COMMON COUNCIL

AGENDA
April 15, 2014
7 p.m.

Call To Order

Pledge of Allegiance

Invocation

Approval of minutes of the regular meeting of March 18, 2014

Open Forum

Mayoral Appointment - Norwich Housing Commission

Kay Zaia, re-appointment to a five-year term expiring June 25, 2019

Correspondence

Spring and Fall Craft Shows
20th Annual Colorscape

Department, Board and Commission Reports

Parks Commission Minutes of March 10, 2014, and April 7, 2014
Police Department Report of March 2014
Traffic Commission Minutes of February 12, 2014, and March 12, 2014
Water Commission Minutes of March 19, 2014
Water Department Report of March 2014
Youth Board Minutes of April 2, 2014
Youth Bureau Report of March 2014

Ward Reports

Motion

Receive Draft Comprehensive Plan, Authorize SEQRA Circulation, and Set Public Hearing
Curb Cut Request - 114 & 116 Birdsall Street

Resolutions

Awarding Bid - 2014 Street Paving
Authorizing Establishment of Capital Project for Replacement of Wheeler Avenue Water Storage Tank and Additional Engineering Services
Authorizing Special Project for Primary Digester Cleaning and Inspection, Engagement of Delaware Engineering, and Transfer of Funds
Authorizing Transfer of Funds - Police Vehicle
Designating "Preferred Purchaser" of City-Owned Property at 45 Silver Street
Designating "Preferred Purchaser" of City-Owned Property at 108-110 Pleasant Street
Expressing Support for a Casino in Broome County
Authorizing Issuance of Refunding Bonds
Authorizing Engineering Services - Heritage Block Parking and Museum District Streetscape Projects

Other Items East Park Events

Payment of April Bills

Executive Session (if needed)

Adjournment

CORRESPONDENCE

Spring and Fall Craft Shows Ald. _______________ **moved** to receive and approve a request from Anna McLaughlin of the Norwich Merchants Association to hold a Spring Craft Show on Saturday, May 10, 2014, and a Fall Craft Show on Saturday, October 4, 2014, both with special-event designation. Seconded by Ald. ____________, duly (approved / defeated) _____________.

Colorscape Chenango Arts Festival Ald. ____________ **moved** to receive and approve a request from Peggy Finnegan for the Colorscape Chenango Arts Festival to be held on September 6 and 7, 2014, with special event designation and with the following street closings: East Park Place from East Main Street to North Broad Street; West Main Street from North Broad Street to Court Street; Hayes Street Parking Lot; north end; barriers along south side of 27 West Main Street. Seconded by Ald. ___________ and (duly approved/denied) ____________.

MOTIONS

Receive Draft Comprehensive Plan, Authorize SEQRA Circulation, and Set Public Hearing - Amending Chapter 525 of City Code Ald. ___________ **moved** to receive the draft revised Comprehensive Plan, authorize a SEQRA circulation, and set a public hearing for 7 p.m. on May 20, 2014. Seconded by Ald. ______________, duly (approved / defeated) ______.

Curb Cut Request - 114 Birdsall Street Ald. ___________ **moved** to receive and approve a request from Dinnett Moore for a curb cut at 114 Birdsall Street, as approved by the DPW Superintendent. Seconded by Ald. ____________, duly (approved / defeated) __________.

Payment of April 2014 Bills Ald. _____________ **moved** to pay the April 2014 bills after proper audit and certification. Seconded by Ald. __________ and duly (adopted/defeated) ______.

RESOLUTIONS

RESOLUTION # -2014 **AWARDING BID - 2014 GRINDING & PAVING PROGRAM**

Ald. ______________ introduced the following and **moved** its adoption:

WHEREAS, bids for the 2014 Street Rehabilitation Program were opened on March 31, 2014; and

WHEREAS, Delaware Engineering, the Department of Public Works, and the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that the bid for the 2014 Grinding & Paving Program be awarded to the lowest qualified bidder meeting specifications, Suit-Kote, of Cortland, NY, in the base bid amount of $135,693.75.

