



City Council Minutes
The City of Cortland
October 18, 2011

Council Meeting #22
October 18, 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 Mack Cook, City Clerk Judi Chamberlin, Corporation Counsel Patrick Perfetti

Mayor Feiszli called the twenty-second Common Council meeting of the year to order at 7:06 P.M.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Rose Vasillio lives at the Pomeroy Street apartments. She registered a complaint about the way these apartments are managed. She noted problems with parking, maintenance of building and maintenance of the grounds. She has been taking pictures of these issues since November 2008. She has lived there for sixteen (16) years and she is handicapped. She noted that signage restricting parking to "tenants only" is no longer there.

Mayor Feiszli noted that she has received other complaints with regards to these apartments and she asked Ms. Vasillio to leave her name and phone number and she would be contacted. Ms. Vasillio stated that the building looks terrible and the roof needs to be fixed and the building is dirty and stained. Mayor Feiszli stated that Director of Administration and Finance Cook will follow up on this and contact you.

Ruth Grunberg gave an update with regards to the status of the proposed amended sign law. She noted that the "Occupy Movement" has come to Cortland. She suggested that this movement may grow and may culminate in a nationwide march on a specific day.

Barrie Gewanter spoke about the proposed revised sign law. She noted that they should make a decision on revision of political signage and residents' fundamental rights to free speech.

Jo Schaffer gave an update about the proposed SUNY Cortland building placement. She is concerned about environmental concerns and read a letter from SUNY Cortland regarding their EIS. She will continue to bring information to the Council as more is learned.

Corporation Counsel Perfetti presented an update on the SUNY Cortland building issue. Corporation Counsel Perfetti is aware of her concerns and he has written to the State DEC to compel them to put the City in place as lead agency, but the Law Department is reticent to discuss specifics due to anticipated litigation regarding this.

AGENDA:

RESOLUTION #216 OF 2011 - Minutes for the October 4, 2011 Meeting.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Resolution #216 Adopted by Mayor _____ Vetoed by Mayor _____

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Alderman Tobin spoke with someone from the college regarding the impact on the neighborhood with foot traffic and parking. He would like to close Warren Street to parking. He is working on a viable solution to this issue.

Alderman Quail noted that the Fire Department has new vehicles. He noted that the Arson Investigation Unit has been using their own vehicles to haul equipment and there is a van obtained from the Binghamton Fire Department that has now been obtained for a very good price.

Alderman Michales noted that year-end surpluses left in departmental budgets usually get spent down and he would like to get away from the “spend or lose it” mentality. He has spoken with Mack Cook about this and it will be discussed at the next Department Heads meeting. Alderman Quail stated that it does carry-over in the surplus, but he supported spending only on what is needed. Director of Administration and Finance Cook stated that he also supports this.

Alderman Michales asked the Police Department to beef up their patrol on election night down near the Stone Lounge. There is a victory party being scheduled there on election night.

Mayor Feiszli attended another Economic Development Advisory Committee Meeting in Auburn, where first round applications were reviewed for potential funds. She noted that teams are being formed to work on these and she has been notified that she will continue

to be working on the committee. She is pleased to continue working on behalf of the City for business growth and job creation.

Mayor Feiszli noted that the Department Heads have been busy working with Director of Administration and Finance Cook on the tentative budget which was filed last Friday. She noted that this is the first time Department Heads have had the opportunity to work together on the tentative budget before it was submitted to the Council. She thanked Mr. Cook and the department heads for keeping within the goal of a zero (0) percent increase in property taxes for the second consecutive year.

Mayor Feiszli noted that budget copies were available to the public at the City Clerk's Office and should be posted on the City website this week. She noted that the Council has received a schedule of budget work sessions with the Department Heads and the public hearing has been scheduled. These dates will be posted on the City website. She noted that the public may contact Mr. Cook with specific questions.

Mayor Feiszli stated that she received a letter of concern from a resident on West Main Street regarding the Hospital's smoking ban which has resulted in employees and visitors walking around the neighborhood to smoke. Mayor Feiszli would like the Council's permission to follow up with a letter to the Hospital requesting that they designate a spot on their property for smoking.

Mayor Feiszli noted that her office is receiving calls regarding Fall Leaf collection. Brush pick-up has stopped, but leaves will be picked up in November and continue until the snow flies. Leaves should be raked to the back of the curb, but not placed in the street. Residents may use biodegradable paper lawn and refuse bags to put leaves in, but plastic bags will not be allowed.

Mayor Feiszli stated that she has received a letter from the City School District Director of Business notifying her that they are forming a Budget and Financial Planning Committee to formulate a five (5) year financial plan for the district. They are requesting that the City participate on this committee and with the Council's approval, Mayor Feiszli asked their permission to appoint Mack Cook to represent the City on this committee.

