



City Council Minutes  
The City of Cortland  
February 15, 2011

Council Meeting #4  
February 15, 2011  
Regular Session  
City Hall  
7:00 PM

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

Staff Present: Corporation Counsel Patrick Perfetti, Deputy Director of Administration and Finance Lori Crompton and City Clerk Shawn C. Smith.

Mayor Feiszli called the fourth Common Council meeting of the year to order at 7:03 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Jim Reeners, landlord and developer, spoke in support of the three (3) unrelated law as someone who cares for the Cortland community. He cited several examples of how some landlords have ignored occupancy restrictions in student housing in the City. He urged the City Council to fight the law suit and to enforce Code compliance. He suggested some penalties for non-compliance. He also suggested that the City create a simple complaint form for community residents to use.

Jill Reeners yielded her time to Mr. Reeners.

Anne Doyle yielded her time to Mr. Reeners.

Eric Pond pulled his request to speak.

Craig Little of 38 W. Court Street stated that he doesn't know Mr. Reeners, but agrees with everything he has said.

**RESOLUTION #34** OF 2011 – Approve the minutes of February 1, 2011.

By: Alderman Craig  
Seconded: Alderman Ferrer

Approved: Ayes – 8

Nays – 0

Resolution #34 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

## **REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES**

Mayor Feiszli stated that she will be out of town from February 18 to 26. She has spoken with Alderman Dye noting that he will be the acting Mayor during her absence. She met with Congressman Hanna a week ago and he extended an invitation to the Council and the public to visit his office on 18 Tompkins Street.

Mayor Feiszli informed the Council that the City website now has a calendar for City Board and Commission meetings. She also reported that National Grid has finished installing energy efficient lighting throughout City Hall and they are looking at the Johnson Controls report to determine if there are any options for further energy cost savings grants. She attended the Downtown Partnership kick-off with SUNY Cortland and the County and City representatives to attract artists and culture to the community. She has met with Thoma Development and Cortland County Soil and Water to discuss the 2011 grant opportunities. It looks like there is four hundred thousand dollars (\$400,000) that can be dedicated to flood mitigation. This could possibly go towards the berm or flood wall replacement along Otter Creek.

Mayor Feiszli met with John Gayle, of Casella Trash, about the number five (5) plastics not being picked up. The trash company has agreed to continue picking it up. She noted that the recycling center was not accepting the large plastic cat litter containers. Casella has put in a dumpster at the recycling center for the number five (5) plastics and they will haul it off on their own.

Mayor Feiszli has spoken with the Downtown Partnership about tenants living downtown who are using City trash receptacles for their garbage. Landlords are being notified with a warning notice and afterwards they will be fined for illegal dumping. She noted that City Hall and the Aldermen have been receiving calls about the crows. She noted it has been a big issue for years. She called Cornell University and has spoken with Professor McGowen, who specializes in crows at the laboratory of ornithology. He has offered to attend our March 1 Council meeting to explain crow behavior and to give recommendations on what can be done to dissipate them.

Alderman Michales has received an application for an exotic pet permit for a resident to harbor chickens. He will confer with Corporation Counsel Perfetti.

Corporation Counsel Perfetti noted that some time ago residents did keep these types of animals for food sources and he will work with Alderman Michales and the Council with regards to regulations for harboring these types of animals.

Alderman Quail spoke about the monthly reports for department heads. He noted that the reports should be given to the Council members and indicated that he had received some already. He would like to have a single page standard format for all department

heads. He would like to see that the reports are received for the last Council meeting of every month.

Corporation Counsel Perfetti stated that since the department heads reported to the Mayor the reports should be submitted to the Mayor and that the Mayor should forward them to the Council.

Alderman Hayes noted that several residents have received Code Office notices to clear their sidewalks of snow. Residents were appreciative.

The Council asked for an update on businesses that were operating and had not paid taxes in many years.

Corporation Counsel Perfetti elaborated on progress that was being made and he indicated that he would update the Council.

Alderman Tobin reminded residents to keep their sidewalks clear. He noted that he planned to give an update on the Corrective Action Plan and Strategic Planning Committee.

Mayor Feiszli noted that she had contacted the Council about adding another item to the agenda. It was a request from George Seibel to use Beaudry Park on May 7, 2011 from 12:00 to 6:00 PM for an Alumni Event and provide alcohol in a contained area.

