



City Council Minutes
The City of Cortland
January 19, 2010

Council Meeting #2
January 19, 2010
Regular Session
City Hall
7:00 PM

Present: Mayor Feiszli, Aldermen Craig, Hayes, Tobin, Quail, Leonard, Ferguson and Michales

Absent: Alderman Dye

Others Present: Director of Administration and Finance Bryan Gazda, Corporation Counsel Ronald Walsh, City Clerk Carol Tytler, Zoning Officer Amy Bertini, Wilma VanDee- DPW and Tom Tobin- Public Safety, Linda Armstrong – Thoma Development, Adam Megivern – Downtown Partnership .

Mayor Feiszli called the second Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Ann Doyle spoke in memory of her cousin, Ina Randall, who recently passed away. Ms. Randall was a dedicated City employee who worked for four different mayors during her 30 years as Deputy Clerk before her retirement in 1984.

RESOLUTION #7 OF 2010 – Approve the minutes of January 5, 2010 meeting and January 12, 2010 work session.

Alderman Quail asked for clarification on the need to approve minutes from the January 12 Council work session as that has not been done in the past and work session minutes had not been part of the public record. Mayor Feiszli indicated that on the advice of counsel, the minutes of work sessions will now be recorded however she will ask Corporation Counsel for additional input on the proper procedure.

By: Alderman Leonard
Seconded: Alderman Quail

Approved: Ayes – 7
 Nays – 0

BILLS

Bills were reviewed and received.

REPORTS

Mayor Feiszli indicated that the minutes from the Housing Commission can be provided to the Council members as hard copies or electronic documents. She stated that postage for mailing hard copies would be costly given the length of the documents. Aldermen Quail and Tobin expressed a preference for receiving these documents in electronic format through email. Other Council members were in agreement.

Alderman Quail announced that he will hold a Ward 5 meeting around February 9, 10, or 11 at the Youth Bureau Building. Discussion will focus on the new college facility that TC3 will be building on South Main Street. Martha Hubbard from TC3 has been invited to speak, though her participation has not been confirmed.

Alderman Quail asked that the Council discuss the salary and benefits provided to Council members and the Mayor. He indicated that these benefits were changed last year after the budget had been approved, which was not the correct procedure. He would like more public discussion of the matter. He further indicated that the salary reduction for the Council was not done correctly and needs to be done through local law. In response, Mayor Feiszli added discussion of the salary and benefits for the Council and the Mayor as Agenda Item #9.

UNFINISHED BUSINESS:

RESOLUTION #8 of 2010 - Adoption of Local Law No. 1 of 2010 (Flood Plain Ordinance).

Corporation Counsel Walsh asked for clarification regarding the need for a SEQR review. Ms. Bertini indicated that it was not needed.

Alderman Quail stated that Bill Necheman did a presentation last year and discussed the possibility of securing grant funds to look at the Perplexity Creek area and possibly pull that area out of the flood zone. Ms. Bertini has contacted him and he indicated that there are no funds available. Alderman Quail asked if the request could be resubmitted. Mr. Necheman had also indicated to Ms. Bertini that there were projects already committed for this year that have been pulled due to a lack of funding. Alderman Quail would like this topic added to a future agenda.

By: Alderman Michales
Seconded: Alderman Hayes

Approved: Ayes – 7
 Nays – 0

AGENDA:

RESOLUTION #9 OF 2010 - Consideration of a Resolution designating the Cortland Standard as the official newspaper of the City of Cortland.

By: Alderman Quail
Seconded: Alderman Craig

Approved: Ayes – 7
 Nays – 0

RESOLUTION #10 OF 2010 - Consideration of a Resolution authorizing submission by Thoma Development Consultants of a Microenterprise application on behalf of the City of Cortland to the Office of Community Renewal under the CDBG Program on or about January 20, 2010 (Thoma).

Mayor Feiszli asked if there were any additional questions or discussion. Alderman Quail stated that his questions had been answered last week during the work session. Alderman Michales asked if any citizens had attended the public hearing. Ms. Armstrong indicated that three (3) people attended and they also had many phone calls. She stated that ten (10) businesses have already submitted applications.