Mayor Feiszli noted that the Ward 2 residents held a Neighborhood Watch meeting and provided the City with a list of their concerns. She noted they included better marking of lines on the street and speed control. She is planning to address both of those issues.

Mayor Feiszli stated that noise complaints should be directed to the Police Department at 758-8311 and they will ticket or arrest as necessary. She stated that the Code Office will increase their trash patrol in Ward 2. She noted that City Code allows the billing of the building owner on the third complaint which has helped cut down on repeat offenders.

Presentation by City Code Department:

Deputy Chief William Knickerbocker gave a Power Point presentation on what the City Code Department does. He reviewed what is done for onsite building construction inspections and the issuing of various permits done by the Code Office.

Derek Reynolds continued the presentation with regards to complaints fielded by the Code Office. There was then some interaction with residents in the audience. He explained the Code Office complaint resolution process and various complaint situations that have been addressed. He spoke about the rental unit inspection process.

Mike Tenkate continued about the vacant building law and how the Code Office is involved. He reviewed the various issues of vacant, unsafe, unsecured, unoccupied or illegal uses of residential, storage and commercial buildings that the Code Office has dealt with. He explained how the Code Office identified these buildings and developed their list of these buildings. He explained how the vacant building registration fee has prompted some buildings to be repaired or demolished. He noted that they have twenty-eight (28) buildings registered and gave an explanation of the signage that was being used to identify these buildings and their condition. He asked the Council to give the Code Office some direction as to what criteria they would like to see used to add properties to their list.

Bills were reviewed and filed.

AGENDA:

Item No. 1 – Submission of the 2012 Budgets for the General Fund, Water Fund, and Sewer Fund

Mayor Feiszli stated that the budgets are available on the City website and in the City Clerk's Office. She will be posting the 2012 Budget adoption schedule. She stated that there will be three (3) work sessions, October 26, November 2 and November 9, at 7:00 PM. She noted that as per the City Charter, on November 15, 2011, the tentative City budget must be adopted. On December 1, 2011 the City Clerk must publish an abstract of the City budget and notice of budget public hearings. On December 6, there will be public hearings on the City budgets starting at 6:30 PM for the General Fund, 6:40 PM for the Sewer Fund and 6:50 PM for the Water Fund. On December 6, 2011, the Council will be voting on the budget.

Corporation Counsel Perfetti explained the time line for publishing notice of the Public Hearings.

RESOLUTION #217 OF 2011 – Consideration of approval of the Mayor's appointment, Christine Place, to the Zoning Board of Appeals.

Mayor Feiszli stated that the applicant is a licensed architect and she explained her qualifications.

By: Alderman Ferrer
Seconded: Alderman Ferguson

Approved: Ayes – 7
Nays – 0

Item No. 3 – Introduction of Local Law #4 – Law to enact an override to the tax levy limit established in New York General Municipal Law, Sec. 3-c, as Chapter 202, Article V, Section 17 of the Code of the Village of Cortland, New York. (Patrick Perfetti)

Corporation Counsel Perfetti explained that by passage of this law, the City is not looking to violate any tax cap law. He explained that NYCOM, as well as some other advisory agencies, wanted municipalities to be aware that a tax cap override law has to be enacted this year if it is needed to be used in the future due to a sunset clause in the State tax law. He noted that the Director of Administration and Finance Cook has prepared a budget that is below the two (2) percent tax cap and there would be no need to override the tax cap for passage of this budget. This law must be in place this year if it is needed in future years. It cannot be enacted next year and then used in future years.

Alderman Dye asked for an explanation of Section 2 regarding the authority. Corporation Counsel Perfetti explained that the law language being presented to the Council came directly from NYCOM. He noted that this law can only be passed this year and goes for six (6) years. Mayor Feiszli explained that if this law is not passed this year, there is no other opportunity to enact it in order to use it.

Corporation Counsel Perfetti explained reasons why the Council might want the ability, if they need it, to override the tax cap in the future. Mayor Feiszli noted that she could have a NYCOM representative do a presentation on this law. Corporation Counsel Perfetti explained that the Public Hearing for this local law has to be set before the budget is adopted. Alderman Quail asked that the NYCOM representative come to the next Council meeting.

RESOLUTION #218 OF 2011 – Consideration of approval to submit a grant application to NYS under the Community Development Block Grant Program. (Linda Armstrong)

Linda Armstrong, Thoma Development, explained the submission process. She identified that the company that is applying for this is ALPLA, Inc. which has thirty-six (36) full time employees and they would like to expand in Cortland.

Alderman Ferguson asked how long this company had been located in the Marietta Building. Linda Armstrong noted it was about three (3) or four (4) years. Alderman Ferguson wanted to know if they would expand to another location. Linda Armstrong stated that they have identified a second customer for their product other than Marietta, but they will stay located in the Marietta building. She explained that the company has to stay here for the required time or repay the loan.

Alderman Michales asked if there was a public hearing scheduled for this evening on this. Linda Armstrong stated that there was and that it was published. Director of Administration and Finance Cook apologized for not having notified the Council. He has just started doing the agenda and will improve communications to make sure all items are included. Corporation Counsel Perfetti noted that the Law Department reviewed this and has no objections to the City entering into this.

By: Alderman Michales
Seconded: Alderman Ferguson

Approved: Ayes – 7
Nays – 0

Resolution #218 Adopted by Mayor _____ Vetoed by Mayor _____

Item No. 5 Consideration of approval of applicant requests under the City of Cortland Loan Review Housing Rehabilitation Program.

Item removed from agenda.

Item No. 6 – Discussion of Code Enforcement activities pertaining to foreclosed properties.

Alderman Michales noted that the Code Office covered this topic quite well earlier. He hoped that the public realized that the City is being proactive on this. Corporation Counsel Perfetti explained why the foreclosure process is so slow.

Item No. 7 – Discussion of Sign Ordinance.

Corporation Counsel Perfetti provided an update. He explained that he had sent out emails to the Council asking them what they wanted and had received some responses, but he is still looking for some direction from the Council. He wants to consideration given to the rights of property owners and citizens when writing this. He did not feel there was a rush to do this. He explained that the current law is not being enforced and that is akin to having obtained an injunction without having to go to court.

Alderman Michales asked if there was case law to support a time limit on campaign signs. Corporation Counsel Perfetti believes that there is in some municipalities. He noted that doesn't guarantee that the City would be involved in a lawsuit if they did establish a time limit, but the City shouldn't be afraid of a lawsuit and shrink from our duties as a municipality.

Alderman Michales noted that the City can put a time limit on all signs or have no limit at all. He would like to find a halfway medium. Alderman Tobin noted that there are cities that do not set a time limit on political signs and he was in favor of that; but he would like to see a seasonal constraint on signs from December 1 to April 1 or so with some restrictions as far as location on the property. Corporation Counsel Perfetti noted that Alderman Ferguson had agreed with that and he wanted to know if that was what the Council wanted him to include in the law. Alderman Quail agreed with that due to safety concerns. Alderman Michales asked if there was case law that supported safety.

Barrie Gewanter asked for a further explanation of signage location on a property and the season aspect being proposed. Alderman Tobin explained that his thought was that the seasonal constraint was on the setback location of signage on a property, not a ban of all signage on properties during that time frame.

Mayor Feiszli suggested that a small group of interested individuals meet to with Corporation Counsel to come up with a recommendation for the Council so that this can be resolved and be done right. Alderman Tobin and Alderman Ferguson and Alderman Quail all asked to be part of this ad hoc committee. Mayor Feiszli noted that our Zoning Officer and a Planning Commissioner or two (2) as well as Corporation Counsel would be involved and this meeting will be open to the public.

Item No. 8 – Discussion regarding Gary Thomas, Cortland Housing Authority, to appeal to the Common Council seeking exemption from City Building Permit Application Fees for Pomeroy Apartments.

Item removed from agenda until the next Council meeting.

RESOLUTION #219 OF 2011 – Consideration of a resolution to approve the transfer of funds from the Contingencies line to the Property Maintenance line for the Water Department.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Resolution #219 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #220 OF 2011 – Consideration of a resolution to approve the transfer of funds from the Apparatus Repair line to the Fuels, Oil Lubricant for the Fire Department from the Office Equipment line to the Grass & Snow Expense line for Code Enforcement.

By: Alderman Craig
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

Resolution #220 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #221 OF 2011 – Consideration of a resolution to approve the transfer of funds from the Personnel Services line to the Contractual line for the Department of Public Safety.

It was noted that this was for stump removal.

By: Alderman Quail
Seconded: Alderman Craig

Approved: Ayes – 7

Nays – 0

Resolution #221 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #222 OF 2011 – Consideration of a resolution to recognize revenue and approve the appropriation of funds to the Fire – Apparatus Repair line and the Fire – Building Maintenance line for the Fire Department.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Resolution #222 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #223 OF 2011 – Consideration of a resolution to approve the transfer of funds from the Contingencies line to the Contractual line for the Law Department.

Corporation Counsel Perfetti stated that this transfer request was to cover the salary of the Assistant Corporation Counsel.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Resolution #223 Adopted by Mayor _____ Vetoed by Mayor _____

Executive Sessions to discuss a personnel issue & pending litigation

Motion to go into executive session:

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Motion to come out of executive session:

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

RESOLUTION #224 OF 2011 – Consideration of a resolution to authorize the Law Department to institute a lawsuit to recover overpayments from promotions in violation of the hiring freeze.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Resolution #224 Adopted by Mayor _____ Vetoed by Mayor _____

Motion to go into executive session:

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Motion to come out of executive session:

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 0

Adjournment

By: Alderman Ferrer
Seconded: Alderman Craig

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 18th DAY OF OCTOBER 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