



City Council Minutes  
The City of Cortland  
December 1, 2009

Council Meeting #23  
December 1, 2009  
Regular Session  
City Hall  
6:30 PM

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

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

**Public Hearing: Proposed 2010 Sewer Fund Budget**

There was no one to speak.

The Public Hearing was closed.

**Public Hearing: Proposed 2010 Water Fund Budget**

There was no one to speak.

The Public Hearing was closed.

**Public Hearing: Proposed 2010 General Fund Budget**

Rich Couch spoke against the General Fund Budget.

Kim Hubbard spoke in support of keeping the crossing guards.

Eugene Palmer spoke regarding not supporting the general fund budget, high police salaries and excessive fringe benefits for city employees.

George Smith spoke in support of keeping the crossing guards.

Daniel Smith spoke in support of keeping the crossing guards.

Chris Hotchkiss spoke in support of keeping the crossing guards.

Colleen Hamilton spoke in support of keeping the crossing guards.

Amy Sherwood spoke in support of keeping the crossing guards.

John DeLucia & Judy Delucia spoke in support of keeping the crossing guards.

Amy Buggs spoke in support of keeping the crossing guards.

Steve Bates spoke in support of keeping the crossing guards.

Anne Doyle spoke in support of keeping the crossing guards.

Luke Stevens spoke in support of keeping the crossing guards.

Petitions in support of keeping the crossing guards were presented.

The Public Hearing was closed.

Mayor Gallagher calls the twenty-third Common Council meeting of the year to order at 7:05 PM.

#### PLEDGE OF ALLEGIANCE

#### PUBLIC COMMENT

#### Minutes of November 12, 2009

**RESOLUTION #126** OF 2009 – Approve the minutes of November 12, 2009 as amended.

By: Alderman Hamilton  
Seconded: Alderman Quail

Approved: Ayes – 8  
Nays – 0

#### Minutes of November 17, 2009

**RESOLUTION #127** OF 2009 – Approve the minutes of November 17, 2009.

By: Alderman Dye  
Seconded: Alderman VanGorder

Approved: Ayes – 8  
Nays – 0

Bills were reviewed and received.

### Mayor's Report

None was given.

#### Ward 1 – Alderman VanGorder

She continues to receive phone calls and e-mails regarding the proposed budget and the elimination of crossing guards. All the people that she has heard from have requested that the Council reconsider eliminating them. She also had some e-mails regarding crows and now that the machine is working at the Court House, the situation seems to be a bit better in that area. She also had some e-mails regarding the rental permit program. She also received a call regarding the closing of the P & C Store. She has gotten back to most people, but still has a few more calls to return.

#### Ward 2 – Alderman Benedict

He received several calls regarding the crossing guards and most people are willing to pay the extra two percent (2%) to keep the crossing guards. He also received a call regarding garbage and he hopes that will be taken care of soon.

#### Ward 3 – Alderman Dye

He has received many phone calls regarding the elimination of the crossing guards. He also received many e-mails over the past several days about the rental permit program. He also has received a few calls about the new garbage bags. People don't like the new ones and complained that they didn't expand at the bottom anymore. He tried to put fifty (50) pounds in one and it didn't hold fifty (50) pounds. He noted that whoever is making the new bags is not doing a very good job.

Mayor Gallagher stated that he had been in contact with the manufacturer. They had sealed the bottom so it doesn't expand.

Alderman Dye noted that several neighbors had stopped by his house to complain.

Alderman Benedict asked to add the crossing guard situation to tonight's agenda.

#### Ward 4 – Alderman Tobin

He also has received e-mails and telephone calls about budget concerns and predominately it's been about the crossing guards. They had a housing committee meeting last week and he will talk about that later in tonight's agenda. He noted

that after last year's discussion began with he, Alderman Quail and the County, he met with Tom Hartnett from the County Legislature and had some further discussions regarding consolidation to try to move forward with some ideas. He wasn't sure anything could be done this year, but they are hopeful that over the next couple of months, they can develop some positive collaborations.

#### Ward 5 – Alderman Quail

He has received e-mails and phone calls about the crossing guards.

#### Ward 6 – Alderman Feiszli

She thanked Mr. Palmer for his research and she felt it reinforced her request to have him on her financial advisory committee. She met with Adam Megivern, Director of the Downtown Partnership, to discuss the goals for the downtown businesses and what the City can do to work towards those goals. She is excited and noted that they shared many of the same visions.

She met with Superintendent of City Schools Larry Spring to discuss having an informal meeting between the new City Council and the School Board members to get to know each other and then further discussions about developing a committee to look into ways they can share services. She discussed the closing of the P & C Store with the owner of the Riverside Plaza property. The closing is inevitable on February 15, 2010, but the owner wanted her to relay to the public that he is actively looking for a new tenant and she will keep the City and the Council informed of any developments.

She received a lot of concern regarding the possible elimination of the crossing guards. She noted that when the Council was going through the budget discussion, the Council had requested that the department heads eliminate around ten (10) percent from their budget requests. She noted that all of the departments had come up with that. She believes that the Chief of Police recommended the elimination as a way to cut his budget. She requested that before the next budget discussion meeting that the Chief of Police come up with plans for the replacement of the crossing guards, if he was still recommending their elimination. She noted that the Council wanted to review this and assure the safety of the students before they made any decision.

#### Ward 7 – Alderman Hamilton

He received several e-mails from residents voicing their opposition to eliminating the crossing guards. He also received an e-mail thanking the Council for their efforts to cut spending and to hold the line on tax increases. Other than that, his Ward has been pretty quiet.

#### Ward 8 – Alderman Michales

He has received many calls and e-mails regarding the crossing guards. He also noted that he had been told his answering machine had not been working, but it was working, it just had received many phone calls.

**RESOLUTION #128 OF 2009** – Consideration of a Resolution in support of a People’s Convention to Reform New York (Alderman Quail).

Alderman Quail noted that Assembly Minority Leader Brian Kolb sent out a letter regarding a non-partisan grassroots effort asking for support. He read the letter, which was asking for a convention so that the State government could be reformed and he was asking for the Council’s support. Alderman Benedict stated that the part that he did not care for was that the elected officials and the lobbyists are not to run as delegates and he thought that was anti-democratic. He would like to run if he was in office and he thinks that anyone should be allowed to run. He noted that it didn’t mean that they would be selected, but he thought it was undemocratic to eliminate a large number of people. He was also concerned that if they were bringing up a whole new constitution things like Forever Wild in the Adirondacks and things like that might be abolished. He was concerned about a number of those items and other things that might be taken away that he felt were important.

Alderman Feiszli stated that she had checked out Assemblyman Kolb’s website and although she believes in bi-partisan working together when making needed revisions to the constitution, she believes that this should be an independent or not as a Council as a whole. She noted that there was a link on the website for people to sign in support and apparently there are about fifteen hundred (1,500) already. One of her concerns is that to have this convention, it would cost between twelve (12) and fifteen (15) million dollars and she thinks at this point, she can’t support spending that much money. Alderman Quail only comments to those statements was that the Council had voted on a union coalition, which he felt should’ve been a personal decision. He also noted they needed to reform State government. He feels that they cannot have State government run by three (3) people or the State will never have changes.

Alderman VanGorder noted that the letter didn’t state that you couldn’t run as a delegate, but it just recommended that if you did run, that you give up your post.

By: Alderman Quail  
Seconded: Alderman Hamilton  
  
Approved: Ayes – 6  
Nays – 2 (Benedict and Feiszli)

**RESOLUTION #129 OF 2009** – Consideration of a Resolution designating the Cortland Pennysaver as the second official newspaper of the City of Cortland.

Director of Administration and Finance Gazda explained that currently the City did not have a second official newspaper. This had to be done as part of the in rem process because they needed to place an ad in two (2) local newspapers.

By: Alderman Dye  
Seconded: Alderman VanGorder

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #130 OF 2009** – Consideration of a Resolution approving the award of the Fire Department pumper truck and authorizing the Mayor to enter into a contract.

Alderman Feiszli wanted to open up conversation on this noting that the Council did not receive a copy of the contract until this meeting. She asked that this be tabled to give Director of Administration and Finance Gazda time to provide the Council with information and his recommendation and his reasons for this particular piece of apparatus. She felt that there wasn't enough time or information to make a decision. Alderman Benedict noted that Chief Baron was present to answer questions. Alderman Feiszli noted that she had not had a chance to look at the contract.

Chief Baron noted that he had some language to give to Corporation Counsel and the Mayor to include in the contract if the Council were to award the bid. They would provide a contract to Corporation Counsel and the Mayor to look at and make any changes or add in whatever they wanted into the contract and approve that. The contract will state that the bidder bid on certain specifications and that the contract will be contingent upon the bidder meeting all of the specifications including any clarifications and changes that have been agreed to in the bidding process. He noted that in the contract provided to the Council, the process was based upon a list of specifications and that the low bidder or the most responsible bidder had been chosen. He was asking that the Council award the bid based on that low bidder and at that point that bidder would draw up a contract. He noted that unfortunately, that due to certain government regulations concerning the environment, that there was a change in equipment motors, engines and exhaust systems that was going to take place in January 1, 2010 and it is important for the City to enter into a contract prior to January 1, 2010 in order to avoid a very large increase in the cost of the equipment. That was taken into account when drawing up the specifications. He would like the chance to tell the Council why it took until today to get this out. He asked that the Council look at the attached letter of explanation provided to each of them. He noted that they had been working on making sure that everything was going to be up to date, going over certain language as part of the warranties. He wanted to be sure that it was nailed down for the benefit of the City. He noted that the bids had only been opened up a few

weeks ago and there hadn't been much time to go through the specs line by line to be sure that they were comparing apples to apples and making sure that everything is up to par.

Alderman Benedict asked Chief Baron to mention some of the conditions that the fire equipment is in now and why the need is so great to have a new fire engine. Chief Baron noted that the Fire Department has not had a good replacement program in place. He noted that equipment gets old and that they are currently running 1980 engine and a 1981 ladder, which are in regular use. He noted that they might have some use as reserve apparatus, but they shouldn't be running first duty, in any case. He noted that the repairs on the old apparatus outstrip the payments on new vehicles. He also noted that the technology changes, the ability of the equipment to carry out the function changes and Fire Department has very busy apparatus and the equipment takes a beating on the road. He noted that before they are a fire truck, they are a truck. He noted that like any other department, the equipment wears out and gets old. He stated that they couldn't afford to have the equipment fail. He noted that in the past some equipment has failed during working fires. He noted it was important to have good working apparatus going and not having it be in the repair shop all of the time. Alderman Benedict stated that Chief Baron should mention that this money was bonded last January. Chief Baron stated that was correct, that the Fire Department was not asking for new money, it was just the awarding of the bids based upon the bonding that was already approved and he also noted that they had stayed within their budget. Mayor Gallagher noted that they were under budget.

Alderman Feiszli asked that the recommendation be provided in writing from the Director of Administration and Finance Gazda with regards to the financing aspect for this recommendation. Alderman Feiszli asked if Director of Administration and Finance Gazda had been a part of this whole process. Director of Administration and Finance Gazda stated that the Council had approved this with the bonding process and that the money was sitting in the bank to buy this truck. He noted that this was the third (3<sup>rd</sup>) fire department he had been associated with over the past ten (10) years and he could tell you right now that he was very impressed with the specs and how they did their process. He had never seen any done better. Alderman Michales asked that the Council move forward with this resolution. Alderman Feiszli noted that she would rather wait until the next Council meeting. Mayor Gallagher then called for a vote. There was some discussion regarding what would happen when the contract was received. Mayor Gallagher noted that the new Mayor and their Corporation Counsel will be reviewing the document and when all were satisfied, the new Mayor would be authorized to sign it. Alderman Feiszli asked for more time to review the contract. Mayor Gallagher noted that the company was Kovatch Mobile Equipment (KME) represented locally by Salisbury-Davis.

By: Alderman Benedict  
Seconded: Alderman Dye

Approved:                   Ayes – 7  
                                  Nays – 1 (Feiszli)

Item No. 4 – Consideration of a Resolution authorizing Mayor Gallagher to enter into a renewal contract between the Cortland County Society for the Prevention of Cruelty to Animals (SPCA) and the City of Cortland for the sum of \$76,500.00 for the year 2010 for the purpose of furnishing public dog related services pursuant to the provisions of Section 1215, subsection (2) of the Agriculture and Market Law, in the City of Cortland, New York.

Director of Administration and Finance Gazda noted that he had received an e-mail from Donna Davies of the SPCA reducing the original amount of \$79,500 by \$3,000 to \$76,500.

Alderman Feiszli stated that when the Council had a contract to approve, that she would like to have information for the recommendation of the contract with the reasons behind it. She noted that when doing a comparison between the City and other municipalities and what the City is paying for those services, she would like to set the bar in saying that, “this is what we are paying and this is what we are getting” when talking with other municipalities. Alderman Feiszli noted that she would also like to see that this contract be a six (6) month contract versus a one (1) year contract so that an analysis could be done. Alderman Benedict noted that this contract would be saving the City money in the long run. He noted that instead of having the police take care of this duty and hire or make a shelter, that this was actually saving taxpayers money instead of having the Police Department become dog catchers. Alderman VanGorder noted that New York State required that all cities to have this. Alderman Feiszli noted that she would like to find out if this amount was reasonable compared to other municipalities of similar size. Director of Administration and Finance Gazda noted that he was asked that question and he contacted the City of Ithaca and they are paying \$84,500 a year. Alderman Feiszli noted that the population of Ithaca was double that of Cortland. Director of Administration and Finance Gazda stated that Norwich is doing a Dog Control Officer, but they could only give him some rough numbers of about \$55,000 just for personnel costs not including vehicle costs and shelter costs. They also use the local SPCA to do the impoundment and could not provide him with further information regarding those costs. He noted that the City of Cortland received all of that as well as weekends and nights as part of their contract. Alderman Feiszli noted that the contract was only up to 4:00 PM and weekends didn’t seem to be included. Alderman Michales noted that it was included. Alderman Benedict noted that the SPCA had done a very good presentation before the Council and he noted that by the City not having to buy a vehicle for this purpose, it was saving money. He also noted that not having to pay the personnel benefits, they were saving, as well.

Alderman Feiszli stated that she understood that, but that the Town of Ithaca didn't use Tompkins County, but used a service in Homer, or at least they did last year when she had checked. Alderman Michales noted that the City of Cortland received a lot of services and that the center here in Cortland is under funded. He noted that they provided many services and did not receive reimbursement that they should. He noted that if Mr. Carr (of the SPCA) received a call in the middle of the night about a dog being down, he doesn't wait until he comes on duty at 8:00 AM, he comes out that night as soon as he receives the call. He noted that many shelters did not do this.

Alderman Feiszli noted that in the contract it stated that they would bill the City for those after hours calls at fifty dollars (\$50) per hour with a two (2) hour minimum charge per call and she believed that's what Mr. Carr was doing. Alderman Michales stated that Mr. Carr was not billing the City. Mayor Gallagher noted that the City had never paid the SPCA more than what they were under contract for. Alderman Hamilton asked if this contract was a cut in the SPCA budget from last year. Mayor Gallagher noted that it was three thousand (\$3,000) dollars less than last year. He also noted that during the cat caper, the SPCA had done more than their duty. Alderman Michales agreed. Alderman Feiszli asked Mayor Gallagher how much the cat caper had cost the City. Mayor Gallagher stated that he didn't have any figures in front of him. Alderman Feiszli asked Alderman VanGorder if she recalled how much that had cost. Alderman VanGorder felt that it ended up being a cost of about twenty thousand dollars (\$20,000). Mayor Gallagher noted that the money had not gone to the SPCA, but had gone to cover the expenses of food and shelter for the cats. Corporation Counsel Knickerbocker noted that they had also gotten some of that money back.

Alderman Quail noted that if the City had never been billed for emergency services, why was it being included in the contract. Alderman Benedict supposed that it was in there to protect the SPCA in case they were getting a lot of calls in the middle of the night. Mayor Gallagher stated that the section of the contract about after hours calls could be removed from the contract. Alderman Quail stated that he would like to have that taken out. Alderman Feiszli noted that the contract before the Council was incorrect in that it was for seventy-nine thousand five hundred dollars (\$79,500) and would have to be amended. She asked that it be placed on the next agenda with a new contract and to check with the SPCA to make sure that everyone was on the same page, to take out the after hours clause. Alderman VanGorder noted that the City would want the SPCA to provide emergency services, but they didn't want them to charge for it. She noted that perhaps the contract wording could reflect that, not just take that section out.

Corporation Counsel Knickerbocker noted that someone from the City would have to meet with Donna Davies of the SPCA to discuss this further.

By: Alderman VanGorder  
Seconded: Alderman Benedict

**RESOLUTION #131 OF 2009 – Consideration of a Resolution TO TABLE**  
authorizing Mayor Gallagher to enter into a renewal contract between the Cortland County Society for the Prevention of Cruelty to Animals (SPCA) and the City of Cortland for the sum of \$76,500.00 for the year 2010 for the purpose of furnishing public dog related services pursuant to the provisions of Section 1215, subsection (2) of the Agriculture and Market Law, in the City of Cortland, New York.

By: Alderman Feiszli  
Seconded: Alderman Hamilton

Approved: Ayes – 7  
Nays – 0  
Abstain – 1 (Michales)

**RESOLUTION #132 OF 2009 – Consideration of a Resolution to adopt a one-year contract extension through December 31, 2010 with Superior Disposal Service for rubbish and recycling pick-up.**

Director of Administration and Finance Gazda stated that the current contract expired December 31, 2009. He stated that in August he was approached by DPW Superintendent Chris Bistocchi with regards to doing the RFP's and getting it out. That led to some discussion and he spoke with Superior Disposal it was noted that the current agreement was probably better off for the City because they currently paid by the estimated tonnage that they thought they might pick up in the City during the course of a year. He has been involved and he has done RFP's. He noted that what he would like to do next year is go put in for where they just pay for the service. There is various ways that the Council can get there. They can do it by the total number of units that are picked up. Currently they use the blue bags; if they're out they're picking them up. What other municipalities do is that they will only pick up a certain type of residential, up to say, up to four (4) units. He stated that with everything going on, he knew that he was just not going to be able to gather a large RFP this year and get it done. He explained that the current contract allowed the City to have two (2) one (1) year extensions. Corporation Counsel Knickerbocker noted that it allowed up to a two (2) year extension not to exceed two (2) calendar years. Director of Administration and Finance Gazda noted that the current contract had a three (3) percent increase each year and they will continue that, but they did take out the sixty dollar (\$60) a ton that was currently being paid to the County. He went on to note that the City will now be paying that directly to the County. Superior will now pick up, have their trucks weighed by the County, the County will bill the City and we will pay the County directly. He stated that the hope was that the City would see their tonnage costs go down a little bit, because now it was just a guesstimate on the part of Superior. Alderman Dye noted that the City was now going to pay the County sixty dollars (\$60) a ton to dump the garbage and to pay Superior one hundred twenty-four dollars (\$124) dollars a ton to pick it up.

Director of Administration and Finance Gazda noted that was the amount the City would be paying if they just did a three percent (3%) increase. He noted that there was a three percent (3%) increase in the contract extension now and that next year he would look at it and he felt that it would be best to get a price per unit not per ton. Then they would look at how many units of trash got picked up. Alderman Feiszli noted that the Council had only received the amendment to the current agreement; they did not receive the original agreement. She noted that what was received stated that the City would pay the tipping fee to the County of Cortland or to whatever landfill was utilized. She noted that personally she would rather see the City garbage go to the Cortland County landfill and that we pay the County directly, otherwise the Council wouldn't know what they were paying and that it could be more than sixty dollars (\$60) per ton.

Director of Administration and Finance Gazda stated that both the conversations that he had with the County Highway Superintendent and also, Mr. Gale; there was no intention to take the City trash anywhere except to the Cortland County landfill. Alderman Feiszli then asked that that section could be removed from the agreement amendment. Alderman Dye noted that they couldn't take that out as the City would have to pay the tipping fee to wherever the trash went. Director of Administration and Finance Gazda stated that he didn't know if the City had flow control in the County. Corporation Counsel noted that the City didn't have flow control and if the Council wanted to delineate that the trash has to go to the Cortland County landfill, they could do that. Alderman Feiszli noted that since we didn't RFP this because we didn't have enough time and this is a new way of doing the landfill, but we need to have garbage disposal, she would like to make this agreement for six (6) months to see if it was going to work. She noted that if it didn't work, then the contract would only be for six (6) months and then we could RFP at that time or we can extend our contract. Mayor Gallagher noted that he didn't think Superior would sign an agreement like that. Alderman Michales noted that they'd probably want a minimum of one (1) year. Director of Administration and Finance Gazda stated that he would contact Superior and if they didn't want a six (6) month contract then the City wouldn't have trash pick up service as of January 1, 2010.

Alderman Michales noted that he also had a problem with the tipping fee. He was concerned that if the County raised their tipping fees to eighty dollars (\$80) then the City was locked in to paying them that amount regardless. Director of Administration and Finance Gazda didn't think that the County would do that. He noted that if the County did do that, Superior would be coming back to the City regardless saying the contract is broken down that way. He still felt that looking at a per unit fee in the contract instead of tonnage and that will take research and time. Alderman Dye asked why the clause that the City will pay the tipping fee to the County was being put in the amendment. Corporation Counsel Knickerbocker stated that it was a suggestion that was made. Rather than the City paying a guesstimated amount, that this way, the City will be paying for exactly what is

going in and we will be paying Superior a three percent (3 %) increase for their service based on the three percent (3 %) increase that was given to them in the preceding years of the contract and then the City would directly pay the tipping fee on bill from the County so that the City will know exactly what the tonnage is that is going in with the idea that Director of Administration and Finance Gazda will have a better idea of knowing exactly what the tonnage is that we are producing here in the City for the next round of bids. Director of Administration and Finance Gazda stated that he did not want to go into the 2010 budget year without a number and opening an RFP without knowing what the number was going to be. He went on to note that if the City had gone through an RFP process that they would probably be opening up an RFP tonight and we wanted to know what the numbers were going to be.

Alderman Feiszli asked what the reason was that they weren't doing an RFP. Director of Administration and Finance Gazda stated that it was to take a look at how the City goes out in a different way on the way we pay. He again noted that he felt that they might save money if they paid by the unit. He noted that in Canastota, they were charged by the unit and they did see a savings. Alderman Hamilton felt that Alderman Michales had a point, in that the County is in financial difficulty. Alderman Feiszli still felt that a six (6) month contract should be looked in to and she wanted to make a motion to table this resolution. Alderman Michales felt that the Council should agree to this contract and study the billing for a year and then make a decision. Director of Administration and Finance Gazda noted that by tabling this until the next meeting that they were taking the chance of not having trash service in the City come January 1, 2010.

Alderman Feiszli made a motion to table this resolution, there was no second.

By: Alderman Quail  
Seconded: Alderman Dye  
  
Approved: Ayes – 7  
Nays – 1 (Feiszli)

Item No. 6 – Presentation of the City of Cortland's Flood Plain Damage Prevention Local Law.

Corporation Counsel Lawrence Knickerbocker stated that Zoning Officer Amy Bertini had done all of the groundwork on this and has communicated with the DEC on a number of occasions. She has done a good job of putting this together. He noted that the only issue that has now come up through her conversations and his conversations with the DEC is that we basically used their model law for this. In their model law, it indicates that the prior law should be superseded and the DEC has now given the City direction that our prior law should be rescinded. This will require us to change a few words in this proposed local law and then the DEC wants to see our proposed local law in final form before they authorize it again.

Corporation Counsel Knickerbocker stated that in his thinking, that this should come back with additional language on December 15, 2009 and schedule a vote in the first meeting in January. He went on to note that this had to be adopted before February 2, 2010 or some time in early February 2010. Corporation Counsel Knickerbocker predicted that if this small change was made, the DEC will say it's okay and it's going to come back in final form and will be on the table December 15, 2009 and then it can be voted on at the first meeting in January 2010.

Alderman Benedict noted that without this law, that there would be no loans from FDIC member banks. Corporation Counsel Knickerbocker stated that was correct. Alderman Feiszli asked if this replaced the City's existing Chapter 138. Corporation Counsel Knickerbocker noted that the way that this is written right now, it states that this supercedes that, which would mean that if there was something in that existing law that is different than what is here in this proposed law and that this new one does not deal with that, then you have to go back to the old law. He believes that is why the DEC is recommending that we rescind the old one and pass just this new one. Alderman Feiszli asked him how that could be done. Corporation Counsel Knickerbocker felt that all they had to do was to change some of the language that's in the proposed new law on page 7. He noted that where it stated "shall supercede all previous laws" if they put in "shall supercede all previous laws and shall rescind any and all other laws including Local Law #1 of 1987", then he felt that would be sufficient.

Alderman Feiszli inquired regarding the fees for application. Corporation Counsel Knickerbocker stated that it was his understanding that the City has never charged a fee for that, it was like a building permit and that our idea was to put "zero" in there unless the Council wanted to place a fee in there. Alderman Feiszli noted that since this was a boilerplate from DEC, she asked him to check with other municipalities to see if they had fees. Corporation Counsel Knickerbocker asked if Zoning Officer Amy Bertini had anything else to add to this information. There was nothing else to add, and Corporation Counsel Knickerbocker asked that this be placed on the next agenda and he will provide them with the revision which may only sentence or two.

**RESOLUTION #133 OF 2009** – Consideration of a Resolution to adopt rental program fees.

Corporation Counsel Lawrence Knickerbocker noted that included in the tonight's Council packet was a schedule of fees for the Cortland Rental Housing Law. He noted that he had placed in the packet the registry permit fee for two (2) different time frames. The rental inspection fee, he didn't feel had been determined, so he had left that blank and he did put in "per dwelling unit" as he was uncertain what the Council's ultimate decision was on that, such as whether it was going to be per structure or per dwelling unit or a cap on the structure if it had a certain number of dwelling units. Those were left blank with the idea that the Council would give some direction and that could be filled in. He also believed that Alderman Tobin

had e-mailed about fines. Corporation Counsel Knickerbocker stated that should go in a separate resolution dealing with all of the fines, rather than as a fee, because it was really not a fee. It would be a fine. He noted that obviously the court was the only one that sets the fines although the City can set the parameters under which the fine is; such as minimum and maximum. Alderman Tobin asked what timeframe the Council should be looking at about passing a resolution about fines. Corporation Council Knickerbocker thought it should be done within the next month, so that they would have a heads up on that.

Alderman Tobin noted that he didn't want to jump ahead on the agenda, but noted that Item No. 10 was somewhat related. He asked Corporation Council for his legal opinion on Syracuse's plan to do potential water shutoffs as a penalty for non-registration of rental properties. Mayor Gallagher stated that he didn't believe it could be done. Corporation Council Knickerbocker agreed with him and he felt that the Council would have to amend their local law because it didn't currently provide for that. Alderman Tobin asked if there was a separate fine schedule, that couldn't be put into that. Corporation Counsel Knickerbocker noted that it was a fine schedule, but it didn't mean water shut off. The Council would have to amend their local law, as the fine schedule just dealt with the monetary fees and the shut off was a penalty that would have to be added to the section of the law dealing with how the City could bring landlord's to court for enforcement, etc. He went on to note that the fine schedule or fee schedule or civil penalty schedule would all be different from that. He questioned if shutting off water was constitutional and if it even could be permitted. He doubted that the Health Department would permit that to happen. Mayor Gallagher noted that this situation had occurred before and that there was a fifty dollar (\$50) fee for shut off and the City has to call the Health Department to shut it off and the Health Department says it can't be shut off because there are people domiciled in the apartments and we are subjecting them to public safety issues. Alderman Tobin noted that if the landlord did not register the unit, then the people residing there would be residing there illegally. Corporation Counsel Knickerbocker stated only if we can prove they're there illegally. Mayor Gallagher noted that we would have to take the landlord to court first. Alderman Tobin stated that he would watch what happens in Syracuse, closely.

Alderman Feiszli noted that in the e-mail distributed, that it stated that the City of Syracuse would assist tenants who need help finding new homes and she asked who would be responsible for finding alternative housing for these people who had their water shut off. Alderman Tobin noted that the idea of bringing up potential water shut offs would be something that they could wait on to see how the registration goes in the first couple of months and if they saw that they weren't getting the registrations that should be coming in, it could be something that could be potentially added to the consequences for not registering.

He went on to explain that the fees were sixty dollars (\$60) for the registration period ending April 30, 2010. The registration would be per property, but the

inspection fee would be per dwelling unit. Alderman Benedict asked if they charged fifty dollars (\$50) per dwelling unit for an inspection, the landlord would be paying three hundred fifty dollars (\$350) if they had seven (7) units in the building. Alderman Tobin noted that the fee would be for single and two (2) family buildings. Alderman Tobin also noted that these were fees were for the registration and that the inspection fees had yet to be set. He noted that he was proposing a sixty dollar (\$60) fee to register a property before April 30, whether there were two (2) units there or a single family rental property. The fee would go up to eighty dollars (\$80) thereafter. He noted that it didn't matter if it was a single unit property or a seven (7) unit property; the registration fee would be the same. The inspection fees had yet to be determined because the inspection fee wasn't very popular with the Council a few months ago, so it was decided to go ahead with the registration and then the inspection fees later. Hopefully they will be consistent with what is the current going rate. Alderman Quail asked if they should take the inspection fees off of this resolution and deal with just the registration fees.

Corporation Counsel Knickerbocker stated that could be done and he would strike out anywhere there was mention of inspection fees and a few other adjustments as noted. Alderman Feiszli asked why the fee had gone up. Alderman Tobin explained that the registration fee was for the property, not for the unit and it would only be paid every three (3) years and owner occupied two family properties had the opportunity to self-certify and the registration fees goes towards the start-up costs. He noted that when they looked at the numbers of potential registrations and inspections, they came up with a range of fees. After some of the questions that Mayor Gallagher had asked about registration, they ran a more conservative estimate and said that to cover the fees for the software, the fee of sixty dollars (\$60) and as high as eighty dollars (\$80) we believe we are covering the costs without additional expense to the General Fund. Alderman Feiszli asked him to explain the rational between charging sixty dollars (\$60) for a two (2) unit property and the same for a seven (7) unit property. Alderman Tobin noted that the rational for that was that anything over a two (2) unit property was already inspected and that's not where the problem lies. The problem is the one (1) and two (2) family properties, so starting the registration fee will help fix the problem. The problem will be fixed by having the ability to do inspections on a regular basis to make sure that the property is being kept up to standard, while we are spreading a disbursement fee amongst all rental properties. He noted that the sixty (\$60) dollar fee is not just for one or two family properties, it's across the board. He noted that he didn't see the point if you had a two hundred (200) unit property and you've already been getting inspected, why we should be getting even more than the sixty dollars (\$60) when they are not part of the current problem. He noted that the fee is consistent between one property and the next.

Alderman Benedict noted that as long as it didn't cost the City any more to write down the address of property with five (5) units or one with one (1) unit, it's the inspections that will take more time and cost the City more, so that's why we felt that a lower fee seemed reasonable to have and this registration is a one time fee.

Alderman Tobin stated that the only time the fee would be paid again, was if the property changed hands and he noted that the inspection fee would be tri-annual, but not the registration fee.

Alderman VanGorder asked when the inspection fees would be determined. Alderman Tobin noted that they are starting with the registration fees and then coming back with the inspection fees. He noted that one of the things they wanted to do with the inspection fees was to be consistent with private industry and what else is occurring in other municipalities. He noted that our current inspection fees appeared to be lower than what is typically being charged in other municipalities and also by private inspectors. He noted that if this was approved, they would move on with the inspection fees. Alderman VanGorder asked him what it would cost the City for the inspections. Alderman Tobin noted that they could make good guesstimates. He noted that one (1) and two (2) family properties for the actual inspections, that on the high end, according to Chief Glover, it should take about an hour, but then there is also time that must be allowed to fill out paperwork. He noted that he could hazard a guess, but he didn't want to put a number out there until the Housing Committee discussed it.

By: Alderman Tobin  
Seconded: Alderman Benedict

Approved: Ayes – 7  
Nays – 1 (VanGorder)

Item No. 8 – Discussion of consolidation of services between the City and the County. The goal will be to establish a committee of City and County elected officials and employees to actively seek out ways to deliver the same resources with less cost. Short term goal will be to find cost savings of at least \$100,000 for FY2010. (Alderman Tobin)

Alderman Tobin has been in contact with his County Legislator Tom Hartnett and have had some discussions regarding different things that could be done to potentially try to streamline what's going on in the County and City level. There have had several discussions and he wants to keep the Council informed regarding what's been going on and secondly that the Council is moving forward with no misconceptions about what they are trying to do. He wants to hear ideas from people about areas of consolidation. He stated in the discussion he had with Tom Hartnett was in regards to putting together a committee, maybe two (2) from the City Council, three (3) from the County Legislature, and involving City and County Administrators as much as their schedules will allow, to discuss areas of potential consolidation. He also would like to involve some people from various departments who are actively on the ground doing some of the work. There have been discussions about the Youth Bureau and that was in the paper. He apologized to John McNerney for not speaking with him before it was advertised,

but as he said, he wanted to get the structure of who was going to be having these discussions and then try to move forward with them.

Alderman Benedict felt that consolidation was a good idea, but he was wondering if residents would be paying more instead of less. He was also concerned that the goal year was 2010 and that time was fast approaching and he's unsure that amount could be gotten into the 2010 budget in that short amount of time left.

Alderman Tobin noted that was the concern about the expenses and who is paying them and receiving what. That's why he felt it was important to have the elected officials, but to also have our administrators as well as the people in the departments so that they could look at not only the numbers, but the work and how it's going to get broken down. He noted that if they could find a way to save money before the budget goes through, then by all means, he would want them to push for that and have on the City and County agendas for their next meetings. He thinks it would be more realistic to say that they are looking for financial savings during the year in 2010 by making changes that we might not see at the beginning of the year, but realize that savings by the end of 2010. He tried to set a number, but he noted that he wasn't very scientific about where he got that number from. He felt that picking a target number was a good way to get started. Alderman Quail noted that they couldn't budget a cost savings. Alderman Dye noted that it was better to have a budget and to save money and have a surplus at the end. Alderman Feiszli noted that the Council had set up a committee earlier in the year to discuss consolidation with the County and she supports consolidation. She asked Alderman Tobin if he had met with the County Administrator. Alderman Tobin stated that he had not, but he had discussions with Tom and some different legislators and the conversation has begun, but has not produced much. He feels that they should set a target so that when something tangible comes out of these talks, they can hold themselves accountable.

Alderman Feiszli asked when the County was voting on their budget. Alderman Tobin thought they were voting on December 17, 2009. Mayor Gallagher noted that the City Budget vote was scheduled for December 15, 2009. Alderman Tobin hoped that something could be done in the next two (2) weeks, but if it couldn't be done, hopefully something could be done in the next six (6) months. He hoped to bring some viable options to the Council. Alderman VanGorder asked if Mr. Hartnett was presenting something like this to the County. Alderman Tobin stated that he was. Alderman VanGorder thought it was great that they were talking with the County.

Alderman Feiszli stated that in the past two talks with County Administrator Schrader, he had mentioned a couple of places where they could consolidate and she felt that this was the time to do it.

Item No. 9 – Discussion of a vehicle use/gas policy. I recommend that all monies budgeted for fuel and repair for any vehicles (excepting police and fire emergency

response vehicles, and DPW vehicles) be placed into contingency. Every month the Council would review department heads requests for gas expenditures before allocating said monies. (Alderman Tobin)

Mayor Gallagher asked what vehicles were to be included in this. Alderman Tobin stated that vehicles that went home. Alderman Tobin noted that there was a list of about twenty-one (21) vehicles that went home. Alderman Feiszli asked how often Waste Water went to the landfill with their sludge. Mayor Gallagher noted that they went about a couple of times a week. Alderman Feiszli asked if they would have to approve those trips. Alderman Tobin thought they would have a pretty good estimation of the cost on that on a monthly basis and they would be able to give the Council a good guesstimation. He noted that some unexpected expense could come up and right now they didn't have much of a contingency fund. He asked Director of Administration and Finance Gazda how much was in the contingency fund. Director of Administration and Finance Gazda stated that there was about ten thousand dollars (\$10,000). Alderman Tobin noted that the idea was to put a little bit more into that pot and if worse comes to worse the Council can make a change in the gas use policy easier next year than some other changes that would have to be done if an emergency situation were to occur. Alderman Tobin explained about the light pole situation where the City had to make a thirty or forty thousand dollar investment, if they had a similar situation with another traffic light pole, they would need to have that money and right now they didn't have enough to cover that type of expense. He feels that the money needs to come from somewhere and that vehicle repairs and gas usage were things that they could change the policy during the year, whereas an emergency situation, they didn't want to be caught without having any options.

Alderman Feiszli noted that they had spoken with all of the departments and they had written their justifications for taking vehicles home. She noted that they had started work on a vehicles use policy and then when Andy Damiano passed away, Nick Mazza came in as interim and he recommended that we wait for our new Director of Administration and Finance to come in. She has now given Bryan Gazda a copy of the vehicle use policy draft. Director of Administration and Finance Gazda indicated that he recommended that they take a look at that policy in the beginning of next year and then go from there. Alderman Dye noted that in the information that they had received, that he had not noticed some departments asking for money to pay for gas. He feels that is something they need to do. Alderman Feiszli noted that one of the audit recommendations was to have a vehicle use policy so that the City could keep track of the expenditures. Director of Administration and Finance Gazda stated that he would begin work on that next year. He also noted that he would like to have a Council member or two working on it as well so they could understand, as well. Alderman Dye asked if the Council wanted to approve the gas bills on a monthly basis and that was almost down to micromanaging, he felt the department heads should be doing that. Alderman Quail noted that the Council was not seeing anywhere in the bills where the City was paying for gas. Corporation Counsel Knickerbocker stated that was because

it was a budgeted item and therefore wouldn't show up on the bills. Alderman Feiszli stated that the City Charter stated that there should be a quarterly report presented to the Council of all of these expenditures and Bryan Gazda is now doing that. Starting next year we will have more oversight on the expenditures than we have had in the past. Director of Administration and Finance Gazda stated that currently when the Council reviewed bills as they did this evening. It was only for selected departments. He will be starting to audit all of the bills from all of the departments. He noted that is not the function of advisory councils, as they have been doing, so starting in the beginning of the new budget year, he will do them all. He is doing Water and Sewer now and the others will be coming to him in January. It was asked if the Council could get a monthly listing of the types of expenditures so that they could see what is being spent in this area. Director of Administration and Finance Gazda stated that he would begin giving those department vehicle reports to the Council in late January.

Item No. 10. – Discussion of potential water shutoffs for non-registration of a rental property. (Alderman Tobin)

It was decided that this had been discussed earlier.

Item No. 11 – Discussion to consider a resolution to create an Environmental Advisory Committee. (Alderman Feiszli)

Alderman Feiszli stated that back when TOPS had proposed their gas station plan in Cortlandville and a gentleman came to the Council meeting and asked what the City was doing about it because it was over our sole source aquifer. She noted that the Council had discussed having a board look at it, but she found out that the City didn't have a Water Commission anymore. She stated that the question then was, who was looking out for our drinking water and our aquifer. The Council had then talked about establishing an Environmental Advisory Committee and that has happened. So far, they have been meeting about once a month. There are six (6) people on the Committee. They include Ron Powell, Frank Kelly, Denise Hodgekins, Dr. Steven Broyle, John Helgrin and Kathryn Gierhan and they all have good credentials. They are all concerned about the health aspects for the City, not just drinking water. She noted that the Committee has had some concerns by just being a committee and because they are a group of professionals when they volunteer their time, they want to be recognized for their time and what they do. They have written up by-laws and a statement of purpose. They have given this mission statement to her and are asking the Council to recognize this Committee by resolution. Alderman Feiszli noted that this committee is called the City of Cortland Environmental Advisory Committee and she read their by-laws and statement of purpose to the Council and the public. Mayor Gallagher asked if the members would have any terms of appointment. Alderman Feiszli noted that would be up to the Council. Alderman Quail noted that the City Charter had a term of appointment for committees. Director of Administration and Finance Gazda thought it was two (2) years. Corporation Counsel Knickerbocker thought that

there was, but he was unsure as to the length of term. It was asked that the Council confirm all appointments and that wording be placed in the by-laws. Alderman VanGorder asked if this would go into effect on January 1, 2010 and the Council will have to approve all members.

**RESOLUTION #134 OF 2009** – Consideration of a Resolution to create an Environmental Advisory Committee. (Alderman Feiszli)

By: Alderman Benedict  
Seconded: Alderman Hamilton

Approved: Ayes – 8  
Nays – 0

Item No. 12 – Discussion of the Crossing Guard Situation

Alderman Benedict stated that he had asked that this be placed on the agenda. Mayor Gallagher asked if he would rather discuss this at the Wednesday, December 2 work session. Alderman Benedict asked that the Crossing Guards be placed back into the budget and that the Council begin discussions with the School Board and their union to see if there was a way to cut their costs. There was question about what would be included and Alderman Benedict felt that the salaries should be included, but that the clothing allowance be removed. It was noted that the allowance was part of the collective bargaining unit agreement. Alderman Benedict felt that placing them back in the budget would help them to know how to plan, as well as the school district would know how to plan. Alderman Benedict noted that he wasn't saying that some individuals could be cut, but he was saying that as a whole, most of the people could be put back in the budget. Alderman Feiszli agreed that they should not be cut out without an alternative plan and that is why she asked the Chief of Police to come up with something. Alderman Benedict felt that it wasn't reasonable to expect that in the middle of a school budget year to come up with one hundred fifty thousand dollars (\$150,000). He felt that was a lot to come up with on short notice. He didn't think that the school could do it. He noted that the taxpayers would be paying for it in either case. He felt they could negotiate some things away and he noted that their contract was up December 31, 2009 and there was no reason why people couldn't be reasonable if they thought that they were going to be employed. He thought that the Council could ask people to give up some things in order to remain employed. Alderman Quail felt that the challenge they faced was when does parental responsibility end and when does the school system responsibility begin and in between there is public safety. Alderman Benedict noted that many parents were taxpayers that were working and had already left for work by the time the students were heading off to school. Alderman Hamilton asked that the Police Department come up with an equal savings and they could also cut down on the crossing guards a little bit. He asked for an alternate cut. Chief Catalano told him that he couldn't do that without losing police officers. Alderman Hamilton felt that

he should consider eliminating one (1). Chief Catalano asked him if he wanted the Police Department to trade police officers for crossing guards. Alderman Hamilton noted it had to be one or the other. Chief Catalano stated that he wanted police officers. Alderman Hamilton asked him to eliminate one (1) officer and one (1) secretary. Chief Catalano stated he wouldn't agree to that. Alderman Tobin asked that they look at Alderman Hamilton's proposal of eliminating one (1) police officer and reducing our current police staffing during the week to the minimum contract staffing because he felt that in reading information, they were currently staffing more than they were contracted to. Chief Catalano stated that was not true. Alderman Tobin asked him how many officers typically were on duty. Chief Catalano stated that was not correct and he noted that he had given that information to Alderman Feiszli earlier. He went on to state that there were twenty-seven (27) patrol officers divided by three (3) shifts with nine (9) officers per shift and the Council had to take into account their consecutive days off, which is two (2) days off within a five (5) day week and an eight (8) hour day. When that is done, on the most populated days of the week, which are Thursday, Friday and Saturday that leaves a maximum of seven (7) police officers per shift. He went on to explain that one (1) has to be on the desk. That leaves six (6) officers for outside patrol duty, not including any vacation, training, injury or sickness or things like that. That's the maximum amount that can be on a shift working. He went on to explain that the contract with the Police Benevolent Association requires, depending upon the day and shift, a minimum of three (3) or four (4) officers, that's what we go on. If we have more, that's great. We don't supplement anything with overtime, unless it's a special detail where we need officers. The shifts are not supplemented with overtime, we go with what we have, which is the minimum. That's all there is. He noted that overtime is used when they go below that minimum of three (3) or four (4) depending upon the day or shift. Alderman Feiszli noted that just going on statistics, that when Mr. Palmer noted that back in 1968 the City had nineteen (19) officers and our population has remained the same or gone down and our crime statistics indicate that we're below the norm, why don't we have..... Chief Catalano indicated that the crime index showed that the serious crimes are up and that what the Police Department deals with today isn't anything close to what they were dealing with in 1968. They are busier, the serious crimes have increased and drugs are prevalent. He also wasn't sure about the nineteen (19) member Police Department in 1968, he felt that might not be correct, as the quote on Chief Catalano's salary also wasn't correct. He felt that Mr. Palmer's figures needed to be looked at again. He noted that in 1984 the City had as many police officers as we do today and there was one (1) more sergeant. He would go back and look at 1968, but he noted that the types of calls that came in back then and the type of work being done back then wasn't even close to what was being done today. Mayor Gallagher noted that there were twice as many college students today as there were back then, perhaps twice as many.

Alderman Benedict noted that the constituents in his Ward were adamant that they did not want to lose policemen or patrols in their area because of the large number of damage to the area and inappropriate behavior of the college students. He

noted that all of the e-mails he received were that the residents were willing to pay more to keep the patrols and officers that they have.

Chief Catalano noted that they were the busiest police agency in the County and he noted that it's been in the newspaper what the County is planning to do with the Sheriff's Department and will be making more work for the City Police Department. He noted that the State Police had told them, not to count on them. He told the Council that he was unsure with regards to how much they wanted him to cut as the City Police was the agency that was right here in the City and they handled a lot. He noted that the Council is asking almost the impossible. They want to cut money out of the police budget that he can't give them without sacrificing bodies and then the Council wants to trade crossing guard bodies for police officer bodies. He felt that there was no justification. He noted that the crossing guards were extra eyes and they served a wonderful purpose, but the Council asked him to come up with something and that's what he came up with. He noted that if a crossing guard saw something and needed to tell someone, he asked who the Council wanted to respond.

Alderman Hamilton noted that he didn't think that one (1) officer was too much to ask. He went on to note that there were three (3) secretaries. Police Chief Catalano stated that he had one (1) secretary, there was one (1) administrative aide to cover the many duties and there's one (1) records clerk and that was it. Alderman Hamilton noted that when they spoke earlier, Chief Catalano had told him that the administrative aide was key to an accreditation program and he asked for an explanation of that. Chief Catalano stated that the accreditation program was an accredited New York State Council that has over a hundred standards that you must meet as a Police Department to receive their blessing as an accredited agency similar to a college being accredited, etc. What it does is that the Police Department is being recognized by the State and that it is doing everything that it can possibly do to be proper and it helps with litigation. It's to the City's benefit. Alderman Hamilton noted that basically the accreditation was just recognition that the police had a top notch department. Chief Catalano noted that the administrative aide assisted with the accreditation, the records department and assists his secretary with other administrative duties. He thought she was hired in 2005 after working at the Police Department part time and became full time about 2005. He went on to note that before that she had once been a crossing guard and a parking enforcement officer and then became an administrative aide. Alderman Tobin asked if the accreditation process was the rationale for taking the position from part time to full time. Chief Catalano stated that they decided to have her help out with that process when they lost an officer to retirement and someone out on an extended injury leave that also may be retiring. Chief Catalano noted that they lost their full time accreditation manager and we have no full time accreditation manager now and he has had to split the duties between another officer and the administrative aide. He noted that under Chief Nichols they had someone working on accreditation full time and now that they have lost that person, the job is being done with the administrative aide and the records

clerk. He noted that there was no timeline and once accreditation is received then it must be maintained and the department accredited every five (5) years. He noted that once the department received their initial accreditation they had it and if they wanted to stay accredited, they have to renew every five (5) years. Alderman Tobin asked if they were currently accredited. Chief Catalano indicated that they were not, but hoped to achieve accreditation within a couple of years and that they have been working on this piecemeal for ten (10) years. He noted that they keep losing personnel that they have dedicated to this and keep having to put it on the back burner. He noted that his priority when he was chosen as Police Chief was to get this done. He noted that he now had the administrative aide helping the records clerk to accomplish this. He noted that when he lost personnel he could've forgotten about this, but he didn't want to do that. Alderman Tobin noted that he had a pretty good idea of where he was in the process and where he wanted to get and what it was going to take to get from here to there. He asked if it was possible for him to provide the Council with that timeline, noting how much work is going to go in to this, etc., so that they would have a better understanding of that person's responsibilities. Chief Catalano stated that he would try to do that. He noted that it was more than just becoming accredited, they were actually changing their entire general quarter process and there was extra work on top of that. He noted it was a hard process trying to come from the old days to the modern days. He noted that they had been working on this for ten (10) years and when the Council wanted him to tell them when he could do it by, he would try. Alderman Tobin noted that going through the budget process had been very informative for him as to what tax dollars are going towards and he felt that if the Council could show the public where the money was going and what they were working on, etc., it lends a little bit more legitimacy to the taxpayer. Chief Catalano stated that he would try to give them a percentage of how far along the department was in this process and could update them every month or every six months. Alderman Tobin asked that he provide them with a list of all the items they were working on to achieve accreditation and what they meant. Chief Catalano noted that there were approximately one hundred forty (140) standards needed to complete the accreditation. He noted that they had to meet all of those standards satisfactorily to be approved by the accreditation Council. Alderman Quail asked of those one hundred forty (140) standards, how many has the Police Department met and how many more do they need to meet. Chief Catalano thought that they had twenty (20) to twenty-five (25) of those standards met now. Alderman Quail asked him if there was a document that explained what those standards were.

Alderman Benedict asked if he could have a straw poll to see how many Council members supported putting most of the crossing guards back in to the budget. Alderman Hamilton stated that he could not support that unless the Council could find some cuts someplace else in the budget. Alderman Hamilton noted that the Chief had stated that his priority was accreditation over the crossing guards. Chief Catalano corrected him and stated that his priority was police officers for the City Department. He noted that the Council chose him to run the City Police Department for the public safety of this City. We need police officers to do that.

Alderman Hamilton noted that every other department had made substantial cuts. Chief Catalano noted that the Police Department was not every other department. He stated that they were a high liability department. Alderman Hamilton noted that he realized that and the department did a great job, but everybody has been asked to make cuts and that the public didn't want the crossing guards to be cut, so he felt that one (1) officer could be cut. Chief Catalano asked him how many calls and e-mails he had received from constituents asking him to cut police officers. Alderman Hamilton noted that he had not received a single one.

Chief Catalano stated that he is currently working with Bryan Gazda and the Council's goal of reducing the department will most likely happen next year without having to cut or lay off police officers. Alderman Quail noted that the problem with that was that they couldn't budget for that because that represented a body on the force. Chief Catalano noted that when they cut a body, it was expensive to get that body back and he noted that if someone was cut, they had to pay them unemployment insurance. Alderman Feiszli noted that in the Mayor's report at the last Council meeting he stated that he met with the CSEA and SEIU and the Police and Fire Representatives to discuss the ongoing financial situation that the City is in and to ask for their help by not taking a raise for 2010. She asked him which union he was in. Chief Catalano stated that he was not in a union. Alderman Feiszli stated that the other unions felt that they should not make any concessions since the CSEA said no. Alderman Feiszli noted that some department heads had given up their raises and had increased their contributions towards health insurance and she noted that was something that the Council could consider, as well. She noted that right now the department heads contribution was nine (9) percent, so she felt that the Council could go up to twenty (20) percent across the board for them. Director of Administration and Finance Gazda noted that it was currently at nine (9) percent and that the 1973 resolution said that it would just mirror what their unions had. He noted that some unions were at thirteen (13) percent, the fire would be going to twenty (20) percent and he asked if the Council wanted to do it by saying that all department heads would be the same and make it a level playing field. Alderman Feiszli noted that currently the budget reflected only a nine (9) percent contribution. Director of Administration and Finance Gazda stated that was correct.

Alderman Benedict noted that according to the 1973 resolution, most of them would have to be raised. Alderman VanGorder asked Director of Administration and Finance Gazda if he had any idea of how much money that would be. Director of Administration and Finance Gazda stated that he thought it would be about several thousand dollars total and they would be lucky if they got ten thousand dollars (\$10,000) if they raised it to fifteen (15) to twenty (20) percent. Alderman Quail asked how many department heads the City had. Director of Administration and Finance Gazda stated that he would run the number for both the department heads and the unions for the budget workshop tomorrow night so that they could take a look. Alderman VanGorder noted that she would like to find another alternative look about covering the costs. She didn't want to have to raise

the budget up after doing all this time and work to cut it. She noted that none of the Council wanted to cut the crossing guards, but they had pressure on the other side from everyone saying that they had to cut the sixteen percent (16%) tax increase. She noted that if they could find another way, they were all for that.

Alderman Hamilton asked if the Council could put out there that there was a choice of eliminating a police officer or the crossing guards. Alderman VanGorder stated that she was not in favor of eliminating a police officer. Chief Catalano noted that the citizens were safe to walk down the streets, but if the Council started to cut police, you will lose that. He noted that there weren't gangs in various areas of the City fighting for turf and they didn't have weekend shootings and murders happening two or three times a week because the department polices the City and they are effective in doing it. He asked if the Council wanted to lose that. He asked them to go to their constituents and to ask them. Alderman Hamilton noted that perhaps that's what they should do. Alderman Feiszli noted that there were two (2) officers in training right now or were they on the job. Chief Catalano noted that they were on the job, but training. Alderman Quail asked when were they going to the academy. Chief Catalano stated that they were sending them to Broome County in late March. Alderman Benedict noted that what he was trying to do was give some of these people an idea of whether or not they were going to be employed next year and he thought that most people felt that they should continue with the crossing guards with negotiations to reduce the cost. He asked the crossing guards in the audience to go to back to their representatives and ask them to settle very quickly so the Council could have a figure for the budget. He noted that would be very helpful. He noted that he was very much in favor of putting the crossing guards back in to the budget. He asked if other Council members were in favor of that. Alderman Feiszli stated that she was in favor of that, but she also wanted to ask Chief Catalano to look for an alternative cost savings or alternative for the crossing guards so that it wasn't going to cost the taxpayers. Chief Catalano noted that they were a union. Director of Administration and Finance Gazda stated that he had not spoken with the representative for the crossing guards in a couple of weeks and he noted that the Council's proposal was out there to them already. He noted that if they got back to the City on that proposal they could start the negotiations back up. He noted that he sent the proposal to their representative and the last e-mail he received back was that he wanted Mr. Gazda to recheck his numbers. Director of Administration and Finance Gazda noted that he had and that the numbers were correct and that's where it was left. He felt that perhaps now the new representative would contact him and maybe they could move forward and perhaps have something for the Council to think about. Alderman Feiszli stated that the Council would have to be involved with any negotiations. Alderman Quail hoped that they would be back in touch by tomorrow night so that the Council could discuss this further. Director of Administration and Finance Gazda noted that they could go into executive session to discuss it further. Alderman Quail hoped that they could get some feedback letting the Council know about how acceptable or not acceptable this proposal might be. A crossing guard, Judy,

stated that the guards did two (2) crossings for twenty-two dollars (\$22) not twenty-two dollars (\$22) an hour. She wanted people to be clear on that and noted that it's not forty (40) hours a week, it amount to about six thousand dollars (\$6,000) a year. Alderman Quail noted that it was about six thousand five hundred dollars (\$6,500) a year. He also noted that if you divided that by one hundred eighty school days (180) at forty-five (45) minutes in the morning and forty-five (45) minutes in the afternoon, that's two hundred seventy (270) hours. He went on to state if you took sixty-five hundred (\$6,500) dollars and divide it by two hundred seventy (270) hours it comes out to twenty-two dollars (\$22) an hour. The guard in the audience noted that they were making it sound like they were getting that for forty (40) hours. Alderman Quail noted that he was sorry for that, but that was what the hourly rate worked out to be.

A member of the audience stated his wife had just become a crossing guard and he wanted them to realize it took a special person to do this job. One who could take an hour in the morning and one hour in the early afternoon, breaking up their day to do this. He noted that the Council needed to look at more than the hours per day, but at the service being provided. He stated the average person couldn't fill this job. Alderman Quail noted that he understood that, but other crossing guards averaged about eleven (\$11) dollars per hour, but the Council has been charged with reducing a budget. He hated to be that specific, but stated that they were talking numbers and the Council has to reduce taxes somehow. He noted that they are looking across the board, but he also noted that within two (2) years, they planned to get every department to come down in costs. It has to be done because taxes have gone up too much. He noted that this is a challenge.

Other audience members spoke about what was important to them with regards to the police or crossing guards.

### **Adjournment**

By: Alderman Tobin  
Seconded: Alderman VanGorder

Approved: Ayes – 8  
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 1st DAY OF DECEMBER 2009. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.**

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**JOHN O. REAGAN - CITY CLERK**

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**MAYOR THOMAS GALLAGHER**