COMMON COUNCIL
November 21, 2017

Mayor Christine Carnrike presided at a meeting of the Common Council held at 6:00 PM on November 21, 2017, in the Common Council Chambers at One Court Plaza.

Present:
Mayor Christine Carnrike
Ald. Matthew Caldwell
Ald. Brian Doliver
Ald. John Deierlein
Ald. Walter Schermerhorn
Ald. David Zieno
Ald. Jennifer Morris

Also:
City Chamberlain/City Clerk Dee DuFour
Director of Human Resources Deborah DeForest
Youth Bureau Director Robert Mason
Police Chief Rodney Marsh
DPW Superintendent Carl Ivarson
Fire Chief Tracy Chawgo
Code Enforcement Officer/Fire Marshall Jason Lawrence
City Attorney Patrick Flanagan
Linda Kays-Biviano Ald. Elect – Ward 4
Robert D. Jeffrey Ald. Elect – Ward 6

Media Representative: none

Absent
Supervisor James McNeil
Supervisor Robert M. Jeffrey

Call to Order
The meeting of the Common Council was called to order by Mayor Carnrike at 6:06 p.m.

Approval of Minutes
Ald. Schermerhorn **moved** to approve the minutes of the special meeting of October 3, 2017 and the regular meeting of October 17, 2017. Seconded by Ald. Doliver and duly approved ayes all.

RESOLUTION #86 - 2017 APPOINTMENT OF POLICE OFFICER

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

WHEREAS, vacancies exist in the Norwich Police Department, and;

WHEREAS, the Police Chief has made a recommendation to fill such vacancies, and;

WHEREAS, the Joint Committee has concurred with the recommendation, now, therefore be it

RESOLVED, that Brendan Palmatier of Bainbridge, NY, be and hereby is granted a permanent appointment as a lateral transfer Police Officer in the City of Norwich Police Department effective November 22, 2017; and further be it

RESOLVED, that the appointment is contingent upon any action necessary from the Norwich Civil Service Commission.

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

Swearing-In Ceremony – Police Chief Rodney Marsh performed the swearing in of Police Officer Brendan Palmatier.

Open Forum

Stan Cwynar, Cwynar & Company– Presentation of 2016 City Finances – Mr. Cwynar presented the Common Council with an Executive Summary and Financial Report for 2016. He noted that even though the City has excellent internal controls there are still some things that could be improved upon. Some items discussed were GASB 43 and 45 and a possible $49 million liability which can’t be paid from a reserve fund, but a pay-as-you-go fund; the reconciliation of the Trust account with the upcoming new software; and B.I.D. not having an audit.

Mayor Appointment with Council Approval

Parks Commission
Trish French, 143 South Broad Street, appointment to fill the remainder of a three-year term expiring December 31, 2019.

Correspondence

- **Curb Cut Request on Elm St. from the Emmanuel Episcopal Church -** Ald. Caldwell **moved** to receive and approve the request by the Emmanuel Episcopal Church for a curb cut on Elm St. Seconded by Ald. Doliver, approved ayes all.

- **Curb Cut Request at 16 York St. -** Ald. Caldwell **moved** to receive and approve the request by the owner Martha Ryan of 133 East Main St., Norwich for a curb cut at 16 York St. in order to create a semi-circle drive shared by 16 and 18 York St. pending the DPW Superintendent's approval. Seconded by Ald. Deierlein, approved ayes all.

- **Chenango Blues Fest 2018 – Special Event Status** – Ald. Caldwell **moved** to receive and approve the request from the Chenango Blues Fest for special event designation for the 2018 Free Thursday concert series in East Park throughout July and August. The closure of East Park Place is also requested. Seconded by Ald. Schermerhorn, approved ayes all.

- **Nina's Pizzeria and Restaurant – Notice of Renewal of State Liquor License** – Ald. Caldwell **moved** to receive and file correspondence from Nina's Pizzeria and Restaurant of renewal of an on-premises liquor license at 32 South Broad Street. Seconded by Ald. Schermerhorn, approved ayes all.

- **Chenango County Relay for Life 2018** – Ald. Doliver **moved** to receive and approve the request from the Chenango County Relay for Life for the use of East Park as well as barricades and picnic tables on Saturday, July 21, 2018 from 4 p.m. to 12 a.m. Seconded by Ald. Schermerhorn, approved ayes all. Ald. Caldwell **moved** to also approve their use of the Firehouse from 4 p.m. to 6 p.m. for the Survivor dinner. Seconded by Ald. Schermerhorn approved ayes all.

Department, Board and Commission Reports

- Water Commission Minutes – October
- Water and WWTP Reports - October
- Traffic Commission Minutes – September and October
- Civil Service Minutes – September
- Fire Department Activity – through November 21, 2017

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

Ward Reports

Ward 1
Ald. Caldwell reported some correspondence and communications that have been forwarded to the appropriate party for resolution.

