



City Council Minutes
The City of Cortland
June 16, 2009

Council Meeting #11
June 16, 2009
Regular Session
City Hall
7:30 PM

Present: Alderman VanGorder, Benedict, Tobin, Quail, Feiszli, Hamilton and Michales

Staff Present: Corporation Counsel Lawrence Knickerbocker and City Clerk John O. Reagan

PUBLIC HEARING

Local Law No. 1 of 2009 – City of Cortland Rental Housing Law

Anne Doyle supports the Rental Housing Law and asked the Council to pass this law that many have worked on for a long time.

Leland Taylor supports the Rental Housing Law and noted it was good for the City and he appreciates all of the time and effort put into this law.

Vivian Bosch supports the Rental Housing Law and feels it's reasonable, fair and necessary. She wants balanced neighborhoods with a mix of rentals and owner occupied homes. She read a statement from another resident who was unable to attend this meeting. This resident supports this Law.

Mickey Pace noted that not all rental units will be inspected. He also noted that the RPL system used in Raleigh, North Carolina, is the most efficient way to run an RPL, especially given the City's current financial situation. He also explained the problems with self-certification by owner/occupants.

Steve Muka explained that about thirty (30) percent of the City tax revenue was derived from rental properties. He does not support the rental permit law in its current form. He felt it could reduce rental property tax revenues. He felt that the goal of investors and residents was the same. He felt things needed to be done, but this law won't work. He explained why he felt it wouldn't work.

Marc Pace declined to speak.

Jim Reeners commended the Council for their efforts on this law. He is a landlord and developer who is constructing high quality student housing on a five (5) year plan. He feels that there should be a level playing field so that all landlords are limited to an occupancy of three (3) unrelated per dwelling unit. He supports this law.

Laura Gathagan commended the Council for their work on this issue. She supports the Rental Permit Program.

John Davidson passed on commenting.

Gerry Ruggiero is a landlord who supports these inspections on a fair level. He noted the problem is occupancy and grandfathering. He likes the square footage approach. He called for a moratorium on any further expansion of student housing and to grandfather everyone in now to avoid future lawsuits. He asked some questions and noted inequalities in code enforcement. He asked for fairness.

Mike Holland works at the College dealing with student housing. He has worked on the Housing Committee and he supports the Rental Housing Permit Law. It's not perfect, but it's a good start.

Andrew R. Roberts is a landlord on the South side of town. He has worked hard to improve his properties.

Mayor Gallagher closed the Public Hearing.

Mayor Gallagher calls the eleventh Common Council meeting of the year to order at 7:30 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Anne Doyle asked previously that the Council consider hiring someone to assist Corporation Counsel Knickerbocker and asked if anything had been done about that.

Andrea Rankin thanked the Council and the Mayor and Aldermen Feiszli and Michales for their support of the Habitat for Humanity green build house in Cortland. Alderman Feiszli functioned as their architect and Alderman Michales as their electrician. This is a two county program and Tompkins County envies the support Cortland County supplies Habitat at the governmental level. The next building will be on Arthur Avenue and it will also be green.

Stephen P. Farrell, Vice President of the Mid-state Labor Council and is here to ask the Council to support a resolution for the "Employee Free Choice Act". Congressman Arcuri was a sponsor of this act and Senators Schumer and Gillibrand also support it. He explained that the act allows workers to decide if they want to join a union or not.

Minutes of May 19, 2009

RESOLUTION #62 OF 2009 – Approve the minutes of May 19, 2009 as amended.

By: Alderman Hamilton
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

Bills were reviewed and received.

Mayor's Report

He read an anniversary Proclamation of enactment of the American Disabilities Act.

I would like to take a moment to reflect on the life of Lael Ayers, Administrative Assistant at the Wastewater Treatment Plant, who passed away June 5th. She cherished her relationships with co-workers and friends. Everyone she met was touched by her loving spirit and generosity. There was a moment of silence.

