



# City Council Minutes

## The City of Cortland

January 4, 2011

Council Meeting #1  
January 4, 2011  
Regular Session  
City Hall  
7:00 PM

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

Absent: Alderman Tobin

Staff Present: Counsel Meira Hertzberg, Deputy Director of Administration and Finance  
Lori Crompton and Deputy City Clerk Cheryl A. Massmann.

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

No one was signed up to speak.

### RESOLUTION #1 OF 2011 – Approve the minutes of December 13, 2010 and December 21, 2010

Alderman Hayes noted that she was the “Nay” vote on Resolution #254 on Page #8 of the December 21, 2010 minutes. Hearing no other corrections or additions, the minutes were approved.

By: Alderman Ferrer  
Seconded: Alderman Ferguson

Approved: Ayes – 7  
Nays – 0

Mayor Feiszli formally recognized the Receipt and Distribution of the New York State Comptroller’s Reports of Examination to the Common Council.

### REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Alderman Michales noted that First Night was a success and he was sure that downtown businesses were glad to see its return.

Alderman Hayes noted that she is continuing to receive phone calls and emails regarding the state of the City. She asked to add an agenda item for discussion regarding requested contracts.

#### **OLD BUSINESS:**

Alderman Michales asked that an explanation be provided for the record with regards to Counsel Hertzberg handing over the City Charter/Code Book from Mr. Walsh's office to a plaintiff who is part of a lawsuit against the City.

Mayor Feiszli noted that this could be done in Executive Session.

Counsel Hertzberg stated that she would like to give this explanation in public. She explained that she was trying to leave the Council Chambers and noted that she felt that she had misspoken with regards to how the former Counsel's resignation must be filed. She left and went to the Counsel office to check the Charter and she highlighted the section of the Charter for the Mayor. Two other gentlemen and Mr. Ruggiero were standing in the hall and because she did not want to return to the Council Chambers, she asked Gerry Ruggiero to give it to the Mayor. Mr. Ruggiero stated that he wasn't going to hand it to the Mayor. Counsel Hertzberg then asked him to give it to Police Chief Catalano and ask him to bring it to the Mayor. She noted that she was not thinking of him as a litigant, she thought of not coming back into the Council Chambers. She later met with Chief Catalano and he advised her that he did not know it was from her and he was not comfortable with taking the book from Mr. Ruggiero. She apologized for causing any difficulty by doing this.

Alderman Michales then asked about her contract. He noted that her duties were not to include Counsel, but to advise the Mayor on certain items regarding attorney issues for the City.

Counsel Hertzberg stated that she wrote the contract based on the Council's resolution. The resolution did not specify any duties, but she had assumed that the Council would want her to take care of all of the many things that were happening right now. She noted that she was careful to take out the provision for that office to hire outside counsel because she did not feel that was something that she should be doing. She also was careful not to entitle the contract, "Acting Counsel". There are many things that are deadline sensitive and she was trying to move things along. The resolution did not specify duties.

Alderman Michales noted that the City Charter stated that only Counsel can ask an individual to represent City Court matters. He asked if that Counsel was not present, how the City Court matters would be handled. Counsel Hertzberg stated that she intended to be there.

Alderman Michales noted that the City Charter stated that only Counsel could hire an outside attorney to handle court cases and to act as a mentor offering advice. He asked if there was no one there to offer that advice, how could these matters be turned over to an individual.

Mayor Feiszli noted that this was not a very specific question and she felt that this should be discussed outside of a Council meeting. Counsel Hertzberg noted that she did not understand the question herself.

Alderman Michales reviewed some sections of Counsel Hertzberg's contract. He asked that some of these details be cleared up so that court cases did not get turned over later on over a technicality regarding her powers and duties.

Counsel Hertzberg noted that she is still was not sure what he was asking, but stated that she is working in the Counsel Office and she is doing everything that needs to be done regarding legal work for the City. She specifically excerpted out of the contract one power and duty of Counsel and that was to hire outside counsel. She didn't see the need to hire outside counsel and there was no purpose for her to have that power.

Alderman Michales noted that he still had concerns regarding her duties and by whose authority was she given the authority to handle these cases.

Counsel Hertzberg felt that the Council gave her that authority, but she didn't want to upset the Council by putting "Acting Counsel" in that contract.

Mayor Feiszli and Alderman Hayes both felt that an Executive Session was appropriate for further discussion.

