

COMMON COUNCIL

August 18, 2015

Mayor Joseph Maiurano presided at a meeting of the Common Council held at 7:00 PM on August 18, 2015, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Joseph Maiurano
Ald. Bryan McCracken
Ald. Brian Doliver
Ald. John Deierlein
Ald. Walter Schermerhorn
Ald. Kecia Funaro-Burton
Ald. Thomas LoPiccolo
Supervisor Robert Jeffrey
Supervisor James McNeil

Also:

Human Resources Director Deborah DeForest
City Chamberlain/City Clerk John Zielinski
Deputy City Chamberlain Dee DuFour
Fire Chief Tracy Chawgo
Police Chief Rodney Marsh
Code Enforcement Officer/Fire Marshall Jason Lawrence
Deputy City Clerk Brian Drake
City Attorney Patrick Flanagan
Youth Bureau Director Robert Mason
Media Representative Shawn Magrath

Absent:

None

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. Schermerhorn **moved** to approve the minutes of the regular meeting of July 21, 2015. Seconded by Ald. Deierlein and duly approved ayes all.

Open Forum

Robert Jeffrey, City Supervisor, 17 York Street, reiterated concerns about the award of a SAFER grant to the City of Norwich Fire Department. He asked the Council to consider the City's financial obligations after the term of the grant, noting the cost of benefits and especially of contributions to the State Retirement System. He noted that in 2011 the cost per fire fighter for salary and benefits was over \$100,000, and pension contributions are significantly higher now. The City must make contributions to the pension fund of approximately \$1.2 million. In 2011 the City had over \$600,000 in unappropriated fund balance, now there is approximately \$182,000. He urged the City to be proactive in Code enforcement.

Patrick McNeil, 25 South Broad Street, spoke as a volunteer for a cruise-in held at the Howard Johnson's by the Merchants' Association. He stated the hotel had received a complaint that blocking of parking spaces on North Broad Street for the cruise-in must be approved by the Common Council and complained of City requirements for being informed of this and other actions that block streets and sidewalks. He demanded Council action to approve blocking parking spaces for a cruise-in on August 27.

CORRESPONDENCE

Curb Cut Request – 197 North Broad Street Ald. Schermerhorn **moved** to receive and approve a request from Will Ryan for a curb cut at 197 North Broad Street, as submitted and approved by the DPW Superintendent. Seconded by Ald. Deierlein, approved ayes all.

Pumpkin Fest Ald. McCracken **moved** to receive and approve a request from Ann Coe of the Norwich B.I.D. to change the dates of the Pumpkin Fest to 8 a.m. Friday, October 23, through cleanup on Sunday, October 25, 2015, with closure of East Park Place and West Park Place, West Main Street to be closed from 12 p.m. Friday through approximately 9:30 p.m. Saturday, October 24, 2015. Seconded by Ald. Deierlein, approved ayes all.

Halloween Parade – Change of Date Ald. Doliver **moved** to receive and approve a request from Jamey Mullen of the Norwich Family YMCA to change the date of the annual Halloween Parade to October 24, 2015, at 11:00 a.m. to coincide with the Pumpkin Fest. Seconded by Ald. Deierlein, approved ayes all.

Colorscape/Bullthistle Farmers' Market Ald. Deierlein **moved** to receive and approve a request from Ann Coe of the Norwich B.I.D. to permit the use of a portion of the East Main Street parking lot for the Bullthistle Farmers' Market during the Colorscape Festival on September 12, 2015. Seconded by Ald. LoPiccolo, approved ayes all. Ald. McCracken asked about the screening of a dumpster in the East Main Street parking lot. Code Enforcement Officer Jason Lawrence

stated that he spoke with the owner of D'Abbraccio's Restaurant, who said that he did not move forward with the Bike Nights requested as he was not yet able to put up screening for the dumpster. J. Lawrence explained to him that the screening was required by City Code. The lease agreement for the parking space where the dumpster is located has not yet been signed.

Hayes Street Block Party Ald. McCracken **moved** to receive and approve a request from the Hayes St. Block Party Committee to closing Hayes Street between Elm and Locust Streets to all traffic except emergency vehicles from 12 noon to 8 p.m. on Sunday, September 20, 2015, for a block party. Seconded by Ald. Funaro-Burton, duly approved ayes all. Ald. Doliver asked if there were any problem with the request. Police Chief Rodney Marsh replied there is not.

