



City Council Minutes
The City of Cortland
March 16, 2010

Council Meeting #9
March 16, 2010
Regular Session
City Hall
7:00 PM

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

Absent: Alderman Tobin

Staff Present: Director of Administration and Finance Bryan Gazda, Corporation Counsel Ronald Walsh and City Clerk Carol Tytler

Mayor Feiszli called the ninth Common Council meeting of the year to order at 7:05 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Phyllis McGinley expressed concerns about ordinances not being enforced. Her specific concerns are related to people parking on sidewalks and lawns, too many vehicles parked at a property and loose garbage on streets and lawns. She has contacted the Code Enforcement Office twice with specific complaints. She asked the Council to enforce the laws and fine homeowners for not cleaning up the garbage on their properties.

RESOLUTION #43 OF 2010 – Approve the minutes of February 27, 2010 and March 2, 2010 as amended.

By: Alderman Hayes
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Alderman Hayes walked through her ward and wrote down all the houses with garbage and called the code enforcement with her list. When she went by at a later time, there was a truck there cleaning up the trash.

Alderman Quail stated that former Alderman Val VanGorder used to take lead with spring clean up throughout the city. He asked if members of the council were interested in continuing the program. Based on a positive response from the council, Alderman Quail offered to take the lead with the project and will contact the Chamber of Commerce and SUNY Cortland to determine their interest in participating again.

Alderman Quail stated that he had met with the New York State auditors. They indicated that the audit is still a work in progress. Alderman Quail stated that there is a lot of standardization and modernization that needs to be done.

Alderman Quail and Mayor Feiszli met with a representative from the New York State court system. They are concerned about the condition of the roof at City Hall with regards to the number of leaks. They understand that the City is trying to fix it. He asked if the sum of one hundred seventy-five thousand dollars (\$175,000) was the firm amount on the cost of the repair. Mayor Feiszli noted that was probably on the low side. The City had been applying for a NYSERDA grant and she had looked at initial quotes provided by Mr. Damiano and it was about three hundred thousand dollars (\$300,000). Alderman Quail asked if the City could get an up to date estimate because the court system indicated that they would be willing to cover up to twenty-five (25) percent of the cost of the repairs. Alderman Quail spoke regarding his concerns about the financial picture. He has heard that there will be double digit increase in health care costs and he is concerned about the picture that the State is drawing. He feels that the Health Insurance Committee will be concerned with that.

Alderman Quail reported that he is still receiving complaints about pot holes. Alderman Leonard stated that he has noticed that some of the pot holes have been filled.

Alderman Hayes stated that she has a document from the State Comptroller on fiscal governing responsibilities and is willing to share it with other members of the Council.

Alderman Craig reported that in the Parker Avenue area of Ward 1, there have been problems with sewer lines backing up into the houses. DPW had been working in the area. He will talk with Chris Bistocchi to determine why that happened, what can be done to prevent the back ups and to let people know when the DPW is working in their area so this doesn't happen again. Alderman Leonard noted that he was in someone's basement when the DPW was working and he heard a gurgling noise and there was a smell.

Alderman Michales stated that there is a situation on Cedar Street where the property owner has walked away from his parcel. Neighbors heard water running and asked the Code Office to check into it. He stated that the City does not have the authority to shut the water off and they have been unable to reach the property owner. Alderman Quail

asked if the water could be shut off at the curb. Alderman Michales said, no. He said that the person may have left the water trickling so the pipes wouldn't freeze since we may have another cold snap. He noted that if the City turned the water off and the pipes froze and broke, the City would be liable. He further stated that when looking through the windows, a lot of mold was seen and that the property is damaged. He said that the blighted property ordinance would help address this situation in the future.

Alderman Quail stated that we don't know if the property is abandoned at this point. Alderman Michales stated that it has been abandoned and the City has been paying for snow removal and lawn care. Alderman Quail asked if the property could be owned by snow birds. Mayor Feiszli confirmed that the property has been vacant for a year and a half and the owner lives in Austin, Texas. Alderman Quail suggested getting the Health Department involved. Captain Knickerbocker indicated that the Health Department has no provision to get involved with mold situations with unoccupied property. Alderman Craig asked if the sewer and water bills were up to date. Mayor Feiszli indicated they were. Alderman Craig suggested tracking down the owner through those payments and sending a certified letter informing them of the situation.

