



City Council Minutes
The City of Cortland
October 19, 2010

Council Meeting #24
October 19, 2010
Regular Session
City Hall
7:00 PM

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

Absent: Alderman Quail

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

Mayor Feiszli opened the Public Hearing at 7:04 P.M.

Public Hearing regarding Adoption of Local Law No. 4 (Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code)

No one spoke for or against Local Law No. 4

Public Hearing regarding Adoption of Local Law No. 5 (Storm Water Utility Fee)

Amy Simrell, Executive Director of the YWCA, raised questions about the proposed law and asked that the Council consider her questions before moving forward. She asked if the proposed fee would buy anything new and if we are currently in compliance with how we handle storm water. She asked if this economy is the best time to launch this initiative and if the “mays” have been confirmed about flooding issues. She asked about the specific operating expenses and how they are currently covered and how the facilities are currently being maintained. She reviewed other fees and increases that have already been imposed upon City businesses.

Garry VanGorder, representing the BDC, stated that their board had already passed a resolution in opposition to the fee. He expressed concern that there is no identified fee structure in the local law. He pointed out that the Comprehensive Plan already talks about the decline of business in the City of Cortland. He stated that including non-profits and churches seems way too broad. He stated that the case has not been logically made for increased storm water management in the City.

Bob Haight, representing the Chamber of Commerce, stated that their board passed a resolution opposing the tax. He stated that the Chamber represents quite a few non-profits as well as for profit businesses that must pass the cost along to their customers placing them at a competitive disadvantage. He urged the Council not to consider this fee.

Adam Megivern, Executive Director of the Downtown Business Partnership, stated that the downtown merchants were opposed to the fee and it will not improve the situation for

businesses in the central business district. He further stated that it will also make it difficult to attract new business.

Pastor Mike Moshkowski stated that his church is opposed to the law. He stated that they have limited resources to pay additional fees.

Mike Dexter stated that he questioned the wisdom of putting \$250,000 in the budget last year for a local law that wasn't passed and now we're looking at the law to cover the budget.

Mayor Feiszli asked Corporation Council if she could speak regarding the law. Mr. Walsh stated that she could.

Mayor Feiszli stated that since 2007 there has been a growing frustration with the number of properties taken off the tax rolls by the county, hospital and SUNY Cortland. A storm water utility fee has never been imposed in New York State. She stated that she is a small business owner and has no intention of passing something that impacts business. She stated that she had forgotten to mention that the IDA/BDC also gives tax credits to businesses that affect our tax base without consulting the City.

Mayor Feiszli stated that to her, it is a justifiable fee, but she hoped they could learn from the lack of communication between the City and others. She apologized for the way it has been handled, stating that the fee structure had been given to the Council last night. She further stated that she is planning to ask that this resolution be tabled for further discussion.

Public Hearing regarding Adoption of Local Law No. 6 (Vacant/Blighted Building Registry)

Garry VanGorder stated that the BDC supports this legislation. He asked that the Council consider whether the penalties are severe enough, based on past abuses.

Mayor Feiszli stated that it would be a local law and the penalties could be changed by resolution.

Adam Megivern stated that the Downtown Partnership is still in support of this legislation. He stated that it provides another tool for downtown to re-populate the store fronts. He stated that he looks forward to stiffer penalties. For the rehabilitation plan, he would be very interested in providing some insight into what they would like to see happen.

Mike Dexter shared concerns about the old Cobaco building and what an eyesore it has become. He commented on how much the company meant to the community when it was in business.

Anne Doyle thanked the Council for all their work and stated that she is in favor of the law.

Mayor Feiszli called the twenty-fourth Common Council meeting of the year to order at 7:25 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

There were no speakers during the public comment period.

REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES

Alderman Hayes stated that the Environmental Advisory Committee met this past week. Future meetings will be on the second Tuesday of the month at 7:00pm in the Mayor's Conference Room. She stated that the committee is working on a pesticide policy for any City properties, especially the City parks. She further stated that the committee had worked on the aquifer summit proposal brought up by Alderman Michales.

