



City Council Minutes
The City of Cortland
July 6, 2010

Council Meeting #16
July 6, 2010
Regular Session
City Hall
7:00 PM

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

Staff Present: Director of Administration and Finance Bryan Gazda and City Clerk Carol Tytler

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Ray Hamilton expressed concerns about tractor trailer traffic on Hubbard Street at early morning and late hours. He has contacted the police about the issue but stated that the issue is still unresolved and asked that the Council address his concerns. Mayor Feiszli stated that she will follow up with him tomorrow.

Sharon Stevens spoke in support of the rental permit program and asked that the Council enforce the law as developed and not modify it.

Tony Pace reported back to the Council on a meeting which was held several weeks ago in the East End to inform people about the rental property registry. He expressed concern about owner occupied properties and asked that the Council study the program further. He stated that every ward has different issues and they should be looked at separately in the development of the rental permit program.

Gerry Ruggiero spoke in opposition to the rental permit program and identified his specific areas of concern.

Mike Dexter, representing the Landscape and Design Commission, stated that 41 people had applied for trees through the tree program. The Commission removed some diseased Bradford pear trees from Court House Park and planted elm trees; they hope the variety will be resistant to Dutch elm disease.

Mr. Dexter also expressed his concerns about city houses being torn down for green space, parking areas and tax exempt properties. He has concerns about how that will impact the taxes and suggested that the Council consider a moratorium on tearing down property.

Minutes of June 15, 2010

RESOLUTION #146 OF 2010 – Approve the minutes of June 15, 2010.

A correction was made to the spelling of Mr. Zettek's name.

By: Alderman Ferguson
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

WARD REPORTS

Mayor Feiszli requested that the executive session be removed from the agenda along with agenda item number eight on the Public Safety Department.

Alderman Tobin asked that the agenda include a discussion of the 6th Ward Alderman's position vacated by Mr. Leonard. He stated that he will be visiting the 911 center on Friday to learn how the center operates and invited other members of the Council to join him.

Alderman Tobin stated that sixteen (16) people attended the housing informational meeting. Most questions were related to the premise of the issue, not the actual inspection portion. Bill Knickerbocker was available to answer questions and Mr. Tobin stated that he was very helpful during the meeting. Mr. Tobin stated that it was important that people realize that the registration document is separate from the number of occupants and the three (3) unrelated issue that is referenced in the City Charter.

Alderman Tobin addressed some of the concerns raised by Mr. Ruggiero during the public comment period.

Alderman Quail stated that he has spoken to Charles Zettek about making a presentation to the Council on Thursday at 6:00pm. Mr. Zettek will speak about the dissolution process, creative ways to reconfigure local government, and how to improve the delivery of services. His presentation will last 15 to 20 minutes and be followed by a question and answer session. The work session will be open to the public.

Alderman Ferguson stated that she has a constituent concerned about the condition of the streets, especially pot holes and problems with manhole covers. She also praised the police department for the fine job they have done with recent arrests of drug traffickers.

Mayor Feiszli stated that the Cortland County Democratic Committee will be doing interviews on Saturday for the 6th Ward vacancy and make a recommendation to the Council. Since the Council only has thirty (30) days to make a decision, they will need to meet on Monday to vote on the new Alderman. Alderman Tobin asked that the information about the candidates be forwarded to the Council in advance. He would also like to hear from any other interested people.

Alderman Quail asked if there should be a special election. The Mayor stated that the Council would just be filling the vacancy until the November election. There were additional questions

about the time frame and the necessity for a special election which will be referred to Corporation Council.

Council members agreed to meet on Monday, July 12 at 6:00pm.

AGENDA:

RESOLUTION #147 OF 2010 - Consideration of a Resolution to lift the hiring freeze to fill vacant police officer position. (Chief Catalano)

Alderman Ferguson praised the City police force and thanked them for making the City a safer place. Alderman Michales agreed stating that they were doing an excellent job.

Chief Catalano stated that the department had another retirement and he is looking to fill that vacancy. Alderman Quail asked if one (1) officer had returned from maternity leave and Chief Catalano stated she had returned today.