Mayor Feiszli asked that William J. Buttino, Carlos Ferrer, Greg Maxwell and Scott Fairbanks come to the podium to be sworn in as Volunteer Firefighter appointees and to sign the Oath Book.

#### **AGENDA:**

**RESOLUTION #2** OF 2011 – 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)

Chief Glover explained that these were vacancies caused by retirements and there are two (2) vacant positions created due to contractual negotiations with the Union and there were two (2) resignations that will become vacant in this month.

Alderman Quail asked if these firefighters were needed and required.

Chief Glover stated that as Fire Chief it was in the public's best interest to hire them. He reminded the Council that they used to normally have ten (10) to eleven (11) firefighters on duty and they currently have six (6). He noted that this certainly would help with overtime costs.

Alderman Ferrer asked if he had candidates already.

Chief Glover noted that he had interviewed already so that he could hire immediately if allowed by the Council. He noted that he had five (5) solid candidates. He noted that he had also not made any promotions.

Alderman Craig asked if any of the candidates lived within the City.

Chief Glover noted that two (2) live in the City and one (1) of the candidates is already a volunteer living in the City and one (1) is a volunteer, but does not live in the City. He explained that the local list did not necessarily mean that they were trained. It just meant that the people lived in the City. He had hoped to get trained people, but some have already taken jobs with other departments. He noted that those who had resigned had done so for a better location and greater chances for advancement with a larger department.

By: Alderman Quail  
Seconded: Alderman Hayes

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #3** OF 2011 – Consideration of the confirmation of the Mayor’s appointment of Shawn Smith to the Position of City Clerk for the City of Cortland, New York, effective January 18, 2011. (Mayor Feiszli)

Mayor Feiszli noted Ms. Smith’s qualifications and past service to the City.

Alderman Hayes noted that she knew Ms. Smith and was aware of her qualifications and recommendations and applauded her appointment.

By: Alderman Hayes  
Seconded: Alderman Ferrer

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #4** OF 2011 – Consideration of the confirmation of Shawn Smith as Deputy Local Registrar of Vital Statistics for the term January 18, 2011 to December 31, 2012. (Mayor Feiszli)

By: Alderman Ferrer  
Seconded: Alderman Hayes

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #5** OF 2011 – Consideration of a request submitted by Restoration Christian Church to stage a Christian “Hip Hop Day in the Park” on September 10, 2011 from 1:00 PM to 5:00 PM and further requesting the following: (Rev Brian Gilbert)

- A. Use of the Showmobile
- B. Use of the City’s portion of Courthouse Park
- C. Issuance of a Sound Enhancement Permit

Mayor Feiszli noted that this was brought up at a Department Heads’ meeting and it was noted that last year there was a lot of noise. She asked that they turn the volume down this year and Diane Ferrie agreed to comply with this request.

By: Alderman Craig  
Seconded: Alderman Ferrer

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #6** OF 2011 – Resolution to forward the Draft Comprehensive Plan to the City of Cortland Planning Commission for review.

Mayor Feiszli noted that by the City Charter, this is done by the City Planning Commission for review and they’ll be the lead agency for the SEQR review. They will then turn it over to County

Planning for review and comment and then it will be brought back to the City Council for adoption.

By: Alderman Ferrer  
Seconded: Alderman Craig

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #7** OF 2011 – Resolution to adopt the 2011 annual payroll increases for the City of Cortland employees. (Alderman Quail)

Alderman Quail noted that this had not been formally adopted in the past and it was one of the items noted in the State Comptroller's Report that needed to be done. He noted that there were no increases for those whose bargaining units had an open contract and there was no contract at this time. It was noted that increases were minimal.

By: Alderman Quail  
Seconded: Alderman Ferguson

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #8** OF 2011 – Consideration of the confirmation of the Mayor's reappointment of Chris Poole, Sharon Stevans and Lisa Kahle to the Cable Commission. (Mayor Feiszli)

By: Alderman Quail  
Seconded: Alderman Ferrer

Approved: Ayes – 7  
Nays – 0

Item No. 8 – Discussion to establish a monthly report format for all Department Heads to provide to the Common Council Safety, Quality, Issues, Current Projects, Long Term Projects and Budget Status. (Alderman Quail).

Alderman Quail stated that his intent was to have a monthly report format and he distributed a suggested format to the Council for their review. He would like the Department Heads to be more involved in the corrective action plan. He would like the Council to meet with the Department Heads on a monthly basis. He would like to reduce cost overages and to perhaps increase training and educational opportunities. He asked that the form be distributed to the Department Heads, as well, for their feedback.

