

COMMON COUNCIL

January 15, 2013

Mayor Joseph Maiurano presided at a meeting of the Common Council held at 7:00 PM on January 15, 2013, in the Common Council Chambers at One Court Plaza.

Present:

Ald. Bryan McCracken
Ald. Terry Bresina
Ald. John Deierlein
Ald. Walter Schermerhorn
Lawrence
Ald. Paul Laughlin
Ald. Daniel Palmer
Mayor Joseph Maiurano
Supervisor James McNeil

Also:

Director of Finance/City Clerk William Roberts
Fire Chief Tracy Chawgo
Human Resources Director Deborah DeForest
Code Enforcement Officer/Fire Marshall Jason

DPW Superintendent Carl Ivarson
Youth Bureau Director Robert Mason
EMO A. Jones
City Attorney Patrick Flanagan
Deputy City Clerk Brian Drake

Absent:

Supervisor Robert Jeffrey

Call to Order

The meeting of the Common Council was called to order by Mayor Maiurano at 7:03 p.m.

Approval of minutes

Ald. McCracken **moved** to approve the minutes of the regular meeting of December 18, 2012, the special meetings of December 27 and December 31, 2012, and the Organizational Meeting of January 2, 2013. Seconded by Ald. Deierlein, duly approved ayes all.

Open Forum There were no comments.

Mayoral Appointment

Electrical Board

Richard Barnes, 17 Division Street, appointment to a 3-year term expiring December 31, 2015.

Norwich-Oxford Little League Parade Ald. Laughlin **moved** to receive and approve a request from Robert Mason for the Norwich-Oxford Little League parade to be held on Saturday, April 27, 2013, from East Main Street to Norwich High School beginning at 10:00 a.m. through the end of the parade, with police escort. Seconded by Ald. Bresina and duly approved ayes all.

Department, Board and Commission Reports

Civil Service Commission Minutes of January 10, 2013
Police Department Monthly Report of December 2012
Traffic Commission Minutes of December 12, 2012 and January 9, 2013
Water Commission Minutes of December 19, 2012
Youth Board Minutes of January 2, 2013

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

Ward Reports

Ward 1

Ald. McCracken reported that he received no communication from constituents during the past month.

Ward 2

Ald. Bresina reported that he received no communication from constituents during the past month.

Ward 3

Ald. Deierlein reported that he received no communication from constituents during the past month.

Ward 4

Ald. Schermerhorn reported that he received no communication from constituents during the past month.

Ward 5

Ald. Laughlin reported that he received no communication from constituents during the past month.

Ward 6

Ald. Palmer reported that he received comments from constituents which he has referred to the Traffic Commission.

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

Resolutions**RESOLUTION #01-2013****REPORTING RESOLUTION FOR THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM**

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

WHEREAS, the New York State and Local Employees' Retirement System requires a resolution to establish a standard system to report time worked and to establish standard work days for elected and appointed officials who have joined the retirement system; and

WHEREAS, the Personnel and Finance Committee have made certain recommendations, now therefore be it

RESOLVED, that the Common Council hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the bi-weekly payroll records submitted by these officials to the Department of Human Resources:

Title	Name	Registration #	Standard Work Day	Term Begins/Ends	Paid by Employer Time Keeping System
Elected Officials					
Alderman	Bryan D. McCracken	60144342	6	01/01/2013-12/31/2016	Yes
Alderman	John Deierlein	42663286	6	01/01/2012-12/31/2015	Yes
Alderman	Daniel J. Palmer	60226305	6	01/01/2013-12/31/2013	Yes
Appointed Officials					
Assessor	Brian Fitts	42708099	8	06/29/2009-09/30/2013	Yes
City Attorney	Patrick Flanagan	37877644	8	01/01/2013-12/31/2014	Yes
Director of Finance	William Roberts	38397816	8	01/01/2013-12/31/2014	Yes

Seconded by Ald. McCracken, and duly adopted, 6-0, on a roll call vote.

RESOLUTION #02-2013**AUTHORIZING THE REPLACEMENT OF THE DRINKING WATER FILTRATION PLANT AND ANCILLARY FACILITIES, IN AND FOR THE CITY OF NORWICH, CHENANGO COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$6,135,000, AND AUTHORIZING THE ISSUANCE OF \$6,135,000 BONDS OF SAID CITY TO PAY THE COST THEREOF**

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

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; now, therefore, be it

RESOLVED by the affirmative vote of **not less than two-thirds of the total voting strength** of the Common Council of the City of Norwich, Chenango County, New York, as follows:

Section 1. The replacement of the water filtration plant and ancillary facilities, including original furnishings, equipment, machinery or apparatus and incidental improvements and expenses in connection therewith, in and for the City of Norwich, Chenango County, New York, is hereby authorized at a maximum estimated cost of \$6,135,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$6,135,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of bonds ultimately to be issued shall be reduced dollar for dollar by the amount of any grant monies received therefor.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Norwich, Chenango County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations 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 obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the Director of Finance, the chief fiscal officer of such City. Such bonds shall contain substantially 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 52.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes 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 Bond Resolution 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 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said City hereby designated for such purpose, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

Seconded by Ald. Schermerhorn, and duly adopted, 6-0, on a roll call vote.

