COMMON COUNCIL

April 15, 2014

Mayor Joseph Maiurano presided at a meeting of the Common Council held at 7:00 PM on April 15, 2014, in the Common Council Chambers at One Court Plaza.

Present:
Ald. Bryan McCracken
Ald. Brian Doliver
Ald. John Deierlein
Ald. Paul Laughlin
Mayor Joseph Maiurano
Supervisor Robert Jeffrey
Supervisor James McNeil

Also:
Director of Finance/City Clerk William Roberts
Human Resources Director Deborah DeForest
Community Development Specialist Todd Dreyer
Police Chief Joseph Angelino
Youth Bureau Director Robert Mason
Deputy City Clerk Brian Drake

Absent:
Ald. Walter Schermerhorn
Ald. Thomas LoPiccolo

Call to Order
The meeting of the Common Council was called to order by Mayor Maiurano at 7:02 p.m.

Approval of minutes
Ald. Deierlein **moved** to approve the minutes of the regular meeting of March 18, 2014. Seconded by Ald. Laughlin, duly approved ayes all.

Open Forum There were no comments.

Mayoral Appointment Mayor Maiurano re-appointed Kay Zaia to the Norwich Housing Commission for a five-year term expiring June 25, 2019. Mayor Maiurano thanked Ms. Zaia for all the work she has put in for the City's Centennial celebrations.

Correspondence

Spring and Fall Craft Shows Ald. McCracken **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. Deierlein, duly approved ayes all.

Colorscape Chenango Arts Festival Ald. Deierlein **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. McCracken and duly approved ayes all.

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

Ald. McCracken **moved** to receive and file the department, board, and commission reports. Seconded by Ald. Doliver, approved ayes all.

Ward Reports

Ward 1
Ald. McCracken reported he received one communication from a constituent during the last month and the matter was referred to the appropriate department head for resolution. Another matter concerning a request from Hospice regarding their annual plant sale has been resolved.

Ward 2
Ald. Doliver reported he received one communication from a constituent during the last month and the matter was referred to the appropriate department head for resolution.

Ward 3
Ald. Deierlein reported that he received no communications from constituents during the last month.

Ward 5
Ald. Laughlin reported that he received one communication from a constituent during the past month and referred the matter to the appropriate department head for resolution.

Ald. Laughlin **moved** to receive and file the ward reports. Seconded by Ald. Deierlein, approved ayes all.

Motions

Receive Draft Comprehensive Plan, Authorize SEQRA Circulation, and Set Public Hearing - Amending Chapter 525 of City Code Ald. Deierlein **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. Laughlin, duly approved ayes all.

Curb Cut Request - 114 Birdsall Street Ald. Laughlin **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. Doliver, duly approved ayes all.

Resolutions

RESOLUTION #20-2014 **AWARDING BID - 2014 GRINDING & PAVING PROGRAM**

Ald. Deierlein 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. McCracken, and duly adopted, 4-0, on a roll call vote.

RESOLUTION #21-2014 **AUTHORIZING ESTABLISHMENT OF CAPITAL PROJECT FOR REPLACEMENT OF WHEELER AVENUE WATER STORAGE TANK AND ADDITIONAL ENGINEERING SERVICES**

Ald. Deierlein 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, further be it

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. Laughlin, and duly adopted, 4-0, on a roll call vote.

RESOLUTION #22-2014 **AUTHORIZING SPECIAL PROJECT FOR PRIMARY DIGESTER CLEANING AND INSPECTION, ENGAGEMENT OF DELAWARE ENGINEERING, AND TRANSFER OF FUNDS**

Ald. Laughlin 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. Deierlein, and duly adopted, 4-0, on a roll call vote.

RESOLUTION #23-2014 AUTHORIZING TRANSFER OF FUNDS – POLICE VEHICLE

Ald. Deierlein 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. Laughlin, and duly adopted, 4-0, on a roll call vote.