Mayor Feiszli stated that she had calls from Soil and Water and the Health Department on whether they were supposed to attend the last Environmental Advisory Committee meeting. She contacted Ron Powell and asked him to take the initiative and contact both.

Alderman Hayes stated that the well head protection for the City was separate from the summit. Mayor Feiszli asked about the status of the summit. Alderman Hayes stated that they have discussed it, but have no resolution at this point. Mayor Feiszli stated that Ron (Powell) will contact well head protection committee people and they will start having meetings in the future.

Alderman Tobin stated that there have been concerns in the fourth ward that he has forwarded to the code and police departments. He encouraged City residents to contact their alderperson if they are uncertain who they should contact about a concern.

Alderman Tobin stated that the Strategic Planning meeting last week was very productive. There were good contributions from everyone who attended and more momentum as they are going forward.

A Proclamation was Read

Mayor Feiszli presented a proclamation for Red Ribbon Week which focuses on reducing the use of alcohol, tobacco and other drugs. The Mayor called upon the residents of the City of Cortland to wear or display a red ribbon and participate in drug and alcohol free activities during the week of October 23 through 31, Red Ribbon Week.

The minutes of the October 5, 2010 meeting were not available for approval.

AGENDA:

UNFINISHED BUSINESS:

Item No. 1 - Consideration of the confirmation of the Mayor's appointment of Ron Walsh (Corporation Counsel) and Paul Sandy (Deputy Chief) to the Ethics Committee.

Mayor Feiszli requested that this item be tabled until the next meeting.

AGENDA:

Item No. 1 - Presentation by Trish Hansen (TLC Services) regarding Halloween candy safety check.

Trish Hansen from TLC and Derrick Reynolds from the City Fire Department stated this is the seventeenth year for the safe candy check. They have had only one (1) incident during all

those years. Ms. Hansen stated that they are proud to partner with all the area fire departments. Ten (10) ambulances and over one hundred fifty (150) employees participate in the event. There will be ten (10) candy check locations this year with the details to be listed in the Cortland Standard. Hot chocolate will be available. Alderman Ferrer stated that the Armory location will also offer hotdogs and games for the children and their parents. Ms. Hansen stated that they average two hundred (200) children between all the check stations in the City.

Ms. Hansen told the Council that TLC has purchased the former Grossman's building and will be moving sometime next year. They had looked for a location in the City, but had been unable to find a suitable location. The new location is just outside the City limits.

RESOLUTION #210 OF 2010 – (Amended) Consideration of a Resolution to lift the hiring freeze at the WWTP for a **Senior** Keyboard Specialist. (Harvey Davis)

Alderman Tobin stated that the City hopes to streamline things by doing different tasks under a single department, such as payroll. He asked Mr. Gazda if it would be more advantageous to have some of things done through City Hall rather than at the WWTP. He felt it would ease the workload for the WWTP employee and streamline things.

Mr. Gazda stated that the new accounting software will help with this. He recommended that the City do it all at once and not transition piecemeal by department.

Alderman Michales asked if there was any money included in next year's budget for this software purchase. Mr. Gazda stated that the City will look to include it in the capital plan.

Mr. Davis stated that all the minutes to the meetings are done at the department. They are scanning all the grievances and sending them ahead of time instead of going over them at the meetings, which saves time at the meetings.

Alderman Hayes stated that when the Council got the report, the data entry related to SPDS reporting. Mr. Davis stated it was a voluminous amount of data to put in and some of the operators put in the data as well. Alderman Hayes asked if this keyboard specialist person would take over all of that.

Mr. Davis stated, yes, all our paperwork needs to be correlated for the DEC and EPA or any third party that wants to come in and look at that data. Mr. Davis further stated that the NYS EPA and DEC requires that they keep three (3) years of records on site. The records show the details of what the operators do every day. Mr. Davis explained the process for collecting and documenting data.

