

COMMON COUNCIL

October 20, 2015

In the absence of Mayor Joseph Maiurano, Ald. Walt Schermerhorn presided at a meeting of the Common Council held at 7:00 PM on October 20, 2015, in the Common Council Chambers at One Court Plaza.

Present:

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

Also:

City Chamberlain/City Clerk John Zielinski
Human Resources Director Deborah DeForest
Youth Bureau Director Robert Mason
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
Community Development Specialist Todd Dreyer
DPW Superintendent Carl Ivarson
City Attorney Patrick Flanagan
EMO A. Jones

Absent:

Mayor Joseph Maiurano

Call to Order

The meeting of the Common Council was called to order by Ald. Schermerhorn at 7:02 p.m.

Approval of minutes

Ald. LoPiccolo **moved** to approve the minutes of the regular meeting of September 15, 2015. Seconded by Ald. Deierlein and duly approved ayes all.

Public Hearing – Proposed Ordinance No. (A) of 2015 There were no comments.

Open Forum

Logan Adsit, 83 Plymouth Street, repeated her comments from the April Common Council meeting and asked the Council to consider allowing residents to keep chickens, up to six hens with no rooster. She remarked on the advantages of keeping chickens.

Richard Fahy, 21 Delaware Square, said it was a mistake to pass an ordinance banning farm animals from the City. He reviewed the advantages of keeping chickens, particularly for children, who can learn basic and business skills and build character by keeping animals.

Matthew Caldwell, 24 Locust Street, said that various news organizations have released a list of municipalities that have State-approved efficiency plans, and that Norwich is not listed among them. He asked if the City submitted an efficiency plan, if not, why not, and if so, why was it not approved. He further remarked that the City is considering a local law to override the tax cap levy of 2% and asked if the City has a proposed increase for property taxes that exceeds this amount.

Sharon Pelosi, 141 North Broad Street, agreed that allowing chickens in the City would have advantages, including making it more attractive to potential residents who wish to keep chickens and may be encouraged to buy property in surrounding towns where this is allowed and where taxes are lower.

Correspondence

Curb Cut Request – 7 Maydole Street Ald. Deierlein **moved** to receive and approve a request from Nicole L. Mias for a curb cut at 7 Maydole Street, pending approval by the DPW Superintendent. Seconded by Ald. Funaro-Burton, approved ayes all. DPW Superintendent Carl Ivarson stated he approved the curb cut. Ald. McCracken asked the purpose of the curb cut. Deputy City Clerk Brian Drake read the request from Ms. Mias.

Curb Cut Request – 15-19 Ross Avenue Ald. LoPiccolo **moved** to receive and approve a request from Tom Mody for a curb cut at 15-19 Ross Avenue. Seconded by Ald. Doliver, approved 5-1, Ald. McCracken voting nay. Ald. McCracken again asked the purpose for the curb cut. Code Enforcement Officer Jason Lawrence explained that Mr. Mody owned both 15-19 Ross Avenue and the two single-family structures on a lot opposite, which does not provide off-street parking, and this vacant, substandard lot, which cannot be built on, will function as off-street parking for

tenants. Ald. McCracken stated he thought the City had too many parking lots, which do not generate much revenue, and there should be a better use for this City lot (though the lot is privately owned by Mr. Mody). Ald. McCracken stressed that rental properties should have to conform to zoning regulations for parking. J. Lawrence explained that these properties are older and were built before zoning restrictions were formulated.

Department, Board and Commission Reports

- ☐ Parks Commission Minutes of September 21, 2015
- ☐ Police Department Monthly Report for September 2015
- ☐ Traffic Commission Minutes of September 9, 2015
- ☐ Water Commission Minutes of September 16, 2015
- ☐ Youth Board Minutes of October 7, 2015
- ☐ Youth Bureau Monthly Report of September 2015

Ald. Doliver **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 received comments from residents regarding internal City communications which had been publicized by citizens regarding potential financial stress. He stated he agreed with concerns expressed by Mr. Caldwell and stated the proposed local law to override the tax cap levy should be put off until a budget is received. City Chamberlain John Zielinski replied that the property tax cap for 2016 is not 2%, as popularly believed, but is in fact 0.73%, and it is unreasonable to believe a municipality's tax increase can likely remain below this level. Adopting a local law to override the tax cap levy is a prudent action to take, and logistically a local law must be publicly received by the Common Council and hearings set and notices given, which can take up to one month.

Ward 2

Ald. Doliver reported that all matters had been referred to the appropriate department heads and resolved.

Ward 3

Ald. Deierlein reported that all matters had been referred to the appropriate department heads and resolved.

