



City Council Minutes
The City of Cortland
March 1, 2011

Council Meeting #5
March 1, 2011
Regular Session
City Hall
7:00 PM

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

Staff Present: Corporation Counsel Patrick Perfetti, Deputy Director of Administration and Finance Lori Crompton and City Clerk Shawn C. Smith.

Mayor Feiszli called the fifth Common Council meeting of the year to order at 7:04 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Anne Doyle publicly recognized Nancy Hansen for her years of service on the Planning Commission. Nancy Hansen served from 2001 to 2011. She noted that everyone who volunteers to serve on a committee is working hard and they are trying to do the right thing.

Craig Little thanked the Common Council and all of those involved in the rental permit program. He thanked them for their courage in sticking with the rental permit program in order to protect the City home owners.

RESOLUTION #40 OF 2011 – Approve the minutes of February 15, 2011 as amended.

By: Alderman Craig
Seconded: Alderman Ferguson

Approved: Ayes – 5
Nays – 0

Resolution #40 Adopted by Mayor _____ Vetoed by Mayor _____

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Alderman Ferguson has received several complaints about snowy sidewalks. She thanked those who took care of theirs and she asked those that did not clear their walks to do so.

Alderman Quail attended the United Way Polar Bear fundraiser on Saturday. He noted that it was a well run event. He thanked Chris Bistocchi of the DPW for taking care of a matter for him over the weekend.

Mayor Feiszli announced that she has received a letter of retirement from Harvey Davis, Waste Water Treatment Plant Operator. His retirement will be effective April 29, 2011.

Alderman Tobin stated that he was pleased to hear about the injunction with the court ruling. He noted that the Council met to work on the Corrective Action Plan. He hopes to share items in the Plan with the department heads and then send it to the State Comptroller's Office. Some policies and procedures will be changed for the better.

Corporation Counsel Perfetti provided an overview of the "landlords" lawsuit. He intends to defend the City. He spoke of other cases where the three (3) unrelated law has been upheld in other municipalities. He spoke of why he felt that the City was in a good position to defend its case. He noted that Judge Rumsey spoke about the inspections and enforcement and that there might be some modifications needed with that portion of the enforcement scheme. He would like to indemnify the City for \$65,000. He will be asking to amend some responses and to seek a summary judgment, as well. He noted that the City does have police powers to protect the health, safety and welfare of residents. He answered some questions from the audience regarding density, inspections and Code enforcement. He further explained that Judge Rumsey could strike down some portions of the law and let other portions of the law remain in effect or he could allow the City to correct some portions of the law.

Mayor Feiszli thanked Corporation Counsel Perfetti for his update.

AGENDA:

Item No. 1 – Presentation by Dr. Kevin McGowan regarding Cortland's crow problem and options about what the City can do. (www.birds.cornell.edu/crows) (Mayor Feiszli)

Dr. Kevin McGowan is a professional ornithologist and he has studied crows for over twenty (20) years. He gave a background on crows noting that their social system is much like our own. They have mated pairs for life, devoted families and they have their own territory. He noted that they have been sleeping in the trees of Cortland for over one hundred (100) years. The crows like it there because they are safe from predators, such as owls, it is warmer there and, as social creatures, they interact. He noted that some migrate, but many stay here year round. He noted that they come to the City because of the street lights, which provide them with the ability to see their predators.

Dr. McGowan explained that the crow roosting place can be moved, but it will take time and energy. He noted it is better to define where you want them to be and when they

move there, just let them be. He suggested that the USDA in Troy, New York be contacted for assistance.

Item No. 2 – Presentation by American Red Cross in recognition of Red Cross month. (Sheila Abbey)

Mayor Feiszli read a Proclamation recognizing March as American Red Cross month.

Sheila Abbey, Board Chair of the Cortland Chapter of the Red Cross, spoke about the history of the Red Cross and the many good works of the Red Cross. She thanked everyone for their continued support and urged everyone to donate blood.

