



City Council Minutes  
The City of Cortland  
June 13, 2011

Council Meeting #13  
June 13, 2011  
Special Session  
City Hall  
7:00 PM

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

Absent: Alderman Hayes

Staff Present: Interim Director of Administration and Finance John Reagan, City Clerk Shawn C. Smith, Corporation Counsel Patrick Perfetti, and Asst. Corp. Council Meira Hertzberg

Mayor Feiszli called the thirteenth Common Council meeting of the year to order at 7:07 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT I:

Mayor Feiszli opened the floor to general public comment, stating that those here to speak on #5 Monroe Heights could do so after executive session. There were no general public comments.

**RESOLUTION #107** OF 2011 – **To Table** - Resolution for Council approval of transfer of funds from Water Fund Contingency to various line items. (John Reagan)

Director of Admin. & Finance Reagan stated that there were about \$30,000 worth of bills to be paid. He would like to move this resolution and agenda item #3 to the next meeting's agenda to discuss the best use of available funds.

*Motion to Discuss:*

By: Alderman Ferrer  
Seconded: Alderman Craig

*Motion to Table:*

By: Alderman Craig  
Seconded: Alderman Ferrer

Approved: Ayes – 7  
Nays – 0

Resolution #107 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

**RESOLUTION #108** OF 2011 – Resolution authorizing the Mayor to sign the agreement with Transportation Improvement Program (TIP) for Bridge Rehabilitation. (Chris Bistocchi)

Chris Bistocchi summarized the opportunity to draw down federal dollars to help off-set the cost of improvements to four (4) bridges with the lowest ratings.

By: Alderman Dye  
Seconded: Alderman Ferrer

Approved: Ayes – 7  
Nays – 0

Resolution #108 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

**RESOLUTION #109** OF 2011 – Resolution for Council approval to hire Labor Counsel Alan Peterman to conduct a review of each existing labor contract (CSEA, SEIU, PBA, and Crossing Guards) in an amount up to \$500.00 per contract (total not to exceed \$2,000.00). (Corporation Counsel)

Discussion regarding the benefit of doing upfront work by reviewing the contracts now was facilitated by Corp. Counsel Perfetti. Alderman Ferguson brought up the timing issue, Alderman Tobin asked about the need to review all four contracts, and Alderman Michales asked about the choice of Labor Counsel. Corp. Counsel Perfetti explained his rationale for the timing and choice of representation, noting the experience and professionalism of recommended Labor Counsel. The council as a whole agreed with the need to review all four contracts.

By: Alderman Ferrer  
Seconded: Alderman Craig

Approved: Ayes – 7  
Nays – 0

Resolution #109 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

Item No. 5 - Discussion regarding change to legal research capability of law department.  
(Corporation Counsel)

Corporation Counsel Perfetti explained how the city could save money by investing in an online legal research program known as Westlaw. The cost would be \$224 per month vs. the \$10,000 per year cost of maintaining hard bound law books. At the Council's desire, Corporation Counsel Perfetti proposed that the Law Dept. draft a resolution to create a line item in the budget for the cost of the monthly subscription. The Council was in favor of this.

**EXECUTIVE SESSION:**

**Motion to go into executive session to discuss the following:**

- (1) Department Head compensation
- (2) Waste Water Treatment Plant reorganization
- (3) Reorganization of Public Safety & the Fire Department
- (4) A mistakenly issued Building Permit resulting in a Stop Work Order

By: Alderman Quail  
Seconded: Alderman Craig

Approved: Ayes – 7  
Nays – 0

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

By: Alderman Ferrer  
Seconded: Alderman Quail

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #110** OF 2011 – Resolution to authorize Law Department and Interim Director of Administration & Finance to offer City Department Heads to opportunity to discuss individually their compensation. (Corporation Counsel)

