



City Council Minutes
The City of Cortland
November 2, 2010

Council Meeting #25
November 2, 2010
Regular Session
City Hall
7:00 PM

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

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

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

There were no public comments.

Minutes of October 5, 2010 and October 19, 2010

RESOLUTION #220 OF 2010 – Approve the minutes of October 5, 2010 and October 19, 2010.

By: Alderman Ferrer
Seconded: Alderman Ferguson

Alderman Quail identified a correction to the October 5 minutes that should reflect that Mr. Davis said that the information had NOT been provided.

Minutes were approved with this correction.

REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES

Alderman Tobin asked to add a discussion to the agenda about handling trash for the Cortaca Jug weekend stating that there were issues last year with trash in the general downtown area.

Alderman Tobin announced that the SUNY Cortland swim and diving teams are volunteering to help people who need assistance to rake their lawns. Interested residents should contact Alderman Tobin to make arrangements.

Alderman Michaels stated that he had asked to add a discussion item to the agenda about storm water management, but he understood his item was pulled. Mayor Feiszli stated that the agenda had already been sent out at the time of his request. She stated that he could add it to the agenda tonight if the Council approves. Alderman Michales stated that he would like more discussion if there is enough time. There were no objections from Council members.

Mayor Feiszli thanked Alderman Ferrer for volunteering to participate on several boards and commissions in an effort to take a more active role by the Council.

AGENDA:

RESOLUTION #221 OF 2010 - Consideration of a Resolution to set November 16, 2010 for a Public Hearing of a Local Law No. 6 regarding licensing, identification and control of dogs in the City of Cortland. (Ron Walsh/Carol Tytler)

City Clerk Tytler and Corporation Council Walsh provided background information about the State's decision to discontinue administering the dog licensing program and shift the responsibility to counties, cities, towns and villages. Mr. Walsh reviewed the local law for Council members. At Alderman Michales request, the City Clerk's office will provide additional information to Council members about current fees and any changes to those fees in the proposed legislation.

By: Alderman Ferrer
Seconded: Alderman Hayes

Approved: Ayes – 8
Nays – 0

RESOLUTION #222 OF 2010 - Consideration of the confirmation of the Mayor's appointment of Sheila Cohen (per Alderman Hayes' recommendation) to the Wellhead Aquifer Protection Committee. (Mayor Feiszli)

By: Alderman Hayes
Seconded: Alderman Craig

Approved: Ayes – 8
Nays – 0

RESOLUTION #223 OF 2010 - Consideration of a Resolution awarding the City refuse collection contract to the lowest responsible bidder. (Corporation Counsel Walsh)

Alderman Craig asked who was currently hauling refuse. Chris Bistocchi stated that Casella Waste Haulers are doing it until December 31 of this year. Alderman Craig asked who would be doing it after that. Mr. Bistocchi stated that it was up to the Common Council. He further stated that the low bid in the latest contract has some questionable references.

Mr. Walsh stated that the Council should select the lowest responsible bidder and recommended an executive session if the Council would like to discuss specifics.

Alderman Craig asked if the City has any issues with them. Mr. Bistocchi stated that we have no personal issues with Casella.

Alderman Quail asked about the bid compared to what we are currently paying. Mr. Bistocchi stated it was five dollars (\$5) more per ton and that would be a five and a half (5 ½) percent increase. Alderman Quail stated that he thought the City gave them a raise for fuel expenses. Mr. Bistocchi stated that Bryan (Gazda) negotiated an extension with them last year for one (1)

year for a three (3) percent increase. Alderman Quail stated so they have received eight percent over the past two years.

Alderman Michales asked how much higher the third bidder was.

Mayor Feiszli stated that the overall cost for refuse has gone down and the tonnage going to the land fill has actually decreased.

Alderman Ferrer asked if the recommendation (from Mr. Bistocchi) is Casella. Mr. Bistocchi stated that the recommendation is to reject the low bidder.

Alderman Michales asked if the City has made any decisions regarding if the County changes their plans regarding the landfill. Mr. Bistocchi stated that the County does not have flow control. He further stated that the City stipulates that our garbage will go to the County landfill and recycling will go to the County recycling center.

