



City Council Minutes
The City of Cortland
March 15, 2011

Council Meeting #6
March 15, 2011
Regular Session
City Hall
7:00 PM

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

Absent: Alderman Quail

Staff Present: Deputy Director of Administration and Finance Lori Crompton,
Deputy City Clerk Cheryl A. Massmann and at 8:10 PM Corporation
Counsel Patrick Perfetti arrived.

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Sharon Stevans spoke. She thanked the Council for their work on the Corrective Action Plan. She also had photos of the recent flooding in her neighborhood. She put in a plea for the Council to push and advocate for the berm project.

RESOLUTION #49 OF 2011 – Approve the minutes of March 1, 2011.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Resolution #49 Adopted by Mayor _____ Vetoed by Mayor _____

The Bills were presented for review.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Alderman Ferrer stated that he has received a number of phone calls and emails regarding snow removal complaints. He noted that it is getting worse every year. He noted that the side streets are narrow and very slushy.

Alderman Hayes also received complaint calls from Main Street business owners and had contacted Chris Bistocchi. The complaints indicated that when plowing was done, several handicapped parking spots were not cleared and shoppers have complained about lack of accessibility.

Alderman Tobin noted that there was a meeting of the Strategic Planning Committee last Tuesday to finalize potential questions for getting a better grasp on what functions are provided by various departments and he asked to put the Corrective Action Plan on the agenda for tonight.

Mayor Feiszli asked if everyone had received a copy of her revised plan. She noted that she had received an email from Chief Glover and she was pleased to announce that the Cortland Fire Department was likely to receive a federal grant for five hundred thirty-five thousand dollars (\$535,000) for fostering a bunkering program for the volunteers. It is especially geared towards the college students. She stated that this would allow the City Fire Department to be in the National Fire Prevention Association for a combination unit which would include the career staff, the volunteers and the bunkering program. She thanked them for their efforts. It was noted that once the grant was received, the Council would need to appropriate it.

Chief Glover gave an overview of the grant which was meant for volunteer recruitment and retention program. It appears that the City will be receiving the money over four (4) years and the City won't have to spend any local funds. He noted that Capt. Tenkate wrote the grant. This FEMA grant will allow college students to bunker in the fire station to help. He sought authorization to let FEMA know that the City would accept this grant.

Mayor Feiszli noted that this was the worst snow in memory and the crew had done a phenomenal job with what they had. She noted that she had received many calls and the DPW had addressed those issues as they were received.

Mayor Feiszli gave a brief update on the berm. She noted that there are two (2) grants out there and she is meeting with our Congressman next week and she spoke with Dan Young from the Governor's Office. She will be putting forward additional requests for funding for the berm on the top of the list for FEMA.

Mayor Feiszli noted that she had received many angry calls about DPW plows tearing up lawns and mailboxes. She asked that any residents who were victims of the plow to contact her office and to submit pictures and they will be taken care of in the spring.

Mayor Feiszli stated that she spoke at the County sub-planning committee that addresses flooding and storm water management to explain the storm water utility program. She noted that Pat Reidy, Amanda Barber and Chris Bistocchi were also at that meeting. She noted that the City had talked about adopting this plan a few years back, but had never done it formally. She noted that it appears that there are going to be unfunded mandates from the State and the government with regards to storm water management along with the Chesapeake Bay compliance requirement. She noted that there is a good possibility that the City of Cortland will become an MS4 designation (a

municipal storm water system) and will be required to develop a regional storm water management plan, record keeping and submit a three hundred (300) page annual report. She recommended to the Council that in order to be pro-active, the City should develop a storm water management panel to work with key County and City personnel on developing a storm water management plan. She noted that this committee would work to inform the citizens about polluted water, storm water run off and discharges and their effect on water quality. They would also develop programs to detect and eliminate illicit discharges to the storm water system and develop a storm water and erosion control program for construction projects and work to develop a program for discharges from post construction run off and develop a program for municipal operations such as street sweeping run off and to increase catch basin cleaning as well.

