



City Council Minutes

The City of Cortland

October 20, 2009

Council Meeting #20
October 20, 2009
Regular Session
City Hall
7:00 PM

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

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

Acting Mayor Dye calls the twentieth Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Fran Pizzola was here to update on the crosswalk and having a bus stop on Main Street. She wanted to offer some alternative locations. Last time she talked about the potential for a bus stop where the VFW is and the woman that does the transportation for SUNY Cortland was unable to come tonight, but she e-mailed an alternative location near Gilda's Restaurant, where there is parallel parking. She understands that parking spaces will have to be sacrificed if they go forward with putting a bus stop there. She would like to offer this location as an alternative when the City investigates a location. Instead of losing seven (7) spaces, this would only lose four (4) spaces. This needs to be investigated between City departments and Cortland Transit. All she can offer is suggestions. She doesn't ride the bus, but many folks do ride. It's a wonderful option and a bus stop on Main Street is long overdue.

Director of Administration and Finance Gazda noted that he had spoken with the Public Safety Director and the intersection of Groton and Main and Clinton, there will be four (4) of the bigger crosswalk buttons installed. They've been ordered, but will take a few weeks to arrive and hopefully they'll be installed before it gets too cold. Fran Pizzola thanked the City.

Alderman Benedict asked more about the proposed bus stop location. It was noted that there would be a loss of some parking spaces.

Minutes of October 6, 2009

RESOLUTION #112 OF 2009 – Approve the minutes of October 6, 2009.

By: Alderman Hamilton
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

Bills were reviewed and received.

Mayor's Report

There was no report. Acting Mayor Dye noted that he had spoken with Mayor Gallagher and that he was doing well. He should be back to work on Monday or Friday.

Ward 1 – Alderman VanGorder

She mostly had only e-mails and phone calls from people commenting about the City's budget increase and people are very upset and hoping that the Council can keep the increase as low as possible.

Ward 2 – Alderman Benedict

He had a number of people express their concerns about the budget, too. He received some e-mails about the peace in the neighborhoods and a number of e-mails from individuals concerned about the increase in crime on the hill and elsewhere. One person called to say that their lawn was scraped up and the curbing near his home was broken when the leaves were taken. He cautioned that more care be exercised when leaves were been scooped up. He handed out more flooding surveys and he has received a number of responses. He feels that he needs to receive a few more before he can tabulate the information. He urged residents who have had flooding damage to contact him, list the dates and the money spent on damage repairs, replacing appliances and cleaning up.

He also suggested that we adopt a Rental Permit Registration fee of \$60 for the first six (6) months of 2010. The charge would be \$100 after June 30, 2010. New property purchases will be charged \$70 after June 30, 2010 and after ninety (90) days a \$40 late fee charge will be applied. He feels that this will reward the people that get registered early and punish those that delay registering. This would bring

in about \$90,000 at the \$60 each. That should be enough to pay for software, but there might be some other costs.

Ward 4 – Alderman Tobin

Many people are concerned about the potential property tax increases and he's received e-mails and phone calls. He is also scheduled to meet with some officials at SUNY Cortland. They're going to have a neighborhood meeting for residents of Pearl Street, specifically to hopefully address some of their concerns about the new Student Life Complex. Other people have concerns and if they let him know about them, he hopes to be working pretty closely with the official people at the college. He hopes that the complex will be well done and will not negatively impact the local neighborhood. They are very aware of the potential for flooding from a new structure and they are talking about that as part of their storm water management plan and what needs to be done.

He traded e-mails with the Chair of the Binghamton Housing Committee. That committee has done a lot of work similar to what we've done with the Rental Permit Proposal and some other research. We are going to continue trading information and hopefully use each other as resources. Our next Housing Committee meeting will be Nov. 12 at 7:00 PM at Port Watson Commons to address some of the concerns regarding blighted buildings and vacant buildings.

Ward 5 – Alderman Quail

Constituents have indicated that the tax increase is their number one concern. He's had phone calls, e-mails and one on one conversations with many people on this subject. In his Ward, the Safe Routes to Schools grant work is in progress on the sidewalk on Pendleton Street. He has had both positive and negative feedback from the community. Those that use the sidewalk are very positive and the homeowners have been less than positive. They're concerned with maintenance in the summer and some would prefer that people not walk on their property. He received some information on non-profit organizations that have for profit businesses on their property, for example the ACS has Dunkin Donuts on the SUNY Cortland Campus. There is a recent ruling that they can now be taxed. He has traded e-mails with Mayor Gallagher on that and that is being looked into. It may be another avenue for some increased revenue to look at.

Ward 6 – Alderman Feiszli

She has been getting ready for the upcoming budget meetings. She noted that Director of Administration and Finance Gazda's format is very easy to understand the way it's broken down. She has also received a lot of calls regarding the budget.

The Environmental Advisory Committee is meeting again tomorrow and they've come up with a mission statement and they did ask if the Council could pass a resolution acknowledging the committee. She passed around a draft and asked if this could be placed on the Council agenda for the next meeting.