Seconded by Ald. ________, and duly (adopted / defeated), _______, on a roll call vote.

RESOLUTION # -2014 **AUTHORIZING ESTABLISHMENT OF CAPITAL PROJECT FOR REPLACEMENT OF WHEELER AVENUE WATER STORAGE TANK AND ADDITIONAL ENGINEERING SERVICES**

Ald. ______________ introduced the following and moved its adoption:

WHEREAS, the Common Council has authorized the engagement of GHD Consulting Engineers, LLC of Cazenovia, New York ("GHD"), for the necessary professional engineering services associated with the needed replacement of the 66-year old water storage tank on Wheeler Avenue (the "Water Tank Project") through the adoption of Resolutions #14-2013 on February 19, 2013 and #36-2013 on June 18, 2013; and

WHEREAS, said resolutions authorized a total combined amount of $165,200 for such services, which include the preparation of a study and report as required for an application for funding to USDA Rural Development ("RD"); and

WHEREAS, RD has also required borings for subsurface soil tests of the project site, which require additional engineering services in the amount of $2,300; and

WHEREAS, GHD has developed detailed budget estimates for the establishment of the Water Tank Project in a grand total amount not to exceed $2,700,000, which includes all of the aforementioned engineering services costs, as well as construction and administrative expenses; and

WHEREAS, the Public Safety/Public Works and Finance/Personnel Committees have made certain recommendations for moving forward with the Water Tank Project; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized to sign an amendment to the agreement with GHD for additional services in the amount of $2,300, bringing the grand total authorized amount for engineering services to $167,500; and

RESOLVED, that the Director of Finance be and hereby is authorized to establish appropriate budgetary accounts in the Capital Projects Fund for the Water Tank Project, based on a total estimated project cost of $2,700,000; and further be it

RESOLVED, that the Mayor, the Superintendent of Public Works, and the Director of Finance be and hereby are authorized to submit an application to RD and to other funding sources as may be necessary for the funding of the project, and also to pursue and negotiate the related professional bonding services of a Financial Advisor and Bond Counsel.

Seconded by Ald. ________, and duly (adopted / defeated), _______, on a roll call vote.

RESOLUTION # -- 2014 AUTHORIZING SPECIAL PROJECT FOR PRIMARY DIGESTER CLEANING AND INSPECTION, ENGAGEMENT OF DELAWARE ENGINEERING, AND TRANSFER OF FUNDS

Ald. _________________ introduced the following and **moved** its adoption:

WHEREAS, the 25-year old primary digester at the Wastewater Treatment Plant facility is not functioning properly and is failing to provide necessary biosolids processing and gas generation; and

WHEREAS, a preliminary assessment of the relevant factors has pointed out the need for extensive cleaning and inspection work to be conducted for the purposes of restoring its short-term operation and developing a long-term plan for the completion of permanent improvements (the "Special Project"); and

WHEREAS, a proposal has been received from Delaware Engineering of Oneonta to provide the necessary design, bidding, and on-site professional services to accomplish the Special Project; and

WHEREAS, the total estimated cost of the Special Project, including the engineering professional services, is projected not to exceed $180,000; and

WHEREAS, the portion for the proposed engineering services is $29,500; and

WHEREAS, the size of the Special Project will require the transfer of funds from Capital Reserves; and

WHEREAS, the Public Safety/Public Works and Finance/Personnel Committees have made certain recommendations; now, therefore be it

RESOLVED, that the Special Project for the primary digester work is hereby authorized at a total estimated cost of $180,000; and, further be it

RESOLVED, that the Mayor be and hereby is authorized under the direction of the City Attorney to sign an engineering agreement with Delaware Engineering, P.C., of Oneonta, NY, for the aforesaid corresponding engineering services in an amount not to exceed $29,500; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfers in the 2014 Sewer Fund Budget:

From:

Account Number	Name	Amount
HR42-878	Capital Reserves – Sewer Equipment	$180,000.00

To:

Account Number	Name	Amount
G1989.0	Sewer Fund – Special Projects	$180,000.00

Seconded by Ald. ___________, and duly (adopted / defeated), _____, on a roll call vote.

