



City Council Minutes
The City of Cortland
July 5, 2011

Council Meeting #15
July 5, 2011
Regular Session
City Hall
7:00 PM

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

Absent: Alderman Hayes, Alderman Quail

Staff Present: Director of Administration and Finance John Reagan, Corporation Counsel Perfetti, Asst. Corporation Counsel Hertzberg, Deputy City Clerk Cheryl Massmann and City Clerk Judith Chamberlin

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Mayor Feiszli stated that five (5) signed in speakers had deferred their time to Gerry Ruggiero. Mr. Ruggiero acknowledged this.

Mr. Ruggiero stated that he felt that there was a misunderstanding as to the definitions of "CZO" and "Grandfathering". He explained that you cannot grandfather more than three (3) students in a single house after the "three (3) student" law was passed on June 6, 1978 not 1988. He noted that if more than three (3) students are allowed, then it is a non-conforming use and this is a zoning issue. He further explained that to be "Grandfathered" to have more than three (3) students, the dwelling had to have been student housing prior to 1978, stressing that the "Grandfathering" date cannot be chosen to be after 1978. He asked that the City and Council examine all "CZO"s issued after June 6, 1978. He showed a listing that he had compiled of houses that were student housing in 1978.

Mr. Ruggiero read and paraphrased an article from the Dryden Chronicle by Mike Holland which, he felt, supported his claim of preferential treatment of some landlords.

Mr. Ruggiero spoke of the Rental Housing Committee purpose. He noted that one of the committee's purposes was that they felt that some dwelling units were inadequate in size, overcrowded and dangerous causing deterioration in housing stock. He cited an email from Alderman Tobin which in part stated that there were two (2) concerns as to

why they wanted to get away from the square footage approach for student housing. The first one was that landlords cannot add onto properties to increase square footage. Mr. Ruggiero assumed that was probably without the proper variances or permits. The second thing that Alderman Tobin said was that there were currently rental properties in the City that do not offer a lot of square footage and might fall under an acceptable minimum. This was viewed as a positive for those landlords because it decreased the potential for parties. He gave some examples of properties to support his view.

Mr. Ruggiero stated that he would like to discuss some issues with the Ethics Committee. He believes he has grounds for ethics charges against Council members and called on the City to convene this committee to sit down with him.

Mr. Ruggiero discussed the development of the student housing assessment list that he had presented to the Council.

Mr. Ruggiero quoted from Section 1983 of Title 42 of the U. S. Code. He felt that the 14th Amendment of the United States Constitution had also been violated. He went on to list various instances he felt were evidence of this. He talked about two (2) lawsuits noting that the first is already started and the second is asking for no settlement, just a ruling on Section 1983.

Alderman Michales asked why Ruggiero was allowed to go past the allotted three (3) minutes. Corporation Counsel Perfetti explained that five (5) speakers who had signed up for Public Comment had yielded their time slots to Mr. Ruggiero.

Attorney Fran Casullo stated that he represented Chris Calabro and that he waived his time. He did not speak.

Landlord, Mrs. Desai, spoke and questioned if and when the “Complaint Fee Law” was passed and if landlords had been informed. She stated that she had received two (2) bills from the Code Enforcement Office totaling five hundred fifty (\$550) dollars citing this section of the City Code. She went into some detail leading up to the receipt of these bills.

Corporation Counsel Perfetti interrupted and cautioned her that he believed the proper forum for this issue was with the City Court, not the Common Council. He asked that she call his office as City Counsel and he would be glad to help her with the process and hopefully to a resolution of the issue.

RESOLUTION #136 OF 2011 – Approve the minutes of June 21, 2011.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

Resolution #136 Adopted by Mayor _____ Vetoed by Mayor _____

Bills

Bills were received and filed.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Alderman Ferguson reported that the Ward 7 and Ward 8 meeting scheduled for July 8, 2011 has been cancelled. She hoped to reschedule for a later date.

Alderman Michales reported that the Exotic Pet Committee has received three (3) exotic pet applications. If the house inspection is complete, this will be an agenda item for the July 19, 2011 Council meeting.

Alderman Michales asked for the placement of a street light on Fox Hollow Road on National Grid pole #12. He gave background on the request. Mayor Feiszli asked that he contact Public Safety Commission to review this request and to contact Corporation Counsel Perfetti and provide a cost breakout for this.

