

COMMON COUNCIL

July 16, 2019

Mayor Christine Carnrike presided at a meeting of the Common Council held at 6:30 PM on July 16, 2019, in the Common Council Chambers at One Court Plaza.

Present:

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

Also:

Director of Finance/City Clerk Dee DuFour
Director of Human Resources Lynn Murray
DPW Superintendent Edward Pepe
Youth Bureau Director Robert Mason
Fire Chief Jan Papelino
EMO A Jones
City Attorney Steve Natoli
Deputy City Clerk Agnes Eaton

Supervisor Robert M. Jeffrey

Media Representative: none

Absent

Ald. John Deierlein
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 regular meeting of June 18, 2018. Seconded by Ald. Zieno and duly approved ayes all.

Audit Presentation by Stan Cwynar – Stan Cwynar of Cwynar & Company presented and discussed the 2018 Annual audit of The City of Norwich. Items in need of improvement included implementation of GASB 75, updating of infrastructure asset records, payroll and compensated absences reconciliation. It was noted by D. DuFour that remedies to some of these are already underway. Cwynar also suggested hiring an actuary study. The Council was previously presented with an option for this but wanted more quotes from different sources.

Mayor Carnrike took this time to address certain items. She stated that at the June 18 Common Council meeting she announced that there was an offer to purchase the City Hall building, but no action or recommendation was made. For clarification, she stated that since 2016 there have been numerous purchase offers which have been for less than the current offer. She also pointed out there are a minimum of 9 floor plans for the relocation of City offices back to the Firehouse on the 3rd floor which had been done long before 2016. Mayor Carnrike stated that Chapter C, Title IV Common Council, Section 74 Franchises; Sale of Real Estate paragraph 2 (a) is very clear on the sale of property owned by the City. To date, there is still no recommendation regarding the property. She went on the record as saying “It’s unfortunate that what should be seen as a positive for the City of Norwich, for her tax payers and for her City administration, that this would be a positive move. This takes City offices that were temporarily relocated in 1997 and puts them back under the roof of the Firehouse on the 3rd floor. We took \$146,200 from 2014 and finished off the 3rd floor of the Firehouse just for those purposes. As I said, from all those plans drawn up in years past in order to occupy that space. If and when there is a sale of 1 City Plaza, that is only a win for the City of Norwich because it puts a property back on the tax rolls, and it consolidates our offices.” She went on to say there are 8 full time employees occupying 1/3 of the building, which is not energy efficient or in the best interest of the taxpayers.

Mayor Carnrike next addressed the ongoing Electrical and Plumbing Board issues which have been discussed many times in the last few months. She stated she has asked the issue to be addressed by the City Attorney and the Council, but felt that nothing has been accomplished. Mayor Carnrike established a deadline of Friday, July 26, 2019 when she would like to hear back from the City Attorney, Code Enforcement, and from the Council on what your proposed changes are. If unable to do so, the Council should authorize the retainage of an attorney with expertise in this field. She called this issue an “albatross” and referred to it as “the elephant in the room” and “put everyone on notice that the Electrical Board, the Electrical Code and Plumbing Code issues must be addressed.”

Open Forum

Janet Rubottom, 40 Hayes St., addressed the Council regarding issues with her neighbor at 38 Hayes St. She has brought her complaints to Code Enforcement for the past year, but has not received any resolution. She presented pictures to the Council which showed the garage of 38 Hayes St. and stated that she is concerned it will fall onto her garage. She has talked to the landlord who says “it’s not so bad”. She stated the owner attempted to turn it into a 2 family but hit some “roadblocks”. In her opinion, the property was rented “illegally”. Ms. Rubottom would like the progress of turning into a 2 family stopped or re-evaluated. Her objections included not enough driveway space, the house is not safe, there are no handrails, the steps are in terrible condition, it’s a fire hazard, and sparks are seen from the knob-and-tube wiring. She stated she has issues with the shared driveway, their dogs and trash. Code Enforcement has said there are no violations, but she does not believe that.

Jill Kraft of Norwich stated that in August of 2009 she opened The Artist’s Palette and will have a celebration on August 10 for their 10 year Anniversary. Located inside the Artist’s Palette is Creative Works, a non-profit she started in 2017 to foster art education and expression. On Saturday, August 10th at 11:30 a.m. they will be having a ribbon cutting with the Chamber and invited the Mayor and Council to attend. The celebration will feature free hotdogs, popcorn, face painting and make-and-take projects.