Department, Board and Commission Reports

- ☐ Civil Service Commission Minutes of June 25, 2015
- ☐ Water System Report for July 2015
- ☐ WWTP Report for June 2015

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

Ward Reports

Ward 1

Ald. McCracken reported that he spoke with many constituents but had nothing to report.

Ward 2

Ald. Doliver reported that he received no communications from constituents during the last month.

Ward 3

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

Ward 4

Ald. Schermerhorn reported that all matters had been referred to the appropriate department heads for resolution.

Ward 5

Ald. Funaro-Burton reported that she received no communications from constituents during the last month.

Ward 6

Ald. LoPiccolo reported that he received no communications from constituents during the last month.

Ald. Schermerhorn **moved** to receive and file the ward reports. Seconded by Ald. LoPiccolo, approved ayes all. Mayor Maiurano stated he receives reports from Code Enforcement almost daily on actions taken and that the department is very proactive in keeping the City in proper order. He said that Binghamton is starting regular scans for Code violations, but the City has been conducting scans quarterly. He noted the Code Enforcement Department should be applauded for their efforts.

Motions

Amend Procurement Policy Ald. Schermerhorn **moved** to amend the Procurement Policy by adding the following paragraph:

10. **Committee Approval of Certain Budgeted Purchases**

As determined by the Common Council by motion on August 21, 2007, all budgeted equipment purchases of \$10,000 and over must be approved by the Finance/Personnel Committee.

Seconded by Ald. LoPiccolo and duly adopted ayes all. Ald. Deierlein asked if this addition made any changes to City practice. Deputy City Clerk Brian Drake explained that this motion simply adds the City's practice, as set in 2007, to the Procurement Policy for easy reference by City Department Heads and employees.

Resolutions

RESOLUTION #57-2015

AUTHORIZING APPLICATION FOR 2015 NYS DEC/EFC WASTEWATER INFRASTRUCTURE ENGINEERING PLANNING GRANT

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

WHEREAS, the New York State Department of Environmental Conservation, in cooperation with the New York State Environmental Facilities Corporation have made up to \$2 million available in 2015 for municipalities that need to construct or improve their municipal wastewater system; and

WHEREAS, grant funds can be used to pay for engineering and/or consultant fees for engineering and planning services for the production of an engineering report and municipalities can apply for the funding through the Consolidated Funding Application (CFA) with individual grants to be awarded up to \$100,000, with municipalities having to provide a 20% match; and

WHEREAS, the City of Norwich desires to apply for funding assistance through the current round of the Consolidated Funding Application (CFA) process to assist engineering for an inflow and infiltration study of the wastewater system; now, therefore be it

RESOLVED, that Carl Ivarson, as DPW Superintendent, is hereby authorized and directed to file an application through the 2015 Consolidated Funding Application (CFA) round for the 2015 New York State Department of Environmental Conservation/New York State Environmental Facilities Corporation Wastewater Infrastructure Engineering Planning Grant for up to \$100,000 with matching funds of up to \$25,000.

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

Discussion: Ald. McCracken asked if funds have been budgeted for the match. City Chamberlain John Zielinski replied that such funds will be part of the 2016 budget, because the grant award will not be made until December 2015 at the earliest. Ald. Deierlein asked if this grant is for a specific project. Ald. McCracken asked if this resolution could be tabled until DPW Superintendent Carl Ivarson is present to answer that question. [NOTE: The following excerpt from the minutes of the July 7, 2015 Joint Committees meeting addresses this question: "**I & I Study** C. Ivarson reported that grants of \$100,000 are available, with 20% matching funds from the municipality, for inflow and infiltration studies. He will apply for a grant, which will cost approximately \$2,000." J. Zielinski also stated that if the terms are not favorable, the City is not obligated to accept any grant award. Also, matching funds will come from the Wastewater Fund, not the General Fund, and so will have no impact on property taxes.

RESOLUTION #58-2015 APPROVING GRANT AWARD - MAIN STREET GRANT

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

WHEREAS, the City of Norwich is the recipient of a two hundred and fifty thousand dollar (\$250,000) Main Street grant funded through the New York State Housing Trust Fund Corporation and administered at the state level through the NYS Office of Community Renewal (OCR); and

WHEREAS, the Main Street Grant Program provides matching grant funds for the renovation of mixed use buildings to eligible applicants of up to fifty thousand dollars (\$50,000) on a 75/25 matching basis; renovation projects that provide direct assistance to residential units may be awarded an additional ten thousand dollars (\$10,000) per residential unit, not to exceed a building total of one hundred thousand dollars (\$100,000); and

