



City Council Minutes  
The City of Cortland  
February 2, 2010

Council Meeting #3  
February 2, 2010  
Regular Session  
City Hall  
7:00 PM

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

Others Present: Director of Administration and Finance Bryan Gazda, Corporation Counsel Ronald Walsh, City Clerk Carol Tytler, Police Chief Michael Catalano, Tom Tobin – Public Safety, Chris Bistocchi – DPW, Michele Baker, Adam Megivern – Downtown Business Partnership and Mike Dexter.

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Mike Dexter stated that this past season was the 60<sup>th</sup> year that the Water Works has been decorated with holiday lights and he thanked the Common Council for their support of the holiday light program over those years. He also expressed appreciation to Bill Lee for the significant role he plays with Santa's visit, to Lori Megivern for arranging for high school elves to assist Santa and to Ginny Nicholson for reconditioning stuffed animals which are distributed to the children who visit Santa each year.

PROCLAMATIONS

Mayor Feiszli presented a certificate of appreciation to Officer Charles Niederhofer who is retiring from the City of Cortland Police Department. She recognized him for his twenty (20) years of service to the Cortland community and highlighted his many acts of bravery and accomplishments through his years of service and wished him a happy and rewarding retirement.

**RESOLUTION #14** OF 2010 – Approve the minutes of the January 19, 2010 meeting.

By: Alderman Leonard  
Seconded: Alderman Michales



Director of Administration and Finance and the Mayor ultimately have the responsibility. He stated that review of the annual audit would be difficult given the format of that document and it really comes down to the management letter. He asked if review of the insurance plans was the responsibility of Place Insurance. Mr. Gazda clarified that Place Insurance is the city's broker, but this is one of the things these committees normally do. Alderman Quail stated that he would like to develop a long term financial and capital improvement plan and he has drafted a long term financial document. He also feels the City needs to do strategic planning.

By: Alderman Hayes  
Seconded: Alderman Michales

Approved: Ayes – 7  
Nays – 1 (Alderman Quail)

## AGENDA

**RESOLUTION #17 OF 2010** – Consideration of the following actions relating to the American Cancer Society's Relay for Life "Paint the Town Purple" festivities (Michele Baker).

- A. Use of the City's portion of Court House Park on Saturday, May 1, 2010 from 10:00 AM until 2:00 PM.
- B. Permission for the American Cancer Society's Relay for Life team to place purple ribbons on Main and Court Streets in recognition of "Paint the Town Purple" week May 1 through May 8, 2010.

Michelle Baker was present to speak about the event. Although they are asking permission for use of city property, they have not made a final decision on the location for the event. Alderman Hayes asked if they would be using any city water from the hydrants and Ms. Baker indicated they would not. Alderman Tobin asked about the number of people who would be participating. Ms. Baker indicated that in the past, they had 50 vendors but it is an educational event to teach the public about cancer awareness and risks. Alderman Craig asked about trash removal and park clean up. Ms. Baker indicated that they would be responsible for these items. Alderman Hayes expressed concern about reserving the date for this event since they had not made a final decision on location. Ms. Baker indicated that a decision would be made within two weeks. Mayor Feiszli stated that the applications are coordinated by the Youth Bureau and they would monitor the situation for any conflict of dates.

By: Alderman Hayes  
Seconded: Alderman Tobin

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #18** OF 2010 – Consideration of the following actions relating to Restoration Christian Church holding a “Christian Hip-Hop Day” in the Park (Rob and Diane Ferri).

- A. Use of the City’s portion of Court House Park on Saturday, July 10, 2010 from 10:00 AM until 4:00 PM.

There were no representatives to speak about the event. Alderman Hayes would like the group to be asked the same questions about water use, trash removal, etc. Mayor Feiszli will review their application to determine if this information is already available and who is responsible for these issues.

By: Alderman Quail  
Seconded: Alderman Craig

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #19** OF 2010 – Consideration of a Resolution to adopt standard work day for New York State Retirement reporting purposes (Bryan Gazda).

