHER

RESOLVED, the Council hereby authorizes Mayor Scott Steve to execute the necessary transfer of Length of Service Award Program information to Penflex Actuarial Services, LLC, and RBC Wealth Management and execute a service agreement documenting the transfer.

Motioned by: Council Member Pennello

Seconded by: Council Member Schutt

Approved: Ayes – 8

Nays – 0

Resolution No. 146 of 2022 Designate Fire Department Equipment as Surplus

RESOLVED, the City of Cortland Common Council authorizes the following equipment currently in possession and used by the Fire Department to be declared as surplus and authorizes the Fire Chief to advertise said equipment in appropriate manner as surplus and available for sale; AND BE IT FURTHER

RESOLVED, the Common Council authorizes any revenue generated from the sale of this surplus equipment to be transferred into the Fire Department budget line A3410-540700 –Equipment Repair for future use by the Fire Department.

<u>Item #</u>	<u>Year</u>	<u>Description</u>	<u>VIN #</u>	<u>Inventory #</u>
1	2009	Ford Pickup F250	1FTSW21YX9EB28866	FU0901

Motioned by: Council Member Schutt

Seconded by: Council Member Lane

Approved: Ayes – 8
 Nays – 0

Resolution No. 147 of 2022 Designate Fire Department Fire Alarm Boxes as Surplus

RESOLVED, the City of Cortland Common Council authorizes the Fire Alarm Gamewell System equipment currently in possession of the Fire Department to be designated as surplus and authorizes the Fire Chief to advertise said equipment in appropriate manner as surplus and available for sale; AND BE IT FURTHER

RESOLVED, the Common Council authorizes the Fire Chief to offer to Fire Department members the opportunity to purchase the Gamewell Fire Alarm Boxes for a cost of \$75 each until December 31, 2022 and then advertise any remaining items publicly; AND BE IT FURTHER

RESOLVED, any revenue generated from the sale of this surplus equipment be transferred into the Fire Department Budget line A3410-540700 –Equipment Repair for future use by the Fire Department.

Motioned by: Council Member Schutt

Seconded by: Council Member Michales

Approved: Ayes – 8
 Nays – 0

Resolution No. 148 of 2022 Appoint Member to Cortland Housing Authority Board

RESOLVED, that Dianne Higgins is hereby appointed to the Cortland Housing Authority Board for a term beginning September 6, 2022 and expiring December 31, 2026.

Motioned by: Council Member Pennello

Seconded by: Council Member Beckwith

Approved: Ayes – 8
 Nays – 0

Resolution No. 149 of 2022 Authorize Payment of Bills Incurred During the Year 2021 Relating to Publishing of Public Notices in the Cortland Standard

RESOLVED, the City of Cortland Common Council hereby authorizes the payment of invoices from the

Cortland Standard newspaper for legal notice and advertisement costs incurred in 2021 totaling \$1,144.07 from budget account number A1362-540000.

- Motioned by: Council Member Pennello
- Seconded by: Council Member Carpenter
- Approved: Ayes – 8
Nays – 0

Resolution No. 150 of 2022 Create Position of Wastewater Treatment Plant Maintenance Coordinator

RESOLVED, that the Common Council does hereby create a new position of Wastewater Treatment Plant Maintenance Coordinator as defined in the job description approved by the Cortland County Personnel/Civil Service Office; AND BE IT FURTHER

RESOLVED, that the position of Wastewater Treatment Plant Maintenance Coordinator be paid at the same rate as Instrument Tech as laid out in the current Pipeline Workers of America (PWOA) contract.

- Motioned by: Council Member Lane
- Seconded by: Council Member Carpenter
- Discussion: Bruce Adams, director of the Wastewater Treatment department explained that a lot of new equipment has recently been purchased and that additional support is needed to properly maintain the equipment. He said the annual cost of the position is \$54,200 and that this year’s cost would be covered by position vacancies and changes.
- Approved: Ayes – 8
Nays – 0

Resolution No. 151 of 2022 Authorize Credit Card Account for Use by the Wastewater Treatment Department

RESOLVED, the Common Council does hereby grant authority for the Wastewater Treatment Department to open and maintain a credit card account with Tompkins Trust Company to conduct official business when circumstances necessitate in compliance with the City’s credit card policy.

- Motioned by: Council Member Lane
- Seconded by: Council Member Schutt
- Discussion: The Mayor noted that this credit card will help with accounting.
- Approved: Ayes – 8
Nays – 0

Resolution No. 152 of 2022 Approve Tree Lighting Event

RESOLVED, that the Common Council does hereby approve the “Visions of Christmas” event at Courthouse Park to be held Saturday, November 26, 2022.

- Motioned by: Council Member Beckwith
- Seconded by: Council Member Michales

Approved: Ayes – 8
Nays – 0

Resolution No. 153 of 2022 Approve Midnight on Main Event

RESOLVED, that the Common Council does hereby approve the “Midnight on Main” event and the closure of Main Street between Court Street and Tompkins Street on December 31, 2022.

