



City Council Minutes
The City of Cortland
August 18, 2009

Council Meeting #16
August 18, 2009
Regular Session
City Hall
7:00 PM

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

Staff Present: Director of Administration and Finance Bryan Gazda and Corporation Counsel Lawrence Knickerbocker

Mayor Gallagher calls the sixteenth Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

No one was present to speak.

Minutes of August 4, 2009

RESOLUTION #91 OF 2009 – Approve the minutes of August 4, 2009.

By: Alderman Feiszli

Seconded: Alderman Dye

Approved: Ayes – 7
Nays – 0

Bills were reviewed and received.

Mayor's Report

He met with State Comptroller's Office prior to their beginning the audit of the City's finances. Director of Administration and Finance Gazda has been keeping you up to date on this. He also met with Doug Larison regarding Homer schools using the fields

behind the Armory for high school soccer programs. Conversations are continuing and I will keep the Council updated. He attended the Jets scrimmage and he met several people who were exceptionally pleased with the facility and the reception they are receiving from the local people. Rex Ryan is very pleased with the greeting received from the City. He attended the Brockway truck show. He met with Rob Brooks from the Governor's office to discuss on-going CDBG programs. He attended the College Community luncheon with TC3 and SUNY Cortland to discuss the upcoming return of college students. The City meets with them on a quarterly basis.

Ward 1 – Alderman VanGorder

Her Ward has been pretty quiet the last couple of weeks. She has had a couple more calls regarding the yard waste pick up. She asked if the Code Office should get involved because the stuff is still sitting there in a lot of yards and shouldn't be left out there until October. The Mayor noted that people should contact the Code Office with a violator's address and they'll contact the people. There was a street light out and she received a couple of complaints about the street sweeper not going down someone's street.

Ward 2 – Alderman Benedict

He just returned from vacation. He received some e-mails with concerns about dog barking and what can be done. He will pursue this. He did get to the Jets scrimmage and the Brockway Truck Show.

Ward 3 – Alderman Dye

It's been real quiet in his Ward. The only concerns he has received were e-mails about the article in the newspaper about the possible twenty (20) to thirty (30) percent tax increase that the County has announced. He has assured them that the Council is doing everything within their power to keep the City taxes at a bare minimum. We have met with the department heads and are looking at ways to do this by revisiting the budget and seeing where some cuts can be made.

Ward 5 – Alderman Quail

He has had only a few calls regarding pest or skunk money. He would like to help people, but they have to be mindful of the budget and to make decisions regarding where they would like to spend the money. He has told people that there is no money set aside for this. It was noted that there was some money set aside for this, but the money was spent earlier. Mayor Gallagher noted that a woman contacted him to let him know that she has spent one hundred seventy dollars (\$170) to remove five (5) or six (6) skunks out of her yard. He noted that she is an elderly lady on a fixed income. He's still working on a code issue.

Ward 6 – Alderman Feiszli

She attended the Town Hall meeting with Mike Arcuri who discussed health care and more importantly listened to concerns of those involved in health care. It was interesting to hear the perspective of professionals and the reasons why it is so important to make a change to our current health care system. She announced that the City of Cortland will hold its fourth annual creek clean-up next month. It is a great opportunity for neighbors, youth groups and organization to volunteer to help clean up trash and debris along Otter and Dry Creeks. This will be held September 26th from 10-12 along with Cortland County Soil and Water's River Clean Up. Volunteers can contact Soil and Water with any questions at 756-5991.

Dr. Steven Broyles who sits on the environmental Advisory Committee has been looking into the financial impact to use an Air Stripper in the event our drinking water became contaminated. We are hoping that Steve will have a number ready to provide to Cortlandville at their next Planning meeting. She met with Director of Administration and Finance Gazda to discuss current budgeting procedures and the need to update our accounting system to make information not only more available to the Finance Department, but to the public as well.

The proposed berm at the Water Works is moving along. Cortland County Soil and Water are currently applying for the necessary permits to allow construction. She is also in the process of requesting fees charged by City departments and comparing those fees to other municipalities. One question that came up was dog licensing in the City. As a result, she asked the Council's approval to add an additional item on the agenda for "Discussion regarding a Dog Census for the City of Cortland".

