



City Council Minutes
The City of Cortland
April 6, 2010

Council Meeting #11
April 6, 2010
Regular Session
City Hall
7:00 PM

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

Staff Present: Director of Administration and Finance Bryan Gazda, Corporation Counsel Ronald Walsh and City Clerk Carol Tytler

PUBLIC HEARING

At 7:00 pm, Mayor Feiszli opened the Public Hearing regarding the submission of the Fiscal Year 2010 Community Development Block Grant Application. Linda Armstrong was present, representing Thoma Development. No one spoke in favor or in opposition. There were no questions or comments.

The Public Hearing was closed.

Mayor Feiszli called the eleventh Common Council meeting of the year to order at 7:08pm

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Daryl Anderson spoke about zoning issues regarding driveway width and green spaces at his property at 89 Lincoln Avenue.

Mike Dexter, representing the Landscape and Design Commission, told the Council that the Arbor Day Foundation had named the City of Cortland a Tree City USA for 2009. He outlined the requirements to qualify for the program and emphasized the importance of our tree lottery and tree removal program.

Ann Doyle thanked members of the Council for the work they are doing on issues that are important to her. She expressed continued concerns about people parking on lawns and exceeding driveway capacity as well as properties with lawn trash.

Clay Benedict urged the Council to finish the berm at the waterworks before next winter and asked them to push on with the rental permit program. He suggested that the Council hire a secretary for the Code Office to assist with property registrations under the rental permit program.

Michelle Phelps, from the Cortland Regional Sports Council, spoke about the history of the program and current activities. She asked for an investment in the Sports Council as the Common Council is deciding how to spend their economic development budget and described it as a good return on the dollar. Mayor Feiszli stated that the April 20 Council meeting will have the miscellaneous revenue funds on the agenda.

Bob Height, representing the Chamber of Commerce, spoke about the banner program on Main Street. He stated that the signs beautify the City and welcome people to the community. He spoke positively about working with DPW when there are signs to hang up on Main Street. He stated that the Chamber would work with the City and pay a small fee for the DPW service, but would see it as a tax on small business.

Minutes of March 16, 2010

At the request of the City Clerk, the minutes of the March 16 meeting were pulled to allow the Clerk's office to correct several errors. The corrected minutes will be presented at the next Council meeting.

Reports of Officers, Boards and Standing Committees

Alderman Quail has asked that the Code Office follow up on several issues including the roof and other problems with the Cobakeco building and trash issues on Union Street. He stated that the Moose Lodge has been demolished and there is good progress with that project. He reported pothole issues on Raymond Avenue. Alderman Quail asked that Corporation Council Walsh look into an internship program for his office.

Alderman Quail stated that the annual neighborhood clean-up will take place on April 17 and people interested in volunteering should contact their alderman to sign up. He also has an article from Syracuse University about restricting parking and will share it with other members of the Council

Alderman Quail requested that an executive session be added to the agenda to address a personnel issue.

Alderman Leonard stated that he had been contacted regarding a repeat offender. He spoke with Captain Knickerbocker about the issue. His constituent would like the Council to pass a law about repeat offenders. Alderman Leonard clarified that the issue was related to a yard full of various things and asked if the fines could be increased to stop the behavior.

Mayor Feiszli agreed with his concerns and stated that the fines are going to be raised. Mr. Walsh stated that there is a provision on the books for repeat offenders and he would be discussing it later in the agenda.

Alderman Hayes asked to bring the Personnel Committee back onto the table for the evening's agenda for discussion and hopefully approval.

Alderman Tobin thanked Public Safety for their assistance with tree issues over roads and snow melt issues. He stated that he has worked with Captain Knickerbocker to prepare letters for the rental permit program. He has questions about the safety officer position and has been following up to see what is mandatory and what training needs to be done.

Alderman Tobin has been in contact with people on the SUNY Cortland campus to get them involved with the community clean up day. He announced that there will be a Housing Committee meeting on Thursday, April 8th at 6:30pm at Port Watson Commons. Higher occupancy density in some neighborhoods will be the topic.

UNFINISHED BUSINESS:

RESOLUTION #50 OF 2010 - Resolution to establish the date of April 20, 2010 for a Public Hearing for Local Law No. 2 (Alter Senior Citizen the tax exemption schedule for senior citizens and persons with disabilities and limited incomes) for 2010. (Alderman Dan Quail)

Mr. Walsh clarified that the Council needs a resolution to set the date for the public hearing on the local law. Copies of the law will be made available to the Council ten (10) days prior to the next meeting so they can enact the local law at that time.

By: Alderman Quail
Seconded: Alderman Leonard

Approved: Ayes – 8
Nays - 0

RESOLUTION #51 OF 2010 – Resolution to establish the date of May 4, 2010 for a Public Hearing for Local Law No. 3 to establish date for Local Law No. 3 (Increase fine amounts for various Code violations) and allow future increases by resolution. (Deputy Chief Paul Sandy)

Alderman Quail stated that the Downtown Business Association had comments against increasing the fine and asked if other members of the Council had received any responses from them. Alderman Hayes stated that she has received quite a bit of feedback, against and for, with sound arguments for both sides.