Ward 4

Ald. Schermerhorn reported that all matters had been referred to the appropriate department heads and resolved.

Ward 5

Ald. Funaro-Burton reported that all matters had been referred to the appropriate department heads or committees and resolved.

Ward 6

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

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

Motions

Receive Proposed Local Law No. (A) of 2015 and Set Public Hearing Ald. Deierlein **moved** to receive Proposed Local Law No. (A) of 2015 and set a public hearing to receive public comment for 6 p.m. on November 4, 2015. Seconded by Ald. LoPiccolo, approved ayes all.

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c

BE IT ENACTED by the Common Council of the City of Norwich as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Norwich to adopt a budget for the fiscal year commencing January 1, 2016, that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Common Council of the City of Norwich, County of Chenango, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2016, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Authorize 2016 CSPCA Agreement for Animal Services Ald. Funaro-Burton **moved** to authorize the Mayor, under the direction of the City Attorney, to sign an agreement with the Chenango County SPCA for Animal Shelter Services from January 1, 2016 through December 31, 2016, such agreement to include a fee of \$75 for each dog and an additional boarding fee of \$15 per day per dog seized whose holding period exceeds five business days. Seconded by Ald. McCracken and duly adopted 6-0, on a roll call vote. Ald. McCracken asked if these fees are returned if a dog is retrieved by its owner. Deputy City Chamberlain Dee DuFour replied that the owner pays a redemption fee covering that cost, and that State law dictates the rules for dogs being adopted.

Resolutions

RESOLUTION #72-2015

**AUTHORIZING TRANSFER OF COMMUNITY DEVELOPMENT FUNDS
FOR RESIDENTIAL PAINT REBATE PROGRAM**

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

WHEREAS, by Resolution #07-2014, authorizing residential paint rebate program and use of community development funds for the program, the Common Council authorized the continuance of the program through and including 2018 to reimburse residential property owners \$10.00 per gallon of paint, up to twenty gallons per property, for exterior house paint within the City of Norwich; and

WHEREAS, the program is currently charged to CD62 and that community development fund is running low on funds; now, therefore be it

RESOLVED, that the City of Norwich City Chamberlain be and hereby is authorized to transfer funds from another appropriate Community Development fund in order to continue the program.

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
CD57-9950.1	Special Grants - Transfer to other Funds	\$8,500.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
CD62-02-8668.4	Residential Paint Rebate Program	\$8,500.00

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

Discussion: Ald. McCracken noted that this transfer is required because many people are investing in their homes and improving the City.

RESOLUTION #73-2015

ADOPTING PROPOSED ORDINANCE NO. (A) OF 2015 REGARDING ZONING (DEFINITIONS)

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

WHEREAS, the Common Council received proposed Ordinance No. (A) of 2015 on September 15, 2015; and

WHEREAS, a public hearing was held on October 20, 2015, in connection with said proposed ordinance; now, therefore be it

RESOLVED, that Ordinance No. (A) of 2015, regarding Chapter 575 – Zoning (Section 5, Definitions), as presented to the Common Council on September 15, 2015, be and hereby is adopted, and is hereby designated as Ordinance No. 1 of 2015.

ORDINANCE NO. 1
OF 2015

AN ORDINANCE AMENDING CHAPTER 575
OF THE CODE OF THE CITY OF NORWICH

BE IT ORDAINED by the Common Council of the City of Norwich, New York, as follows:

Section 1. Section 5 of Chapter 575 of the Code of the City of Norwich be amended as follows:

~~YARD SALE – Includes garage and porch sales. Allowed for three days in succession for no more than 10 days per year. The sale of items purchased elsewhere, solely for resale, is prohibited.~~

[Deleted items are ~~struck through~~.]

Section 2. This ordinance shall take effect immediately upon adoption.

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

Discussion: Ald. Deierlein asked the purpose of this ordinance. J. Lawrence explained that a prior ordinance amending the Zoning definitions regarding garage and yard sales neglected to remove this conflicting definition.

RESOLUTION #74-2015**AUTHORIZING EXPENDITURE FOR WASTEWATER TREATMENT PLANT
AND TRANSFER OF FUNDS**

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

WHEREAS, several parts at the City Wastewater Treatment Plant, including a bar screen and preliminary screen lift, are in disrepair and in need of replacement; and

WHEREAS, the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that purchase of replacement parts at the City Wastewater Treatment Plant is hereby approved; and, further be it

RESOLVED, that the City Chamberlain be and hereby is authorized to make the following transfer of funds in the 2015 Wastewater Fund Budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR42-898	Capital Reserves – Sewer Equipment	\$8,000.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
G8130.4040	Sewer Fund Treatment & Disposal – Repairs & Maintenance	\$8,000.00

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

RESOLUTION #75-2015**AUTHORIZING EXPENDITURE FOR WATER FILTER PLANT AND
TRANSFER OF FUNDS**

Ald. Funaro-Burton introduced the following and **moved** its adoption:

WHEREAS, several parts at the City Wastewater Treatment Plant, including a flow meter and valves, are in disrepair and in need of replacement; and

WHEREAS, the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that purchase of replacement parts at the Filter Plant is hereby approved; and, further be it

RESOLVED, that the City Chamberlain be and hereby is authorized to make the following transfer of funds in the 2015 Water Fund Budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR28-898	Capital Reserves – Water Equipment	\$5,435.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
F8330.4040	Water Fund Treatment - Repairs & Maintenance	\$5,435.00

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

RESOLUTION #76-2015

**AUTHORIZING CONTRACT WITH SIMON'S AGENCY FOR
COLLECTION SERVICES**

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

WHEREAS, the City of Norwich Common Council believes it is in the public interest to pursue unpaid fees for ambulance services provided by the Norwich Fire Department; and

WHEREAS, the Joint Committees have made certain recommendations; and

WHEREAS, a contract proposal for collection services has been received from Simon's Agency of Liverpool, NY; and

WHEREAS, the Common Council of the City of Norwich hereby finds the proposal to be reasonable and in the best interest of the City; and

WHEREAS, the procurement policies of the City of Norwich and the applicable laws of the State of New York allow the City to enter into a professional services contact on this matter; now, therefore, be it

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to negotiate and enter into a contract with Simon's Agency of Liverpool, NY, for the purpose of collection services regarding unpaid fees for ambulance services provided by the Norwich Fire Department.

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

Discussion: Ald. McCracken asked J. Zielinski to explain the reason for this resolution. J. Zielinski responded that additional personnel were hired when ambulance services were offered. He found that from July 2014 to June 2015 \$72,000 in ambulance fees had gone uncollected, and considers it fair that those uncollected fees be pursued to continuing funding this service to the community. Ald. McCracken added that not all users of ambulance services are City residents who pay property taxes.

RESOLUTION #77-2015

**AUTHORIZING APPOINTMENT OF FINANCIAL ADVISOR FOR WATER
FILTRATION PROJECT**

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

WHEREAS, the Common Council, by Resolution #104-2012 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 City Chamberlain to pursue and negotiate funding sources for the project, including the related professional bonding services of a Financial Advisor and Bond Counsel; and

WHEREAS, the contract of the current financial advisor has expired; and

WHEREAS, the City Chamberlain has requested that the current financial advisor provide a best and final proposal for financial advisory services and said proposal was received and reviewed by the City Chamberlain; and

WHEREAS, the City Chamberlain has requested that Fiscal Advisors & Marketing, Inc. of Syracuse, NY, provide a proposal for financial advisory services and said proposal was received and reviewed by the City Chamberlain; and

WHEREAS, the City Chamberlain, based upon a comparison of the above-mentioned proposals, recommends the appointment of Fiscal Advisors & Marketing, Inc. of Syracuse, NY, as Financial Advisor for the City of Norwich Water Filtration Project; and

WHEREAS, the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that the appointment and retention of Fiscal Advisors & Marketing, Inc. of Syracuse, NY, as Financial Advisor for the City of Norwich Water Filtration Project, under the terms as outlined in the letters from Fiscal Advisors & Marketing, Inc. of September 25, 2015, and October 14, 2015, be and hereby is approved; and, further be it

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

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

RESOLUTION #78-2015

AUTHORIZING APPOINTMENT OF FINANCIAL ADVISOR FOR WHEELER AVENUE WATER STORAGE TANK REPLACEMENT PROJECT

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

WHEREAS, the Common Council by Resolution #21-2014 on the 15th day of April, 2014, authorized the establishment of a capital project for the replacement of the existing water storage tank on Wheeler Avenue (the "Wheeler Avenue Water Storage Tank Replacement Project"); and

WHEREAS, said resolution authorized the Mayor, the Superintendent of Public Works, and the City Chamberlain to pursue and negotiate funding sources for the project, including the related professional bonding services of a Financial Advisor and Bond Counsel; and

WHEREAS, the contract of the current financial advisor has expired; and

WHEREAS, the City Chamberlain has requested that the current financial advisor provide a best and final proposal for financial advisory services and said proposal was received and reviewed by the City Chamberlain; and

WHEREAS, the City Chamberlain has requested that Fiscal Advisors & Marketing, Inc. of Syracuse, NY, provide a proposal for financial advisory services and said proposal was received and reviewed by the City Chamberlain; and

WHEREAS, the City Chamberlain, based upon a comparison of the above-mentioned proposals, recommends the appointment of Fiscal Advisors & Marketing, Inc. of Syracuse, NY, as Financial Advisor for the City of Norwich Wheeler Avenue Water Storage Tank Replacement Project; and

WHEREAS, the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that the appointment and retention of Fiscal Advisors & Marketing, Inc. of Syracuse, NY, as Financial Advisor for the City of Norwich Wheeler Avenue Storage Tank Replacement Project, under the terms as outlined in the letters from Fiscal Advisors & Marketing, Inc. of September 25, 2015, and October 14, 2015, be and hereby is approved; and, further be it

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

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

Discussion: Ald. Deierlein asked if such a resolution must be passed for every use of financial advisory services. J. Zielinski replied that USDA-RD, which is funding these projects, requires separate resolutions from the governing body for each project.

RESOLUTION #79-2015

AUTHORIZING CONTRACT WITH FISCAL ADVISORS & MARKETING, INC. FOR FINANCIAL ADVISORY SERVICES

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

WHEREAS, the City of Norwich requires financial advisory services regarding bonding and short-term borrowings; and

WHEREAS, a contract proposal for financial advisory services has been received from Fiscal Advisors & Marketing, Inc. of Syracuse, NY; and

WHEREAS, the Common Council of the City of Norwich hereby finds the proposal to be reasonable and in the best interest of the City; and

WHEREAS, the procurement policies of the City of Norwich and the applicable laws of the State of New York allow the City to enter into a professional services contract on this matter; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney and the City Chamberlain, to negotiate and enter into a contract with Fiscal Advisors & Marketing, Inc. of Syracuse, NY, for financial advisory services.

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

Discussion: J. Zielinski explained that this resolution is to provide authorization for financial advisory services in the event of the City requiring any general obligation bonds. Ald. McCracken asked if there is a retainer fee. J. Zielinski replied that fees are based only on services provided, and that the two prior resolutions regarding the water projects have amounts dictated for financial advisory services that cannot be exceeded.

RESOLUTION #80-2015

APPROVING GRANT AWARD - MAIN STREET GRANT

Ald. Deierlein 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 42 and 44-46 North 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 North 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
Hercules Properties, LLC

PROPERTY
42 and 44-46 North Broad Street
Norwich, New York 13815

The initial grant is not to exceed \$114,018.00, with additional grant funds authorized pursuant to program requirements and limitations if final project costs for all eligible should result in the availability of additional grant funds under the current Main Street award.

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

Discussion: Community Development Specialist Todd Dreyer presented the resolution and explained that it was a procedural resolution to authorize grant funds for Main Street award recipients. The resolution as presented stated the address as South Broad Street. Ald. Deierlein **moved** to amend the resolution to correct the address as 42 and 44-46 North Broad Street. Seconded by Ald. Funaro Burton. City Attorney Patrick Flanagan explained that this entailed no expenditure of City funds. Ald. McCracken stated he is in support of the resolution, but stated his belief that consulting firm Shelter Planning had delayed the grant administration unconscionably and urged the City's agreement with Shelter Planning be ended and grant administration be performed by City staff. P. Flanagan said he would need to review the agreement first. T. Dreyer added that the State Historic Preservation Office had delayed the administration of the grant. Regarding another recipient of grant funds, the work scope from that recipient has been received and the award is moving forward.

Payment of October 2015 Bills Ald. Doliver **moved** to pay the October 2015 bills after proper audit and certification. Seconded by Ald. LoPiccolo and duly adopted ayes all.

October Bills

	<u>Prepaid</u>	<u>10/20/15</u>	<u>Grand Total</u>
General Fund	\$ 187,069.52	\$ 32,753.59	\$ 221,423.11
Sewer Fund	33,426.51	9,775.07	43,201.58
Water Fund	47,703.04	27,351.25	75,054.29
Trust Fund	29,193.36	-	29,193.36
Comm. Dev. – Special Grants	10.00	290.00	300.00
Capital Projects	110.00	-	110.00
TOTALS	\$ 294,675.83	\$ 70,169.91	\$ 369,282.34

Executive Session Ald. Deierlein **moved** to enter executive session at 7:51 p.m. to discuss the employment history of particular individuals, and to discuss potential litigation. Seconded by Ald. Funaro-Burton, approved ayes all.

Ald. Deierlein **moved** to exit executive session at 9:22 p.m. Seconded by Ald. LoPiccolo, approved ayes all.

Adjournment

Ald. Deierlein **moved** to adjourn at 9:23 p.m. Seconded by Ald. LoPiccolo, approved ayes all.