He attended the Dairy Parade. He estimated that attendance was around 8,000 people. He met with Cortland Housing Assistance Council and representatives from Citizens Bank to discuss the potential for Citizens to get involved in updating low-income housing. He met with Bernie Thoma to discuss on-going development of the canoe launch at Yaman Park. He also attended several meetings regarding the Jets summer football camp. He met with Adam Megivern, Downtown Partnership Director, to discuss the on-going grant to rehab the second and third floors on Main Street. New Main Street trash containers have been ordered and are expected within the next few weeks. He welcomed participants of the Empire Senior Games. He interviewed potential candidates for Director of Administration and Finance. He attended the BDC/IDA meeting. He met with Public Safety, Police Department and DOT regarding truck traffic on Hubbard Street. He also attended the Army birthday celebration on Main Street. He attended the St. Anthony's Day celebration. He offered congratulations to the organizers for doing a super job. He also met with potential developers of the Rosen site.

Ward 1 – Alderman VanGorder

She attended the St. Anthony's Day Festival. They did a great job. She has been working on a problem at the Friendship House. The Code Office and the administrator at the Friendship House have worked very hard to resolve this and she thanked them all. She received calls and e-mails regarding the vacant Legislative position in the Eighth Ward. There was an issue with the driver of the trash company. She contacted the company owner and she hopes he will take care of that. She had a couple of other issues with trees on Wadsworth and Chestnut Streets and she is looking into this. There was also a problem on Chestnut Street with National Grid. She contacted them

and they will be taking care of the big hole there. She continues to get e-mails and calls regarding the Rental Permit Program. She commended the Housing Committee for all of the work that they have done, but she still has concerns regarding the cost involved.

Ward 2 – Alderman Benedict

He wanted to thank everyone for the years of fine service given to the community. He had his Ward meeting on May 21 at the Beard Building on Main Street. Stephanie Hayes gave a presentation on ways to “Save Energy and Money”. She did a fine presentation and gave handouts that had details about saving energy. He thanked her. At the meeting, he described the accomplishments of the City Council with bi-partisan support. He noted that the following ordinances were passed: Front Lawn parking Ban and the Nuisance Party Ordinance. He went on to note that the following sources of revenue were added: the sprinkler system fees, the Boot Program enforcing payment of overdue parking tickets and an energy audit for City buildings. He noted that other actions by the Council included a protest to the FEMA flooding map, the passage of a bond issue without a big raise in the tax levy, prevention of flooding, the establishment of a committee to explore way of sharing services with the county and other local government agencies and requests were made for stimulus funding. He read a brief description of these and noted that they were also Mayor Gallagher’s accomplishments as well. He noted that he would not be running for re-election because he felt that he had accomplished many of his goals.

He attended the Housing Committee meeting as well as the Dairy parade. He attended the State of the City Finance Report given by Interim Director of Administration and Finance Mazza. He spoke to legislators, educators, the 8th Ward Committee people and others about the up-coming appointment for the 8th Legislative Ward. He spoke to many constituents over the weekend. He noted that many expressed support of the Rental Permit Program. He also attended the St. Anthony’s Day celebration.

Ward 4 – Alderman Tobin

There was a Housing Committee Meeting which will be discussed during the rental permit portion of the meeting. He believes that they have a viable plan for establishing the Rental Permit Program. In regards to housing they have reached out to TC3 Jim Hull, Dean of Students and they will have a representative from there become involved with the Housing Committee. This should help us improve our relationship with TC3 and its students, especially since they are planning to hold more classes than in past years when they open down on South Main Street. It was reported to him that cars are having items stolen from them in his Ward. He would like to remind people to lock their cars at night. He noted that there were similar problems last year. He volunteered at the Senior Games. He thanked Tom Gallagher for his efforts to help bring the games back to Cortland when the State had initially cancelled them. He has spoken with the two (2) potential candidates and Chad Loomis the outgoing legislator about the 8th Ward opening. Both candidates are excellent.