Mayor Feiszli set May 4th for the public hearing for Local Law #3.

By: Alderman Leonard
Seconded: Alderman Dye

Approved: Ayes – 8
Nays - 0

Item No. 3 - Presentation of proposed Amendment to Chapter 60 (Adult Entertainment) of the Code of the City of Cortland. (Ron Walsh)

Mr. Walsh stated that he has been working with Captain Knickerbocker to make certain that the law they pass is enforceable. They have compiled a list of properties based on a five hundred (500) foot limitation and completed expansion of the definition. He hopes to have the materials available to the Council for their next meeting.

Item No. 4 - Further discussion of Vacant/Blighted Building Ordinance. (Ron Walsh)

Mr. Walsh stated that he has reviewed the city code of ordinances and currently there is no provision for vacant and blighted properties. City code presently requires that the exterior be

maintained in good condition. The code also regulates the storage and deposit of waste, junk vehicles, furniture and other items, but the penalties vary. He has reviewed the penalty fees for different levels of offense. He stated that because there are regulations on the books, the Council may wish to revisit the fine schedule for property maintenance violations. He further stated that any building code or regulation that exceeds State levels requires review by the Council and the City must present its case on why they need a more restrictive code.

Alderman Michales stated that he had helped with definitions, but some such as "in good repair" were difficult. Mr. Walsh stated that ultimately, the Zoning Board will need to define these and he is looking for input from the Council on how they want to define it to regulate it. Alderman Leonard commented that it sounds like appropriate laws are on the books, but they are not enforceable.

Mr. Walsh restated that the Zoning Board of Appeals ultimately will make a finding on what is a good repair or not. He further stated that prosecutions in the past few months have been addressed.

Alderman Quail asked if it addressed vacant buildings. Mr. Walsh responded no; presently the City doesn't have a provision for the registration of vacant buildings. Mayor Feiszli stated that she would like to better define blighted through our own ordinance and require registration of vacant buildings.

Alderman Michales stated that we are looking for the property owner to identify occupancy and how soon it would be reoccupied. Mayor Feiszli stated that the vacant building ordinance does ask the owner to identify one of three issues; if they plan to repair, sell or demolish the building and a reasonable time in which those corrections will be made.

Mayor Feiszli stated that registration fees will go up over time if there are no intentions of making improvements to a vacant building. Alderman Michales stated that they would like a few months to fine tune the document and the Mayor asked him to continue working with Mr. Walsh to do so.

Mr. Walsh stated that there are shortfalls in the current code such as no fine for buildings with peeling paint. Those are the things that can be nailed down and identified, along with safety issues. He also stated that it would make sense for the Council to look at level of penalties for repeat offenders.

RESOLUTION #52 OF 2010 - Consideration of a Resolution to adopt a Banner Policy for installation of over-street banners contingent upon approval of Corporation Counsel. (Tom Tobin)

Mr. Tobin spoke about the Banner Policy and proposed fees. He stated that it takes about twenty (20) minutes for the department to hang a street banner and people had suggested to him that twenty-five dollars (\$25) per banner would be a fair price which is the rate they had received about ten (10) years ago from the Chamber for installing the pole banners.

In response to questions from the Council, he stated that they put up about twenty-five (25) over street banners last year using departmental resources that included bungees, snaps, steel strapping, trucks and labor.

Alderman Ferguson asked if it had been determined if there is any liability for the City. Mr. Walsh stated that he had not seen the draft document. Alderman Quail asked that approval of the policy be subject to Corporation Council review and approval.

Mr. Tobin stated that it takes the department about 10 minutes to hang a pole banner. Alderman Hayes stated that she would like to hear what amount would be agreeable to organizations and the Chamber of Commerce and also wanted review by Corporation Council. Some suggested rates were discussed.

Mr. Tobin stated that the department is trying to get a copy of their insurance (from the owner of the banner) with the form requesting a banner installation.

Mayor Feiszli stated that the Council could approve the policy only and leave the fees blank and determine them at a future meeting. **She revised the resolution to adopt the banner policy, contingent on approval of the Corporation Council**

By: Alderman Leonard
Seconded: Alderman Hayes

Approved: Ayes – 8
Nays - 0

AGENDA:

RESOLUTION #53 OF 2010 - Consideration of a Resolution authorizing submission of and Mayor's signature on the City's fiscal year 2010 Community Development Block Grant application, and further authorizing the Mayor to enter into a grant agreement for said grant upon approval. (Thoma Development)

Mayor Feiszli read the certified resolution. There was no further discussion.

By: Alderman Leonard
Seconded: Alderman Craig

Approved: Ayes – 8
Nays - 0

RESOLUTION #54 OF 2010 - Consideration of a request by the Cultural Council of Cortland County to use the South Side of Court House Park for the Cortland Arts & Wine Festival to be held on August 7, 2010 from 10:00 AM to 6:00 PM and to have the open container law waived for a wine tasting event.

