



City Council Minutes
The City of Cortland
April 5, 2011

Council Meeting #7
April 5, 2011
Regular Session
City Hall
7:00 PM

Present: Mayor Feiszli, Aldermen Craig, Dye, Tobin, 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 seventh Common Council meeting of the year to order at 7:05 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Clay Benedict from Ward 2 announced that Otter Creek was up again and he urged the Council to do something about spring flooding.

Mike Dexter spoke about the hospital expansion plan that did not take place thus leaving a large vacant area being used as a parking lot. He informed the Council that the City Planning Commission had asked the hospital to come up with a comprehensive long range plan. He hasn't seen such a plan, if it exists, but noted that the hospital has torn down another house on West Main Street, directly in back of that parking lot. He pointed out that this was another building that had been taken off of the tax rolls and he wants someone to follow up on this.

RESOLUTION #63 OF 2011 – Approve the minutes of March 15, 2011 as amended.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

Resolution #63 Adopted by Mayor _____ Vetoed by Mayor _____

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Alderman Ferguson brought to the Council's attention that a person had their car damaged by a City vehicle and when they applied for reimbursement for the damages, they were denied and she did not find that acceptable.

Alderman Michales asked that the Council consider an exotic pet permit for chickens for 25 Cowance Street.

Alderman Craig has received many calls regarding potholes. Each time he has contacted the DPW they have been taken care of and he appreciated their efforts.

Alderman Tobin asked that the status of Director of Administration and Finance position be added tonight's agenda. He is concerned that the position is still vacant and he would like to have a public discussion regarding the progress made and anticipated timeline for filling the position. Corporation Counsel Perfetti advised against placing this item on the agenda and feels that it is more appropriate for executive session. Mayor Feiszli agreed to provide an update when the Council goes in to executive session this evening. Alderman Tobin felt that the status should be discussed in public.

Corporation Counsel Perfetti noted that in order to protect a potential candidate coming under consideration the executive session was needed. Alderman Ferguson noted that she saw no harm in discussing the process without mentioning a candidate's name. Corporation Counsel Perfetti noted that it was the Mayor's appointment and the Council will have the opportunity to vote on it when it is placed before them. Mayor Feiszli noted that she had spoken with all of the Council members and would discuss it further in executive session. Alderman Michales stated that he had not received a call. Mayor Feiszli apologized.

Mayor Feiszli announced that the County Highway Department was having an Amnesty Week from May 23 to the 27th from 8:00 am to 8:30 pm and participating agencies that sign up will be exempt from the tipping fees. She read the list of items that would be accepted. She also announced that Just Energy's door to door solicitation permit has been cancelled. She noted a resignation from Dana Decker from the Zoning Board of Appeals. She directed interested individuals wishing to serve on that board to go to the city website and submit an application.

Mayor Feiszli reported that she met with Rob Avery regarding safety concerns. She also met with Gov. Cuomo's assistant, Dan Young, to discuss the City's issues and stressed the need for grant approval to offset the costs of the berm project to mitigate City flooding. She has spoken with Congressman Hanna, who serves on the Transportation Committee that oversees FEMA and she gave him information about the two (2) grants that the City has applied for to offset the funding for the berm project. She is cautiously optimistic that the funding might go through. She has met with Senator Gillibrand's assistant regarding additional funding opportunities and incentives for green energy and clean technology.

She attended a luncheon in observance of March being Developmental Disabilities Awareness month at ARC. She also attended a meeting with the Youth Bureau, Police Department and Buildings and Grounds regarding the East End Community Center utilizing space at the Armory so their community programs can continue.

She attended the Waste Water Treatment Board meeting to discuss the process for filling the Chief Plant Operator position along with the Cortland County Civil Service Department and the Board Members. They will be moving along with the process in the next two (2) weeks. She also presented the Mayor's State of the City Address at the Cortland Care Center and the event was well attended by the Department Heads, County officials and the public. She thanked Aldermen Ferrer and Dye for attending. The speech was televised on Channel 2. She will be posting a copy on the City website.

Corporation Counsel Perfetti addressed the point regarding the City's non-payment of the automobile damages brought up by Alderman Ferguson. He noted that it was brought to his attention by City Insurance Advisor Mr. Place and that damages caused by City workers in the course of performing their work are immune from civil liability due to a recent change in the NYS law. He thinks that the appropriate advice was given and that there is no cause of action. He stated that the person involved will have to rely on their own personal insurance to cover the damage.