Ward 5 – Alderman Quail

He attended the presentation given by the Interim Director of Administration and Finance Nick Mazza. He attended the calling hours for Lael Ayers. He extended his sympathy and condolences to the Ayers family. He noted that he has some paving issues and will be speaking with DPW Chris Bistocchi. He also noted some code issues with long grass and people not mowing. He spoke with a constituent regarding a drainage issue on Sunnyfield. He also spoke with the Finance Department regarding the audit recommendations.

Ward 6 – Alderman Feiszli

She received some calls regarding the Legislative vacancy in the 8th Ward. She feels that we need to recommend an appointee this evening. She asked that this appointment be added as an agenda item for this evening's meeting. It was added. She also asked that Employee Free Choice Act be added to the agenda this evening, as well. It was added.

She asked that the following items be placed on the July 7, 2009 agenda. One was the establishment of a Water Board, as there is no commission presently established to represent our aquifer. She felt that the proposal for the gas station at TOPS along with another issue has prompted her to ask for this. Alderman Tobin noted that a Water Board was established in the City Charter. Mayor Gallagher and Alderman Feiszli noted that it had been dissolved.

She attended the League of Women Voters annual dinner. Their speaker spoke about the impact of natural gas well drilling. She is gathering information and she asked that this be added to the July 7th Council agenda. There will be a conference on national gas development this Saturday. She will be attending and the public is invited. She would like to discuss this at the next Council meeting. She would like a resolution in support of protecting our water. She understood that the City was in preliminary negotiations with NYSEG to sell water. Larry Wethje had told her this. Mayor Gallagher denied that. Alderman Feiszli noted that it was in the Cooperstown News. Mayor Gallagher noted that this was the first he had heard of this. She wanted to discuss this with the Council so that they understood the implications.

She attended a meeting with the Department of Transportation to discuss the issue of truck traffic in the East End. The DOT agreed to put the stop lines back on Pendleton Street and also on Pt. Watson Street to allow for a wider truck turn radius. They will also be moving the signal light pole east by about five (5) feet at that intersection. She and Alderman Hamilton also met with Public Safety to talk about the potential truck route. They instead asked for a "No Trucks" sign on the Hubbard Street entrance and that has been installed. Chief Nichols has also agreed to schedule a meeting with Marietta to discuss the truck and dust issue. She spoke with the DOT regarding reducing the speed limit on Rt. 13 right by the Rt. 81 overpass. This request has been made quite a few times over the years. The request was to reduce the speed from 40 MPH to 30 MPH. The DOT has agreed to look it over again for consideration.

She reminded everyone that there is a meeting on June 17 between FEMA and the DEC to address concerns and questions regarding the proposed flood map and the steps to be taken in the future. On June 25 there is a meeting with the DEC and the parents of St. Mary's and surrounding property owners over on Charles Street regarding the hazardous environmental site on Charles Street. The DEC will discuss their findings and how they will be addressing the situation. It will be from 5:30 PM to 7:30 PM at the Beard Building.

Ward 7 – Alderman Hamilton

He received a couple of complaints about two (2) problem rental properties in his Ward. The usual story, loud music at all hours of the day and night, vulgar language and frequent police visits. He reported this to Lt. Gesin and was told the police staff would be notified. He spoke with one of the residents recently and it was noted that it has been quiet lately. He attended the Public Safety Commission's meeting on June 11. The Hubbard Street tractor trailer traffic problem was discussed. The Commission voted to have a "No Trucks Over 5 Tons" sign put up on the corners of Clinton Ave. and Hubbard St. to discourage drivers from using this shortcut.

At the May 19th Council meeting the Council passed a resolution requesting that the Mayor obtain a written document from Marietta Corporation for placing dust control on the East Court Street trailer parking lot. He received an e-mail on May 28th with three (3) pictures showing that the lot had been coated and pot holes repaired, but no written commitment or schedule was included.