Mr. Bistocchi stated that if they reach a point if the prices are no longer competitive with other counties, the Council can decide if we want to take our garbage elsewhere.

Mayor Feiszli stated that the Council could put off a decision if they wish; however there were no further questions from the Council.

By: Alderman Craig
Seconded: Alderman Ferguson

Approved: Ayes – 7
Nays – 1 (Hayes)

Item No. 5 - Discussion regarding blue bags. (Alderman Ferguson)

Mayor Feiszli stated that the DPW Board of Commissioners was asked to make a recommendation to the Council. Alderman Ferguson attended the meeting. Alderman Ferguson stated that she would like to take time to figure out which bags our constituents want.

Mr. Bistocchi stated that there are three (3) different choices. Alderman Ferguson asked about the choices. Mr. Bistocchi stated the bottom seam gusset bag, the side seal, and now the star seal at the bottom of the bag. Those are the three (3) types we've had in the past five (5) years.

Alderman Ferguson stated that Council members should take it back to their constituents and bring that information back to the Council in two weeks.

Mayor Feiszli asked Ann Doyle and Wilma VanDee to be on a committee to work with Alderman Ferguson and forward that information to the DPW Board of Commissioners for review and to make a recommendation to the Council.

Item No. 5A – Discussion of trash and clean-up issues related to the Cortaca Jug event (Added to Agenda by Alderman Tobin)

Mr. Bistocchi stated that the City can put cans or trash bins in the hot spots in the college area. He introduced John Gayle, from Casella Trash, to further discuss the issue with the Council.

Mr. Gayle stated that he knows what it has looked like in previous years and suggested a committee of students, landowners and landlords address the issue. He further stated that people do not want to purchase the (blue) bags because it is an expense to them to go out and clean it up. He stated that his idea is to provide bags of a different color to pass out to landowners to then clean up after the event. Mr. Gayle showed a sample bag to members of the Council. He further stated that then they would go around and pick up the hot zone bags on a single run, and that is the only time these bags would be picked up. He stated that it should not impact revenue from blue bags since it is a one time thing and they would donate the bags to the City. Mr. Gayle stated that they have done similar things in the college town areas of Ithaca, with good success. By using a different color, it does not impact blue bag sales. Mr. Gayle listed city streets that he suggested as areas that would really matter for the program.

Alderman Michales stated that it sounds like a great plan, but still wondered if there would be one or two bags that would be sitting out there once they have already gone through.

Mr. Gayle stated that they communicate with Wilma (VanDee) daily and all it would take is a call. He stated that the important thing is not to interfere with revenue that blue bags produce and added that this program won't cost anybody here (the City) money.

Alderman Tobin stated that he believes that the original problem is that trash got there on Saturday night from evening parties. Alderman Quail stated it was from evening parties and people that left their trash bags out that evening and people just starting kicking the trash on the streets. He further stated that it will help, but the problem is waiting until Monday morning as there is a lot of trash out on Sunday morning.

Mr. Gayle asked what time people would pick up their yards. Alderman Quail stated that we started knocking on doors at 9:00 am last year, but it depends on what time people get up in the morning.

Alderman Quail stated that it is an opportunity to look at and consider. He further stated that knowing college students, if the trash can isn't right there they're just going to drop it.

Mr. Bistocchi stated that we don't want to turn Cortaca Jug into amnesty day for garbage in the City. He added that it can be abused.

Alderman Quail stated he thought he was right, he felt it was just going to take some people getting up on Sunday morning and cleaning it up.

Mayor Feiszli stated that the City would make effort to get the word out and to set a deadline and she thanked Mr. Gayle for coming to the meeting.

Alderman Hayes stated that the end of the (college) year is another time to consider some type of effort. She stated that she has talked with Captain Knickerbocker about this because we want our City to look nice. Alderman Quail agreed stating that a lot of garbage was left behind, including left over mattresses and furniture.

Mr. Bistocchi stated that May and December are our biggest months for the sale of blue bags and we need to keep our revenue up.

Item No. 5B - Discussion regarding the Stormwater Utility Fee (Added to Agenda by Alderman Michales)

Alderman Michales stated that he has been crunching some numbers on the average size property and asked where the forty-three thousand five hundred sixty (43,560) square feet comes from. Mayor Feiszli and Mr. Bistocchi stated that is one (1) square acre.