Ward 7 – Alderman Hamilton

It's been pretty quiet in his Ward. He received two (2) e-mails regarding extended Cortland Transit Bus service. He spoke with Paul Dougher, the general Manager of Cortland Transit. Mr. Dougher said it has been discussed in the past, but presently there are no such plans in the works. There does not seem to be enough interest to make it profitable and there are no monies available from either the State or Federal governments to subsidize any extended hours or routes.

He received an e-mail concerning residency requirements for City Department heads, which will be discussed later as this is on the agenda for tonight. He also received an e-mail regarding repair of the railroad crossings on Elm Street. The pavement around the tracks at Round House Mill has been patched recently by the Round House Mill Company. The main tracks are scheduled to be repaired this year by the New York, Susquehanna and Western Railway Corporation, but he could not get an exact date as to when those repairs would be completed.

Ward 8 – Alderman Michales

He had a Public Safety issue regarding the traffic light at Kellogg Road responding to traffic. He spoke with Mike Preston regarding this and he would contact the State DOT.

He also received a barking dog complaint and he followed up with the resident. The resident took the dog in so that it was no longer a nuisance. He met with Director of Administration and Finance Gazda last Tuesday regarding the rental permit questions. Along with Bryan Gazda and Chief Glover, were Aldermen Brian Tobin and Clay Benedict. They discussed operating costs, equipment upgrades as well as any additional personnel. They would come back before the Council later with some recommendations.

Tonight there was another limb fall at 61 Church Street that took down some wires. This is the third time in the last two (2) years this tree has dropped limbs where National Grid and the Fire Department had to respond. He has placed concerns in to all interested parties to see if they could get this tree removed. The current homeowner is even willing to place a new tree in its spot. He asked that the Landscape and Design Commission to contact the homeowner and to take a look at the tree. Mike Dexter spoke and said that National Grid had been consulting with the homeowner. Alderman Michales stated that they had left a note on the homeowner's door, stating that it wasn't an eminent threat. Tonight Alderman Michales had Nelson's Tree Service take a look at the tree and they noted that it is badly split. Mike Dexter noted that National Grid was not going to take it down at their expense. Alderman Michales felt it should come down at some point before it did more damage. Corporation Counsel Knickerbocker suggested that Alderman Michales speak with Public Safety's Mike Preston about this if there's some money available. Alderman Michales noted that the new owners are concerned and he will speak to Mike Preston. He also attended the Brockway Truck Show.

RESOLUTION #92 OF 2009 – Consideration of a Resolution authorizing the closure of William Street from Greenbush Street to Church Street for a neighborhood gathering on September 6, 2009 from 1:00 PM to 5:00 PM.

By: Alderman Michales
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

RESOLUTION #93 OF 2009 – Consideration of a Resolution to create the position of Senior Keyboard Specialist for the Department of Administration and Finance.

Director of Administration and Finance Gazda noted that the position would be funded by Waste Water, but the person would report to him. He noted that the change of title would better fit the duties after a review by Civil Service. They would be hiring from an established civil service list.

By: Alderman Feiszli
Seconded: Alderman Quail

Approved: Ayes – 7

Nays – 0

RESOLUTION #94 OF 2009 – Consideration of a request by Access to Independence to use Courthouse Park from 5:00 PM to 9:00 PM on Friday, July 16, 2010 and 10:00 AM to 4:00 PM on Saturday, July 17, 2010 to celebrate the 20th anniversary of the American's with Disabilities Act. (ADA)

By: Alderman Dye
Seconded: Alderman Benedict

Approved: Ayes – 7
Nays – 0

RESOLUTION #95 OF 2009 – Consideration of a request to recognize and appropriate Police Department auction proceeds. (Modify revenues A2655 Minor Sales and A960 appropriations and A3120-206 Police Operation Equipment in the amount of \$1,910.00 for the purchase of a used vehicle and modifications to the budget.)