Karol Kucinski, 5 Locust St., stated that if any further Code Violations come before the Council that deliberations would be held in open session and not in executive session. He hoped that discussion would be open to more than the 2 parties involved and allow other to speak. Mayor Carnrike stated the City would defer to the City Attorney for advice. Mr. Kucinski referenced a precedent that was set back in 2012 in which deliberation was done in public, stating that transparency was important.

Correspondence

- ◆ **Recovery Walk-Run** – Ald. Zieno **moved** to approve a request from the Suicide Prevention Coalition and Improve Norwich Now for Police and Fire Department assistance at their event on Saturday, September 21, 2019 from 6:30 p.m. to 9:00 p.m. The race route will start at the Fairgrounds proceeding to Maydole St. to Midland onto Hale, Birdsall and continuing onto Silver, then Gold, River, Mitchell, Park continuing onto Grove, to Maydole and finishing at the Fairgrounds. Seconded by Ald. Caldwell, approved ayes all.
- ◆ **Plymouth St. Block Party** – Ald. Doliver **moved** to approve the request for Plymouth St. to be blocked from Pleasant to Cortland on July 21, 2019 for their annual Block Party beginning at 5 p.m. Seconded by Ald. Caldwell, approved ayes all.
- ◆ **Fireman’s Parade** – Ald. Caldwell **moved** to approve the request for Police and Fire Police assistance for the Annual Fireman’s Parade on Tuesday, August 6, 2019 beginning at 7 p.m. Seconded by Ald. Doliver, approved ayes all.

Department, Board and Commission Reports

- ◆ Police Department Reports – April, May
- ◆ Youth Board Report – 2nd Quarter
- ◆ Park Commission Minutes – March, April
- ◆ Civil Service Minutes – April, May, Special June 5th
- ◆ Fire Department Activity – June
- ◆ Finance Department - June

Discussion: Ald. Jeffrey remarked there is \$66,000 left in the year for overtime and wondered if this would be sufficient. J. Papelino said it was unclear as they are down a person, and can’t account for any future injuries or sickness that may occur, but that it’s going to be very tight. Currently, results of the Firefighter exam from March are still pending.

Mayor Carnrike thanked Norwich Fire, Police and EMO for a successful Gus Macker weekend and extended further thanks to the Fire Department for response to a downtown merchant, emphasizing that in emergency situations time is of the essence and is a key factor for a good outcome.

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

Ward Reports

Ward 1

Ald. Caldwell reported some communications which have been forwarded to Codes, Police and Finance. He reported comments regarding 1 City Plaza which he will be keeping in mind.

Ward 2

Ald. Doliver reported an issue on Pleasant St. regarding unregistered vehicles. He has spoken Codes and the parties involved and the issue has been resolved.

Ward 4

Ald. Kays-Biviano reported 3 inquires into the status of the building on Mitchell St. and when will it be torn down. She reported that the Owner of Rita's asked the procedure for closing a road for an event they will be having in October.

Ward 5

Ald. Zieno reported a complaint regarding trees, wires and poles which has been resolved and a curb cut request that is on tonight's agenda.

Ward 6

Ald. Jeffrey reported a few issues which have been referred to Codes, some comments regarding the sale of 1 City Plaza. He thanked the volunteers, the YMCA, City Emergency services, Fire and Police for a successful Gus Macker weekend.

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

Ald. Jeffrey followed up on the crosswalk installations by Dot and reported they are behind schedule. Currently the work in Norwich will be completed in late August or early Fall. He expressed his displeasure as this was to be completed in June. Ald. Doliver asked about the status of the LED lighting project which will also help with the visibility. Ald. Jeffrey agreed, especially in the light of NYSEG raising their rates. Mayor Carnrike said that many projects got a late start due to the very wet weather and flooding.