Alderman Michales asked if the formulas came from another City regarding average size structures. Mr. Bistocchi stated, no, we don't base it on average structures, we base it on impervious areas and you take the square footage of these areas. Each residential property has approximately three thousand (3,000) square feet of impervious area, depending on the lot. Most are within four hundred (400) square feet of each other. He stated that where Ken and Bob live, the plots are smaller while in the new areas, those are larger plots. He further stated that you still have from twenty-eight hundred (2,800) to thirty-two hundred (3,200) square feet of impervious area such as roof lines, concrete sidewalks, asphalt driveways, garage roofs, etc. It is an average of three thousand (3,000) square feet based on the average of all residential units.

Alderman Michales stated that he was looking at a smaller size property trying to come up with numbers for a larger size property. He noted that if it was a single story house or a three story house, they had about the same square footage of roof. He stated that some may have a fifty (50) foot driveway and some may have a hundred (100) foot driveway.

Mr. Bistocchi stated that we were targeting residential units with this. We did this two (2) years ago when Andy (Damiano) was still alive and those numbers were just the starting point. He stated that it has been open for discussion for two (2) years and this is where we are at.

Mayor Feiszli stated that she would like to move the agenda along and suggested that Mr. Bistocchi schedule a workshop with the Council members after the budget. She further stated that we don't have it budgeted as anticipated revenue for next year, so we don't have to rush.

RESOLUTION #224 OF 2010 - Consideration of a Resolution for Counsel approval for several budget modifications and/or transfers. (Bryan Gazda)

Mr. Gazda stated that he sent a memo to the Mayor and Corporation Counsel regarding how we have been handling transfers. He asked if the Council wanted to continue doing this. He stated that he put forward his memo to the Council.

Mayor Feiszli stated that she has discussed with Corporation Counsel about putting a cap on budget transfers so that department heads would have the leeway to be able to do smaller transfers without going to the Council for approval.

Mr. Gazda spoke about the sewer transfer. He noted that Mr. Davis had put in for payment for damage done to a car when Main Street was torn up and the transfer is coming from contingency to unallocated insurance. He further stated that since unallocated insurance has a balance already we don't need to approve that.

Mayor Feiszli asked if there were any further questions. She noted that the resolution would not include the thirteen hundred (1,300) dollars.

By: Alderman Craig
Seconded: Alderman Ferguson

Approved: Ayes – 8
 Nays – 0

Item No. 6 - Discussion regarding abandonment of alleyways on William Street and Pendleton Street. (Alderman Michales/Alderman Quail)

Mr. Walsh stated that this comes from a constituent on William Street and some of the residents on Pendleton Street. He stated that it is an ongoing issue on Pendleton Street, similar to the alleyway that was abandoned on South Main Street. In one instance, it is essentially a driveway and the other is a road to nowhere. Mr. Walsh stated that his recommendation is that this be referred to the City Planning Commission. Alderman Quail stated that he had provided a map to the Council members.

Mayor Feiszli stated the City should move this forward to the Planning Commission.

Alderman Michales stated that he had lost sight of a map and noted that this is something that he started a little over a year ago with the past administration and he asked for a most recent map. Mr. Walsh stated that he would look for it. Alderman Michales stated that he had done a lot of leg work for Mr. Knickerbocker gathering material for that in the past. Alderman Michales stated that it was forwarded over to Mr. Walsh when he came on board. Mr. Walsh stated that he should be able to locate it in the files or obtain it.

Item No. 7 - Discussion about report from Benefit Consulting Group and their recommendation for conflict resolution and team building after meeting with City employees. (Alderman Tobin)

Alderman Tobin stated that he was the first to admit that he spoke with the Mayor and called the report embarrassing. He further stated that the report was flawed and lacked factual information. He stated that the report came to Council at a significantly higher cost than we had discussed and asked what the original intent of this report was.

Mayor Feiszli asked if Alderman Tobin had been present for her press conference. She stated that she would give Alderman Tobin a copy of the press release after the meeting.

Alderman Tobin stated that he was led to believe that there was going to be a conflict resolution and team building process and when it came to the Council that was the impression that he had. It was the intent of the original report to evaluate Mr. Gazda. He asked the Mayor if that was true.

Mayor Feiszli stated that right after the meeting, she would be more than happy to give him a copy of her press release that would provide that information.

Alderman Tobin stated that what bothers him the most is that the Council has been completely bypassed. He further stated that we have been asked to weigh in on it, but our opinion has been ignored. He stated that the Council has asked for factual information and we have not received factual information. He does not see how the Council can blindly support decisions made without factual information. Alderman Tobin asked how many people would like to be evaluated based upon an anonymous survey.

Mayor Feiszli stated that the Council had also had a labor attorney back in February who had made a recommendation that the concerns brought forth by department heads and other

personnel were significant enough to justify termination. She asked him to state what he had done at that time.

Alderman Tobin stated that the Council drafted a performance evaluation plan that was to be completed July 1 and November 1, 2010. He asked if that sounded familiar to everyone on the Council.

Mayor Feiszli stated that you have sixteen (16) pages of things you said you would do and you were going to move forward to address those concerns.

Mayor Feiszli asked any department heads (present) to stand if any of the Council members have addressed their concerns, those fifty-three (53) concerns since that time. She stated these were concerns that were brought forward in that February session and acknowledged to be confidential. The same thing with Benefit Consulting, it was acknowledged to be confidential.

Alderman Tobin stated that we followed up on the issues, we investigated it. Nothing came forward that was illegal or unethical by Mr. Gazda. He further stated that there were decisions that people disagreed with, but he did not hear anything that sounded unethical. He stated that you have eight (8) people on the Council that stood up in support based on the lack of factual information, with that original meeting.

Alderman Michales stated that there is also a contract that took place after that meeting. He stated that there were several items addressed in that contract for the administration to follow and the contract was signed by the Mayor.

Alderman Tobin stated that regarding the report, there was a response from Mr. Gazda's attorney that is worth noting. He stated that it does a good job of refuting the report and pointing out some issues with it. He stated that it is three (3) pages and we could read it into the minutes. Alderman Tobin asked if there was a way to put it out publicly so people could read it who have also read the report.

Mayor Feiszli asked Corporation Council if she could read and respond to the attorney's letter with some factual information.

Mayor Feiszli stated that it is unfortunate that you were not here for various amounts of time, including my press release. She further asked if what Alderman Tobin was doing by bringing this out into the public was any good for the public.

Alderman Tobin stated that he believed that the Mayor was circumventing the intent of the Charter. There is a balance of power between the Mayor and the Council. He stated that the release of this report has made it difficult at best for the employee to continue in that position. Things that have come up in the past have been brought to the Council, the Council has decided as a group, and the fact that this essentially ends up as being a way around trying to get approval from the Council for something, it is disturbing.

Mayor Feiszli appreciated his opinion, but didn't feel that they were getting anywhere. Mayor Feiszli stated that Mr. Gazda submitting his resignation last evening.

Mr. Gazda stated that he did not submit his resignation this last evening.

Alderman Hayes stated that one thing that has been brought to light is the Charter. She stated that like the Constitution, it must be upheld but it needs work. Some of the issues that have come up are Charter issues. She added that regardless of who is in the position, these issues will still come up. She suggested that they have a Charter Commission and keep on focus. That is ultimately the issue here. Regardless of who's in the position, does this form of government work, how can we make it better and how can we make this City survive for the next hundred years, regardless of who is in the position.

Mayor Feiszli stated that she agrees that the Charter needs to be changed. She stated that the City has a letter from Nick Mazza who came in as our interim Director of Administration and Finance, there was a selection committee that was appointed by Mayor Gallagher and one of the things outlined during this process was that making the wrong choice or not having clear goals or objectives can be very costly. She further asked if the people who did the interviews gave this person clear goals or objectives at that time. Also Mr. Mazza had determined that what the Mayor and City Council want from the new Director of Administration and Finance, and there should be discussion regarding experience, knowledge, skills, abilities, personal training and level of experience that are expected as well as education. More important it should be clear what the needs of the organization are and the chief priorities you wish the new Director to address.

Mayor Feiszli asked if Aldermen Tobin, Dye and Quail went through this process and did they outline clear understanding from the beginning what the rules and responsibilities were for this position.