Alderman Hayes stated that the report says that the assistant could be more properly trained to take on those tasks. Mr. Davis stated that there is a large amount of information that needs to be inputted and documents filed. He stated that they enter information (documenting) that tasks have been done, but additional details are not entered.

Alderman Hayes stated that from the report, lab data has not been done or people have not been properly trained. She asked if the person coming in will do all of these things. Mr. Davis stated yes and that the staff was not there long enough to get properly trained. When Ms. Ayers passed away, the person that was hired only stayed three (3) weeks, which was hardly enough time to get someone fully trained. He noted that Ms. Knickerbocker was the first

person they had in a six month period that really grasped what they needed to do and she was just getting up to speed.

Mr. Davis noted that the secretarial pool concept doesn't work with the WWTP. Duties are technically specific to the WWTP.

Alderman Michales asked if it was an entry level position. Mr. Davis stated that it was an entry level position, but we are setting ourselves up for a revolving door. He added that people that we have hired had skills to earn a higher salary and left for other positions. He stated that he would like to have it for a higher position to avoid this and get someone in there who would stay in the position and get properly trained.

Alderman Dye asked for clarification about the position....keyboard specialist or executive secretary. Mr. Davis stated that he had budgeted for a keyboard specialist last year and he asked that the Council consider putting it back to an administrative assistant position. That was the previous title. Alderman Hayes asked if Civil Service has anything to say on this.

Mr. Gazda stated that he thinks it is a Senior Keyboard Specialist position as it was. It is part of the SEIU collective bargaining agreement and the City needs to go by that to establish the salary. Alderman Craig asked what that would be. Mr. Gazda stated around \$21,000...in that ballpark.

Alderman Craig stated that with the software upgrades, some of these duties could be centralized, like scheduling interviews. Mr. Davis stated that she does that for me....he provides the days and times and she sets up the appointments.

Alderman Dye asked if it was being revised to be a Senior Keyboard Specialist. Mr. Gazda stated that he would recommend that. Mayor Feiszli then amended the resolution to read Senior Keyboard Specialist.

By: Alderman Dye
Seconded: Alderman Michales

Approved: Ayes – 6
Nays – 1 (Hayes)

Item No. 11 – Discussion with Harvey Davis regarding current issues at the Waste Water Treatment Plant

Alderman Michales stated that over the past few years we have been monitoring a certain facility and there is a lot of cost involved. He stated that the City needs to act on this issue to avoid being fined by the EPA.

Mr. Davis stated that we are monitoring our influent and effluent. This situation has been going on since 2006 and until it is resolved, we still need to do some additional sampling and monitoring.

Alderman Michales stated that he understands there is a possible fine. Mr. Davis stated that the City was fined in 2006 by the DEC for \$6,000 for failure to actively enforce first response plan and monitoring program. He further stated that \$10,000 in fines was held aside to ensure compliance so that could be imposed at any time. He noted that the EPA has been watching

them closely. He noted that there is a misconception that the DEC or EPA takes over regulatory enforcement.

Mr. Davis stated that the City of Cortland is considered the Control Authority under the law. He stated that he writes the first notices of violation and after that it goes above him. He stated that if an industry does X, we do Y. Mr. Davis noted that he sent documents to the Council on these issues. He stated that we have responsibilities and the industry has responsibilities and we don't have a lot of choice in it. He stated that we cannot consult with industry; we have to maintain the role of regulator. Industry has a consultant on staff to do that.

Mr. Davis stated that every municipality is dealing with this issue and we can't back away from our responsibilities to the downstream users. He stated that he has a conference call set up with Virginia Long on Thursday morning and if anyone would like to be there, they are welcome to join in. He stated that she is the Region Two Pre-treatment Coordinator and this has been a long standing issue for her.

Alderman Michales stated that she is basically looking for some sort of resolution from the City. He asked Corporation Counsel if there were any legal issues pending on this.