UNFINISHED BUSINESS

Item No. 1 - Present draft Local Law for Vacant/Blighted Buildings (Corporation Council Walsh).

Mr. Walsh indicated that he had emailed the document to the Council and that it incorporates input from Captain Knickerbocker. Alderman Michales stated that once the blighted portion of this was gotten together, then the Council would try to combine the vacant portion. Corporation Counsel Walsh said that he would be happy to sit down with the Council to write it in a way that is enforceable. Alderman Quail asked if the document could be drafted without the fee structure in the law so the fees could be changed in the future without having to change the law. Mr. Walsh said it could. Mayor Feiszli suggested setting up a group to work with Mr. Walsh on the document. Alderman Quail asked if anyone had talked with the Housing Committee. Alderman Michales said that the Housing Committee is interested in looking at it and they are waiting for the draft document to be available. Mayor Feiszli said the document would be emailed to the Housing Committee members.

Alderman Quail asked if Mr. Walsh had looked at other local New York laws. Mr. Walsh stated that he had, specifically looking for definitions of the term blighted. He stated that he has been unable to find a specific definition and it would be up to the Council to identify their definition of blighted. He further stated that for the City Code to be enforceable by New York standards, it would need to be specific about what constitutes blight, using objective, not subjective measures.

Alderman Michales mentioned a document he had emailed to the Council and Mr. Walsh earlier. He stated that there should be an officer to oversee it and a committee to act on anything that the officer deems blighted. Mr. Walsh said that the information in

that document appears a little subjective and vague, but it does give him an understanding of what the Council is looking for.

AGENDA:

Item No. 1 - Proclamation to announce April as Fair Housing month.

Mayor Feiszli read a proclamation designating April as Fair Housing month.

RESOLUTION #44 OF 2010 - Consideration of a Resolution reaffirming the City's commitment to undertake and maintain all fee properties taken during the North Main Street over Otter Creek Project; and authorizing the Mayor to execute all necessary agreements, certifications, or reimbursement requests for Federal Aid and/or Marchiselli Aid (Cheryl Massmann).

The City Clerk stated that this resolution replaces previously passed resolutions on the same issue. The Law Department for the State Department of Transportation had asked that the information in the resolution be further clarified and provided additional language to be included.

By: Alderman Quail
Seconded: Alderman Michales

Approved: Ayes – 7
Nays – 0

RESOLUTION #45 OF 2010 - Consideration of a Resolution authorizing the following actions to close out fiscal year 2009 (Lori Crompton):

- A. Authorizing a number of year-end encumbrances.
- B. Authorizing various transfers between departments to close out accounts with either unexpended or overdrawn balances.

Director of Administration and Finance Gazda and Deputy Director of Administration and Finance Crompton provided additional information about underfunded items in the budget. Alderman Quail asked that the Council receive and review these items more promptly. Mayor Feiszli directed Mr. Gazda to send a memo to all department heads stating that any budget lines that are nearing a shortage should be brought to his attention and to the attention of the Council. Alderman Quail stated that the Council should start discussions to address the rest of the year and determine what counter measures the City needs to put in place. Mayor Feiszli asked Mr. Gazda to provide a comprehensive quarterly financial report by April 26 and every month thereafter. Alderman Quail stated that he would like the department heads to provide the Council with guidance as well.

Ms. Crompton raised a question about a 2009 encumbrance in the Law Department. Mr. Walsh stated that it had seemed high to him as well. It is a bill from Harris Beach regarding a bankruptcy that the City had an interest in. Mr. Walsh requested that the remaining unencumbered amount in the 2010 Law budget also be encumbered.

By: Alderman Quail
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

RESOLUTION #46 OF 2010 - Consideration of the confirmation of the Mayor's appointment of Krissy Gambitta (19 Atkins Avenue) as a member of the Youth Bureau Commission (Mayor Feiszli).

By: Alderman Leonard
Seconded: Alderman Dye

Approved: Ayes – 7
Nays – 0

Item No. 5 – Presentation by City of Cortland Fire Department regarding to proceed with grant award within its parameters as follows (Chief Glover):

- A. Development of specification package.
- B. Process of seeking competitive bids.
- C. Council approval for bid award when appropriate.

Fire Chief Glover stated that he was not seeking any action from the Council tonight. He was trying to educate the Council so they are aware when they go to award the bids. He further stated that through the efforts of the departmental staff, close to a million dollars have been secured in grant award moneys to purchase equipment and support the department. Council members expressed their appreciation for the efforts of the department to secure these grant funds.

RESOLUTION #47 OF 2010 - Request for Council approval for Mayor to enter into a contract for administrative and program delivery services for Microenterprise Grant recently awarded to the City by the New York State Office of Community Renewal.

Linda Armstrong, from Thoma Development, responded to questions from the Council. Alderman Michales asked that task number three be changed and that reports would be submitted to the Council every quarter instead of every month as written.

By: Alderman Leonard
Seconded: Alderman Craig

Approved: Ayes – 7
 Nays – 0

RESOLUTION #48 OF 2010 - Consideration of a Resolution to adopt a Health Insurance Committee (Mayor Feiszli).

Mayor Feiszli stated that there had been some confusion with the process. She stated that the Financial Advisory Committee has been approved, but appointments have not yet been made. Those appointments will be made at the next Council meeting. The reason she didn't put health insurance under the Financial Advisory Committee is because the responsibility of the Financial Advisory Committee is to review our financial reports. She explained that this Committee will be working with labor representatives on health insurance and then bring their recommendations to the Council. She noted that in the past, the City renewed its health insurance policy without the Council's approval. Mayor Feiszli read a description of the objectives of this Committee.

Mayor Feiszli stated that she believes the Council should be involved right from the beginning. She doesn't believe that the City did a Request for Proposal (RFP) in the past and feels the City would first send out an RFP with the new process. She further stated that health insurance is almost a quarter of the budget and the new plan includes enhancements for wellness and other things. Mayor Feiszli read details about the proposed responsibilities of the Committee from a document that had been provided to the Council.

Alderman Dye stated that in the private sector they do not allow participation by a union representative for fear that if someone liked a particular contract and then didn't get that contract, it could be held against them. Mayor Feiszli noted that the County used that practice of including the unions.

Alderman Quail asked if the Committee would only make a recommendation to the Council and that the Council would have the final say on the contract. The Mayor indicated that was correct. Alderman Quail stated that he has seen unions participate in the past, but they are not part of the final decision making process. Mr. Walsh stated that it makes sense to include unions as these are provisions of their labor contracts. Mayor Feiszli added that every union contract is up for negotiation this year. Alderman Quail felt that the education aspect is important and reiterated the Mayor's statement about the cost being 25% of the budget, thus even a small increase is significant.

Alderman Hayes asked if this would be in addition to who the City currently uses. Mayor Feiszli responded that we had one broker paid through Excellus who received 4%, which is reflected in the health insurance premiums. Mr. Gazda stated that we would have the same agreement as we had with our former broker and Excellus would pay them, too.

Alderman Quail asked if the City was going through a broker who would bring in different plans. He further stated that Excellus BlueCross BlueShield of Syracuse has higher administrative fees than others in New York. Mayor Feiszli stated that we would be going through a broker who would be providing different plans and saving money by creatively using those plans.

Alderman Dye asked if we decided that Excellus is not what we want, who would pay the broker? Mr. Gazda stated that the City would have to. Alderman Dye noted that we should figure out how much the broker would be charging us.

Mr. Gazda explained about using a consulting group to get the process moving forward. Alderman Hayes asked for clarification about what group. Mayor Feiszli responded that right now the City has the same group as the County, but we need to go out for the RFP. She further stated that the City just switched brokers, but is paying the same amount. She asked Mr. Gazda if that was because of the contract that Mayor Gallagher signed. Mr. Gazda responded, yes, that the fee was built into the policy with Excellus Blue Cross/Blue Shield.

Alderman Quail asked if the fee was for a one year term. Mr. Gazda stated that we can do what we want to do; we are not locking in, just stepping in to replace the broker that we were using before at the same rate that was being paid to Excellus. Alderman Michales asked if there were any other brokers available. Mr. Gazda stated that there were tons and First Niagara has approached him. Mayor Feiszli stated that two other groups had approached her.

Mr. Gazda stated that whatever broker was used the Council was going to only get what Excellus was going to give. Mayor Feiszli stated that it was 4%. This was the amount agreed upon between the broker and Excellus. Alderman Craig asked if we have to pay both. Mr. Gazda stated no. If we change carriers, we'd need to evaluate it at that time.

Alderman Hayes asked if Council members could attend the Committee meetings. Mayor Feiszli stated that the formation of the Committee would definitely include the union reps and the financial part of the City and Council members were always welcome to attend as well as anyone from the County or the public. Alderman Dye stated that they all can attend, but they are not going to be members. Mayor Feiszli noted that this was Health Insurance 101 where everyone would learn about health insurance and the many opportunities.

The Mayor stated that recommendations come from the Committee and decisions will be made by the Council. Council members can be non-voting members of the Committee. Alderman Quail asked to have two Council members assigned to the Committee. Mayor Feiszli asked for volunteers. Alderman Ferguson and Alderman Dye volunteered. There was no further discussion.

By: Alderman Leonard
Seconded: Alderman Quail

Approved: Ayes – 7
 Nays - 0

Item No. 8 - Consideration of a Resolution to adopt a Banner Policy and accept fees for installation of over-street banners (Tom Tobin).

Tom Tobin from public safety explained the current situation. If an organization had a banner to be displayed over Main Street or Court Street, Public Safety staff have been putting the banners up and taking them down. There have been no fees or waivers of liability. Mr. Tobin stated that he was trying to move forward to plan for anything that might go wrong. Currently, Public Safety staff work it into their daily schedule and it takes fifteen (15) minutes to put the banner up and maybe fifteen (15) minutes to take it down. Public Safety is supplying the bungees and any other materials to hang up the banners. Mr. Tobin indicated that they are providing a service but would like a policy in place.

Alderman Dye stated that the current building owners don't charge the City anything to have the banners hung from their buildings. He asked if the City started charging would that make a difference to these building owners. Mr. Tobin stated that they could still adopt a policy without a fee. He would like an indemnity clause that required them to have some type of insurance.

Mayor Feiszli asked which buildings were used. Mr. Tobin stated it was the Community Restaurant and the McNeil building on Main Street and Graphtex and the fire house on Court Street.

Alderman Dye stated that there is a fee for the signs attached to light poles. He further stated that the Chamber charges business owners that fee to buy the sign.

Mr. Tobin stated that Public Safety did not see any of that fee even though they hang the signs. Alderman Quail stated that the City does have a cost in labor. Alderman Dye stated that if we start to charge a fee, building owners may start charging us. Alderman Quail asked if Corporation Council had reviewed the document. Mr. Tobin responded that Mr. Walsh had not. Alderman Quail asked that Mr. Walsh review it before the next meeting. Alderman Ferguson stated that once you start charging are there any liabilities if something happens to the banner. Mr. Tobin noted that they would have a clause in the agreement that they would sign. Mayor Feiszli stated that she would have Mr. Walsh check into this. Alderman Quail asked what would happen if an employee got hurt putting up the banner.

Alderman Quail asked that this item be tabled to allow further review by Corporation Council. Alderman Craig agreed.

Item No. 9 - Discussion to alter the tax exemption schedule for senior citizens and persons with disabilities and limited incomes (Alderman Quail).

Alderman Quail stated that there is a handout available. Mr. Walsh requested that an additional sentence be added because the Council should repeal the existing provision of the Code.

Alderman Quail stated that these fees would bring the City in line with the County exemption levels on a sliding scale. Alderman Hayes asked if it was for people 65 and older. Mr. Walsh clarified that one section is for people with disabilities on limited incomes and the other section applies to senior citizens. Alderman Craig asked if someone over 65 with a good income would still get it. Alderman Dye asked if it was in addition to social security income. Mr. Walsh stated that it was total income, including social security.

Alderman Hayes stated that she believes it is the right thing to do but expressed concerns about the costs ending up as a tax increase in the end. She asked if the City could encumber the cost. Alderman Quail stated that we already do it now. Alderman Hayes stated that this is just updating the standards and with these new income guidelines we are moving people out of full payment of taxes to a discount. Alderman Quail stated that we cannot encumber costs and that the rest of the tax payers will pick up that portion, which he believed was five cents. Alderman Quail noted that City Assessor Dave Briggs had laid that out and identified how many people would be impacted.

Alderman Hayes asked if we will be able to sustain this in five (5) years. Alderman Ferguson stated that as social security goes up, some people will move out of this bracket.

Alderman Quail stated that Council members could not vote on this at this point as it needs to lay on the table. Mr. Walsh stated that it needs to sit for a minimum of ten (10) days and that a public hearing needs to be set for the next Council meeting.

Item No. 10 - Discussion to increase minimum amount of various local Code violations (Deputy Chief Sandy).

Mr. Walsh stated that the last time the parking fees were increased by resolution and to play it safe, it would be better to do it by local law. Chief Catalano stated that they were proposing to increase the minimum fine for the first offense. He also stated that they would like to draft a public ordinance regarding public urination as the City does not have anything for that now.

Alderman Dye asked if we change the minimum amount for the first offense is the amount of the fine set when it gets to court. Chief Catalano stated if the individual pleads guilty or is found guilty that is the case. If they plead not guilty, it is not always the case.

Alderman Quail proposed raising the fine for unlicensed dogs and he felt that it should be increased to fifty (50) dollars. Alderman Ferguson stated that the fee for unleashed dogs should be increased as well. She felt that getting bit by a loose dog was far worse than listening to a dog barking. Alderman Hayes agreed that was not a safe situation.

Mayor Feiszli asked about littering and unsanitary deposit of waste and if this pertained to debris out front after a party. Chief Catalano stated that people are offered the choice to remedy the situation before any arrests are made.

Alderman Quail agreed that the City needs to write a local law regarding urination in public. Mr. Walsh agreed, stating that we don't have one now and a local law will be needed.

The Mayor asked the Chief if he knew the impact on revenue. Chief Catalano stated that the numbers were based on the maximum fine being levied, not actually what the courts are levying. Deputy Chief Sandy felt that the numbers he gave out last November were based upon a maximum \$250 being levied. He noted that if the fines were raised by a hundred (\$100) dollars, over a three (3) year period, the City could be looking at an increase of revenue of over one hundred thousand (\$100,000) dollars.

Mayor Feiszli asked if the Council wanted to move forward with the increased fee for unlicensed dogs. The Council indicated they wanted to move forward.

Item No. 11 - Discussion to increase parking fines by \$5.00 (Deputy Chief Sandy).

Alderman Leonard and Dye stated that parking fines were substantially higher in other communities that they knew of. Chief Catalano stated that the department needs to buy more tickets soon and if there will be any changes to the fines, it would be helpful to make that decision before they order more.

Mr. Walsh stated that the fine had not been increased since 2002. Alderman Quail stated that the fines should be increased. Council members discussed the aspects of the various fines as outlined on the ticket and which ones they would like to increase. Chief Catalano stated that the amount of some fines is dictated by New York State and the Council could not adjust those fees.

RESOLUTION #49 OF 2010 – Consideration of a Resolution to increase parking fines (as listed below).

Parking Fines increased as outlined:

For items one (1) through seven (7), the minimum fine will increase by \$10, the "after 7 days" fine will increase by \$10 and after 30 days, the fine will increase to \$50.

For items eight (8) and eleven (11) and twelve (12), the fines will remain at their current levels as dictated by the State of New York.

