



City Council Minutes
The City of Cortland
May 17, 2011

Council Meeting #11
May 17, 2011
Regular Session
City Hall
7:00 PM

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

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

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Liz Golembeski, with Service Employees Local 200 United in Syracuse, would like to incorporate the recently created Administrative Aide position under the Local United contract.

Anne Doyle stated that Ward 2 is going to have a Neighborhood Watch Committee meeting on May 18 at the Parkside Church, 78 Homer Avenue at 6:30 pm. All are welcome to attend.

Mike Dexter from the Landscape and Design Commission reminded everyone that next week is the deadline for the City's Tree Lottery Program. The commission is working with NYSEG for fencing for the Charles Street project. The commission is also involved in making tree selection recommendations for ExpressMart.

AGENDA:

RESOLUTION # 91 OF 2011 – Approve the minutes of May 3, 2011.

The Minutes of May 3, 2011 were approved.

Resolution #91 Adopted by Mayor _____ Vetoed by Mayor _____

The bills were presented. Alderman Quail asked for an explanation of a payment made to Assessor Briggs. Deputy Director of Administration and Finance Lori Crompton reported that his pay was part contractual and part payroll.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Alderman Tobin stated that the Strategic Planning Committee met last week and would like to add discussion of current litigation to the Executive Session. He also distributed four (4) emails from the Strategic Planning Committee dating back to February 25, 2011 regarding informational requests.

Alderman Ferrer asked to have the Cortland County Relay to Life noise permit request for June 17, 2011 added to the agenda.

Corporation Counsel Perfetti provided an update on the landlord lawsuit, stating that the undertaking (bond) has been posted. He explained the process of articulating affirmative defenses early on, which he has done. There are still pending discovery requests. He noted that amending the City's statute was appropriate for discussion in executive session.

Mayor Feiszli read the Muscular Dystrophy Association (MDA) Proclamation declaring May 21, 2011 as the MDA Cortland Professional Fire Fighters Association "Boot Day" drive.

Mayor Feiszli spoke about the upcoming three (3) day Habitat for Humanity Women Build in Cortland for a house on Clinton Avenue. Habitat will also be involved with "A Brush of Kindness" painting and weatherization program. She also thanked the Seven Valley Health Coalition for providing the City with pedestrian crossing signs on Central Avenue near the bus stop and thanked Buildings and Grounds Superintendent Avery for working with National Grid to replace nine (9) existing mercury vapor lights, resulting in annual savings.

She attended a Wellness Committee meeting with our health insurance consultant and the Finance Advisory Committee to update them about two (2) cost saving option for the City. She attended a Municipal Conference called "Savings in Tough Times – Strategies for Local Officials" held by Bond, Shunick and King. In addition, she and City Clerk Smith attended a NYCOM training for new officials. Mayor Feiszli noted that she has contacted the Attorney General's Office and the State Comptroller's Office to come and share information with the council.

Mayor Feiszli stated that Hometown Markets would like to buy the former P & C store at the Riverside Plaza. The FTC is accepting public comments on Top's application until June 6th; interested individuals can contact her office to obtain the FTC address.

Mayor Feiszli announced that ATI will be holding an Art-Ability Expose from July 22 to August 26, 2011. Guidelines are available on the City website. Lastly, Mayor Feiszli noted that she has been receiving concerns regarding the proposed Student Life Center at SUNY Cortland. She has tentatively set-up a public forum for Pearl Street residents and interested parties for Thursday, May 26th at 7:00 p.m. at City Hall. She then asked Jo Schaffer, Vice Chair of the City Planning Commission, to explain the SEQR. Ms. Schaffer stated that they were given an Environmental Assessment Form (EAF) which is not a SEQR, but is a preliminary step towards a SEQR. She explained that scoping would provide the City with a range of reasonable alternative site locations to reduce the risk to the municipal water supply.

RESOLUTION #92 OF 2011 – Resolution to approve the Main Street Music Series Committee to:

- a. Waive the open container alcohol regulation. (Amy Bertini)
- b. Close the Market Place Mall parking lot at 12:00 P.M. until 10:30 P.M. on Fridays from July 15 through August 5, 2011 for the 2011 concert series. (Amy Bertini)

By: Alderman Quail
Seconded: Alderman Tobin

Approved: Ayes – 6
Nays – 0

Resolution #92 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #93 OF 2011 – Consideration of a request from St. Anthony’s to close a portion of Pomeroy Street from Central Avenue on the South to Elm Street on the North end for the annual St. Anthony’s Festival celebration on Sunday, June 12, 2011 from 6:00 A.M. to 9:00 P.M. (Paul Yaman)

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays - 0

Resolution #93 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #94 OF 2011 – Resolution authorizing the Cortland Professional Fire Fighters Union to hold the “Fill the Boot” campaign for the Muscular Dystrophy Association on Saturday, May 21, 2011 at the corner of Tompkins Street and Broadway. (Chief Glover)

Alderman Hayes requested the timeframe. Firefighter Derek Reynolds stated 8:00 A.M. to 4:00 P.M. Mr. Reynolds presented two (2) awards to the Mayor and Common Council: MDA Everyday Hero Award and the Goal Buster Award for raising five thousand three hundred ninety-eight (\$5,398) dollars last year. He shared local need with the Council.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

Resolution #94 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #95 OF 2011 – Resolution to approve tree removal contract. (Interim Director of Administration and Finance Reagan)

By: Alderman Ferrer
Seconded: Alderman Tobin

Approved: Ayes – 6
Nays - 0

Resolution #95 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #96 OF 2011 – Resolution to close Main Street from North Main Street and Arthur Avenue to Huntington Street from 5:00 P.M. to 9:00 P.M. on June 7, 2011 for the Dairy Parade. (Mayor Feiszli noted that there would be no Council meeting on June 7.)