Mr. Gazda stated that last year New York State adopted new rules regarding retirement system reporting. The intent was to establish a standard day for employees as well as elected and appointed officials. He has compiled a list of the various City positions and has standardized many to either six (6), seven (7) or eight (8) hour days. He indicated that the document is for reporting purposes only, to determine how many days the person is entitled to in the NY State Retirement System. Alderman Quail asked about the crossing guards, who only work one and a half (1 ½) hours per day. Mr. Gazda stated that the New York State standard is that it cannot be less than a six (6) hour day and crossing guards would have to work multiple days to get a single day of retirement system credit. Their standard workweek hours will then be divided by six (6) hours to come up with their retirement system credit.

Mr. Gazda has asked elected and appointed staff to complete new tracking calendars over a three month period. The calendars will be used to determine the average hours to turn in for each position. The information will be submitted to the State in April. Alderman Tobin asked for further clarification regarding positions in the City Clerk’s office as not all part time positions had the same hours per work day. Mr. Gazda indicated that union contracts dictate the standard work day for some positions and account for the difference between the part time positions. Alderman Dye asked about the reporting for City System Administrator Dave Stathis’ position since he is split between Cortland and Auburn. Mr. Gazda indicated that each city will turn in information and it would be combined to reflect the total amount of credit he should be receiving.

By: Alderman Leonard  
Seconded: Alderman Tobin

Approved:           Ayes – 8  
                      Nays – 0

**RESOLUTION #20** OF 2010 – Consideration of a Resolution to support a co-op to encourage local food production in Cortland County (Adam Megivern).

Adam Megivern spoke about the local food co-op request. The intent is to support and promote local agriculture, farmers and artisan crafts. They will be submitting an appropriations request along with SUNY Cortland and would like the City's support for their proposal letter.

Alderman Michales asked if the actual dollar amount was reflected in the proposal request. Mr. Megivern stated that it was. The costs, as outlined, would provide start-up money and first year funding. After that, they hope the food co-op would be self sustaining. He further clarified that there is no funding being requested from the City. They are only looking for a letter of support that indicates the Common Council believes it is a good idea for the community. He further stated that there are in-kind contributions from the College and from his office.

Alderman Ferguson asked how the program works in relation to the local farmer's market. Mr. Megivern indicated that the food co-op would operate year round and would promote and further enhance the current farmer's market. He expects that there would be more vendors represented at the food co-op, however it is easier for the vendors because they do not need to be there all the time selling their goods.

Mr. Megivern said that the goal of the Downtown Business Partnership is to grow and sustain all businesses, not create competing businesses. The food co-op would be a community non-profit organization and would tie in with business innovation center as a business incubator, creating jobs and commerce. Alderman Hayes asked when the food co-op would be up and running. Mr. Megivern stated that if the appropriation request is approved, probably 2011 or 2012. However, he has written other grants that may come through sooner. Mr. Megivern was unable to announce the proposed location of the food co-op as they are in the process of purchasing a downtown building.

By:                   Alderman Leonard  
Seconded:         Alderman Tobin

Approved:         Ayes – 8  
                      Nays – 0

**RESOLUTION #21** OF 2010 – Consideration of a Resolution authorizing the Mayor to enter into contract with Michael Dexter for the period February 20, 2010 through February 19, 2011 to perform various duties at the Water Works facility.

Alderman Hayes asked for clarification of several items in the contract. Mr. Dexter indicated that he would be responsible for painting signs on the Water Works property only, no other City signs. He further explained that residents have several options for

filling their swimming pools. If a private company brings a tanker truck to the Water Works, they fill the truck at the pump house under his supervision. The water is metered and the City receives payment. When swimming pools or tanker trucks are filled directly from a fire hydrant, Mr. Dexter monitors that process and the water is metered for payment.

In the past, the Fire Department has provided this service but now staff time constraints make it difficult. Alderman Hayes expressed concern about duplicating services between departments. Mr. Dexter stated that no other department is providing this service at this time.

Alderman Tobin added that private companies are providing this service. He asked that over the next year, Mr. Dexter track the number of hours related to each activity in the contract so the Common Council can make a more detailed analysis when considering the contract next year.

Mr. Dexter emphasized that he is a private contractor with no expenses to the City for benefits, insurance or taxes. He also pays for his own insurance to do this job. Alderman Michales stated that the service Mr. Dexter provides is a benefit to the City and it would cost the City more if these services were hired out.

By: Alderman Michales  
Seconded: Alderman Leonard

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #22** OF 2010 - Consideration of a Resolution to support a green innovation economy.

Mayor Feiszli apologized for the late notice to the Council. The City had just learned of an opportunity to apply for a NYSERDA grant for \$500,000 for infrastructure improvements at City Hall for the HVAC upgrade, insulating window curtains, and a new roof. The window curtains provide a higher R value and will provide better insulation than window replacements. These items would be added to the City's current NYSERDA grant request. By adding these green initiatives, the overall application will score two (2) more points thus increasing the chances of qualifying for the grant. Alderman Quail asked about data collection. Mayor Feiszli indicated that Thoma Development was working on the proposal and it had not yet been determined. Alderman Hayes expressed concerns about reaching the goals established for energy efficiency and reducing greenhouse gas emissions. Mayor Feiszli stated that the objective was to save on electricity and the City was adopting that goal only. Alderman Dye stated that 15% was not an unrealistic goal and felt it was very obtainable. He felt that changes to the Council Chambers alone could result in a 9% savings.

By: Alderman Leonard  
Seconded: Alderman Craig

Approved:           Ayes – 8  
                      Nays – 0

**RESOLUTION #23 OF 2010 – To Table** Consideration of a Resolution to set inspection fees for the Rental Permit Program (Alderman Tobin).

Alderman Tobin reviewed a handout that reflected figures from Chief Glover based on revisions to current inspection fee schedule. Chief Glover clarified that the new fees were set by the committee. Alderman Tobin stated that the new fees were more consistent with other similar sized municipalities at \$35 per inspection per dwelling unit up to an eight (8) dwelling unit structure. For buildings with more units, the first eight (8) units would be charged per unit and above that, an hourly rate would be charged to arrive at a final figure for that structure.

Currently, the City inspects structures with three (3) or more units. By adding the one (1) and (2) unit properties, additional revenue will be generated. Chief Glover stated that the committee did a cost comparison and Cortland was far and away, lower than other communities. He stated that a seven (7) unit building in Geneva would be charged \$210 while in Cortland; the City has been receiving \$66 for that inspection.

Alderman Tobin stated that all rental properties will need to be registered. There will be a \$60 fee per property if registered by the last Friday of April, the 30<sup>th</sup> and starting May 3 the fee will increase to \$80 per property. If the property is not registered by December 31, 2010, additional penalties apply. The committee has discussed a \$50 per business day penalty for those who do not register by the end of the year, but they would like input from Corporation Council. Corporation Council Ron Walsh indicated that he would need to review the materials before advising the committee. Given concerns expressed by some landlords, Alderman Dye recommended that the Council establish a plan and stick with it. Alderman Tobin stated that it would be important to have all the correct information and advertise the registration process.

Alderman Ferguson felt the fees were reasonable. Alderman Quail felt the penalty clause should be included. Chief Glover stated that the department is a bit behind schedule with recent staff changes and the dates may need to be adjusted to be fair to the public.

Council members further discussed the penalty component and decided to table the resolution to allow Mr. Walsh an opportunity to review the structure of the proposed penalty fees and verify that the local law has been filed and acted upon by the State.

**Motion to Discuss:**

By:                   Alderman Leonard  
Seconded:       Alderman Tobin

**Motion to Table:**

By:                   Alderman Tobin  
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Seconded: Alderman Quail

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #24 OF 2010 – Consideration of a Resolution to waive the hiring freeze to replace retiring police officer (Chief Catalano). (Denied)**

Alderman Michales expressed concern about waiving the hiring freeze while the City is still in a budget crisis and having to let the officer go before the individual even gets started. Chief Catalano stated that he cannot ask for a Civil Service list of candidate names until the position is officially vacant. He would like to have an officer in the academy by March and is looking for some latitude to start the process. Broome County and the City of Elmira will be starting academies soon. Chief Catalano further clarified that certified police officers who have already completed the academy are not available and willing to come here and work. If a certified officer was available for hire, the training process would be very short. If there are no certified officers available, he will need to hire an untrained individual and then send them to the academy.

Chief Catalano stated that the position was budgeted for in the 2010 budget. Council members asked about current expenditures for overtime through the month of January. Chief Catalano indicated that over time costs were a little over \$6,000 due to court work, investigations, DWI's and holiday coverage. Staffing levels were consistent on the holidays, but by contract, officers received overtime for working on a holiday such as Martin Luther King Day.

Chief Catalano stated that starting Friday, the department would not be fully staffed. Alderman Leonard asked if the hiring freeze had to be reversed to fill this position. Alderman Dye stated that it did since the Council had voted on a resolution to enact the hiring freeze. Alderman Michales proposed holding off until more information was available from the Chief about possible candidates, potential retirement of some staff and the return of other officers to active duty.

Alderman Quail expressed concern about the 2010 budget process in which the Police Department was the only department that did not have a reduction in staff. He emphasized the need to figure out how to reduce costs in this area.

Alderman Dye stated that overtime costs would continue to increase if the Council did not do something about the position. Alderman Quail felt that the Council should cut out the drivers of the overtime, such as special events. He recommended that the overtime issue be reviewed on a monthly basis with the Director of Administration and Finance. Alderman Dye emphasized that the position was in the budget. Alderman Craig stated that it could still be money the Council could save by not filling the position. Alderman Ferguson stated that if the position is not filled, the City will also save on the cost of benefits.

By: Alderman Leonard  
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Seconded: Alderman Tobin

Denied: Ayes – 2 (Aldermen Dye & Leonard)  
Nays – 6

**RESOLUTION #25** OF 2010 – Consideration of the confirmation of the Mayor’s appointment/reappointment of the attached list of individuals to various City boards and commissions.

Mayor announced several changes to the list as originally distributed to the Council including appointing Kathie Wilcox to the Zoning Board of Appeals, removing Kathie Wilcox from and adding Don Kline to the Police Commission and appointing Paula Currie as the Mayor’s representative on the CAPCO Board.

Alderman Quail asked if all the reappointments had been active participants on the committees and commissions. The Mayor confirmed that they had been. She also stated her interest in setting a requirement related to attendance to provide an option for the Council to replace individuals who are not actively attending. Alderman Quail expressed a need to set better objectives for boards and commissions, including attendance. Mayor Feiszli agreed and indicated that she has already begun that process.

By: Alderman Leonard  
Seconded: Alderman Michales

Approved: Ayes – 8  
Nays – 0

Mayor Feiszli asked Ms. Currie to take the floor to speak about the CAPCO program. Ms. Currie shared information about the program. She stated that CAPCO has obtained federal stimulus money to expand their early Headstart Program as well as the family advocate program and their weatherization program.

Mayor Feiszli asked if there was any new business.

Item No. 10 - Discussion regarding the development of micro committees for brainstorming and the setting of priorities.

Alderman Tobin and Hayes have discussed creating micro committees of the Council for brainstorming and setting priorities. Each micro committee, consisting of three (3) Council members, would bring information back to the Council for further discussion. They proposed that each group include one (1) Republican member of the Council, one (1) new Democratic member of the Council and one (1) incumbent Democratic member of the Council or the Mayor. Each group would set a meeting time convenient to the three (3) members. The Council could set assignments for each group to work on. Groups would communicate with other Council members by email.

As a first project, groups will identify the biggest City issues and goals that they feel need to be addressed. Council members agreed that groups would submit minutes and adhere to a time line for meeting and putting information together. With the support of Council members for the concept of the micro committees, Alderman Quail offered to randomly draw Council members to be assigned to each group and inform the Council members of their assigned group.

Mayor Feiszli asked for a motion to go into executive session to discuss contractual matters.

### **MOTION TO GO INTO EXECUTIVE SESSION**

Corporation Counsel Ron Walsh asked to be excused from the executive session due to a conflict of interest. Chief Catalano was asked to join the executive session.

By: Alderman Tobin  
Seconded: Alderman Leonard

Approved: Ayes – 8  
Nays – 0

### **MOTION TO COME OUT OF EXECUTIVE SESSION**

By: Alderman Leonard  
Seconded: Alderman Tobin

Approved: Ayes – 8  
Nays – 0

### **Adjournment**

Mayor Feiszli indicated the conclusion of the agenda. Hearing no other new business, the meeting was adjourned at 8:55 PM.

**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 2<sup>nd</sup> DAY OF FEBRUARY 2010. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.**

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**CAROL TYTLER – CITY CLERK**

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**MAYOR SUSAN FEISZLI**