Alderman Dye asked if the request had been reviewed by the Chief of Police. Chief Catalano said it had and he had no problems with it. Alderman Quail asked if the City would be providing police coverage. Chief Catalano stated that typically they do not. He further stated that they get a permit for the alcohol from the Alcohol Beverage Control Board.

By: Alderman Leonard
Seconded: Alderman Quail

Approved: Ayes – 8
Nays - 0

RESOLUTION #55 OF 2010 - Approval of the Mayor's re-appointment of Marie L. Walsh (46 Madison Street) to the Cortland County Board of Health. (Mayor Feiszli)

By: Alderman Michales
Seconded: Alderman Leonard

Approved: Ayes – 8
Nays - 0

RESOLUTION #56 OF 2010 - Approval of the Mayor's appointment of Denise Hotchkiss (15 East Main Street) and Donna Lieberman (13 Lebanon Drive) to the Environmental Advisory Committee.

By: Alderman Craig
Seconded: Alderman Quail

Approved: Ayes – 8
Nays - 0

RESOLUTION #57 OF 2010 - Approval of Mayor's appointments (see attached list) to the Health Insurance Committee.

Alderman Dye asked why there were so many members on the committee. Mayor Feiszli stated that it is an advisory committee only that will work with the unions and department heads ahead of time to determine what the policy will be.

Alderman Hayes asked which Council members were actually on the committee. Mayor Feiszli stated that any Council members may be on the committee.

By: Alderman Leonard
Seconded: Alderman Craig

Approved: Ayes – 8
Nays - 0

RESOLUTION #58 OF 2010 - Confirmation of the Mayor's appointments to the Financial Advisory Committee.

Mayor Feiszli clarified for Alderman Quail that James Buttino, Eugene Palmer, and John Poli were the individuals being appointed to the committee. Alderman Hayes referred to information that had been provided in February and indicated that three (3) members of the Council were supposed to be appointed to the committee as well. Mayor Feiszli stated that she had emailed the Council seeking candidates, but had not received any response. She further stated that she wanted to get started on this with the Director of Administration and Finance. Mayor Feiszli asked again for interested members of the Council and Alderman Hayes volunteered.

Appointments to the committee included Mr. Buttino, Mr. Palmer, Mr. Poli, Alderman Hayes and Director of Administration and Finance Bryan Gazda.

By: Alderman Leonard
Seconded: Alderman Quail

Approved: Ayes – 8
Nays - 0

RESOLUTION #59 OF 2010 - Consideration of a Resolution authorizing the Mayor to enter into contract with Countree, Inc. for tree planting services (lowest bidder).

Alderman Leonard asked if the Council could consider putting this off given the current budget situation. Alderman Quail stated that the funds do not come out of the general fund. Mr. Gazda stated that they come from the miscellaneous revenue fund.

Ms. Armstrong stated that the funds come from a grant that the City had received years ago. When Rubbermaid left the City, they had to pay back what the City had given them and that fund has been used to pay for these projects.

Alderman Quail stated that last year Thoma had recommended moving money out of the tree fund and into the sidewalk fund and he wanted to know about the plans for this year. Ms. Armstrong stated that she wasn't certain because Thoma does not have input since the money becomes City funds. She further stated that there are more requests for sidewalks than can be funded, so it is a first come first serve basis and the fund will run out by 2013. Mr. Gazda stated that he would work on it this week.

Ms. Armstrong stated that she needs approval now so they can bid with the nurseries earlier and the bids can only be held for so long. She stated that the nurseries understand it is contingent on the Council passing the miscellaneous budget.

By: Alderman Leonard
Seconded: Alderman Quail

Approved: Ayes – 8
Nays - 0

RESOLUTION #60 OF 2010 - Consideration of a Resolution authorizing the following actions to close out fiscal year 2009 for the Water Fund (Bryan Gazda):

Authorizing various transfers between departments to close out accounts with either unexpended or overdrawn balances.

Mr. Gazda stated that he is finalizing the report that he sent last week for transfers between various account codes in the Water Fund. Alderman Tobin asked if the report had been done by Chris Bistocchi. Mr. Gazda stated that Stephanie Mattice had done the report. Mayor Feiszli asked that Mr. Gazda include the detail label of each line in future documents.

By: Alderman Leonard
Seconded: Alderman Michales

Approved: Ayes – 8
Nays - 0

RESOLUTION #61 OF 2010 - Request Council approval of DPW budget modification. (Bryan Gazda)

Alderman Michales asked if travel and training has come up. Mr. Gazda stated that the fees in that line pay for association memberships for the Superintendent and Deputy Superintendent to belong to the Cortland County Highway Association.