He attended the June 11th work session where a financial report and administrative recommendations were made by Nick Mazza, Interim Director of Administration and Finance. It was a straight forward and sobering look at the City of Cortland's finances and the steps that need to be taken to turn things around. Alderman Hamilton gave some follow up comments on that presentation.

Interim Director of Administration and Finance Mazza recommended that the City centralize services such as telephone answering, payroll, personnel processing information, purchasing and procurement. He also recommended that the City look at non-essential services to evaluate costs versus benefits issues and to continue to look for opportunities for consolidation with other local governments and the County. All these steps will lead to fewer City employees being needed to run an efficient government with more transparency and easier oversight. Alderman Hamilton stressed the need to cut staff wherever possible and then to cut non-essential services, if necessary; not to cut services just to keep employees on the payroll as some department heads eluded to in last year's budget talks. Interim Director of Finance and Administration Mazza stated that eighty (80) to ninety (90) percent of the City's costs are related to employee wages and benefits. He also said that the City's employee household incomes were some of the highest in the City. A good example of this is the Youth Bureau. In 2009, the Director will be paid \$70,037. He also has a City credit card for gas. The Assistant Youth Bureau Director (Cortland is only one of a few cities in New York State to even have an Assistant Director) will be paid \$69,074. He went on

to state that the Recreation Main Supervisor earns \$63,492 and twelve (12) other full time employees will earn a total of \$547,668 in 2009. This does not include overtime or any other stipends they might receive. Interim Director of Administration and Finance Mazza stated that the 2008 W-2S for City employees averaged twenty-five (25) to thirty-five (35) percent above their base salaries. This does not include what Mr. Mazza called, the Rolls Royce of health insurance plans. The present plan requires no co-pay and a \$400 maximum out of pocket for the year. If we went to a plan that requires a \$15 co-pay and a maximum out of pocket of \$1,000, the City could cut its premiums by twelve point five (12.5) percent. With \$2,450,000 budgeted for health insurance in 2009, this alone would save the City \$306,250 per year. Alderman Hamilton thanked Mr. Mazza for presenting all of this information and making recommendations at an open public meeting in a form that all could understand. Alderman Hamilton noted that there was a lot of work to do and a lot of opportunities to get Cortland back on track.

Ward 8 – Alderman Michales

He attended the Dairy Parade. He received some calls concerning the traffic light on Pt. Watson Street and Kellogg Rd., Pomeroy St. and Greenbush St. The State DOT will be resetting them on allowing many cars to pass through at once. He received a call regarding the parking lot at the Tavern, where many of the construction workers working on the Clock Tower Building are taking up many of the spaces. He's looking into this further and they did have City permits. He received a call regarding a possible health issue regarding waterfowl on City property. He's in the process of putting together a meeting with all parties concerned and he will provide more information to the Mayor, perhaps as early as tomorrow.

He attended the Flag Day Ceremony at the American Legion. He attended the St. Anthony's Day celebration. He attended the DOT truck route meeting in the Mayor's Conference Room. He also received many calls regarding filling the 8th Ward Legislative vacancy.

Item No. 1 – Discussion and consideration of potential vote regarding the City of Cortland Rental Housing Law.

Corporation Counsel Lawrence Knickerbocker noted that if the Council wished to vote on this tonight, it will be necessary for the Council to declare itself Lead Agency and then to go through a SEQRA form before they could vote. Alderman Tobin asked if anyone had any changes that they wanted to recommend. There was nothing noted. Mayor Gallagher noted that he was still very concerned regarding the cost of this program. He had not seen anything in writing about what this would cost the taxpayers. He felt that it was very important to know that. Alderman Tobin noted that this was also a concern of his committee and there had been discussion regarding a registration fee for all rentals, including single and two (2) family houses as well as three (3) units or more. This would give the City the seed money to start the program. He noted that Chief Glover had distributed information regarding potential costs for the program and the controversial elimination of two (2) family owner occupied to self-certify. This would reduce the potential number of inspections and Mr. Cheney has also spoken to the

Housing Committee about what should happen if the Code Office is unable to inspect the properties within the time frame and that there should be no penalty to the landlord and that they would receive an extension on their temporary permit. They'll be inspected later. The Mayor noted that the Committee had done a good job with this, but the only thing lacking was that they had nothing telling the Council what the cost numbers were.