Alderman Quail stated that you (Mayor Feiszli) were present when Mr. Gallagher brought it before the entire Council, asked for a committee and we discussed it.

Mayor Feiszli asked if they outlined clear goals and she asked for a copy of those and questions that were asked.

Alderman Quail stated absolutely and further stated that you can even ask Mr. Mazza. He further stated that in fact, it was his (Mr. Mazza) recommendation. It was not just the three (3) of us.

Alderman Quail stated that goals and objectives were set from the very beginning. Alderman Quail stated absolutely and that those questions were asked of all the candidates.

Alderman Ferguson stated that she was angry and tired. She stated that we were elected to help the City move forward and they have been standing still since February. She further stated that if someone has to be the scapegoat, we have to move on.

Alderman Hayes stated that she would like to move forward too.

Mayor Feiszli asked for a motion to go into executive session to discuss Mr. Gazda's proposal to the Common Council.

Motion to Go Into Executive Session:

By: Alderman Quail
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 2 (Tobin and Hayes)

Motion to Come Out of Executive Session:

By: Alderman Craig
Seconded: Alderman Ferguson

Approved: Ayes – 8
Nays – 0

RESOLUTION #225 OF 2010 – Consideration of a Resolution to authorize the Mayor to enter into an agreement with the Director of Administration and Finance Bryan Gazda for the discontinuance of his employment.

By: Alderman Quail
Seconded: Alderman Ferrer

Approved: Ayes – 7
Nays – 1 (Hayes)

Alderman Hayes stated that although she may support what is happening, it is how it has been done and what has been done, that is the part she does not agree with and that is her opposition.

Motion to Go Into Executive Session to Discuss CSEA Labor Contract (Bryan Gazda):

By: Alderman Craig
Seconded: Alderman Ferguson

Approved: Ayes – 8
Nays – 0

Motion to Come Out of Executive Session:

By: Alderman Michales
Seconded: Alderman Craig

Approved: Ayes – 8
Nays – 0

RESOLUTION #226 OF 2010 – Consideration of a Resolution to go into agreement with CSEA Local 1000 and the City of Cortland for the period of January 1, 2011 to December 31, 2011.

By: Alderman Ferrer
Seconded: Alderman Quail

Approved: Ayes – 8
Nays – 0

RESOLUTON #227 OF 2010 – Consideration of a Resolution to not accept the Conflict Resolution and Team Building Report from BCG and to withhold payment on said report because it did not address conflict resolution or team building. (Alderman Tobin)

Alderman Tobin proposed a resolution to suspend the contract with BCG.

Mayor Feiszli stated that they are doing our health insurance right now. She further stated that the wellness committee has saved us ten percent (10) of our premiums and they are working on our employee handbook for the car, gas, cell phone and computer use. She further stated that it is an important contract to have. She added that any future work would have to go out to RFP.

Alderman Tobin stated that he would reword his resolution to not accept the report because it did not address conflict resolution or team building.

Alderman Quail stated that it did not adhere to the spirit of team building.

Mayor Feiszli stated that because you don't like the report, you don't want to pay for it.

By: Alderman Tobin
Seconded: Alderman Quail

Approved: Ayes – 5
Nays – 3 (Ferguson, Dye and Craig)

Following the vote, Mayor Feiszli stated that we need to have Corporation Council look into it to see if we can legally do that since we have a contract. She stated that we need to explore the reasons.

Alderman Hayes stated that we did not receive a proposal that said anything like that.

Mayor Feiszli stated that she sent a copy of the proposal to the Council for human resources.

Alderman Hayes stated yes, they have that, it's separate.

Mayor Feiszli stated it was not separate.

Alderman Hayes stated that what was being paid for is different than what was given. She further stated that it is not about liking or disliking, it is about what is said was going to be done. She stated that she expected a factual report and she did not expect that she could get that for free. She further stated that to pay for professional services, she is questioning it based on what was stated was going to be done and what was actually provided.

There was no further discussion.

Mayor Feiszli asked if there was any further business and hearing none, the meeting adjourned at 8:35

Adjournment

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 2nd DAY OF NOVEMBER 2010. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

CAROL TYTLER – CITY CLERK

MAYOR SUSAN FEISZLI