By: Alderman Quail
Seconded: Alderman Leonard

Approved: Ayes – 8
Nays - 0

RESOLUTION #62 OF 2010 - Request Council to recognize and appropriate the following revenues:

- A. Police Department Byrne Grant.
- B. NYMIR Capital Investment Reimbursement.

Alderman Quail asked Mr. Gazda to explain the NYMIR capital investment reimbursement. Mr. Gazda stated that we have to capitalize the buying into the program and they are now starting to give this money back to the municipalities. He stated that we will receive another check next year.

Alderman Quail asked where the funds would be added. Mr. Gazda stated they would give \$40,000 to legal contractual. Alderman Tobin asked about the tactical equipment. Chief Catalano stated it was for a camera system.

By: Alderman Leonard
Seconded: Alderman Hayes

Approved: Ayes – 8
Nays - 0

RESOLUTION #63 OF 2010 - Consideration of a Resolution authorizing the following action to close out fiscal year 2009:

Authorizing additional transfer to balance Health Insurance line.

Mr. Gazda stated that this resolution corrects an error.

By: Alderman Tobin
Seconded: Alderman Craig

Approved: Ayes – 8
Nays – 0

RESOLUTION #64 OF 2010 - Consideration of a Resolution to increase plumbing and heating permit fees. (Captain Bill Knickerbocker)

Captain Knickerbocker reviewed the proposed fees stating that they had not been increased since 1978. Mayor Feiszli stated that the changes would generate an additional \$2,000 to \$4,000 of revenue.

By: Alderman Leonard
Seconded: Alderman Craig

Approved: Ayes – 8
Nays - 0

RESOLUTION #65 OF 2010 - Consideration of a Resolution to increase building permits and related fees. (Captain Bill Knickerbocker)

Captain Knickerbocker stated that the City last updated fees in the early 80's. He reviewed the proposed changes to the fees. Alderman Leonard asked how the fees compared to other communities. Captain Knickerbocker stated that they were comparable. Alderman Hayes stated that she had contacted other towns and villages and found that they even charge for putting up a simple sign.

By: Alderman Leonard
Seconded: Alderman Dye

Approved: Ayes – 8
Nays – 0

Alderman Quail asked that the Council go into executive session to discuss a personnel issue. The Cortland Standard representative asked for clarification based on the open meetings law. Alderman Quail further stated that is was to discuss a specific accusation regarding a specific person.

MOTION TO GO INTO EXECUTIVE SESSION – 8:35pm

By: Alderman Quail
Seconded: Alderman Craig

Approved: Ayes – 8
Nays - 0

MOTION TO COME OUT OF EXECUTIVE SESSION – 8:44pm

By: Alderman Craig
Seconded: Alderman Tobin

Approved: Ayes – 8
Nays - 0

RESOLUTION #66 OF 2010 – **To Table** until May 4, 2010, the Resolution to lift the hiring freeze for one (1) patrol officer position in June. (Chief Catalano)

Alderman Quail stated that the department needs to be more creative with scheduling. He asked for information regarding police responses on a daily basis and asked if the department could look at changing the schedule to provide the same amount of coverage.

Chief Catalano stated that the contract states the hours and shifts and the shifts rotate every four (4) weeks. The contract determines how the shifts rotate.

Alderman Quail asked if the department could look at options for how many people are on each shift during contract negotiations since his taxpayers are saying they want a reduction in cost. He further stated that the police department is 30 percent of the budget and the City needs to be prudent with adding positions.

Chief Catalano stated that there are less people on certain days, but we have fixed coverage. There are more officers on the week-end than during the week. That is based on the days off that are available.

Alderman Hayes agreed that we have to be creative but stated that several things concern her at this point. She has a lot of issues in the ward that she represents and they ask for a lot of police presence. She has concerns for the police officers and the residents and does not believe we are going to serve the City any justice without filling this position. She is concerned that officers will become tired and overworked and that is when bad judgments are made. She stated that she supports filling the position.

Chief Catalano stated that the plan asked of him is how to make this work and generate more revenue. He hopes the Council starts looking at areas where revenue can be generated and stated that it will be generated by police officers on the street.

Alderman Michales asked if the person would come from the academy. The Chief indicated they would not. Chief Catalano stated that they may have another retirement and at this time, their overtime statistics are lower than last year.

Alderman Tobin asked about the anticipated return date for an officer on leave and the Chief indicated it would be in the next few weeks.

Chief Catalano stated that he is waiting for a new civil service list to come out in June and the interview and background check will take at least a month. He stated that this is not immediate; it is a plan for the future, towards the end of summer. He further stated that there are fewer academies being scheduled and when we find one, we need someone ready to go.

Alderman Tobin stated that we have two retirees and the potential for a third. He stated that he would prefer to wait until the quarterly financials come out and see where the City is at financially. At that time he felt the Council would have a better perspective. Chief Catalano stated that he does not plan to hire at least until June.

