

CORPORATION COUNSEL 2010 ANNUAL REPORT

Legislation

This office prepared 7 Local Laws, 9 Ordinances, and 60 Resolutions in 2010 that were passed by the Common Council. While many topics of extreme importance were enacted, including several Local Laws which will have large implications, including: amending the Code of Ethics which requires the establishment of an Ethics Board, taking over the responsibilities for the licensing of dogs, adopting a tax on gross receipts of utilities and amending our Peddler and Solicitors Law.

The City also enacted legislation which amended an outdated travel policy. This new policy establishes requirements which are recommended by the State Comptroller to ensure there is a check and balance when it comes to the use of City funds for travel. The City also clarified that smoking in the work place is not permitted as dictated by State Law. The tone of this anti-smoking legislation also resonated when the City enacted restrictions on smoking in Parks and Playgrounds.

Over the course of the year, the Common Council amended numerous sections of the Code dealing with saving money including but not limited to the inter-municipal agreement with the School District for the use of Van Schaick Island Park and the School Resource Officer, and the inter-municipal agreement for bulk purchasing of fire equipment.

Claims and Litigation

There were 38 Wright Risk insurance claims opened in 2010, and of those, 26 were closed and 12 remain opened. There is one claim open from 2009 (Evelyn Langton – False Arrest). The four other claims from previous years were all closed in 2010 (Brooks – Tire flew off City Truck and hit vehicle – Settled for \$5,000 which was paid by NYMIR, Mendel – Attacked by vicious dog – Never Sued, TEC Contracting – Demo of 30 Lancaster – Company Dissolved, and McOmber – Hay Wagon ran over her foot – Dismissed by the Court).

Workers Compensation numbers are down again in both total cases as well as costs. New claims paid totaled \$12,131.

There were six tax certiorari cases filed against the City this year (Cohoes Redevelopment, Rite-Aid, CVS, Verizon, Carrols Corporation and Commercial New Lease Realty). Three are still being negotiated (Rite Aid, Commercial Net Lease and Cohoes Redevelopment). Dan Vincelette negotiated a settlement on behalf of the City's 2009/2010 claim with CVS which resulted in the discontinuance of the 2009 claim, the 2010 assessment will be \$1,269,000, a reduction of \$831,000 in assessed value, the 2011, 2012, and 2013 assessment shall be reduced to reflect a fair market value of \$2,230,400. Dan also settled with Verizon's 2010 claim, negotiating a settlement that resulted in the discontinuance of 2010 and reducing the 2011 and 2012 to \$258,314, a reduction of \$65,157. Carrols Corporation withdrew their claim.

Through the diligent effort of Mariann Ceccucci, the City was able to recoup \$11,379.78 from individuals that hit City property which required repairs. This is yet another way the Corporation Counsel's Office is trying to do its part to save the City money.

Labor and Personnel

The office handled several personnel and labor issues in 2010. Collective bargaining commenced with the Clerical and DPW unions for successor agreements to those which expired on December 31, 2010. Although negotiations were not concluded as of December 31, 2010 progress is being made. As in past years, the major issue for negotiations involves controlling the increasing cost of health insurance by changing plans and requiring increased contributions toward premiums.

Decisions were rendered by arbitrators in two cases involving the DPW union. In the first, the union objected to the City's requirement that an employee provide medical verification for the use of "family sick leave" if the employee did not want it to count as an "incident" of sick leave for sick leave abuse

purposes. The arbitrator agreed with the City's position and all DPW employees will be charged with an "incident" of sick leave if they fail to provide medical verification for the use of "family sick leave." In the other, the union argued that the City had failed to have the proper title work an overtime assignment. Again, the arbitrator agreed with the City's position and the grievance was denied.

The office continues to try to resolve grievances where appropriate. Many grievances filed by the various unions over the year were resolved with very little financial or administrative impact. As we concentrate on the proper administration of the collective bargaining agreements, we are seeing a slight decrease in the number of grievances being filed.

Staffing

Brian Kremer continues to work seamlessly and has been able to cover the occasional Court appearance when I am unavailable. In only a few weeks Erika Tee is already being praised by Mariann for her interest in the work and attention to detail. Mariann is a tremendous asset to the office with both historical knowledge and an unwavering work ethic. Yet again the office dynamic has changed over this past year, with the loss of a full-time support staff position but we are still committed to getting the job done in the most efficient and professional manner.