Mr. Walsh stated that he spoke with Virginia Long today and she indicates that there is this outstanding issue of a prior violation that has not been resolved. He stated that the next step that the EPA might take is to issue an administrative directive to sit down with the parties and try to arrive at a game plan to resolve the issue.

Alderman Michales asked if Mr. Davis had any idea why O & N, Inc. would be involved in consulting services. He further asked regarding storm water management fees, would these fees be used toward compliance with the Chesapeake Bay.

Mr. Davis stated that it could go toward it, but not related to the WWTP. He noted that there were two different issues; the phosphorous and nitrogen limitations that may be imposed by the State on everybody in the Chesapeake Bay including the County. He stated that he met with Soil and Water today and it was very productive. They are trying to figure out exactly what the EPA is going to do and when they're going to do it. The EPA has not given them an idea of what the final limitations are going to be. He believes that the State has lived up to their potential of meeting the requirements of phosphorus and nitrogen removal in the bay area. He noted that there is a lot of discussion between the DEC and the EPA as to how much phosphorous and nitrogen makes it to the Chesapeake Bay and it may not be a battle that the DEC will win.

Mr. Davis stated that the best approach for the City and County is to move forward together. Try to get a political solution to this, but at the same time, we need to deal with a long term solution. He stated that we need to determine how to deal with dairy waste adding that a lot of non-point pollution comes from runoff from farms, parking lots, driveways, etc....not from the wastewater plant. People may have to have their lawns tested before applying fertilizer. He stated that it is a complex issue without a simple answer. He stated that we should find a solution together and look for a political solution, but there is a strong lobby group in the Chesapeake Bay region.

Alderman Michales stated that he is sure there is, but there are people here who may not be able to afford a twenty million dollar (\$20,000,000) addition to our Waste Water Treatment Plant. Mr. Davis noted that the Barton & Loguidice study was comparable to what was put out and the

numbers were not that far off from what was put out by Stearns & Wheeler in 2002. Nitrogen is the more expensive of the two items to achieve, phosphorus is easier to achieve. It may be possible that there might be a requirement for sand filtration and that will be more costly capital wise and operationally.

Mr. Davis stated that the City should look at the capital costs and do it correctly. You'll be able to operate it and maintain it for a long time. He added that quick fixes end up paying double on your money. He added that we need to be cautious with technology that we choose. What is good for drinking is not necessarily good for wastewater.

Mayor Feiszli stated that there is an appearance of a lack of communication between people and a lack of information from Mr. Davis. She stated that the Stearns & Wheeler and Barton & Loguidice reports due to the Chesapeake Bay requirements indicated upgrades were needed. She added that due to the loss of key personnel, Wayne Swindon and Mr. Davis as Chief Operator next year we are losing many years of experience. We had a hiring study done by Barton and Loguidice. That hiring study indicated that though we have nine (9) staff, we need eleven (11) to thirteen (13) employees, with specialists in different areas. She has expressed to Bryan Gazda her concerns regarding the expense.

Mayor Feiszli stated that he was correct about his assumptions about O & M including private operation of the Waste Water Treatment Plant, but added that the reason for them being here at this point has nothing to do with that.

Mr. Davis felt that the City had not looked at what they had in house.

Mayor Feiszli noted that she was not a Class 4A Operator or an engineer or a WWTP operator. She acknowledged that he and his employees were doing a phenomenal job and he had a lot of experience. She added that she is seeking outside opinions and is concerned about emails with Homer about Marietta that she had not been included in. To move forward, she stated we still need to look at other opportunities with the Waste Water Treatment Plant. She also wanted to resolve the issues with compliance with Marietta.

Mr. Tobin asked about the standard of regulation that Marietta is supposed to adhere to. Mr. Davis stated that it is the same as every other company. Mr. Tobin asked if the information has been shared with the EPA and if the EPA has been supportive.