Mayor Feiszli read a proclamation recognizing April 2011 as Autism Awareness month, which she presented to Kimberly McRae-Friedman and her husband. Kimberly read a poem she had written about her son who is living with autism. Mayor Feiszli then read another proclamation proclaiming April 2011 as Alcohol Awareness month and presented it to Joan Stivers, Executive Director of the Seven Valleys Council on Alcoholism and Substance Abuse. Joan shared the history of 7VCASA.

AGENDA:

RESOLUTION # 64 OF 2011 – Resolution to approve the Mayor's appointments of Commissioners of Deeds. (Mayor Feiszli)

By: Alderman Michales
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

Resolution #64 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #65 OF 2011 – Resolution to support the Cortland Downtown Partnership's New York Main Street grant application for \$500,000 to support Cortland Repertory Theatre streetscape improvements, residential and commercial projects. (Adam Megivern)

Alderman Michales asked if there was any cost to the City with regards to this grant. Adam Megivern indicated that there was no cost to the City. Mayor Feiszli read the City's letter of support for this grant application. Adam Megivern noted that work would begin this month, but could last as long as two (2) years for the work to be completed.

By: Alderman Tobin

Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Resolution #65 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #66 OF 2011 – Resolution to affirm the City’s commitment to climate protection and sustainability action. (Rob Avery)

Rob Avery introduced intern Megan O’Hara from Cortland State and Connie Sorrells from the City Finance Department who have been doing data entry since the award was received. Alderman Ferrer asked about the cost to the City and what was being matched. Mayor Feiszli noted that there was no cost at this time.

Rob Avery stated that data was being collected from the nine (9) counties selected to participate and that there are a number of steps required for participation, this resolution being one of them. He further explained that this was a matching grant for up to thirty thousand (\$30,000) dollars. Alderman Michales asked when the cost or the savings would be known. Rob Avery explained that was way down the road, but that it was a matching grant and that there would be a matching cost.

By: Alderman Dye
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Resolution #66 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #67 OF 2011 – Resolution to adopt a penalty fee for missed appointments scheduled with Fire Department Code Enforcement and an appeal process to challenge the assessment of such fee. (Corporation Counsel Perfetti)

Alderman Ferguson asked if this was the same resolution proposed a few weeks ago that needed revision. Corporation Counsel Perfetti indicated that it was. He reviewed the clarifications regarding when a fine would be assessed and reviewed the challenge process.

Alderman Tobin asked about a grammatical change in paragraph E. Corporation Counsel Perfetti thought that it had already been fixed in the original document, but will check to ensure it has.

By: Alderman Ferguson
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Resolution #67 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #68 OF 2011 – Resolution in support of Cortland County APCO P 25 Digital Radio Interoperable Emergency Communications System and grant applications. (Chief Glover)

Alderman Tobin asked if the County had determined how this was going to be funded. Chief Glover had not heard anything specific. He stated that the County is seeking grants to offset the cost of the project and that this resolution, if passed, would indicate that the City of Cortland supports the program and supports the County's efforts to offset costs. The more letters of support received by the County, the better their chances are of securing grant money from the Division of Homeland Security.

Alderman Tobin expressed concerns that while this project was not as critical an issue within the City, the City could be negatively impacted if payment is sought through sales tax income. Chief Glover stated that he couldn't address that question because he does not know how the County will fund the bond recently approved. Alderman Tobin suggested that the Council send a letter to the County Legislature indicating that the City is in favor of the project so long as the City is not financially burdened with the cost of funding it. Alderman Michales was also concerned about the cost coming back to City taxpayers.

Chief Catalano explained that this project had already been approved by the County and that it will take place and now the County is asking for our assistance in obtaining grants. He indicated that it was a done deal.

Corporation Counsel Perfetti stated that City was being forced by the Federal Government to switch over to this system and that a letter of support could help lower the expense for all. Alderman Ferguson agreed.

By: Alderman Ferrer
Seconded: Alderman Dye

Approved: Ayes – 6
Nays – 0

Resolution #68 Adopted by Mayor _____ Vetoed by Mayor _____

Item No. 6 - Discussion of recommendation to award bid for the manufacture of a new engine under the FEMA grant received by the Fire Department. (Chief Glover)

Chief Glover shared the Fire Department's recommendation regarding how the two hundred seventy-five thousand (\$275,000) FEMA dollars would best be spent. He reported that the Truck Committee had weighed the benefits of each bid and believes that the Rosenbauer Engine would best meet their needs and should last for twenty (20) years rather than ten (10). However, this purchase would require an additional commitment of about two hundred fourteen thousand (\$214,000) City dollars. Alderman Tobin asked if the older truck could be sold to offset the cost of the new one. Chief Glover stated that it could not because the open cab was deemed unsafe.

