



City Council Minutes The City of Cortland November 17, 2009

Council Meeting #22
November 17, 2009
Regular Session
City Hall
7:00 PM

Present: Alderman VanGorder, Benedict, Dye, Tobin, Quail and Michales

Staff Present: Director of Administration and Finance Bryan Gazda,
Corporation Counsel Lawrence Knickerbocker and City Clerk
John O. Reagan

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Mayor Gallagher congratulated her on her election. Stephanie Hayes stated that she lives in the second Ward. She noted that during the budget process there was much discussion regarding taxes and services. She wanted to address two (2) issues, one being health insurance. There had been arguments made for carrying health insurance for part time as well as for elected City officials. She feels that health insurance should be offered to everyone. This insures that people get better health care in a shorter time period. She also feels that preventative care is higher in insured people and their overall health is better. She noted that as taxpayers, they wanted good healthy people on the job, especially when putting them in charge of governing the City. She wants those who work for the City to be at work every day, healthy and free from additional burdens that will impact how they do their jobs. She noted there could be an illness that becomes much worse without healthcare. She mentioned bronchitis which could turn into pneumonia. She supports health insurance for all employees and elected officials, she does question whether the current insurance has been offered in the most fiscally sound manner. She asked how much out of pocket expenses employees pay for co-pays and can that number be increased. She asked what percentage of the premium do they pay and can that number be increased. She asked if the City had chosen the best policy available for the employees and for the budget.

She also wanted to address the topic of the Water Works berm. As a resident who has dealt with at least two (2) big floods, she wants to know that the City is working to prevent flooding in the future. Given that, she doesn't think that the burden should lie solely on the City to fix the problem. She noted that as Council money discussion resumes, the Council has been looking at alternative sources such as grants. She asked if there had been discussion regarding cooperation with the County. She asked if all of the facts, both financial and environmental been laid out. She asked if it was possible at this point to earmark certain funds for the berm while further investigation is done. She, as a taxpayer, wants to know that all avenues have been looked into before a final decision is made.

Minutes of October 20, 2009

RESOLUTION #118 OF 2009 – Approve the minutes of October 20, 2009.

By: Alderman Quail
Seconded: Alderman Dye

Approved: Ayes – 6
Nays – 0

Bills were reviewed and received.

Mayor's Report

He and Director of Administration and Finance Gazda met with Marietta representatives to discuss surfactant levels at the Wastewater treatment plant and their on-going mitigation process. He spoke to the Cortland Leadership Program. He met with CSEA, SEIU, police and fire union representatives to discuss the on-going financial situation the City is in and to ask for their help by their not taking a raise for 2010. The CSEA said "no". The other unions felt they should not make any concessions unless all unions agree.

He met with a collaborative group including SUNY Cortland, BDC/IDA, County Planning, and the County Legislature to discuss the possibility of writing a grant for future energy needs of the County and all others involved. There will be continued discussion. He also spoke with other panel members about leadership qualities at the Young Leaders Seminar consisting of the five major high schools in the County. He spoke to You and the Law classes at Cortland High School. He attended the BDC/IDA meeting.

He spoke at the annual Small Fry banquet. There were 350 in attendance. He attended a Town Hall meeting with the Governor in Syracuse for a question and answer program about the State's fiscal crisis. He interviewed with WHCU about the upcoming proposed Mayor's budget. He was a guest speaker at the first

annual Leadership Development conference along with Tom Young, former Mayor of Syracuse. He did several interviews with Canadian TV and talk show programs regarding the Buy American Act.

Ward 1 – Alderman VanGorder

She congratulated all of those who had won the recent election. She wished them good luck. She has also received many e-mails and phone calls regarding the proposed budget, the increase in property taxes as well as correspondence about the Cortaca Jug and rental housing permit law. She has received many complaints about the crows and also concerns about the berm. She noted that they have had many budget meetings and noted that the Council has worked very hard with Tom and Bryan and the department heads to try to reduce the proposed budget, which has been done. She went on to note that since then the majority of the correspondence received has been over the elimination of the crossing guards. She noted that one e-mail was received thanking her and the other Council members for making such a hard decision, but every other e-mail or call that she received has asked that the Council reconsider eliminating the crossing guards.

Ward 2 – Alderman Benedict

He noted that many people have called him or stopped to speak to him about the elimination of the crossing guards. Most were concerned about the safety of the young people crossing the busy streets. Some indicated that they would be willing to pay more taxes to keep the crossing guards. A few people wanted the school system to take over some of the crossings and some others felt that there could be some cuts as well as some parent volunteers that might take the place of some guards in less traveled areas. He felt that there were some good solutions out there that would keep our young people safe at the crosswalks. He noted that all of the City Council is concerned about the safety of our students. He stated that the Council wanted to work out a solution with the school district, parents and the City that will assure the safety of all of our children.

He noted that he visited with one of the families up on the hill about the budget and they told him that their holiday wreath was stolen. He went on to other homes that weekend and most people were upset about the sixteen (16) percent increase, but they were willing to pay eight (8) or nine (9) percent if most of the services remained. He will be going out again to see more constituents before the final vote on the budget. He received many e-mails regarding vandalism and noise from students and outsiders that were here celebrating the Cortaca Jug weekend. Peoples' fences were broken down, security lights were pulled down and there were as many as thirty (30) e-mails received regarding the destruction that took place on the hill. One person told him this was the worst weekend in fifteen (15) years. Needless to say, the people on the hill were grateful to have the foot patrols and most people would not want any cuts in the Police Department

even if it would require an increase in taxes. There was a complaint about the police not responding to a large gang situation, but most of the people were pleased with the quick response in most situations.

A number of people told him they were concerned about flooding when they heard that this was on the agenda. He has a letter from the Emergency Management Director Brenda DeRusso and he will share it with the Council when we get to that item on the agenda. He also spoke with Director of Administration and Finance Gazda regarding this matter, as well. Also, a number of people brought up their concerns regarding health insurance.

Ward 3 – Alderman Dye

He also received many phone calls and e-mails about the crossing guard situation. The consensus is that they would rather pay a little more in taxes to keep the crossing guards, that way if they have a problem; they contact someone here at the City. He noted that when they tried to contact someone at the school district, all they get is a runaround. He had many people thanking the Council for getting the tax increase down to at least a seven (7) percent decrease. He has told them that after the public hearing on December 1, they were going to work to cut some more out of the budget. One of the comments made to him was that a person wondered when the City was going to get its fair share of services from the County for what we are paying them.

Ward 4 – Alderman Tobin

He felt he should say “bingo” because they had four (4) in a row. He noted that there have been issues with the budget, concerns about the berm, the concerns about the crossing guards and the Cortaca Jug. He also asked that the Cortaca Jug be placed on the agenda as an item of discussion. He sent a couple of e-mails out over the past couple of days and he wants to talk about some potential solutions for some future types of events.

He noted that a Housing Committee meeting was scheduled for this Thursday at 7:00 PM at Port Watson Commons.

Ward 5 – Alderman Quail

He stated that on Sunday morning he received several complaints about the debris down Pt. Watson and Tompkins Street, as well as down Clayton and Reynolds. It was a mess. He went out and woke up a lot of young adults on Sunday morning to ask them to come out and clean up their stuff. He noted that a number of them did get up and come out, but some never even got out of their houses. He thanked Alderman Tobin for putting that on the agenda, because he feels that is something that this is a cost that should not be born by the taxpayers.

He asked that the Public Safety Commission please review the sidewalks on Pendleton Street where the children are now crossing. Several constituents are concerned regarding the visibility of the children by drivers coming up Pendleton Street. He noted that a lot of people are happy with the sidewalk. He also asked that the Code Office take a look at the brick building which is the last one on Huntington Street. He noted that there was a lot of broken glass and that the roof was falling in right above the new sidewalk that had been installed for use by the children. He would like to see if some of that could be cleaned up. He noted that complaints regarding crows had been a big one in his Ward as well as the budget and the crossing guards.

Ward 8 – Alderman Michales

He noted that through several phone calls and with the assistance of the Mayor, street lights that had been out in his Ward had been taken care off. He noted that one of the items noted while he was campaigning was why we don't have benches on Main Street like other communities. He thought that this could be looked into in the future. Mayor Gallagher noted that there had been benches in the past and that they had been removed because of misuse by some.

He also received many calls regarding the budget and most recently, calls about the elimination of the crossing guards. He noted that it was certainly a topic that the Council was going to discuss further. He also noted that the crosswalk markings in front of the HSBC on Main Street still have not been painted. He is trying to get hold of Public Safety to get that done this year. He made a house call in Ward 5 regarding a snake permit. The owner was not home. He also is addressing a compliance issue with Corporation Counsel in the near future. He has received numerous calls regarding the crows, especially in the Court House area and the park. He placed a call to the Ward 8 Legislator Jack Williams and informed him that his crow deterrent was starting too early and shutting off at dusk and that was why the crow mess is there. He noted that as of tonight, it was back on schedule, so a phone call never hurts. He will be hosting a Ward meeting to be announced at the December 1 Council meeting to talk about the upcoming budget and he is looking for input from his constituents.