Ward 7 – Alderman Hamilton

He has also received a lot of e-mails regarding the concerns about the budget.

Ward 3 – Alderman Dye

People have been complaining about the tax increase. He has received calls from a Mayor, some legislators and he has assured everyone that the Council is going to do everything that they can to decrease the increase. Their concern is that if we need to eliminate some people, to do it. It's going to be tough, but something needs to be done.

Item #1 – Presentation – C & D Recycling Facility – Rosen site.

Vincent Patriarco was present. He noted that he and Jerry Contento came before the Council at the last meeting and proposed to the Council to allow them to work with the Rosen Brothers site for a two (2) year period to evaluate a C & D Recycling Facility. Tonight's information is the same as what was in the packet presented at the last meeting, but also part of tonight's presentation is John Vitalia. He is an engineer out of Buffalo and his business does this type of work. He's an expert in his field. Finding John was key to us trying to move forward and to understand what we are trying to do.

The concept is that they believe that they can create a processing facility to handle construction and demolition debris on the remediated Rosen Brothers site. It will conserve natural resources and improve the environment and reduce operating costs for local municipalities. He believes that it will further establish Cortland as a best in class community. He noted that this is important because worldwide there is an increasing demand for recycling operations. This is also a productive use of a past superfund site. There are also significant savings opportunities for local municipalities. Citizens are troubled by tax increases. He believes that this facility will aid the City as well as the County. He believes this facility will reduce required landfill space and reduce the use of alternative cover materials for landfill. He also believes it will provide recycled construction materials back to the local municipalities. As projects go on, you'll have those recycled materials available to you.

He noted that this was not garbage. It's important to understand the distinction between construction and demolition waste and what the County does from a landfill perspective. We are not trying to get into the landfill business. The materials received result from the construction, remodeling and building

demolition, roads and other structures. Some of the materials are wood, concrete, drywall, wire, insulation, asphalt, packaging materials and all of those need to be handled safely, efficiently and in an environmentally positive way. He showed them the amounts and types of materials that go into a C & D recycling stream.

John Vitalia, the engineer from Ensol, talked about some of the things that go on around the country. His company focuses on providing solid waste permitting design and operational planning for solid waste, hazardous waste and municipal waste. He noted that one of New York State's efforts has been to promote an increase in the amount of C & D recycling. One of the ways of doing that is changing the requirements for the permits at disposal facilities to minimize the amount of C & D that go into a disposal facility. So what we're seeing is as these permits get generated and renewed, they're putting provisions into them regarding the C & D materials, before they're deposited into the landfills, have to be processed by recycling. There are not many C & D disposal facilities in New York State. Most are solid waste facilities and that's evident because there are only eighteen (18) regulated debris landfills in New York State right now, but there are thirty (30) solid waste disposal facilities and incinerators in New York State. This facility would certainly play into the market for C & D reprocessing. The initiatives that they are now working on will put this on, in a regional perspective, one of the only facilities in this area. Right now we are permitting one in Buffalo, which is a transfer and processing facility, to handle that region's materials. There's another one in Rochester and he noted that Syracuse was probably heading in that direction also. C & D recycling is a focus of New York State.

He noted that if a circle was drawn around this proposed facility in an eighty (80) to ninety (90) mile radius, you would be looking at about two hundred (200) or three (300) hundred tons of material a day on average. As these facilities get placed, you trade off the cost of transportation to the overall price. More facilities are getting spotted around as the market develops. Alderman Hamilton asked him to explain the difference between the regulated and the permitted. Mr. Vitalia noted that there were eighteen (18) regulated or permitted C & D landfills and the second was processing facilities. A landfill is where there is the final deposition of the material and the processing facility would be similar to what we are proposing here. Acting Mayor Dye asked if they had seventy-four (74) regulated and two hundred forty-seven (247) registered and he asked him to explain the difference. Mr. Vitalia stated that the registered facilities were limited to twelve thousand five hundred (12,500) tons per year and were very small, kind of rural facilities. When you register one of these, they weren't required to have a full permit. When a facility is regulated, they were required to have a full Part 360 permit. A lot of municipalities register their facilities when they have a back of the garage type of material handling.

Mr. Vitalia went on to explain that the Part 360 regulations had various levels of permitting. The registration permit had no permit required other than filling out a

simple form. As long as the quantity of material handled was under twelve thousand five hundred (12,500) tons per year, they don't require the full Part 360 application which is engineering design, permitting application packaging and contingency plans, etc. The facility that is being proposed for the Rosen site is a fully Part 360 permitted facility which would take it into a fully regulated, permitted facility. Alderman Hamilton asked if this would allow for no limit on the facility. Mr. Vitalia stated that the limit on it would be based on the limits put on the application. It was noted that it would be heavily regulated by the DEC and watched over much more than a lesser facility. This would mean that to meet their requirements would far exceed anything that the Council may think. They are very strict about the regulations, reports, noise. Those things are addressed and the daily tonnage is also restricted. Mr. Vitalia noted that some other states, like New Hampshire, are phasing out C & D as being considered as a solid waste and pushing more towards recycling. It now has to be processed and once it's processed, if there's residual, it gets disposed of as a waste and they pull out the recyclables, such as wood. There are also efforts to deal with drywall. There is a big push now in pulling the drywall out of the waste streams to reduce the amount of hydrogen sulphite gas being generated from both sanitary landfills and C & D landfills. This is being seen in both New Hampshire and Massachusetts and California is going in that direction.