RESOLUTION #24-2014 DESIGNATING "PREFERRED PURCHASER" OF CITY-OWNED PROPERTY AT 45 SILVER STREET

Ald. Laughlin 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, that 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, that 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. McCracken.

Discussion: Ald. McCracken stated he had been contacted by several people with concerns regarding the proposed sale to an out-of-town landlord. Ald. Deierlein stated he had looked at the building and noted it needed remediation, but after examining other properties owned by Dutch Associates, he had concerns about their quality of work. He stated selling the property to an out-of-town landlord was not in the City's best interests. Mayor Maiurano said that the proposed purchaser owns one other property in Norwich, on Hickok Street, and is currently renovating that property. Ald. Deierlein said he had seen pictures of a property owned by Dutch Associates in Earlville. Ald. McCracken noted that the property on Hickok was sold to Dutch Associates last year and renovations are not yet complete, though a time-limit clause was not included in that contract. He would like to see the results of that renovation before approving another sale to this company.

Ald. Doliver **moved** to table the resolution. Seconded by Ald. McCracken, approved ayes all.

<u>RESOLUTION #25-2014</u> **DESIGNATING "PREFERRED PURCHASER" OF CITY-OWNED PROPERTY AT 108-110 PLEASANT STREET**

Ald. McCracken 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, that 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, that the Common Council hereby designates Dennis P. Salvati, residing at 1346 County Route 36, 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. Deierlein and duly adopted, 4-0, on a roll call vote.

<u>RESOLUTION #26-2014</u> **EXPRESSING SUPPORT FOR A CASINO IN BROOME COUNTY**

Ald. Deierlein 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. Doliver, and duly adopted, 3-1, on a roll call vote, Ald. Laughlin voting Nay.

Discussion: Mayor Maiurano noted that this resolution was brought forward by Assemblyman Clifford Crouch. Ald. McCracken asked if there is information as to whether construction of a casino in Broome County would benefit Chenango County. Mayor Maiurano said he is unaware of any study, but that increased traffic would surely follow construction of a casino. Police Chief Joseph Angelino noted that the Classic Car Museum gets some traffic from tourists visiting a casino in another county. City Supervisor Robert Jeffrey noted that construction of a nearby casino could create jobs for Chenango County residents.

RESOLUTION #27-2014 **AUTHORIZING ENGINEERING SERVICES FOR HERITAGE BLOCK PARKING AREA AND THE MUSEUM DISTRICT STREETSCAPE PROJECTS**

Ald. McCracken 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. Deierlein and duly adopted, 4-0, on a roll call vote.

Discussion: Ald. Deierlein asked about this project. Mayor Maiurano replied that it is part of the BOA initiative involving a $90,000 grant. This will approve engineering to provide lighting, curbing, and sidewalks for the museum area and will allow the City to apply for CFA grants. City Supervisor Robert Jeffrey stated this project will improve the area containing the Classic Car Museum, Historical Society, and Train Museum. Community Development Specialist Todd Dreyer said sidewalks might be included to North Broad Street if permissions are granted.

Payment of April 2014 Bills Ald. Laughlin **moved** to pay the April 2014 bills after proper audit and certification. Seconded by Ald. Deierlein and duly adopted, ayes all.

April Bills

		Prepaid		4/15/14		Grand Total
General Fund		$ 309,199.11		$ 484,318.42		$ 793,517.53
Sewer Fund		50,623.82		26,649.57		77,273.39
Water Fund		30,281.43		7,747.54		38,028.97
Trust		46,075.32		-		46,075.32
Debt Service		1,762.00		-		1,762.00
Capital Projects		8,509.34		12,453.17		20,962.51
TOTALS		**$ 446,451.02**		**$ 531,168.70**		**$ 977,619.72**

Other Items Mayor Maiurano noted the presence of guests from Take Back Chenango.

Adjournment

Ald. Deierlein **moved** to adjourn at 7:27 p.m. Seconded by Ald. McCracken, accepted ayes all.