Motioned by: Council Member Pennello

Seconded by: Council Member Silliman

Discussion: The Mayor addressed earlier remarks by Mr. Bennett when granted privilege of the floor. The Mayor said that the City held a New Year’s Eve event for many years and that the event has not been held for the past two years. He said it is particularly important to hold the event this year given the difficulties that Main St. is going through during construction, and that his intent is to ensure that the event takes place. There was discussion about Mr. Bennett claiming to have acquired the rights to hold a New Year’s Eve event and two other Main St. events from the Cortland Downtown Partnership. In that two year period, none of these events have be held. Mr. Schutt asked Mr. Bennett if there is a contract between the Downtown Partnership and Mr. Bennett and what the terms of such an agreement were. The Mayor said he has also asked Mr. Bennett for such documentation but that Mr. Bennett refused to provide any evidence of his right to hold the event.

There were several statements made by Council Members that they would like to see the City and Mr. Bennett work together in holding the event. The Mayor stated several times that he is willing to work with Mr. Bennett and that the important thing is to ensure the event takes place. He noted that despite Mr. Bennett’s assertions that he intended to hold the event, Mr. Bennett had yet to conduct necessary planning such as contracting for fireworks, and that the owner of the clock tower building has refused to let Mr. Bennett use the building to drop the traditional New Year’s Eve ball. Mr. Thompson expressed support for Mr. Bennett’s ability to hold the event and said that there were different risks to holding the event the past two years. Mr. Carpenter expressed concerns about liability, public safety and trash cleanup which the City is responsible for no matter who plans and holds the event. The Mayor repeated his willingness to work with Mr. Bennett before proceeding to a vote.

Approved: Ayes – 8
Nays – 0

Resolution No. 154 of 2022 Adoption of Local Law #8 of 2022 “Amending Article §202 – Adjusting Hours of Operation for City Parks”

RESOLVED, that the Common Council approves the adoption of Local Law No. 8 of 2022, amending Article 202, §202-3. Hours of Operation of Parks, setting the hours of operation for all City parks as 6:00 A.M. until one half-hour after sunset; AND BE IT FURTHER

RESOLVED, that the text of the local law shall read as follows:

**CITY OF CORTLAND, NEW YORK
LOCAL LAW NO. 8 OF THE YEAR 2022**

“AMENDMENT OF ARTICLE §202 – ADJUSTING HOURS OF OPERATION FOR CITY PARKS”

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

Section 1. Enactment and Title.

§202-3. Hours of operation of parks.

A. All parks shall be open from 6:00 A.M. until one half-hour after sunset each day that they are open to the public. No person shall enter or remain in any park from one half-hour after sunset until 6:00 A.M. the following day. Any person violating this provision shall be subject to the penalties provided for by §202-32.

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 27 of the Municipal Home Rule Law.

Motioned by: Council Member Pennello

Seconded by: Council Member Schutt

Approved: Ayes – 8
Nays – 0

Resolution No. 155 of 2022 Approve the Town of Cortlandville Recreation Services Agreement

RESOLVED, the Common Council accepts the agreement and \$80,000.00 from the Town of Cortlandville for the year ending December 31, 2022.

Motioned by: Council Member Thompson

Seconded by: Council Member Carpenter

Discussion: According to Andrea Piedigrossi, Youth Bureau Director, this agreement covers services the City of Cortland provides the residents of the Town of Cortlandville including full access to recreation services, parks, and youth services. This includes over 125 recreation programs, use of all City parks and facilities including Yaman

Beach, Wickwire Pool, the Splash Pad, numerous pavilions and park buildings, and the Youth Center which promotes positive youth development by providing recreation, cultural and educational opportunities for teens.

Approved: Ayes – 8
Nays – 0

Resolution No. 156 of 2022 Approve the Spending of \$80,000 from the Town of Cortlandville Agreement

WHEREAS, the City of Cortland has accepted the 2022 recreation services agreement with the Town of Cortlandville; AND

WHEREAS, the City of Cortland did not include the \$80,000.00 in the 2022 general budget; AND

WHEREAS, the Youth Bureau has a surplus of money for park improvements; NOW, THEREFORE, BE IT

RESOLVED, the Common Council approves the spending of the \$80,000.00 for Yaman Beach retention wall replacement in the amount of \$70,000.00 and Yaman Park entrance renovation in the amount of \$10,000.00.

Motioned by: Council Member Pennello

Seconded by: Council Member Carpenter

Discussion: Andrea Piedigrossi, Youth Bureau Director briefed the Council on City park renovations and improvements being made this year and next. This work includes:

Yaman Park improvement plan: Replacement of a 53 year old retaining wall; playground; painting bathhouse; entranceway renovation; lifeguard chairs; walkway from back pavilion to playground; water bottle fill station .

Suggett Park improvement plan: Oak tree replacement near Rotary Shelter; water bottle fill station at Burch Building and exterior door replacement; San Jule Pavilion; Ryan family benches and shade structure; basketball court renovation.