WHEREAS, the property at 35 South Broad Street, Norwich, New York 13815 is eligible for grant assistance, and the owner has developed plans for building improvements; and

WHEREAS, the project has been reviewed by City officials and staff and has been found to meet the project selection criteria; and

WHEREAS, the project has been determined to be a priority redevelopment effort because it represents a visually prominent property on South Broad Street which functions as the main street in Norwich; and

WHEREAS, the improvements serve to contribute to the stabilization and expansion of a "Main Street" business; now, therefore be it

RESOLVED, that the City of Norwich approves the following grant award under the New York Main Street Program:

Owner
Todd Barnes

PROPERTY
Colonia Theatre
35 South Broad Street
Norwich, New York 13815

GRANT AWARD
Not to exceed \$ 43,689.75

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

Discussion: Ald. McCracken noted that the grant award was in January and asked why this disbursement has taken so long. Mayor Maiurano explained that grant funds are not distributed until a project is completed. [NOTE: Community Development Specialist Todd Dreyer notes that in this instance, disbursement was also delayed because of a need to wait for State Historical Preservation Office (SHPO) approval.]

RESOLUTION #59-2015 AUTHORIZING BUDGET TRANSFERS – RETIREMENT EXPENSES

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

WHEREAS, funds need to be reallocated among line items to cover the cost of Retirement expenses through December 31, 2014; now, therefore be it

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

From:

<u>Account No.</u>	<u>Name</u>	<u>Account</u>
A8170.1010	General - Street Cleaning - Personal Services	\$12,643.00
A930.8	General - Social Security	\$19,657.61
A5142.1020	General - Snow & Ice Removal - Overtime	\$22,410.72
A5110.1020	General - Street Maintenance - Overtime	\$13,930.67
G8130.4026	Sewer - Treatment & Disposal - Lab Expense	\$15,095.00
F1989.4	Water - Special Projects	\$17,253.00

To:

<u>Account No</u>	<u>Name</u>	<u>Account</u>
A9010.8	General - Retirement	\$12,643.00
A9015.8	General - Fire & Police Retirement	\$55,999.00
G9010.8	Sewer - Retirement	\$15,095.00
F9010.8	Water - Retirement	\$17,253.00

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

Discussion: Ald. McCracken asked that the reason for this resolution be explained for the record. J. Zielinski stated that the issue was raised during the 2014 audit. Retirement contributions are mandated by law and billed by the State Retirement System. The retirement expenses for 2014 were estimated for budgeting purposes, but the actual billed amount was not received until July of 2014 (the State fiscal year ends in March), which accounts for the discrepancy between budgeted and actual expenses. There may be several reasons why the estimate was low, as the billed amount uses actual payroll data and the estimate is based on a formula for projection. This resolution balances the affected accounts, and the net impact on personnel and employee benefit budget lines is zero.

RESOLUTION #60-2015 AUTHORIZING THE MAYOR TO ENTER INTO ONE OR MORE POWER PURCHASE AGREEMENTS TO SUPPLY ELECTRICITY GENERATED BY SOLAR PHOTOVOLTAIC SYSTEMS INTERCONNECTED WITH THE NYSEG SYSTEM AND TO APPLY FOR NYSERDA GRANTS IN SUPPORT OF THE PROJECT

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

WHEREAS, in response to request for proposals in May 2015 the City of Norwich ("City") has received a proposal from SolarCity ("SolarCity") to design, build, finance and provide one or more grid tied photovoltaic solar generating systems ranging in size from 1.6 Megawatts-DC ("MW") to 4 MW-AC at zero capital cost to the City, to be located on one or more parcels of land located outside the City of Norwich and leased by SolarCity for the purpose of establishing remote net metered solar generation projects that will provide monetary credits for a portion of the City's existing electric meters pursuant to one or more power purchase agreements ("PPA"); and

WHEREAS, the proposed PPA will reduce the City's electricity costs using monetary remote net metering credits ("RNM Credits") produced by delivering solar power into the grid in accordance with the net metering law set forth in the New York State Public Service Law § 66-j and related Orders of the New York State Public Service Commission and the remote net metering standards set forth by the utility (collectively the "RNM Law"), all resulting in potential savings on the City's energy costs, stabilization of energy supply costs in the future, and reduced greenhouse gas emissions; and