Mr. Michales asked if the City was just going to wait and see what happens on Thursday with Virginia Long. Mr. Tobin stated that he met with Harvey and Tom earlier in the week and the Council should have one (1) or two (2) people sit in on the conference call. He added that there has strong documentation for years about issues and what has been done on the City's part has been in line and we have the support from the EPA. He noted that it was pretty clear that we need to follow through on the recommendations on this issue. Alderman Michales agreed that the Council needs to follow through.

Mr. Davis stated that the time has not been set yet. He added that Megan Gilbert of the NYS DEC will be attending the conference call as well and Corporation Council and the Mayor will be there as well. Alderman Dye indicated that 10:00 am would be good for him.

RESOLUTION #211 OF 2010 - Consideration of a Resolution adopting a Local Law providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code. (Captain Knickerbocker)

Captain Knickerbocker stated that it provides for the administration and enforcement of the codes. Since 1986, the City has not adopted the newest version of the Uniform Fire Prevention and Building Code. He stated that this law will bring the City up to speed and provide us with a better tool box to address Code enforcement issues. The 2010 edition is available for use now. This law puts us in line with ISO and their representative is pleased.

By: Alderman Ferrer
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

RESOLUTION #212 OF 2010 – To Table Consideration of a Resolution adopting a Local Law regarding Storm Water Utility Fee.

Alderman Michales stated that he did not see any gas stations noted and asked if he had missed them. Mr. Gazda stated that the list of properties was provided by the DPW Superintendent. He added that the list is probably a couple of years old and is just representative. Mr. Walsh stated that it is unlikely that gas stations would meet the threshold.

Mayor Feiszli stated that she believes there is only one (1) church involved. She added that she would like them to amend the local law so there is an appeals process. She would like Soil and Water, Department of Health and County Planning to be on that appeal board. She further stated that if they show that they are trying to control the runoff, there is some relief for the property owner. She stated that with the new regulations, we need to control our run off. She stated that at this time the City needs to set up a meeting with those who are involved with this as well as with those who spoke tonight.

Alderman Hayes stated that she would like to have an appeal process, as well. She noted that there were concerns with what kind of runoff was being discharged from a particular area...and added that she still has a lot of questions.

Mayor Feiszli stated that she will schedule a work session and notify the public. Alderman Tobin asked that Chris Bistocchi be involved. He brought up the berm in the Water Works and how to get funding. He stated that he spoke with Chris Bistocchi about various issues, noting that there is a need for curbing and other issues that affect runoff and flooding. He felt that there was a need to address the water and some of the issues that come from it and that if Chris Bistocchi was involved, it would speed up the process.

Motion to Discuss:

By: Alderman Ferguson
Seconded: Alderman Dye

Motion to Table:

By: Alderman Tobin

Seconded: Alderman Craig

Approved: Ayes – 7
Nays - 0

RESOLUTION #213 OF 2010 - Consideration of a Resolution adopting a Local Law regarding the Vacant Building Registry.

Alderman Michales made a motion to table stating that he has been in contact with County Planning and their input should be weighed for this document.

Mr. Walsh stated that it is not required that this go through County Planning, but it can be referred to them at the Council's discretion and if County Planning has the time to do so.

Mayor Feiszli noted that the County Planning Board has limited representation from the City as most members are from the outlying areas of the County and it is not mandatory that this be referred to them.

Hearing no second to the motion to table, the motion failed.

Alderman Michales stated that he felt that this local law carried as much weight as the storm water management one. He stated that Dan Dineen of County Planning is currently reviewing the law and will be provide a letter of recommendation to the Council as another source of input.

Mayor Feiszli noted that this law has been in the works for almost two (2) years.

Alderman Hayes asked if Corporation Council thought the law was strong enough. She asked if the fees would be done through local law. Mr. Walsh stated that the fees can be changed by resolution.

