



City Council Minutes
The City of Cortland
July 19, 2011

Council Meeting #16
July 19, 2011
Regular Session
City Hall
7:00 PM

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

Absent: Alderman Hayes

Staff Present: Director of Administration and Finance John O. Reagan, City Clerk Judith Chamberlin and Assistant Corporation Counsel Hertzberg

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Marsha Bulgar spoke about Wickwire Pool at Suggett Park and urged the Common Council to support and participate in the efforts to acquire monies needed for the necessary repairs to this sixty-five (65) year old pool. She stated that this is a facility used and needed by the public, noting that it was free of charge and a safe, supervised facility.

John DeVecchio spoke as to the unfairness of the City Code Office in dealing with the landlords in the City and cited several addresses owned by a certain landlord that he believed were given improper permits. He stated that he intended to file a FOIL to ascertain the truth to this allegation. At the end of his three (3) minute time allotment, he stated Ward Dukalow deferred his three (3) minute allotment. Counsel Ferguson made a statement that if a person signed to speak, she would like to hear from them.

RESOLUTION #148 OF 2011 – Resolution to limit John DeVecchio to three (3) minutes of Public Comment and not to receive additional time transferred from another speaker.

By: Alderman Ferguson
Seconded: Alderman Tobin

Approved: Ayes – 4
Nays – 3

Resolution #148 Adopted by Mayor _____ Vetoed by Mayor _____

Mr. DeVecchio finished his comments to add there was a fundraiser for a Council person given by a landlord and he intends to find out how much money was raised.

Mike Dexter from the Landscape and Design Committee and gave a report on the trees removed and new trees that have been planted (60 in the last month) and locations where they have been planted. He urged that they be watered regularly, especially during this hot dry spell.

Atty. Francis Casullo stated that he represents Chris Calabro and noted that in the landlord disputes, there are two (2) sides to every story. In this situation, it is his belief that the public comment section of the Council meeting is the incorrect forum to deal with code enforcement issues and code complaints of this nature.

Steve Terwilliger stated that he owns Seven Valley Real Estate and since the year 2000 has handled approximately seventy-five (75) percent of the student housing sales in Cortland. He gave his opinion with regards to the condition of the Cortland Code Enforcement Office to enforce codes in Cortland. He stated that there is no consistency in code enforcement and cited properties where citations have been given to some landlords and not others for the same offense. He urged that all must go by the laws, not just some. He feels Cortland code enforcement has lost credibility.

Ward Dukalo agreed with Mr. Terwilliger's comments.

Minutes for July 5, 2011 Regular Session

Hearing no amendments, the Mayor stated that the minutes were approved.

Reports of Officers, Boards and Standing Committees

Alderman Tobin responded to a couple of public comments. One is the Rental Permit process where he was assisted by Chris Calabro and three (3) Council members. He explained that one purpose of the Rental Permit was to add consistency of code enforcement by having all rental properties inspected periodically. He noted that he did have a fundraiser and Mr. Calabro did help him with it. He noted that there was an item voted on by the Council regarding Mr. Calabro's properties and he stated that he abstained from that Council vote.

Asst. Corporation Counsel Hertzberg interjected and stated there was litigation on the stop work order and therefore it should not be discussed in a public forum.

Alderman Tobin noted that there are three (3) properties that he feels are being treated unfairly. He questioned when and if Assessor Dave Briggs was going to come in to talk to the Council about assessments.

Mayor Feiszli responded that she spoke to Mr. Briggs yesterday and she noted that he will not be coming in to discuss assessments at a televised hearing out of respect for

the parties involved, but will do so at a public hearing. She explained that this will go before the Finance Advisory Committee and asked that they speak with Mr. Briggs and the Director of Administration and Finance in a more comfortable setting.

Mayor Feiszli reported on the review of drafts by the Personnel Committee of the Employment Policy manual for the City of Cortland. She stated that when complete, this will establish and provide the terms and conditions of employment for all employees and is intended to provide employees with a better understanding of the responsibilities and privileges of their employment and will address issues such as cell phone use, computer use and car use. A copy of the draft policy is available in her office for review by anyone who would like to look at it.

The Second Ward meeting was adjourned to August 17th at Parkside Christian Academy at 6:30 PM and she urges everyone to attend. The guest speaker will be Mary Ann Robillard who will talk about her daily experiences concerning fraud and scams as well as other topics.