Motions

- ◆ **Set Public Hearing for "No Parking" on Ross Ave.** - Ald. Jeffrey **moved** to set a Public Hearing for August 20, 2019 to hear public comment relative to "No Parking" on Ross Ave. Seconded by Ald. Caldwell, approved ayes all.
- ◆ **Approval of Sewer Policy** – Ald. Zieno **moved** to approve the Sewer policy as presented to the Joint Committee on July 2, 2019. Seconded by Ald. Doliver, approved ayes all.
- ◆ **Approval of Policies for Workplace Violence; Computer, Email, Internet Usage; Family and Medical Leave Act** – Ald. Caldwell **moved** to approve the Workplace Violence, the Computer, Email, Internet Usage, and the Family and Medical Leave Act policies. Seconded by Ald. Jeffrey, approved ayes all.
- ◆ **Approval for Offering Voluntary Vision and Dental Insurance** – Ald. Kays-Biviano **moved** to approve the City offering Voluntary Vision and Dental Insurance to its employees. Seconded by Ald. Jeffrey, approved ayes all.
- ◆ **Approval of Curb Cut at 26 Adelaide St.** – Ald. Zieno **moved** to approve the curb cut request at 26 Adelaide St. Seconded by Ald. Kays-Biviano, approved ayes all.
- ◆ **Correction of Minutes and Resolution #16-2013** – Ald. Kays-Biviano **moved** to correct Resolution #16-2013 in the minutes of February 19, 2013 to reflect that the Mayor and Director of Finance/City Clerk are both authorized to execute any and all documents. Corrections are in *Italic*. Seconded by Ald. Doliver, approved ayes all.

RESOLUTION #16-2013

AUTHORIZING MAYOR AND DIRECTOR OF FINANCE/CITY CLERK TO EXECUTE DOCUMENTS FOR USDA RD LOAN AND GRANT AND FOR

**OTHER FUNDING SOURCES AS MAY BE NEEDED FOR WATER
FILTRATION FACILITIES CAPITAL PROJECT**

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

WHEREAS, the Common Council, on December 11, 2012, adopted Resolution number 104-2012, authorizing the establishment of a capital project for the replacement of the existing drinking water filtration facilities (the "Project"); and

WHEREAS, said resolution also authorized the submittal of a funding application to the United States Department of Agriculture Rural Development agency ("Rural Development") and also to any other funding sources as may be needed for the funding of the Project; and

WHEREAS, a funding application has been submitted to Rural Development, which will require the execution of documents by the Mayor for any obligations and related paperwork associated with the award and issuance by Rural Development of any loan and grant; now, therefore be it

RESOLVED, that the Mayor *and the Director of Finance/City Clerk* be and hereby is authorized under the direction of the City Attorney, to execute any and all documents as may be required by Rural Development for its award and issuance of any loan and grant funding for the Project; and, further be it

RESOLVED, that the Mayor *and the Director of Finance/City Clerk* be and hereby is authorized under the direction of the City Attorney, to execute any and all documents as may be required by any other sources as may be needed for funding the Project.

Seconded by Ald. McCracken, and duly adopted, 5-0, on a roll call vote.

Resolutions

RESOLUTION #27 - 2019

**REPORTING RESOLUTION FOR THE NEW YORK STATE AND LOCAL
EMPLOYEES' RETIREMENT SYSTEM**

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

WHEREAS, the New York State and Local Employees' Retirement System requires a resolution to establish a Standard Work Day and Reporting Resolution for certain elected and appointed officials; and

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

RESOLVED, that the City of Norwich/20037 hereby establishes the following standard workdays for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Name	Registration #	Standard Work Day	Term Begins/Ends	Paid by Employer Time Keeping System
Elected Officials					
Alderman	Matthew Caldwell		11.16 ROA	01/01/2016- 12/31/2019	Yes
Alderman	John Deierlein	42663286	6	01/01/2016- 12/31/2016	Yes
Alderman	Robert D. Jeffrey	6222071-0	6	1/1/2018- 12/31/2021	Yes
Alderman	Brian Doliver	38238440	6	1/1/2018- 12/31/2021	Yes

Appointed Officials					
Assessor	Jeffrey Lowe		8	1/23/2017-09/30/2019	Yes
City Attorney	Steven Natoli	39724646	6	01/01/2018-12/31/2020	Yes
City Clerk/Director of Finance	Deana DuFour	36097186	8	01/01/2018-12/31/2020	Yes
City of Norwich Positions/Titles					
Account Clerk Typist			8		Yes
Assistant Police Chief			8		Yes
Cleaner			8		Yes
Coordinator of Disaster Preparedness			6		Yes
Detective Sergeant			8		Yes
Fire Assistant			6		Yes
Fire Captain			8		Yes
Fire Fighter			8		Yes
Lead Operator			8		Yes
Lead Treatment Plant Operator			6		Yes
Matron			6		Yes
MEO 1			8		Yes
Meter Reader Maintainer			8		Yes
Motor Equipment Mechanic			8		Yes
Police Officer			8		Yes
Police Sergeant			8		Yes
Pool & Grounds Technician			8		Yes
School Crossing Guard			6		Yes
Senior Account Clerk Typist			8		Yes
Wastewater Plant Attendant			8		Yes
Water System Maintainer			8		Yes
Water System Operator			8		Yes
Water System Operator Trainee			8		Yes

