



City Council Minutes
The City of Cortland
December 6, 2011

Council Meeting #26
December 6, 2011
Regular Session
City Hall
7:04 PM

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

Absent: Alderman Hayes and Alderman Quail

Staff Present: Director of Administration and Finance Mack Cook, Corporation Counsel Patrick Perfetti and City Clerk Judith Chamberlin

PUBLIC HEARING TO ADOPT LOCAL LAW #4 OF 2011

Mayor Feiszli opened the Public Hearing

There was no one present to speak.

Mayor Feiszli closed the Public Hearing

Mayor Feiszli called the twenty-sixth Common Council meeting of the year to order at 7:07 P.M.

Executive Session – Personnel Matter

Mayor Feiszli invited newly elected Council members to attend the session, but noted that they would not be able to vote. Corporation Counsel Perfetti had indicated that was allowable since the item being discussed would affect them during their upcoming term in office.

(Alderman Ferrer was not present for this vote, but arrived shortly thereafter and attended the executive session)

Motion to go into:

By: Alderman Tobin
Seconded: Alderman Ferguson

Approved: Ayes – 5
Nays – 0

Motion to come out of:

By: Alderman Tobin
Seconded: Alderman Ferguson

Approved: Ayes – 6
Nays - 0

PLEDGE OF ALLEGIANCE

Public Comment

Jo Schaffer expressed her concerns regarding the SUNY Cortland student life center building, a proposed dormitory building and their impact on the City wellhead. She urged the Council to be vigilant and to protect the quality and flow of the ground water for the City. She also expressed concerns regarding flooding in the area.

RESOLUTION #243 OF 2011 – Approve the minutes of November 15, 2011 and November 29, 2011.

By: Alderman Ferrer
Seconded: Alderman Ferguson

Approved: Ayes – 6
Nays – 0

Resolution #243 Adopted by Mayor _____ Vetoed by Mayor _____

REPORT OF OFFICERS, BOARDS AND STANDING COMMITTEES

Alderman Ferrer asked if Corporation Counsel would address a parking issue on the south side of Stockton across from Hyde's. Corporation Counsel Perfetti noted that at the next Council meeting will be a rather involved and lengthy resolution concerning the State highway arterials and he felt that this should be added into that resolution and he felt that Public Safety should take up the issue and make a recommendation and he then would easily include it in that planned resolution.

There were no further reports.

Discussion of changes to City's Sign Ordinance

Atty. Barrie Gerwanter, Alderman Tobin and Alderman Ferguson have been working on the sign committee and presented an update of recommended changes. Barrie Gerwanter outlined the recommended points developed by the committee (which also included Alderman Quail). She noted that two (2) recommendations were developed. She noted that the Code Enforcement Office and Zoning Officer wanted to have something in the sign ordinance that addressed the existing prohibition against placement of objects in the right

of way. She noted that a definition of right of way be added to the sign ordinance to address the zoning issue. She noted that second item was the durational issue. She noted the committee suggested a forty-five (45) day placement limit pre-election, but a compromise of no limit after the election. She did ask that the Council make a decision on this and then take action on these two (2) recommendations.

Corporation Council Perfetti noted that this issue will be on the December 20 agenda for resolution and a vote.

Alderman Tobin stated that clarifying placement and right of way in the sign section is important. Alderman Dye noted that right of way limits did need review because of variations in depth in different parts of the City. Corporation Counsel Perfetti noted that right of way belonged to the property owner, but the City has non-possessory use of it. He noted that the Council could specifically define right of way for the lawn sign section of the City Ordinance.

Alderman Michales noted that his constituents expressed concerns about putting signs in the right of way rather than on their lawns. Barrie Gerwanter noted that this was an issue brought up by Zoning Officer Weber and Alderman Ferguson agreed. Ms. Gerwanter noted that the committee dealt with the number of signs, the size of the signs and she's okay with the compromised duration issue and she's not going to get involved in the right of way issue. Alderman Michales noted that it was a safety issue and that size of signage was of concern.

Corporation Counsel Perfetti explained that he and the committee took care to see that political signage had the least amount of restriction in size and he came up with a suggested size of sixteen (16) square feet. He noted that this would be done by Local Law as it was amending the Charter.

Mayor Feiszli noted that this should be placed on the next agenda so that Zoning Officer Weber could explain the right of way issue. Barrie Gerwanter asked if the two (2) recommendations were clear enough to give direction to Corporation Counsel Perfetti to draft a Local Law. Alderman Michales asked if wording could be incorporated addressing signage left in the right of way after an election directing that it be moved to another location so as not to hinder snowplowing.

There was no pink sheet sign off and there were no questions regarding the bills.