By: Alderman Ferrer  
Seconded: Alderman Craig

Approved: Ayes – 7  
Nays – 0

Resolution #110 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

**RESOLUTION #111** OF 2011 – Resolution to approve reorganization of the Wastewater Department to include twelve (12) positions: a Chief Operator, a Senior Keyboard Specialist, a Deputy Chief Operator, two (2) Operator II, four (4) Operator I/Trainee, one (1) Laborer, and two (2) Maintenance Mechanics. (Asst. Corp. Counsel)

By: Alderman Craig  
Seconded: Alderman Ferrer

Approved: Ayes – 7  
Nays – 0

Resolution #111 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

**RESOLUTION #112** OF 2011 – Resolution to approve pay rates for the Wastewater Department: Deputy Chief Operator at \$24/hour, Maintenance Chief Operator at \$20/hour, Operator II at \$18.87/hour, Operator I/Trainee at \$16.75/hour, Laborer at \$15.62/hour. (Asst. Corp. Counsel)

By: Alderman Craig  
Seconded: Alderman Ferrer

Approved: Ayes – 7  
Nays – 0

Resolution #112 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

**RESOLUTION #113** OF 2011 – Resolution to lift the hiring freeze and authorize appointment and promotion of Phil Opera and Jim McCracken from Laborer to Operator I. (Asst. Corp. Counsel)

By: Alderman Ferrer  
Seconded: Alderman Quail

Approved: Ayes – 7  
Nays – 0

Resolution #113 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

**RESOLUTION #114** OF 2011 – Resolution to void Ab Initio the improper promotions and pay raises of Tom McCall from Operator II to Maintenance Mechanic; Edward Poole from Operator I to Operator II; and Brian McCall from Laborer to Operator I. (Asst. Corp. Counsel)

By: Alderman Ferrer  
Seconded: Alderman Craig

Approved: Ayes – 7  
Nays – 0

Resolution #114 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

**RESOLUTION #115** OF 2011 – Resolution to lift hiring freeze and authorize appointment and promotion of Edward Poole from Operator I to Operator II. (Asst. Corp. Counsel)

By: Alderman Ferrer  
Seconded: Alderman Craig

Approved: Ayes – 7  
Nays – 0

Resolution #115 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

**RESOLUTION #116** OF 2011 – Resolution to lift hiring freeze and authorize appointment and promotion of Brian McCall to Operator I. (Asst. Corp. Counsel)

By: Alderman Ferrer  
Seconded: Alderman Dye

Approved: Ayes – 7  
Nays – 0

Resolution #116 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

**RESOLUTION #117** OF 2011 – Resolution to lift hiring freeze and authorize appointment and promotion of Tom McCall to Operator II. (Asst. Corp. Counsel)

By: Alderman Craig  
Seconded: Alderman Ferguson

Approved: Ayes – 7  
Nays – 0

Resolution #117 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

**RESOLUTION #118** OF 2011 – Resolution to lift hiring freeze and authorize the hiring of one (1) Operator I, and two (2) Maintenance Mechanics and one (1) Deputy Chief Operator. (Asst. Corp. Counsel)

By: Alderman Ferrer  
Seconded: Alderman Dye

Approved: Ayes – 7  
Nays – 0

Resolution #118 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

**RESOLUTION #119** OF 2011 – Resolution to authorize the Law Department to look at the reorganization of Public Safety and the Fire Department. (Alderman Quail)

By: Alderman Quail  
Seconded: Alderman Craig

Approved: Ayes – 7  
Nays – 0

Resolution #119 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

PUBLIC COMMENT II:

At the request of Mayor Feiszli, Corporation Counsel Perfetti provided the history of how a building permit was issued in error for 5 Monroe Heights. Those wishing to speak were invited to do so. Atty. Fran Casullo, representing the LLC, owner of #5 Monroe Heights, asked for an executive session due to threatened litigation. The Mayor called the question.

**Motion to go into executive session #2:**

To discuss threatened litigation.

By: Alderman Quail  
Seconded: Alderman Michales

Approved: Ayes – 6  
Nays – 1 (Opposed – Alderman Craig)

**Motion to come out of executive session #2:**

By: Alderman Ferrer  
Seconded: Alderman Craig

Approved: Ayes – 7  
Nays – 0

Corporation Council stated that the discussion was limited to personnel issues only and public comment would now resume.

**PUBLIC COMMENT II (continued)**

Jamie & Tim Sweeden of Homer, NY; Victoria Shaffer of Cortland, NY; and Jo Anne Duklow deferred their time to John Delvecchio.

Mr. Delvecchio stated that he owns #3 Monroe Heights, the property next door to #5 Monroe Heights. He further stated that he and the current property owner of #5 Monroe Heights bought the property together in the late 1970's as a single family home, fully knowing that there were "three unrelated" restrictions, and sold his share to the current owner in the 1980's. Nonetheless, they originally put eight (8) students in the house. Therefore, the existing non-conforming use was knowingly illegal since 1978.

Once Mr. Delvecchio discovered that a building permit was issued, allowing for expansion, he informed city employees that he was prepared to file an Article 78. He submitted photographs of the work completed so far, pointing out bare studs in the front house. He stated that he and other landlords are here because they want fair treatment. He further maintained that in addition to a building permit, a demolition permit should also have been obtained. Mr. Delvecchio yielded his remaining time to Gerry Ruggiaro.

Mr. Ruggiaro stated that he wants to see every landlord treated equally. He claims to have evidence that this has not been the case. Mr. Ruggiaro then yielded his time to Mr. Casullo.

Fran Casullo expressed disappointment that this has become personal. It was his understanding that he was here to discuss the "Stop Work Order". He informed the Council that once the Stop Work Order had been received, the property owner applied for a variance. He stated that the property owner has willingly come before the Zoning Board of Appeals on a number of occasions.

Chris Calabro, owner of the property in question, spoke next. He informed the Council that he met with Mr. Weber and was told that a variance was not needed. His planned expansion is 3 feet by 9 feet. He currently has nine students in the house and does not plan to add more. He is requesting a Stay of the Stop Work Order so that he can get the work completed before the students return and if the Zoning Board says he is not in compliance, he will take down the addition.

Mr. Delvecchio, Jr. spoke next, also apologizing for the personal stuff. He informed the Council that he will file for injunctive relief if the Council allows the work on #5 Monroe Heights to continue.

**Motion to go into executive session #3:**

To discuss the Stop Work Order.

By: Alderman Craig  
Seconded: Alderman Michaels

Approved: Ayes – 7  
Nays – 0

**Motion to come out of executive session #3:**

By: Alderman Craig  
Seconded: Alderman Ferrer

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #120** OF 2011 – Resolution to Stay the Stop Work Order with the condition that appropriate variances are obtained and if denied, property owner will remove work completed. (Corporation Counsel) Note: a vote in the affirmative will lift Stop Work Order.

By: Alderman Craig  
Seconded: Alderman Quail

Approved: Ayes – 0  
Nays – 6  
Abstain – 1 (Alderman Tobin)

Resolution #120 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

**Motion to go into executive session #4:**

To bring forth local laws that would impact zoning and SEQR for the proposed SUNY Cortland project. (Asst. Corporation Counsel)

By: Alderman Quail  
Seconded: Alderman Ferrer

Approved: Ayes – 7  
Nays – 0

**Motion to come out of executive session #4:**

By: Alderman Quail  
Seconded: Alderman Ferrer

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #121** OF 2011 – Resolution to direct Corporation Counsel to prepare local laws for wellhead and aquifer protection and Chapter 300 amendments, as directed by Council. (Asst. Corporation Counsel)

By: Alderman Quail  
Seconded: Alderman Ferrer

Approved: Ayes – 7  
Nays – 0

Resolution #121 Adopted by Mayor \_\_\_\_\_ Vetoed by Mayor \_\_\_\_\_

**Adjournment**

By: Alderman Craig  
Seconded: Alderman Ferrer

Approved: Ayes – 7  
Nays – 0

Hearing no further business, Mayor Feiszli adjourned the meeting at 10:57 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 13th DAY OF JUNE 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.**

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**SHAWN C. SMITH, CITY CLERK**

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**MAYOR FEISZLI**