Beaudry Park improvement plan: Batting tunnel update: frames and tunnel turf; interior painting thanks to United Way Day of Caring; Softball field infield mix; softball field backstop updates.

Dexter Park improvement plan: Remove bushes surrounding building, lay new mulch; exterior siding and door replacement; interior painting.

Court House Park improvement plan: Benches on concrete pads; working with the Mayor for mobile stage.

Bark Park - Dog Park at Noss Park: Fencing; benches and shade structures; assistance provided by community partners including CHS wood shop classes.

Randall Park improvement plan: Grant submitted in July, awaiting award; softball field renovation; pickleball courts; box lacrosse arena; new playground and pavilions; updated bathroom facilities.

Approved: Ayes – 8
 Nays – 0

Resolution No. 157 of 2022 Approve the Spending of \$120,000 from the American Rescue Plan Funding

RESOLVED, the Common Council approves the spending of \$119,123.75 for the items listed below:

- Yaman Park Playground Renovation: \$20,000
- Yaman Park extended walkway: \$16,123.75
- 100 tons of Infield Mix: \$7,500
- Yaman Park Bathhouse painting: \$33,500
- Bark Park, including fencing and site amenities: \$42,000

Motioned by: Council Member Carpenter

Seconded by: Council Member Silliman

Approved: Ayes – 8
 Nays – 0

Resolution No. 158 of 2022 Accept and Recognize Donations to Cortland Youth Bureau

RESOLVED, that the Common Council accepts the donations listed below, and appropriates funds to the Cortland Youth Bureau operating budget accounts outlined below.

<u>Donor</u>	<u>Amount</u>	<u>Project/Event</u>	<u>Budget Line</u>
Yaman Foundation	\$15,000.00	Yaman Playground Renovation	Sharpe Trust
Coffee Mania	\$1,000.00	PorchFest Donation	7140.540502
PorchFest Donations	\$3,558.57	PorchFest Donation	7140.540502
The Frosty Caboose	\$100.00	PorchFest Donation	7140.540502
Amy Buggs	\$120.00	PorchFest Donation	7140.540502

Motioned by: Council Member Carpenter

Seconded by: Council Member Beckwith

Approved: Ayes – 8
 Nays – 0

DISCUSSION ITEMS

Discussion Item No. 1 Parker School Ad Hoc Planning Committee

The Mayor was contacted by CAPCO and the YWCA to schedule a meeting. Ms. Lane said she met with Assembly Member Kelles regarding pledged funding.

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

The committee will meet to discuss the location of compactors.

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

Ms. Lane said that she and Battalion Chief Reynolds met with sorority and fraternity organizations. Ms. Silliman said that the previous meeting with college officials involved discussion of off-campus housing and that the discussion would be carried over to the next meeting.

Discussion Item No. 4 Special Meeting of the Common Council

The Mayor has arranged for Mark L. Ryckman, City Manager of the City of Corning, and Ian M. Coyle, County Administrator of Livingston County and President of the NYS CITY/County Managers Association to present information on the Council-City Manager form of government at an informational session of the Council at 5:00 p.m. September 15, 2022 in the Common Council Chambers at City Hall. The meeting will be advertised and be available to Council Members and the public in person and via Zoom.

Discussion Item No. 5 American Rescue Plan (ARP) Funding

Council Member Pennello explained policies, procedures and record keeping requirements that the US Treasury Department requires of municipal recipients of American Rescue Plan (ARP) funds which include internal controls for eligible uses of the funds and documentation that funds are used for eligible purposes. Ms. Pennello said that there is no record of the City implementing such controls after funds were received in 2021, and no documentation of how the funds were to be used and whether they were for eligible purposes when allocated by the previous Mayor and Council in 2021. Additionally, the funds were placed into the City's general fund rather than a dedicated account which would have enabled better accounting. \$30,000 was allocated by the previous Mayor and Council to ineligible not for profit groups for unspecified purposes. The Mayor said he is working with these groups so that they will not have to repay the funds to the City. Ms. Pennello outlined other allocations totaling \$240,000 that were made in 2021 for which no purpose is known. She said there is concern that the Treasury Department could audit the process and purposes for which the City allocated ARP funds. The Mayor said he intends to put together a plan for unspent ARP funds and has asked department heads to provide recommendations for the Council's consideration.

Discussion Item No. 6 Rental Housing Zoning Update Ad Hoc Committee

The Mayor said that the first meeting of the committee was productive and that another meeting was being held September 7, 2022.

Discussion Item No. 7 City Manager

The Mayor noted that information on how the City Charter could be amended in order to provide for a City Manager had been sent to Council Members and that more information would be provided to Council Members and the public at the September 15, 2022 special informational session.

ADJOURNMENT

The meeting was adjourned at 8:08 p.m. on motion of Council Member Silliman, seconded by Council Member Carpenter, and approved by a vote of 8-0.

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 6TH DAY IN SEPTEMBER, 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