Discussion: Ald. Deierlein remarked that, while this is an expensive project, this is what the City is here to do: provide safe drinking water, wastewater treatment, police and fire protection and other services. The project will be financed over 40 years, and a grant is being applied for. Director of Finance William Roberts stated that the application for both a grant and loan funding is being submitted to USDA Rural Development and a response should be received within two months. Ald. Deierlein clarified that this is not being paid for from general taxes but from the Water Fund. Mayor Maiurano commented that the City is searching for other funding as well. The renovation of the Wastewater Treatment Plant began without outside funding, but several grants and loans were received during the project.

RESOLUTION #03-2013

AUTHORIZING APPOINTMENT OF FINANCIAL ADVISOR

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

WHEREAS, the Common Council on the 11th day of December, 2012, authorized the establishment of a capital project for the replacement of the existing water filtration facilities (the "Water Filtration Project"); and

WHEREAS, said resolution authorized the Mayor, the Superintendent of Public Works, and the Director of Finance to pursue and negotiate funding sources for the project, including the related professional bonding services of a Financial Advisor and Bond Counsel; now, therefore be it

RESOLVED, that the appointment and retention of Municipal Solutions, Inc., as Financial Advisor for the City of Norwich Water Filtration Project, under the terms as outlined in the letter from Municipal Solutions, Inc. of December 28, 2012, be and hereby is approved; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to acknowledge acceptance on behalf of the City of said retention according to said terms.

Seconded by Ald. McCracken, and duly adopted, 6-0, on a roll call vote.

RESOLUTION #04-2013

AUTHORIZING APPOINTMENT OF BOND COUNSEL

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

WHEREAS, the Common Council on the 11th day of December, 2012, authorized the establishment of a capital project for the replacement of the existing water filtration facilities (the "Water Filtration Project"); and

WHEREAS, said resolution authorized the Mayor, the Superintendent of Public Works, and the Director of Finance to pursue and negotiate funding sources for the project, including the related professional bonding services of a Financial Advisor and Bond Counsel; now, therefore be it

RESOLVED, that the appointment and retention of Orrick, Herrington & Sutcliffe, LLP ("Orrick") as Bond Counsel for the City of Norwich Water Filtration Project, under the terms as outlined in the letter from Orrick of January 10, 2013, be and hereby is approved; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to acknowledge acceptance on behalf of the City of said retention according to said terms.

Seconded by Ald. Schermerhorn, and duly adopted, 6-0, on a roll call vote.

RESOLUTION #05-2013

AUTHORIZING RETAIL DEVELOPMENT LOAN TO LAURIE A. FRANKLIN (d/b/a CARMEN'S CAFÉ) FOR RENOVATIONS TO ESTABLISH NEW LOCATION

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

WHEREAS, the City of Norwich administers a Retail Development Loan Program designed to provide assistance to local businesses for the purpose of undertaking business establishment, expansion, and other types of economic development activities beneficial to the Norwich community; and

WHEREAS, an application was received from Laurie A. Franklin, d/b/a Carmen's Café, (the "Applicant") for the purpose of financing the cost of necessary renovations to establish a new operating location at 104 East Main Street, Norwich, NY (the "Project"); and

WHEREAS, the loan application was reviewed favorably by the City's Loan Committee and has been referred to the Common Council with a favorable recommendation; and

WHEREAS, such recommendation is subject to and contingent on terms and conditions as outlined by the Loan Committee; and

WHEREAS, the proposed action is appropriately classified as a Type 2 action under the requirements of the State Environmental Quality Review Act (SEQRA); now therefore be it

RESOLVED, that a retail development loan be and hereby is approved in the amount of \$25,000 to Laurie A. Franklin, d/b/a Carmen's Café; and, further be it

RESOLVED, that such loan shall be for a term of five (5) years at a fixed rate of 3.5% and is subject to and contingent on all terms and conditions as specified by the Loan Committee and as required by the Director of Finance; and, further be it

RESOLVED, that the Mayor and Director of Finance of the City of Norwich be and hereby are authorized, under the direction of the City Attorney, to prepare and execute necessary corresponding documents.

Seconded by Ald. Laughlin and duly adopted, 6-0, on a roll call vote.

Payment of January 2013 Bills Ald. Deierlein **moved** that the payment of the January 2013 bills be authorized subject to final audit and verification, and subject to subsequent ratification and approval of the detailed bill list at the February 2013 meeting. Seconded by Ald. Schermerhorn and duly adopted, ayes all.

Adjournment

Ald. Laughlin **moved** to adjourn at 7:14 p.m. Seconded by Ald. Deierlein, accepted ayes all.