RESOLUTION #   -- 2014   **AUTHORIZING TRANSFER OF FUNDS – POLICE VEHICLE**

Ald. _____________ introduced the following and **moved** its adoption:

WHEREAS, the security requirements of the City's water and wastewater facilities utilize Police Department patrol and surveillance activity; and

WHEREAS, it has been determined that major associated equipment costs should be appropriately shared among the water system funds and general fund from time to time; and

WHEREAS, the Public Safety/Public Works and Finance/Personnel Committees have made certain recommendations; now, therefore be it

RESOLVED, that costs for a new 2014 patrol vehicle and related equipment are to be provided from the Wastewater Capital Reserves funds; and, be it further

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds from the 2014 Sewer Capital Reserves to the General Fund Budget:

From:

Account Number	Name	Amount
HR42-878	Capital Reserves – Sewer Equipment	$31,100.00

To:

Account Number	Name	Amount
A3120.2100	Police Department - Equipment	$31,100.00

Seconded by Ald. ___________, and duly (adopted / defeated), _____, on a roll call vote.

RESOLUTION # -2014 **DESIGNATING "PREFERRED PURCHASER" OF CITY-OWNED PROPERTY AT 45 SILVER STREET**

Ald. ______________________ introduced the following and **moved** its adoption:

WHEREAS, the City of Norwich acquired the real property at 45 Silver Street through property tax foreclosure; and

WHEREAS, the subject property is considered by the Common Council to be surplus and its continued ownership by the City unnecessary to a useful public purpose; and

WHEREAS, the City advertised and conducted a public Request for Proposals (RFP) for the sale of the subject property; and

WHEREAS, the Common Council subsequently received one proposal, that being from Dutch Associates, Inc. (Christopher Antonakas, principal) having offices at 74 Avenue O, Brooklyn, NY, that the Council believes is acceptable based on the purchase amount offered and the proposed rehabilitation of the property for use as a two-family dwelling; and

WHEREAS, the sale of the subject property to a private party is appropriately classified as an Unlisted action pursuant to the applicable provisions of the State Environmental Quality Review Act (SEQRA); now, therefore, be it

RESOLVED, the Common Council hereby determines that the proposed action will not result in a significant adverse environmental impact, and hereby issues a Determination of Non-Significance (a negative declaration) in the accompanying short environmental assessment form (EAF); and be it further

RESOLVED, the Common Council hereby designates Dutch Associates, Inc. (Chriss Antonakas, principal), having offices at 74 Avenue O, Brooklyn, NY , as the "preferred purchaser" of the City-owned property at 45 Silver Street for the purpose of rehabilitating the residential structure and establishing a two-family residential use at the property; and be it further

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to negotiate and enter into a contract for the sale of the City-owned property at 45 Silver Street to Dutch Associates, Inc. (Chriss Antonakas, principal) for the purpose of rehabilitating the residential structure and establishing a two-family residential use at the property.

Seconded by Ald. __________________ and duly (adopted / defeated), ___, on a roll call vote.

RESOLUTION # -2014 **DESIGNATING "PREFERRED PURCHASER" OF CITY-OWNED PROPERTY AT 108-110 PLEASANT STREET**

Ald. ________________________ introduced the following and **moved** its adoption:

WHEREAS, the City of Norwich acquired the real property at 108-110 Pleasant Street through property tax foreclosure; and

WHEREAS, the subject property is considered by the Common Council to be surplus and its continued ownership by the City unnecessary to a useful public purpose; and

WHEREAS, the City publicly advertised the property for sale in the Evening Sun newspaper on September 27, 2013; and

WHEREAS, a purchase offer received from Dennis P. Salvati, residing at 1346 County Route 36, Norwich, NY, is considered the most desirable offer based on the purchase amount offered and the proposed use of the existing residential structure as a single-family dwelling; and

WHEREAS, the sale of the subject property to a private party is appropriately classified as an Unlisted action pursuant to the applicable provisions of the State Environmental Quality Review Act (SEQRA); now, therefore, be it

RESOLVED, the Common Council hereby determines that the proposed action will not result in a significant adverse environmental impact, and hereby issues a Determination of Non-Significance (a negative declaration) in the accompanying short environmental assessment form (EAF); and be it further

RESOLVED, the Common Council hereby designates Dennis P. Salvati, residing at 1346 County Route, Norwich, NY, as the "preferred purchaser" of the City-owned property at 108-110 Pleasant Street for the purpose of rehabilitating the residential structure for use as a single-family dwelling; and be it further

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to negotiate and enter into a contract for the sale of the City-owned property at 108-110 Pleasant Street to Dennis P. Salvati for the purpose of rehabilitating the residential structure for use as a single-family dwelling.

Seconded by Ald. ___________________ and duly (adopted / defeated), ___, on a roll call vote.

<u>RESOLUTION # -2014</u>   **EXPRESSING SUPPORT FOR A CASINO IN BROOME COUNTY**

Ald. ______________ introduced the following and **moved** its adoption:

WHEREAS, the citizens of the State of New York overwhelmingly voted in the affirmative to amend § 9 of Article 1 of the Constitution to allow the authorization for up to seven Class III casinos in New York State; and

WHEREAS, the Governor announced that the first four casinos will be built in Upstate New York, including at least one in Region 5, which includes Broome County; and

WHEREAS, it is projected that the construction of these Class III casinos will promote significant job growth, increase aid to schools, and permit local governments to lower property taxes through revenues generated for the host communities and counties within the region, which will benefit the Southern Tier in the event that a Broome County site is selected; now, therefore be it

RESOLVED, that in furtherance of the above goals, the Common Council of the City of Norwich hereby declares its support for awarding a casino license to a destination resort in Broome County; and, be it further

RESOLVED, that a copy of this resolution shall be sent to the New York State Gaming Commission, Governor Andrew Cuomo, and appropriate state elected officials.

Seconded by Ald. ________, and duly (adopted / defeated), _______, on a roll call vote.

RESOLUTION # -2014 **AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE CITY OF NORWICH, CHENANGO COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.**

Ald. ______________ introduced the following and **moved** its adoption:

WHEREAS, the City of Norwich, Chenango County, New York (hereinafter, the "City") heretofore issued an aggregate $3,095,000 Public Improvement (Serial) Bonds, 2004, pursuant to various bond ordinances and a bond certificate dated February 27, 2004 (the "2004 Bond Certificate"), to pay the cost of the various City improvements, as further described therein, such Public Improvement (Serial) Bonds, 2004, being dated February 15, 2004 and maturing or matured on March 15 annually (the "2004 Refunded Bonds"); and

WHEREAS, the City heretofore issued an aggregate principal amount of $1,700,000 Public Improvement Refunding (Serial) Bonds, 2004, pursuant to various bond ordinances and a bond certificate dated June 9, 2004 (the "2004R Bond Certificate"), to refund bonds issued to pay the cost of the various City improvements, as further described therein, such Public Improvement Refunding (Serial) Bonds, 2004, being dated June 9, 2004 and maturing or matured on March 15 annually (the "2004R Refunded Bonds"); and

WHEREAS, the 2004 and 2004R Refunded Bonds are hereinafter sometimes referred to collectively as the "Refunded Bonds"; and

WHEREAS, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the $1,545,000 outstanding principal balance of the 2004 Refunded Bonds maturing in 2015 and thereafter, and the $905,000 outstanding principal balance of the 2004R Refunded Bonds maturing in 2015 and thereafter, each by the issuance of refunding bonds pursuant to Section 90.00 of the Local Finance Law; and

WHEREAS, each of such refundings will individually result in present value savings in debt service as so required by Section 90.00 of the Local Finance Law; now, therefore, be it

RESOLVED, by the Common Council of the City of Norwich, Chenango County, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding aggregate principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding $2,700,000 refunding bonds of the City pursuant to the provisions of Section 90.00 of the Local Finance Law (the "Public Improvement Refunding Bonds" or the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately $2,430,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding bond issues. The Public Improvement Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of $5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-14 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Director of Finance pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Director of Finance shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the City by lot in any customary manner of selection as determined by the Director of Finance.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book Entry Only system of DTC. In the event that either DTC shall discontinue the Book Entry Only system or the City shall terminate its participation in such Book Entry Only system, such bonds shall thereafter be issued in certificated form of the denomination of $5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book Entry Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Director of Finance as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the City maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Director of Finance providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Director of Finance as fiscal agent of the City for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Director of Finance, as chief fiscal officer of the City, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said City, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the City, regardless of whether the Refunding Bonds are initially issued in certificated or non certificated form; provided, however, that the Director of Finance is also hereby authorized to act as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Director of Finance is hereby further delegated all powers of this Common Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the Director of Finance, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by Section 90.00 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this ordinance does not exceed the limitation imposed by Section 90.00 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the respective Refunded Bonds, for each of the objects or purposes for which such respective Refunded Bonds were issued is as provided in the Respective Bond Certificate, hereby incorporated herein by reference;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of each of the objects or purposes for which said respective Refunded Bonds were issued in accordance with the provisions of Section 90.00 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, with regard to each of the respective series of Refunded Bonds, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this ordinance (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this ordinance. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of $2,430,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this ordinance. This Common Council recognizes that the Refunding Bonds may be issued in one or more series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the City will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Director of Finance is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Director of Finance; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.00 of the Local Finance Law. The Director of Finance shall file a copy of his certificates determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Director of Finance is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Director of Finance shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in the Local Finance Law.

Section 6. The faith and credit of said City of Norwich, Chenango County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the City to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this ordinance, so long as any of the Refunding Bonds shall be outstanding, the City shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In the event such bonds are refunded, the City hereby elects to call in and redeem each respective series of Refunded Bonds which the Director of Finance shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, if any, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to Roosevelt & Cross Inc. (the "Underwriter") for purchase prices to be determined by the Director of Finance, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. The Director of Finance is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the City providing the terms and conditions for the sale and delivery of the Refunding Bonds. After the Refunding Bonds have been duly executed, they shall be delivered by the Director of Finance to the purchaser in accordance with said purchase contract upon the receipt by the City of said purchase price, including accrued interest.

Section 11. The Director of Finance and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this ordinance or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Director of Finance and all powers in connection thereof are hereby delegated to the Director of Finance.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

2. The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this ordinance, which takes effect immediately, shall be published in the official newspapers of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Seconded by Ald. ________, and duly (adopted / defeated), _______, on a roll call vote.

RESOLUTION # -2014 **AUTHORIZING ENGINEERING SERVICES FOR HERITAGE BLOCK PARKING AREA AND THE MUSEUM DISTRICT STREETSCAPE PROJECTS**

Ald. _______________introduced the following and **moved** its adoption:

WHEREAS, the Common Council desires to commission engineering services for preliminary designs and cost estimates for the Heritage Block parking area and the Museum District streetscape projects; and

WHEREAS, a Request for Proposals (RFP) was publicly advertised in the Evening Sun newspaper on March 11, 2014; and

WHEREAS, three engineering firms provided proposals by the April 2, 2014, deadline; and

WHEREAS, the City's consultant, Shelter Planning & Development Inc., and the Brown Field Area (BOA) Step 2 steering committee have reviewed the proposals and have made certain recommendations; and

WHEREAS, the Common Council understands and accepts that ninety percent of the cost of these services are anticipated to be paid by the BOA Step 2 program on a reimbursement basis; and

WHEREAS, the proposed engineering design and cost estimating services are appropriately classified as a Type 2 action in accordance with the State Environmental Quality Review Act (SEQRA); now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to negotiate and sign an agreement with The Chazen Companies of Troy, NY, to provide engineering services to provide preliminary designs and cost estimates for the Heritage Block parking area and the Museum District streetscape projects in an amount not to exceed $7,247, to be provided from Community Development funds.

Seconded by Ald. __________ and duly (adopted / defeated), ___, on a roll call vote.