For item nine (9), Front Yard Residential parking, the minimum fine will increase to \$40, after seven (7) days, the fine will increase to \$50 and after 30 days, the fine will increase to \$75.

For items ten (10) and thirteen (13), the minimum fine will increase to \$30, after 7 days, the fine will increase to \$40 and after 30 days, the fine will increase to \$50.

By: Alderman Leonard

Seconded: Alderman Quail

Approved: Ayes – 7

Nays – 0

Item No. 12 - Discussion regarding development of Personnel Committee (Alderman Hayes).

Alderman Hayes had contacted Council members by email to determine their interest in developing a Personnel Committee. Council members discussed responsibilities that might be assigned to the committee. Alderman Hayes indicated that she would expect that three (3) of the alderpersons would serve on the committee with additional department heads or personnel serving as members. At the request of the Council, Alderman Hayes will draft a document to serve as a starting point for their consideration.

Item No. 13 - Discussion to amend Section 60 on downtown stores that sell sexual paraphernalia (Corporation Counsel Walsh).

Mr. Walsh discussed the possibility of a moratorium with the Council and stated that it would really require enactment of a local law with input from the County Planning Department. Mr. Walsh stated that it makes more sense to revise the law as it exists by including more specific definitions to bolster its enforceability by getting together more expansive definitions that would allow the City to regulate those activities.

Alderman Dye asked if a list of activities was needed in order to regulate this. Mr. Walsh stated that the Council needs to address ambiguities in the law and better define the limitations of the activities. Alderman Michales stated that the loop hole in the current law is how to determine the 40% and maybe take that out of the equation and find another method of measurement. Mr. Walsh stated that the Town of DeWitt talks about percentages of sales and square footage and he felt the City could be more precise in what we are trying to regulate.

Alderman Michales asked if anyone had measured the distance to other buildings to see if they were in violation of the one thousand (1,000) foot requirement. Chief Glover

stated that they did measure and some may be too close to schools, the library and churches IF they meet the definition of an adult business.

Alderman Dye stated that the City needs to get it regulated down into what is allowed. Alderman Michales stated that the business was supposed to come before the Council for approval. Chief Glover stated that IF they were an adult business, yes, it would come before the Council. However, the difficulty was determining what is considered adult material and how to measure it to determine if it accounted for 40% of stock in trade.

Chief Glover further added that the City needs a better method to make that determination to preclude if the store was to open or not. He noted that if it is based on sales, they cannot determine this before the business opens. He asked how they are regulated as an adult business...if simply based on inventory; we may not get there on this one. He stated that when the new video store opened up with a family friendly name, the Code Office never knew that there was a back room and what it would be for and it was under the 40%; this needs to be cleaned up.

Alderman Dye stated that some items, like the lingerie, are available at other places like Wal-Mart. Mr. Walsh stated that the City needs to write the law so it is well enforceable.

Mayor Feiszli stated that she would place this issue back on the agenda for the next Council meeting with Mr. Walsh's recommendations. Further discussion was tabled until that time.

MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS LABOR NEGOTIATIONS AND PENDING LITIGATION.

By: Alderman Craig
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

MOTION TO COME OUT OF EXECUTIVE SESSION.

By: Alderman Leonard
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Alderman Leonard stated that he, Linda and Bob had met with a group of landlords and wanted to pass their concerns on to the other alderman. Alderman Leonard stated that the landlords did not want to sue the City and realize that the City doesn't have the money.

Mr. Walsh stated that he has not spoken directly to anyone from the Landlords' Association but noted there have been phone calls from them. He further stated that there is a notice of claim that has been filed against the City.

Alderman Leonard asked for clarification on the process to have items added to the agenda. Council members asked that this topic be added to the next agenda with the possibility of an executive session if indicated.

Adjournment

By: Alderman Quail
Seconded: Alderman Michales

Meeting was adjourned at 10:08 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 16TH DAY OF MARCH 2010. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

CAROL TYTLER – CITY CLERK

MAYOR SUSAN FEISZLI