RESOLUTION #41 OF 2011 – Consideration of a request from the Central New York Mustang & Ford Club to close Main Street from Groton Avenue to Tompkins Street on Sunday, May 22, 2011 from 2:00 P.M. to 6:00 P.M. to hold their “Cruise Night” event contingent upon approval from the insurance company.

Alderman Quail noted that the Club had always done a good job with this event in the past.

By: Alderman Quail
Seconded: Alderman Tobin

Approved: Ayes – 5
Nays – 0

Resolution #41 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #42 OF 2011 – Consideration of the confirmation of the Mayor’s appointment of Troy M. Beckwith, Sr. to the Planning Commission. (Mayor Feiszli)

By: Alderman Craig
Seconded: Alderman Ferguson

Approved: Ayes – 5
Nays – 0

Resolution #42 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #43 OF 2011 - Resolution to amend the Code Enforcement fee schedule 100-16 to include complaint fees as per City Ordinance 100-12-B. (Deputy Chief Knickerbocker)

Deputy Chief Knickerbocker spoke about the reasons for including these fees. He hoped that by instituting these fees that it will motivate unresponsive business/property owners to comply. He explained that unpaid fees would be attached to their tax bills.

Corporation Counsel Perfetti further explained that fees written into the Code were the preferred way to go as they can then go on the tax bill, and attached as a lien, if unpaid.

By: Alderman Michales
Seconded: Alderman Quail

Approved: Ayes – 5
Nays – 0

Resolution #43 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #44 OF 2011 – To Table Resolution to amend the Code Enforcement fee schedule 100-16 to include a penalty of a \$50 fee; when in the course of duty the Fire Department Code Enforcement office, schedules a required inspection or re-inspection pursuant to City Ordinance 100-11, in person, by telephone or by mail and the owner or representative is not present on site at a property address location a scheduled time or day to accompany inspectors to satisfy said inspection except that the responsible party may communicate a change in schedule at a reasonable time in advance of said inspection. (Deputy Chief Knickerbocker)

Alderman Michales asked if this occurred frequently. Deputy Chief Knickerbocker noted that it is occurring more. He stated that there has been this type of fee used in the past and it seemed to be effective.

Alderman Ferguson expressed concern that the word “reasonable” was not specific enough and she would like to see a specific amount of time listed. Further discussion ensued about the process.

Corporation Counsel Perfetti suggested a motion to table this for a redrafting of the wording of this resolution. He also noted that they could also allow for an appeal process similar to what the Police Department uses for parking tickets. This would put the burden on the individual to file the appeal.

Motion to Discuss:

By: Alderman Michales
Seconded: Alderman Tobin

Motion to Table:

By: Alderman Quail
Seconded: Alderman Craig

Approved: Ayes – 5
Nays – 0

Resolution #44 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #45 OF 2011 – Resolution to approve the Miscellaneous Revenue budget for 2011. (Mayor Feiszli)

Discussion regarding some specific transfers of funds took place. Deputy Director of Administration and Finance Crompton answered some specific questions. Corporation Counsel suggested that there be contractual agreements or Memorandums of Understanding in place to spell out various obligations.

Mayor Feiszli asked that the Landscape and Design Commission take part in the process for trees being marked for removal. She noted that these are trees between the side walk and the street, located in the City right of way, and that some healthy trees had been removed in the past.

Linda Armstrong, Thoma Development, explained that future income for the Miscellaneous Revenue budget is dwindling. She stated that initial funding was received from a 1980's loan/repayment program which now has fewer outstanding loans remaining to contribute future funding.

Linda Armstrong and Alderman Tobin had a discussion regarding funds received as part of programs that were no longer in operation. Alderman Tobin noted that recipients of these funds should be reminded that the funds they are receiving from these sources are only temporary and not part of the general fund and decisions will have to be made on future funding.

By: Alderman Craig
Seconded: Alderman Tobin

Approved: Ayes – 5
Nays – 0

Resolution #45 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #46 OF 2011 – Request Council approval for budget modification requests. (Lori Crompton)

Alderman Quail cautioned that revenue sources should show up in the revenue section so that the Council has an accurate view of actual costs rather than seeing adjusted costs in an expense line.

