COMMON COUNCIL
March 16, 2010

Mayor Joseph Maiurano presided at a meeting of the Common Council held at 7:00 PM on March 16, 2010, 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

Absent
Supervisor Linda Natoli

Also:
Clerk/Director of Finance William Roberts
Human Resources Director Deborah DeForest
DPW Superintendent Carl Ivarson
Code Enforcement Officer/Fire Marshall Jason Lawrence
Police Chief Joseph Angelino
Community Development Specialist Todd Dreyer
City Attorney Patrick Flanagan
Deputy City Clerk Brian Drake
Youth Director Robert Mason
EMO A. Jones
Media Representative Brian Golden

Call to Order
The meeting of the Common Council was called to order by Mayor Maiurano at 7:00 p.m.

Approval of minutes
Ald. Carey **moved** to approve the minutes of the regular meeting of February 16, 2010. Seconded by Ald. Schermerhorn, duly approved ayes all.

Open Forum
Mayor Maiurano opened the public forum at 7:03 p.m. There were no comments.

Mayoral Appointment with Council Approval
Ald. Jeffrey **moved** to approve the appointment of Brian Doliver to the Parks Commission for a three-year term expiring 12/31/2012. Seconded by Ald. Schermerhorn and duly approved ayes all.

Correspondence

Ald. Carey **moved** to approve a request from Victoria Calvert Kappel to hold the Allegro Run for the Arts on May 1, 2010, from 8 a.m. until the close of the race, with partial street closings on Broad Street, Beebe Avenue, Elm Street, West Main Street, Canasawacta Street, Pleasant, Plymouth, and Beech Streets, with police assistance. Seconded by Ald. Deierlein and duly approved ayes all.

Department, Board and Commission Reports
- Police Department Report of February 2010
- Traffic Commission Minutes of March 10, 2010
- Youth Board Minutes of March 3, 2010
- Youth Bureau Report of February 2010

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

Ward and Committee Reports

Finance/Personnel Committee Meeting of March 2, 2010
Director of Finance William Roberts explained that the Mayor has worked for a couple years to encourage Byrne Dairy to open a large store and gas station in the City. They are considering a location which includes property on Silver Street. W. Roberts noted that authorization exists in applicable Federal regulations for use of existing UDAG funds

held by the city to remove debris from the site, job creations for low- and moderate-income individuals, and economic development. in the area.

Ald. Jeffrey once again raised the problem of crows in the City. Mayor Maiurano stated that he and others have been using laser lights, but the crows easily adapt. The efforts of other communities with the same problem, which are seldom effective, were again reviewed, and Mayor Maiurano noted that it will be expensive to try to mediate the problem, at least $8,000 to $10,000 per year. The Committee said it would be well worth the cost to fix the problem.

Superintendent of Public Works Carl Ivarson presented to the Committee the proposed paving schedule for 2010. He noted that CHIPS funding is still available for this work. He further noted that the scheduled paving of the Hayes Street parking lot will be the largest part of the project and will likely take a significant amount of time to complete.

Ald. Jeffrey asked about the progress of the house being built on Waite Street. Code Enforcement Officer Jason Lawrence responded that the house is not yet completed but is nearing completion, and that several people have already expressed an interest in purchasing the house. Ald. Jeffrey urged that the house be completed quickly so that a purchaser can take advantage of the Federal tax incentive for first-time purchase of a home.

Ald. Jeffrey then asked about empty storefronts in the City. Community Development Specialist Todd Dreyer mentioned that he attended a BIDMA meeting where a vacant property registration system was again considered, where owners of chronically unrented storefronts are penalized. Ald. Jeffrey expressed his desire to make the City look good.

Ald. Carey asked if funds from the sale of properties in 2009 were available for street paving. W. Roberts said that those funds were already used for paving projects in 2009, the East Main Street parking lot and the City parking lot behind McLaughlin's Department Store.

Ald. Jeffrey then asked about the progress on the property at 24 East Main Street. J. Lawrence replied that the interior is being gutted and siding will be removed. Asbestos abatement will follow, then bids will be received. Some structural concerns found during the gutting will be addressed by the engineer at no additional charge.

Ald. Jeffrey then asked about repairing the City Hall roof. He urged that a decision be made soon. His constituents have said the City should just make a decision, that they have no attachment to keeping the offices in their current location. Ald. Schermerhorn confirmed that most residents don't care where the City offices are located, as long as the location is efficient and not costing unnecessary funds.

Ward Reports

Ward 1
Ald. Carey reported that all matters were referred to the appropriate Department Heads for resolution and resolved efficiently.

Ward 2
Ald. Bresina reported that Ward 2 was quiet during the last month and all matters were referred to the appropriate Department Heads for resolution.

Ward 3
Ald. Deierlein reported that all matters were referred to the appropriate Department Heads for resolution.

Ward 4
Ald. Schermerhorn reported that all matters were referred to the appropriate Department Heads for resolution.

Ward 5
Ald. Laughlin reported that all matters were referred to the appropriate Department Heads for resolution.

Ward 6
Ald. Jeffrey reported that all matters were referred to the appropriate Department Heads for resolution.

Mayor Maiurano mentioned that clean-up following the melting of snow has begun and urged residents to start picking up litter.

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

Motions

Motion to Revise City of Norwich Public Works Standards Ald. Bresina **moved** to approve revision of the Public Works Standards of the City of Norwich to provide specifications for boring under City streets, as recommended by the Public Safety/Public Works Committee. Seconded by Ald. Carey and duly approved ayes all.

Resolutions

RESOLUTION 22-2010 **AUTHORIZING GRANT OF CITY UDAG FUNDS FOR BYRNE DAIRY ECONOMIC DEVELOPMENT PROJECT**

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

WHEREAS, for over a year, Sonbyrne Sales, Inc., the retail store division of Byrne Dairy, Inc. (together, "Byrne") has been evaluating the replacement of its Byrne Dairy retail store on East Main Street in the City of Norwich (the "City"), with the construction of a new, larger-scale retail operation including a gas station facility near the present location (the "Project"); and

WHEREAS, said Project will result in increased employment of low- to moderate-income individuals and increased sales tax revenues to the City, and will also involve the remediation of a sub-quality vacant lot on Silver Street (the "Remediation"); and

WHEREAS, said Remediation is required as the result of existing debris in the ground from a previous demolition of two houses and foundations which must be removed in accordance with State regulations, thereby adding to the Project costs; and

WHEREAS, a grant incentive is desired to encourage Byrne to carry out the Project by providing economic development assistance with the Remediation costs; and

WHEREAS, miscellaneous revenue proceeds are available in the City's Urban Development Action Grant (UDAG) funds, and under the provisions of Section 119 of Title I of the Housing and Community Development Act of 1974, and under the provisions of 24 CFR (Code of Federal Regulations) Part 570, eligible uses of such UDAG funds include grant assistance to private, for-profit business where there is private investment and resulting activities benefiting low- and moderate-income persons, as well as economic development and remediation of blighted areas; and

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

RESOLVED, that a grant of City UDAG funds to Byrne for the purpose of assisting with the Remediation costs of the Project, in a manner consistent with the above-cited provisions and in an amount not to exceed $30,000.00, be and hereby is approved.

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

Discussion: Ald. Carey asked how much this grant would leave in the City's UDAG funds. Director of Finance William Roberts replied that these funds are from UDAG grants going back more than 20 years and have been used for loans and replenished by loan paybacks over the years. There will be approximately $150,000 left, with more being repaid from loans. Ald. Carey then asked how many jobs this would create. W. Roberts said that only one full-time job is required to be created to satisfy UDAG grant criteria, based on the grant amount. Mayor Maiurano said this would probably double the number of jobs at Byrne Dairy in Norwich. Ald. Carey asked where on Silver the new store would be. Mayor Maiurano said it would be located at the corner of Silver and East Main Streets.

RESOLUTION #23-2010 **AUTHORIZING 2010 RESIDENTIAL PAINT REBATE PROGRAM AND USE OF COMMUNITY DEVELOPMENT FUNDS FOR THE PROGRAM**

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

WHEREAS, the City of Norwich desires to promote and facilitate the beautification of residential neighborhoods throughout the City; and

WHEREAS, members of the Common Council and other City officials have suggested that offering a rebate program to reduce the cost of house paint would encourage homeowners and residential landlords to undertake needed exterior house painting; and

WHEREAS, certain community development funds are available to pay for the cost of establishing a residential paint rebate program for the painting season of 2010; and

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

WHEREAS, this 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 City of Norwich Finance Director and relevant City staff be and hereby are authorized to develop and implement a residential paint rebate program in effect through October 31, 2010 to reimburse residential property owners $7.00 per gallon of paint, up to twenty gallons per property, for exterior house painting within the City of Norwich; now, therefore be it further.

RESOLVED, that the City of Norwich Finance Director be and hereby is authorized to draw upon appropriate community development fund sources to establish an account from which to pay rebate claims and associated incidental administrative expenses, with a budgeted amount not to exceed Five Thousand Dollars ($5,000).

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

Discussion: Ald. Deierlein asked if there were any abuses of the program in 2009. Mayor Maiurano responded that there were none and that the program was well received. It will be better this year as the cut-off date is extended through the end of October.