AGENDA:

RESOLUTION #244 OF 2011 – Consideration of the adoption of Local Law #4 of 2011 – A local law to enact an override to the tax levy limit established in New York General Municipal Law, §3-c, as Chapter 202, Article V, §17, of The Code of the City of Cortland, New York. (Corporation Counsel)

Corporation Counsel Perfetti noted that this would only be used if needed in the future and only applied to the levy. He outlined varying opinions regarding when passage should be done.

Alderman Dye felt that it was better to pass it now and not needed, than to try to pass it later when needed and finding that it was too late to do so. Most of the Council agreed with that thought.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 5
Nays – 1 (Tobin)

Resolution #244 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #245 OF 2011 – Consideration of Resolution to promote four (4) Department of Public Works Employees as follows: (Chris Bistocchi)

Brian Hall – Heavy Motor Equipment Operator (HMEO)
Stephen Ripley – Heavy Motor Equipment Operator (HMEO)
Jason Hall – Light Motor Equipment Operator (LMEO)
Jerrod Peck – Light Motor Equipment Operator (LMEO)

Chris Bistocchi noted that the hiring freeze had previously been lifted and he noted that in order to hire, he had to do internal promotions. He read a resolution made at the August 16, 2011 Council meeting which was approved and he felt that perhaps this process should be made clearer. Corporation Counsel Perfetti explained that the Council needed to approve internal promotions, creating vacancies and then lift the hiring freeze to fill those vacancies and that this process had been in place since 2009.

Alderman Tobin explained that promotions needed to be brought before the Council so that they were aware of what was being done within the departments and approved by the Council. Chris Bistocchi noted that these weren't called promotions, but job biddings through the union contracts. Corporation Counsel Perfetti noted that promotions affected the City's budget and therefore needed Council approval.

By: Alderman Ferrer
Seconded: Alderman Craig

Approved: Ayes – 6
Nays – 0

Resolution #245 Adopted by Mayor _____ Vetoed by Mayor _____

Mayor Feiszli asked if some agenda items could be addressed out of order to accommodate some individuals in attendance.

The Council agreed to take Agenda Item No. 8 out of order.

A motion was made, but no vote was taken.

By: Alderman Michales
Seconded: Alderman Tobin

RESOLUTION #246 OF 2011 - Consideration of a Resolution to waive the three hundred dollar (\$300) City licensing fee for the installation of the heating system at the property at 193 Clinton Avenue, the Habitat for Humanity House. (William F. Knickerbocker)

Deputy Chief Knickerbocker explained that a licensed master plumber was on the job, but Habitat was asking that the permit fee be waived for this project. Mayor Feiszli noted that the fee waiver was forty dollars (\$40). Deputy Chief Knickerbocker explained that the permit fee was forty dollars (\$40), but the licensing fee was three hundred forty (\$340).

Contractor Paul Yaman explained that BOCES was putting in the heating system. They were not going to be doing another one, they are not asking to be a licensed heating contractor in competition with other contractors and this is a non-profit project. He also stated that Habitat will pay for the forty dollar (\$40) permit fee, but they are asking for the licensing fee to be waived.

Alderman Michales spoke in support and he explained that the funds saved could be used for other items needed for this house. Paul Yaman noted that other Habitat for Humanity properties had heating systems installed by volunteer licensed contractors and this one was the only BOCES installation at a Habitat property.

Mayor Feiszli thanked all the volunteers who worked on this project.

By: Alderman Michales
Seconded: Alderman Ferguson

Approved: Ayes – 6
Nays – 0

Resolution #246 Adopted by Mayor _____ Vetoed by Mayor _____

Item No. 3 – Discussion regarding upgrading lighting at the Wastewater Treatment Plant. (Mack Cook)

Bruce Adams introduced Alliance Energy representative Bob Haak to make a presentation and answer questions about this project.

Mr. Haak handed out project information to the Council. He noted that C12 lamps used throughout the plant will not be manufactured as of next year. This was due to changes in government regulations. This affected five hundred forty-four (544) fixtures throughout the plant requiring the changing of lamps, ballasts and sockets. He noted that this project would provide a cost savings for the City and lessen the environmental impact. He noted that this proposed project would require no up front money from the City. He outlined the various estimated savings of this project. He also explained the role his company would play in the project. He explained that industrial electrical contractors would be used for this

job because of its complexity. He noted that they would be standardizing the fixtures throughout the building as well as the City making upkeep and repairs cheaper.

Alderman Michales asked for an explanation of the increased utility incentive. He also questioned the ability of some electricians over others to work on this project. Mr. Haak noted that there was a difference between commercial/industrial electricians and residential electricians and the concern was the two hundred seventy-seven (277) volt. He noted that commercial/industrial electricians were certified to work with the increased voltage. He noted that there were onsite electricians that could handle this project, but his concern was the three (3) to four (4) weeks that they would have to dedicate to complete the work.

RESOLUTION #247 OF 2011 – Resolution to adopt the 2012 General Fund Budget in the amount of \$18,203,460 at a proposed tax rate of \$15.2028 per thousand dollars of assessed valuation. (Mack Cook)

Alderman Ferguson asked for clarification about a concern she had with the DPW section of the budget. Mack Cook explained that there was sixty thousand dollars (\$60,000) being held in that section for the City's portion of the cost of the berm.

By: Alderman Dye
Seconded: Alderman Tobin

Approved: Ayes – 6
Nays – 0

Resolution #247 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #248 OF 2011 – Resolution to adopt the 2012 Wastewater Operating Budget in the amount of \$3,735,823 at a proposed domestic rate of \$2.90/unit. (Mack Cook)

Alderman Michales asked if additional money would be necessary in 2012 to meet Chesapeake Bay initiatives. Bruce Adams stated that he had included funds for those anticipated expenditures in the budget.

By: Alderman Ferrer
Seconded: Alderman Tobin

Approved: Ayes – 6
Nays – 0

Resolution #248 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #249 OF 2011 – Resolution to adopt the 2012 Water Fund Budget in the amount of \$1,816,940 at a proposed domestic rate of \$2.25/unit. (Mack Cook)

By: Alderman Ferrer

Seconded: Alderman Ferguson

Approved: Ayes – 6
Nays – 0

Resolution #249 Adopted by Mayor _____ Vetoed by Mayor _____

Item No. 7 – Discussion of a Bill for paving Blodgett Street for \$1,800 submitted by Mr. Gary Stupke. (Corporation Counsel)

Set aside until Corporation Counsel returned to the Council Chambers. Alderman Michales noted that this had been an issue for more three (3) years noting that Mr. Stupke was unable to find out if this was a City street or not. He noted that Mr. Stupke had not wanted another three (3) years to go by before being resolved and he went ahead and had the work done himself.

RESOLUTION #250 OF 2011 – Consideration of a Resolution to make an amendment to the Floodplain Regulation. (Patrick Perfetti)

Deputy Chief Knickerbocker explained this request on behalf of the Plumbing Board noting that this issue comes up from time to time when replacement heating appliance/equipment is being installed in a building that is in the floodplain. Mark Baranello, Plumbing Board Chair, elaborated on the request noting that the wording of the current law was very restrictive on these replacement installations and was not a workable or reasonable standard that protected the consumer.

Corporation Counsel Perfetti noted that he had reviewed the language and it satisfied legal concerns that the City might have and he recommended its adoption.

By: Alderman Ferrer
Seconded: Alderman Tobin

Approved: Ayes – 6
Nays – 0

Resolution #250 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #251 OF 2011 – Consideration of a Resolution for a Waiver of Liability pertaining to transfer of Target Rifles. (Mack Cook)

Corporation Counsel Perfetti noted that this was regarding liability and that the firearms transfer to the McGraw Sportsman's' Club had been previously approved.

By: Alderman Ferrer
Seconded: Alderman Michales

Approved: Ayes – 6
Nays – 0

Roll Call Vote: Alderman Ferrer – Nay
Alderman Ferguson – Nay
Alderman Tobin – Nay
Alderman Craig – Nay
Alderman Michales – Aye
Alderman Dye – Aye

Denied: Ayes – 2
Nays - 4

Resolution #253 Adopted by Mayor _____ Vetoed by Mayor _____

Executive Session

Motion to go into Executive Session to discuss approval of a Community Development Business Loan recommendation

By: Alderman Craig
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Motion to come out of Executive Session

By: Alderman Craig
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

RESOLUTION #254 OF 2011 – Consideration of a Resolution to approve a Community Development Business loan to Ithaca Technologies LLC doing business as Glyph Production Technologies for one hundred fifty thousand dollars (\$150,000) pursuant to the recommendations of the City’s Loan Review Committee. (Thoma Development)

By: Alderman Craig
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Resolution #254 Adopted by Mayor _____ Vetoed by Mayor _____

Motion to go into Executive Session to discuss personnel matters

By: Alderman Craig

Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Motion to come out of Executive Session

By: Alderman Craig
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Motion to go into Executive Session to discuss litigation

By; Alderman Craig
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays - 0

Motion to come out of Executive Session

By: Alderman Craig
Seconded: Alderman Ferrer

Approved: Ayes – 6
Nays - 0

Adjournment

By: Alderman Ferrer
Seconded: Alderman Tobin

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 6th DAY OF DECEMBER 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