Alderman Hayes would like to see where Departments stand on a line by line basis within their budgets and to hold them accountable. Alderman Quail noted that managers within private industry were asked to review budget items on a regular basis and were held accountable for shortfalls.

Alderman Michales suggested that minutes should be taken at Department Heads meetings.

**RESOLUTION #9** OF 2011 – Resolution designating the following bank depositories for City funds:

1. Alliance Bank
2. J.P. Morgan Chase Bank N.A.
3. HSBC
4. M & T Bank

By: Alderman Michales  
Seconded: Alderman Ferrer

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #10** OF 2011 – Resolution designating Lori Crompton and Elaine Doe as the signators on all accounts.

By: Alderman Ferrer  
Seconded: Alderman Craig

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #11** OF 2011 – Resolution naming the Cortland Standard and the Pennysaver as the official newspapers of the City of Cortland.

By: Alderman Michales  
Seconded: Alderman Hayes

Approved: Ayes – 7  
Nays – 0

Item No. 12 – Discussion of contracts. (Alderman Hayes)

Alderman Hayes noted that the Council had been requesting for the past several months, copies of contracting signed by the Mayor. She noted that the Comptroller's Report indicated that the Council needed to be more involved and to be more fiscally sound. She noted that copies had not been turned over to the Council and where contracts stood.

Mayor Feiszli noted that she had provided copies of contracts this evening, but had contacted Thoma Development and Department Heads for others, as well, and that they would be provided. She would be making copies of all contracts readily available in her office as of 2011.

Alderman Hayes noted that there were issues expressed regarding the BCG contract and she wanted to make sure that things were being executed properly and fairly.

Alderman Michales noted that the Council was given copies of unsigned contracts for review and he expressed concern that perhaps these were not the final drafts. He wanted to be sure that there was sufficient monies to cover these contracts. He asked for signed copies.

Alderman Quail asked that the Mayor's office provide a listing of approved signed contracts as they were submitted for the Mayor's signature. He felt that an actual copy of the contract was not necessary and that a log would be a quick reference and they could request copies if they wanted to review a particular agreement in further detail.

**NEW BUSINESS:**

Alderman Michales asked that Ms. Hertzberg look into the Fritz Brown property on Pendleton Street. He wanted to know where that property stood with regards to back taxes owed to the City.

Deputy Director of Administration and Finance Crompton noted that the property had been placed on the in rem list for this year. Last year it was pulled at the eleventh hour.

Alderman Michales noted that it was his understanding that the owner was currently leasing the property out and back taxes were owed. Alderman Quail noted that tractor trailers were on the property and he asked that the Code Office look in to this.

Capt. Knickerbocker stated that it was zoned General Industrial and was subject to Site Plan. The owner has been contacted and they will have to come before the City Planning Commission.

Alderman Ferguson asked about environmental issues with regards to the property. There was some discussion and it was noted that the property is basically being used for warehousing and storage.

Item No. 13 – Discussion of transfer of funds from the Fire Department/Code Office back to the Public Safety Department. (Mayor Feiszli)

Mayor Feiszli noted that there was a meeting with Mary Lou Conrow, a labor attorney, as well as the Superintendent of the DPW, the labor representative for the Fire Department, the Director of Code and the Fire Chief and Counsel Hertzberg to discuss the position of the electrician being moved from Public Safety to the Code Office and concerns with Civil Service issues because a title had not yet been established. She noted that all in attendance agreed that the easiest thing to do at this time would be to transfer the money from the Code Department budget line back to the Public Safety line which included the salary and the overtime amounts.

**RESOLUTION #12 OF 2011 – Consideration of a Resolution to move the salary for the Electrician from the Code and Fire Department to Public Safety.**

Alderman Hayes would like to further review the overtime costs for this position.

By: Alderman Quail  
Seconded: Alderman Ferguson  
  
Approved: Ayes – 5  
Nays – 2 (Hayes & Ferrer)

**Motion to go into executive session to discuss current litigation:**

By: Alderman Ferrer  
Seconded: Alderman Craig

Approved: Ayes – 7  
Nays – 0

**Motion to come out of executive session:**

By: Alderman Ferrer  
Seconded: Alderman Craig

Approved: Ayes – 7  
Nays – 0

**Adjournment:**

By: Alderman Craig  
Seconded: Alderman Ferrer

Approved: Ayes – 7  
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 4th DAY OF JANUARY 2011. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.**

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**CAROL TYTLER, CITY CLERK**

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**MAYOR FEISZLI**