Alderman Michales continues to recognize returning servicemen and as such, recognized Army Ranger Chris who has just returned from a tour of duty in Afghanistan.

Mayor Feiszli noted that she spoke at the SUNY Cortland freshman and transfer student welcome orientation. She stressed in her speech the good neighbor policy. She will work with Anne Doyle to coordinate a Welcome Student event for all new and transfer students. She was advised that there were sixteen thousand (16,000) applications received and only fifteen hundred (1,500) had been accepted, so we have a great bunch coming in.

Mayor Feiszli thanked the Landscape and Design Commission for working with National Grid and doing such a great job with the landscaping at the Charles Street property. Together, they were able to raise twenty-five thousand (\$25,000) dollars through grants and donations for the project. She is proud of this Committee and what they've done for their community.

Mayor Feiszli reported that she had attended a meeting to recognize World Elder Abuse Day held at the Access to Independence Building. A presentation was given by Nancy Robillard of First Niagara Bank about banking scams being run on elderly people in our area. The Red Cross did a presentation at the Neighborhood Watch group about natural or man-made disaster response.

Mayor Feiszli gave an update on the New York Multi-Jurisdictional Hazard Mitigation Plan for the County which must be adopted before the City can receive the funds for flood mitigation. This will be on the next Council agenda. FEMA has assured the City that getting the grant money for this project looks good.

Mayor Feiszli reported that the City is also working with Marietta Corp. on how they can process their water so that the City Waste Water plant can accept their waste water for

further processing, thereby generating additional revenue for the City. Marietta is now sending their waste water elsewhere at great cost.

Mayor Feiszli also met with the Mayor of Homer regarding an inter-municipal agreement for the City to provide fire inspections for the Village of Homer and she would like this to come before the Council at their next meeting.

Pink Sheet Sign Off

Pink Sheets were signed off on.

AGENDA:

RESOLUTION #137 OF 2010 – Consideration of the confirmation of the Mayor’s appointment of Judith Chamberlin to the position of City Clerk for the City of Cortland, New York, effective July 5, 2011.

By: Alderman Michales
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Resolution #137 Adopted by Mayor _____ Vetoed by Mayor _____

City Clerk Judith Chamberlin was sworn in by the Mayor and Deputy City Clerk Massmann.

RESOLUTION #138 OF 2010 – Consideration of the confirmation of Judith Chamberlin as Deputy Local Registrar of Vital Statistics for the term July 5, 2011 to December 31, 2012.

Deputy City Clerk Massmann explained that this was to fill a two (2) year term of appointment.

By: Alderman Ferrer
Seconded: Alderman Michales

Approved: Ayes – 6
Nays – 0

Resolution #138 Adopted by Mayor _____ Vetoed by Mayor _____

Deputy City Clerk Massmann was excused at 7:45 PM.

RESOLUTION #139 OF 2011 – Resolution to approve Application for Sound Device Permit on Bellevue Avenue July 9, 2011, Bellevue Alliance Church. (Alderman Craig)

Alderman Craig noted that the time of the event was to be from 10:00 a.m. to 10:00 p.m. Alderman Tobin asked Chief Catalano if he was aware of the time frame. Chief Catalano stated that he was fine with it.

By: Alderman Craig
Seconded: Alderman Tobin

Approved: Ayes – 6
Nays – 0

Resolution #139 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #140 OF 2011 – Resolution to adopt a Tobacco-Free Policy on City-owned park land, park facilities, open space or joint City/school district properties. (Mayor Susan Feiszli)

Alderman Ferrer asked how this was to be enforced.

Corporation Counsel Perfetti explained that this was not a local law, but a policy. Therefore, it was not a matter of enforcement, but more an issue of education. The person in charge of the area where the violation occurs can explain the policy to the offender and request that they comply. He stressed that this is a Tobacco Free policy, not just a smoking policy; this also includes all types of tobacco products including chewing tobacco.

Youth Bureau Director John McNerney requested a start date for the policy. It was discussed and August 1, 2011 was decided upon. Signs will be put up in all appropriate areas.