Alderman Hayes asked if the basic training program would be offered in September. Chief Catalano stated that Elmira would be holding an academy in the fall which would allow him to get two (2) officers into the academy and back on the streets by January.

Chief Catalano stated that he is filling the vacancy from May and now this second position. He is not asking to fill the training officer position as he understands the budget situation.

Alderman Tobin asked how late the individuals could be hired and still have time to send them to the academy. The Chief stated that they could be hired the day before but they still need a least a month to do the background check. He further stated that he would not be hiring much before the academy starts and is looking at a week prior as the actual hire date.

By: Alderman Ferguson
Seconded: Alderman Hayes

Approved: Ayes – 7
Nays - 0

RESOLUTION #148 OF 2010 - Approval of the County Mutual Aid Plan (Chief Glover)

Chief Glover stated that he had emailed the Council in advance with information about the plan. The proposed plan does not change how we operate; it just makes certain that everyone is meeting the standards for testing equipment, etc.

Alderman Michaels asked if all the equipment is standard outside the City. Assistant Chief Friedman stated that it was not an issue anymore.

Alderman Tobin asked when the City fire department is called in to assist with fires outside of the City.

Chief Glover stated they assist when asked. If the fire is close to the City line, the department may go. If it is a more rural location, they (other departments) may decide that they have exhausted their resources and call at that point. He further stated that it is a case by case call based on what they have available for resources.

Alderman Quail asked how many responses the City department made last year. Chief Glover stated that he had preliminary numbers about the number of calls versus the number of man hours.

Alderman Michales asked if the frequency of requests had anything to do with the fact that the City department is ready to go and other fire departments are not. Chief Glover stated that it probably plays into it.

Alderman Tobin asked about coverage for loss of equipment or injuries to fire fighters. Chief Glover stated that if another fire department is responding to our incident, they are covered by the City's insurance.

Mr. Gazda stated that they would be covered under our liability and worker's compensation policies and vice versa.

Alderman Tobin asked about coverage for injuries to City fire fighters while responding under mutual aid. Mr. Gazda stated that he would have to look at the policies and see how the coverage would work.

Alderman Tobin asked if the City department was the haz-mat team for the County and Chief Glover stated, yes. Alderman Tobin asked if it was paid for by City or County tax dollars. Chief Glover stated that initially grants covered equipment and training. In 2008 a follow-up agreement with the County authorized payment to the City, however, the contract wasn't signed by either party, but he was not certain why. Chief Glover stated that he believes the County is amenable to working with the City and would pay for the services.

Alderman Tobin asked about the search team. Chief Glover stated that the search team comes from various departments and gets assembled for whatever operations are needed for the search. The fire fighters come from varying departments. Alderman Tobin stated that some of our paid staff are in leadership positions in the departments in their towns and villages which speaks well of our staff.

By: Alderman Hayes
Seconded: Alderman Michales

Approved: Ayes – 7
Nays – 0

RESOLUTION #149 OF 2010 - Consideration of the confirmation of the Mayor's appointment of Lisa Kahle (SUNY Cortland) as a member of the Cable Commission to fulfill the unexpired term of George VerDow. (Mayor Feiszli)

By: Alderman Quail
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

RESOLUTION #150 OF 2010 - Consideration of the confirmation of the Mayor's reappointment of the following individuals as members of the Cable Commission:

John Nagelschmidt 18 Sunnyfield Drive, Cortland, NY 13045
Jim Forshee 422 Route 13 North, Cortland, NY 13045
Richard Menapace 9 Chestnut Street, Cortland, NY 13045
Chris Perrine 91 James Street, Homer, NY 13077
Kevin Williams 9 Brentwood Drive, Homer, NY 13077

Alderman Dye asked if this was the City Cable Commission. Mayor Feiszli stated that it was, but it includes representatives from all areas.

By: Alderman Craig
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

RESOLUTION #151 OF 2010 - Consideration of the confirmation of Suzanne Etherington (29 Cedar Street) and Paul Paradine (20 N. Church Street) as members of the Landscape and Design Commission. (Mike Dexter)

By: Alderman Michales
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

RESOLUTION #152 OF 2010 - Consideration of a Resolution authorizing the closure of Main Street, from Groton/Clinton Avenues to Port Watson Street, on August 14, 2010 from 7:00 A.M. to 4:00 P.M. in order to stage the 11th Annual National Brockway Truck Show.

By: Alderman Quail
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

RESOLUTION #153 OF 2010 - Consideration of a Resolution by which the City of Cortland establishes standard work days for elected and appointed officials, will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body and that the Standard Work Day and Reporting Resolution will be posted and available to the public for a minimum of thirty (30) days. (City Clerk Carol Tytler)

Alderman Hayes stated that she had lost some of her data due to a computer problem and asked if she could resubmit her information from a new window of time. Mr. Gazda stated that he believed she could, but he would need to verify that information. He asked that the Council approve the information as presented and then the City would open up the process for her again as needed.

By: Alderman Craig
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays - 0

Item #8 - Discussion of a Resolution to dissolve the Public Safety Department. (Mayor Feiszli – requires public hearing)

Removed from the agenda at the Mayor's request until the next meeting.

RESOLUTION #154 OF 2010 - Acceptance and agreement of the EAC attached memo regarding City water sales for hydrofracking and suspending the possibility of selling City water to companies for use in the hydrofracking process. (Alderman Hayes, EAC)

By: Alderman Hayes
Seconded: Alderman Craig

Approved: Ayes – 7
Nays - 0

RESOLUTION #155 OF 2010 - Consideration of a Resolution that the City of Cortland Common Council hereby requests that the Honorable David A. Paterson, Governor, withdraw from SEQRA review the *Draft Supplemental Generic Environmental Impact Statement On The Oil, Gas and Solution Mining Regulatory Program-Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs*, as the aggregate protection provided therein is inadequate to safeguard the public health, environment and economy of New York State. (Alderman Hayes, EAC)

By: Alderman Hayes
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

RESOLUTION #156 OF 2010 - Consideration of a Resolution to support the creation of a wellhead aquifer protection ad hoc committee as written. (Aldermen Hayes, Tobin, EAC)

Alderman Quail asked if the Council was creating a new committee as an advisory committee already exists.

Frank Kelly, a member of the EAC, addressed the Council. He stated that the City does not have a say when other municipalities consider actions that may affect the City, unless it directly impacts the Water Works. The County Health Department suggested that the EAC create an ad hoc committee for this purpose alone...to look at the existing regulations and maps and come up with recommendations for the City. It would also give the City a legal standing in situations that impact the City water supply, perhaps by creating some type of regional water authority. The concern is that the City does not have control over everything that impacts us and the committee would satisfy the legal requirements and put the City on record as wanting some input.

John Helgren stated that they are recommending a zoning overlay for the City water district. Mr. Kelly stated that the ad hoc committee has no power and all recommendations would come

back to the Common Council. He further suggested that the appointments come from the individual organizations.

Alderman Michales stated that he would like to create a seven valley summit on water in the fall and pull in all the people and communities that are included in the watershed.

Mr. Kelly stated that it would involve regulations beyond hydrofracking.

Alderman Michales stated that the Mayor had indicated she would be willing to chair the committee and he is willing to co-chair. He would like a panel of experts to share information to get us started.

Mayor Feiszli stated that it could be added to the agenda for the next Council meeting if there was enough time to get recommendations from the various boards for people to place on the ad hoc committee.

By: Alderman Hayes
 Seconded: Alderman Craig

Approved: Ayes – 7
 Nays – 0

RESOLUTION #157 OF 2010 - Request Council approval for several budget modifications.
 (Bryan Gazda)

	<u>Transfer to</u>	<u>Transfer from</u>
A3410-10100 Personal Services		\$24,309.66
A3410-10404 Retirement	\$24,309.66	
A3010-41500 Public Safety – Contr.		\$ 126.00
A3010-40400 Public Safety – Copier	\$ 126.00	
A8160-41800 Trash Collection –Postage		\$ 46.31
A5110-40500 Street Maint.-Funct. Ops.		\$ 21.19
A5010-41800 Street Admin.-Postage	\$ 67.50	
F1990-40000 Contingencies		\$ 885.55
F8340-40220 Transm. & Distrib.-Repair Parts	\$ 707.46	
F8340-41400 Transm. & Distrib.-Reimb. DPW	\$ 178.09	
A510 – Estimated Revenues	\$ 3,914.25	
A960 – Appropriations		\$ 3,914.25
A3120-41603-Police Dept. – Firearms Training	\$ 3,914.25	
A2655 – Minor Sales		\$ 3,914.25

Mr. Gazda reviewed the four (4) budget modification requests.