Brian Tobin asked if the vacant building fine fees included on page seven would be stricken. Mr. Walsh stated that there is a fine provision for violation of the law, for failing to register. He further stated that the fee structure can be done with the resolution, but he felt that it was a good practice when changing or instituting fines that they be included as part of the local law.

By: Alderman Ferrer

Seconded: Alderman Hayes

Approved: Ayes – 6
Nays – 1 (Michales)

RESOLUTION #214 OF 2010 - Consideration of a Resolution to award contract for program delivery and administrative services for fiscal year 2010 HOME Program pursuant to a Request for Proposals. (Bryan Gazda)

Mr. Gazda provided an update to the program administered by Thoma Development. He stated that an RFP was done and the City received two (2) responses and one (1) was a letter from a business stating that they were not interested.

Alderman Hayes asked about the total amount that we have and if this is just to pay them out of the grant. Mr. Gazda stated that some additional money comes out of other program income we receive from other grants. It is outlined on the back page of the proposal.

Alderman Hayes asked if it was for the year. Mr. Gazda stated it was grant year 2010, but it can take up to two years to totally complete. He further stated that he anticipates that you may see some construction this winter depending on the project and if it is inside work or not.

By: Alderman Hayes
Seconded: Alderman Craig

Approved: Ayes – 7
Nays - 0

RESOLUTION #215 OF 2010 - Consideration of a Resolution approving exotic pet permits for four (4) snakes **and three (3) turtles** owned by Bridgid Pittsley and Vincent Hines of 105 Pendleton Street, Apt. A. (Alderman Michales)

Alderman Michales stated that the committee made a home visit last week to look at the snakes in question and they appear to be well taken care of. While there, they noted three (3) large turtles on the property and the residents would like to increase the permit requests for a total of seven (7) exotic pets.

Alderman Hayes asked if all the pets have enough space. Alderman Michales confirmed that they do.

Alderman Ferguson asked if it was necessary for the Council to review these requests every time. Alderman Michales stated that there is one other concern, because the couple is interested in raising and selling the snakes as exotic pets and currently the City doesn't have anything in the Charter about this situation. He suggested that the City move forward and draft something for exotic pets.

By: Alderman Hayes
Seconded: Alderman Ferguson

Approved: Ayes – 7
Nays – 0

RESOLUTION #216 OF 2010 - Consideration of a Resolution to amend the 2010 Miscellaneous Revenue Budget. (Bryan Gazda)

Mr. Gazda asked that Mike Dexter provide the Council with information about the project. Mr. Dexter provided background information and explained the need to replace trees on South Main Street because there were originally eighty (80) trees planted at a cost of forty thousand dollars (\$40,000). Many were of poor stock; struggling to survive, damaged through vandalism, or dead. Both Mr. Gazda and Ms. Crompton, in Administration and Finance, have identified funds to replace eighteen (18) trees from money that was given back to the City from National Grid under their 10,000 Tree Program. The program provides rebates to the City for planting trees that will not grow into the electrical wires overhead. He noted that this is not taxpayer money. The new tree purchases have been included in the bid from the other tree lottery project being

handled by Thoma Development. Mr. Dexter stated that the newly selected trees are a better variety and will grow better in the city environment.

Alderman Michales asked if the trees being removed are salvageable. Mr. Dexter stated that these trees are not worthy to be replanted and would have a tough time. He stated that most have been vandalized and he did not recommend they be replanted anywhere in the City.

Mr. Gazda stated that the budget modification is under the tree planting program. Alderman Hayes asked to confirm that it is coming out of the National Grid rebate program. Mr. Gazda stated that the City has been storing the funds over the last couple of years. Alderman Hayes asked if everything is already ordered. Mr. Gazda stated that originally the City was going to use debt service money under the original bond, but the auditor recommended against it so they started looking at other resources.

Mayor Feiszli thanked Mr. Dexter for all of his hard work and that of the Landscape and Design Committee.

By: Alderman Tobin
Seconded: Alderman Ferrer

Approved: Ayes – 7
Nays – 0

RESOLUTION #217 OF 2010 - Consideration of a Resolution to amend the contract with Countree Lawn and Landscape for the planting of eighteen (18) trees on South Main Street. (Bryan Gazda)

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

RESOLUTION #218 OF 2010 - Consideration of a Resolution for Council approval for budget modifications. (Bryan Gazda)

Alderman Hayes asked if the money had already been spent. Mr. Gazda stated, more than likely.

Mayor Feiszli asked what a sell back was. Mr. Gazda stated that it is time that has been earned either through holiday or paid vacation and is contractual. Alderman Ferguson asked for further clarification. Captain Knickerbocker stated that it is called Kelly time, which employees earn when they work holidays or don't take their allotted vacation time and then they sell it back to the City per their contract.

Mayor Feiszli stated the other was the storm water motor equipment repairs with a transfer of \$1,000 from storm sewers.

Mr. Gazda stated it was an interdepartmental transfer to repair items at Chris's request. Mayor Feiszli asked about the vehicle maintenance. Mr. Gazda stated that the vehicle is probably used between both departments.

Mayor Feiszli stated that she is going back to the more realistic overtime figure in the 2011 budget and asked Captain Knickerbocker if this was accounted for in 2011. Captain Knickerbocker stated that there wouldn't be as much sellback or the retirements that were seen in 2010. He added that there is money there.

Mr. Gazda stated that there were two (2) retirements taking place before December 31 and he didn't anticipate that will happen next year.

By: Alderman Ferguson
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

EXECUTIVE SESSION

- 1) Discussion regarding personnel issue.
- 2) Collective bargaining agreement.
- 3) Update on pending litigation

Motion to go into Executive Session to Discuss a Personnel Issue

By: Alderman Ferguson
Seconded: Alderman Ferrer

Approved: Ayes – 7
Nays – 0

Motion to go into Executive Session to Discuss a Collective Bargaining Agreement

By: Alderman Tobin
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Motion to go into Executive Session to Discuss Pending Litigation

By: Alderman Ferrer
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays - 0

Motion to come out of Executive Session

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7

Nays – 0

Item No. 12 – Discussion regarding the terms and conditions of the “at will” contract with Bryan Gazda

Alderman Ferguson supports changing the Charter and redefining positions. Alderman Michales stated that he would like the Council to revisit duties to resolve some of the issues that have been ongoing.

Alderman Tobin stated that the report that was received from BCG had a mission statement that did not necessarily give a true indication of what the actual result was. The first step that they recommended was to evaluate the current Charter and the job description that Mr. Gazda is following. He recommended that a committee look at that and come up with a recommendation as to whether the City move to a City Manager by restructuring the Charter, completely changing it or if there are other options they should consider.

Further discussion ensued.

RESOLUTION #219 OF 2010 – Consideration of a Resolution to have the City Council evaluate the City Charter’s job description for Director of Administration and Finance that Mr. Gazda is following and to gather additional data and upon review, the Council will recommend to either:

1. Research the possibility of restructuring City government to a City Manager run organization or,
2. Change the Charter to more accurately reflect the expectation of the director of Administration and Finance position that are currently beyond the Charter’s description or,
3. Determine a third option for addressing the current issues regarding the current Director of Administration and Finance.

This can either be done by the Council, as a whole, or by committee; to identify where the job description ends and the responsibilities not being fulfilled begins and recommend that the Department Heads contact a Council member they feel comfortable speaking. The Council will receive feedback from department heads until October 31, 2010. Alderman Tobin will compile the information for Council members for the November 2, 2010 Council meeting and then the Council will decide a time to discuss the information.

By: Alderman Tobin
Seconded: Alderman Ferguson

Approved: Ayes – 7
Nays – 0

Adjournment at 12:25 AM

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 OCTOBER 2010. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

CAROL TYTLER – CITY CLERK

MAYOR SUSAN FEISZLI