Motion to Discuss:

By: Alderman Hayes
Seconded: Alderman Leonard

Motion to Table

By: Alderman Tobin
Seconded: Alderman Ferguson

Approved: Ayes – 6
Nays – 2 (Leonard, Hayes)

RESOLUTION #67 OF 2010 - Consideration of a Resolution to lift the hiring freeze for one (1) substitute crossing guard. (Chief Catalano)

Alderman Leonard asked if they are paid only when called in to sub. Chief Catalano stated that there is no monetary expense unless they are used. He further stated that they have two subs, but normally have three. He is asking for another substitute position based on things going on with contracts and so we don't use a police officer as a sub. Alderman Leonard asked if they receive benefits. The Chief stated that there is only a small clothing allowance.

By: Alderman Leonard
Seconded: Alderman Quail

Approved: Ayes – 8
Nays – 0

RESOLUTION #68 OF 2010 - Consideration of a Resolution to lift the hiring freeze for one (1) firefighter position in the Code Enforcement Office. (Captain Bill Knickerbocker)

Alderman Michales asked if the position was to fill Chief Glover's former position. Chief Glover stated it was.

Chief Glover stated that it would be preferable to have an experienced fire fighter transfer into the Code position and then hire an entry level fire fighter to fill the fire fighter position. He stated that it would not affect the union contract because the staffing level remains the same.

Alderman Hayes expressed concerns about having adequate staffing for the new rental permit program. Chief Glover stated that even before he left the Code Office, they were recommending hiring another person to accomplish the tasks for the rental permit program.

Mayor Feiszli asked if the Chief would you have more time to respond to inspections if the Code Office was assigned a person half time and a fire fighter could help. Chief Glover stated that in that case, 80% or more of the time would be spent on code enforcement work.

Alderman Tobin asked how much time would be needed for training. Chief Glover stated that are twenty-four (24) hours of in-service training required annually. Captain Knickerbocker stated that there is a lower level of six (6) hours, but we train to the higher level with the idea that if someone left the Code Office, they could be back filled with another equally trained person. Chief Glover stated that with 24/7 code enforcement, the City needs the higher level of training. Alderman Tobin asked how many fire fighters are trained at the higher level. Chief Glover stated twenty-six (26) are.

Alderman Tobin asked on a monthly basis, how many fire fighters are doing inspections. Chief Glover stated that they assign them based on the number of code certified people on the shift and most fire fighters are doing inspection activities during the course of their duty shift. Mayor Feiszli asked about the number of fire fighters. Chief Glover said there were 35 and at least 29 are certified. Mayor Feiszli asked if they receive overtime to do this. Chief Glover stated absolutely not, it is scheduled during their duty hours. Mayor Feiszli asked if there was any reason we could not bring someone over to the code office to do what Chief Glover had been doing. The Chief stated that duty shift people are our primary first responders. Code Office staff are third responders. They come to man the station, or come to the fire scene on a second alarm, not on a first response.

Alderman Tobin asked under the current inspection schedule, in the course of a month, how many inspections are done by fire fighters not currently in the Code Office. Chief Glover responded that they did the majority of the multiple residence inspections. He noted in order to accommodate the scheduling conflicts, that the Code Office did some of the multiple residence inspections when they knew that the shift might have other commitments. Chief Glover stated that the Code Office does the majority of inspections where we knew there might be trouble while they (fire fighters) do the primary inspections to the buildings. Captain Knickerbocker stated that the code staff deals with complaints and handle most new construction. Alderman Tobin asked about the number of inspections completed by fire fighters. Chief Glover responded one hundred fifty (150) per year, but even with this number, they have trouble fitting it into their schedule as they have other obligations.

Captain Knickerbocker stated that in-service code training is provided three to four hours per month, not as a three day block. Alderman Tobin asked how many days of code enforcement work are code certified firefighters doing. Captain Knickerbocker responded that they are doing some code enforcement work every day. Chief Glover added that a new fire fighter also received two hundred twenty-nine (229) hours of basic fire service training.

Alderman Tobin stated that we have a pretty good idea of the number of inspections and we can schedule them. Chief Glover stated that we haven't looked at the number of man hours, but we can get that information if the Council wants it. Alderman Quail stated it is one hour per day per fire fighter. Chief Glover stated that it is much more than just the inspection that took an hour. There is paperwork, review, etc that needs to happen with each inspection.

Alderman Hayes expressed concerns about the many tasks that the City is putting them in charge of. She further added that she didn't know how it is going to be accomplished by the current staff. Having concerns addressed very promptly, and knowing what is coming in the future, she didn't know how it will be done without this position being filled.

Alderman Michales stated that he would like to see coverage over the week-ends. He stated that we could be out issuing tickets on the weekends. He further stated that he believes we have to increase staffing...do we want to continue staffing our Code Office with fire fighters or hire someone...we need to act on this and act on it soon.

Motion to table the resolution until May 4th

By: Alderman Tobin

Seconded: Alderman Quail

Denied: Ayes – 3

Nays – 5 (Hayes, Dye, Michales, Ferguson, Leonard)

Back to the resolution before them.

By: Alderman Leonard
Seconded: Alderman Hayes

Approved: Ayes – 6
Nays – 2 (Tobin, Quail)

Item No. 17 - Consideration of a Resolution to adopt a penalty for not complying with the Rental Permit Registry.

Alderman Tobin stated that the City has gone through the process to put the permit program in place. The City will start inspections next year as discussed. The issue is a lack of penalty if they do not register. Alderman Tobin read from a document developed by the committee proposing a fine of \$250 per week. The fine continues each week until the property is properly registered. Each unregistered week is a new violation which will be imposed upon the title holder of record (per Mr. Walsh). The fine will be added to the title holder's property tax bill if not paid. Mr. Walsh had indicated a need to go by the week to be consistent with the Code. People have two (2) weeks to come into compliance. If they don't comply, the fine needs to be significant enough that it will not be simply ignored. He noted that putting it on the tax bill guarantees that the fine gets paid. After three years, it goes through the in rem process.

Alderman Hayes asked what would happen if they have turned in the paperwork and we are behind in inspections. Alderman Tobin stated that if Code is behind, it does not fall on the property owner, this just says that you have to get your documentation turned in.

By: Alderman Tobin
Seconded: Alderman Michales

Denied: Ayes – 4
Nays – 4(Craig, Dye, Ferguson, Leonard)
Nay - Mayor

RESOLUTION #69 OF 2010 - Consideration of a Resolution to accept the Mayors re-appointment of Barb Ryan to the Youth Bureau Commission.

By: Alderman Leonard
Seconded: Alderman Craig

Approved: Ayes – 8
Nays – 0

RESOLUTION #70 OF 2010 – **To Table** until April 20, 2010 - Consideration of a Resolution to lift the hiring freeze to fill vacant Administrative Assistant position at the Fire Department. (Chief Glover)

Alderman Leonard stated that it is his understanding that the position was surrendered for budget purposes. It was not the Chief's idea. Chief Glover confirmed that was correct. Chief

Glover stated that a department with thirty-five (35) full time employees and part timers and all the work that needs to be done, it ought to have clerical staff.

Alderman Hayes asked who was handling the work currently. Chief Glover stated that the municipal training officer is trying to. Shelley Knickerbocker has been assigned for six (6) hours per week, but it is getting to be a huge problem.

Alderman Hayes stated that with all the administrative tasks that need to get done, it is extremely difficult to run an effective department, especially when you have this many people. She further stated that in her opinion, we are not serving our residents well and this is an extremely important position.

Alderman Michales stated that the former chief felt it was a critical position. Chief Glover stated that the Council had forced that decision with the 5% cuts to the budget and the former chief was trying to accommodate the Council's wishes.

Alderman Quail asked why we can't assign more administrative staff from other departments. Chief Glover stated that is not working, they are just doing payroll. Mr. Gazda stated that the City has issues with who can do what based on union contracts and he has two (2) individuals working there based on who could do what.

Alderman Michales asked how far off we were from a new system. Mr. Gazda stated that we need a new accounting system and the goal is to have something by the end of the year. Chief Glover stated that the new accounting system would help with many tasks and make the fire department more efficient.

Alderman Craig asked how many volunteer fire fighters actually go to fires. Chief Glover stated that it depends on the time of day and the type of alarm. Alderman Craig asked if volunteer fire fighters could take on some of the tasks. Chief Glover stated that would not work and they would lose volunteers.

Mr. Gazda stated that he has been running some of the figures based on the money saved through retirements which is potentially \$100,000, and may allow the Code Enforcement Office to bring in an entry level fire fighter. He stated he would run more numbers tomorrow and there may be enough money there to do it.

Alderman Michales asked about a part time position. Chief Glover responded not if you want me to move the department forward.

Mr. Gazda stated that time sheets and payroll are done at the department level. His office receives a report stating the dollar amount to pay each employee. He further stated that each department is running their own little HR department.

Alderman Tobin stated that we need to see that information so we know how to correctly classify this position to know what actual duties the position will entail. He would like to see more about what specific tasks this position will be responsible for and the specific rationale. Chief Glover stated that the responsibilities are no different than other departments, but he will put together a list of tasks for the Council to review.

Mr. Gazda stated that his office could recommend several classifications of civil service to the Council. Alderman Michales stated we may only need a part time position that could be rotated

through other positions in the City. Mr. Gazda stated that he was not certain this was the right route to go at this time as it has not been working that well. He is leaning toward going to department heads overseeing those individuals.

Alderman Michales stated that it should not be this complicated to move personnel between departments. Alderman Quail stated that we still need to add value and people need to be flexible and adaptable.

Motion to Discuss:

By: Alderman Leonard
Seconded: Alderman Hayes

Motion to table the resolution until April 20, 2010 meeting.

By: Alderman Michales
Seconded: Alderman Craig

Approved: Ayes – 7
Nays – 1 (Hayes)

RESOLUTION #71 OF 2010 - Consideration of a Resolution to lift the hiring freeze to replace three (3) vacant positions at the Waste Water Treatment Plant. (Harvey Davis) (Denied)

Alderman Quail asked for clarification on the number of positions being requested. Mr. Davis stated that there were two (2) vacant positions and one (1) new position. He further stated that one (1) position was for an operator trainee position. One (1) person needs to move up and fill the laborer's position underneath him.

Alderman Quail asked about the current amount of overtime. Mr. Davis stated that he had no idea as he has not received any reports from Dave this year. He further stated that he had retirements in 2008 and 2009 and he is looking to fill those positions and add a position. They are sending a staff person out to Freeville now, which takes time, and it needs to be a certified operator.

Mayor Feiszli asked how much is the Freeville contract? Mr. Davis stated it is \$28,000 per year but the City has been losing money on it since we have been short staffed. He stated that the fee was based on full staff of ten (10) people. Alderman Quail asked why it was a losing proposition. Mr. Davis stated that they are covering Freeville, but not getting our own work done....we don't always have the correct level of staff to cover the required work. He further stated that he tries to send the lowest level paid employee we can, but often have to send people at higher pay levels.

Alderman Quail asked the Mayor if the Council could get a report on overtime. Mayor Feiszli stated yes. Alderman Craig asked if we have to pay them more. Mr. Davis stated no, it was budgeted for an operator at a lower level of pay; if we have to send people on overtime, we bill them separately and they pay us more. Alderman Leonard asked if there are EPA requirements. Mr. Davis stated, yes.

Mr. Davis invited members of the Council to tour the facility, as he has offered in the past. He stated that the City has received a new five (5) year permit which requires us to be in

compliance by April 1 of 2011 and the New York State DEC letter was emailed today. Mr. Davis spoke about the Chesapeake Bay water system and the impact of wastewater treatment facilities on that system.

Mayor Feiszli brought the discussion back to the vacant positions. Mr. Davis stated that the positions were budgeted for in 2010 and he needs to do this as soon as possible to get scheduled for civil service exams. He stated that one (1) retirement will be in November, one (1) next year, and his own retirement is planned for the end of 2011. Mayor Feiszli called for a vote.

By: Alderman Leonard
Seconded: Alderman Dye

Denied: Ayes – 2
Nays – 6 (Quail, Ferguson, Michales, Dye, Craig and Hayes)

RESOLUTION #72 OF 2010 - Consideration of a Resolution to lift the hiring freeze to replace two (2) vacant positions at the Waste Water Treatment Plant. (Harvey Davis) **(Denied)**

Alderman Quail stated that he wants to see the overtime report and what the work load really is. Mr. Davis stated that the overtime is not an adequate reflection as he has suspended a lot of duties. Alderman Hayes stated that documentation of the overtime would be helpful...something beyond the letter they had received from Mr. Davis. Alderman Dye stated that the letter from Mr. Davis did not say we were short, it just made a comparison. Mr. Davis stated that it also made a recommendation however Alderman Hayes clarified that it says to investigate staffing levels.

Alderman Tobin asked if the rates for wastewater had been raised this past fall. Mr. Davis stated that they had been, but our rates were still extremely competitive. He further stated that they had looked at how units were counted. Mr. Davis spoke about the timing for quarterly bills and rate changes and the need to adopt the rate sooner so increased collections would begin in the next quarter. Mayor Feiszli called for a vote.

By: Alderman Michales
Seconded: Alderman Tobin

Denied: Ayes – 3
Nays – 5 (Hayes, Craig, Dye, Ferguson and Quail)

Alderman Quail asked that the topic be added to the May 4 agenda once more information is available. Mr. Gazda stated that Mr. Davis could provide the payroll information to the Council even though the 2010 budget information is not available to department heads at this point.

RESOLUTION #73 OF 2010 - Consideration of a Resolution to accept engineering services (Barton & Loguidice) for Wastewater engineering study with Mr. Davis's recommendation. (Harvey Davis)

Mr. Davis stated that he had met with each engineering firm. He felt the proposal from O'Brien and Gere did not address all of the concerns. He stated that Barton & Loguidice was the only company that asked to tour the facility. He further stated that there are a wide range of problems that need to be addressed including replacement of the digesters which are 1939

vintage and we need to increase capacity. Mr. Davis stated that he is recommending that the Council accept the bid from Barton & Loguidice.

Alderman Quail asked if the City would be paying \$60,000 for an engineering report only. Mr. Davis said yes, and once the City receives it we will have to implement it by April 1 of next year. He further stated that this is the first engineering report and the City will probably require another study down the road.

Alderman Leonard asked if there were differences between the companies and Mr. Davis stated that they were fairly comparable. Alderman Michales asked if there was stimulus money available for this project. Mr. David stated that he has checked with Thoma Development and you must have a shovel ready project.

By: Alderman Quail
Seconded: Alderman Leonard

Approved: Ayes – 8
Nays - 0

RESOLUTION #74 OF 2010 - Consideration of a Resolution to authorize the Mayor to enter into a grant disbursement agreement with the New York State Dormitory Authority for reconstruction of the Beaudry Park Community Building.

Alderman Michales asked if there were any plans drawn up yet. Mayor Feiszli stated that it is a metal building by Morton Buildings. John McNerney stated that the project dates back to 2000 with recommendations from their Advisory Board. The building has been there for fifty-nine (59) years and is in disrepair with an inadequate heating system, windows and floors. He further stated that the project was rejected as part of the capital budget last year.

Mr. McNerney stated that there is a \$150,000 earmark from Assemblywoman Barbara Lifton, a \$50,000 donation, \$50,000 unspent bond funds from 2002 and an in-kind services donation for demo and removal of the existing building from Gerry Contento valued at \$17,500. Morton estimates \$239,000 for the new steel building which Mr. McNerney said was better than having nothing.

The City will need engineers and architects to oversee the project and Mr. McNerney recommended Teter and Teter Design to oversee. They had the least expensive proposal. He stated that they will study locations for the new building, but the current location is a good spot. Alderman Leonard stated that it would be less expensive for the utilities if the building stays in the existing location. Alderman Quail stated that it is a longer walk from the parking lot to the building, especially for older people. Mr. McNerney added that the building serves as a polling site and they have talked about putting a smaller parking lot closer by.

By: Alderman Quail
Seconded: Alderman Craig

Approved: Ayes – 8
Nays - 0

Item No. 23 - Presentation of draft Management Plan. (Alderman Stephanie Hayes and Bryan Gazda)

Alderman Hayes stated that there has been some misinformation. This issue was brought to the Council's attention previous to this year and the previous Common Council wanted to put into place some type of compensation plan. She stated it is her job and duty to be involved, especially with projects of this magnitude.

She further stated that she and Alderman Tobin had talked at the department head's meeting and sent the document by email with a request to provide comments. To this date, she has only heard from one person, but she is still requesting that people respond by email or in writing by next Friday.

Alderman Hayes has requested that two to three department heads participate in this process and wants them to work together with the Personnel Committee to address issues and move forward. She asked that people call her with any questions or comments.

Mayor Feiszli asked when the plan should be added to a future agenda. Alderman Hayes stated that it should come from the Personnel Committee that is going to be established and there were still many concerns to address and work to complete before that point.

RESOLUTION #75 OF 2010 – Consideration of a Resolution to approve the formation of a Personnel Committee.

Alderman Quail expressed concerns with some of the duties on the backside of the document, in particular for developing a system for payroll. Alderman Hayes stated that the personnel committee could make a recommendation. Alderman Quail stated that he expected that to come out of the finance committee.

Mayor Feiszli asked about collective bargaining and if three aldermen can take part. Mr. Walsh stated that it was a management decision.

Alderman Hayes stated that she has researched other sources that had similar issues that the city is trying to deal with, to put the document together. Alderman Quail stated that he would like to approve the committee, include Alderman Hayes as a member of the committee and have them do further work on the documents.

Mayor Feiszli asked for three volunteers from the council to work on fine tuning the document. Aldermen Hayes, Ferguson and Dye were selected.

By: Alderman Michales
Seconded: Alderman Quail

Approved: Ayes – 8
Nays - 0

Mayor Feiszli introduced agenda item #25.

RESOLUTION #76 OF 2010 - Consideration of a Resolution to align the salary of the Chief of Police, in accordance with municipal law. This resolution would increase the Chief's pay to

\$93,197, an increase of \$2,900. The resolution would also increase the Deputy Chief's salary to \$79,763, an increase of \$1,650.

By: Alderman Quail
Seconded: Alderman Tobin

Approved: Ayes – 8
Nays – 0

Agenda Item No. 24 – Request to go in to Executive Session to discuss PERB and Human Rights Litigation. (Ron Walsh)

Mr. Walsh requested an executive session to discuss three items:

- PERB litigation
- Pending human rights litigation
- Additional pending litigation with the City

MOTION TO GO IN TO EXECUTIVE SESSION – 10:40pm

By: Alderman Tobin
Seconded: Alderman Craig

Approved: Ayes – 8
Nays - 0

MOTION TO COME OUT OF EXECUTIVE SESSION – 11:25pm

By: Alderman Craig
Seconded: Alderman Michales

Approved: Ayes – 8
Nays - 0

RESOLUTION #77 OF 2010 – Consideration of a Resolution to authorize the Mayor to enter in to a release in connection with settlement of the pending human rights litigation.

By: Alderman Craig
Seconded: Alderman Hayes

Approved: Ayes – 8
Nays - 0

Hearing no other business, Mayor Feiszli adjourned the meeting at 11:30pm

I, CAROL TYTLER, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 6th DAY OF APRIL 2010. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

CAROL TYTLER – CITY CLERK

MAYOR SUSAN FEISZLI