



City Council Minutes
The City of Cortland
December 21, 2010

Council Meeting #30
December 21, 2010
Regular Session
City Hall
7:00 PM

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

Staff Present: Deputy Director of Administration and Finance Lori Crompton

Public Hearing to review the proposed 2011 Wastewater Operating Budget which is proposed to be \$3,529,345 at a proposed domestic rate of \$3.00/unit.

Mayor Feiszli opened the public hearing at 7:00 pm.

There was no one present to speak. The public hearing was closed.

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Mike Stevans spoke regarding resignations of Ron Walsh and the City Clerk.

Clay Benedict spoke of concerns regarding the change in the City Attorney and the impact on enforcement action by the Code Department.

Anne Doyle spoke of concerns with ongoing legal action regarding rental housing.

Katy Silliman spoke of her concerns regarding the handling of legal action currently in the courts regarding rental housing.

Lorraine Karpowich of 39 Prospect Terrace spoke of concerns regarding the handling of the legal action currently in the court.

Craig Little of 38 W. Court Street asked that the Council support the businesses and citizens of the community with regards to deliberations and resulting decisions.

Mike Dexter spoke of concerns regarding the emerald ash borer. He noted that members of the Landscape and Design Commission had attended a DEC meeting regarding the emerald ash borer and there was information presented at the four hour meeting. This ash borer is coming and will do damage to City trees. There are only about one hundred (100) right of way trees, but there are many private property trees that this ash borer will affect. Anne Doyle and Diane Batzing represented the Landscape and Design Commission. Unfortunately, he noted that no one else from the City was in attendance. He noted that the Commission is a volunteer group and they won't be doing the cost of what happens after this borer comes through. The borer has arrived in New York State from the mid-west. He distributed information on the borer.

Mr. Dexter paid tribute to two former Water Board employees. One was Larry Caldwell, who passed on November 19. He was a forty (40) year employee of the Water Board as well as a volunteer fireman for many years. He noted that Walter Winter recently retired as an outside maintenance foreman. He was a thirty-nine (39) year employee of the Water Board. He recognized Bob Rose, who was in the audience, stating that he was a long-time Chairman of the Water Board. He thanked both Mr. Winter and Mr. Rose for their service and dedication.

Mr. Dexter noted that he's lived in this community all of his life. He's been disappointed when he has read the newspaper to see what's going on with our local government and hopes that we can bring back cohesion to our City government and make Cortland a great place to grow up, a great place to live and we just need to work together. He begged everyone to do what they needed to do to get our city back on track.

Mark Keith, SEIU representative for Local 200 United, spoke regarding the current status of a clerical position within the City and gave an update on the current contract negotiations with the City.

Mark Leonard gave his opinion regarding the work of both the Council and the Mayor and recognizing how hard the jobs are. He also asked if the General Fund budget was sufficient to cover expenses and he was told by the Mayor that it was.

Gerry Ruggiaro spoke about the case that was recently before Judge Meldrim and his support of both the Code Office and the City Corporation Counsel. He spoke of the Clayton Avenue court case in more detail. He also explained the landlord's position with regards to the rental permit law. He asked the Council to work with landlords to reach an agreement.

Minutes November 15, 2010 and December 7, 2010

RESOLUTION #255 OF 2010 – Approve the minutes of November 15, 2010 and December 7, 2010.

By: Alderman Quail
Seconded: Alderman Ferrer

Approved: Ayes – 7

Nays – 0
Abstain – 1 (Hayes)

Hearing no corrections or additions, the minutes were approved.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Alderman Tobin spoke in response to information in the local newspaper as it related to the rental permit program and the subsequent landlords' lawsuit. He supported Ron Walsh and asked that discussion items regarding Corporation Counsel and inter-departmental transfers be placed on tonight's agenda.

Alderman Quail asked that a health insurance agreement be brought to the Council. He asked that all contracts be brought to the Council prior to being signed, including the contract with the new Corporation Counsel.

Mayor Feiszli indicated that she was currently working pro bono.

Alderman Ferrer stated that he had received many calls from people who expressed concerns regarding the recent resignations of Corporation Counsel and the City Clerk as well as residency.

Alderman Ferguson has received numerous calls in reference to the handling of Ron Walsh and his employment.

Alderman Michales again asked for copies of all contracts that have been signed by the Mayor.

Mayor Feiszli stated that she would maintain copies of all agreements in her office as of the new year.

Alderman Michales asked that consideration be given to budgeting money for some type of City-owned crow deterrent machine. He thought perhaps five thousand (\$5,000) dollars should be considered.

Alderman Quail noted that he had also received a number of phone calls from concerned citizens regarding the resignations of the Corporation Counsel and the City Clerk.

Alderman Dye also stated that he had received calls and visits regarding these issues as well and he stated that the Council would have to address this.

Alderman Hayes also received calls and emails in response to the issues currently going on in the City and the direction the City is going in. She asked that all contracts be brought before the Council before being signed.

Motion to go into Executive Session to discuss pending litigation:

Mayor Feiszli noted that a City response was needed before January 7, 2011 to this lawsuit.

Alderman Michales stated that the Council had not recognized a Corporation Counsel yet.

Mayor Feiszli noted that Meira Hertzberg was Counsel for the City.

Aldermen Tobin and Hayes indicated that there had been a lack of process with regards to the hiring her as City Counsel.

Alderman Ferguson would like to find out what the Council is doing.

Attorney Meira Hertzberg was introduced by the Mayor. The Mayor presented her background. Mayor Feiszli noted that Ron Walsh had not planned to represent the City in the landlord's lawsuit.

Attorney Hertzberg described her background and her analysis of the landlord's lawsuit. She didn't want to go in to too much detail in a public forum. She indicated her willingness to speak in executive session.

Alderman Tobin and Michales refused to accept the resignation of Ron Walsh.

Alderman Ferguson wanted clarification on legal representation.

The City Charter was referred to with regards to the filing of resignations and the roles of deputies.

Mayor Feiszli noted that the resignation was filed and accepted according to procedure. She asked them to go in to executive session.

Alderman Michales indicated that the Council would like to challenge Ron Walsh's resignation.

Alderman Hayes expressed her concerns regarding having legal advice.

Alderman Quail felt that the Council needed to have Corporation Counsel on the payroll who is a County resident.

Mayor Feiszli stated that she received legal advice from NYCOM stating that residency was not a requirement.

Alderman Quail proposed that the Council hire an independent attorney to have legal work that they needed to have done.

Alderman Tobin agreed with Alderman Quail and noted that he didn't feel that Corporation Counsel Walsh's resignation was valid.

Mayor Feiszli stated that Meira Hertzberg has begun volunteering her time as of this week.

Motion to Discuss:

By: Alderman Dye
Seconded: Alderman Ferguson

Alderman Ferguson withdrew her second after discussion and no vote was taken.

Alderman Tobin proposed a resolution that the resignation of Corporation Counsel Ron Walsh is not valid and he will continue as Corporation Counsel until legal opinion is rendered otherwise.

Alderman Ferguson stated that Mr. Walsh should be present to tell the Council what he would like to do.

Alderman Michales stated that Mr. Walsh had told him that he would stay on to resolve some of these issues.

Motion to discuss:

By: Alderman Tobin
Seconded: Alderman Michales

After discussion, no vote was taken.

AGENDA:

RESOLUTION #256 OF 2010 – Consideration of a Resolution to adopt the 2011 General Fund Budget in the amount of \$17,235,605.

Alderman Quail stated some budgetary concerns regarding health insurance risk and salary increases as well as his support of a three (3) percent budget increase for 2011. He outlined some of his reasons for his support of an increase.

Deputy Director of Administration and Finance Crompton was asked by the Mayor to answer questions.

Alderman Tobin discussed items he would like to see placed in the contingency fund as well as concerns regarding difference in the DPW budget trash line.

Alderman Hayes asked to see some long term budget projections. She expressed concerns that some items were under-projected.

Alderman Quail stated that this was the Mayor's budget. Mayor Feiszli stated that it was the Council's decision.

There was a discussion regarding under-funding in the DPW budget area. A public hearing would need to be scheduled if there was a change made to increase the budget. There was some further discussion regarding use of the contingency fund to fund shortfalls and the impact that would have in other areas.

By: Alderman Quail
Seconded: Alderman Craig

Approved: Ayes - 6
Nays – 2 (Tobin & Hayes)

RESOLUTION #257 OF 2010 – Consideration of a Resolution to adopt the 2011 Sewer Fund Budget in the amount of \$3,529,345.

There was discussion regarding a change in two (2) line items, but the overall budget dollars did not change. They then took thirty thousand dollars (\$30,000) under Admin. Fees and moved that up to line 1990.4.

By: Alderman Ferrer
Seconded: Alderman Michales

Approved: Ayes – 8
Nays – 0

RESOLUTION #258 OF 2010 – Resolution to adopt the 2011 Water Fund Budget in the amount of \$1,803,141.

By: Alderman Craig
Seconded: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

RESOLUTION #259 OF 2010 – Resolution to increase Microenterprise grant to current Program participant per Loan Committee Recommendation.

By: Alderman Tobin
Seconded: Alderman Quail

Approved: Ayes – 8
Nays - 0

RESOLUTION #260 OF 2010 - Resolution for Council approval for several budget transfers. (Lori Crompton)

There was a question regarding the amount on the transfers for Code, which was determined to be a typo. The correct transfer amount was one thousand five hundred fifty dollars (\$1,550).

By: Alderman Michales
Seconded: Alderman Dye

Approved: Ayes – 8
Nays – 0

RESOLUTION #261 OF 2010 – Resolution to authorize the Mayor to enter into a contract with National Grid for Energy Savings Plan. (Mayor Feiszli)

Alderman Quail noted that this was a good opportunity for the City to save and he hoped to hear about further savings in the future.

By: Alderman Ferrer
Seconded: Alderman Dye

Approved: Ayes – 8
Nays – 0

RESOLUTION #262 OF 2010 – Resolution to rescind **Resolution #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”. (Mayor Feiszli)

The payment is three thousand dollars (\$3,000). Mayor Feiszli explained how this amount was arrived at. Alderman Quail stated that this was an obligation, but the concern was that BCG did not give the Council what was expected. Alderman Hayes is in agreement with paying, but not accepting the report. Alderman Hayes asked that more focus be placed on the wording of future contracts.

By: Alderman Quail
Seconded: Alderman Hayes

Roll Call Vote: Aye – Alderman Quail
Nay – Alderman Craig
Nay – Alderman Tobin
Aye – Alderman Dye
Aye – Alderman Ferrer
Nay – Alderman Hayes
Nay – Alderman Michales
Aye – Alderman Ferguson

Approved: Ayes – 4
Nays – 4
Aye – Mayor Feiszli cast a vote to break the tie

RESOLUTION #263 OF 2010 – Consideration of the confirmation of the Mayor’s appointment/reappointment of the attached list of individuals to various City boards and commissions.

By: Alderman Ferrer
Seconded: Alderman Hayes

Approved: Ayes – 8
Nays – 0

Item No. 9 - Discussion regarding interdepartmental transfers (Alderman Tobin)

Alderman Tobin explained that this was any amount of money being transferred from one department to another that should require Council oversight. He proposed that this be a resolution.

Deputy Director of Administration and Finance Lori Crompton explained that this was always done at the end of the year and was always done by Council approval. Alderman Tobin then withdrew the proposal for a resolution.

RESOLUTION #264 OF 2010 - Consideration of a Resolution to allow the Mayor to enter into a contract with Benefit Consulting and Excellus Healthcare, Inc./Blue Cross/Blue Shield of Rochester, New York for the healthcare savings plan for the term January 1, 2011 through December 31, 2011. (Alderman Quail)

Alderman Quail stated that an electronic copy of the agreement had been forwarded by him to the other Council members. He asked that a resolution be introduced. He noted that this agreement had to have been signed by December 1, 2010, but needed to be approved by Council resolution.

By: Alderman Quail
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 1 (Hayes)

Item No. 10 – Discussion Regarding Corporation Counsel Vacancy (Alderman Tobin)

Alderman Tobin noted that the person who last served in this position was very experienced especially with ongoing lawsuits that are on the table. He was concerned about this vacancy.

Mayor Feiszli stated that she would share her concerns with the Council as well as her performance review with Mr. Walsh.

Alderman Michales stated that he would like to rescind Mr. Walsh's resignation and to bring him back as legal council. He would like to hear more about his performance review.

Motion to go into Executive Session to discuss a Personnel Matter:

By: Alderman Quail
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 2 (Hayes, Michales)

Motion to come out of Executive Session:

By: Alderman Hayes
Seconded: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

RESOLUTION #265 OF 2010 – Resolution to enter into an at-will two (2) month contract with Meira Hertzberg to work twenty-five (25) hours a week at City Hall for ten thousand dollars (\$10,000) and all decisions to be approved by Council.

Alderman Michales noted that based on what he had just heard he felt that she was not the right person for this job.

By: Alderman Ferrer
Seconded: Alderman Dye

Roll Call Vote: Aye – Alderman Quail
Aye – Alderman Ferrer
Nay – Alderman Ferguson
Nay – Alderman Michales
Aye – Alderman Dye
Aye – Alderman Craig
Nay – Alderman Hayes
Nay – Alderman Tobin

Approved: Ayes – 4
Nays – 4
Aye – Mayor Feiszli cast a vote to break the tie

RESOLUTION #266 OF 2010 – Resolution that as of January 1, 2011, the Common Council of the City of Cortland retains Frank Williams for legal consulting and to be paid an hourly rate for a maximum amount of no more than five thousand dollars (\$5,000). (Alderman Tobin)

By: Alderman Tobin
Seconded: Alderman Michales

Approved: Ayes – 6
Nays – 1 (Craig)
Abstain – 1 (Ferguson)

Adjournment:

By: Alderman Quail
Seconded: Alderman Craig

Approved: Ayes – 8
Nays – 0

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 21ST 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