#### **AGENDA:**

**RESOLUTION #35** OF 2011 – Resolution to approve a request to use Beaudry Park on May 7, 2011 from 12:00 to 6:00 PM for the Cortland Spring Picnic Concert.

Alderman Quail expressed great concern about the number of people who might attend. He felt that by adding alcohol to the mix might be setting a precedent. He suggested that the promoter hire police at their own expense.

Alderman Michales had spoken with Chief Catalano with regards to last year's Monroe Fest cost, which was about eight thousand dollars (\$8,000) of taxpayer money. He felt that they should hire their own security force if the event was approved.

Alderman Hayes asked why Mr. Seibel was promoting this event instead of someone from SUNY Cortland if this was an alumni event.

George Seibel and Adam Megivern from the Downtown Partnership stated that a group of downtown business owners had decided to form a group to create a spring event to attract people to downtown restaurants and hotels and to say thank you to students. George noted that he has run the beer tent at the Pumpkin Fest for the past five (5) years and it has done well with no problems.

Alderman Michales asked if attendees would be charged admission and if their ID's would be checked.

Mr. Seibel noted that they would check ID's and would charge admission. He was unsure how large an area would be needed to serve alcohol. He had spoken with Chief Catalano about using an area of Main Street to hold this event and serve alcohol. Chief Catalano was concerned and did not want alcohol served on the street and he had suggested a park. He indicated that Beaudry Park was close and that the event would be cancelled if it rained.

Alderman Ferguson asked if they would hire their own security. Mr. Seibel had contacted Chestnut Hill Security of Syracuse who handles the concert events at the State Fair and had received a quote from them. He noted that Chief Catalano had indicated that this security firm would not supercede his officers and they would have to have a presence at the event as well. Mr. Seibel had offered to give the amount allotted for security to the Police Department and the Council would have to approve the receipt of this money. Mr. Seibel indicated that event attendance could start out small for this year and grow as it became more popular. He noted that Beaudry Park was chosen because of its close proximity to the College and that his group would provide bus service as parking in the area was limited.

Alderman Hayes expressed concerns about police overtime expense and that there were many unknowns with this request. She had heard that this was not a community event and that there was a potential for taxpayer costs.

Mr. Seibel noted that this was an open event for both the community and the alumni.

Corporation Counsel Perfetti indicated that the group should post a bond to indemnify the City for the cost of policing and providing municipal services to support the event as well as naming the City as additionally insured.

Mayor Feiszli suggested that the group should be allowed to secure the date for the use of Beaudry Park for May 7 and contingent upon the details.

Alderman Ferguson expressed concerns that if it were an alcohol free event, if they could control participants from bring alcohol into the event.

Corporation Counsel Perfetti will speak to Chief Catalano regarding alcohol use and containment in Beaudry Park. Alderman Michales would like to see the details of this in writing and to finalize this request at the next Council meeting after learning more.

By: Alderman Quail  
Seconded: Alderman Tobin

Approved: Ayes – 8  
Nays – 0

Resolution #35 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

**RESOLUTION #36** OF 2011 – Consideration of a request by the cultural Council of Cortland County to use the South Side of Court House Park for the Cortland Arts & Wine Festival to be held on August 6, 2011 from 10:00 AM to 6:00 PM. Wine tasting will be in a contained area with the appropriate permits. (Ann Finnamore)

By: Alderman Tobin  
Seconded: Alderman Quail

Approved: Ayes – 8  
Nays – 0

Resolution #36 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

**RESOLUTION #37** OF 2011 – Resolution for the City to contribute \$1,684.00 to support a grant funded initiative by the Cortland Downtown Partnership and the Historic Advisory Board to conduct the Historic Cortland Reconnaissance Survey. (Adam Megivern-Downtown Partnership)

Alderman Quail asked where funds will come from and purpose of the grant. Mayor Feiszli indicated that a transfer had been made from the Contingency Miscellaneous account to the General Fund and there is additional funding for entertainment in the celebration account. She will speak with the Deputy Director of Administration and Finance and make a recommendation to the Council.

Adam Megivern explained the city-wide survey project and how it could be used as a tool to possibly expand the historic district. Corporation Counsel Perfetti secured the Downtown Partnership's agreement to allow the Council the ability to utilize this survey report information in the future without additional cost to the City.