By: Alderman Craig
Seconded: Alderman Quail

Approved: Ayes – 6
Nays - 0

Resolution #96 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #97 OF 2011 – Resolution authorizing the waiving of the permit fee and allowing Relay for Life, Access to Independence, Eastern Star and any other local registered not-for-profit entity to vend at the City's Dairy Parade if all application criteria are met. (Mayor Feiszli noted that no candy cigarettes were to be sold at this event.)

By: Alderman Ferrer
Seconded: Alderman Dye

Approved: Ayes – 6
Nays – 0

Resolution #97 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #98 OF 2011 – Resolution for Council approval of Agreement to provide Administrative Funds between the City of Cortland and Access to Independence of Cortland County, Inc. (Linda Armstrong)

Linda Armstrong explained the Access to Home grant and need for administrative funds.

By: Alderman Craig
Seconded: Alderman Quail

Approved: Ayes – 6
Nays – 0

Resolution #98 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #99 OF 2011 – Resolution authorizing the Mayor to sign and submit the proposed 2011 Community Development Block Grant (CDBG) application and to enter into an agreement with the State should the grant be awarded. (Linda Armstrong)

Linda Armstrong explained that this was a resubmission of a grant that was submitted last year. The proposal removes the financial limitations for homebuyers of income property meeting live-in requirements.

By: Alderman Ferrer
Seconded: Alderman Dye

Approved: Ayes – 6
Nays – 0

Resolution #99 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #100 OF 2011 – Resolution authorizing the Mayor to sign a release/discharge of mortgage for Community Development Homeownership project. (Linda Armstrong)

Linda Armstrong explained that this is a multi-family, home ownership program for low income applicants with no repayment if they stay in the home for ten (10) years. The applicant has met this requirement and sold the house, contingent upon the City releasing the mortgage. Corporation Counsel Perfetti has reviewed this application. Council approval is needed as this amends a contract. There is no financial loss to the City.

By: Alderman Ferrer
Seconded: Alderman Dye

Approved: Ayes – 6
Nays - 0

Resolution #100 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #101 OF 2011 – Authorization for the Mayor to sign Microenterprise “Revised Deferred Payment Loan Agreement”. (Linda Armstrong)

By: Alderman Ferrer
Seconded: Alderman Tobin

Approved: Ayes – 6
Nays – 0

Resolution #101 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #102 OF 2011 – Resolution by which the City of Cortland adopts changes to its New York State and Local Employees’ Retirement System standard work day listing:

Deputy Director of Administration & Finance seven (7) hours, Administration & Finance Assistant seven (7) hours. (Interim Director of Administration & Finance John O. Reagan)

Interim Director of Administration & Finance Reagan explained that these are current positions, based on a standard 35 hour work week.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

Resolution #102 Adopted by Mayor _____ Vetoed by Mayor _____

Item No. 12 – Resolution to hire outside counsel for Wastewater Treatment Plant and Fire Department legal issues. (Corporation Counsel Perfetti)

Motion to Discuss:

By: Alderman Ferrer
Seconded: Alderman Dye

As legal issues were involved, Corporation Counsel Perfetti recommended going into executive session to discuss.

Motion to go into executive session to discuss pending litigation:

By: Alderman Tobin
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Motion to come out of executive session:

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

RESOLUTION #103 OF 2011 – Resolution to transfer funds from contingency to the Law Department in an amount not to exceed ten thousand (\$10,000) dollars, to contract with Hiscock and Barclay, LLC, for Professional Wastewater Operators Association Union contract negotiations and defense of pending IP charges. (Corporation Counsel Perfetti)

By: Alderman Ferrer
Seconded: Alderman Dye

Approved: Ayes – 6
Nays – 0

Resolution #103 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #104 OF 2011 – Resolution to transfer funds from contingency to the Law Department in an amount not to exceed one thousand (\$1,000) dollars, to contract with Hiscock and Barclay, LLC, for Professional Firefighters Association Union contract re-negotiation. (Corporation Counsel Perfetti)

By: Alderman Ferrer
Seconded: Alderman Quail

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

Approved: Ayes – 4
Nays – 2

Resolution #104 Adopted by Mayor _____ Vetoed by Mayor _____

Item No. 13 – Discussion regarding Strategic Planning Committee. (Alderman Tobin)

Alderman Tobin asked to clarify the official status of the Strategic Planning Committee and its future. Alderman Quail stated that the initial structure was informal to encourage wide participation. Corporation Counsel Perfetti noted that the formation of this committee predated his appointment and it has been relayed to him that the committee was formed in response to seeking ways to save resources through dissolution, consolidation, and/or shared services. He would like to see a clearly stated mission statement and defined scope for the committee. Alderman Quail and Alderman Tobin agreed to work together on a proposal. They will send it out before the next Council meeting for review and comment.

RESOLUTION #105 OF 2011 – Request Council approval for several budget modifications. (Lori Crompton)

Alderman Hayes wanted to know how much money would be left in contingency after this evening's decisions. Interim Director of Administration & Finance John O. Reagan stated that he can put information together to address her question.

By: Alderman Craig
Seconded: Alderman Quail

Approved: Ayes – 6
Nays – 0

Resolution #105 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #106 OF 2011 – Resolution to approve a noise permit for the Relay for Life event taking place on June 17, 2011 from 7:00 P.M. to 8:00 A.M. at Davis Field.

By: Alderman Ferrer
Seconded: Alderman Quail

Approved: Ayes – 6
Nays – 0

Resolution #106 Adopted by Mayor _____ Vetoed by Mayor _____

Adjournment

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes - 6
Nays - 0

Hearing no further business, Mayor Feiszli adjourned the meeting at 9:17 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 17th DAY OF MAY 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