WHEREAS, the PPA will obligate the City to: A) purchase the entire output of the solar arrays for a period of 25 years, said PPA cost remaining constant throughout the term of the 25 year agreement; B) enter into a lease or sublease with SolarCity for the property on which the array will be located to qualify for RNM Credits; C) act as co-applicant with SolarCity for a grant in support of the project from the New York State Energy Research and Development Authority ("NYSERDA"); and D) act as co-applicant to NYSEG for interconnection of the solar array with the existing power grid; and

WHEREAS, the power purchased by the City would generate a RNM Credit with a value based upon NYSEG's PSC approved tariff for electricity supply and delivery for the Norwich region, the value of the RNM Credit today is estimated to result in a significant net benefit to the City over the 25-year term of the PPA; and

WHEREAS, SolarCity provides a guarantee that its system will produce 100% of the design capacity for electricity output, however there is no guarantee set forth in the PPA that the RNM Credit will continue to be available to the City in the future or that the RNM Credits will escalate in value or that the laws and policies of the State of New York will preserve the RNM Law in future years, nevertheless, the cost of electricity has historically escalated annually and in the reasonable business judgment of this City Council the historical trend is expected to continue thereby generating significant savings for the City under the PPA; and

WHEREAS, the City's existing needs for electricity can be offset by a solar system sized to produce approximately 1.9 MW of electricity moreover, the City has contemplated entering into one or more intermunicipal agreements with neighboring communities, school districts, and potentially economic development agreements with not-for-profit or private parties to provide RNM Credits on a cost plus basis where such arrangements are in the best interests of the City or would provide financial benefits to City taxpayers, therefore the City has requested and SolarCity has provided proposals to add additional solar arrays in 2 MW blocks with discounts for economies of scale associated with larger projects, provided however, that any such options are approved by future Common Council actions; and

WHEREAS, a final location for the solar projects can only be determined after certain interconnection information is obtained from NYSEG, however the following properties are under consideration as possible locations if it is determined that any of said lands are feasible within the technical and financial constraints of the project: A) Chenango County Transfer Station, 6701 State Hwy 12 in the Town of North Norwich; B) privately owned location between 6108 County Rd 32 and 6060 County Rd 32 in the Town of Norwich; C) privately owned location at 648 County Rd 33 in the Town of Norwich; and D) privately owned location at 232 White Store Rd in the Town of Norwich; and

WHEREAS, SolarCity has proposed to provide the City with a payment of \$50,000 to establish an escrow account to be used to reimburse the City for the costs of engineering, technical and legal fees submitted by Corporation Counsel, the law firm of Buchan & Sutter, P.C., technical consultant Janet L. Myers and other professionals engaged by the City for services provided in connection with the issuing of the initial RFP, and development through final system commissioning and commercial operation; now, therefore be it

RESOLVED, that the Common Council hereby authorizes and directs Mayor Joseph P. Maiurano, with the advice of the City Attorney or his designee, to sign one or more grant applications to NYSERDA to solicit funding for the solar energy project together with such other ancillary documents that are necessary to perfect the grant application; and, further be it

RESOLVED, that Mayor Joseph P. Maiurano with the advice of the City Attorney or his designee, is authorized and directed to sign one or more applications to NYSEG for interconnection of the solar system with the power grid together with such applications and documents as NYSEG may require for the City to obtain RNM Credits on its power bills; and, further be it

RESOLVED, that Mayor Joseph P. Maiurano with the advice of the City Attorney or his designee, is authorized and directed to sign one or more PPA's with SolarCity together with such leases or subleases as may be required for the property on which the solar array will be located together with a system operating agreement all in substantially the same form as those on file with the clerk of the Common Council; and, further be it

RESOLVED, that the City Chamberlain with the advice of the City Attorney or his designee, is authorized and directed to accept \$50,000 from SolarCity and to establish an escrow account therefore for the purpose of paying for professional services associated with the project in accordance with an escrow agreement in substantially the same form as is on file with the clerk of the Common Council; and, be it further

RESOLVED, that this resolution shall take effect immediately.

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

Discussion: Ald. Deierlein asked for clarification of the process. A representative for SolarCity, Jen Jachym, replied that this resolution starts the process for the City to host a solar array generating approximately 1.9 MW, which will require ten acres. Eventually the City will enter into a contract with SolarCity for a fixed cost of 6.9 cents per KWh with credits from NYSEG of 10.9 cents for every KWh of electricity produced, which could lead to savings of approximately \$94,000 per year for the City. Ald. Doliver noted that there is a performance guarantee from SolarCity for 100% generation of the array's capacity. Ms. Jachym clarified that there may be years in which the array does not produce its full capacity, but that the agreement will allow SolarCity four years to produce the contracted amount. If in five years the system under performs, SolarCity will make the City whole for what it would have saved. Maintenance and operation will be SolarCity's responsibility. Ald. McCracken asked what sites are being considered and whether they are in the City. Ms. Jachym stated four sites are being considered and will be inspected on Wednesday. City Attorney Patrick Flanagan stated none of the sites are located within the City. Sites are dependent on requiring at least ten acres, viability for solar generation, and interconnection with NYSEG. J. Zielinski noted that the sites are referenced in the resolution. Mayor Maiurano asked about other communities SolarCity operates in. Ms. Jachym replied that most communities do not have as many site options as Norwich. Oneida County wanted their array fully visible to show their commitment to green energy and placed it on the front lawn of the DPW building. Glens Falls wanted theirs hidden from general view, although some wished it to be visible. SolarCity has received few complaints. Ms. Jachym stated the City will be able to budget accurately regarding the payments for energy, but the credits from NYSEG may fluctuate, based on retail supply rates. Out of 22 customers, only one declined to accept the NYSERDA Grant incentive to proceed. P. Flanagan stated the issue is time sensitive, and that the resolution authorizes the Mayor to sign a PPA under attorney advice. Mayor Maiurano remarked on the long process and many discussions involved in exploring this opportunity. J. Zielinski reported he has called three SolarCity customers, the Millbrook School, the Town of Clay, and Otsego County, and all were positive. P. Flanagan stated he had also called several customers and they were all positive in their responses.

RESOLUTION #61-2015

ACCEPTING AMENDED 2015 SAFER GRANT FROM FEMA

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

WHEREAS, the City of Norwich was awarded a grant under the SAFER Program from FEMA (the "Grant") on July 10, 2015; and

WHEREAS, the Grant terms have been amended from three positions to one position; and

WHEREAS, the Grant will be used to fund a current firefighter vacancy for a period of two years which will save the City approximately \$195,000.00; now, therefore be it

RESOLVED, that said SAFER Grant to fund one firefighter position for a period of two years be and hereby is accepted; and, further be it

RESOLVED, that the Mayor, the Fire Chief, and the Director of Finance be and hereby are authorized to execute such corresponding agreements and documents as are necessary to implement and administer the Grant.

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

Discussion: Ald. Deierlein asked that the resolution be explained. Director of Human Resources Deborah DeForest replied that the original grant was for three permanent additional positions in the Fire Department. The grant has been amended to cover the cost of one fire fighter for two years. This includes all benefits, including health insurance, retirement contributions, etc., except overtime. A requirement will be that within the two-year term of the grant, any positions that become vacant must be filled within six months, though under the union contract the time to fill a vacancy is 90 days. Mayor Maiurano stated that a similar grant was awarded to the Police Department some years ago and saved the City a significant amount of money. He praised FEMA for its cooperation in amending the grant award.

Payment of August 2015 Bills Ald. Schermerhorn **moved** to pay the August 2015 bills after proper audit and certification. Seconded by Ald. Deierlein and duly adopted ayes all.

August Bills

	<u>Prepaid</u>	<u>8/18/15</u>	<u>Grand Total</u>
General Fund	\$ 18,212.24	\$ 63,788.63	\$ 82,000.87
Sewer Fund	22,940.78	29,650.02	52,590.80
Water Fund	6,145.84	12,705.15	18,850.99
Trust Fund	10,713.78	-	10,713.78
Debt Service	158,567.38	-	158,567.38
Comm. Dev. – Special Grants	-	2,890.60	2,890.60
Capital Projects	62,586.50	79.98	62,666.48
TOTALS	\$ 279,166.52	\$ 109,114.38	\$ 388,280.90

Motion Ald. McCracken moved to approve the blocking of parking spaces on North Broad Street between the crosswalk and the north entrance to Howard Johnson’s for a cruise-in on August 27, 2015. Seconded by Ald. LoPiccolo, approved ayes all. Patrick O’Neil stated he will seek advance approval for such requests in future.

Executive Session Ald. Doliver **moved** to enter executive session at 7:59 p.m. to discuss pending litigation. Seconded by Ald. Schermerhorn, approved ayes all.

Ald. McCracken **moved** to exit executive session at 8:22 p.m. Seconded by Ald. Schermerhorn, approved ayes all.

Adjournment

Ald. McCracken **moved** to adjourn at 8:22 p.m. Seconded by Ald. Funaro-Burton, approved ayes all.