By: Alderman Craig
Seconded: Alderman Tobin

Approved: Ayes – 5
Nays – 0

Resolution #46 Adopted by Mayor _____ Vetoed by Mayor _____

RESOLUTION #47 OF 2011 – Request Council approval for 2010 General Fund encumbrance requests. (Lori Crompton)

By: Alderman Ferguson
Seconded: Alderman Tobin

Approved: Ayes – 5
Nays – 0

Resolution #47 Adopted by Mayor _____ Vetoed by Mayor _____

Item No. 10 - Discussion regarding a full time Paralegal position in the law department.
(Alderman Michales)

Alderman Michales explained that there used to be two (2) people in the City Law Department before some budget cuts were made. He indicated that there has been an increase in that department's workload and he would like to have some discussion regarding a possible paralegal position. Corporation Counsel Perfetti gave a staff history of his department. He stated that there is currently a departmental back log, but he thinks that a paralegal could also be helpful in the long term. He did note that paralegals could do research, but they could not issue a legal opinion and he further noted that his immediate need was beyond the level of what a paralegal could do. Alderman Michales noted that a paralegal position could also assist with the transitional changes that occur from administration to administration.

New Business

Alderman Quail noted that he wanted a formalized process for the submission of department head's monthly reports delineated with a timeline. He noted that department heads should submit them to the Mayor by the first of the month and then the Mayor would give them to the Council by the middle of the same month. Alderman Ferguson clarified that budget information on those reports would be a month behind.

Alderman Quail would like to have the final draft of the Corrective Action Plan available for public review and comment by the next Council meeting.

Mayor Feiszli noted that she will place both of these items on the next agenda.

Alderman Tobin requested an update on the status of the Director of Administration and Finance position. Mayor Feiszli stated that she will be looking for an interim. She encouraged everyone to submit their thoughts on the search process or names of those that they thought would be a good fit for the position. Corporation Counsel Perfetti noted that the term of appointment would end December 31, 2011.

Alderman Quail would like to see an open, competitive search process used for the Water Treatment Plant position. Mayor Feiszli would like to see a smooth transition when filling that position.

Alderman Tobin asked Corporation Counsel to discuss current litigation and its impact on the implementation and enforcement of City laws specific to the landlord lawsuit. Corporation Counsel Perfetti stated that the portion of Justice Rumsey's decision that enforces inspections is what he's applying the preliminary injunction to at this point.

Alderman Tobin asked if the three (3) unrelated was being upheld. Corporation Counsel Perfetti stated that although there has not been a final ruling, Justice Rumsey's decision says that he is not applying the preliminary injunction to that aspect of the law.

Mayor Feiszli excused City Clerk Shawn C. Smith, before entering Executive Session.

Motion to go into Executive Session to Discuss Pending Litigation including a Settlement Proposal and a Personnel Matter:

By: Alderman Tobin
Seconded: Alderman Quail

Approved: Ayes – 5
Nays – 0

Motion to come out of Executive Session:

By: Alderman Quail
Seconded: Alderman Craig

Approved: Ayes – 5
Nays – 0

RESOLUTION #48 OF 2011 - Resolution to lift the hiring freeze for Buildings and Grounds to hire one (1) part-time cleaner at thirty-five (35) hours per week at minimum wage to replace an outgoing employee.

By: Alderman Quail
Seconded: Alderman Craig

Approved: Ayes – 5
Nays – 0

Resolution #48 Adopted by Mayor _____ Vetoed by Mayor _____

Adjournment

By: Alderman Craig
Seconded: Alderman Quail

Approved: Ayes – 5
Nays – 0

Hearing no further business, Mayor Feiszli adjourned the meeting at 10:30 PM.

I, SHAWN C. SMITH, 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 1st DAY OF MARCH 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.

SHAWN C. SMITH, CITY CLERK

MAYOR FEISZLI