By: Alderman Craig  
Seconded: Alderman Ferrer

Approved: Ayes – 8  
Nays – 0

Resolution #37 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

**RESOLUTION #38** OF 2011 – Resolution for Council approval of budget amendments and to only approve ten thousand dollars (\$10,000) from the Contingency to the General Fund – Law – Contractual - transfer request.

Alderman Quail asked about the transfer of funds from the Contingency Fund to the General Fund – Legal. Corporation Counsel Perfetti explained what had been done prior to his being hired and outlined his plans for the handling of his departmental expenses going forward.

Alderman Tobin indicated he was hesitant to move a large sum of money from Contingency without advice from the Director of Administration and Finance.

Mayor Feiszli noted that there were some existing legal contracts that the City was still obligated to pay for.

The prior handling of FOIL requests was discussed by Corporation Counsel.

There was some discussion regarding a land use attorney. Corporation Counsel indicated that he would like to discuss this further in an executive session.

**Motion to go into Executive Session to discuss a personnel issue.**

By: Alderman Ferrer  
Seconded: Alderman Craig

Approved: Ayes – 8  
Nays – 0

**Motion to come out of Executive Session:**

By: Alderman Ferrer  
Seconded: Alderman Tobin

Approved: Ayes – 8  
Nays – 0

Chief Glover gave an explanation of his transfer request. He also asked the Council to discuss with a financial advisor various options for bonding for fire equipment purchases. It was noted that a bond anticipation note might be more expedient.

**Motion to Discuss (Made prior to Executive Session) and Final Vote:**

By: Alderman Ferrer  
Seconded: Alderman Craig

Approved: Ayes – 8  
Nays – 0

Resolution #38 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

Item No. 4 – Presentation by Barton & Loguidice regarding the Phase I requirements in order to be in compliance with Chesapeake Bay Program. (Harvey Davis)

Alderman Hayes noted that she thought that changes and amendments were still being made to the Chesapeake Bay Program.

Eric Pond and other representatives of Barton & Loguidice made the presentation. Highlights were given of the Phase I project. Eric Pond indicated that he would explain the improvement schedule, the cost of these improvements and answer questions

following the presentation. He noted that the waste water treatment plant needed to come into compliance by reducing the total nitrogen and phosphorus discharge into the local river. He stated that significant plant improvements were needed to maximize treatment. The City is behind schedule for meeting the compliance upgrade target date. The requirements have been a moving target and that is why the City is behind schedule. He noted that the final Phase I plan from DEC to meet EPA goals, has now been established as of the first of this year and it indicates the incentives for moving forward to come into compliance. He felt the cost of Phase I would be about three million (\$3,000,000) dollars and the upgrades are mandated.

Alderman Michales asked how long these improvements would disrupt the facility operations. Mr. Pond noted that the disruption would be minimal. The cost for O & M and chemicals would be about one hundred sixty thousand (\$160,000) dollars annually. He indicated that the next step was to get this report to the DEC. He noted that in the report, current permit goals had been estimated to be met by 2013. Mr. Pond stated that he would like to go over this plan fully in a work session. He would like to get the Council's approval to submit this report to the DEC for review and approval. Any addendum would include the final water plan as a result of final requirements.

Mr. Pond noted that the City had missed a submission deadline for this report last fall and that was a permit violation. They've now met with the DEC and they know where the City stands with submission.

Alderman Hayes asked if there was a way for the City to save money achieving the DEC requirement. Mr. Pond noted that the study outlined multiple technologies to achieve the required goal and made their recommendation on which one they thought would fit the City's process the best. They had chosen the most economical process that would best fit the City.

He further explained that Phase 2 amounted to general upgrades to keep the plant running reliably for the next twenty (20) years.

Mayor Feiszli noted that this was a request to get the Council's blessing to submit this report to the DEC and in the meantime, they would work on a Phase 3 proposal. Mr. Pond stated that once they knew what the project was, then they would put forth a report for implementing the project. Then they would begin the process of bidding, construction, etc. He felt that would be in a month or so.

Alderman Tobin asked if the staffing study was going to be re-evaluated after this project is done. Mr. Pond noted that Mr. Knudsen did the staffing study and he only worked on this report. He suggested that staffing also should be discussed in a work session.