Mayor Feiszli felt that the Finance Committee needed more information in order to determine the financial implications of the higher cost and she asked what the deadline was on this. Chief Glover noted that a decision was due sometime in April. Mayor Feiszli asked him for the exact date so that a special meeting could be called to decide what action to take on this before the deadline.

RESOLUTION #69 – To Table – Resolution to adopt Phase 1 of the Chesapeake Bay initiative. (Barton & Loguidice)

Mayor Feiszli told the Council that she did not receive their proposal for engineering design, bid and construction phase until yesterday and both the Council and Corporation Counsel have not had the opportunity to review it. Alderman Michales asked if this should be tabled.

Based on the proposed cost of over seven hundred thousand (\$700,000) dollars, Mayor Feiszli indicated that an RFP may be needed. She noted that the City did RFP for the initial start-up and then the City entered into a contract with Barton & Loguidice for a staffing study and this proposal is the next phase.

The Barton & Loguidice representative indicated that this was an unfunded mandate and the funding is all being channeled through various green technologies grants. He noted that this project was developed with an eye towards maximizing grants potential. He will be meeting with Johnson Controls to leverage additional funding through performance contracting with them. He is willing to meet with the Finance Advisory Committee to see how to best finance these improvements.

Alderman Michales noted that this was a great deal of money. Alderman Dye asked if the fee included all filings that needed to be done for this Phase.

The Barton & Loguidice representative explained the breakout of the seven hundred thousand (\$700,000) dollar cost. He explained that these types of projects could be subject to vendor engineering, where a vendor designed a project using their process. The upfront cost would be very low, but then on the tail end the cost would be quite high. He stated that his company was not recommending any proprietary technology. He noted that the planning sets the foundation for future work, resulting in future savings.

Mayor Feiszli asked what other plants his company had provided engineering services for. The representative explained that the most recent project was a seven million dollar project in Weedsport and half the cost of that project was financed by grants.

Motion to Discuss:

By: Alderman Ferguson
Seconded: Alderman Dye

Motion to Table:

By: Alderman Ferrer
Seconded: Alderman Ferguson

Approved: Ayes – 6
Nays – 0

Resolution #69 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #70 OF 2011 – Request Council approval for budget modification requests.
(Lori Crompton)

By: Alderman Ferrer
Seconded: Alderman Ferguson

Approved: Ayes – 6
Nays – 0

Resolution #70 Adopted by Mayor _____ Vetoed by Mayor _____

Item No. 10 – Discussion regarding repairing City roads. (Chris Bistocchi)

Chris Bistocchi noted it had been a very hard winter and he asked if the money left in the bond issue from 2009 could be spent to repair as many of the City roads as possible. He had prepared a list of the streets that he felt needed the most attention and read them off: Clayton Avenue, East Court Street, Evergreen Street, Delaware Avenue, Helena Avenue, Kinney Lane, Madison Street, Pendleton Street, Raymond Avenue and Union Street. He noted that Union Street had been paved in 2005 and believed it did not hold up as well because it lacks curbing. He also noted that there is no line item in the budget for curbing, but that it is something that needs to be addressed. He reported that some of these streets will need six (6) inch water mains and fire hydrant replacements. He explained that the funding for that will come out of the Water Fund and not the Paving Fund. He does not know if the City will receive CHIPS funding this year. He noted that asphalt prices keep going up and he presented his best cost estimates to the Council.

Alderman Michales asked what the expected life of a City street was. Chris Bistocchi told him at least seven (7) to ten (10) years. Alderman Craig asked him if these streets needed to be done this year. Chris Bistocchi stated that in his opinion, yes. Alderman Tobin asked for a comparison of what was done last year to plans for this year. Chris Bistocchi explained that the need for work to be done to Pendleton Street was due to heavy trucks going to and from Marietta. He also stated that the top coat needs to be put on Main Street this year. He believes that in order to complete all the work needed, all but one hundred thirty-two dollars (\$132) of the bond money will be required.

Agenda Item #11 - Resolution authorizing the Mayor to amend the contract with C&S Engineers to update the September 2009 Remedial Investigation and Remedial Alternative Analysis Report for Noss Industrial Park Environmental Restoration Project for an additional fee not to exceed \$4,650.00. (Corporation Counsel's office).

Mayor Feiszli stated that this resolution would be taken off the evening's agenda and put on the April 19, 2011 Council agenda instead.

RESOLUTION #71 OF 2011 – Resolution to approve an Exotic Pet Permit for 25 Cowance Street for Katherine Payne to keep chickens not to exceed five (5).

Alderman Michales explained that the chickens will be pets and kept in a little coop. They are being raised as a learning experience for the children and would be given to a farm when they got larger. Alderman Ferguson asked how many birds were expected. Alderman Michales stated that he felt that three (3) would be about the maximum. Alderman Ferguson suggested a limit be set at five (5).

By: Alderman Michales
Seconded: Alderman Tobin

Approved: Ayes – 6
Nays – 0

Resolution #71 Adopted by Mayor _____ Vetoed by Mayor _____

Motion to go into executive session to discuss the Police Benevolent Association labor agreement covering the period from 2010 to 2012.

By: Alderman Tobin
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Motion to come out of executive session.

By: Alderman Ferguson
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

RESOLUTION #72 OF 2011 – Resolution to approve the Police Benevolent Association labor agreement covering the period from 2010 to 2012. (Corporation Counsel Perfetti)

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

Resolution #72 Adopted by Mayor _____ Vetoed by Mayor _____

Motion to go into executive session to discuss a personnel issue regarding a particular person and the division of labor for agenda items #13 and #15.

By: Alderman Craig
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Motion to come out of executive session.

By: Alderman Ferrer
Seconded: Alderman Ferguson

Approved: Ayes – 6
Nays – 0

RESOLUTION #73 OF 2011 – Resolution to create an administrative aide position to be assigned to the Fire Department, Code Enforcement Division at \$22,400 and permission to fill the position. (Corporation Counsel's office)

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 5
Nays – 1 (Tobin)

Resolution #73 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #74 OF 2011 – Resolution to reassign the full-time account clerk stenographer position from the Department of Administration and Finance to the City Clerk's office. (Corporation Counsel's office)

By: Alderman Craig
Seconded: Alderman Ferrer

Approved: Ayes – 5
Nays – 1 (Tobin)

Resolution #74 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #75 OF 2011 – Resolution to abolish the Keyboard Specialist position currently assigned to Department of Administration and Finance. (Corporation Counsel's office)

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays - 0

Resolution #75 Adopted by Mayor _____ Vetoed by Mayor _____

Motion to go in to executive session to discuss a personnel issue related to agenda item #7.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

Motion to come out of executive session.

By: Alderman Craig
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

RESOLUTION #76 OF 2011 – Resolution to create the position of Assistant Corporation Counsel and transfer funds from contingency to Law and to fill the position. (Corporation Counsel Perfetti)

Alderman Ferguson asked how much the transfer amount would be. Corporation Counsel Perfetti explained that they would transfer just enough to fund the position. Alderman Michales asked if there was anything else that these funds could be applied to. Corporation Counsel Perfetti explained that the funds would have to go to the position funded by this resolution.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 4
Nays – 2 (Tobin, Michales)

Resolution #76 Adopted by Mayor _____ Vetoed by Mayor _____

Corporation Counsel Perfetti noted that there were items under executive session in the agenda regarding the landlords' lawsuit that no longer needed to be there. He explained that the plaintiffs have submitted their application for a decrease in the bond. The judge set the amount at ten thousand (\$10,000) dollars and the City submitted papers in March for the increase. Now, we await the judge's decision. He noted that at this point, it is his opinion that he is going to bring a motion to compel discovery and he will be preparing those motion papers.

He stated that the other matter regarding potential litigation was discussed at the last meeting and while there has been some additional information coming in, it can wait until the next Council meeting.

Motion to go in to executive session to discuss the status of position of Director of Administration and Finance:

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

Motion to come out of executive session:

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays - 0

Adjournment

By: Alderman Craig
Seconded: Alderman Tobin

Approved: Ayes – 6
Nays – 0

Hearing no further business, Mayor Feiszli adjourned the meeting at 10:53 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 5th DAY OF APRIL 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

MAYOR FEISZLI