Youth Services Coordinator			6		Yes
Deputy Director of Finance			8		Yes
MEO II			8		Yes
Grants Coordinator			8		Yes

Seconded by Ald. Doliver, and duly adopted, 5 - 0, on a roll call vote.

RESOLUTION #28 - 2019

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORWICH AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS DRINKING WATER FILTRATION AND TREATMENT FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE

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

WHEREAS, it is necessary for the City of Norwich (hereinafter called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of Nine Hundred Sixty-Six Thousand dollars (\$966,000.00) pursuant to the provisions of NYS Local Finance Laws; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association;

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$966,000 under the terms offered by the Government; that the Director of Finance/City Clerk of the Association is hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

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

Discussion: D. DuFour explained this is a new Resolution for a lower amount due to now getting the loan through USDA versus getting the loan through a different source.

RESOLUTION #29 -2019

AUTHORIZING APPROPRIATION OF GRANT FUNDS FROM GREATER NORWICH FOUNDATION FOR CITY BAND PROGRAM

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

WHEREAS, a grant in the amount of \$2,052.00 has been received from the Greater Norwich Foundation for supporting the 2019 Norwich City Band program; and

WHEREAS, corresponding increases are therefore required in budgeted appropriations for the above designated purpose; and

WHEREAS, the Finance/Personnel Committee has made certain recommendations; now, therefore be it

RESOLVED, that \$2,052.00 from the Greater Norwich Foundation grant be and hereby are appropriated for the 2019 Norwich City Band program; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following supplemental appropriation in the 2019 General Fund budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A910	General Fund – Appropriated Fund Balance	\$2,052.00
 <u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A7270.4020	Band Concerts - Contracted Services	\$2,052.00

Seconded by Ald. Caldwell and duly adopted, 5 - 0, on a roll call vote.

RESOLUTION #30 - 2019 APPOINTMENT OF WATER SYSTEM MAINTAINER - UNLICENSED

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

WHEREAS, the position of Water System Maintainer has been vacant; and

WHEREAS, the DPW Superintendent has recommended the appointment of Phillip Francisco of Bainbridge, NY to the position of Water System Maintainer - Unlicensed; now, therefore be it

RESOLVED, that Phillip Francisco of Bainbridge, NY, be and hereby is granted a provisional appointment to the position of Water System Maintainer - Unlicensed in the DPW, effective July 22, 2019, and further be it

RESOLVED, that Phillip Francisco be and hereby is appointed at entry level at \$14.18 subject to any action as may be necessary by the Norwich Civil Service Commission.

Seconded by Ald. Kays-Biviano and duly adopted, 4 - 1, on a roll call vote with Ald. Jeffrey voting nay.

Discussion: Originally it was thought Mr. Francisco would be a Licensed Water System Maintainer, however as there was some confusion on that regard, E. Pepe stated that he did not have a license. Before the vote there was discussion of the Civil Service classification. The title “Maintainers” is un-classified and Ald. Caldwell felt that “Water System

Maintainer-Unlicensed” is a tested position. This will be further investigated, therefore the appointment will be provisional.

Payment of June 2019 Bills

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

	<u>Prepaid</u>	<u>7/16/2019</u>	<u>Grand Total</u>
General Fund	\$134,548.45	\$47,230.87	\$181,779.32
Sewer Fund	19,604.67	38,0225.32	57,626.99
Water Fund	17,449.28	4,444.94	21,894.22
Trust	26,283.87	-	26,283.87
Debt Service	209,601.67	-	209,601.67
Comm. Dev. - Special Grants	2,271.18	-	2,271.18
Capital Projects	76,016.09	-	76,016.09
TOTALS	\$485,775.21	\$89,698.13	\$575,473.34

Seconded by Ald. Doliver and duly adopted 5 – 0.

Adjournment

Ald. Caldwell **moved** to adjourn at 8:05 p.m. Seconded by Ald. Doliver, approved ayes all.