Alderman Dye stated that notices will be sent to all vendors at the Pumpkin Fest regarding this policy. Notice will also be sent to vendors at all other scheduled events on City property.

By: Alderman Ferguson
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Resolution #140 Adopted by Mayor _____ Vetoed by Mayor _____

Item No. 5 - Council approval to move forward to educate City employees regarding a Health Savings Account (H.S.A.) (Mayor Susan Feiszli)

Mayor Feiszli noted that this is to educate City employees on a Healthcare Saving Plan. She noted that the goal is to have employees educated by 2012 when the new contracts for health care come due and the City can look at switching over to an HSA.

Interim Director of Finance and Administration Reagan advised that this will be an ongoing education process to inform employees of the cost savings to them.

Mayor Feiszli stated that there is no cost to the City for this education.

Alderman Michales noted that this was only to authorize them to come in to provide education to employees about the option and not to switch over at this time.

The Council approved.

RESOLUTION #141 OF 2011 – Resolution to approve contracts with Alliance Energy Solutions for the Wastewater Treatment Facility and National Grid for the Armory, DPW offices, Police Garage/Youth Bureau, and DPW Garage for lighting retro fitting under the Energy Savings Plans. (Rob Avery)

Corporation Counsel Perfetti explained the process as he has reviewed the contacts. He noted that it was a good plan and a savings to the City.

Alderman Michales questioned why we did not get the 15% discount off the top. Interim Director of Administration and Finance Reagan noted that there were several options for payment. He said that it is a cash flow issue and the cost should be spread out over time due to not knowing how the 2% property tax cap will affect the budget. Corporation Counsel Perfetti explained the reason for two (2) vendors; noting that Alliance would do the waste water plant and National Grid would do the smaller projects.

By: Alderman Dye
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Resolution #141 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #142 OF 2011 – Resolution to approve Budget Amendments in the Police Department to recognize proceeds from auction of old vehicle.

Alderman Michales wanted to know where the money will be applied. Interim Director of Administration and Finance Reagan said it would be recognized as a revenue line item.

By: Alderman Ferrer
Seconded: Alderman Dye

Approved: Ayes – 6
Nays – 0

Resolution #142 Adopted by Mayor _____ Vetoed by Mayor _____

Item #8 – Discussion regarding the make up of the Strategic Planning Committee and its goals. (Alderman Tobin)

Alderman Tobin noted that he had discussed this with Alderman Quail and they agreed to change the wording to take out the word “dissolution” until they can better decide, after all suggestions and ideas are presented, as to where to go with layers of government. He distributed information and asked that it be placed on the next agenda.

Item #9 – Discussion regarding current employee handbook update. (Alderman Tobin)

Mayor Feiszli stated that she will meet with the Personnel Committee on July 12.

Alderman Michales asked if there was a current policy for termination of non-union employees.

Corporation Counsel Perfetti responded that with the absence of a handbook, there is no published policy. He further noted that even when there is a handbook in place, it will need to be revised periodically as things such as technology change. Alderman Michales said corporations abide by policy in handbooks, so this is a good thing.

Item #10 – Update on the Beaudry Park Building project.

John McNerney gave an update. They rejected two (2) bids that were too high. The Mayor did some work on this and found we can act as our own general contractor as former Corporation Counsel Walsh had agreed. Current Corporation Counsel Perfetti concurs with Mr. Walsh. Mr. McNerney stated he has met with Morton Building and Fingerlakes Construction. A turnkey building is what he is looking to have built. He met on June 7 with Interim Director of Administration and Finance John Reagan, Deputy Director of Administration and Finance Lori Compton and DPW Department Head Chris Bistocchi to discuss of their options. The group decided as the best approach was to get together with representatives from Morton Building and Fingerlakes Construction to look at a pole barn structure and to get some cost estimates. Chris Bistocchi put together some basic specs for a sixty-two (62) foot by forty-two (42) foot structure with clear span trusses on a poured slab with steel roofing material and windows and doors. They used the same floor plan as designed by Engineer Ken Teter. This also has electrical, plumbing and mechanical works, insulation and sheetrock and finishing touches.

Alderman Dye noted that a modular home could be erected to spec on a foundation for less than \$90,000.00 and was Mr. McNerney aware of this. Mr. McNerney stated he had not looked into that as yet. It was noted that they have three (3) years to complete this project or the funding would be lost.

Item #11 - Resolution authorizing the Mayor to sign a contract extension with DEC to continue participation in Environmental Remediation Program for Noss Park.

Alderman Michales stated this is an ongoing process. Asst. Corporation Counsel Hertzberg agrees. Asst. Corporation Counsel Hertzberg stated that the ERP contract was started in 2005 or 2006 and expired 3/2011. This is important to continue as it gives the City indemnity from any claims of contamination from the Rosen site or others where the City does not own the property. The contract extension protects the City, but there is a price tag attached relating not to the contract itself, but in fulfilling the requirements of the contract on work that needs to be done. There is missing data from the final report so it could not be finished, i.e.; soil samples. Counsel Hertzberg said there needed to be a second resolution added allowing the Mayor to sign on all matters with the ERP. The DEC requires the Mayor to be able to sign and act on behalf of the City. Alderman Michales asked if there is a date to date. Counsel Hertzberg responded yes, 2013. Alderman Tobin wanted to know the cost associated with this. Asst. Corp. Counsel Hertzberg said they didn't know the cost yet. Turbidity samples were quoted at \$4,300.00 plus, but that did not include all costs. The DEC requires a complete round of testing, which all cost.

Alderman Michales stated that Buckbee Mears had testing and suggested we find out who did that work. Corporation Counsel Perfetti stated Counsel Hertzberg is working on the legal issues, not safety concerns. Alderman Craig reiterated that there was no cost for the contract extension, just cost of work plan.

Mayor Feiszli suggested the vote by held off until after executive session where this could be more fully explained to Council members.

Motion to Discuss:

By: Alderman Ferrer
Seconded: Alderman Craig

RESOLUTION #143 OF 2011 – Resolution authorizing the Police Department to transfer rifles to the McGraw Sportsman's Club.

Counsel Hertzberg stated the six (6) twenty-two caliber rifles were found in the school from when the school had a rifle team. The school gave the rifles to the Police Dept.

Corporation Counsel Perfetti stated there were no safety concerns as the Police Dept. performed tests to insure the safety of the rifles but the City still needs an indemnity waiver. Deputy Police Chief Sandy assured that all the rifles had been cleaned and tested.

Alderman Ferguson wanted assurance that the City would not be responsible if anything went wrong. Corporation Counsel Perfetti stated a "hold harmless" clause would be added to assure this. Alderman Tobin wanted to know if this was just a transfer of ownership. Corporation Counsel Perfetti stated that we can ask for payment of \$1.00 and then waive that payment.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

Resolution #143 Adopted by Mayor _____ Vetoed by Mayor _____

Executive Session:

1. Discussion of Personnel matters
2. Discussion of environmental remediation contract extension

Motion to go into:

By: Alderman Ferrer
Seconded: Alderman Craig

Motion to come out of:

By: Alderman Ferrer
Seconded: Alderman Craig

RESOLUTION #144 OF 2011 – Resolution to authorizing the Mayor to sign a contract extension with DEC to continue participation in Environmental Remediation Program for Noss Park.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

Resolution #144 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #145 – Resolution authorizing the Mayor to act on behalf of the City in all matters relating to the ERP application submitted for funding for Noss Park Environmental Clean Up Project extending Resolution #17 adopted on February 7, 2006 and Resolution #110 adopted on September 15, 2009 providing for the same.

By: Alderman Craig
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays - 0

Resolution #145 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #146 OF 2011 – Resolution authorizing the Mayor to sign a State assisted contract amendment #2 with the DEC allowing for continued participation in the ERP Program.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

Resolution #146 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #147 OF 2011 – Resolution to lift the hiring freeze to hire a temporary confidential secretary for the Law Department current salary prorated at twenty-five thousand dollars (\$25,000) annually until a permanent hire.

By: Alderman Ferrer
Seconded: Alderman Dye

Approved: Ayes – 6
Nays – 0

Resolution #147 Adopted by Mayor _____ Vetoed by Mayor _____

Adjournment

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

I, JUDITH CHAMBERLIN, 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 JULY 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.

JUDITH CHAMBERLIN, CITY CLERK

MAYOR FEISZLI