Alderman Tobin noted that the Committee had spoken about going with an inspection fee of \$35 per unit and a \$25 registration fee per property. If the City goes through a registration phase of about a year until June of 2010, the registration money collected could help support and cover what the costs of the program. What it would not cover, would be the cost of additional staffing. That is the question that Chief Glover has come to them with. The number of inspections would be about one thousand (1,000) units and this is approximate. The inspection fees for the single family and two (2) family non-owner occupied, could be used to compensate whoever is performing the inspections. Alderman Benedict noted that it was estimated that about \$35,000 would be derived from the one thousand four hundred and seventy-five (1,475) units that would be raised from the \$25 fee for each address. He noted that this would give them a good sum of money to start out with. He also noted that someone has volunteered to do some of the data processing for them and the City could also hire a part-time afternoon employee who could take care of this. This could be a \$15,000 to \$20,000 position. He noted that the volunteer could eliminate that cost, altogether. She has worked with the County in the past. That possibility would make this a very affordable program. He noted that the inspection fees would also help offset any costs. He also noted that thirty-three (33) or thirty-four (34) firemen have inspection certification, so they would be able to do some of the inspections. We won't have to hire more people, we already have them on staff. They are paid a stipend to attend their classes and to obtain their certification work. It would be reasonable to expect that they would be able to do some of the inspections. He noted that in the beginning years, with volunteers and the trained firemen, this would be something we could work through.

It was noted that in discussing the timeline and the one (1) year registration period, they could actually extend the registration period to the end of 2010 and begin the inspections in 2011. This would give them the opportunity to also look at zoning changes which would possibly and probably bring a number of properties that may not be in compliance potentially into compliance depending on what happens with that re-zoning. The only thing the City will be spending money on will be the technical hardware needed to support Code Enforcement. The registration fees could be put toward the purchase of that equipment. Alderman Michales believes that they should budget some money to cover something that might happen that the Council doesn't foresee at this point. Alderman Michales suggested \$30,000. Alderman Tobin noted that he did not support adding any additional manpower to support this program. He felt that it was the Council's job to establish their goals and objectives of what they wanted the Code Office to accomplish and they would have to cut back in other areas. He noted that the City could not expand its spending. This would be a four (4) year process. Alderman Benedict felt to keep some of the costs down, in lieu of the mailing, the City would take out an ad in the paper and it would also include a mailing in the tax bill announcements, so there wouldn't be a duplicate mailing. At that point, they would

evaluate how the registrations were coming along and then they would send out a mailing in a certified letter to those people who have not complied. This will cut the cost of certified mailings. Alderman Tobin noted that they would urge owners to register early and this would encourage people to respond early. He noted that the City of Pittsburg charged \$1,000 for non-registration in a timely manner. The Council can decide on fees and penalty charges once the law has been approved. The fee and penalty schedule won't be part of the law being voted on tonight. Alderman Benedict noted that they could also offer a discount registration fee for early registration. Alderman Tobin asked Corporation Counsel Knickerbocker if a late fee could be tacked onto the property taxes if the registration fee was not paid on time. Corporation Counsel Knickerbocker didn't have an answer for that and would look into it. The Mayor still noted he was uncomfortable regarding the unknown cost of this program. Alderman VanGorder noted that most of the Council is in favor of this idea, but she, too, has reservations regarding the cost of this program. She felt that the Council could vote on the registration portion of this and then put an ad in the paper and get the information about where everyone is and continue to work on the details of the rest. Alderman Benedict felt that was exactly what they were doing. He felt they could hire a part time person to data enter the registrations or use the volunteer. He noted it worked for the County. He noted there would be no benefits for a part time employee that would be eliminated, but they might have that volunteer. Alderman Tobin noted that he had spoken with Rich Cunningham of Thoma Development and it was noted that in discussions about the rental permit program and zoning, that it was in line with many of the goals being put forth in the City Comprehensive Plan which has not been completed. He noted that with regards to the proposed landlord's lawsuit, this proposed law would not cause anyone to sue. This document would allow enforcement of the law that is currently on the books. If there are issues with the concept of the three (3) unrelated, this can be addressed between registration and inspection. Safety is a key component.