Item #1 – Discussion/presentation regarding Water Works Berm Project.

Amanda Barber was present. She congratulated all those who were recently elected and she thanked those who had served. She noted that she was here tonight to get some guidance from the Council on the berm project. She noted that additional information was needed to decide how much further ahead they should go. She noted that a request was submitted to the Office of Parks for the Cultural Resources review and she wanted to give them the specifics of their response. She noted that based on the submission, it appears that the site of the project is an archeological site and they recommended a Phase I archeological survey, which Ms. Barber had expected. She went ahead and made a call to a

local company out of Whitney Point and found out that the approximate cost for that survey would be about two to three thousand (\$2,000-\$3,000) dollars. She noted that there were additional permits that would be needed for this project. There is a potential that a Phase two would be required and that will be know once this company completes Phase one. She noted that it is difficult to ballpark the cost of Phase two because it depends on a lot of things. She thought that might be in the ten thousand (\$10,000) dollar range, so that is the beginning of a more significant cost. She noted that all of these things had to be completed prior to construction and they add to the cost of the overall project. She noted that in trying to get a final cost of the project, some of the costs are unknown until a couple of forward steps are taken. At that time, they can review the findings and decide whether they want to go forward with the project. She noted that this was required because there was a DEC permit required. She is here looking for guidance from the Council to try to put together a final budget to go ahead with the project or to decide whether they want to take some baby steps first before deciding to go ahead with the overall project. Alderman Dye noted that there was already sixty thousand (\$60,000) dollars allocated for the berm. Director of Administration and Finance Gazda noted that sixty-one thousand (\$61,000) dollars was allocated in the 2009 bond allocation. He went on to note that the revised construction costs given to him by Chris Bistocchi for his portion of it, was about eighty-nine thousand (\$89,000) dollars. He noted that now he was guesstimating about between one hundred ten thousand (\$110,000) dollars and one hundred thirty thousand (\$130,000) dollars to be on the safe side for the total cost of the project barring any unknowns that may pop up. He noted that besides the sixty-one thousand (\$61,000), after talking with Brenda DeRusso of County Emergency Management, there might be some funds available under a mitigation plan that they have submitted to FEMA. He noted that every time a disaster occurs, you can recoup up to fifteen percent of the total amount of monies spent in the county, so she is very favorable that there might be some monies available to help us do this project next year, but between that, some capital reserve money in the Water Fund that can probably be used for this, but until we know if we want to go with Phase one, this sort of blocks everything else. He indicated that he needed to know if the Council was willing to go forward with the project.

Alderman Quail asked where the three thousand (\$3,000) dollars was coming from. Director of Administration and Finance Gazda indicated that it would be taken out of the sixty-one thousand (\$61,000) dollars in the bond allocation and that it was part of the project. Alderman Benedict noted that he had a letter from Brenda DeRusso and he read it to the Council prior to the Council's vote. Her letter supported mitigation efforts and her reasons for that support. She also asked that the Council support the proposed berm project tonight. Alderman Benedict also showed petitions signed in 2007 and he reported some of the responses to his flood survey. He also had flood photos to share with the Council. Alderman Benedict asked if some of the funds received from the upcoming tax sale be placed into a fund budget and that would look good to the people looking at the City's bond rating and also that could be used the money for different