Ms. Armstrong clarified that the resolution authorizes the Mayor to sign the grant application. Thoma Development will submit the grant on behalf of the city. The grant will not exceed \$200,000. If the funds are awarded, an additional resolution will be required to sign the grant agreement and accept the funds.

By: Alderman Leonard
Seconded: Alderman Michales

Approved: Ayes – 7
 Nays – 0

Item No. 3 - Final discussion and direction for Thoma Development Consultants for 2010 HOME and CDBG applications, due March and April 2010, respectively (Thoma).

Ms. Armstrong indicated that Thoma Development is looking for clear direction from the Council based on the presentations they have given at the past two meetings. Mayor Feiszli asked if the Council was comfortable with moving forward on the recommendations from Thoma. Alderman Quail stated his support and felt they should be authorized to move forward.

RESOLUTION #11 OF 2010 – Consideration of a Resolution to authorize Thoma Development Consultants to file 2010 HOME and CDBG applications on behalf of the City, due March and April 2010.

By: Alderman Ferguson
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

RESOLUTION #12 OF 2010 - Consideration of the approval of the FY 2009-2010 Annual Court Cleaning and Minor Repairs Contract Renewal and Budget (Mayor Feiszli).

Alderman Quail asked Mr. Gazda to provide additional details on the cost to the City. Mr. Gazda indicated that Rob Avery has a detailed list of the costs with anticipated revenues from the court system. Alderman Michales asked if the costs had increased from last year. Mr. Gazda indicated that Mr. Avery can provide a breakdown of the costs and as those expenses change, the court will adjust their payments to the City.

By: Alderman Michales
Seconded: Alderman Leonard

Approved: Ayes – 7
Nays – 0

RESOLUTION #13 OF 2010 - Consideration of the following actions relating to the 3rd annual “Chill-A-Bration” (Adam Megivern-Downtown Partnership):

- A. Permission to use the City’s portion of Court House Park on February 27, 2010.
- B. Permission to use City water from the park hydrant, if necessary, to make snow.
- C. Permission to sell beer.

Alderman Quail asked if the event would utilize city police and DPW services. Mr. Megivern indicated that DPW would be used sparingly to help with the snow fence and trash cans. The Committee handles the clean up. They have not utilized police services in the past.

Alderman Craig asked how many man hours would be needed from DPW staff. Mr. Megivern indicated the need for a half to a full day of regular hour time from one (1) or two (2) DPW staff, not overtime. Alderman Hayes asked how City water resources are

used. Mr. Megivern indicated that weather permitting; Greek Peak would be making snow for the ramps. The rest of the snow will be brought in for the event. There is not an intense effort to make snow. If it is a warm day, they will have no snow.

Mr. Megivern further commented that in the past, there has not been a firm understanding of the billing for water. He stated that last year, water use was unmetered, and the event was charged a "couple hundred dollars" which they are comfortable with. He noted that if there was a way to meter the water that would be good, but if not, they were comfortable paying the couple of hundred dollars. Alderman Quail stated that for a couple hundred dollars of water, the event is a good way to bring people into the city.

Alderman Michales expressed concern about park damage that has occurred in the past. He asked if the committee would offset the costs associated with the damage, in particular deep ruts left by heavy equipment. Mr. Megivern indicated that they would work with the City to offset the costs, but they are unable to open up the check book without knowing the potential costs.

Alderman Craig asked if they carried insurance coverage for the event. Mr. Megivern indicated that they secure liability coverage through the Sports Council. Alderman Tobin asked if they have spoken with Chris Bistocchi about the costs. Mr. Megivern indicated that they had spoken with him and pending Council approval of the event, they will work with him as they have in the past. Alderman Craig asked if Mr. Bistocchi had been contacted about metering the water. Mr. Megivern indicated they had not asked him about this issue but if it was possible, they would go with it.

Alderman Tobin asked who would operate the beer tent. The beer tent is operated by the Restaurant Association under the direction of Troy Beckwith. The tent will be staffed by employees of local bars who already understand the laws about serving alcohol. Cortland Beer Company will participate again this year.

By: Alderman Quail
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

Item No. 6 - Discussion regarding changing the Zoning Officer position from a full time to part time position (Alderman Leonard).

Mayor Feiszli indicated that this topic had been added to the agenda at the request of Alderman Leonard. Alderman Leonard stated that he has received a few phone calls from firemen regarding the Zoning Officer position. Many expressed concern about reducing the position from full time to part time and with the retirement of two (2) other staff, they felt the department would be at a loss. Alderman Leonard stated that the firemen who had contacted him noted that they had lost another employee who was trained and familiar with zoning and they would like to have her back in the department.

Mayor Feiszli asked if the person mentioned had Civil Service background for zoning. Alderman Leonard stated that he was told that the individual did have the background. Mayor Feiszli noted that part of this discussion could take place in public session, but some of the discussion should take place in executive session.

RESOLVED TO GO INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL ISSUE.

By: Alderman Tobin
Seconded: Alderman Hayes

Approved: Ayes – 7
Nays – 0

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

By: Alderman Quail
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

Item No. 7 – Discussion regarding blue bags (Alderman Ferguson).

Alderman Ferguson attended the DPW meeting last Tuesday to discuss the blue bag issue. Based on that meeting, she shared that anything undertaken right now would jeopardize the DPW budget. Although the new bags are a tighter fit, the plastic is supposed to be stronger and more difficult for crows to get into them, but the crows still get into them. Alderman Ferguson personally felt that the City needs to use up the bags that we have, and then work to solve the problem.

Alderman Quail stated that technically, people are supposed to use a garage can, not just put the blue bag out. However, once emptied, the cans and lids can become a problem. Alderman Ferguson emphasized again the need to use up the current bags so there is no impact on the DPW budget and resolve the problem later when the bags need to be reordered. She shared that the DPW Commission would like the Common Council to solve it. Alderman Ferguson had presented the DPW Commission with many choices, but none of them were feasible at this time.

Alderman Quail stated that reducing the cost of the bags will result in a deficit. Alderman Leonard asked that the Council be certain to make a change when the current supply of blue bags runs out. Alderman Hayes asked how long the supply would last. Alderman Ferguson indicated that the supply is expected to last until May. Alderman Michales asked if samples of the bags were available when they were selected. Ms. VanDee indicated that sample bags were submitted with the proposals from the suppliers. Alderman Leonard suggested the City look for blue bags that are

the same size as the old version, but with thicker plastic. Alderman Michales asked that the DPW let the Council know when the current supply of bags begins to run out. Ms. VanDee indicated that it will take 4-6 weeks to get new bags made once the order is placed.

Item No. 8 – Discussion regarding City of Cortland Senior Citizen exemptions (Alderman Quail).

Alderman Quail indicated that the City exemptions for senior citizens are currently less than what is offered by the County and he proposes that the Council raise the level. He indicated that one hundred ninety-four (194) citizens would qualify for the senior citizen exemption which would mean an estimated loss of \$2 million in tax revenue. To recoup this money, the average tax bill would need to be raised \$5.20, putting the burden on other tax payers based on five cents (\$.05) per thousand. Mayor Feiszli indicated that she would add this to the next Council agenda as a resolution.

Alderman Michales is interested in obtaining public comment regarding this issue since it impacts tax bills. Alderman Leonard asked if such a change would go into effect in 2011. Alderman Michales confirmed that it would be for 2011. Alderman Hayes is also interested in hearing what residents have to say. She would like to consider population trends for the City and the County, and how many senior citizens we expect to have in future years. The Mayor indicated that population information could be obtained for the next meeting. Alderman Quail pointed out that any change would need to be enacted through a local law. Mr. Gazda emphasized that any change would go into effect for next year, but the information would need to go to the assessor by May or June of this year so it can be factored into the tax rolls.

Agenda Item #9 – Discussion of Pay and Benefits for Common Council and Mayor

Alderman Quail noted that at the end of last year there were several discussions and in the Mayor's proposed budget benefits were eliminated for all of the Council members and the Mayor. He also noted that their salary had been reduced from \$3,500 to \$3,000. He stated that reductions to the Common Council salaries need to happen through a local law, not a simple resolution. Because of this requirement, full salaries were put back into the budget. He also wants a discussion of how salaries and benefits were established.

Mr. Gazda has spoken with representatives from NYCOM and his interpretation is that benefits of this nature are compensation, so wording in the City Charter would include benefits as compensation even though the City Charter has only addressed salary in the past.

Alderman Quail feels the Council needs to establish a salary schedule and fringe benefits and follow a legal process so we don't have this issue as we go forward. Corporation Counsel Ronald Walsh suggested obtaining input from the State Comptroller, though it may not be a definitive answer. Alderman Leonard wants a better understanding of the process so the Council knows that it has been done the proper

way. Alderman Quail asked for specifics on what goes into the Charter, what type of law needs to be passed, what is salary and what is fringe benefit and clarify it all so the Council does not have questions in the next budget process.

Mr. Gazda shared that in 1956 the City Charter did allow the Common Council to change benefits at any time. In the late '60s, the procedure started to follow the schedule we have now where a local law needs to be done and the Charter needs to be changed to make these changes. Alderman Michales asked if both the Common Council and the Mayor can have benefits. Mr. Gazda indicated that both could have both salary and benefits. He indicated that the cost is in the mid \$30,000 based on how many members of the Council actually sign up for benefits. Alderman Craig asked for clarification on how many are signed up and how much time they have to change their mind about taking the benefits package. Mr. Gazda indicated that two (2) members have signed up for benefits and the time period is two (2) years. However, the enrollment process and rules are dictated by the City's insurance providers.

Alderman Craig asked if the Council wants to take away benefits from those members who currently use it. Alderman Quail stated that the adopted budget does not have the funds in there now to cover the benefits for Council members. Because Council members are receiving benefits, we are funding something that we did not put into the budget and will need to find someplace else in the budget to make up the difference or bring in additional dollars or we will have a deficit to make up for in next year's budget. Alderman Hayes asked if any salary changes could be made this term. Mr. Walsh stated that the City Charter does not allow a salary change once the term of office has begun. If there is a change to the Charter, it would not take effect until the next term of office. Alderman Michales indicated that the Charter has provisions to increase salary, but nothing about taking money away.

Alderman Michales asked for clarification about fringe benefits offered to City employees, but not to Council members, such as flu shots. Mr. Gazda indicated that Council members would have been eligible, but the funds for the flu shots were removed from the current budget. Mayor Feiszli asked for any further comments. Hearing none, discussion ended.

Alderman Quail asked if other members had received an email about local government efficiency grants. There are multiple deadlines for different grants and the City may have an opportunity to apply. Mr. Gazda asked that Alderman Quail forward the information to him and the Mayor. The information will be added as a discussion or agenda item for the next agenda.

Alderman Tobin asked if there would be a time lag between the retirement of the current Zoning Officer and the Council taking action at the next Council meeting in February. He is concerned that it will open up the City to liability issues. Corporation Counsel Ronald Walsh stated that it was acceptable to wait. Mr. Gazda indicated that the position would become vacant effective January 30, 2010. Alderman Quail stated that the Mayor would declare the position vacant and the Council would have an opportunity to discuss options for full and part time staff. Mayor Feiszli will contact the County

Personnel Department to obtain the details about civil service and how the Council should proceed.

Alderman Leonard requested additional information about the Rental Permit Program before the next Council meeting. Alderman Tobin will forward information to him and help him get up to speed. Alderman Tobin also invited all Council members to the next Housing Committee meeting which is scheduled for Thursday January 21, 2010 at 7:00 pm at Port Watson Commons.

Adjournment

By: Alderman Quail
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Meeting adjourned at 8:15pm by Mayor Feiszli.

I, CAROL TYTLER, 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 19th DAY OF JANUARY 2010. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

CAROL TYTLER – CITY CLERK

MAYOR SUSAN FEISZLI