

COMMON COUNCIL

AGENDA
November 21, 2013

Call To Order

Pledge of Allegiance

Invocation

Approval of minutes of the regular meeting of October 15, 2013 and the special meeting of November 12, 2013

Public Hearing - Proposed Ordinance No. (A) of 2013 - Amending Chapter 525 of City Code, Traffic

Public Hearing - Proposed Ordinance No. (B) of 2013 - Senior Partial Property Tax Exemption

Public Hearing - Proposed Local Law No. (B) of 2013 - Property Tax Cap Override

Open Forum

Mayoral Appointment - Mayor's Representative to BIDMA

Council Appointment - Council Representative to BIDMA

Correspondence

None

Department, Board and Commission Reports

Civil Service Commission Minutes of

Police Department Report of October 2013

Traffic Commission Minutes of October 9 and November 13, 2013

Youth Board Meeting Minutes of November 6, 2013

Youth Bureau Report of October 2013

Water Commission Minutes of October 16, 2013

Ward Reports

Motions

Appointment of Acting City Court Judge

Authorize 2014 SPCA Agreement for Animal Services

Approve Water System Policies

Resolutions

Supporting Planting of Commemorative Tree in Honor of Stewart Chase

Authorizing Budget Transfers - Legal Services, Human Resources and Tax Property Costs

Authorizing Addendum to Filter Plant Project Engineering Agreement

Adopting Proposed Ordinance No. (A) of 2013

Adopting Proposed Ordinance No. (B) of 2013

Adopting Proposed Local Law No. (B) of 2013

Authorizing Revision to Mortgage Security Interest Position

Payment of November Bills

Executive Session to discuss the sale of real property where price may be affected.

Adjournment

CORRESPONDENCE

MOTIONS

Council Appointment Ald. _____ **moved** to appoint Bryan McCracken as Council representative to the Norwich B.I.D. Seconded by Ald. _____ and duly (adopted / defeated) _____.

Appointment of Acting City Court Judge – Ald. _____ **moved** to re-appoint James G. Cushman for Acting City Court Judge for the City of Norwich for a six-year term commencing December 18, 2013 and expiring December 17, 2019. Seconded by Ald. _____ and duly (adopted / defeated) _____.

Authorize 2014 CSPCA Agreement for Animal Services Ald. _____ **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, 2014 through December 31, 2014, 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. _____ and duly (adopted/defeated) ____, on a roll call vote.

Approve Water System Policies Ald. _____ **moved** to approve the consolidated Water System Policies as presented by the Superintendent of the Department of Public Works. Seconded by Ald. _____ and duly (adopted / defeated) _____.

Payment of November 2013 Bills Ald. _____ **moved** to pay the November 2013 bills after proper audit and certification. Seconded by Ald. _____ and duly (adopted / defeated) _____.

RESOLUTIONS

RESOLUTION # -2013

SUPPORTING THE PLANTING OF A COMMEMORATIVE TREE IN HONOR OF STEWART CHASE

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

WHEREAS, Stewart “Stew” Chase was a valued member of the City of Norwich Parks Commission from 2000 to 2012; and

WHEREAS, Stewart Chase was a valued member of the community who dedicated a significant portion of his time each year to beautifying the City’s parks; and

WHEREAS, Stewart Chase passed at the age of 85 on December 4, 2012; now, therefore be it

RESOLVED, that the Common Council supports wholeheartedly the planting of a commemorative tree in East or West Park to honor the memory of Stewart Chase.

Seconded by Ald. _____ and duly (adopted/defeated), _____ on a roll call vote

RESOLUTION # -2013

AUTHORIZING BUDGET TRANSFERS FOR HUMAN RESOURCES LEGAL SERVICES AND TAX PROPERTY COSTS

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

WHEREAS, funds are required for additional legal services with regard to numerous Human Resources matters; and

WHEREAS, the timing of the City’s acquisition of several unredeemed tax properties after the March 1, 2013 taxable status date has resulted in the need for funds to pay related School taxes; and

WHEREAS, property maintenance costs have also been incurred on the unredeemed tax properties; and

WHEREAS, the Finance/Personnel Committee has 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 2013 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1990.4	Contingency	\$11,162.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1430.4020	Human Resources – Contracted Services	\$ 3,000.00
A1950.4	Refunds & Taxes on City Owned Property	\$ 6,137.00
A1989.4	Miscellaneous Government Support Costs	\$ 2,025.00

Seconded by Ald. _____, and duly (adopted / defeated), _____, on a roll call vote.

Ald. _____ introduced the following and moved its adoption:

WHEREAS, on December 11, 2012, the Common Council adopted Resolution #104-2012, authorizing the establishment of the Water Filtration Facilities Capital Project with a grand total budget amount of \$6,135,000.00 (the "Project") which included the execution of an agreement with Delaware Engineering P.C. of Oneonta, New York ("Delaware"), for associated professional services in the amount of \$749,000 (the "Engineering Agreement"); and

WHEREAS, it has been determined that preliminary pilot testing work on the Project's design and configuration is an essential and prudent measure to ensure its reliable and cost effective completion (the "Pilot Testing"); and

WHEREAS, Delaware has proposed an addendum to the Engineering Agreement in the amount of \$42,000.00 for providing necessary additional services to accommodate the Pilot Testing; and

WHEREAS, the contingency line of the original Project budget will provide for the Pilot Testing and additional engineering services to be accomplished without any increase in the original Project budget; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized under the direction of the City Attorney to execute an Addendum to the Engineering Agreement with Delaware for additional services for Pilot Testing in an amount not to exceed \$42,000.

Seconded by Ald. _____, and duly (adopted / defeated), _____, on a roll call vote.

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

WHEREAS, the Common Council received proposed Ordinance No. (A) of 2013 on October 15, 2013, amending Chapter 525 "Vehicles and Traffic" of the City Code in regards to placement of a bus stop; and

WHEREAS, a public hearing was held on November 21, 2013, in connection with said proposed ordinance; now, therefore be it

RESOLVED, that Ordinance No. (A) of 2013, amending Chapter 525 "Vehicles and Traffic" of the City Code as presented to the Common Council on October 15, 2013, be and hereby is adopted, and is hereby designated as Ordinance No. ____ of 2013.

Seconded by Ald. _____ and duly (adopted/defeated), _____ on a roll call vote

ORDINANCE NO. 1 OF 2013

AN ORDINANCE TO AMEND CHAPTER 525
OF THE CODE OF THE CITY OF NORWICH
"VEHICLES AND TRAFFIC"

Section 1. BE IT ORDAINED by the Common Council of the City of Norwich, New York, that the following paragraph shall be inserted in alphabetical order into Section 525-54. No Parking of Chapter 525 of the Code of the City of Norwich:

MAIN STREET WEST, north side, from sixty-five (65) feet west of the intersection of Court and West Main Streets to Court Street, between the hours of 6 a.m. and 6 p.m. Monday through Friday.

and the following paragraph shall be inserted into Section 525-62. Bus Stops of Chapter 525 of the Code of the City of Norwich:

MAIN STREET WEST, north side, from sixty-five (65) feet west of the intersection of Court and West Main Streets to Court Street.

Section 2. This ordinance shall take effect immediately.

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

WHEREAS, the Common Council received proposed Ordinance No. (B) of 2013 on October 15, 2013, authorizing partial exemption of certain real property owned by persons sixty-five years of age and over in the City of Norwich; and

WHEREAS, a public hearing was held on November 21, 2013, in connection with said proposed ordinance; now, therefore be it

RESOLVED, that Ordinance No. (B) of 2013, authorizing partial exemption of certain real property owned by persons sixty-five years of age and over in the City of Norwich, as presented to the Common Council on October 15, 2013, be and hereby is adopted, and is hereby designated as Ordinance No. ____ of 2013.