Item No. 5 – Discussion to regarding authorizing the Mayor to enter into an agreement with Keegan Associates to develop a website, social media program and an E-newsletter. (Mayor Feiszli)

Mayor Feiszli explained that this company could upgrade the current website, create a separate financial site and create an E-newsletter and/or social media.

Hugh Keegan explained that his company has done the Cortland County Health Department website, as well as CAPCO and Catholic Charities. He also indicated that his company would do a new website for the City. He noted that he uses open source technology and he will train City staff to maintain the site. He stated that once the site was built, annual maintenance costs were less than one hundred (\$100) dollars. He would like the Council to complete a worksheet to determine needs and he would make recommendations. Mayor Feiszli felt that the City website should be upgraded for ease of use and transparency.

Sue Scott, the current Web Master, felt that a worksheet was a good idea. She outlined what she did. She also indicated that she billed the City monthly for a total annual cost of ten thousand (\$10,000) dollars and she had no contract. She charged an additional fee for hosting the website. The Council agreed to complete an interest questionnaire.

**RESOLUTION #39** OF 2011 – Resolution to confirm the Mayor’s appointment/reappointment of the attached list of individuals to various City boards and commissions. (Mayor Feiszli)

Alderman Ferguson asked why the names of appointees were not listed as she had been asked that question. Mayor Feiszli responded that it is to protect the identity of persons not appointed. Mayor Feiszli asked that interested parties contact her office for appointees’ names.

Alderman Michales asked why Corporation Counsel was on the Ethics Committee. Corporation Counsel Perfetti indicated that was very common in many municipalities and that he would recuse himself if a matter arose that would create a conflict of interest.

By: Alderman Craig  
Seconded: Alderman Ferrer

Approved: Ayes – 8  
Nays – 0

Resolution #39 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

Item No. 7 – Update on status of Strategic Planning Committee. (Alderman Tobin/Alderman Quail).

Alderman Tobin indicated that the Committee met last Tuesday to discuss what services are now being provided by the City, who is receiving those services and assessing those services. He has two (2) SUNY Cortland students who are receiving credit who will follow up with department heads and to put together a report on what the City has. Once they have a good grasp at what the City provides, they can then look at what other entities; like the County, provides and to match these up. He would also like

to engage some of the volunteers who met with this committee early on, to see if they wanted to continue with the committee.

Mayor Feiszli asked that before the student assistants met with department heads that the process be discussed with her.

Item No. 8 – Update on status of Corrective Action Plan. (Common Council)

Alderman Tobin noted that two (2) small group meetings were held. A rough draft has been developed and it was hoped that the Council and the Finance Committee could meet next Thursday, February 24 at 6:30 PM to work on this.

Mayor Feiszli asked that the Deputy Director of Administration and Finance be included in this.

Alderman Quail felt that there was a resource constraint. He noted that either the Finance Committee was going to have to step up and help on this or they would have to outsource some of this. There was discussion amongst the Council regarding the best way to handle this process.

Item No. 9 – Update on status of Director of Administration and Finance position. (Mayor Feiszli)

Mayor Feiszli read a statement. She indicated that she will advertise and is looking at how applicant will be screened. She would like to have the Council involved in the process. She will determine what went wrong with the last individual and what the City needs from a person in that position. She is also looking for an interim or if she goes by the Charter, she will appoint someone until the end of year. She will have more details at the next meeting. She will try to develop a time line.

**Motion to go into Executive Session to discuss a personnel matter:**

Mayor Feiszli excused City Clerk Shawn C. Smith, before entering Executive Session:

By: Alderman Ferrer  
Seconded: Alderman Craig

Approved: Ayes – 8  
Nays - 0

**Motion to come out of Executive Session:**

By: Alderman Ferrer  
Seconded: Alderman Craig

Approved: Ayes – 8  
Nays - 0

**Adjournment**

By: Alderman Craig  
Seconded: Alderman Ferrer

Approved: Ayes – 8  
Nays – 0

Hearing no further business, Mayor Feiszli adjourned the meeting at 11:15 PM.

**I, SHAWN C. SMITH, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED BY THE COMMON COUNCIL AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 15th DAY OF FEBRUARY 2011. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED FOR HER CONCURRENCE IN ADOPTION OR REJECTION BY VETO POWER.**

\_\_\_\_\_  
SHAWN C. SMITH, CITY CLERK

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MAYOR FEISZLI