Pearl Street residents, in the form of a petition, have requested that only resident parking be allowed on this street due to events at SUNY Cortland. Free parking permits can be given to residents and guests. This will be looked into further.

She explained that there has been concern expressed about the paving of Clayton Avenue because of huge potholes. This is because of the YWCA project. DPW has advised that this paving should be completed by Aug 25, 2011. She noted that she has received complaints about other potholes throughout the City and the DPW will be addressing them once resurfacing and repaving is completed.

She noted that there have been concerns expressed about the added expense of the increase in the Law Dept to two (2) part time attorneys. When asked, the Deputy Director of Administration and Finance advised that for the time period January 2010 to June 2010 and the same time period in 2011, the City expenditures of the Law Dept were \$15,000.00 less, which includes salary, benefits, contractual and travel.

She reported on the anniversary party for Access to Independence which she attended. One of the items discussed was the issue of sidewalk accessibility and in regards to that issue; the City is looking into installing ramps on sidewalks so people will not have to go onto the streets. There is also a fifty/fifty Grant program to install curb cuts for people who live on intersections so they can install sidewalks on properties that do not have any and also to install curb cuts.

Housing Committee which the Mayor sits on is looking at funding for new construction for housing.

Mayor Feiszli again stated that SUNY Cortland has assured the City that we are getting the "cream of the crop" in that only fifteen hundred (1,500) student were accepted out of the sixteen thousand (16, 000) that applied. The Second Ward Neighborhood Watch group is organizing to invite students to meet with the year round residents in order to meet their neighbors.

Mayor Feiszli noted that there was a report from the New York State County Treasurer, indicating that sales taxes had increased, on average, to four point three (4.3) percent for the fourth quarter and that Cortland County had an eight point nine four (8.94) percent increase. She didn't have a breakdown of the individual sources for the local sales tax revenues.

Mayor Feiszli stated that a City permit must be obtained to replace a roof in the City. She explained that this was a New York State Residential Code defines all roof replacement as a Level 1 alteration. All roofing projects require a feed permit whether they are a replacement or a complete tear off.

Alderman Dye stated that he attended the meeting with the Personnel Committee on July 12 concerning the draft handbook for all City employees. He noted that it looked good and it addresses many of the concerns and issues faced.

Alderman Ferguson stated she attended the same meeting and agrees with Alderman Dye.

Bills:

Alderman Quail requested of Director of Administration and Finance Reagan that due to the difficulty of understanding what bills were for what department (as all they have is account numbers) if a cheat sheet could be provided to explain this. He noted that it would be helpful. Director of Administration and Finance Reagan stated that would not be a problem.

RESOLUTION #149 OF 2011 – Resolution to approve the closing of Main Street from Groton/Clinton Avenues to Port Watson/Tompkins Streets from 7 a.m. to 4 p.m. on August 13, 2011, for The 12th Annual National Brockway Truck Show, hosted by the Cortland Downtown Partnership.

By: Alderman Ferrer
Seconded: Alderman Michales

Approved: Ayes – 7
Nays – 0

Resolution #149 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #150 OF 2011 – Resolution to approve the Agreement between the City of Cortland and the Cortland Volunteer Fire Departments (Board of Engineers)(Chief Glover).

Alderman Quail questioned if the agreement was the same as the past contract. He was told that it was.

By: Alderman Craig

Seconded: Alderman Quail

Approved: Ayes – 6
Nays – 0
Abstain – 1 (Ferrer)

Resolution #150 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #151 OF 2011 – Resolution authorizing the Mayor to sign an application for a grant from the NYS Office of Parks, Recreation and Historic Preservation under the Environmental Protection Fund, for renovations to the Wickwire Pool. (John McNerney)

Alderman Dye stated that he spends a lot of time at that pool and he wants to support efforts to stop the existing leak.

John McNerney, Youth Bureau Director gave a brief history of the Wickwire Pool and a summary of the current problems.

He noted that it was built in 1946 and sixty-three (63) years later, it is still a major attraction in Cortland. He noted that in 2010 it saw over fifteen thousand (15,000) bathers in the course of the season.

He noted that Engineer Ken Teter was commissioned to an engineering report on the condition at Wickwire Pool. The report concluded that major renovations were required and that the basic structure is approaching the end of its useful life as a safe and suitable swimming facility.

He explained that the solution, according to Ken Teter and his report, was that major renovations were required.

The major renovations were outlined. The estimated cost for renovation was seven hundred fifty thousand (\$750,000) dollars to eight hundred thousand (\$800,000) dollars to complete. He noted that the good news was that the NYS Office of Parks, Recreation and Historic Preservation announced that there is a grant funding opportunity available. We can apply for four hundred thousand (\$400,000) dollars to do those repairs. He is asking permission to apply for this grant. He noted that under the former Mayor's administration a hundred thousand (\$100,000) dollars was received for new filtration system for the pool which is already committed towards the repairs. The State can provide this \$500,000 and the City can bond for the remaining monies needed. He noted that the pool operates free of charge and that it is an asset to the community.

He requested that the Council take action to do a resolution authorizing the Mayor to sign an application to apply for a grant from the NYS Office of Parks, Recreation and Historic Preservation under its EPF funding for the restoration of Wickwire Pool.

He also asked for a resolution indicating the City's intent to bond for the balance of funds needed for the renovations over the NYS Office of Parks, Recreation and Historic preservation grant is received, which amounts to approximately two hundred sixty thousand (\$260,000) dollars. He explained that he will be working with Thoma Development on this grant application as the grant applications are highly competitive.

He explained that the deadline for the grant application is September 1, 2011. He explained that the City would not hear until sometime in spring/summer of 2012 regarding the grant award. City matching funds would likely be due in 2013.

Mayor Feiszli supports applying for this grant.

Alderman Michales asked if the grant was not received in full, was the City on the hook for the rest. Mr. McNerney stated that the City does not have to accept the grant and they then can reapply, if they were denied. Establishing a non-resident use fee and a discounted fee for City residents was also brought up by Alderman Ferguson.

Alderman Ferrer noted that it was important to remember to look for other funding.

Alderman Quail asked if seven hundred fifty thousand (\$750,000) dollars was a solid estimate. Ann Hotchkin of Thoma Development advised that if the grant was awarded, the work must be competitively bid. John McNerney stated that the low was based on Ken Teter's engineering report, but John had put in more as they would like to replace the bath house and the shower area.

By: Alderman Craig
Seconded: Alderman Quail

Approved: Ayes – 7
Nays - 0

Resolution #151 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #152 OF 2011 – Resolution that it is the City's intent to Bond for the balance of funds needed for renovations, over the NYS Office of Parks, Recreation and Historic Preservation grant received, not to exceed \$300,000. (John McNerney)

Alderman Michales stated this was forty thousand (\$40,000) dollars over the two hundred sixty thousand (\$260,000) dollars estimated. Alderman Dye said the proposal was a guesstimate. Mayor Feiszli stated this was added on for contingency.

Alderman Michales questioned the City's outstanding bond status and he wanted to know if this would put the City in jeopardy? Interim Director of Administration and Finance Reagan stated this was an "intent to bond". Alderman Quail stated there was a bond to expire in 2013 and this was affirmed by John Reagan.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Resolution #154 Adopted by Mayor _____ Vetoed by Mayor _____

Mayor Feiszli explained that at the request of Deputy Mayor Dye she was asking the Council's approval to change the order of tonight's agenda to allow for City employees to address the Council regarding their agenda items, prior to the Council going into Executive Session.

Discussion regarding fines for certain City Code Violations and the fine structure.
(Deputy Chief Sandy)

Deputy Chief Sandy noted that he had come before the Council previously regarding the outdated fine system. He noted that in double checking the records it was noted that discrepancies were found in some of the newly approved fines within the City Code. After working with the City Clerk's Office the people who publish the Code were contacted. Then the local law that was submitted to them was reviewed and it was found that it was incorrectly written as to fines. He further explained that the new Code also had variables between the dollar amounts as well as a two (2) year statutory limit. He believes the Council did not intend that and the limit was not proposed. He believes that what happened was that one portion of the Code covering animals did have a two (2) year statutory limit and this was accidentally carried over into the other sections of the local law in word processing. Deputy Chief Sandy stated that we need to correct the local law or amend the local law. It was decided that no resolution was needed and the majority of Council agreed to direct the Corporation Counsel to have the local law rewritten to reflect the original intent and purpose of the local law.

Motion to Discuss:

By: Alderman Craig
Seconded: Alderman Ferguson

RESOLUTION #155 OF 2011 – Consideration of the Mayor's appointment of Bruce Adams as Chief Operator of the City's Waste Water Treatment Plant at a base salary of seventy-seven thousand (\$77,000) dollars a year with a three thousand (\$3,000) increase after successful completion of Waster Water Treatment Plant Chief Operator exam. (Mayor Feiszli)

Mayor Feiszli noted that Mr. Adams had accomplished a number of things while serving in the capacity of Chief Operator. She stated that he has worked closely with the City Administration and Civil Service, with Council approval he has reorganized the staffing structure at the plant and rewritten the job descriptions to be able to run on good management practices, he has set up a fair pay base rates for all subordinate positions and will continue to work on contract negotiations and he will work toward the desired goal of restoring waste water treatment services to Marietta Packaging and to resolve a long standing issue with them. He is working with their engineers on a daily basis to resolve this. He has reduced the average overtime costs by over fifty (50) percent. She

felt that an executive session was in order to discuss Mr. Adams salary and other personnel matters.

Motion to Discuss:

By: Alderman Quail
Seconded: Alderman Craig

Motion to go into Executive Session:

To discuss salary and other personnel matters.

By: Alderman Quail
Seconded: Alderman Ferguson

Approved: Ayes – 7
Nays – 0

Motion to come out of Executive Session:

By: Alderman Tobin
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Motion to approve Resolution #155 of 2011.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Resolution #155 Adopted by Mayor _____ Vetoed by Mayor _____

Item No. 9 – Discussion of Strategic Planning Committee – Consensus from the Council regarding the mission and makeup of the committee. (Alderman Tobin)

Alderman Tobin requested permission to continue working on the Committee make up and receive some feedback. Alderman Ferrer states that the Mission Statement looks good. Alderman Tobin will continue working on this and a resolution should be on the table at the next Council meeting. Mayor Feiszli would like to know more about the make up of the Committee. Alderman Tobin stated that the Committee will solicit for additional members who will not be Aldermen. Mayor Feiszli will appoint the three (3) new members of this Ad Hoc committee at the next meeting.

RESOLUTION #156 OF 2011 – Approval of an Exotic Pet Permit for one (1) exotic bird. (Alderman Michales)

Alderman Michales states there are three (3) exotic pets. He noted that there is one (1) bird, one (1) snake and one (1) pot belly pig. He explained that upon his initial inspection that there were two (2) pigs on premises, but the resident said one was visiting. Alderman Michales will do a follow up visit. He does not expect the second pig to be there at that time. He recommended that the Council approve to issue only one (1) permit for the bird. He wishes to hold off on other permit applications because he has not seen proof of a rabies shot for the pig in residence, and he wants to contact his snake expert to get an opinion on the health of the snake as there is a skin irritation on it. He wants proof of a veterinary exam to be provided on the health of the snake.

By: Alderman Ferrer
Seconded: Alderman Dye

Approved: Ayes – 7
Nays – 0

Resolution #156 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #157 OF 2011 – Resolution to approve Budget Amendments under Police Department to transfer funds between line items. (John Reagan)

By: Alderman Dye
Seconded: Alderman Ferrer

Approved: Ayes – 7
Nays – 0

Resolution #157 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #158 OF 2011 – Resolution to approve a contract with Barton and Loguidice, to revise the staffing study to conform to changes recently adopted. (Bruce Adams)

Bruce Adams explained that this was a recommendation by the DEC, which included a directive to finalize the study. Since we provided the report to DEC, the City is married to the terms of that report. He further explained that there is a deadline and an addendum needs to be added to the contract to finalize this and to bring it down to the lines of what we've done already; specifically, the change in the shift schedule.

Asst. Corporation Counsel Hertzberg explained that the cost is four thousand (\$4,000) to complete the report to reflect the changes in scheduling made by Mr. Adams and to meet the deadline. Alderman Quail stated the initial cost was nine thousand five hundred (\$9,500) dollars.

By: Alderman Dye

Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Resolution #158 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #159 OF 2011 – Resolution to approve the appointment of Martha Diehl and Donna Kelley as Tenant Representatives for the Board of Directors to the Cortland Housing Authority for the term August 1, 2011 thru July 31, 2013.

Alderman Michales asked if this was replacing someone or if these were new appointments. Mayor Feiszli stated that they were new appointments. The parties were not present.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Resolution #159 Adopted by Mayor _____ Vetoed by Mayor _____

Adjournment

By: Alderman Craig
Seconded: Alderman Quail

Approved: Ayes – 7
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 19th 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