Mayor Feiszli reported that she met with key personnel of Marietta Packaging with Corporation Counsel and Waste Water Treatment employees with ongoing meetings scheduled to address Marietta's inability to discharge in to the City's Waste Water Treatment Plant. She noted that the purpose of these meetings is to help Marietta design a pre-treatment system which will enable them to meet the City's requirements for waste water. She has also been working on the State of the City address which is due this month. She plans to present it in a Town Hall fashion late this month.

Mayor Feiszli noted that in 2010 it was a positive year for the City. She noted that the fund balance at the start of 2010 was in the negative one hundred fifty thousand (\$150,000) dollars and we ended the year with the highest amount in ten (10) years, which is nearly a two million (\$2,000,000) dollar fund balance.

Mayor Feiszli noted that the City had its first Xbox Tournament at the Youth Bureau and it was made possible through the efforts of the Mayor's Office, the Youth Bureau, WalMart (who provided the Xboxes), Home Necessities and Family Video provided the games. The Restoration Christian Church, the Cortland Assembly of God and a number of citizens also made donations. A basketball tournament is planned for later this spring. She announced that the winner of the Xbox Kinect was Justin Tarbell and Tyon Tuttle won second place. Austin Falsom won in another category.

Mayor Feiszli expressed appreciation for the work the Council had done on the Corrective Action Plan. She noted that everyone is under a lot of pressure on many fronts and all shared the concerns of addressing the problems noted in the audit in a timely manner. She sent her proposed revisions to the draft Corrective Action Plan to both key employees as well as consulting with NYCOM and the State Comptroller's Office regarding format and procedure. She asked that it be added to tonight's agenda; a resolution for adoption of the Mayor's revised Corrective Action Plan.

Mayor Feiszli also noted that she was eliminating the need for tonight's Executive Session as the contract was not ready for approval at this time. Alderman Ferrer would like to speak with Corporation Counsel Perfetti regarding this executive session.

Alderman Dye thanked Chief Catalano and Chief Glover for the good work their departments did during the flood.

AGENDA:

Item No. 1 – Proclamation acknowledging April as Fair Housing Month. (Mayor Feiszli)

Mayor Feiszli read the proclamation.

Item No. 2 – Proclamation acknowledging March as Brain Injury Awareness Month. (Mayor Feiszli)

Mayor Feiszli read the proclamation.

Alderman Tobin asked that Agenda Item No. 3 be voted on as separate resolutions.

RESOLUTION #50 OF 2011 – Resolution to authorize the various transfers within and between departments to close out accounts with either unexpended or overdrawn balances in the General Fund.

By: Alderman Tobin
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Resolution #50 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #51 OF 2011 – Resolution to authorize various transfers to close out accounts with either unexpended or overdrawn balances in the Water Fund.

By: Alderman Ferrer
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

Resolution #51 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #52 OF 2011 – Resolution to authorize various transfers to close out accounts with either unexpended or overdrawn balances in the Sewer Fund.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Resolution #52 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #53 OF 2011 – Resolution to authorize the write-off of uncollectible Administrative Fees in the Sewer Fund assessed to International Electron in 2009.

Alderman Michales asked why this was not caught in 2010.

Deputy Director of Administration and Finance Crompton stated that this couldn't be relieved as over a million dollars is already owed in back taxes on the property and needs to be written off as uncollectible.

By: Alderman Tobin
Seconded: Alderman Dye

Approved: Ayes – 7
Nays – 0

Resolution #53 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #54 OF 2011 – Resolution to authorize the reservation of Fund Balance requested by the Youth Bureau.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Resolution #54 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #55 OF 2011 – Council approval to transfer an emergency appropriation of Fund Balance to DPW Snow and Ice Control.

Alderman Michales asked if this was coming out of the 2011 budget.

Deputy Director of Administration and Finance Crompton stated that it was going to be coming out of the appropriated fund balance.

Mayor Feiszli stated that because of the heavy winter this year, the need is there. The City salt reserves are to the back of the storage bins and the DPW also has to look out for the supply for November and December of this year as well.

By: Alderman Dye
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 1 (Hayes)

Resolution #55 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #56 OF 2011 – Request Council approval of a Budget modification.

Alderman Tobin asked if this was in reference to the Fire Department transfer which was needed to be moved because of the taxable status of these funds.

Deputy Director of Administration and Finance Crompton noted that because these funds are now being paid out through payroll and subject to taxation they needed to be moved into a .100 salary account.