Alderman Benedict asked what the drywall would be recycled into. Mr. Vitalia stated that they would send the drywall to a separator and then take the drywall to make new drywall. There's also another company out there that is composting it. It's being used as a soil additive. This is not an inexpensive process. This is both a state and federal initiative. They require that any funded projects have a lead program initiated and that deals with disposal and recycling, but also deals with energy, energy use and energy management. Our particular facility will be a lead certified facility. Anyone bringing their material to us would get the credits for that. They have a credit system out there and that defines what level of lead project status it would obtain, such as platinum, gold, silver, etc. It is a fourteen (14) point system. They always look for an integrated waste management process, which allows them to deal with the various types of materials from various suppliers and also separates those materials out to try to address local needs or market needs that materials can be used for. C & D material can be different depending on what region you go to. Up north there is more wood and concrete and down south there's more brick and block. This facility will deal with more wood, concrete and some brick. The material will be separated by its components. That process is a mechanical and a physical process. It'll be flexible enough to handle the variations in materials that come in and usable products that come out of it would be a hard fill material which could be used as a road base or a backfill project. The wood material would be a clean, burnable, compostable wood. Wood is a market that continues to grow because it's a green, renewable fuel. It also could be composted into a compost material that could be used for gardens and soil enhancement. The facility could be looking at two hundred fifty (250) tons per day and on a scale of some of these facilities, he did not consider this facility a large

one. It would be a mid-sized facility. The estimated equipment costs for separation, grinding and sorting he put at five point three million (5.3) dollars and a fairly large structure for the initial tipping and sorting at approximately two million (2) dollars. Jobs at the facility would be mostly equipment four (4) to six (6) operators and three (3) to four (4) laborers plus a scale operator and a manager. Alderman Quail asked how many trucks a day that would be on average. Mr. Vitali noted that it would depend on the capacity of the trucks. He averaged about eight (8) to ten (10) tons a load that there would be about twenty-five (25) to thirty-two (32) trucks per day, also dependent upon the size of the loads. In addition to that, maybe a third of those back out because they would consolidate the material on the outbound. He figured possibly fifty (50) trucks a day, total at maximum operation. Mr. Vitali noted that this would be an insignificant impact to the traffic of that area and this would be subject to the full SEQR process. Alderman Quail noted that there were a significant amount of high school and elementary students that walk those routes every day. Mr. Vitali noted that they were aware of that. The SEQR review would be very comprehensive and would include a full environmental study, a site line analysis and an engineered traffic study for the project. Alderman Quail noted that he had to be sensitive to the feedback that he had already received on this proposal. He asked if the trucks would be covered or tarped down. There was concern that there would be dust or debris through the community from these trucks. Mr. Vitali noted that material handling and transportation routes and potential impacts from odors, noise and dust would all be part of the SEQR process and would be fully addressed. He noted that Part 360 and Part 364 regulations dictated the management and handling of materials on the road. There is a pretty significant regulatory requirement in addition to the facility that does address all of this.

Mr. Vitali showed an aerial photo of the Rosen site which is pretty much completed in their remedial activities. He pointed out a drainage feature on the site. He noted that they planned on storing most of the material on the upper green zone of the site. They'll be accessing it from the property that Mr. Contento already owns near the site. He indicated the location of the proposed building and the storage zone on a map of the area. He pointed out the facility entrance and the potential location of the scale. He noted that there would be vegetative screening. He noted an outdoor grinding area on an asphalt or concrete pad and storage areas. He went on to explain that the government required that sites like these have a strong storm water management plan and monitoring facility in place.

Mr. Vitali noted the materials coming in would include construction materials, brush and yard waste, clean wood, concrete and asphalt and source separated drywall. Outbound there would be topsoil, hard fill, fuel, AGM materials for use by the landfills for capping and compost. There would also be metals, paper fiber, cardboard, drywall and plastics. It was also noted that much of this material would not have to be trucked from great distances and that makes more of this operation efficient. This area would become a regional location for material handling and

recycling noting the close proximity of the County recycling center to this facility. He further described the various locations of proposed facilities on the property.