Ward 2
Ald. Doliver reported communications regarding the outage of street lights. NYSEG has been contacted for resolution.

Ward 3
Ald. Deierlein also reported communications regarding the outage of street lights. NYSEG has been contacted for resolution.

Ward 4
Ald. Schermerhorn reported some communication in regards to the status of the budget.

Ward 5
Ald. Zieno reported two communications that have been forwarded to the appropriate department.

Ward 6
Ald. Morris reported no communications from constituents.

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

Executive Session – Ald. Caldwell **moved** to enter executive session at 6:52 p.m. to discuss the history of particular individuals related to the appointment of the Part Time City Court Judge. Seconded by Ald. Deierlein, approved ayes all.

Ald. Zieno **moved** to exit executive session at 7:21. Seconded by Ald. Deierlein, approved ayes all.

Ald. Caldwell **moved** to nominate Patrick Flanagan for Part Time City Court Judge for the City of Norwich for a six-year term commencing January 1, 2018 and expiring December 31, 2023. Seconded by Ald. Deierlein, approved ayes all.

Discussion: The appointment of Patrick Flanagan leaves a vacancy for City Attorney that would be filled for the remainder of the two-year term expiring December 31, 2018. The vacancy will be on the City website and the Bar Association will be contacted in order to let attorneys know about the vacancy.

Motions

Ald. Doliver **moved** to approve the streets scheduled for 2018 Paving: Henry from Canasawacta to Howard Johnson's, Fair St. from Canasawacta to Court, Canasawacta from West Main to Henry, Guernsey from West Main to Cortland and Court from West Main to Henry, Plymouth St. from Pleasant to just before the City limits and Ridgeland Spur from Ridgeland Spur to Canasawacta. Seconded by Ald. Deierlein, approved ayes all.

Resolutions

RESOLUTION #87 -2017 AWARDING BID - FUEL CARD SYSTEM

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

WHEREAS, a bid for a fuel card system has been received and was opened on September 29, 2017; and

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

RESOLVED, that the bid for a fuel card system be awarded to the lowest qualified bidder meeting specifications, Mirabito Energy Products, of Binghamton, NY, in the following schedule:

		Rack	Margin	Total
Gasoline	1)	2.0935	.0609	2.1544
	2)	1.7586	.0500	1.8096
Diesel	1)	2.0150	.0504	2.0654
	2)	2.2130	.2019	2.4149

Seconded by Ald. Caldwell, and duly adopted, 6 – 0, on a roll call vote.

RESOLUTION #88-2017 **AWARDING BID – UNIFORM & LAUNDRY SUPPLY**

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

WHEREAS, bids have been received for Uniform & Laundry Supply and opened on October 30, 2017; and

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

RESOLVED, that the bid for Uniform & Laundry Supply be awarded to the lowest qualified bidder meeting specifications, Cintas Corporation of Liverpool, NY, in the following amounts:

Item A	$ 4.63
Item B	.05
Item C	.77
Item D	N/A
Item E	1.28

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

RESOLUTION #89 -2017 **DECLARING VEHICLES SURPLUS AND AUTHORIZING DISPOSAL**

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

WHEREAS, vehicles have been deemed to be surplus by the Superintendent of Public Works; and

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

RESOLVED, that the following vehicles, as presented to the Common Council, be and hereby are declared surplus:

2005	Chevy Impala	VIN # 1GB6G5CL7F1174213
1989	International Dump Truck	VIN #1HTLKTVR7KH626572

and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to dispose of such equipment as is provided for by law.

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

RESOLUTION #90 - 2017 **APPOINTMENT OF RECREATION SERVICES COORDINATOR**

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

WHEREAS, a vacancy exist in the Youth Bureau for a Recreation Services Coordinator, and;

WHEREAS, the Youth Bureau Director has made a recommendation to appoint Jill Kraft of Norwich, New York and;

WHEREAS, the Joint Committee has concurred with the recommendation, now, therefore be it

RESOLVED, that Jill Kraft of Norwich, NY, be and hereby is granted a permanent appointment as Recreation Services Coordinator in the City of Norwich Youth Bureau effective December 10, 2017; and further be it

RESOLVED, that the appointment is contingent upon any action necessary from the Norwich Civil Service Commission.

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

RESOLUTION #91 - 2017 **AUTHORIZING THE MAYOR TO SIGN A CONTRACT BETWEEN COUGHLIN & GERHART LLP AND THE CITY OF NORWICH TO PROVIDE SPECIAL COUNSEL FOR UNION CONTRACT NEGOTIATIONS**

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

WHEREAS, a proposal has been received from Coughlin & Gerhart LLP to provide special counsel for union contract negotiations; and

WHEREAS, the Joint Committees of the Common Council have reviewed the proposal and made certain recommendations; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized under the direction of the City Attorney to sign a contract with Coughlin & Gerhart LLP to provide said professional services as detailed in the proposal.

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

RESOLUTION #92 - 2017 **DESIGNATING "PREFERRED PURCHASER" OF CITY-OWNED PROPERTY AT 31 EATON AVENUE**

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

WHEREAS, the City of Norwich acquired the real property at 31 Eaton Avenue 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 October 20 and 24, 2017 and in the Pennysaver on October 24, 2017; and

WHEREAS, the Common Council has reviewed proposals for the purchase of the property, and considers the proposal from Michael Stroh to be an acceptable offer based on the purchase amount offered, the significant investments to be made in the property's rehabilitation, and the proposed use of the property; now therefore be it

RESOLVED, that the Common Council hereby designates Michael Stroh of Norwich, NY as the "preferred purchaser" of the City-owned property at 31 Eaton Avenue; 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 31 Eaton Avenue to Michael Stroh for the aforesaid purpose.

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

Discussion: It was noted that Mr. Stroh owns multiple properties within the City which he has or is in the process of rehabilitating in a responsible manner and does a nice job.

RESOLUTION #93-2017 **AUTHORIZING OVERTIME FOR WEEKEND MAINTENANCE OF THE SKATING FACILITY**

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

WHEREAS, the maintenance of the skating rink is deemed necessary to improve safety and avoid injuries of its patrons; and

WHEREAS, the Youth Bureau Director has been voluntarily maintaining the facility and can no longer do so; and

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

RESOLVED, that overtime be authorized to maintain the skating rink on weekends; and, further be it

RESOLVED, that such additional hours are to be paid in accordance with all applicable labor laws and that any budgetary transfers between regular time and overtime lines, as may be necessary for applicable cost classification, be and hereby are authorized.

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

RESOLUTION #94 -2017 **AUTHORIZING CHANGE ORDER FOR THE DRINKING WATER FLUORIDATION PROJECT**

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

WHEREAS, it has been determined that additional work is needed at the Rexford Street Pump Station; and

WHEREAS, the additional work needed includes replacing the existing door and frame; and

WHEREAS, Delaware Engineering has reviewed the Change Order request submitted by Richard W. Wakeman, Inc.and has recommended its approval; and

WHEREAS, funds are available in the project to cover the costs of the Change Order; now, therefore be it

RESOLVED, that the Mayor be and herby is authorized to execute the change order for the Fluoridation Project at a cost not to exceed $9,476.00.

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

RESOLUTION #95 -2017 **AUTHORIZING EXTENSION AGREEMENT FOR 2018 FOR FIRE PROTECTION SERVICES WITH THE TOWN OF NORTH NORWICH**

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

WHEREAS, the most recent contract with the Norwich Rural Fire Protection District for fire protection services will expire on December 31, 2017; and

WHEREAS, said contract provides that the City of Norwich furnish fire protection services to the duly established fire protection district known as the Norwich Rural Fire Protection District, said district embracing territory within the Towns of Norwich and North Norwich; and

WHEREAS, a proposed contract extension from the Town of North Norwich has been received with an increase of 1.84%; and

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

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to sign the fire contract extension agreement for 2018 with the Town of North Norwich.

Seconded by Ald. Zieno and duly adopted, 6 – 0, on a roll call vote.

RESOLUTION #96 - 2017 **AUTHORIZING ENGINEERING SERVICES FOR SANITARY SEWER LINE REHABILITATION/REPLACEMENT PROJECT**

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

WHEREAS, the City of Norwich requires planning/engineering services to provide the City with the Clean Water State Revolving Fund (CWSRF) program for Sewer Line Rehabilitation/Replacement Project; and

WHEREAS, the City has applied for and received a $100,000 grant from the NYS Environmental Facilities Corporation (NYSEFC) to fund a sanitary sewer infiltration and inflow study, and the study produced an Engineering Report dated September 2, 2016 which identified sections of the existing sanitary sewer collection system in the worst condition and are potential sources of infiltration and in-flow; and

WHEREAS, the City has applied for and received an $824,313 NYS Water Infrastructure Improvement Act (WIIA) grant from the NYS Environmental Facilities Corporation (NYSEFC) to fund a sanitary sewer line rehabilitation and replacement project; and

WHEREAS, NYSEFC administers the CWSRF program to assist municipalities by providing financial assistance to fund upgrades to municipal sanitary sewer systems; and

WHEREAS, under the contract Delaware Engineering will coordinate and assist the City with the project including design services, bid/award services, engineering services during construction, on-site inspections, drawings, subcontracting services and all other services per the agreement at a cost not-to-exceed $467,500; and

RESOLVED, that the Mayor be and hereby is authorized to sign the agreement with Delaware Engineering under the direction of the City attorney for an amount not-to-exceed $467,500 for engineering services for the sanitary sewer line rehabilitation and replacement project.

Seconded by Ald. Caldwell and duly adopted, 6 – 0, on a roll call vote.

Discussion: C. Ivarson stated that this tenth amendment will be charged to the Project and there will still be $54,000 left over. There will be a one year inspection and another required five year inspection which is included in this which will be done by a third party.

RESOLUTION #97 - 2017 **AUTHORIZING APPROPRIATION OF OTHER PUBLIC WORKS INCOME TO THE INFRASTRUCTURE RESERVE**

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

WHEREAS, the Common Council desires to add Ridgeland Road to the 2018 Street Program and additional funding is needed for this; and

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

RESOLVED, that $71,101.94 be transferred from Other Public Works Income to the Infrastructure Reserve to add Ridgeland Road to the 2018 Street Program; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following supplemental appropriation in the 2017 General Fund budget:

From:

Account Number	Name	Amount
A910	General Fund – Appropriated Fund Balance	$71,101.94

To:

Account Number	Name	Amount
A9950.HR40	General Fund - Infrastructure Capital Reserve	$71,101.94

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

RESOLUTION #98 -2017 **AUTHORIZING AMENDMENT TO GHD ENGINEERING AGREEMENT – WHEELER AVENUE TANK REPLACEMENT**

Ald. Schermerhorn 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 engineering services associated with the capital project for replacing the Wheeler Avenue water tank (the “Project”); and

WHEREAS, a first amendment to the original agreement amount of $165,200 was authorized in April of 2014 in the amount of $2,300 for the purpose of conducting borings and subsurface soil tests at the project site, increasing the total agreement amount to $167,500; and

WHEREAS, a second amendment was authorized in September of 2014 in the amount of $5,000 for associated engineering services regarding further soil testing required to provide adequate lead concentration data for consideration by contractors during pre-bid, soil management, and construction activities, increasing the total amount to $172,500; and

WHEREAS, a third amendment was authorized in December of 2014 in the amount of $18,000 for additional engineering services in response to the need for still further, progressive soil testing to more precisely delineate the extent of lead content in coordination with the ongoing involvement of the NYS Department of Environmental Conservation, increasing the total amount to $190,500; and

WHEREAS, a fourth amendment was authorized January 27, 2015 in the amount of $20,000 for additional engineering services, increasing the total amount to $210,500; and

WHEREAS, construction activities will disturb contaminated soils in the vicinity of the tank, making it necessary to appropriately manage dispose of the lead contaminated material and document the remediation activities; and

WHEREAS, a fifth amendment was authorized June 16, 2015 in the amount of $60, 000 for additional engineering services for excavation oversight, community air monitoring, confirmatory soil sampling, quality assurance/quality control sampling, evaluation of the need for additional excavation, and preparation of a Construction Completion Report for associated engineering services increasing the total amount to $270, 500; and

WHEREAS, a seventh amendment was authorized November 15, 2016 in the amount of $25,000 for additional services provided due to the additional three months construction schedule. Additional services include additional meetings, project expenses, extended design and bid phase, coordination with contractors;

WHEREAS, GHD has submitted a proposed tenth amendment in the amount of $3,750.00 for additional services provided to address the crack in the tank. Additional services include additional tank warranty inspection reviews with added site visits; now therefore be it

RESOLVED, that the Mayor be and hereby is authorized to sign a tenth amendment to the agreement with GHD for additional services in the amount of $3,750.00, bringing the grand total authorized amount for engineering services to $314,900.

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

Payment of November 2017 Bills

Ald. Deierlein **moved** to pay the November 2017 bills after proper audit and certification.

		Prepaid		11/21/2017		Grand Total
General Fund		$133,260.81		$41,493.12		$ 174,753.93
Sewer Fund		151,972.01		16,155.10		168,127.11
Water Fund		21,188.61		25,394.29		46,582.90
Trust		30,095.88		100.00		30,195.88

Comm. Dev. - Special Grants		6,177.40		-		6,177.40
Capital Projects		139,852.54				139,852.54
TOTALS		**$482,547.25**		**$83,142.51**		**$565,689.76**

Seconded by Ald. Zieno and duly adopted 6 - 0.

Executive Session

Ald. Caldwell **moved** to enter executive session to discuss employment history of particular individuals at 7:42 p.m. Seconded by Ald. Schermerhorn, approved ayes all.

Ald. Deierlein **moved** to exit executive session at 8:47 p.m. Seconded by Ald. Morris, approved ayes all.

Adjournment

Ald. Zieno **moved** to adjourn at 8:52 p.m. Seconded by Ald. Deierlein, approved ayes all.