Alderman Quail asked if the Waste Water account was already overdrawn since the funds were being requested from contingency.

Mr. Gazda stated that the account is not overdrawn but the pump was not budgeted for so Mr. Davis is asking to have it funded by contingency. Alderman Quail stated that he would like to use regular fund money and go to contingency when needed.

Alderman Tobin asked if the budget line is overspent, is the Council supposed to approve going over the line after it is already spent. Mr. Gazda stated that the software doesn't allow us to do it in advance.

Alderman Tobin asked if department heads are bringing things to the Council in advance or just going over budget and asking afterward. Mr. Gazda stated that it was a combination of both and sometimes the City needs transfers in advance.

Mayor Feiszli stated that a memo went out to the department heads stating that if they are close to going over a line, they are to contact Mr. Gazda.

Alderman Hayes asked if there was a possibility that the money is already spent when Mr. Gazda gets the information. Mr. Gazda stated that some departments have already gone over and into contingency and he is concerned that departments are going over and we may end up with too many bills to pay.

Alderman Tobin stated that it should only be emergency items and the department heads should come to Mr. Gazda first before they overspend a budget line. He further stated that he prefers that anything over the budget line goes to Mr. Gazda and then the Council.

The Mayor stated that the department heads did receive a memo about that and are trying. Mr. Gazda stated that they can't shut down the operations while waiting for a decision to be made, especially for emergency situations, but routine expenditures can come to the Council for discussion.

Alderman Tobin stated that the Council will see the information after it has been spent which can be problematic. Mr. Gazda stated that the City is transferring as we go instead of transferring at the end of the year, so it is still a learning curve for the departments.

Alderman Dye asked if there was still money left in the Waste Water budget. Mr. Gazda stated there was, but an unexpected expenditure which was not planned for in the budget led to the request before the Council.

Alderman Hayes stated that the department heads need to know where they are at in their budgets.

Council members agreed that they did not want to transfer money from contingency for the Waste Water request, but wanted to use the funds that are in the line so that transfer request was withdrawn.

Mr. Gazda stated that the second item was a retirement line for the fire department. With pending retirements, the City would need to pay out for left over sick days and other time.

Alderman Hayes asked if these were unexpected retirements. Mr. Gazda stated that the City knew of potential retirements, but the individuals had not committed at the time the budget was developed and passed.

Mr. Gazda stated that the third item would allow the City to clean up items that have already been expensed out. Alderman Quail asked about the repair parts for DPW in the Water fund. Mr. Gazda stated it was an inter-fund transfer.

Mr. Gazda stated that the last item was some surplus that the police department has sold and they want the funds to go into firearms and training. Chief Catalano stated that the department auctioned off a Smith and Wesson machine gun from the 60's which had become a collector's item. They found an interested party in another state as it is not legal to possess in New York State.

The only change to the budget modifications was to take money from the Waste Water fund, not contingency, for the pump that was needed at the Waste Water treatment plant.

By: Alderman Craig
Seconded: Alderman Dye

Approved: Ayes – 7
Nays – 0

New Business

Alderman Tobin commented on letters to the editor about the situation in the cemetery within City limits. He stated that he has additional information and will share with other Council members if interested.

Alderman Dye asked about the closing of Main Street on August 7 for the antique car show and the arts and wine festival. Mayor Feiszli stated they met with the committee and came up with solutions and it is not an issue anymore.

Adjournment

By: Alderman Craig
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

Hearing no other business, the meeting was adjourned at 8:30pm.

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 6th DAY OF JULY 2010. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

CAROL TYTLER – CITY CLERK

MAYOR SUSAN FEISZLI