RESOLUTION #24-2010 **AUTHORIZING JOINT APPLICATION WITH BIDMA FOR NY MAIN STREET PROGRAM GRANT**

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

WHEREAS, the Norwich Business Improvement District Management Association (BIDMA) has previously received New York Main Street grant funding through the NYS Division of Housing and Community Renewal, and

WHEREAS, an opportunity exists for the BIDMA to apply for the 2010 round of Main Street grant funding through the NYS Office of Community Renewal to support the rehabilitation of additional commercial and mixed-use properties located within the BID District target area, and

WHEREAS, the City is committed to the ongoing efforts of the BIDMA to revitalize and improve the downtown; now, therefore be it

RESOLVED, that the City of Norwich hereby provides its support and agrees to serve as a joint applicant with the Norwich BIDMA in an application to the 2010 round of funding through the NY Main Street grant program.

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

RESOLUTION #25-2010 **AWARDING BIDS FOR CHLORINE SUPPLIES FOR WASTEWATER TREATMENT PLANT**

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

WHEREAS, bids have been received for Liquid Chlorine and Sodium Hypochlorite; and

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

RESOLVED, that the bid for the Liquid Chlorine & Sodium Hypochlorite be awarded to the lowest qualified bidders meeting specifications who are as follows:

Item	Bidder	Bid Amount
Liquid Chlorine 150# cylinders	Jones Chemicals Inc. Warwick, NY	$65/cylinder
Sodium Hypochlorite, 55 gal. drums	Amrex Chemical Co., Inc. Binghamton, NY	$0.98/gallon
Sodium Hypochlorite, bulk	Slack Chemical Co. Inc. Carthage, NY	$0.921/gallon

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

Payment of Bills

Payment of March 2010 Bills Ald. Schermerhorn **moved** to pay the March 2010 bills after proper audit and certification. Seconded by Ald. Laughlin and duly adopted ayes all.

March Bills

	Prepaid	3/16/09	Grand Total
General Fund	$ 132,787.24	$457,147.05	$ 589,934.29
Sewer Fund	11,151.84	20,729.42	31,881.26
Water Fund	24,267.57	8,051.96	32,319.53
Trust	20,106.53	-	20,106.53
B.I.D.	-	-	-
Debt Service	95,633.65	-	95,633.65
Reserves	-	-	-
Unemployment	-	-	-
Community Development	19,849.38	-	19,849.38
Economic Development	-	-	-
Capital Projects	11,922.00	-	11,922.00
TOTALS	**$ 315,718.21**	**$485,928.43**	**$ 801,646.64**

Executive Session
Ald. Deierlein **moved** to enter executive session at 7:19 p.m. to discuss the sale of property where price may be affected. Seconded by Ald. Bresina, approved ayes all.

Ald. Carey **moved** to exit executive session at 8:00 p.m. Seconded by Ald. Jeffrey, approved ayes all.

RESOLUTION #26-2010 **DESIGNATING "PREFERRED PURCHASER" OF CITY-OWNED PROPERTY AT 24 EAST MAIN STREET UNDER THE RESTORE NY III PROGRAM**

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

WHEREAS, the City of Norwich was awarded a Restore NY III grant by the Empire State Development Corp.; and

WHEREAS, the City of Norwich acquired the real property at 24 East Main Street through a tax foreclosure process for the purpose rehabilitating it and putting it to a beneficial commercial and residential use according to the terms of the Restore NY III grant; and

WHEREAS, the City conducted a Request for Proposals (RFP) process seeking proposals for the purchase and rehabilitation of the subject property in accordance with the Restore NY III grant; and

WHEREAS, two proposals were received and not considered adequate; and

WHEREAS, a subsequent request for proposals resulted in a third proposal; and

WHEREAS, the Common Council believes that this third proposal, submitted by Christopher P. Hayes of Hayes Office Products Inc., is preferred, based on the purchase amount offered, the proposed use of the building, and the job creation anticipated with the proposed use; and

WHEREAS, the disposition of the subject property to a private party was addressed as part of the SEQRA Determination of Non-Significance issued on April 21, 2009 in association with the grant application process; now, therefore, be it

RESOLVED, the Common Council hereby designates Christopher P. Hayes, of Hayes Office Products Inc., as the "preferred purchaser" of the City-owned property at 24 East Main Street for the purpose of reestablishing commercial and residential use of the subject property; and be it further

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to negotiate and enter into a contract for the sale of the City-owned property at 24 East Main Street to Christopher P. Hayes of Hayes Office Products Inc. for the commercial and residential redevelopment of the subject property.

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

Adjournment

Ald. Jeffrey **moved** to adjourn at 8:02 p.m. Seconded by Ald. Schermerhorn, accepted ayes all.