



City Council Minutes
The City of Cortland
December 7, 2010

Council Meeting #28
December 7, 2010
Regular Session
City Hall
7:00 PM

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

Absent: Alderman Hayes

Staff Present: Corporation Counsel Ronald Walsh and City Clerk Carol Tytler

Public Hearing to review the proposed 2011 Wastewater Operating Budget which is proposed to be \$3,529,345.25 at a proposed domestic rate of \$2.90/unit

Mayor Feiszli opened the public hearing at 6:40. There was no one present to speak. The public hearing was closed.

Public Hearing to review the 2011 Water Fund Budget which is proposed to be \$1,803,140.71 at a proposed domestic rate of \$2.15/unit

Mayor Feiszli opened the public hearing at 6:42. There was no one present to speak. The public hearing was closed.

Public Hearing to review the proposed General Fund Operating Budget which is proposed to be \$17,182,600.23 at a proposed tax rate of \$15.2414 per thousand dollars of assessed valuation

Mayor Feiszli opened the public hearing at 6:45.

William Wood stated that he doesn't feel that the City needs an Assistant Fire Chief to run the Code Office. He asked how many volunteers have been recruited by the Fire Department. He asked if the City needs a maintenance supervisor to maintain the buildings and provide safety training. He stated that he was offended by the Cortlandville donation to the City and feels that the City has been donating youth services to Cortlandville for many years and they should pay for City services based on the number of the people in the town who use those services. He stated that the City doesn't have a contingency fund and he feels that is dangerous. He stated that the City needs a competent financial administrator and that the last seven (7) years have been a financial disaster. He stated that the City doesn't need to change the Charter. He stated that the City needs a competent Mayor and Finance Director.

Mayor Feiszli stated that the City is now in the black and the City does have a contingency for next year's budget of \$101,000 (one hundred one thousand dollars).

Mr. Wood stated that the contingency should have a million and a half dollars.

The public hearing was closed.

Mayor Feiszli called the twenty-eighth Common Council meeting of the year to order at 7:04 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Ann Doyle commented about the Cortacajug week-end. She thanked everyone who worked to make it turn out so well. She stated that most people were helpful and polite while they celebrated and quieted down as the evening wore on. She stated that she was very pleased with the behavior of students living on Lincoln Avenue.

Mayor Feiszli stated that the City did not incur overtime costs because of the Police Department's efforts to secure grants which covered the extra staff time needed for the event.

Sharon Stevens spoke about the Mayor's proposed appointment to the Zoning Board of Appeals and stated that she hoped to find someone with a little less bias and fewer conflicts of interest.

Mike Dexter expressed concern about the significant damage done to trees which had recently been re-planted on South Main Street. He asked members of the community to contact the police if they see someone damaging City trees. He introduced and thanked Diane Batzing who had helped in the tree planting project.

Mike Dexter also spoke about the pruning of trees in the City right of way on Randall Street. He stated that he would like to get ordinance language incorporated in the City Code that requires homeowners to get the Commission's input before pruning or removing trees from the public right of way.

Clay Benedict spoke in support of Council Members who will vote for good neighborhoods.

Minutes of November 16, 2010

RESOLUTION #241 OF 2010 – Approve the minutes of November 16, 2010.

By: Alderman Craig
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

Hearing no corrections or additions, the minutes were approved.

REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES

Alderman Tobin stated he held a 4th Ward meeting last Wednesday where he spoke about the budget and other issues that the Council is working on. The following day, he attended the SONG and Hill Neighborhood Association joint meeting noting that there were concerns expressed about rental housing during that meeting.

Alderman Tobin asked about agenda item number seven stating that instead of approving budget changes he thought we had talked about just getting information to the Council.

Mayor Feiszli stated that she instructed Lori (Compton) to follow this procedure and in the new year the Council will make that change.

Alderman Quail stated there would be a Strategic Planning meeting next Tuesday at 7:00 pm in Council chambers. The guest speaker will talk about the fire district. Alderman Quail stated that he received a letter from the Mayor regarding the direction of the Director of Administration and Finance position and invited her to talk at the next meeting.

Alderman Quail stated that he has noticed cars parking over sidewalks and into the streets. He also stated that the stop sign at Stevenson and West Court had been vandalized and needed to be cleaned off.

Mayor Feiszli stated that she sent a tentative schedule for work sessions on the budget and asked if the Council would like to schedule another session before adopting the budget on December 21.

Alderman Quail stated that he would like an additional session as he has questions on payroll, health care and social security taxes.

Mayor Feiszli stated that Lori (Compton) has been keeping up with those questions.

Alderman Quail stated that he would like to have a listing of what the raises were going to be for next year and he would like to vote on that as a separate document and asked if a meeting could be scheduled for next Monday.