Alderman Feiszli was unclear regarding the administrative warrants. If an owner or a tenant does not allow the City to come in for an inspection, what happens. Mr. Cheney noted that this should be discussed in executive session.

RESOLVED TO GO INTO EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE REGARDING PROPOSED UPCOMING LITIGATION.

By: Alderman Benedict
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

RESOLVED TO COME OUT OF EXECUTIVE SESSION AND INTO THE REGULAR SCHEDULED MEETING.

By: Alderman Tobin
Seconded: Alderman Benedict

Approved: Ayes – 7
 Nays – 0

Alderman Benedict asked the Council to take a straw poll to see if there is interest in passing the Rental Permit Housing Law as currently written. Alderman Tobin felt that the financial impact should be considered. He noted that this was not a dollars and sense issue, but a quality of life issue. He felt that this was not just about students, but about year round residents, as well.

A straw poll was taken for those in favor of the Rental Housing Permit Program.

Nay – Alderman VanGorder
Aye – Alderman Benedict
Aye – Alderman Tobin
Aye – Alderman Quail
Aye – Alderman Feiszli
Aye – Alderman Hamilton
Aye – Alderman Michales

RESOLUTION #63 OF 2009 – Consideration of a Resolution to designate the Common Council as Lead Agency for the Rental Housing Permit Program – SEQR Process.

By: Alderman Benedict
Seconded: Alderman Tobin

Approved: Ayes – 7
 Nays – 0

RESOLUTION #64 OF 2009 – Consideration of a Resolution to issue a negative declaration and that the Mayor shall sign the short form SEQRA so indicating a negative declaration relative to this Local Law #1 of 2009 – Rental Housing Permit Program.

A short form SEQRA review was done, a negative declaration was found and signed by the Mayor.

By: Alderman Benedict
Seconded: Alderman Tobin

Approved: Ayes – 7
 Nays – 0

RESOLUTION #65 OF 2009 – Consideration of a Resolution to adopt Local Law #1 of 2009 – Rental Housing Permit Program.

By: Alderman Benedict
Seconded: Alderman Tobin

Roll Call Vote: Nay – Alderman VanGorder
 Aye – Alderman Benedict
 Aye – Alderman Tobin
 Aye – Alderman Quail
 Aye – Alderman Feiszli
 Aye – Alderman Hamilton
 Aye – Alderman Michales

Approved: Ayes – 6
 Nays – 1

Item #3 – Consideration of a SEQR review of the City of Cortland Water Works berm project.

Corporation Counsel Lawrence Knickerbocker noted that in light of the letter received from the DEC which was distributed to the Council, he felt that the thinking was after some discussions regarding this that there was the possible obligation to undertake some engineering studies and an archeological investigation. He felt that it may behoove the Council to take another look at this to make a determination as to whether the Council wants to do this in the form that it is, expand it or shrink it, thus the Council would avoid having to do some of the permitting process. He didn't know whether avoiding some of the permitting process would water down the project and have it not be beneficial, but he noted that they had to look at costs.