By: Alderman Dye
Seconded: Alderman Feiszli

Approved: Ayes – 7
Nays – 0

RESOLUTION #96 OF 2009 – Consideration of a request to recognize and appropriate Youth Bureau donation from Jim Yaman. (Modify revenues A2705 Donations – Youth Programs revenues and A960 appropriations and A7140-415 Playground & Recreation in the amount of \$3,200 for tree and shrub removal along the riverbank north of the new canoe launch at Yaman Park and modifications to the budget.)

By: Alderman VanGorder
Seconded: Alderman Benedict

Approved: Ayes – 7
Nays – 0

Item No. 6 – Discussion regarding residency requirements for future hires.

Alderman Benedict asked to have this placed on the agenda because he has concerns that someone could be hired from out of state and then could live thirty (30) or forty (40) miles away. He feels it is advantageous to have employees live in the City or in close surroundings. He wants them to have the local paper and to keep in touch with what's going on in the community. Mayor Gallagher noted that two (2) departments were exempt by their own rules and regulations and they were the police and fire departments. State regulations exempt them. Alderman Benedict noted that he was thinking of department heads. Mayor Gallagher noted that they had to look at everybody. Alderman Feiszli noted that the City could require a residency with a

change in their contract and that was not controlled by New York State. She had a copy of the municipal model law from NYCOM, noting that this was becoming more and more popular. She asked for the newspaper to follow up on this, because there has been a recent interest in having residency requirements and residency required upon promotion. The reasons behind this from other municipalities are that these people would be closer to work in the event of an emergency. She noted that some of the City's 24/7 people lived quite a distance away from the City and there were concerns about their being able to protect the health, wellbeing and safety of the community and that these people would have a greater incentive to keep expenses in line and to help keep tax dollars in the community where they work. There were also concerns regarding the quality of housing. The Board of Realtors is looking into this. She is also looking to hear from residents with regard to this subject as well.

Alderman Dye noted that he had received a couple of e-mails from people in his Ward. One stated that this has worked well for a hundred years, why did the City need to change this now. The other also felt the same way, as well. That person could understand it for new hires, but for existing employees or promotion situations, they could see doing it in that case. Alderman Quail noted that this would have to be a negotiated requirement. Alderman Feiszli noted that the residency requirement could be waived if the municipality had difficulty hiring someone who met the requirements or if the most qualified promotee did not meet that residency requirement. Mayor Gallagher noted that perhaps the best thing would be to note that the Council would prefer new hires to live in the City, rather than go through a lot of law changes. He noted that when hiring, they had to go to Civil Service, where they had administered a test and the City had to hire from the top three (3) individuals on the list. If those three (3) people didn't live right in the City but nearby, then the City would have to move farther down the list to the less qualified candidates, looking for ones that lived within the City. Alderman Feiszli stated that if the Council passes a residency requirement, then they would notify Civil Service of that requirement. Director of Administration and Finance Gazda noted they could request a list from Civil Service that only listed Cortland residents, but that they couldn't require Civil Service to administer a test for a position to City residents only.

Deputy Chief Catalano noted that this was a problem for his department in that only a small amount of people taking the Civil Service exam could pass the background check to become a police officer and in a City like Cortland, it would be difficult to find qualified individuals. He also noted that they might not be able to keep employees, they might get hired, move into the City, get trained and as soon as they could transfer to a community where there wasn't a strict residency requirement, they'd be gone. He noted that finding qualified individuals for police work was difficult and he felt that they shouldn't be limited at all. He noted that there already was a fifteen (15) mile radius requirement already.

Alderman Michales felt that people naturally wanted to live close to their work. They didn't want to live far away. Alderman Feiszli asked if she could have a list of department heads who lived in the City, maybe not by name. Alderman VanGorder noted that why would a department head be opposed to living within the City. She

noted that there is good quality housing within the City of Cortland and it's not an unreasonable requirement for a department head. She noted that they should pay City taxes. Alderman Hamilton noted that he spoke with a mother of a police officer, who stated that her son didn't live within the City because he feared retaliation. He felt that he would rather have a less qualified officer living down the street than having a qualified officer living out in Virgil or wherever. Alderman Dye noted that if they did this, they would have employees coming in and renting apartments and they still wouldn't be a taxpayer. He didn't feel that a residency requirement would do that much good. Alderman Hamilton felt that it would have an impact on the neighborhood. He noted that there was a requirement that the Aldermen live within their wards, because they would have an interest in them and would know what was going on. Alderman VanGorder agreed. She also felt that this should be the case for department heads.