Vincent Patriarco noted that the “what’s in it for the City”. He noted that there were not a lot of these facilities around. This will make productive use of a previous Super Fund site. That Rosen Brothers site with its difficulties of having a cap over it, lends itself, very well, to this type of operation. This operation will take this property to a green status. The EPA and the DEC are both interested in this proposed facility. It will eliminate the handling of brush and yard waste. He noted that the savings to the City could easily be six (6) figures. He also went in to “what was in it for the County”. He noted that it would extend the life of future landfills. Those facilities are not cheap. He also noted the reduction of workloads and the cost of production of virgin cover materials; they wouldn’t have to dig shale for cover material. There would also be additional feedstock material for the County recycling center. He noted that taking a polluted site from brownfield to Greenfield, doesn’t happen all that often. People are afraid of the liability and stigma and they’re afraid of what has got to happen to further develop that site. He noted that they were going to access college assistance in designing the facilities that will go on this property. He felt that this facility would be a model that will be used around the country. He also noted that “what’s in it for them”, that it was a new business opportunity and it’s a natural extension of Jerry’s recycling business to better use the competencies that he and Jerry both have as a partnership. He also noted that Jerry Contento’s building is directly adjacent to the Rosen Brothers site. He went on to say that trying to use the Rosen Brothers site will a less than fifty (50) foot entryway is impossible. Taking Jerry’s building and putting it in is a great use of that property. What they needed now was an option on the property so that they could do the study, investigation, planning and the specifics, the regulations, the design and to obtain the funding. It will be a five and a half million (5 ½) dollar project. This will be a first class, state of the art facility. We’re before you asking the Council for a twenty-four (24) month option on that property so that you don’t do anything on that property within that period. We are not asking for anything beyond that. We are not saying that you are committing the City to the project. All we are saying is that we would like the ability to spend a lot more money to put this project together. We believe it has solid value and that in the long run it will be a great project. We are willing to take the risk and commit the funds.

Alderman Feiszli asked if Corporation Counsel Knickerbocker had obtained some examples of a contractual agreement to show the Council. Corporation Counsel Knickerbocker stated that he wanted to know if the Council was going to go ahead on this and what type of parameter they wanted to have considered. He noted that if the Council wasn’t interested in giving C & D that type of an option or some sort of a dollar amount, he could go ahead and do it, it’s just a matter of reaching mutually agreeable terms. Alderman Benedict felt that they should ask for a good faith amount of money. Corporation Counsel Knickerbocker noted that it could be an agreement to have access to the property. In essence, they’d be leasing it

exclusively. Alderman Benedict asked for his suggestion with regards to an amount. Alderman VanGorder asked if anyone had ever expressed any interest in this property before. Corporation Counsel Knickerbocker stated that there has been interest in it, but it has been limited and obviously, because of the environmental problems with the site, it's not as valuable a piece of commercial or industrial property as some others. Nothing has ever materialized from earlier interest. Alderman Benedict asked for a straw poll to indicate if there was interest. Alderman Quail asked Corporation Counsel Knickerbocker what were the Council's restrictions on this property. Corporation Counsel Knickerbocker stated that it was unconstitutional to just give something away. He noted that the City had to have some form of consideration coming to us. He went on to state that the consideration didn't have to be monetary. It could be monetary now, monetary delayed, it could be a turnover of reports and testing which could be useful to the City long term. Those are the types of things you could consider. He also noted that the City would have to have some type of a Hold Harmless and an indemnity agreement so we wouldn't be taking on any responsibility relative to the testing being done there. He noted that they should also have some type of an out clause that would be acceptable to them, just on the odd chance that we got someone who is interested in purchasing or leasing the property. We had to also be fair to them, perhaps allowing them to match the offer on the property, especially if they were fairly into the project.

Alderman VanGorder noted that if the Council expressed interest in this project, then Corporation Counsel Knickerbocker could go ahead and look into drafting an agreement. Corporation Counsel Knickerbocker indicated that if that was the case, he would meet with them and then meet with Mayor Gallagher and Director of Administration and Finance Gazda and try to set some parameters of what they would think was acceptable and try to get a meeting of the minds as to how we were going to proceed. Alderman Quail felt the City should have an out clause in case all of a sudden we got through the SEQR process and we as a community should decide it's not for us. Corporation Counsel Knickerbocker noted that this arrangement would solely be for their testing and studying. There would be no guarantee that the City would ever accept their proposal.

Vincent Patriarco stated that this agreement was just as we uncover and develop the project, that we can actually go forward; we may not secure enough funding for it. We may find that the process through the SEQR process are problematic or it may not work. They might get to the end of the process and we are ready to go and then the City hasn't made any commitment. This agreement is not that you are endorsing this project now; this agreement is for the period that allows us to study it. Period.

Alderman VanGorder stated that she thought that the Council would be crazy not to give them the go ahead. Alderman Quail stated that as long as the City had those options, he was more comfortable. Alderman Tobin asked if the Council if they could get a written statement from the DEC and the EPA outlining some of

the things that Mr. Patriarco had said. He was looking for a sort of letter of reference going along those same lines. He was looking for confirmation of those agency's enthusiasm for this type of project. Mr. Vitali noted that he had spoken with the EPA representative and that shouldn't be a problem getting a letter from him. He also noted that he could probably get the same from the DEC, but noted that they are not as easy to get something from. Acting Mayor Dye noted that Mayor Gallagher had told him that the EPA had been in contact with him about this project. Vincent Patriarco noted that this project had already been in the talking stages for two (2) years. He noted that now that they'd come before the Council, he wanted to assure them that this was not so crazy. The EPA and DEC were involved and there are multiple review board that will go through these plans and they'll get answers to the questions that you're bringing up. Alderman Quail asked Corporation Counsel Knickerbocker if the Planning Commission entered into this before. Corporation Counsel Knickerbocker stated that he'd have to look at the Charter. If the City was selling the property, the Planning Commission would have to be involved in this and give a recommendation. They'd have to give an advisory opinion on any sale or purchase. He didn't believe that they needed to be involved if the City was leasing, but he would check on that. Alderman Quail asked to see a potential quarterly timeline for the two (2) year study period; he's like to see quarterly reports. Mr. Vitali thought a timeline could be put together showing all the anticipated investigative work and regulatory submittal work and they could update that on a routine basis to keep the Council informed. He noted that this would have to be done anyway with all the different agencies involved. He suggested that it be made part of the agreement.

Acting Mayor Dye asked if there was a consensus from the Council on this and the Council indicated that Corporation Counsel Knickerbocker could go ahead on this.

Item #2 – Discussion regarding Common Council's 1973 resolution dealing with department head compensation.

Director of Administration and Finance Gazda noted that the Council had a copy of this. Alderman Benedict noted that he didn't think the Council might have to eliminate all of the things in the 1973 resolution. He thought that having department heads having a better health insurance plan seemed very reasonable. Why shouldn't they have what the people underneath them have? Alderman Quail felt that the Council needed something more substantive. He felt that there should be some management document that further defines their roles and responsibilities are. He noted that the County had one and that most businesses had one. He asked Alderman Tobin if he had such an agreement with the College. Alderman Tobin stated that he was on a three (3) year renewable contract. Alderman Feiszli asked him if his raise was built in those three (3) year contracts. Alderman Tobin noted that he was part of a union, so that was union negotiated. Corporation Counsel Knickerbocker stated that most businesses had a management compensation plan. When there was a union shop, management was one side and the union or labor was the other. Alderman Quail felt that this

should be looked at closer. He also wanted to see goals and objectives established and compensation based on that. Alderman Benedict noted that the Council might have the result of the department heads forming their own union, which may not be something they want. Alderman Quail noted that was a risk they took every day. He didn't feel that the 1973 resolution gave department heads anything to stand on. He felt that they would want something more to defend them. It's for them as well as for us and the community.

Director of Administration and Finance Gazda distributed the management agreement for Cortland County. It was a twenty (20) page agreement. He noted that it covered health insurance, longevity, basically all of the items that the City currently covers in a couple of sentences within a resolution. It gives a breakdown for retirement. It's a management employment handbook. Acting Mayor Dye stated that he thought this was something that the Council should look into and to revise the 1973 resolution, which he felt was way outdated. Alderman Quail felt that the Council shouldn't go any farther with this until they had a management agreement to replace it. Alderman Quail felt that it was the type of thing the City needed to be going to. Director of Administration and Finance Gazda stated that he would go to the County within the next few weeks and if they had no objections, he would be forwarding it to the Council and the department heads. Alderman Quail felt that the document would protect the department heads as well as the City.

Item #3 – Discussion regarding Rental Permit Program registration fees.

Acting Mayor Dye noted that he had received a couple of e-mails from Alderman Tobin and Chief Glover indicating that the grant had not gone through and the City would have to pay for the software. Director of Administration and Finance Gazda noted that they could reach out to the local members of the State government to see if there was any member item money out there. He doubted it, but they should try anyway. He reminded the Council that they were under a timeline. They had passed a local law and they have a one (1) year window that kicks in under the local law and the City would have to move on this quickly. He noted that they should start on the registration process January 1, 2010. He also noted that the other aspect with is, that they have spoken with the software vendor and they would be willing to help us on payments if we buy the software in the next two (2) to three (3) weeks. Alderman Feiszli asked if we could lease the software. Director of Administration and Finance Gazda noted that it was proprietary. Chief Glover stated that effectively, they were leasing it. Director of Administration and Finance Gazda noted that they purchase the program and then would have to pay the annual support fee for it. He noted that the Code Office would need at least a month of training on the software, especially if we want to get this up and running by January 1. He noted that what they were looking at was a December timeline and moving forward with the registration. He noted that he had put together the costs given to him by Chief Glover, put in the cost of legal fees and he figured that the total cost would be about eighty-seven thousand eight hundred (\$87,800) just

to get it up and going. He noted that he has heard them discussing fees of fifty dollars (\$50) and seventy-five dollars (\$75) and seventy-five dollars (\$75) and one hundred (\$100). We are anticipating that if we're lucky, we'll get fifty (50) percent of the property owners to register within that first six (6) month window, so that gives you a breakdown of the various fee structure. The fifty (50) and seventy-five (75) should cover the up front costs in 2010. Alderman VanGorder asked him where the money would come from to buy the software now. Director of Administration and Finance Gazda noted that he didn't know, but he would find it somehow. He would also do the fifty-fifty (50/50) payment option on the program. Alderman Tobin noted that basically we had to come up with basically twenty thousand dollars (\$20,000) and in next year's budget they'd have to come up with approximately sixty thousand dollars (\$60,000). Alderman Quail noted that none of this money was in the current budget so whatever the Council decides on this; this expense would be over and above whatever the Mayor's budget includes. It also was noted that there were going to be legal fees, it had basically been threatened.

Alderman Benedict noted that the permit itself was not a problem as far as defending in court. He thought the landlords were more concerned about what would be happening afterwards. Corporation Counsel Knickerbocker noted that was his understanding, as well. He did note that in his personal view, if the Council thought they were going to get fifty percent (50) during the first six (6) months that they were being overly optimistic. He noted that he would be surprised if the City received twenty (20) to twenty-five (25) percent voluntarily. He's basing that on Chief Glover's last attempt to send out sign up notices, where he received very few back. Alderman Benedict noted that there were no consequences for landlords with that attempt. Corporation Counsel Knickerbocker noted that the difference this time was the fifty (\$50) dollars. If the Council thought that would induce landlords to sign up before it becomes a problem, he didn't see it happening. Alderman Tobin thought that what Alderman Benedict was thinking was that there should be a penalty involved for lack of registration. Alderman Tobin noted that if a landlord did not register by a certain date, that there should be a two hundred fifty (\$250) per business week fee. This would be a significant hit to their pocketbook.

Director of Administration and Finance Gazda asked Alderman Tobin how that would be enforced. They would need to look at how the local law was drafted. He went on to note that most of the time they were going to be winding up in front of the judge and that's where the cost comes in. Alderman VanGorder noted that it would also be months and months with this process. Director of Administration and Finance Gazda didn't think the Council could just hit landlords up with another two hundred fifty (\$250) fee. Alderman Tobin noted that if that was part of the resolution, he was under the impression that it would give the City the ability to charge that fee. Corporation Counsel Knickerbocker felt that was correct and the City could do that. They could add in into the fees. He also noted that there was a one (1) year timeframe from when this was filed, so we're a few months into it

already. Alderman Tobin noted that if the City was giving a registration period later than next August, then we're giving more than a year. Time wise, this should be more than adequate from a legal standpoint. Corporation Counsel Knickerbocker agreed. Alderman Tobin stated that the resolution should not only contain the registration fee and the penalty for lack of registration by a certain date. The date should be at the soonest, by next August. He also noted there wasn't a lot disagreement with the registration proposal. He noted that it wasn't much different than the law that was currently on the books. He hoped to look at that, as they wanted to encourage growth in the downtown area and allow for potentially higher density. He noted that some of the concerns that the landlords had can be alleviated if the Council continues to move forward with that.

He noted that the three (3) unrelated ordinance could get expanded to allow for higher density. The question was where that should be exactly. They've gone back and forth about whether they should start with registration first or permit higher density in certain areas. Some people are for registration first, so that they knew where the rentals were and what the current density is and others are arguing that doing this will encourage higher density. He felt that doing both at the same time would allow them to get a feel for where the properties area, the bigger rental areas or where the more traditional family neighborhoods were and that they didn't want to necessarily want to encourage higher density in that area.

Alderman VanGorder stated that the problem was still the same problem that she had always had with this. She wanted to know where the Council was going to get twenty thousand (\$20,000) dollars to buy the software from. Director of Administration and Finance Gazda stated that he would look for it. Alderman Benedict stated that he thought they needed a resolution to move that we adopt the Rental Permit Program with the registration fee of seventy-five (\$75) for the first six (6) months of 2010 and a charge of..... Alderman Quail asked rather than doing a resolution right now, he would prefer to have a written document in front of him fully written up with all of the fees layed out rather than shoot from the hip. Alderman Benedict felt that would delay this program. Acting Mayor Dye reminded Alderman Benedict that the program would be starting on January 1 and they could pass the resolution in the next couple of weeks. Alderman Benedict asked Corporation Counsel Knickerbocker to write up a resolution that would be satisfactory to the Council. Corporation Counsel Knickerbocker stated that he would be happy to do that. Director of Administration and Finance Gazda noted that the next scheduled meeting was November 17, but they could schedule a special meeting if they chose to. Alderman Benedict asked if they could pass a resolution to purchase the software. Corporation Counsel Knickerbocker noted that they didn't need that, the software was needed. Alderman Feiszli asked Chief Glover what the lead time might be on ordering the software. Chief Glover noted that they would have to prepare their documents and then it would probably be about four (4) weeks before the company could get here to start training. Director of Administration and Finance Gazda stated that he would get together with Chief Glover and the vendor, they would do the fifty-fifty agreement and he's get the

dollar amount and once he had that, he would look for the money and he would let the Council know by e-mail where it was coming from, the source of it, etc.

Corporation Counsel Knickerbocker noted that the Council had spoken about the registration fee; he wanted to know what they thought the inspection fee should be. Alderman Benedict wanted to separate that in order to move ahead. Corporation Counsel Knickerbocker noted that this was just going to be the registration fee. Alderman Tobin thought they were closer to setting the inspection fee and setting it higher so they were closer to what outside agencies would charge for an inspection. Chief Glover noted that they hadn't come anywhere near on a consensus as to what an inspection fee should be, just on the registration fee. Director of Administration and Finance Gazda felt that meeting with the Housing Committee and deciding whether it should be a part-time position or a full-time position still needed to be discussed. If they went with a full-time position first, then the fees would have to be hired in the beginning instead of starting with a part-time individual and gradually building up. Alderman Benedict didn't think they needed to hire anyone until later in the year, maybe August. Alderman VanGorder noted that would have to be placed in the budget that the Council is working on right now. Alderman Tobin stated that was one of the questions he had asked Corporation Counsel with regards to the delay between the registration period and the beginning of inspections if there would be any legal repercussions. He noted that they could begin inspections in January 2011. Acting Mayor Dye thought that was what they were going to do anyway. Alderman Tobin stated that with the software, if they didn't have it in time, they did have people who have volunteered to help input data.

Chief Glover's understanding was that the clerical help that Andy Damiano thought they were going to need was specifically sending people out into the neighborhood to canvas where the properties are. We know where the properties are. Putting data into what, we don't have anything to put data in to. We will be writing it on legal pads if we don't have the software. Alderman Tobin noted that if that was all we need to do, we'll do that. Alderman VanGorder told him to put it on an Excel spreadsheet. Director of Administration and Finance Gazda noted that software allows direct input and you grab the information out of the County system and he will do his best to find the funds to purchase the software. Chief Glover noted that the City would not have to go to a third party vendor to have pre-printed registration. Alderman Benedict asked the Council if they had a consensus to direct Bryan Gazda to go ahead with this. Alderman Tobin felt that they had already done that. Acting Mayor Dye noted that the longer they waited to get the software, the longer they would have to wait to enact the program. Director of Administration and Finance Gazda noted that this program couldn't be run on Excel spreadsheets. Alderman Quail noted that where they were now, he was not going to support another person, especially after calling for a citywide hiring freeze. Alderman Tobin noted that one of the issues discussed was the cost of the software. He noted that this was something that Code Enforcement needs, regardless of whether they went ahead with the registration program. Chief Glover

noted that they could survive without it for a limited amount of time if they did not go with the rental permit system. Alderman Tobin noted that the rental permit program may cover the cost of the software is an added boon, because it is essentially an addition to the budget, it's another income. He noted that they were also able to revise the inspection fees and take that into account. Not just the rental registration fees, but also the current inspection fees. Alderman Benedict noted that he appreciated the fact that Bryan Gazda was here. Director of Administration and Finance Gazda noted that the program should be self-supporting from the registration to later down the road, to the inspector. The inspection fees should cover that position, whether it be full or part-time and he felt that they needed to still work that out. They needed to determine what that position need to be and how does it get incorporated into the current structure within the office. He noted that if they decided it should be a part-time position, maybe fees only need to be fifty (50) to seventy-five (\$75) dollars for the inspection aspect of it. If the Council feels it needs to be full time, then maybe they'll be looking at one hundred fifty (\$150) dollars for the inspection fees, but we don't know yet, we aren't at that point. This ball needs to get rolling first and then work on that over the next few months. Acting Mayor Dye noted that for the next meeting they would have a resolution to consider. Corporation Counsel Knickerbocker noted that he would have a resolution for their consideration.

RESOLUTION #113 OF 2009 – Consideration of a Resolution to recognize and modify A510 estimated Revenues and A960 Appropriations in the amount of \$7,235.00 and A3120-20600 Police-Op. Equip. and A2655 Minor Sales in the amount of \$7,235.00.

It was noted that this was from the sale of a vehicle and is going towards a purchase of another vehicle. Chief Catalano noted that they would be purchasing an unmarked Impala.

By: Alderman Feiszli
Seconded: Alderman Benedict

Approved: Ayes – 7
Nays – 0

RESOLUTION #114 OF 2009 – Consideration of a Resolution to institute a City-wide hiring freeze, as amended.

WHEREAS, the Cortland City Council has concerns for financial stability going forward and

WHEREAS, said stability can result in cost containment for the Municipal Budget via a hiring freeze;

WHEREAS, the Council seeks to be appraised of any event that will affect the status of the municipal Budget beyond the approved contract. Any changes in the Titles, Hires (Full or Part-Time), Rehires, increase in salary outside the negotiated salary (raises). The Council upon receiving this information will take action accordingly;

NOW, THEREFORE, BE IT RESOLVED that:

1. The above recitals are incorporated herein as though fully set forth at length,
2. The Cortland City Council seeks the immediate imposition of a hiring freeze,
3. This resolution shall be effective immediately,
4. If any portion of this resolution is deemed invalid or illegal that clause shall not invalidate the balance of this resolution,
5. Any potential hire will be brought forward to the Common Council for consideration.