Alderman Hayes sought assurance that this was strictly a transfer of budgeted funds. Lori Crompton stated that was the correct.

By: Alderman Dye
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

Resolution #56 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #57 OF 2011 – Resolution to approve the Mayor’s appointment and terms for the Finance Advisory Committee: John Poli, Chair – one year term; Alderman Brian Tobin, Vice Chair, one year term; Gene Palmer, two year term; Jim Buttino, three year term, Alderman Carlos Ferrer, one year term and **Alderman Stephanie Hayes, one year term**. These terms are effective retroactively to January 1, 2011.

Mayor Feiszli added Alderman Hayes’ appointment and term length to the resolution after she confirmed that she was also a member of this committee.

By: Alderman Craig
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

Resolution #57 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #58 OF 2011 – Resolution to approve the Mayor’s appointments of Commissioners of Deeds. (Mayor Feiszli)

By: Alderman Ferrer
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

Resolution #58 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #59 OF 2011 – Resolution to approve the Mayor’s appointment of a student representative on the 2011 Youth Bureau Board. (Mayor Feiszli)

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Resolution #59 Adopted by Mayor _____ Vetoed by Mayor _____

Mayor Feiszli indicated that Corporation Counsel Perfetti had not yet arrived; she asked the Council’s approval to move the Discussion of the Corrective Action Plan before Agenda Item No. 9.

Item No. 10 - Discussion of the Corrective Action Plan (Added to agenda)

Mayor Feiszli explained that she had sent her proposed revisions to the Council members and department heads for their review. She noted that it now adhered more closely to the Comptroller’s template, but much of the language and content stayed the same. She noted that the new format separated and highlighted the implementation dates and the person or department responsible for implementation. She stated that she also had revised some of the target dates to reflect a timetable that was more realistic for those that were responsible given the current and projected project workload. She explained that she had been assured by the Comptroller’s Office that the City need not establish unrealistically short deadlines and therefore extended some deadlines. She did note that some would be completed ahead of schedule, particularly if the City hired a Director of Administration and Finance or hired consultants for specific tasks. She also had substituted a department rather than an individual in some cases. She also had added an introduction and addendum, which includes language that puts the audit in context and credits the Council for the work in drafting the plan and explains the timetable and clarifies the rules of various responsible parties as they pertain to the City Charter. She noted that she had received one department head’s request. Chief Catalano had expressed concerns regarding the payroll structure.

Chief Catalano explained his concerns. He stressed that his structure of record keeping is much different from other departments and is many times used in court cases and his department must maintain the original documents. He stated that his payroll system is accurate and accountable, but the information is confidential. He did note that the Comptroller’s office complimented their system.

Alderman Dye noted that was what they were looking for. Alderman Hayes stated that she wants a standard established across the board. Alderman Ferrer asked if the system could be used by other departments.

Chief Catalano offered to show his system to the Council and to other departments. Alderman Tobin asked the Deputy Director of Administration and Finance Crompton if

she had taken a look at the Police Department system. Lori Crompton stated that she had not and would not be able to get to it in the near future because of her workload. She further noted that this was very complex. Alderman Ferrer would like to see original time sheets forwarded to a central area. Chief Catalano noted that his payroll represented volumes of original documents which were converted to a spreadsheet for ease of use by the payroll clerk. He was concerned about original documents leaving his department. Alderman Tobin asked if this one spread sheet included a leave time balance for each employee. Chief Catalano stated that it did. Chief Glover stated that the auditors had an issue with their system and had recommended that the Fire Department use the Waste Water payroll and attendance system.

Alderman Hayes stated that she would like to see something that was consistent and centralized. She asked that the department heads give feedback on this and asked that people work together to see what system works best especially with confidential material. Alderman Michales noted that a misuse of recorded time had been noted and that absolutely needs to be monitored and addressed to solve the issue. Alderman Hayes thanked Chief Catalano for being involved.

Alderman Tobin noted two (2) changes on section #3 on page 2. He noted that many recommendations had been pushed back, but he felt there should be set dates established such as for section #5 on page 3. He would like to set clear dates of accomplishment on these so it can be discussed if they do not meet the potential deadline dates.

Mayor Feiszli explained that new accounting and encumbrance software for better budget management had not been budgeted for in 2011. Alderman Tobin noted that recommended dates for reviewing what types of software are out there should be established.

Mayor Feiszli explained that it was difficult to make any type of recommendation. Alderman Tobin thought that a date should be established to bring information forward before the budget process begins for 2012.

IT Director Dave Stat his felt that a Request for Proposal (RFP) needed to be drafted around our needs and then vendors responded with their ability to meet those needs. He noted that a consultant is usually called in to write an RFP. He explained that there had been hope that the State would provide some money to pay for shared services with the County, but the State said that there was not money available for those types of shared services. He noted that he would not be able to write an RFP, that it was better to hire a consultant to review our needs and then they would write the RFP using a boilerplate document amended to fit our needs.

Alderman Tobin inquired as to how long that would take.

IT Director Stathis thought it would take six (6) to eight (8) months to complete that project and it would probably cost about ten thousand (\$10,000) dollars. Deputy Director of Administration and Finance Crompton noted that the Bonadio & Co. had come up with a proposal for an hourly rate to do this and it was like about six thousand

(\$6,000). IT Director Stathis explained what had been done last year in their attempts to find a system.

Alderman Tobin would like to set a timeline for this process and asked that a goal date of the first Council meeting in April be established to discuss looking for a consultant to establish an RFP and to come up with a recommendation to the Council on a new and more efficient software system by November 1, 2011.

Mayor Feiszli made note of these dates on the copy of the Corrective Action Plan.

8:10 PM– Corporation Counsel Patrick Perfetti arrived.

Alderman Hayes asked that the Finance Committee review this as well.

IT Director Stathis stated that the ideal time to convert to a new system is at the beginning of the calendar year. After some discussion with Mr. Stathis, Alderman Tobin felt that it was reasonable to establish January 1, 2013 as a goal date for implementation with the potential for testing of June, 2012 provided that there was adequate funding available.

8:15 PM – Alderman Hayes excused herself.

There was discussion regarding past efforts to share IT services with the County. It was noted that there were no significant current savings found, but the idea of shared services with the County would be revisited in the future as things change.

Alderman Ferrer started a discussion regarding the expanded use of fiber optic connections and the use of a shared server should also be looked into.

After changes in dates had been established and made, Mayor Feiszli asked for a resolution to accept the Mayor's revised draft Corrective Action Plan with the inclusion of Alderman Tobin's recommendations.

RESOLUTION #60 OF 2011 – Resolution to accept the Mayor's revised draft Corrective Action Plan with noted inclusions from Alderman Tobin.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

Resolution #60 Accepted by Mayor ____ Vetoed by Mayor _____

RESOLUTION #61 OF 2011 – **To Table** - Resolution to lift the hiring freeze to hire a paralegal for the Law Department. (Alderman Michales)

Alderman Michales explained that he brought this resolution forward to try to alleviate the backlog in the Corporation Counsel's Office as well as to assist Counsel and future administrations during periods of transition. He provided a job description and read the various job duties and qualifications needed to fill this full time position. He noted that he felt this would be a cost savings to the City compared with what had been spent in the past year in the Law Department.

Corporation Counsel Patrick Perfetti was prepared to answer questions, but he had also put some numbers together regarding costs. He noted that paralegals were useful in certain focused areas in a law office, but noted that a City Corporation Counsel Office did not have a focused area of practice, such as bankruptcy, etc. He explained some of the types of things that were handled in the City Counsel Office and, in his opinion; a candidate couldn't be found with all of those skill sets in all areas of law. He explained that labor law is the biggest cost in this office, noting that eighty thousand (\$80,000) was spent on outsourcing that last year. He explained that the assistant attorney he currently had in that office has been working quite effectively in that area. He noted that if she were not there, those items would have to be outsourced. He noted that litigation was also a big part of that office and was estimated that if that were outsourced it would be about forty-two thousand (\$42,000) dollars and some of those matters might not be resolved within a year. He noted some other lesser items that would have to be outsourced if the assistant attorney were not a part of the City law office.

Corporation Counsel Perfetti explained that progress is being made in the backlog of work in his office. He explained that he is also limited by what he can assign to the current aide attorney because she's on a limited contract. He noted that she is working for fifty (\$50) dollars an hour. He stated that he would like to make this a more permanent situation and if she's approved he will assign more complex legal matters to her. He would like to continue to making progress with the workload.

Alderman Michales asked him if he preferred to have an attorney to perform certain duties.

Corporation Counsel Perfetti explained that if he had a paralegal instead of an attorney, by law, he must review all items prepared by the paralegal before they left the office. He also stated that a paralegal couldn't render an opinion. He further explained that in the past there had been an assistant Corporation Counsel for the City, but when the City stopped doing misdemeanor prosecutions and there were budget constraints that position had been done away with.

Alderman Ferguson asked for a salary and fringe benefit cost comparison between hiring a full time paralegal and a part time lawyer. Alderman Ferguson noted that she had done some research and she found that a full time paralegal could cost as much as the part time lawyer we currently have.

Corporation Counsel Perfetti noted that he currently had an assistant attorney who is willing to work for fifty (\$50) dollars an hour. He explained that she was well versed in all office issues and she is familiar with the department heads. He further explained she was able to render from four (4) to eight (8) legal opinions per week. He noted that they

worked well together and that the current situation is a benefit to both he and the City. He didn't think that a paralegal was what the City needed. He explained that if he had come into the office without a backlog and if there had been a different situation, he would look at something else.

Alderman Ferguson asked for a comparison between a paralegal and a law clerk.

Corporation Counsel Perfetti stated that a paralegal was a highly trained and skilled legal secretary that could pass a legal exam for certification with a required internship. He explained that a law clerk is usually a court attorney, who was bar admitted and who does analysis work for judges that they serve.

Alderman Michales asked if Mr. Perfetti had a paralegal in his private office and if he also had a second attorney. Corporation Counsel Perfetti stated that he had an intern and he and his father worked in a partnership. Alderman Michales felt that a cost analysis should be looked at to determine if there would be savings.

Motion to Discuss:

By: Alderman Michales
Seconded: Alderman Tobin

Motion to Table:

By: Alderman Dye
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

Resolution #61 Accepted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #62 OF 2011 – Resolution to authorize the Mayor to extend the contract with the current Assistant Corporation Counsel for one (1) month.

Corporation Counsel Perfetti explained that ten thousand (\$10,000) dollars had been transferred to his budget, but he wants the authority to spend the remaining five thousand (\$5,000) dollars for the next month.

Alderman Tobin asked what other fees might not be outsourced by the hiring of the assistant for another month.

Corporation Counsel Perfetti indicated that labor attorneys, Coughlin & Gerhart, had been paid about eight thousand (\$8,000) dollars for January and February. He noted that if some changes could be made to his office to make things more permanent, he could start pulling more things from Coughlin & Gerhart back into his office. He's reticent to do that right now because he might have to outsource them again with the current situation. He noted that he could bring back sixty-five thousand (\$65,000)

dollars worth of labor issues immediately if this resolution is passed. He noted that he worked seventy-eight (78) hours in the past month and not every little service performed was marked down.

Alderman Tobin asked to see a monthly update report for the Legal Office.

Corporation Counsel Perfetti stated that he would be doing a monthly report and that will be on cycle next month.

Mayor Feiszli stated that both Corporation Counsel and Assistant Corporation Counsel kept very detailed time sheets and copies of these would be given to the Council.

Alderman Tobin wanted to see what was being performed before he voted to approve this.

Mayor Feiszli also noted that Corporation Counsel Perfetti has offered to take a ten thousand (\$10,000) dollar cut in salary from the previous Corporation Counsel's salary in order to accommodate this request for an assistant. He further noted that he does not participate in the City's healthcare benefit program.

By: Alderman Craig
Seconded: Alderman Ferrer

Approved: Ayes – 5
Nays – 1 (Tobin)

Resolution #62 Accepted by Mayor _____ Vetoed by Mayor _____

The request for an Executive Session was withdrawn by Alderman Ferrer.

Adjournment

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

Hearing no further business, Mayor Feiszli adjourned the meeting at 9:00 PM.

I, CHERYL A. MASSMANN, DEPUTY 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 MARCH 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.

CHERYL A. MASSMANN, DPTY. CITY CLERK

MAYOR FEISZLI