emergencies that could come along as well as for this particular project if it was needed. So it won't be kept from other projects, but could be there in contingency if we get to the point where we can use it. Alderman Michales stated that after Phase One he would like to revisit this, as he didn't want to put a lot of money into a project that they couldn't fund, especially in light of next year's budget situation. He noted that if they could get money through grants or other means so that it wouldn't affect taxpayers. Alderman Benedict stated that Alderman Feiszli had stated that there were a number of State and Federal people that were willing to pass some member items on this, but they needed to have this mitigation plan finished before they could actually request funding. He felt that there was a possibility of getting State and Federal funds for this. Alderman Michales stated that might have been the case three (3) months ago, but it might be different now. Alderman Benedict noted that this was like buying fire insurance. He felt that if they built this berm it might save the City a lot of money in the future during a big flood event. Alderman Tobin asked if there was a flood mitigation plan document in the works. Alderman Benedict stated that one was being worked on and that it should be done early next year. Alderman Quail asked if Alderman Benedict had any documents on the project and he would like to see who is leading this project. Alderman VanGorder agreed that was a good question. Alderman Quail wants to see if there is a plan that the Council could look at. Amanda Barber noted that she had been working with Chris Bistocchi and Pat Reidy from Soil and Water to look at the overall feasibility of this project. She stated that using their calculations, they could weather a ten (10) year storm with this structure. She also noted that they recommend that the Council consider hiring a professional engineer and obtaining engineered drawings, which would be part of the cost, as well as other costs, which is why the Council doesn't have the full costs. Some of these items are unknowns at this time. One of the permitting agencies may require engineered drawings, etc. She noted that the City is leading this project. Soil and Water will assist the City. She noted that if the City embraced this concept, both Soil and Water and Chris Bistocchi of the DPW would provide support and information. She went on to note that funding agencies would want to see that the Council was supporting this project before they would consider funding. This was a difficult situation, but she noted that people would probably be reluctant to put forth a lot of effort to write grants for funding if there wasn't a real firm commitment to support this from the City Council. Alderman Quail felt that the Council had given some indication by having the sixty-one thousand (\$61,000) in the bond issue. He is concerned that there has been a lot of talk, but there is no document that pulls information together regarding a mitigation plan that could be handed to people. Alderman Benedict noted that in the letter from Brenda DeRusso, they're working on this document and it should be completed by early 2010. Amanda Barber noted that if it's included in a mitigation plan and problem areas were identified, the Council could then say that here is a project that we are ready to move ahead with and it's included in the mitigation plan and therefore, it's a high priority for the City and the City has already set aside funding for it. Therefore, it's very compelling when applying for additional funding. Director of Administration and Finance Gazda noted that FEMA and SEMA had been here assessing

damages and currently there were about two hundred thousand (\$200,000) dollars worth of claims submitted and that was expected to go up even higher. He went on to explain that out of that, if the claim is approved, they can take fifteen (15) percent of that money to put toward projects. He went on to not that Brenda DeRusso is very committed to this project, so there might be twenty thousand (\$20,000) to thirty thousand (\$30,000) dollars once they go through all of the claims received from this summer's storms. Right now there is no answer regarding funding, but he felt that with money from next year and the sixty-one thousand (\$61,000) committed already, the City is real close to doing this project and moving forward. He could work up a small budget for the Council. He noted that they would probably begin this project in the late summer of next year, but the archeological dig would have to be done first.

RESOLUTION #119 OF 2009 – Consideration of a Resolution to fund Phase One of the Water Works Berm Project.

By: Alderman Benedict
Seconded: Alderman Michales

Approved: Ayes – 6
Nays – 0

Chief Baron was present to explain the information he was distributing. He noted that this was the final stage of two (2) projects. He noted that the State had come down with new regulations that had to be incorporated into the gear requirements. This has now all been worked out now. He noted that there were two (2) bids received. He noted that DeVal Safety was the lowest bidder received for the breathing apparatus and three (3) bids were received for the personal protection equipment. Chief Baron asked them to award the bid to the one bidder that met all of the specifications without exception, even though they were seventeen (\$17) dollars per item higher times sixty (60) items. That company was Jerome Fire Equipment. He noted that this company better met the Fire Department's needs. Alderman Michales asked if this had been researched thoroughly regarding sizing needs. Chief Baron noted that specific coat lengths had been determined and also connection size and that specific language had been put into the bid specs.

RESOLUTION #120 OF 2009 – Consideration of a Resolution to award the bid for self contained breathing apparatus for the Fire Department to DeVal Safety Equipment.

By: Alderman Tobin
Seconded: Alderman Benedict

Approved: Ayes – 6
Nays – 0

RESOLUTION #121 OF 2009 – Consideration of a Resolution to award the bid for personal protection equipment for the Fire Department to Jerome Fire Equipment.

By: Alderman VanGorder
Seconded: Alderman Benedict

Approved: Ayes – 6
Nays – 0

RESOLUTION #122 OF 2009 – Consideration of the confirmation of the appointment of Jane Snell (23 Melvin Avenue) to the Cortland Housing Authority to complete the unexpired term of John Phillips until may 31, 2011.

By: Alderman Benedict
Seconded: Alderman Dye

Approved: Ayes – 6
Nays – 0

RESOLUTION #123 OF 2009 – Consideration of the confirmation of the appointment of Robert J. Spitzer (23 W. Court Street) to the Planning Commission to complete the unexpired term of Jack Carr until January 31, 2012.

By: Alderman Benedict
Seconded: Alderman Quail

Approved: Ayes – 6
Nays – 0

RESOLUTION #124 OF 2009 – Consideration of a Resolution reappointing Mary Lou Pai as a Commissioner of Deeds (employed in the District Attorney's Office).

By: Alderman Quail
Seconded: Alderman Michales

Approved: Ayes – 6
Nays – 0

RESOLUTION #125 OF 2009 – Consideration of a Resolution to award the East End Neighborhood CDBG Income Property Housing Rehabilitation Program to Thoma Development Consultants.

By: Alderman Quail
Seconded: Alderman Benedict

Approved: Ayes – 6

Nays – 0

Item # 7 – Discussion to implement overtime and compensatory time freeze for non-union employees.

Alderman Benedict asked if more information had been received regarding the Sewage Treatment Plant regarding overtime. He had received the first e-mail, but he asked if there had been a follow-up e-mail sent on that. Director of Administration and Finance Gazda stated that Mayor Gallagher had put out a memo to all employees with regards to comp time and overtime. He noted that at the staff meeting last week the department heads were told it was not be assumed that individuals had comp time and overtime. He noted that another letter had been put out requesting any and all written or verbal agreements that had been made in the past, that employees think that they might have. Employees have been given until this week to get that in and we are still getting those in with that information. Once that has all been gathered and gone through and individuals have been spoken with to see what they feel they have and why comp time was given in the past and it will be evaluated from there. Department Heads know that it is just not a given any more, individuals can't assume that if they work through their lunch hour and take a half hour for comp time that they'll get paid for it. It was noted that some has been given to unions in agreements and that is being looked at also. Mayor Gallagher noted that this was an information gathering process and once the information is compiled, it will be brought back to the Council. Alderman VanGorder asked if Director of Administration and Finance Gazda would provide the Council with a summary of what is out there now. He indicated that he would do that. Director of Administration and Finance Gazda noted that the purpose of the November 3, 2009 memo regarding overtime was to be sure that all overtime was authorized prior to it being paid or comp time being given.

Item #8 – Discussion on rental program permit fees.

Alderman Tobin noted that there had been some previous discussions regarding these fees. It had been left that Corporation Counsel Lawrence Knickerbocker would be drafting a potential resolution for the Council. Corporation Counsel Knickerbocker noted that he had been uncertain after receiving the proposal from Alderman Tobin and he noted that if the sums proposed in the email were what the Council wanted, he would have the formalized resolution for adoption ready for the next meeting. The rental registry fees mentioned were sixty dollars (\$60) from January 1, 2010 until April 30, 2010 and then the fee would be eighty dollars (\$80) from May 3, 2010 until July 30, 2009 and as of August 2, 2010 a per day amount of fifty dollars (\$50). Alderman Benedict expressed that he had hoped the Council would be able to vote on this tonight and he wanted closure on this before he left the Council. Mayor Gallagher asked how much the program was going to cost the City. He noted that the cost had not been substantiated yet and he didn't know if the income generated was going to be enough to pay for the program. Alderman

Benedict stated that there had been a lot of estimates that he felt were reasonable. Mayor Gallagher noted that since the Housing Committee was meeting next week that the Council would like to see a budget drawn up showing the anticipated revenue and the anticipated expense of this program. Alderman Tobin noted that they had thrown the numbers out there in a number of different manners and at this point he didn't know how many ways they could crunch the numbers other than what's already been done. Mayor Gallagher noted that the 2010 budget is so tight that he felt it was very important that everyone understand how much this program was going to make and how much it was going to cost. Alderman Tobin noted that the registration process was for next year and they wouldn't be looking for inspections until the tail end of next year, at the earliest. He noted that as had been discussed, if the City needed to push inspections off until 2011, then that could be done as well. He noted that they had first talked about trying to do the registrations and inspections in one fell swoop and as last discussed, they had thought that they should stick with just the registrations portion and then do the inspections.

Alderman Tobin noted that sixty dollars (\$60) for the registration fee would be the less expensive option for those registering in a timely manner and then eighty dollars (\$80) would still keep us on track for the total amount that had been discussed using the estimated number of properties registered. He told the Council that they could go with a higher amount or a lesser amount. He noted that the software would be the biggest expense. He stated that Director of Administration and Finance Gazda had done some very good work to make sure that that expense could be covered. Mayor Gallagher noted that his concern over the fees was that if owners refused to abide by this program and no fees come in. Alderman Benedict noted that it was State Law that rental owners had to have their places inspected if there were three (3) or more units in a building. Mayor Gallagher noted that he wasn't questioning the State Law; he was questioning the registration fee. Alderman Benedict noted that fund would be coming in from the inspections, if not from registrations themselves. Alderman Tobin noted that there was a potential that some people might not register, but he felt that they would find that most people after they looked at their legal options would consider registration to be the cheapest and most cost-effective. He noted that a hard and fast penalty needed to be included in the registration fee schedule. He stated that by putting a fifty dollar (\$50) per business day penalty for failure to register, after a couple of weeks that would be a considerable sum. Director of Administration and Finance Gazda and Corporation Counsel Knickerbocker asked for clarification regarding business days. Alderman Tobin stated that he meant Monday through Friday so as not to penalize people who wished to comply, but couldn't do so because City Hall was closed on Saturday and Sunday. Mayor Gallagher directed Corporation Counsel Knickerbocker to draft a resolution for consideration at the next Council meeting.

Alderman Benedict asked what would have to be done to change the fees. Corporation Counsel Knickerbocker told him that a resolution would have to be

done not a local law. Alderman Benedict asked if the Council could pass a resolution and leave the amount blank and that amount could be filled in as the time comes. Corporation Counsel Knickerbocker noted that he wanted a resolution with a blank left for the inspection fee amount and the Housing Committee would come up with a figure to put in there by the next Council meeting.

Item #9 – Discussion on residency requirement for newly-hired City Department Heads.

Alderman Tobin noted that this had been discussed at past Council meetings and that there had been disagreements of opinions. He felt it was a good idea to raise the topic again about asking Department Heads to reside within City limits. He noted that there were a number of benefits, when people living within the City, they were more apt to see and know what was going on. He noted that when the Council spoke with Mr. Gazda they wanted him to live within the City and he was very gracious in agreeing. Alderman Tobin noted that he felt that it was a reasonable request for people who are in charge of various departments who are receiving additional compensation above and beyond typical employment, that the Council should ask them to live within the City they are serving. Alderman Benedict asked if this was going to be for new hires or was it going to be for the people that were presently employed. Mayor Gallagher noted that nothing could be done with the Fire Department because that is covered by the IAFF. Alderman Tobin noted that there were some other departments that had agreements. Mayor Gallagher noted that the Police Department was one. He noted that the Council would be talking about the Youth Bureau, Department of Public Works, Waste Water and Buildings and Grounds and Administration and Finance.

Alderman Tobin noted that there were several ways to deal with this. He felt one was by resolution or that it could be done by contract. Corporation Counsel Knickerbocker noted that if it were to become a requirement it would be a Charter change and should be done by Local Law. Alderman Tobin noted that during previous discussion it had been noted that a resolution was probably not adequate and that a Charter change was required. Corporation Counsel Knickerbocker noted that was correct. It would set forth what the job requirements were and what the duties were and would be the appropriate place for that and would need to be done by Local Law. Mayor Gallagher noted that if the Council decided to do it by resolution, it would leave room to allow for the hiring of someone without requiring that individual live in the City. Alderman Tobin felt it was a good fit because the Council wanted them to buy into the community and be sensitive about the budget process. Mayor Gallagher felt that a department head would be concerned about the budget whether they lived within the City or just out of it. Alderman Tobin felt it was a good idea to ask future department heads to live in the City. Alderman Quail noted that when hiring someone, the concern should be for hiring the best person and in some regards, where the person lives is a personal choice and the Council can influence it with a contract and not going with a charter change. To

him a charter change was not necessary; it could be addressed with a contract. He wasn't convinced that residency in the City was the way to go. He would like them to live in the City, but the argument that they didn't own the budget was not sound. They're professionals and they're trying to do the best that they can with the budget. He would like to see them live in the City and where they could see things happening. Alderman Tobin noted that one of the ancillary benefits for the City would be that new hires who aren't department heads, those just starting off, could look ahead at their future careers and it would encourage them to live in the City. He noted that one area that had been identified in the Comprehensive Plan, both for the County and the City, was to encourage further home ownership. Mayor Gallagher felt that it could be encouraged through their contract and not through a charter change.

Alderman Benedict noted that if weighed it high enough during discussions with possible candidates, telling them that this is an important part of your interview process, that you be willing to move into the City, it would certainly make candidates be willing to purchase a home. Alderman VanGorder noted that the only problem she could see was that there wouldn't be the same Council as there was right now in two (2) or four (4) or six (6) years and it could become harder to change. Mayor Gallagher noted that they could make a resolution and it would be there. Alderman VanGorder asked if the resolution would state that residency would be a requirement in all management contracts. Alderman Michales noted that it could say, "positions considered". Mayor Gallagher noted that the Council could pick an employee based on qualifications, only to find that they lived just outside of the City. Alderman VanGorder felt that the Council should make it well known that residency is a requirement and if the applicant wasn't willing to do that, they shouldn't apply for the job. She went on to state that as an employee was working their way up through the ranks of a job and it was that employee's ultimate goal to a promotion, then they would know that they needed to live in the City.

Alderman Michales asked about people already in positions now if they would be asked to move into the City now. Corporation Counsel Knickerbocker noted that anyone within the department, who lived outside of the City and wanted to be a department head, would have to move in to the City. Alderman Tobin noted that it didn't strike him as being a punishment. Corporation Counsel Knickerbocker noted that there could be people who had been in a department for a number of years and owned a home out in the country and if they were interested in becoming a department head, they would have to take the next step and come in to live in the City. He was just reminding them, so that they didn't forget about those types of people. Alderman VanGorder noted that the Councilors all had to make choices and applicants would have to opt to live in the City. Alderman Michales noted that some people might not want to sell their houses. Alderman Quail noted that what the Council wanted was the best person available to be a leader of a department and what they were saying was that the Council would not consider the best person available if they did not live in the City. He noted that if the Council made a resolution or put residency in the Charter; that was exactly

what they were saying. Alderman VanGorder noted that was not what they were saying. She noted that if the best person moves in to the City, then they'll be considered if they don't already live in the City. Alderman Tobin noted that it would encourage home ownership in the City. He noted it might change the applicant pool in some respects, but he felt the City would be stronger for it. He noted that each of the Councilors ran for public office for a reason and he felt that it was good to know that there were reasons in and above that get people into certain positions. Alderman Quail noted that he didn't have a problem with asking applicants, but he didn't think that putting it in the charter was the right approach. He noted that the Council should think about leaving their options open.

Mayor Gallagher asked the Council if they wanted to do a resolution or if they wanted to do a local law. Alderman Michales noted that this was only the second time the Council had discussed this and that perhaps it should be discussed a third time. He noted that he didn't think people were going to move from their positions. He went on to note that if he had been training and working for twenty or more years to achieve a promotion to a position only to find out that he had to sell his house and move to get that position. Alderman Tobin asked if a charter change could be acted on at the December 1 meeting. Corporation Counsel Knickerbocker noted that it would take a local law. A local law has to be written, presented and laid on the table, etc. He noted that the earliest time it could be voted on would be the second meeting in December. Alderman Tobin recommended that the Council look at making it a local law and it hopefully would be voted on the second meeting in December.

Mayor Gallagher asked if he wanted to make that a motion. Alderman Tobin indicated that he wanted to. Alderman Michales stated that he first wanted to look at the verbage before he voted on anything. Corporation Counsel Knickerbocker stated that he would prepare it and that he would get it out to everyone and then they could decide what they wanted to do with it. Alderman Tobin thanked him.

Item #10 – Discussion regarding Cortaca Jug Clean Up

Chief Catalano was present to answer questions. He had put together a status sheet for the overtime hours he had needed to police the City last weekend. It did not include the regular schedule shift hours. Alderman Dye noted that he liked the idea of the potential income of seventeen thousand dollars (\$17,000) if fines were levied at the maximum. Mayor Gallagher asked Chief Catalano what became of the bail money. Chief Catalano noted that unless those arrested are offered by the Judge to plead guilty and then they would have to agree to use the bail money to repay the claim for damages. Alderman Tobin noted that there were many comments regarding the litter and noise violations were also a big issue. He noted that the Council had passed a Nuisance Party Law last year and he hoped that this was helping with the noise violations. He noted that the litter is an ongoing problem. It's not only because of this weekend, but various other weekends throughout the year. He noted that sometimes its recyclables and other times it's

just litter. Alderman Tobin stated that he sent an e-mail to Chris Bistocchi at the DPW with some ideas for potentially helping to mitigate some of the problems without cost to the taxpayers. He stated that he had traded e-mails with Nan Pascarello on Campus. She's in charge of Judicial Affairs and he had forwarded that to the other Councilors as well. Ms. Pascarello is open to the idea of community service. It seems that when students get in trouble and they go before judicial, they are sometimes assigned community service. He noted that they are willing to open this up as an avenue to get the students to do community service. He noted that the thought was that maybe on Sunday mornings, periodically throughout the fall and spring semesters, when we know that there is a potential problem with litter and trash, we can ask and see about getting some students to come in and help out on those Sundays. The question he had for Chris Bistocchi at DPW was about garbage pail placement and was there an opportunity for us to put things in big problem areas. He noted additional canisters along Main Street, the east end of Groton Avenue and the east end of Tompkins Street. He knows there are times when there could be problems like this and what can the Council do to involve the different groups to try to come up with solutions that are workable.

Alderman Quail noted that he wasn't sure canisters would work. Mayor Gallagher stated that they needed a dumpster from what he saw. Alderman Quail noted that at 100 Tompkins Street, they had garbage cans put out in front of their house and they were spewed all over the place. Alderman VanGorder asked about blue bags. Alderman Tobin noted that if the City and the residents didn't have to pay for the blue bags and if there was a central collection point after the bags are filled and then we could get our waste control company to pick them up, then it would not be an additional cost to the City. Mayor Gallagher suggested that they sell the blue bags to Nan Pascarello and have her distribute them to the kids who are going to pick up, pay for the bags. He suggested that could be part of their penalty. Alderman Benedict noted that he had received e-mails regarding some students who were volunteering to pick up. He was unsure it was because they had been urged to pick up or that they had truly volunteered. Chief Catalano noted that the girls were the SGA president and members. Alderman Quail noted there were hundreds of kids from out of town staying at some of the places he visited on Sunday morning. He noted that walking into a house and trying to get the kids going was a challenge. He went on to say that it would've been nice to have had a phone list. Mayor Gallagher stated that it did look pretty good by Monday morning and noted that the DPW was out by 5:00 am and had cleaned up a lot. Chief Catalano noted that there was also the question of timeliness and he asked when the Council expected the volunteers to get it done. Chief Catalano noted that the City would be a lingering mess for quite awhile. He went on to explain that by calling in the DPW, it got done right away. He also noted that they were the ones that cleaned up after the Dairy Parade, not volunteers. It was a matter of timeliness. Alderman Michales noted that some of the apartment buildings that put their trash out late on Friday night or Saturday morning had made a big mistake. He thought most of that trash had wound up in South

Cortland. Alderman Michales then suggested that the Council should have had the Code Office out on Saturday morning citing residents for placing their garbage out way ahead of the pick up time this week. He felt that by doing that, some of the trash could've been eliminated. Mayor Gallagher noted that the game wasn't even in Cortland this year, wait until next year.

Alderman Dye told Chief Catalano that he had received two (2) phone calls from residents on Sands Street. He stopped down at the Police Station at around 7:00 PM on Saturday night and he couldn't even get in the door because there were about eight (8) kids down there with their friends. They were good about it when he talked to them. He also managed to get hold of a police officer and the officer told him that when he worked his way down to Sands Street, he would take care of the situation there. Later that evening, Alderman Dye received a call that the officer had gotten down to Sands Street and had taken care of the situation. He also noted that there were eight (8) or nine (9) kids downstairs at the Police Station around 7:00 or 7:30 PM and if that's how that area looked, he hated to think what the back room looked like. Chief Catalano noted that it was very busy.

Alderman Benedict noted that most of the people that he had heard from were mostly complimentary to the police and how things were handled by them. Alderman Dye noted that on his corner of Floral Avenue and Groton Avenue, it was very quiet this weekend. Mayor Gallagher noted that was good as there had been an incident there the previous weekend. Alderman Dye mentioned that he was aware that a person had been tackled in his back yard. Chief Catalano noted that the Police took in over four thousand dollars (\$4,000) in bail money. They took about one hundred dollars (\$100) per person, so judging by that, there was a line. That was just taking care of those issues. Chief Catalano stated that downtown there were long lines waiting to get in the bars and he noted that they probably should have had the Code Office out that night, as well, just checking occupancy limits.

Alderman Tobin asked what actions the Council should take from these discussions. It was noted that the idea of getting SUNY Cortland involved to pick up litter was well received. He noted that they should put together something through the rental permit program so that they can get in touch with the landlords and know who the head person was of the house. Alderman Tobin noted that he had scheduled a meeting with Jesse Campanaro so they could discuss this and see what could be done. He likes the idea of a phone tree where they get contact information for landlords and students so they can try to help each other be more accountable. He thinks this would be very helpful. After meeting with Jesse Campanaro, he will see about meeting with one of the college representatives and see where the City can go with this officially. He asked if there was anyone else that would like to be included in these meetings. Some other Aldermen indicated that they would like to be included. Mayor Gallagher stated that Dr. Pasha used to put a group of people together every year to do a clean up. Alderman VanGorder noted that she liked the idea of having teens involved. One clean up weekend

could be the boys' basketball team, another weekend the girls' soccer team. She noted that it could be an automatic group of people because the coaches might want them to do some community service. She noted that for the Community Clean Up they always had the high school girls' lacrosse team always comes. She felt that there could be various weekends to do these clean ups and a particular group could use that as their community service project. Alderman Tobin noted that he had thought about that and noted the "adopt a highway" signs along Rt. 81 and they could do something like that. Mayor Gallagher noted that the groups could adopt a street. Alderman VanGorder noted that was a good idea.

Adjournment

By: Alderman Benedict
Seconded: Alderman Tobin

Approved: Ayes – 6
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 17th DAY OF NOVEMBER 2009. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER