

## COMMON COUNCIL

October 18, 2011

Mayor Joseph Maiurano presided at a meeting of the Common Council held at 7:00 PM on October 18, 2011, in the Common Council Chambers at One Court Plaza.

### Present:

Mayor Joseph Maiurano  
Ald. Robert Carey  
Ald. Terry Bresina  
Ald. John Deierlein  
Ald. Walter Schermerhorn  
Ald. Paul Laughlin  
Ald. Robert Jeffrey  
Supervisor James McNeil  
Supervisor Linda Natoli

### Also:

Finance Director William Roberts  
Human Resources Director Deborah DeForest  
Youth Bureau Director Robert Mason  
Code Enforcement Officer/Fire Marshall Jason Lawrence  
City Attorney Patrick Flanagan  
Deputy City Clerk Brian Drake  
Media Representative Shawn McGrath

### Absent

None

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### Call to Order

The meeting of the Common Council was called to order by Mayor Maiurano at 7:03 p.m.

### Approval of minutes

Ald. Schermerhorn **moved** to approve the minutes of the regular meeting of September 20, 2011. Seconded by Ald. Laughlin, duly approved ayes all.

### Mayoral Designation

Mayor Maiurano set the Trick or Treat time for Monday, October 31, from 5:30 p.m. to 8 p.m., reminding residents that this is not compulsory and if they wish not to participate they should turn off their porch lights, and requesting Trick or Treaters to respect this.

**Open Forum** There were no comments.

### Correspondence

**Curb Cut Request - 7 Chenango Avenue** Ald. Carey **moved** to approve a curb cut request at 7 Chenango Avenue. Seconded by Ald. Bresina and duly adopted ayes all.

**Curb Cut Request - 31 Midland Drive** Ald. Laughlin **moved** to approve a curb cut request at 31 Midland Drive, following approval of the Superintendent of Public Works. Seconded by Ald. Jeffrey and duly adopted ayes all. Ald. Laughlin commented that the Superintendent of Public Works has approved this request.

### Department, Board and Commission Reports

- ◆ Parks Commission Minutes of September 12, 2011
- ◆ Police Department Monthly Report of September 2011
- ◆ Traffic Commission Minutes of September 14, 2011
- ◆ Water Commission Minutes of September 28, 2011
- ◆ Youth Bureau Monthly Report September 2011

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

## **Ward and Committee Reports**

### **Joint Committee Meeting of October 4, 2011**

Fire Chief Tracy Chawgo reported that portable electric pumping equipment was damaged following heavy use during the flood. The WalMart Foundation provided a grant in the amount of \$1,283 to replace the equipment.

Ald. Jeffrey and Ald. Deierlein asked about overtime in the Fire Department because of the recent flooding. Chief Chawgo said that although overtime was approximately \$16,000 (because both storms occurred during a single pay period), he is still under budget for overtime.

EMO A. Jones reported that FEMA has made no declaration for Chenango County for Hurricane Irene but has for Tropical Storm Lee. It is expected that FEMA will reimburse 75% for allowed damages, the State another 12.5%, and the City the remainder (unlike in 2006, when the State, because of its then-current fiscal position, was able to reimburse localities the full 25%). Volunteer labor during the floods may be monetized and billed against the City's share. The City sustained significant damage at the Wastewater Treatment Plant. Claims for insurance must be made first, and then FEMA should cover the deductible. A. Jones is completing the necessary paper work for FEMA reimbursement of overtime expenses during the April flood, which should be approximately \$20,000.

Code Enforcement Officer Jason Lawrence reported that the Codes and Police Departments have made many visits to problem properties on Grove Avenue and the problems are being rectified. He is working on revisions to the Rental Registry to mitigate future problems.

DPW Superintendent Carl Ivarson reviewed damage sustained at the Wastewater Treatment Plant during the recent flood. The new pump is installed and running. The other two pumps were under 12 feet of water, sustaining structural damage, which has voided the guaranty. A new pump will cost approximately \$252,000 and \$90,000 for installation. He will investigate the insurance coverage.

RBC Update C. Ivarson reported that the #3 wheel on each train has been replaced. He is measuring flow to evaluate performance.

Ald. Jeffrey asked about crow abatement plans. J. Lawrence stated that speakers will be operated at the Frontier property and other methods used last year will be implemented.

Ald. Jeffrey asked for clarification of anticipated increases in City contributions to the State Retirement Plan. Director of Finance William Roberts replied that the State recently released projections for increasing local contributions. For the City, this would total \$848,000 for 2013, as opposed to this year's contribution of \$687,000, and 2010's contribution of \$518,000. The State will allow amortization of a portion of the payments over a period of ten years at a rate of 3.5%, which would be inadvisable. He recently attended a seminar on the new 2% Property Tax Cap, and noted that municipalities may pass local laws to opt out of the tax cap.

Ald. Jeffrey asked about the status of economic development loans. Mayor Maiurano stated that all but one are current, and some have been paid off early.

## **Ward Reports**

### **Ward 1**

Ald. Carey reported that all issues have been referred to the appropriate department heads and have been or are in the process of being resolved.

### **Ward 2**

Ald. Bresina reported that all has been quiet in Ward 2.

### **Ward 3**

Ald. Deierlein reported that all issues have been referred to the appropriate department heads and have been or are in the process of being resolved.

### **Ward 4**

Ald. Schermerhorn reported that all issues have been referred to the appropriate department heads and have been or are in the process of being resolved.

**Ward 5**

Ald. Laughlin reported that all issues have been referred to the appropriate department heads and have been or are in the process of being resolved.

**Ward 6**

Ald. Jeffrey reported that all issues have been referred to the appropriate department heads and have been or are in the process of being resolved.

Mayor Maiurano remarked that the City tries to anticipate problems and resolve them before complaints are made. He thanked the department heads for their hard work.

Ald. Deierlein **moved** to receive and file the Committee and Ward reports. Seconded by Ald. Schermerhorn, duly approved ayes all.

**Resolutions**

**RESOLUTION #75-2011                      ACCEPTING GRANT AND AUTHORIZING TRANSFER OF FUNDS -  
PORTABLE PUMPING EQUIPMENT**

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

WHEREAS, portable pumping equipment was damaged following excessive service during the September 2011 flood; and

WHEREAS, a grant of \$1,283 was received by the Fire Department from the WalMart Foundation for the purchase of portable pumping equipment; and

WHEREAS, such grant was deposited in the Fire Equipment Capital Reserve Fund; and

WHEREAS, the worn condition of such portable pumping equipment requires replacement; and

WHEREAS, the Public Safety/Public Works and Finance/Personnel Committees have made certain recommendations; now, therefore be it

RESOLVED, that the grant award of \$1,283 from the WalMart Foundation be accepted; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds in the 2011 General Fund Budget:

|                       |                                   |               |
|-----------------------|-----------------------------------|---------------|
| <u>From:</u>          |                                   |               |
| <u>Account Number</u> | <u>Name</u>                       | <u>Amount</u> |
| HR32-878              | Fire Equipment - Capital Reserves | \$1,283.00    |
| <u>To:</u>            |                                   |               |
| <u>Account Number</u> | <u>Name</u>                       | <u>Amount</u> |
| A3410.2100            | Fire Equipment                    | \$1,283.00    |

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

**Discussion:** Mayor Maiurano thanked the WalMart Fund for its generous grant.

**RESOLUTION #76-2011                      AWARDING BID – 2011 TREE REMOVAL**

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

WHEREAS, bids have been received for 2011 Tree Removal; and

WHEREAS, the Public Safety/Public Works and Finance/Personnel Committees have made certain recommendations; now, therefore be it

RESOLVED, that the bid for 2011 Tree Removal be awarded to the lowest qualified bidder meeting specifications, Top Notch Tree Experts of Durhamville, NY, in the following amounts:

|        |                 |
|--------|-----------------|
| Item A | \$ 9,625.00     |
| Item B | 590.00          |
| Item C | <u>2,995.00</u> |
| Total  | \$13,210.00     |

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

**RESOLUTION #77-2011**      **AUTHORIZING EMERGENCY HOME REPAIR PROGRAM GRANT ASSISTANCE TO FRANCIS TARANTO OF 12 MAYDOLE STREET**

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

WHEREAS, the City of Norwich administers an Emergency Home Repair Program designed to provide grants and/or loans to income-qualifying homeowners for the purpose of making emergency home repairs; and

WHEREAS, an application for assistance was received from Francis Taranto for the purpose of funding replacement of an aging water heater and an aging boiler with an on-demand system at his residence at 12 Maydole Street; and

WHEREAS, it has been determined that the applicant is income-eligible for one hundred percent grant assistance; and

WHEREAS, the applicant has solicited and received two price quotations based on a work scope prepared by City staff; and

WHEREAS, an estimated 77.44% of the City funds to be expended on the repair work for this Emergency Home Repair Program project will be reimbursed to the City from the current USDA Rural Development Housing Preservation grant; and

WHEREAS, the proposed action is appropriately classified as a Type 2 action under the requirements of the State Environmental Quality Review Act (SEQRA); now, therefore be it

RESOLVED, that the Mayor of the City of Norwich be and hereby is authorized to prepare necessary documents related to the issuance of City Emergency Home Repair Program grant assistance to the applicant; and, be it further

RESOLVED, that the City of Norwich Finance Director be and hereby is authorized to make payments to the contractor for direct repair costs of up to seven thousand, five hundred dollars (\$7,500.00), and other minor amounts for necessary change orders that may be approved by the City, and payments to the lead testing firm for lead assessment and lead clearance costs.

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

**Discussion:** Ald. Deierlein asked how much was left in the fund. W. Roberts explained that the fund is reimbursed by drawdowns from the grant, and as Community Development Specialist Todd Dreyer explained in a previous meeting, the City will apply for further funding in 2012 as appropriate.

**RESOLUTION #78-2011**      **DECLARING SURPLUS AND AUTHORIZING SALE OF TAX DELINQUENT PROPERTY AT 4 ERIC STREET**

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

WHEREAS, the Common Council has considered whether tax delinquent real property located at 4 Eric Street, tax map number 123.79-2-16 (the "Property"), may be required for use by the City; and

WHEREAS, the Common Council has received a proposal for the purchase of the Property; and

WHEREAS, the Common Council has determined that the City of Norwich is authorized to dispose of the Property in accordance with the provisions of Section 74 of Title IV of the Charter of the City of Norwich; now, therefore be it

RESOLVED, that the Common Council hereby declares the Property surplus; and, be it further

RESOLVED, that the Common Council hereby approves and accepts the offer made by James and Elizabeth McNeil (the "Purchasers") in the amount of \$29,000 for the purchase of 4 Eric Street, with the understanding and representation by the Purchasers that it will be rehabilitated and restored to a quality condition as a single-family, owner-occupied residence; and, be it further

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to enter into corresponding agreements with the Purchasers and to execute a deed of conveyance for said Property.

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

**RESOLUTION #79-2011**

**AUTHORIZING ENERGY MANAGEMENT AGREEMENT WITH MIRABITO HOLDINGS, INC.**

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

WHEREAS, the City of Norwich has sourced its energy supply needs through the Municipal Electric and Gas Alliance ("MEGA"), a non-profit local development corporation in Ithaca, New York, for the past several years; and

WHEREAS, during the past year, the pricing of natural gas and electricity to the City has become uncompetitive through MEGA-sourced suppliers, and it is desired to have a more efficient and strategically effective means for bidding and securing best available pricing; and

WHEREAS, Mirabito Holdings, Inc., d/b/a Mirabito Energy Products, of Binghamton, New York ("Mirabito"), has proposed to provide services through their Norwich, New York office, utilizing their access to markets and ability for securing best bid options for energy supply pricing; and

WHEREAS, the volatility of energy commodity supply prices requires same-day execution of purchase contracts with lowest-bid suppliers to secure the best price options, now, therefore be it

RESOLVED, that the Mayor, be and hereby is authorized, under the direction of the City Attorney, to execute an energy management agreement with Mirabito for the purpose of bidding and securing best available pricing for energy supplies; and, further be it

RESOLVED, that the Mayor, in coordination with review and recommendation by the Superintendent of Public Works and Director of Finance, be and hereby is authorized to execute contracts with energy suppliers resulting from Mirabito's bidding and award procedures.

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

**Payment of October 2011 Bills** Ald. Laughlin **moved** to pay the October 2011 bills after proper audit and certification. Seconded by Ald. Schermerhorn and duly adopted ayes all.

**October Bills**

|                               | <u>Prepaid</u>       | <u>10/18/11</u>      | <u>Grand Total</u>   |
|-------------------------------|----------------------|----------------------|----------------------|
| General Fund                  | \$ 118,625.27        | \$ 56,151.29         | \$ 174,776.56        |
| Sewer Fund                    | 13,902.05            | 26,506.32            | 40,408.37            |
| Water Fund                    | 13,935.18            | 29,562.50            | 43,497.68            |
| Trust                         | 25,985.52            | -                    | 25,985.52            |
| B.I.D.                        | -                    | -                    | -                    |
| Debt Service                  | -                    | -                    | -                    |
| Reserves                      | -                    | -                    | -                    |
| Unemployment                  | -                    | -                    | -                    |
| Community Dev. Small Cities   | -                    | -                    | -                    |
| Community Dev. Special Grants | -                    | 245.00               | 245.00               |
| Economic Development          | 5,749.96             | -                    | 5,749.96             |
| Capital Projects              | 78,358.90            | 800.00               | 79,158.90            |
| <b>TOTALS</b>                 | <b>\$ 256,556.88</b> | <b>\$ 113,265.11</b> | <b>\$ 369,821.99</b> |

Mayor Maiurano thanked the Norwich Police Department and the Chenango County Sheriff's Department for their hard work in successfully conducting a drug raid. He remarked that the Police Department's professionalism is second to none.

**Adjournment**

Ald. Schermerhorn **moved** to adjourn at 7:22 p.m. Seconded by Ald. Deierlein, accepted ayes all.