Mayor Feiszli stated that they may need to make it a public notice and to have a formal meeting as the Council may need to have a discussion about the grant from Chief Glover and vote on a resolution. She suggested Monday, December 13 at 7:00pm.

Alderman Dye stated that he had visited the Waterworks with his grandson. There were several college students and their parents who were also visiting at that time and they were all very impressed with the holiday decorations. He thanked Mike Dexter for his efforts.

Alderman Michales asked if there was any information from Thoma regarding their East End applications. He asked if anyone had been notified if they had been approved or disapproved.

Mayor Feiszli stated that she would call Linda Armstrong and have her call Alderman Michales with that information.

Alderman Michales asked for an update on the tattoo and adult entertainment ordinance changes.

Corporation Council Walsh stated that he did get some proposed changes from City Planning with respect to adult entertainment and will incorporate those, but that tattoo parlors had not been addressed as yet.

Alderman Michales asked him if the tattoo parlors could also be incorporated.

Alderman Dye stated that he received a letter from a lady in the City who got an infection from a dirty needle (at a tattoo parlor) here in the City and he will be looking into that situation. He noted that there is nothing in City Code or State regulating tattoo parlors and the Council will be looking in to that.

Alderman Michales stated that the Mayor had forwarded a dog concern to him regarding a resident in Willet. He stated that he no longer sits on the board, but he had forwarded the information to the correct person.

AGENDA:

Item No. 1 - Presentation by John Fiume, Lead Account Executive, Energy Solutions Services of National Grid regarding Energy Savings Plan.

Mr. Fiume reviewed information that he had provided to the Council on the energy audit of the City Hall facility and what National Grid can offer that will result in cost savings to the City, especially in the area of lighting. Mr. Fiume discussed the costs to the City and the contributions from National Grid which would result in a fourteen (14) month payback should the City elect to complete the recommended projects. He stated it was a turnkey project with National Grid there from start to end of the project. He outlined three (3) different payment options for the City. He noted that the project improved lighting for the facility and saves energy.

Alderman Michales asked if they had done this with other municipalities.

Mr. Fiume stated yes and listed groups that he had worked with on similar projects.

Alderman Quail asked about the total savings on an annual basis.

Mr. Fiume stated that the City would save about ninety-six hundred (\$9,600) dollars per year.

Alderman Quail asked what the total savings would be as the City spends \$360,000 to light the streets which is far more than we spend to light City Hall and he asked what kind of plans can the City do to reduce that cost.

Mr. Fiume stated that street lighting is based on what the City has authorized National Grid to install. He stated that they can look at retrofits for high efficiency lighting. He further stated that he was not certain if the City has mercury vapor still in use and over time it gives less output. He stated that the City could change these to high pressure sodium, which is throughout most of the City.

Mayor Feiszli stated that she agreed with Alderman Quail and this is a good start, but street lights are the next project.

Mr. Fiume stated that they are taking a hard look at LED lighting since it produces good light and uses a quarter of the energy. He stated they are working with manufacturers on that issue. He stated that from a global standpoint, the technology is there, but it is not standardized technology making it difficult for a utility to lock into one type of supplier. He stated that outdoor lighting is a huge expense.

Mayor Feiszli stated that she is looking forward to that one.

Mayor Feiszli added that the City was awarded a NYSEDA grant for additional infrastructure improvements on City Hall for roof replacement, window curtains and a new HVAC system. She stated that there will be a meeting on December 17 at 2:00 pm and invited Council members to attend. She stated that Rob Avery was responsible for getting that grant for the City.

RESOLUTION #242 OF 2010 - Resolution to accept the Mayor's appointment of Assistant Fire Chief William Knickerbocker to Director of Code Enforcement. (Mayor Feiszli)

Mayor Feiszli stated that she knew Mr. Knickerbocker as a client, then when she became an Alderperson and now as Mayor and it was a pleasure to make this appointment for him.

By: Alderman Quail
Seconded: Alderman Dye

Approved: Ayes – 7
Nays – 0

RESOLUTION #243 OF 2010 – **To Table** Resolution to lift hiring freeze for the Fire Department to replace retiring firefighters, back fill for promotions and new hires as the result of the Collective Bargaining Agreement between the CPPFA and the City. (Chief Glover)

Alderman Quail asked if the City was not required to hire anyone until January 1 since the contract takes effect then.

Mayor Feiszli stated that the Council reviewed the contract and approved it. Alderman Quail re-stated that the contract doesn't take effect until January 1.

Chief Glover stated that he was correct adding that they have three people retiring on December 30 and 31. He further stated that at the time, he didn't believe that he had personnel to fill the positions and wanted to bring them (new staff) in earlier to gain some experience, but that may be changing as we speak.

