

COMMON COUNCIL

AGENDA January 17, 2012

Call To Order

Pledge of Allegiance

Invocation

Approval of minutes of the regular meeting of December 20, 2011 and the Organizational Meeting of January 3, 2012

Public Hearing - Proposed Ordinance No. (A) of 2012 - Amendment to Zoning Ordinance Map, Birdsall Street

Open Forum

Mayoral Appointments

Planning Commission

- ◆ *Sheldon Prentice, 155 N. Broad Street, appointment to a three-year term expiring December 31, 2014.*

Plumbing Board

- ◆ *Richard Towndrow, 25 King Street, appointment to a three-year term as Journeyman expiring December 31, 2014.*

Zoning Board of Appeals

- ◆ *Edward Morano, 21 Miller Street, re- appointment to a three-year term expiring December 31, 2014.*
- ◆ *Roger Shackleton, 8 Barnes Street, appointment to a three-year term expiring December 31, 2014.*

Mayoral Appointment with Council Approval

Water Commission

- ◆ *Kathy Campbell, 21 Francis Avenue, appointment to a three-year term expiring December 31, 2014.*
- ◆ *Nicholas Testani, 16 Westcott Street, appointment to a three-year term expiring December 31, 2014.*

Traffic Commission

- ◆ *Frank Revoir, 73 South Broad Street, appointment to a three-year term expiring December 31, 2014.*
- ◆ *Terri Grey Wessels, 93 Plymouth Street, appointment to a three-year term expiring December 31, 2014.*

Correspondence

- ◆ None

Department, Board and Commission Reports

- ◆ Parks Commission Minutes of December 12, 2011
- ◆ Police Department Monthly Report of December 2011
- ◆ Traffic Commission Minutes of December 14, 2011 and January 11, 2012
- ◆ Youth Board Minutes of January 4, 2012

Ward and Committee Reports

- ◆ Joint Committees Meeting of January 3, 2012

Resolutions

- ◆ Adopting Proposed Ordinance No. (A) of 2012 - Amendment to Zoning Ordinance Map
- ◆ Declaring Equipment Surplus and Authorizing Disposal
- ◆ Authorizing Transfer of Funds for 2012 Permanent Streets Repaving
- ◆ Authorizing Establishment of Capital Project for the Replacement of Flood Damaged Screw Pumps
- ◆ Authorizing Equipment Replacement at Wastewater Treatment Plant and Issuance of Bonds
- ◆ Authorizing Leave of Absence and Promotion - Mike Miles
- ◆ Authorizing Business Loan Assistance - 157 East Main Street, LLC
- ◆ Authorizing Emergency Home Repair Loan Assistance - 61 Cortland Street
- ◆ Authorizing Transfer of Funds - Engineering for Well 3 Generator Replacement

- ◆ Authorizing Transfer of Funds - Chlorine Controllers
- ◆ Authorizing Transfer of Funds - Loadall Repairs
- ◆ Authorizing Transfer of Funds - Maple Street Renovation

Other Items

- ◆ Kurt Beyer Pool

Payment of January Bills

Executive Session (if needed)

Adjournment

CORRESPONDENCE

None

MOTIONS

Payment of January 2012 Bills Ald. _____ **moved** that the payment of the January 2012 bills be authorized subject to final audit and verification, and subject to subsequent ratification and approval of the detailed bill list at the February 2012 meeting. Seconded by Ald. _____ and duly (adopted/defeated) _____.

RESOLUTIONS

RESOLUTION # -2012

ADOPTING PROPOSED ORDINANCE NO. (A) OF 2012 - AMENDING ZONING ORDINANCE

Ald. _____ introduced the following and moved its adoption:

WHEREAS, the Common Council received proposed Ordinance No. (A) of 2012 on December 20, 2011, to amend the Zoning Ordinance; and

WHEREAS, a public hearing was held on January 17, 2012, in connection with said proposed ordinance now, therefore be it

RESOLVED, that Ordinance No. (A) of 2012 to amend the Zoning Ordinance, as presented to the Common Council on December 20, 2011, be and hereby is adopted, and is hereby designated as Ordinance No. 1 of 2012.

ORDINANCE NO. 1 OF 2012

AN ORDINANCE TO AMEND THE ZONING ORDINANCE MAP OF THE CITY OF NORWICH

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

Section 1. The City of Norwich Zoning Ordinance Map is hereby amended to reclassify the following properties known as 7 Birdsall Street (Tax Map ID #136.57-2-22), 9 Birdsall Street (Tax Map ID #136.57-2-21), 11 Birdsall Street (Tax Map ID #136.57-2-20), 13 Birdsall Street (Tax Map ID #136.57-2-19), 15 Birdsall Street (Tax Map ID #136.57-2-18), and 17 Birdsall Street (Tax Map ID #136.57-2-17) from R-3 zone to B-1 zone.

Section 2. This ordinance shall take effect immediately.

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

Ald. _____ introduced the following and moved its adoption:

WHEREAS, certain obsolete vehicles and equipment have been deemed to be surplus by the Department of Public Works; and

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

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

1990 Ford Super Duty (VIN 2FDLF47M7LCA77176)
1998 Ford Crown Victoria (VIN 2FAFP711181X158886)
2001 Ford Crown Victoria (VIN 2FAFP71W01X116356)
1999 Ford Crown Victoria (VIN 2FAFP71WXXX162804)
2002 Ford Crown Victoria (VIN 2FAFP71W02X128766)
1969 Huber D-1100 Grader
1979 Honda Motorcycle (VIN GL14104053)
1992 Mercury (VIN 1MECM50U5NA620554)
2001 Ford (VIN 1FAFP36351W190455)
1994 Ford (VIN 1FALP52U5VG313829)
1993 Toyota Pickup (VIN 4TARN01P3Z083980)
1998 Ford (VIN 1FAFP6633WK277075)
1994 Mercury (VIN 1MEPM36X2RK648951)
1996 Chevy Cavalier (VIN 1G1JC1249T7295234)
2001 Pontiac Grand Am (VIN 1G2NW12E81M638305)
1980 Datsun 280 ZX (No VIN)
Chateau Camper (No Model Number)
Bicycles (approximately 80)
Generator Model #G15C18D Serial #M-100037
Air Blowers (4) Old RBC Blowers
Pumps (3) Secondary sludge
Speed Reducers (2) secondary sludge
Used piping, fittings
Old RBC framework
Motors: 1977 well motors

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

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

WHEREAS, the Superintendent of Public Works has recommended that the amount originally scheduled in the 2012 General Fund Budget for interfund transfer to the Highway Equipment Capital Reserve in the amount of \$15,000 be reallocated for transfer to Permanent Streets Capital Projects to cover anticipated street repaving needs; and

WHEREAS, the Public Safety/Public Works and Finance/Personnel 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 2012 General Fund Budget for anticipated street repaving needs:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A9950.1HR26	Transfer to Highway Equipment Capital Reserves	\$15,000.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A9950.1H93	Transfer to Capital Projects For 2012 Permanent Streets Program	\$15,000.00

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

**AUTHORIZING ESTABLISHMENT OF CAPITAL PROJECT FOR
THE REPLACEMENT OF FLOOD DAMAGED SCREW PUMPS AT
THE WASTEWATER TREATMENT PLANT**

Ald. _____ introduced the following and moved its adoption:

WHEREAS, as a result of the severe storms and flooding from Tropical Storm Lee during the period of September 7-11, 2011, two of the screw pumps and related equipment were extensively damaged; and

WHEREAS, based on the age of the affected equipment, and the assessment and recommendations presented by Delaware Engineering, the most long-term, cost effective, and necessary remediation of the damage is through their replacement (the "Project"); and

WHEREAS, a proposal has been received from Siemens Industry, Inc. ("Siemens"), the owner and sole source of the Internalift brand of pumps for new, in-kind equipment replacement and compatibility with the operation of the facility (the "Proposal"); and

WHEREAS, the cost of the Proposal has been quoted at \$815,440, and indirect related costs have been estimated at \$34,881, for a projected total Project cost of \$850,321; and

WHEREAS, a claim has been submitted to the City's Insurance Carrier, Selective Insurance ("Selective"), and also an application has been submitted to the Federal Emergency Management Agency ("FEMA"), both of which could take extensive time for determining reimbursement eligibility and payment; and

WHEREAS, a loan application has been made to the New York State Environmental Facilities Corporation ("EFC") under its interest-free Hurricane Emergency Loan Program ("HELP Loan") in the amount of \$850,000 in order to provide interim financing pending the receipt of reimbursements from Selective and FEMA; now, therefore be it

RESOLVED, that acceptance of the Siemens Proposal in the amount of \$815,440 be and hereby is approved and authorized, and the Mayor, the Superintendent of Public Works, and the Director of Finance be and hereby are authorized to contract with Siemens for implementation of the Proposal, and also for related necessary expenditures of \$34,881 for completion of the Project; and further be it

RESOLVED, that the Director of Finance be and hereby is authorized to execute necessary documents for interim financing in the amount of \$850,321 through the EFC HELP Loan program, and also for the related professional bonding services of the City's Bond Counsel, Orrick, Herrington, & Sutcliffe, LLP; and further be it

RESOLVED, that the Director of Finance be and hereby is authorized to establish appropriate budgetary accounts in the Wastewater Capital Projects Fund for the Project; and further be it

RESOLVED, that Project reimbursements from Selective and FEMA will be applied to the repayment of outstanding debt from the EFC HELP Loan.

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

AUTHORIZING THE REPLACEMENT OF EQUIPMENT AT THE CITY'S WASTEWATER TREATMENT PLANT, IN AND FOR THE CITY OF NORWICH, CHENANGO COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$850,321, AND AUTHORIZING THE ISSUANCE OF \$850,321 BONDS OF SAID CITY TO PAY THE COST THEREOF.

Ald. _____ introduced the following and moved its adoption:

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it specifically has been determined that because such capital project consists of the new, in-kind replacement of existing components on the same site, it is therefore a Type II Action and is not subject to review, as indicated under Section 617.5(c)(2) of the Rules and Regulations of the State Department of Environmental Conservation for the implementation of the provisions of the State Environmental Quality Review Act; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE, BE IT

RESOLVED by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Norwich, Chenango County, New York, as follows:

Section 1. The replacement of equipment at the City's wastewater treatment plant damaged by storms and flooding from Tropical Storm Lee, including original equipment, machinery, apparatus, appurtenance and incidental improvements and expenses in connection therewith, in and for the City of Norwich, Chenango County, New York, is hereby authorized at a maximum estimated cost of \$850,321.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$850,321 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of serial bonds ultimately to be issued shall be reduced dollar for dollar by the amount of any grant monies received therefor.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Norwich, Chenango County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 6. The Director of Finance is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the

object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 7. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the Director of Finance, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this Bond Resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said City hereby designated for such purpose, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

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

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

WHEREAS, the DPW Superintendent has recommended Michael Miles for the position of Unlicensed Water System Operator; and

WHEREAS, under Civil Service law Mr. Miles is eligible for a provisional promotion for a period not to exceed one year; and

WHEREAS, Mr. Miles has requested a leave of absence from his permanent position of Water System Maintainer for said year; and

WHEREAS, the Finance/Personnel Committee has reviewed and concurred with said recommendations; now, therefore be it

RESOLVED, that Michael Miles, of Norwich New York, be and hereby is provisionally promoted to the position of Unlicensed Water System Operator at the entry level, effective January 18, 2012; and, further be it

RESOLVED, that Mr. Miles be granted a one-year leave of absence from his current position of Water System Maintainer; and, further be it

RESOLVED, that said provisional promotion and leave of absence are contingent on Mr. Miles's successful completion of all required examinations and certifications within one year of said provisional appointment; and any action necessary from the Norwich Civil Service Commission.

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

Ald. _____ introduced the following and moved its adoption:

WHEREAS, the City of Norwich administers a Business Loan Program designed to provide assistance to local businesses for the purpose of undertaking business expansion and/or other types of economic development activities beneficial to the Norwich community; and

WHEREAS, an application for assistance was received from 157 Main Street, LLC, a real estate holding company of Dr. Eric A. Dohner, principal, for the purpose of funding the purchase of medical equipment, office furniture, and signage at Dr. Dohner's medical office complex at 157 East Main Street, Norwich, NY; and

WHEREAS, the loan application was reviewed favorably by the City's loan committee and was referred by the joint committee of the Common Council to the Common Council with a favorable recommendation; 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, acting under the advice of the City Attorney, be and hereby is authorized to prepare necessary documents related to the issuance of a business loan to the applicant in an amount not to exceed \$40,000.00 (forty thousand dollars) repayable to the City of Norwich in monthly installments over a five-year period at an interest rate of 4.5%; and, be it further

RESOLVED, that since additional project financing is being sought from Development Chenango, Inc. for certain real property improvements at the medical office complex related to this project, this business loan is made conditioned upon the approval of the loan from Development Chenango, Inc.; and, be it further

RESOLVED, that in executing the loan agreement with the applicant, the City of Norwich Finance Director be and hereby is authorized to impose terms and conditions that he may find necessary to protect the interests of the City of Norwich.

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

Ald. _____ 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 Kenneth King for the purpose of funding roof replacement, repair of front and rear porches, ceiling repairs, and window trim painting at his residence at 61 Cortland Street; and

WHEREAS, a combination grant and loan was previously awarded to Mr. King under this program in September of 2011; and

WHEREAS, the need for additional repair work was discovered concerning the roof structure over the front porch; and

WHEREAS, no additional funds from the City's current USDA Rural Development Housing Preservation grant may be used for this project; 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 low-interest loan in the amount of \$3,335.00, (3% annual, compounded monthly) to the applicant; and, be it further

RESOLVED, that in administering the program funds indicated above, the City of Norwich Finance Director be and hereby is authorized to make payments to the contractor for direct repair costs of up to \$3,335.00 (three thousand, three hundred thirty-five dollars), and other minor amounts for necessary change orders that may be approved by the City Office of Planning and Community Development, and payments to the lead testing firm for lead assessment and lead clearance costs, such additional costs to be borne by the City Emergency Home Repair Program.

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

RESOLUTION # - 2012**AUTHORIZING TRANSFER OF FUNDS - ENGINEERING FOR WELL
3 GENERATOR REPLACEMENT**

Ald. _____ introduced the following and moved its adoption:

WHEREAS, the Well 3 generator is in need of replacement; and

WHEREAS, engineering specifications and bid documents must be created for this project by Delaware Engineering at a cost of \$12,500.00; and

WHEREAS, the Public Safety/Public Works and Finance/Personnel 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 2012 Water Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR28-898	Capital Reserves - Water Equipment	\$12,500.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
F8320.2100	Water Fund Source of Supply - Equipment	\$12,500.00

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

RESOLUTION # - 2012**AUTHORIZING TRANSFER OF FUNDS - CHLORINE
CONTROLLERS**

Ald. _____ introduced the following and moved its adoption:

WHEREAS, two chlorine controllers at the Water Department have failed, entailing necessary repairs; and

WHEREAS, the Public Safety/Public Works and Finance/Personnel 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 2012 Water Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR29-898	Capital Reserves - Water Repairs	\$7,800.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
F8330.4040	Water Fund Treatment - Repairs & Maintenance	\$7,800.00

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

RESOLUTION # - 2012 AUTHORIZING TRANSFER OF FUNDS - LOADALL REPAIR

Ald. _____ introduced the following and moved its adoption:

WHEREAS, the internal boom of the loadall has been found to be cracked; and

WHEREAS, the equipment cannot be operated safely with such crack; and

WHEREAS, the Public Safety/Public Works and Finance/Personnel 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 2012 General Fund Budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR26.898	Capital Reserves - Highway Equipment	\$13,987.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A5110.4040	General Fund Street Maintenance - Repairs & Maintenance	\$13,987.00

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

RESOLUTION # - 2012 AUTHORIZING ENGINEERING SERVICES AND TRANSFER OF FUNDS FOR MAPLE STREET RENOVATION PROJECT

Ald. _____ introduced the following and moved its adoption:

WHEREAS, it has been determined that the condition of Maple Street infrastructure requires a comprehensive renovation project; and

WHEREAS, Delaware Engineering LLC has presented a proposal to provide necessary design, bid/award, surveying, construction, and inspection services for the project; and

WHEREAS, funds are required for such services; and

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

RESOLVED, the Mayor be and hereby is authorized to execute a contract with Delaware Engineering LLC in an amount not to exceed \$66,000, for design, bid/award, surveying, construction, and inspection services for a Maple Street renovation project,;

RESOLVED, that the Director of Finance be and hereby is authorized to make a transfer of funds from Water System Capital Reserves accounts in a total amount of \$66,000, with the breakdown of the amounts from each account to be determined in conjunction with the Superintendent of Public Works.

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