Amanda Barber from Soil & Water was present to discuss some issues to consider and discuss. She felt that there were many issues contingent upon one and another. Her recommendation was that it was a good project, but there were steps to be taken, permits that were needed and funding needed for some studies. She wondered if these had been considered in the original budget. They could also discuss scaling back the project and the potential negatives. Alderman Feiszli noted that she was under the impression that they were under the size that required a permit. Amanda Barber noted that there was an Article 15 Permit that would be needed. She also noted that she wasn't sure scaling back was feasible and perhaps they would have to adjust the design to facilitate or allow for overflow in a certain location without coming up to the bank of the stream. She wasn't sure about that, but felt it should be discussed. She felt that they should meet with some experts and a small group of people to develop this. Corporation Counsel Knickerbocker noted that the Council had declared themselves Lead Agency and then had contacted all the agencies involved for their comments. They had only received comments from DEC. The DEC wanted to see drawings and to receive a cross section. Alderman Feiszli asked what it would take to get this going. Chris Bistocchi of the Department of Public Works noted that there was a sketch and he would submit that to the DEC, but they might require more. They might require an engineering study with a professional engineering stamp. That's why Soil and Water was here with him to discuss how much they wanted to spend and what it might cost and if there was a possibility of cost overruns. Chris Bistocchi noted that he would first start out with what he had and submit that drawing to the DEC and see what their

comments were and if they would accept that. Corporation Counsel Knickerbocker noted that they had to do all these things to obtain a DEC Water Permit, but the DEC could tell the City that they weren't going to issue the permit until we give them an archeological study. Amanda Barber noted that she had the feeling, the DEC wanted more than that. She wanted to come back before the Council with updated engineering information and budget information and archeological information. There was one other issue that was known about and it was hoped that it could be done through the USDA at no cost. The initial response was yes, but now it is a no. So there will be that cost as well. Alderman Benedict asked them to send what they have already and that he would be willing to work on a committee to help direct them and he noted that maybe Alderman Feiszli would like to work on that committee as well.

This item was tabled until the July 7, 2009 Council meeting.

Item No. 4 – Consideration of a Resolution to authorize the Mayor to enter into a Project Development Agreement with Johnson Controls for Phase Two of the HYSERDA Project to include the replacement of the 1939 anaerobic digester complex at the Wastewater Treatment works (Harvey Davis).

Item removed from agenda.

RESOLVED TO GO INTO EXECUTIVE SESSION TO RECEIVE AND DISCUSS THE CITY COMMUNITY DEVELOPMENT LOAN COMMITTEE'S RECOMMENDATION FOR A LOAN AND A REPORT FROM THE SEARCH COMMITTEE FOR THE DIRECTOR OF ADMINISTRATION AND FINANCE VACANCY ISSUES.

By: Alderman Benedict
Seconded: Alderman Michales

Approved: Ayes – 7
Nays – 0

RESOLVED TO COME OUT OF EXECUTIVE SESSION AND INTO THE REGULAR SCHEDULED MEETING.

By: Alderman Benedict
Seconded: Alderman VanGorder

Approved: Ayes – 7
Nays – 0

RESOLUTION #66 OF 2009 – Consideration of a Resolution to approve City Community Development Loan Committee's recommendation for a start-up venture (Loan awarded to Performing Arts Institute, LLC, Kevin and Cynthia Halpin).

By: Alderman Quail
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

RESOLUTION #67 OF 2009 – Consideration of a request by Rev. Barry Kerner of Cornerstone Christian Church to use Courthouse Park from 9:00 AM until 2:00 PM on July 4, 2009 to hold a “Cortland Community 4th”.

By: Alderman Quail
Seconded: Alderman VanGorder

Approved: Ayes - 7
Nays – 0

RESOLUTION #68 OF 2009 – Consideration of a Resolution confirming the appointment of V. Kathy Barnes (215 Tompkins Street, Cortland, New York) of the District Attorney’s office as Commissioner of Deeds for the period June 17, 2009 through June 16, 2010.

By: Alderman Michales
Seconded: Alderman Benedict

Approved: Ayes – 7
Nays – 0

Item No. 8 – Discussion regarding the Director of Administration and Finance vacancy (Nick Mazza).

Item removed from agenda.

Mayor Gallagher notified the Council that Chad Loomis, County Legislator for Legislative District #8 no longer resides in the District and he has resigned his position. The City Council has the obligation to appoint a replacement within thirty (30) days.

RESOLVED TO GO INTO A PARTY CAUCUS.

By: Alderman Tobin
Seconded: Alderman Benedict

Approved: Ayes – 7
Nays – 0

RESOLVED TO COME OUT OF THE PARTY CAUCUS INTO THE REGULAR SCHEDULED MEETING.

By: Alderman Benedict
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

RESOLUTION #69 OF 2009 – Consideration of a Resolution appointing Marilyn Brown as a County Legislator for Legislative District #8 to replace Chad Loomis who has resigned the position.

There are two (2) candidates interested in this position. Marilyn Brown and Jack Williams are the candidates. The Council members felt that both candidates would do an excellent job. It was noted that this appointment is only until the end of the year.

By: Alderman Feiszli
Seconded: Alderman VanGorder

Roll Call Vote: Aye – Alderman VanGorder
Nay – Alderman Benedict
Nay – Alderman Tobin
Nay – Alderman Quail
Aye – Alderman Feiszli
Nay – Alderman Hamilton
Abstain – Alderman Michales

Denied: Ayes - 2
Nays – 4
Abstain – 1 (Michales)

RESOLUTION #70 OF 2009 – Consideration of a Resolution appointing Jack Williams as a County Legislator for Legislative District #8 to replace Chad Loomis who has resigned the position.

By: Alderman Hamilton
Seconded: Alderman Tobin

Roll Call Vote: Aye – Alderman VanGorder
Aye – Alderman Benedict
Aye – Alderman Tobin
Nay – Alderman Quail
Nay – Alderman Feiszli
Aye – Alderman Hamilton
Abstain – Alderman Michales

Approved: Ayes – 4

Nays – 2
Abstain – 1 (Michales)

Item No. 10 – Discussion regarding a Council vote to support the Employees’ Right to Choose “Free Choice Act”.

Alderman Benedict asked the representative to explain the need for this Act. The representative noted that this Act was important in that the deck was stacked against working people. If they wanted to unionize, the employer controlled whether the employees could have an election to vote to organize a union. In some cases, employers influenced the employees in a one on one situation prior to an election into not unionizing. This Act would allow employees to vote on cards that are then sent to the Labor Relations Board. If more than fifty-one (51) percent of the employees indicated they were interested in unionizing, then they would be allowed to have an election. This gives the employees the power to call an election, not have the employer control that power.

Alderman VanGorder asked if there was anyone present to give another opinion on this topic. Mark Keith was present from SEIU 200 United. He was the Union representative for the clerical workers here at City Hall. He noted that this Act would allow employees in the private sector to easily unionize, if they so chose. His Union supports this Act. He is asking the Council to pass a resolution of support to give Congressman Arcuri ammunition when he looks for support for passage of this Act. The Council still would like to hear both sides of this issue. Ruth Grunberg gave her experience in a work situation where a union had tried to organize and was unable to because of the company. The representative noted that it was difficult to organize a union and to defend workers’ rights the way the law is now. He noted that workers came to them. Alderman Feiszli noted that she sent the document that she had received regarding this law to NYCOM and that they were in full support of this Act. She asked the organizers when the Act will be put before lawmakers and they did not know. The organizer noted that the issue was not about the union, it was about workers rights and the freedom to form a union. He noted that this is a democracy issue, not a union issue. Alderman Feiszli summed it up as the organizers were asking for the City Council’s support of this Act which supports workers’ rights to form a union by passing a resolution. The Council felt that they would like more time to consider this and asked that it be placed on the July 7, 2009 agenda. The organizer noted that there were people in Cortland who worked full time, but did not have employer sponsored health care insurance. A union will help those people.

Item tabled until July 7, 2009 meeting.

Adjournment

By: Alderman Quail
Seconded: Alderman Benedict

Approved: Ayes – 7

Nays – 0

I, JOHN O. REAGAN, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 16th DAY OF JUNE 2009. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER