

COMMON COUNCIL

June 18, 2019

Mayor Christine Carnrike presided at a meeting of the Common Council held at 6:30 PM on June 18, 2019, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Christine Carnrike
Ald. Matthew Caldwell
Ald. Brian Doliver
Ald. John Deierlein
Ald. Linda Kays-Biviano
Ald. David Zieno
Ald. Robert D. Jeffrey

Also:

Director of Finance/City Clerk Dee DuFour
DPW Superintendent Edward Pepe
Youth Bureau Director Robert Mason
Fire Chief Jan Papelino
Police Chief Rodney Marsh
City Attorney Steve Natoli
Deputy City Clerk Agnes Eaton

Media Representative: none

Absent

Supervisor Robert M. Jeffrey
Supervisor James McNeil

Call to Order

The meeting of the Common Council was called to order by Mayor Carnrike at 6:30 p.m.

Approval of Minutes

Ald. Caldwell **moved** to approve the minutes of the special meeting of May 7 and the regular meeting of May 21, 2019. Seconded by Ald. Kays-Biviano and duly approved ayes all.

City Attorney Steve Natoli took a moment to clarify the proceedings at the Special Common Council meeting held on June 4, 2019 at which the Common Council acted as the Board of Appeals. Mr. Natoli stated that the purpose of going into Executive session which was not stated at the time was due to proposed litigation. The vote tally for in favor of overturning the Violation in executive session was 4 – 1 with Ald. Doliver voting nay.

Open Forum

No one spoke.

Mayoral Appointment

Mayor Carnrike announced the following appointment:

Housing Authority

Kay Zaia, 12 Gold St., reappointed to a 5-year term expiring June 25, 2024.

Correspondence

Greater Chenango Cares – Ald. Caldwell **moved** to approve the request from Greater Chenango Cares held at the Norwich High School for Police Assistance on July 11, 11a.m.-5 p.m.; July 15-19, 8a.m.-5p.m.; July 20, 8a.m.-12p.m. Seconded by Ald. Zieno, approved ayes all. Ald. Zieno asked if Fire Police could be used to avoid any overtime. R. Marsh said this is for security, not traffic control. Ald. Zieno asked if Fire Police could be used whenever possible at all events. J. Papelino stated that County Fire Police are used for the larger events as the City does not have enough.

B.I.D. Lunchtime Live – Ald. Caldwell **moved** to approve the request from Norwich BIDMA for special event status for the “Lunchtime Live” events on Friday, July 26 and Friday, August 9, 2019. Seconded by Ald. Jeffrey, approved ayes all.

Park Place Alcohol Permit – Ald. Caldwell **moved** to approve the request from Park Place Restaurant for permission to sell beer and wine from 6 p.m.-11 p.m. in a roped-off area in front of Park Place during the Thursday Summer Concerts series held in East Park. Seconded by Ald. Kays-Biviano, approved ayes all.

Fireworks Over the Fairgrounds – Ald. Kays-Biviano **moved** to approve the request from Fireworks Over the Fairgrounds for Police Assistance to help with traffic control on July 4th from 7:30 p.m. to 10:30 p.m. at the Chenango County Fairgrounds. Seconded by Ald. Deierlein, approved ayes all.

Department, Board and Commission Reports

- ◆ Traffic Commission Minutes – May
- ◆ Fire Department Activity – May
- ◆ Police Department Report – April
- ◆ Plumbing Board – May and June
- ◆ Electrical Board – April and June
- ◆ Finance Department Report - May

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

Ward Reports

Ward 1

Ald. Caldwell reported 3 communications. One regarding high grass on S. Broad St. and vehicles parked on lawns; the second about the rough condition of the skate park surface; both of which have been forwarded to the proper department. The third concerned the stipend being received by the Director of Finance, which is on the agenda for tonight.

Ward 2

Ald. Doliver reported a communication regarding a junk car which has been forwarded to the proper department.

Ward 3

Ald. Deierlein reported a communication regarding a code violation which has been forwarded to the proper department.

Ward 4

Ald. Kays-Biviano reported a communication regarding leaf pick-up on Waite St. Another from a neighbor of the building on Mitchell St. inquiring when the building would be torn down.

Ward 5

Ald. Zieno reported communications regarding code violations which have been forwarded to the proper department. Others regarding items that are in process already. He received a new curb cut request and will pass on more information at a later date.

Ward 6

Ald. Jeffrey reported communications regarding high grass and the condition of the volleyball court at Kurt Beyer, and the maintenance of the softball fields at Weiler Park. All have been forwarded to the proper departments.

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

Motions

Dog Park Signage – Ald. Caldwell **moved** to approve the signage for the dog park as was presented to the Common Council. Seconded by Ald. Jeffrey, approved ayes all.

Sewer Relief Policy – Ald. Caldwell **moved** for discussion the Sewer Relief Policy as presented to the Common Council. Seconded by Ald. Zieno. Discussion: Ald. Caldwell thought the policy was too restrictive. He likes the draft but is not ready to approve the policy as is. Ald. Doliver thought that homeowner's insurance may pay for some of a catastrophic event. D. DuFour stated that customers have mentioned that their water/sewer bills have been paid by their insurance companies. Discussion of what is catastrophic took place. Why is a broken pipe any different than a leaking toilet, both of which can lead to a very high bill; Is it fair to give relief to one and not the other; taking the homeowner word that their high bill is due to a catastrophic event with no proof; what constitutes "no fault of the

owner”. Ald. Doliver said there should be a moratorium on any relief until a policy is finalized. Ald. Jeffrey **moved** that there be a moratorium on any relief. Ald. Zieno stated he is ready to approve the policy as is. Ald. Doliver would vote for the policy as is, but felt that relief should not have to come before the Council every time and should be handled by the Finance Office. Ald. Zieno also said there should be a relief moratorium until a policy is finalized. Mayor Carnrike felt it was premature to approve the policy until the Water Commission had a chance to look at it at tomorrow nights meeting. D. DuFour did remind the Council that any resident who has a bill \$800 more than their normal bill does have a payment plan option. Ald. Caldwell **moved** to Table and refer the policy back to the Water Commission. Seconded by Ald. Deierlein, approved 5 – 1 with Ald. Zieno voting nay.

Sewer Relief for 67 Canasawacta St. – Ald. Caldwell **moved** to approve the request from Burdette Bridge, owner of 67 Canasawacta St., for sewer relief due to a high bill as a result of a frozen pipe. Seconded by Ald. Kays-Biviano, approved 4 – 2 with Aids. Doliver and Jeffrey voting nay. Before the vote Ald. Zieno stated he would vote for relief only because the home is in the process of being sold and does not want to hold up the sale. Ald. Jeffrey asked to view a copy of the letter from the homeowner. What constitutes homeowner neglect was again discussed.

Bulk Water Policy – Ald. Caldwell **moved** to approve the Bulk Water Policies as presented to the Common Council. Seconded by Ald. Jeffrey, approved ayes all.

Resolutions

RESOLUTION #20 -2019 AWARDING BID - 2019 GRINDING & PAVING PROGRAM

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

WHEREAS, bids for the 2019 Street Rehabilitation Program were opened on May 13, 2019; 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 2019 Grinding & Paving Program be awarded to the lowest qualified bidder meeting specifications, Broome Bituminous Products, of Vestal, NY, in the base bid amount of \$219,790.30.

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

RESOLUTION #21 - 2019 AUTHORIZING TRANSFER OF FUNDS FOR MUNICIPAL LAW ENFORCEMENT POLICY

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

WHEREAS, the premium for the Municipal Law Enforcement Policy has increased for 2019-2020; and

WHEREAS, additional funds are needed to cover the increase; and

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

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds in the 2019 Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1990.4	General – Contingency	\$20,000.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1910.4	General – Insurance	\$20,000.00

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

RESOLUTION #22 - 2019**AUTHORIZING TRANSFER OF FUNDS FOR SETTLEMENT OF CONTRACTS**

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

WHEREAS, contracts for the CSEA DPW and Admin had not yet been settled; and

WHEREAS, fund for anticipated increases budgeted for and placed in Contingency; and

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

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds in the 2019 Budget to cover pay increases for the settlement of the CSEA DPW and Admin contracts:

From:

<u>Account Number Name</u>	<u>Amount</u>
A1990.4 Contingency	\$42,073.00

To:

<u>Account Number Name</u>	<u>Amount</u>
A1325.1010 Finance	\$ 7,228.00
A1410.1010 Clerk	183.00
A1620.1010 Municipal Buildings	2,009.00
A3620.1010 Codes	3,753.00
A5110.1010 Street Maintenance	23,630.00
A5410.1010 Snow & Ice Removal	764.00
A7110.1010 Parks	4,506.00

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

Derrick Wilcox of Delaware Engineering gave an update on the status of the Water Treatment Plant. The DEC SPEDE results were received and discharge levels are back to what they were in 2015. USDA is working on closing out the loan portion. After reviewing and accepting the SPEDE permit, the plant should be up and running in a couple weeks to a month.

RESOLUTION #23 - 2019**AUTHORIZING AMENDMENT TO THE WATER TREATMENT PLANT CONTRACT WITH DELAWARE ENGINEERING**

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

WHEREAS, the substantial completion date of the project had been extended to October 5, 2018; and

WHEREAS, the Delaware Engineering contract is reduced by \$50,171.57 from the original contract; now therefore be it

RESOLVED, that the Mayor be and hereby is authorized to execute the amendment for the Water Treatment Plant Project in the Contract with Delaware Engineering by reducing the original contract by \$50,171.57; and further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer in the Water Treatment Plant Project in the 2019 Budget:

To:

Account Number Name

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

RESOLUTION #24 - 2019**AUTHORIZING BUDGET TRANSFER FOR WATER TREATMENT PLANT
PROJECT BOND INTEREST AND FISCAL COORDINATION COSTS**

Ald. Kays-Biviano introduced the following and **moved** its adoption:

WHEREAS, the completion date of the project had been extended to October 5, 2018; and

WHEREAS, an amendment to the Delaware Engineering contract has been reduced by \$50,171.57; and

WHEREAS, funds need to be transferred from contingency to cover excess Bond Interest and Fiscal Coordination costs; now, therefore be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds in the 2019 Water Treatment Capital Projects Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H38-01-8330.1990.4	Contingency	\$ 50,171.57
H38-02-8330-4020A1	Administrative - Legal	\$ 12,015.00
H38-02-8330-4020A5	Administrative – Bookkeeping & Reporting	\$ 20,000.00
H38-02-8330-4020A6	Administrative – Single Audits	\$ 5,000.00
H38-02-8330-4020A7	Administrative – Misc.	\$ 3,191.68

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H38-01-8330.4020A3	Administrative – Net Interest	\$ 90, 378.25

And:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H38-02-8330-4020A7	Administrative – Misc.	\$ 2,000.98
H38-02-8330-4020A2	Administrative – Bonding	\$ 14.38

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H38-02-8330-4020A7	Administrative - Fiscal Coordination	\$ 2,015.36

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

D. DuFour stated that although there was the \$50, 171.57 savings in engineering services, the financing for the project cost more due to the delays. The delays did allow for interest rate savings since in February rates were 3% compared to the 2.125% it will be in July. Ald. Zieno stated this would save much more over the life of the 38-year loan than \$50,171.57.

RESOLUTION #25 - 2019**AUTHORIZING NO PARKING SIGNS ON GROVE AVENUE**

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

WHEREAS, the Traffic Commission has recommended that "No Parking" signs be placed on the West side of Grove Avenue between Maydole St. and Marconi Ave.; and

WHEREAS, the DPW is now authorized to post "No Parking" signage, on the West side of Grove Avenue between Maydole St. and Marconi Ave.; and

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

RESOLVED, that the City Clerk update the City Code Chapter 525-54 A. Parking; Regulations - No Parking of The Vehicle and Traffic code to include the West side of Grove Avenue between Maydole St. and Marconi Ave.

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

RESOLUTION #26 - 2019

AUTHORIZING CHANGE OF STIPEND FOR DIRECTOR OF FINANCE/CITY CLERK

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

WHEREAS, a Director of Human Resources has been hired as of May 28, 2019; and

WHEREAS, the Director of Finance/City Clerk has been temporarily assigned substantial additional responsibility for the ongoing operations of departments in addition to the Finance Department and the City Clerk's Office; and

WHEREAS, these additional responsibilities are critical to the proper and efficient administration of the City government until the new Director of Human Resources is fully trained; and

WHEREAS, the Joint Committee has made the recommendation at the May 7, 2019 meeting to decrease the stipend from \$225 per week to \$100 per week; now therefore be it

RESOLVED, that the Director of Finance/City Clerk stipend of \$225 per week be decreased to \$100 per week commencing June 23, 2019 and until discontinued by action of the Common Council; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make any transfers of funds necessary to appropriation accounts A1325.1010 and/or A1410.1010 to support the stipend.

Seconded by Ald. Zieno, and duly adopted, 4 - 2, on a roll call vote with Aids. Kays-Biviano and Zieno voting nay.

Discussion before the vote: Ald. Caldwell stated he had been questioned by constituents about why the stipend was still being received after the hire of a Director of Human Resources. His answer was for the sake of training and he was reminded that in other places of employment current employees are expected to train new employees without additional compensation. Therefore, he **moved** to elimination of the stipend. D. DuFour asked what his decision is based on since he has not contacted her to find out what HR duties she is still doing. Ald. Caldwell stated he has spoken with Lynn, that he is an expert in the field and is the most qualified. When asked about the number of hours she is still putting in, D. DuFour stated not as many as before hiring an HR Director, however there is a tremendous backlog of work still to be done.

L. Murray reported that she has been working on the items that needed attention and that D. DuFour and A. Eaton are still

doing things that have kept the HR Department afloat for almost a year. D. DuFour stated that Lynn's first priority is to make sure the City is in compliance with all State and Federal requirements. She continued by saying it is not normal to be

without an HR Director for a year or to have the huge backlog that the City has. Ald. Caldwell it's not normal to pay a stipend and D. DuFour replied it is normal to pay a stipend for additional duties that are not part of her regular job duties. Ald. Doliver thought \$100 is very reasonable in order to get the backlog up-to-date and be in compliance. Ald. Caldwell stated that A. Eaton is not getting a stipend and D. DuFour said that she gets paid overtime for the additional HR duties. Ald. Zieno pointed out that the City was looking at hiring an outside source to do HR duties which would have cost considerably more. Mayor Carnrike reminded the Council that after the review of the HR Department by an outside source,

they were told it would take 6 months to straighten it out. Since then, the Director of Finance and Deputy City Clerk kept things moving forward. She said it is not a matter of money, but to be compliant, which has not been the case for decades.

Ald. Zieno suggested a list of items that need to be completed be brought to the next Joint Committee meeting. Ald. Kays-

Biviano pointed out that the previous Director of HR also had an assistant and the stipend is much less than hiring an assistant. Lynn reported that she has a running list of items as she is running into them. Ald. Caldwell again moved to eliminate the stipend to the Director of Finance. There was no Second.

Payment of June 2019 Bills

Ald. Caldwell **moved** to pay the June 2019 bills after proper audit and certification.

	<u>Prepaid</u>	<u>6/18/2019</u>	<u>Grand Total</u>
General Fund	\$1,001,523.36	\$28,588.01	\$ 1,030,111.37
Sewer Fund	34,272.13	28,723.36	62,995.49
Water Fund	38,106.65	10,378.81	48,485.46
Trust	30,872.56	-	30,872.56
Debt Service	-	-	-
Comm. Dev. - Special Grants	-	-	-
Capital Projects	24,379.00	-	24,379.00
TOTALS	\$1,129,153.70	\$67,690.18	\$1,196,843.88

Seconded by Ald. Deierlein and duly adopted ayes all.

Other

Mayor Carnrike reported that the City received an offer for One City Plaza. The City Attorney is reviewing the offer and copies have been distributed to the Council. There is no action or recommendation at this point.

Executive Session

Ald. Deierlein **moved** to enter executive session to discuss the sale of property where price may be affected at 7:50 p.m. Seconded by Ald. Jeffrey, approved ayes all.

Ald. Deierlein **moved** to exit executive session at 8:10 p.m. Seconded by Ald. Caldwell, approved ayes all.

Adjournment

Ald. Deierlein **moved** to adjourn at 8:11 p.m. Seconded by Ald. Caldwell, approved ayes all.