Alderman Michales stated that you have two (2) individuals in mind to fill these positions.

Chief Glover stated that at the time of the memo, no one had stepped forward to say they would like to go over and work in the Code Office. He stated that he has looked at the list and it will minimize the amount of time we have to spend training them. He stated that being certified and working in the field are two different things. He further stated is it critical, but perhaps not as much as when he wrote the memo three weeks ago. He added that it takes awhile to interview these people, hire and prepare them for duty.

Alderman Ferguson stated that she had some concerns with reference to this hiring and she had spoken with Chief Glover. She was concerned that those who had indicated retirement could change their minds and then they would have more personnel than was needed.

Chief Glover stated that he didn't think that has ever happened. He stated that if he went ahead and hired them and someone decided not to retire, then he would furlough that new hire.

Alderman Ferguson stated she was trying to clarify this for the rest of the Council.

Motion to Discuss:

By: Alderman Quail
Seconded: Alderman Dye

Alderman Tobin made a motion to table this until the first meeting in January until the City and Council have a clear understanding of what will happen.

Mayor Feiszli stated that there was a motion to table.

Motion to Table:

By: Alderman Tobin
Seconded: Alderman Quail

Approved: Ayes – 7
Nays - 0

Mayor Feiszli stated that she had good news to share which was the reason for the Council meeting on the 13th.

Chief Glover stated that a number of months ago, he had discussed going for a volunteer fire fighter retention and recruitment grant and funding to replace a piece of apparatus. He stated that the City has received the same notification as last time asking if we are awarded this FEMA grant, will we accept it. He stated that the Council will need to decide. Chief Glover stated that he believes the outgoing Congressman (Arcuri) is pushing this through to get it done on his watch, so sooner is better.

Alderman Quail asked if this is going to bridge the amount the City was short on the FEMA aerial platform apparatus grant

Chief Glover stated that it can't be used for that.

Chief Glover thanked the staff who helped prepare these grants, in particular Fire Fighter Michael PenKate. He stated that peer reviewers look at these, but part of the deal is you have to replace it (the apparatus) and get it out of service. He further stated that you can't sell it and can't use the money for something else.

Alderman Quail asked for what amount.

Chief Glover stated that the budget for the new pumper is the same as for the platform apparatus. He further stated that they asked for nine hundred fifty thousand (950,000) and they're only going to give seven hundred and fifty thousand (750,000). They can't do without a pumper, we need to replace the piece of equipment we asked to replace and we want to make certain we are putting a piece of apparatus on the streets that meets the needs of the City of

Cortland and will last. He stated that if we accept this grant and we have to bond for the balance, we may not see a fire station for a few years. He noted that he would like to write a grant for the fire station, but unless we own that lot next door they won't talk to us about it. He noted that they are still trying to get the money to secure that lot. We'll do our best to try and secure grants. He noted that ultimately, it will probably entail spending more money because the truck they just got off of the capital bond project, they spent approximately four hundred fifty thousand dollars (\$450,000). He further noted that having a two person truck doesn't fit into the plan nor does having a body on the truck that will rust out in ten years.

Alderman Craig stated so you think it will cost a total of about four hundred fifty thousand (\$450,000) dollars?

Chief Glover stated if they were to buy a sister truck to the one they just purchased, they probably could do a little better than four hundred fifty thousand dollars (\$450,000). We'll do the best we can to meet the needs of the City.

Mayor Feiszli stated that the Council may want to discuss questions with Finance before meeting on Monday.

RESOLUTION #244 OF 2010 – **To Table** Resolution to lift hiring freeze to fill Laborer's position at the Wastewater Treatment Plan. (Harvey Davis)

Alderman Quail asked if the position was budgeted.

Mr. Davis stated yes. He further stated that the position has been vacant all year long and they are also looking at the retirement of Gary Conklin. He further stated that he (Mr. Conklin) is taking allotted time off between now and then.

Alderman Quail stated that he didn't see it in the personnel analysis that he had received. He further stated that he could see that the only vacancy is the Senior Keyboard person.

Mr. Davis stated that there should be eleven (11) positions including the Senior Keyboard person.

Alderman Quail stated that there were a number of recommendations we got in a study and asked if we are going to look at and implement those recommendations.

Mr. David stated it was up to the Council, but they still need to increase the staff size and they were still down one (1) person. He further stated that there should be eleven (11) people in that line and he was not certain what the Council was looking at.

Alderman Michales stated that there are only ten (10) here and the keyboard operator is the only vacant position.

Council members reviewed the list of names in the budget with Mr. Davis.

Mr. Davis stated that there should have been a vacancy there and he was not certain why it's not there. He further stated that he believes the numbers he had in the 8130 line, match the figure he sent to the Director of Finance and Administration. He stated that we have eleven (11) positions and that position has been vacant all year long.

Lori Compton directed the Council to look at the salary schedule in the back of their budgets.

Mr. Davis stated that this came up in our budget session, that some of the positions didn't match. He further stated that we never filled that position all year long and that we can hold the request until we reconcile the situation.

Motion to Discuss:

By: Alderman Ferrer
Seconded: Alderman Dye

Motion to Table:

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Mr. Davis provided the Council members with an update on the Chesapeake Bay situation and nonpoint source pollutants such as storm water. He reviewed information from the EPA and stated there was a storm water public listening session meeting on December 15 from 6:30 to 9:00 pm in Georgetown, Delaware.

RESOLUTION #245 OF 2010 - Resolution to designate the Common Council as Lead Agency to Local Law No. 5 of 2010 – Vacant Building Registry – SEQRA Process. (Mayor Feiszli / Corporation Counsel Walsh)

Corporation Council Ron Walsh reviewed the process with Council Members stating that they would need to designate the Council as lead agency.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Mr. Walsh completed the short form SEQRA review with the Council. He stated that the law had also been reviewed by the Cortland County Planning Department.

All findings were of no adverse impact.

RESOLUTION #246 OF 2010 - Resolution to issue a negative declaration and authorize the Mayor to sign the short form SEQRA so indicating a negative declaration relative to Local Law No. 5 of 2010 – Vacant Building Registry. (Mayor Feiszli / Corporation Counsel Walsh)

By: Alderman Ferrer
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

RESOLUTION #247 OF 2010 - Resolution for Council approval for several budget modifications and/or transfers. (Lori Compton)

Mayor Feiszli stated that the City is working on a revised procurement policy. Once completed, it will be available for review so the Council does not have to go through this at every Council meeting.

By: Alderman Michales
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

RESOLUTION #248 OF 2010 – **To Deny** Resolution to accept the Mayor’s appointment of Judd Seales to the Zoning Board of Appeals to fulfill the unexpired term of Kathy Wilcox. (Mayor Feiszli)

Alderman Tobin stated that he had concerns that this person is involved in a law suit against the City.

Mayor Feiszli stated that she had contacted the City Attorney and was told there was no legal reason to deny this appointment. She stated that the individual lives in a residential neighborhood within the City, he’s well respected by his neighbors and various City personnel. Mayor Feiszli read a letter of support from ZBA Chairperson Brian Dailey and stated that he had been highly recommended.

Alderman Tobin stated that when he followed up with Chief Knickerbocker about the issue. He further stated that different LLCs have different owners, but from what he understood the LLC that is involved with the lawsuit has not registered any properties with the City.

Mayor Feiszli stated that a judge has put a restraining order on the Rental Permit Program and that many landlords throughout the City are waiting for the determination from the judge, so there is not a rental permit registry at this time because of this order. She further stated that Corporation Council has stated that there is no legal reason to deny this appointment.

By: Alderman Craig
Seconded: Alderman Dye

Denied: Ayes – 3
Nays – 4 (Tobin, Michales, Ferguson & Quail)

RESOLUTION #249 OF 2010 - Resolution naming Lori Compton “Acting Enforcement Officer” (for In Rem purposes). (Corporation Counsel Walsh)

Alderman Quail asked about the responsibilities of the position.

Ms. Compton provided an explanation. This resolution would allow her to sign the petition of foreclosure and the documents that we are sending over to file in the County Clerk’s office. She noted that the petition of foreclosure for next year will be signed and filed next Thursday.

By: Alderman Quail

Seconded: Alderman Michales

Approved: Ayes – 7
Nays – 0

RESOLUTION #250 OF 2010 - Consideration of the confirmation of the appointment of Cheryl Massmann as Registrar of Vital Statistics and Carol Tytler as Deputy Local Registrar for the term January 1, 2011 to December 31, 2012. (Mayor Feiszli)

By: Alderman Craig
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION:

Mayor Feiszli stated that this Executive Session was no longer necessary at this time.

New Business:

Alderman Quail asked when the response was due to the Comptroller's Audit Report.

Alderman Tobin stated that the report is still a draft so any discussion falls under Executive Session

Mr. Walsh stated that the document itself is not a final product, but he would need to review it to determine if Executive Session was warranted.

Alderman Quail stated that Council members could review the document separately.

Mayor Feiszli asked Alderman Quail to send it to her for distribution to Council members.

Adjournment

By: Alderman Ferrer
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

Meeting adjourned at 8:06 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 7th DAY OF DECEMBER 2010. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

CAROL TYTLER – CITY CLERK

MAYOR SUSAN FEISZLI