Seconded by Ald. _____ and duly (adopted/defeated), _____ on a roll call vote

ORDINANCE NO. 2 OF 2013

AN ORDINANCE TO AMEND AN ORDINANCE AUTHORIZING PARTIAL EXEMPTION OF CERTAIN REAL
PROPERTY OWNED BY PERSONS SIXTY-FIVE YEARS OF AGE AND OVER IN THE CITY OF NORWICH

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

Section 1. Paragraph (a) of Section 1 of An Ordinance Authorizing Partial Exemption from Taxation of Certain Real Property Owned by Persons in the City of Norwich, as adopted on May 7, 1967, and as amended on March 23, 1971, March 27, 1983, February 25, 1975, December 28, 1976, January 10, 1978, January 23, 1979, February 12, 1980, February 24, 1981, June 14, 1983, {and} February 28, 1989, and February 27, 1990, be and hereby is amended to reflect an exemption formula provided for pursuant to Section 467.1(b) of the State Real Property Tax Law, as follows:

(a) The income of the owner or the combined incomes of the owners of such property did not exceed the following sum for the stated exemption for the twelve consecutive months immediately preceding the date of making application for such exemption:

Income	Exemption
Under {9200} <u>11,000</u>	50% exemption
{9201 – 10,200} <u>11,000 – 11,999</u>	45% "
{10,201 – 11,200} <u>12,000 – 12,999</u>	40% "
{11,201 – 12,200} <u>13,000 – 13,999</u>	35% "
{12,201 – 13,100} <u>14,000 – 14,900</u>	30% "
{13,101 – 14,000} <u>14,901 – 15,800</u>	25% "
{14,001 – 14,900} <u>15,801 – 16,700</u>	20% "

Where title is vested in either the husband or the wife, their combined income did not exceed such sum. The word "income" includes social security and retirement benefits, interest dividends, net rentals, salary earnings, and income from self-employment, but does not include gifts and inheritances.

New material is underlined; deleted material is {bracketed}

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

WHEREAS, the Common Council received proposed Local Law No. (B) of 2013 on October 15, 2013, overriding the tax levy limit established in General Municipal Law §3-c; and

WHEREAS, a public hearing was held on November 21, 2013, in connection with said proposed local law; now, therefore be it

RESOLVED, that Local Law No. (B) of 2013, overriding the tax levy limit established in General Municipal Law §3-c, as presented to the Common Council on October 15, 2013, be and hereby is adopted, and is hereby designated as Local Law No. 1 of 2013.

Seconded by Ald. _____ and duly (adopted/defeated), _____ on a roll call vote

LOCAL LAW NO. 1 OF 2013

**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, 2014, 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, 2014, 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.

Ald. _____ introduced the following and moved its adoption:

WHEREAS, by Resolution Number 12-2009 on March 17, 2009, the Common Council authorized an economic development loan to Cirello, LLC for the acquisition and start-up of its Park Place Restaurant operations in the amount of \$100,000, subject to all terms and conditions as specified by the Loan and Finance Committee (the “City Loan”); and

WHEREAS, said terms and conditions included, among other provisions, a Mortgage Priority Sharing Agreement between the City and NBT Bank, N.A. (the “Sharing Agreement”) which was duly executed by both parties on April 10, 2009; and

WHEREAS, given that financing was separately and concurrently provided by the City and NBT Bank, N.A. (the “Bank”), rather than subordinate either party’s mortgage priority interest to the other, the Sharing Agreement provided for a mutual sharing of priority position for their respective mortgages held on certain real property in proportion to the amount of loans provided by each entity; and

WHEREAS, Cirello, LLC is presently pursuing substantial facility renovations and operational modifications of its Park Place Restaurant location, which will require a consolidation of its currently outstanding indebtedness to the Bank with additional new financing to be provided by the Bank for that purpose (the “Consolidated Bank Financing”); and

WHEREAS, the City Loan is considered to be adequately secured through other means in addition to the aforementioned mortgage held by the City, and the City wishes to be supportive of such endeavor in light of its associated economic development benefits; and

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

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to execute such documents as may be necessary for the purpose of effecting a revised security interest position of the mortgage the City presently holds for the City Loan which will allow such position to be subordinated to the security interest position of the Bank resulting from the completion of the Consolidated Bank Financing.

Seconded by Ald. _____, and duly (adopted / defeated), _____, on a roll call vote.