Alderman Benedict felt that there should be a way for the Council to approve a job or a position if necessary. For instance, if they lost two (2) people at the sewage treatment plant, we might have to hire someone there in order to comply with legal regulations of running the plant. He asked for a safety clause, where they could hire someone if it was required by law or if there was an emergency situation. Director of Administration and Finance Gazda stated that what he had discussed before was that a Department Head could come to him and the Mayor and if they deemed it was necessary, they would bring it to the Council. Alderman Feiszli asked Corporation Counsel Knickerbocker if he had come up with a resolution for this. Corporation Counsel Knickerbocker indicated that he had not. Alderman Feiszli noted that she had found a generic resolution from Hoboken, but felt that if the Council was serious about doing this tonight this was a resolution that they could use. Acting Mayor Dye noted that there was a resolution before the Council now.

Alderman Feiszli read the resolution.

WHEREAS, the Cortland City Council has concerns for financial stability going forward and

WHEREAS, said stability can result in cost containment for the Municipal Budget via a hiring freeze;

WHEREAS, the Council seeks to be appraised of any event that will affect the status of the municipal Budget beyond the approved contract. Any changes in the Titles, Hires (Full or Part-Time), Rehires, increase in salary outside the negotiated salary (raises). The Council upon receiving this information will take action accordingly;

NOW, THEREFORE, BE IT RESOLVED that:

1. The above recitals are incorporated herein as though fully set forth at length,
2. The Cortland City Council seeks the immediate imposition of a hiring freeze,
3. This resolution shall be effective immediately,
4. If any portion of this resolution is deemed invalid or illegal that clause shall not invalidate the balance of this resolution,

Alderman Feiszli asked Corporation Counsel Knickerbocker for his opinion of this resolution. Corporation Counsel Knickerbocker stated that it looked fine to him, but he thought there should be something in there that noted that any consideration of a hire for whatever reason would have to come before the Common Council for an exception to this hiring freeze. In that way, it would give the Common Council some ability to message this so the Council would have the ability to meet a State mandate or some other exception. He felt they could add, "Any potential hire shall be brought before the City Common Council for consideration". He assumed that the Council upon consideration would then look at some of those factors such as are we going to be out of compliance, or is this a short term or long term, what's the dollar amount, those types of things. Director of Administration and Finance Gazda noted that there were things going on at the Waste Water Treatment Plant, the position is ready and they're budgeted. Alderman Feiszli asked if that was for this year. Director of Administration and Finance Gazda noted that it was for this year and this would be an aspect that before we could fill those, they would have to be brought before the Council even though it was already budgeted. Corporation Counsel Knickerbocker noted that was different than what they had been doing up until this time. He also felt that with that addition, the resolution was fine, as amended.

Alderman Tobin asked what the timeframe was for this resolution. Corporation Counsel Knickerbocker stated that it would go into effect until another resolution was passed. He noted that this would be a hiring freeze and that they might want to think about this when they were talking about retirements and those types of things. This is in effect until it becomes amended or rescinded.

By: Alderman Feiszli

Seconded: Alderman VanGorder

Approved: Ayes – 7
Nays – 0

Item #6 – Consideration of a Resolution in support of a People’s Convention to Reform New York (Alderman Quail).

Alderman Quail noted that he had received a letter from Assembly Minority Leader Brian Kolb asking for support for a non-partisan grassroots Peoples’ Convention to Reform New York that would empower voters to decide whether they should convene a People’s Convention to Reform New York in 2011, as opposed to waiting until 2017. He read Assembly Minority Leader Kolb’s letter outlining some of the items that he hoped to address at the People’s Convention. Alderman Benedict noted that the Council had to realize that if they held a Constitutional Convention, that everything was up for grabs in that. This could be the Adirondack Park and the Forever Wild Section may be thrown out or not included in the new constitution and there’s other things that might not be included that may be important. He asked that this matter be tabled until the next Council meeting to be able to study this further. Alderman Feiszli noted that she had spoken to some individuals about this and they were very positive about this. Alderman Quail noted that he understood Alderman Benedict’s need to do some more research and he asked that this be placed as a resolution for consideration on the agenda for the November 17, 2009 Council Meeting using the sample resolution attached to the letter from Assembly Minority Leader Kolb.

Other Business

Alderman Feiszli stated that she was going to put an item on the next agenda. She noted that basically this was with regards to the Environmental Advisory Committee. They had spent a lot of time working on their bi-laws. They felt that since they had spent a lot of time and effort and with the turn over in the new year; they would like to be assured that they were going to be able to continue as a committee and be recognized by a resolution. Acting Mayor Dye wasn’t sure if they needed a resolution. Corporation Council Knickerbocker stated that a committee didn’t need a resolution to be formed. Alderman Benedict noted that they wanted to be recognized as a legitimate committee. He also wanted a committee formed to research and organize the bus stop and he asked if that was appropriate. Director of Administration and Finance Gazda stated that he was going to get together with Mike Preston and get a hold of the individual at Cortland Transit and let those two (2) coordinate those various locations to see where the best place would be. It was noted that the Downtown Business Association should also be involved. Alderman Benedict noted that they would be concerned about the parking situation, which was critical to the downtown businesses.

Adjournment

By: Alderman Quail
Seconded: Alderman Hamilton

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 20th DAY OF OCTOBER 2009. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER