



City Council Minutes
The City of Cortland
December 13, 2010

Council Meeting #29
December 13, 2010
Regular Session
City Hall
7:00 PM

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

Absent: Alderman Craig

Staff Present: Corporation Counsel Ronald Walsh, Deputy Director of Finance and Administration Lori Compton and City Clerk Carol Tytler

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

PLEDGE OF ALLEGIANCE

There were no minutes to approve.

AGENDA:

RESOLUTION #251 OF 2010 - Resolution authorizing the Fire Department to answer in the affirmative to questionnaire from FEMA regarding whether or not the City will accept, if awarded, the apparatus replacement grant of \$275,000.00 to replace a 1980 fire service engine. (Chief Glover)

Alderman Quail noted that we are replacing another pumper and asked how many we currently have.

Chief Glover stated two (2) that run front line, a third engine manned by Code Enforcement and a couple of other pieces. He stated that we try to keep our fleet together. He further stated that the department plans on replacing the 1980 and the 1988 pumpers which will leave us with no unenclosed cabs.

Chief Glover stated that they had received the preliminary announcement last week and FEMA sent a second email today asking for the Council to respond.

Alderman Michales stated that several years ago, he brought a proposal to Chief Barron regarding a quick response vehicle and was told there was no need for one. He further stated that due to 9/11, these grant items pertain to rescue vehicles.

Chief Glover stated that the grants are primarily designed to put apparatus out of service that are considered unsafe. He further stated that rescue vehicles are at the low end of the higher category. He stated that FEMA is looking for aerial pieces and pumpers with these grants.

Alderman Michales asked if anyone has researched the need for two man quick response vehicles.

Chief Glover stated that we are re-evaluating and reorganizing how we respond. He further stated that we are responding with less apparatus. He stated that we are making our engines basic life support (BLS) equipped instead of sending the rescue truck and an engine out the door. He further stated that it will take some adaptation and if it works, great, if not they would go with plan B.

Chief Glover stated that a quick response vehicle for firefighting is not in the best interests of the tax payers. He further stated that we're already short staffed, unless we are talking about home rescue, not fire responses. He stated that if we go out with a three man engine and we have a roll over, a guy drops off and picks up a heavy rescue. He added that we are better served with BLS engines at this point.

Alderman Quail stated basically that is what you're asking for.

Chief Glover stated that we have not received this grant yet, however, this is part of the process; they send out a grant questionnaire. He stated that the Council can authorize him to say yes and turn it down later, but the City wouldn't fair well with FEMA grants in the future.

Chief Glover stated that we have written grants in the past and asked for four hundred thousand to four hundred fifty thousand dollars (\$400,000 to \$450,000), but we have been turned down. He stated that this time they said let's just ask for \$275,000. He added that there is a five percent (5%) match and they are asking Senator Seward for help and they are also looking at surplus vehicles to help cover the cost. He stated that we are looking at all of our options.

Chief Glover stated with preliminary costs, three hundred fifty thousand (350,000) to three hundred seventy-five thousand (375,000) is probably the best we can do if we look at what we just purchased. He further stated that we can't begin to write a truck specification until we know what the Council is going to approve. He stated that we can probably get something at two hundred seventy-five thousand (275,000) that will not best serve the future plans of the fire department.

Alderman Michales stated are you sure you won't come up and say that somebody has a truck and we can get into it for two hundred thousand (200,000).

Chief Glover stated we can't use this grant towards the aerial truck. He stated that we have to use the grant for what we requested and we told FEMA we would essentially be replacing these two (2) pieces; the 1980 and 1988 vehicles.

By: Alderman Ferrer
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

RESOLUTION #252 OF 2010 - Resolution to authorize the Mayor to enter into a contract with Cortlandville for facility management for 2011. (Mayor Feiszli)

Alderman Quail asked if the information was in the email. Mayor Feiszli stated that it was emailed to Council two weeks ago. Alderman Michales stated that we have received so many emails in the last couple of weeks. Alderman Tobin stated that the Council had received it and he has gone through it. Alderman Quail stated that he had seen it as well.

Alderman Michales stated that it was for \$77,000 (seventy-seven thousand dollars).

Mayor Feiszli stated that it has already been approved by Cortlandville. She stated that John McNerney originally asked for ninety-five thousand dollars (\$95,000) and they voted for seventy-seven thousand dollars (\$77,000).

By: Alderman Ferrer
Seconded: Alderman Dye

Approved: Ayes – 7
Nays – 0

Mayor Feiszli excused herself from the meeting. As Deputy Mayor, Alderman Dye stepped in to run the remainder of the meeting.

Discussion Request:

Alderman Tobin asked for Harvey Davis to speak with the Council about his budget and staffing request.

Mr. Davis stated that he tried to get information out to the Council from 2010 and 2011 regarding the positions. He stated that he noticed a rate change late today. He stated that the Sewer Fund charter says we have to take the last four quarters and trend those down and State Comptroller's Office Auditor Frank Slavitsky said we had some latitude in how we do that. He stated that he sent a sheet out to the Council about what is actually consumed and what actually is billed. He stated that these were political or business decisions made before his time. He stated that the only one he was familiar with was for industrial laundry. He further stated that it was not uncommon to give them a ten (10) to fifteen (15) percent difference in the rate because of what evaporates in the laundry process.

Mr. Davis stated that there was a significant difference in what is metered and what is billed. He thanked Stephanie Mattice for getting the information out to him. He stated that there are seven hundred thousand (700,000) units estimated being sold and there is really no basis for that. He stated there was a six hundred fifty-three thousand (653,000) unit per quarter average over the last eight (8) quarters.

Mr. Davis stated that we have reserves for repair. He stated that the reserve fund is to pay for things without bonding. He stated that there is a balance of about nineteen thousand dollars (\$19,000) in the Repair Reserve Fund.

Mr. Davis stated that we have excess capacity at the treatment plant. He stated that in the next months the City will be negotiating new contracts with McGraw and Cortlandville. He stated that we need to look at that and the laws that allow us to sell treatment plant capacity to other municipalities. He stated that the Capital Reserve Fund needs to be established by local law and we can only spend it by local law. Mr. Davis stated that when he looked at everything regarding the rate, he recommended a total charge of \$3.10 per unit to help build a reserve fund based on the estimate of water sold. He stated if we are ten thousand (10,000) units short of that, you will lose money and need to have some leeway in there to go either way. He stated that in 1999, Andy (Damiano) told him we were only allowed to keep a certain amount in the Repair Reserve Fund. He stated that with the Capital Reserve Fund, you are allowed to keep more in there. Mr. Davis stated that it was interesting that we all had different information on the positions. He stated that it appeared to him in 2010 by the amount of money budgeted and approved, that the eleven positions requested were funded. He further stated that the 2011 appropriation is very close to 2010 so we are very close for the eleven positions. Mr. Davis stated that we need to do something with the titles. He stated that the operator union has talked with the City and we are looking to have job titles in line with what the NYS DEC has. He stated that we need to move forward from the 1975 Sterns and Wheeler document that outlines the Operator 1 and Operator 2 job descriptions and should look into that. He stated the semantics of Operator 2 and Operator 1 do not equate to the current classification of the facility. If we go with Grades one to four, we can go with bringing our people up through the ranks and you'll have well trained operators. He stated that in Schenectady, they went through this and reduced positions. They increased the number of operators on staff and reduced other positions.

Alderman Quail asked how this worked with the Barton and Loguidice (B&L) study.

Mr. Davis stated that for operators, it is part of their work to do maintenance. He stated that the B&L study suggested a lab person and he doesn't agree with that. He stated that if you pigeon hole people, you lose flexibility. He stated that people are able to do other things to assist.

Alderman Quail stated there are also advantages. He stated you can be more focused and more standardized and people become specialists in those technologies. He further stated that there is information in the B&L study that we need to take a look at. He stated that we paid them a lot of money and we have not implemented their

recommendations. He stated that we have to be willing to look at this and have information back on why it behooves us to not take their recommendations.

Mr. Davis stated that he included recommendations for the electrician in his budget submittal. Alderman Quail stated you didn't put them back in here. Mr. Davis stated a certified electrician operator is what he submitted. Alderman Ferrer confirmed that it was in the package Council received.

Alderman Hayes stated that she agreed with Alderman Quail and they (B&L) made a lot of recommendations for how to staff including time and those are the kind of things to look at and if not, why.

Mr. Davis stated it has been a twenty-eight (28) month ordeal and we have been short staffed to maintain the equipment properly.

Alderman Ferrer stated that the Council gave an opportunity to hire two (2).

Mr. Davis stated yes, but he had a person retiring. He stated they still have room to hire people if the Council wants to, but it is not his recommendation. He stated that he could see hiring someone who is mechanically and electrically certified. He stated that it is 277 volts and up 480 volts for industrial wiring for everything we have.

Alderman Tobin asked if the electrician would be the 10th or the 11th employee.

Mr. Davis stated it would still be the tenth employee. He stated we still have another spot.

Alderman Tobin stated based on a \$2.90 rate there wouldn't be sufficient revenue to cover the costs of operation for 2011 based on the City domestic total. He stated that the staffing level doesn't change regardless of what the rate is.

Alderman Tobin stated that using that same discussion the City could potentially add another one hundred thousand dollars (\$100,000) to the contingency.

Mr. Davis stated that is correct, metered usage has been trending downward and the variance in units can make a difference.

Alderman Tobin stated that the money left would include personnel.

Mr. Davis stated that was based on the total number I gave you including the electrician. He stated that there was money put aside in there for raises.

Corporation Council Ron Walsh stated that the Council could not speak about it in public.

Mr. Davis stated that the money was for these positions. Alderman Tobin asked if they budgeted for eleven last year.

Alderman Quail stated that the personnel analysis was sent around a couple of weeks ago. He stated that he just put a head count on it. He asked about the 8110 line in the budget that Mr. Davis sent the Council today.

Mr. Davis stated that he wasn't certain what was done with Shelley's job. He stated that part of what the Council had was for his position and the administrative assistant and the other portion was for everyone else.

Mr. Davis stated that the certified roster he received from the Mayor had eleven total. Alderman Quail stated she had ten. Mr. Davis stated that according to the certified list, Shelley Knickerbocker was appointed as a secretary to Administration and Finance and assigned to Wastewater.

Alderman Quail stated you have nine (9) laborers on the roster. He further stated ten (10) plus you is eleven (11).

Alderman Tobin asked where are there other positions...the administrative assistant?

Mr. Davis stated we had eleven (11) and we're going to twelve (12) this year. He stated that ten (10) are on one page and two (2) on the other.

Alderman Tobin stated yourself, the administrative assistant and nine (9) other operator laborers.

Alderman Quail stated I'm confused, I don't see any numbers that tie out to twelve (12).

Alderman Tobin stated in the back of the book there are nine (9) employees budgeted for plus the administrative assistant put it at ten (10).

Alderman Ferguson stated it is very confusing and asked how many people are in this.

Mr. Davis stated that he has been trying to get it squared away with the Mayor's office. He stated that the top two (2) people belong in the 8110 line and ten (10) positions in the other 8130 line. He further stated that eight (8) of the ten (10) spots are filled.

Alderman Ferrer stated you are planning for an electrician.

Mr. Davis stated yes, and when Gary Conklin retires, I want to fill that position. He stated that if Council wants a full time lab person.....but I don't want a certified lab because of the expense. He further stated to achieve that (lab work) it would be cheaper to send it out.

Alderman Hayes asked if he agreed with any of the recommendations from the report.

Mr. Davis stated yes, we need more people. He stated that he didn't agree with the lab person or the schedule. He further stated that we don't need all of the people now; we will need it when we have the BNR Process.

Alderman Dye stated that there may or may not be a delay.

Lori Compton directed Council to the footnote at the bottom which stated that the positions at that date do not reflect what is authorized.

Mr. Davis stated there is information on debt service and retiring of that debt. He stated that the City must have refinanced the 1995 bond to get a lower rate.

Mr. Davis stated that there are bond monies remaining in a couple of the sanitary sewer fund bonds.

Alderman Hayes asked if that was the case, can the money be used for just anything.

Mr. Davis stated that you can't use it for just anything, but yes for related issues at the wastewater treatment plant with Council approval. He stated it was the same for the capital reserve fund.

Alderman Tobin stated the number of positions....eight budgeted...and you would prefer a ninth to be an electrician.

Mr. Davis stated yes, to do high voltage maintenance work.

Alderman Tobin asked if we need a civil service job description.

Mr. Davis stated you get to do that. He stated that they have computer programs to customize job descriptions and to be ADA compliant.

Alderman Tobin stated so you wouldn't envision the electrician as full time for electrical work?

Mr. Davis stated that it's on a job by job basis. He further stated we have an aging facility. We have to do checks on the seals for the explosive gases. He stated it is not as intrinsically safe as it would be under today's code. He stated a lot of the conduit is put into concrete and is worn out.

Alderman Tobin stated if it's not full time responsibilities, could it be done by a laborer?

Mr. Davis stated more construction with highly developed mechanical skills.

Alderman Tobin stated can you bring that back so we can draft something. He further stated that would be a ninth position excluding yourself and the administrative assistant.

Mr. Davis stated then we will have two positions in that line.

Mr. Davis stated we are good at training our employees over at Morrisville. Nobody has left and we have the same crew since 1993.

Alderman Tobin stated the electrician's position can cover other responsibilities. He further stated that brings us to eleven which we are budgeted for.

Mr. Davis stated yes, you'll see that the budget numbers match.

Alderman Michales asked what is the proposed salary?

Mr. Davis stated he put it in at \$25 per hour; most people get \$30 per hour.

Alderman Quail stated get the information on the electrician and the other laborer for the Council for the next meeting.

Alderman Tobin stated there are two funds.

Mr. Davis stated the repair reserve is funded right now. He stated that any left over money in 2010 can be allocated to that account.

Ms. Crompton stated it is still considered a reserve and there is about 20,000 in there now.

Mr. Davis asked if it was unencumbered funds.

Alderman Quail stated it goes to the sewer unencumbered fund then comes to the Council to determine if we want to transfer it to the repair fund.

Mr. Davis stated that's correct. He stated that units have gone downward with a lot of people conserving water which can impact things.

Alderman Tobin stated it comes back to what the sewer rate should be for next year and referenced materials that Mr. Davis had provided to the Council comparing proposed sewer rate increases along with Mr. Davis's recommendation for a rate of \$3.10.

Alderman Hayes stated given the trend, do you think there should be a better estimate.

Mr. Davis stated a better estimate would be down. He stated it is money that you will put aside for further repairs.

Alderman Hayes asked if it is an over projection.

Mr. Davis stated you just don't know but I think it is a better figure than in past years.

Alderman Tobin stated if we go up to the \$3.10 it will cost the average homeowner an extra \$32 a year. Alderman Dye stated \$8 a quarter.

Mr. Davis stated you shouldn't budget a rate that won't meet your needs.

Alderman Tobin stated \$2.90 won't.

Mr. Davis stated you're not going to lose with that rate and if you do have a breakdown, you'll have money to deal with it. He further stated that one piece of equipment could be \$100,000. The New York State Comptroller's Office said you shouldn't budget a rate that won't meet your needs.

Alderman Quail stated we had a public hearing at \$2.90, so if we change, will it require another public hearing.

Mr. Walsh stated yes.

Mr. Davis stated that in his discussion with Mayor Feiszli, the original thought was to wait until the end of the first quarter to adjust the rate.

Alderman Quail asked if we made the resolution now, what was needed for public notice?

Alderman Tobin stated that if there is enough time, we can come back and have a public hearing for a rate of \$3.00.

Mr. Walsh researched the requirements for a public hearing and determined that five (5) days notice was required.

Alderman Hayes asked about the commercial rates.

Alderman Tobin asked if we go to \$3.00 a unit does that impact the industrial rates.

Council members asked Mr. Davis to review the industrial rate and provide that information to the Council.

RESOLUTION #253 OF 2010 – A Resolution to set a public hearing for December 21, 2010 at 7:00 pm regarding a proposed increase in the domestic sewer rate from \$2.90 to \$3.00.

By: Alderman Ferrer
Seconded: Alderman Ferguson

Approved: Ayes – 7
Nays – 0

New Business:

Alderman Quail stated that he would like to have a discussion about health care and how it works. He stated that he has concerns that we budgeted premiums at ninety percent (90%), but there is a retrospective recoupment. He stated that if we don't pay enough into the plan, they send us a bill later.

Alderman Hayes asked who is handling the health insurance issue and how do we get the answers to these questions.

Ms. Crompton stated that Susan (Feiszli) and Julie are meeting with them tomorrow.

Council members decided to hold further discussion until Larry Fisher was present to respond to the health insurance questions.

Corporation Counsel Walsh requested an executive session to discuss pending litigation.

Motion to go into Executive Session:

By: Alderman Quail
Seconded: Alderman Ferrer

Approved: Ayes – 7
Nays - 0

Motion to come out of Executive Session:

By: Alderman Hayes
Seconded: Alderman Ferguson

Approved: Ayes – 7
Nays – 0

RESOLUTION #254 OF 2010 - Authorizing Corporation Council to enter into an agreement with an attorney regarding pending litigation, not to exceed \$10,000.

Corporation Counsel Walsh asked if Council had budget questions for his department.

Alderman Quail stated that we spend a ton of money with no control over the way that was spent. He stated that before you enter into an agreement, he thought Council had to sign off on it.

Mr. Walsh stated that the Charter provides for Corporation Council to hire assistance as long as there is money for it.

Alderman Quail stated we always had twenty thousand dollars (\$20,000) in consulting fees and now we are going to ninety-five thousand dollars (\$95,000).

Mr. Walsh stated that Frank Nemias had to do with a conflict that I had. He stated that others are related to labor negotiations and every so often, that number gets high. He stated we don't have a lot of choices.

Alderman Quail stated he would like to be more engaged when we subcontract for lawyers.

Alderman Dye state a couple of times this year, we have been approached. He stated we know something is going on, but we know nothing about it.

Alderman Michales stated that he has known that the Law Department budget is struggling with what we have provided it.

Alderman Quail stated that on a monthly basis, he would like to get a description of expenses that went out and what we are contracting for.

Mr. Walsh stated that labor attorneys were engaged long before this administration took office. He state that he has looked at the bills to make certain nothing seems outlandish and has negotiated for lesser amounts.

Alderman Hayes stated next year in the budget, what labor negotiations were anticipated.

Mr. Walsh stated there are some PERB matters that we can expect plus some additional expenses.

Alderman Tobin stated the issue of encumbered and unencumbered funds has been coming up. He stated that one of the issues is that we don't know the numbers coming in and the numbers going out. He asked can we get periodic updates on what has happened, who we're contracting out with and the cost as well as potential awards.

Mr. Walsh stated I have not been involved in labor negotiations in the past, but expect that I will be more involved in the future. He stated you have ongoing labor negotiations going on and I try to be as responsive as possible to the department heads.

Alderman Michales stated if we want to hire a big gun for a specific case, I want you to have the leeway to do that.

Alderman Quail stated yes, but I want to know about it.

Mr. Walsh stated I am required to have the Mayor's approval, but I am the one empowered to make those calls. He stated if you take out labor, the only expense was \$1,000 for arguments in Supreme Court and outside counsel for the Highgate tax situation which was less than \$10,000 when all was done.

Alderman Quail stated it adds up.

Alderman Tobin stated we just want a clear accounting of where it is going.

Mr. Walsh stated he is happy to do that, but he does need some discretion of where it is going.

Alderman Ferguson stated we're all aware of what you are saying, but the Council is responsible for where this money is going.

Alderman Hayes stated we need to know before. She stated we have to know, we can't get blindsided.

Mr. Walsh stated Council may have been surprised by some of the ongoing law suits that have been floating around.

Alderman Ferguson stated we are aware, we are just not aware of the figures.

By: Alderman Ferrer
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays - 0

Adjournment

By: Alderman Ferrer
Seconded: Alderman Ferguson

Approved: Ayes – 7
Nays – 0

The meeting was adjourned at 9:15 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 13th 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 FEIZLI