Mayor Gallagher noted that Alderman Benedict lives in Cortland, but worked in Homer. He asked if that meant that Alderman Benedict wasn't interested in Homer kids. He was a teacher. He could've been a principal or a superintendent and does that mean he would have been less interested in the students of Homer, he didn't think so. Alderman Feiszli noted that in a perfect world that everyone would look out for the City as if it was their own family. She felt that everyone needed to pull together. Mayor Gallagher felt that they would go a lot farther if they suggested to new hires or to people who were about to get promoted, that they live within the City rather than mandate it. Alderman Feiszli and VanGorder noted that they weren't talking about existing department heads, but they were talking about future hires and promotions. Alderman Hamilton felt that it should be a requirement, especially if the position was a 24/7 one. Alderman Feiszli felt that there was support for this by some Council members and she asked that this be placed on the agenda for further discussion and public comment. Alderman Michales asked how they could force someone who had lived in their house outside of the City for many, many years, to sell their house and move into the City. Alderman Quail noted that a better approach would be to hold department heads accountable to their responsibilities and hold them to it. That way, they were holding everyone to their responsibilities to take care of the public. Alderman Quail felt that they would not be getting the best qualified people who will do the best job possible for the City. He did not think they should establish a residency requirement because that will turn away good people and he thought that was wrong. Alderman VanGorder disagreed with him. Alderman VanGorder noted that they could make exceptions. Alderman Feiszli felt that could apply mostly to promotions. Alderman Michales noted that he has been approached by City employees expressing concerns regarding residency. Alderman Hamilton felt that it should be the case for new hires and promotions. Alderman Quail felt it wouldn't work for Cortland. Alderman Feiszli noted that if there was enough interest, she would continue to look into this.

Item No. 7 – Dog Census for the City of Cortland

This has not been done in the City for years. Alderman Quail noted that maybe this could be done in 2010 along with the people census. Alderman Feiszli noted that she had gotten information from the City Clerk's Office. She noted that New York State Ags and Markets requires that all dogs be licensed, so this is a New York State law. She

noted that the City had eight hundred fifty-six (856) actual licensed dogs in 2008. NYS Ags and Markets provides a formula for estimating the number of unlicensed dogs and using that formula there should be about three thousand seven hundred seventy-six (3,776) dogs licensed in the City. This number is two thousand nine hundred twenty (2,920) more than what we actually have licensed. She noted that in Cortlandville, they are going to be placing an ad in the newspaper announcing that they are going to have a dog enumeration. Since this would bring about an awareness of licensing your dogs, when I was in the City Clerk's Office, Sherrie Massmann suggested that the City might be interested in piggybacking on this awareness by placing an ad in the paper for about \$60, making residents aware of the fact that they need to license their dogs. If you approve, the Deputy City Clerk, will place this ad. Alderman Quail asked what would be the cost for a dog census. He felt that a mailing would be expensive and many people would ignore it. Alderman Feiszli explained how a census could be conducted door to door. Alderman Benedict asked if we were restricting the number of dogs per household. It was noted that we already did, the limit was three (3). Alderman Feiszli noted that the SPCA had impounded over one thousand (1,000) dogs last year in the City. Chief Nichols questioned the number of impoundments. Alderman Feiszli noted that she was incorrect; it was one hundred eighteen (118) in the City. Alderman Quail felt that there weren't three thousand (3,000) unlicensed dogs. He also felt a dog census should be conducted with a people census in 2010. Alderman VanGorder had no problem with the ad being placed in the newspaper to get people to come in and license their dogs.

Adjournment

By: Alderman Benedict
Seconded: Alderman Quail

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 18th DAY OF AUGUST 2009. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER