COMMON COUNCIL
May 20, 2008

Mayor Joseph Maiurano presided at a meeting of the Common Council held at 7:00 p.m. on May 20, 2008, 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 (arrived 8:17 p.m.)
Supervisor James McNeil

Also:
Clerk/Director of Finance William Roberts
Police Chief Joseph Angelino
Fire Chief Tracy Chawgo
Community Development Specialist Todd Dreyer
Code Enforcement Officer Jason Lawrence
EMO A. Jones
City Attorney Patrick Flanagan
Deputy City Clerk Brian Drake

Absent
Supervisor Linda Natoli

Call to Order
The meeting of the Common Council was called to order by Mayor Maiurano at 7:05 p.m.

Swearing-In – Fire Chief
Mayor Maiurano administered the oath of office to Fire Chief Tracy Chawgo and offered congratulations at his appointment to the post.

Approval of minutes
Ald. Schermerhorn **moved** to approve the minutes of the regular meeting of April 15, 2008, and the special meetings of April 24 and May 6, 2008. Seconded by Ald. Laughlin, duly approved ayes all.

Mayoral Appointments
Mayor Maiurano made the following one-year re-appointments to the B.I.D. Board of Directors:

Terry Bresina, Council Representative
Mike King, Mayor's Representative
Mary Davis, Director of Finance Representative

Open Forum

Robert Handy, 19 Pleasant Street, congratulated Tracy Chawgo on his appointment as Fire Chief and congratulated the Council for promoting from within the Department. He noted that during the interim without a full-time fire chief, Police Chief Angelino and the assistant fire chiefs filled the gap well.

Patrick McNeil, owner of 25 S. Broad Street, addressed the meeting with his concerns over the restructuring of the Code Enforcement Office. He expressed his hope that the Council had examined carefully the increase in expense for the City with not only increased pay but benefits that accrue to department heads. Mr. McNeil then urged the Council to accept the highest bids that had been received for the tax auction properties, so that the City did not have non-productive properties in its possession. He noted that a larger property on State Street had sold for approximately twice the offered bid for 9 State Street, and thought that all bids were adequate.

Jason Miller, 51 Front Street, noted that the County has received a grant to examine the process of real property assessment valuation, and hopes that the City will look into participating in this study.

Carol Dubiehl, 53 Sheldon Street, complained about a goat that had wandered onto her property, and expressed concern that a proposed change to the City Charter to address this issue had not yet been addressed. She noted that the owner of the goat now appears to have a sheep.

Correspondence

Eighth Annual Dairy Day Parade and Celebration Ald. Bresina **moved** to receive and approve a request from Karen Hoffman and Marge Davis of the Chenango County Dairy Day Committee for the Eighth Annual Dairy Day Parade and

Celebration on Saturday, June 21, 2008, from 9:30 a.m. until the end of the parade, for a route from the fairgrounds up East Main Street to County Route 32, from the Hale Street Extension to South Broad Street to East Main Street and returning to the fairgrounds, with East Main Street closed to traffic from the railroad tracks to the fairgrounds entrance. Seconded by Ald. Carey and duly approved ayes all.

Firemen's Parade Ald. Schermerhorn **moved** to receive and approve a request from Mary Cordick to hold a Firemen's Parade on August 5, 2008, from 7 p.m. until the end of the parade, with street closings on Midland Drive and East Main Street to the fairgrounds entrance. Seconded by Ald. Laughlin and duly approved ayes all.

Colorscape Chenango Arts Festival Ald. Laughlin **moved** to receive and approve a request from Lisa Iannello for the Colorscape Chenango Arts Festival to be held on September 6 and 7, 2008, with special event designation and with the following street closings: West Park Place from North Broad Street to Court Street; East Park Place from East Main Street to North Broad Street; West Main Street from North Broad Street to Court Street; East Main Street Parking Lot; with barriers. Seconded by Ald. Bresina and duly approved ayes all.

Chenango County Request to be Lead Agency for Sherriff's Building Renovation and Addition Ald. Carey **moved** to receive and file correspondence from Chenango County Board of Supervisors requesting to be the lead agency for the Sherriff's Building Renovation and Addition Project. Seconded by Ald. Laughlin and duly approved ayes all. Ald. Deierlein asked why this request was necessary. Mayor Maiurano explained that it is necessary because the property is within the City.

Liquor License Ald. Bresina **moved** to receive and file correspondence from Jeff Cola of the Elks Norwich Lodge #1222 with notification of intent to move their premises to 16 South Broad Street and apply for a new liquor license. Seconded by Ald. Laughlin and duly approved ayes all.

Renewal of Liquor License Ald. Laughlin **moved** to receive and file correspondence from Daniel J. Palmer of The Broad Street Tavern with notification of intent to renew the liquor license at 29 North Broad Street. Seconded by Ald. Carey and duly approved ayes all.

Department, Board and Commission Reports

- Parks Commission Minutes of April 14, 2008
- Technology Committee Minutes of April 10, 2008
- Traffic Commission Minutes of May 14, 2008
- Water Commission Minutes of April 17, 2008
- Youth Bureau Monthly Report of April, 2008

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

Ward and Committee Reports

Public Safety/Public Works meeting of April 24, 2008

Fire Chief Chawgo reported to the Committee on fire equipment being updated and repaired and on the status of re-bidding an ambulance. He presented a draft of proposed fire-inspection fees. No one has received any negative responses to the possibility of charging for inspections. Chief Angelino said the police are applying for grants for child-safety-seat inspections and the Selective Traffic Enforcement Program, where State funds cover the costs of monitoring traffic. The Police are also applying for a grant from the Buckle Up New York to check for seatbelt compliance, which has improved since the program started.

EMO A. Jones addressed the Committee on the project to install river and stream gauges, to be covered by grant funds. The Committee discussed where the gauges will be and risk of vandalism, but the gauges will be locked and are constructed of thick steel.

Bill Roberts reported that Carl Ivarson is negotiating with NYSEG, and they will agree to cover 20% of involved repaving costs on Plymouth Street in 2009 because of work being done this year. On the RBCs project, an application for a grant from USDA Rural Development has been submitted. The maximum amount of such a grant is $500,000. Todd Dreyer is also researching grant possibilities from the Appalachian Regional Commission for a maximum of $150,000.

The Committee discussed the possibility of designating the South Broad Street Park for vendors. Because of the agreement the City has with the cemetery, a formal request must be approved before the park's designation can be changed.

The Committee looked at estimated costs for relocating City offices to the firehouse as compared to remaining in City Hall, as well as accessibility and public safety. Ald. Carey raised his concern with the City's tax costs related to its property at Chenango Lake and how those might be mitigated.

Ald. Deierlein reported that he and Ald. Carey attended a meeting of the Greenway Conservancy and expressed his support of the project. Following the meeting, A. Jones conducted a tour of the EOC offices.

Finance/Personnel Committee meeting of May 6, 2008

Assistant Police Chief Dale Smith reported to the Committee on the STEP and child car seat safety enforcement grants. He also said the 12-hour shifts are successful, though they have led to increased fuel costs. Foot and bicycle patrols will begin soon, which will help to defray those added expenses. Chief Chawgo reported that changed to a local supplier of oxygen, Chenango Welding, which offers the necessary supplies at less than half the cost and with more service flexibility.

Code Enforcement Officer Jason Lawrence presented a draft fee schedule for fire and building inspections and the Public Safety/Public Works Committee will review that this week. Jason then reported that the Electrical Board had recommended Council approval of a reduction in the temporary license fee to $175, and that will bring Norwich in line with fees charged by other communities.

The Committee discussed the amending bond resolution for the RBCs replacement project.

Human Resources Director Deborah DeForest reported that Ald. Deierlein had requested the Committee discuss the possibility of offering health-care premium buyouts for non-union employees. She said her research showed such an offer would probably not be of interest to most non-union employees, and that if it were, rather than saving the City money, it would lead to a further expenditure of approximately $7,000.

Deb then reported that a blood-borne pathogens policy, for vaccination of workers who have potential exposure to Hepatitis A and B through contact with blood and waste, is in place with the Police and Fire Departments. Each department keeps its own records of compliance, so a central record-keeping system is needed in case of audit by the State. The DPW has no such a system, but DPW workers have shown that dangerous items and substances are daily injected into the City's wastewater system. She's investigating instituting such a policy with the DPW, where workers can either receive or waive vaccinations.

The Committee discussed the bids for the real property sold at tax auction and we'll be voting to accept or reject those bids this evening, as well as the position of deputy city clerk and restructuring the City's Code Enforcement Office.

Ward 1
Ald. Carey noted that a curb at the corner of Maple and Hayes Streets had been damaged by plowing during the winter. This will be discussed at the Public Safety/Public Works meeting.

Ward 2
Ald. Bresina reported that all matters had been referred to the appropriate department heads and resolved.

Ward 3
Ald. Deierlein reported that all matters had been referred to the appropriate department heads and resolved.

Ward 4
Ald. Schermerhorn reported that all matters had been referred to the appropriate department heads for resolution. Ald. Schermerhorn asked about the status of the properties at 49 Front Street and 7 Waite Street. Code Enforcement Officer Jason Lawrence explained that the Front Street property is currently being used for training

by the Fire Department. When training ends the State will be notified and demolition will proceed within 2-3 weeks. Community Development Specialist Todd Dreyer reported that the owner of the property at 7 Waite Street is removing personal possessions and a walk-through is scheduled for Friday.

Ward 5

Ald. Laughlin reported that all is quiet in Ward 5 and that the sidewalk-replacement project is proceeding there. He also noted that the building at 23 Grove is scheduled for demolition.

Motions

None.

Resolutions

RESOLUTION #49-2008 AUTHORIZING SALE OF PROPERTY FROM TAX AUCTION

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

WHEREAS, on April 30, 2008, the Director of Finance conducted a sealed bid auction of properties taken by the City of Norwich, pursuant to the New York State Real Property Tax Law and Norwich City Charter, for delinquent taxes from 2006 and prior years; and

WHEREAS, the bids received have been reviewed by the Director of Finance and have been confirmed to be in order; and

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

RESOLVED, that the City transfer the below-listed property to the individuals and at the price set opposite thereto:

Property Address	Tax Map Number	Buyer	Amount
29 Division Street	136.73-1-11	Douglas Kelly & Barbara Walker	$10,100.00
20 Hickok Avenue	136.73-1-4	Jeff Thornton	$10,000.00
16 Hickory Street	136.63-3-11	Steve Raptis	$10,500.00
9 State Street	136.41-1-8	J. Bizelka	$ 2,500.00[1]

and, further be it

RESOLVED, that the Director of Finance and Mayor be and hereby are authorized under the direction of the City Attorney to prepare and execute the necessary documents for the transfer of the above-listed property on behalf of the City of Norwich.

Seconded by Ald. Bresina

Discussion: Ald. Carey expressed his opinion that the bid for 9 State Street was inadequate for not covering the outstanding tax liability on the property. Ald. Schermerhorn agreed.

Ald. Carey then **moved** to amend the resolution to remove the bid for 9 State Street as inadequate. Seconded by Ald. Bresina, duly adopted 5-0 on a roll-call vote.

Ald. Schermerhorn **moved** to adopt the resolution as amended. Seconded by Ald. Carey, duly adopted 5-0 on a roll-call vote.

[1] See amendment to the resolution.

<u>RESOLUTION #50-2008</u> **DECLARING EXCESS EQUIPMENT SURPLUS AND AUTHORIZING DISPOSAL**

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

WHEREAS, various equipment and other materials have been deemed to be surplus by the Department of Public Works and no longer needed by the City; and

WHEREAS, a list of such items has been presented to the Finance/Personnel Committee, which has reviewed and concurred with said recommendations; now, therefore be it

RESOLVED, that the following list of excess equipment and other materials, as presented to the Common Council, be and hereby is declared surplus:

No.	**Description**	**Make**
01	Truck #3 Tanker Truck	1985 Ford
02	410 Kubota #27	1989
03	Parks Truck #P1	1990 F250 Ford pickup
04	Polymer Controller and Pump	

and, further be it

RESOLVED, that the Superintendent of the Department of Public Works be and hereby is authorized to dispose of such equipment as is provided by law.

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

RESOLUTION #51-2008 **AUTHORIZING APPLICATION TO APPALACHIAN REGIONAL COMMISSION AREA DEVELOPMENT PROGRAM FOR FUNDING OF RBC REPLACEMENT PROJECT AT WASTEWATER TREATMENT PLANT**

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

WHEREAS, by Resolution #70-2007, dated August 21, 2007, the City of Norwich Common Council established a capital improvement project and authorized the Mayor, the Superintendent of Public Works, and the Director of Finance to pursue and negotiate funding sources for the replacement of Rotating Biological Contactors (RBCs) at the Wastewater Treatment Plant as recommended by the Water Commission, the Public Safety/Public Works Committee, and the Finance/Personnel Committee; and

WHEREAS, the Area Development Program of the Appalachian Regional Commission provides competitive grant funding for projects meeting programmatic goals and strategic objectives, including projects that develop or improve basic infrastructure to address documented critical health or safety needs in economically distressed communities; and

WHEREAS, the proposed capital improvement project to replace the RBC units at the Wastewater Treatment Plant is believed to qualify as an eligible project; and

WHEREAS, the City of Norwich is seeking additional project funding through a Congressional appropriation and through the United States Department of Agriculture Rural Development (USDA-RD) program; and

WHEREAS, the action contemplated by the City’s application for funding, as well as the subsequent replacement of the RBC units, may be appropriately classified as a Type 2 action in accordance with applicable provisions of the New York 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 file a pre-application and/or application to the Appalachian Regional Commission Area Development Program for funding of the RBC replacement project at the Wastewater Treatment Plant, in an amount not to exceed $150,000.

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

Ald. Laughlin **moved** to remove from the table a resolution presented at the April 15, 2008 Common Council meeting authorizing adjustment of salary for deputy city clerk and budget transfer. Seconded by Ald. Carey, duly approved ayes all. The following resolution was then presented in its place:

RESOLUTION #52-2008 AUTHORIZING ADJUSTMENT OF SALARY FOR DEPUTY CITY CLERK AND BUDGET TRANSFER

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

WHEREAS, the Director of Finance/City Clerk has made certain recommendations regarding a salary adjustment for the incumbent Deputy City Clerk, Brian Drake; and

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

RESOLVED, that the Deputy City Clerk, Brian Drake, be and hereby is moved to Step II of Grade 20 effective June 11, 2008; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following budget transfer in the 2008 General Fund budget:

From:

Account Number	Name	Amount
A1620.4090	Municipal Buildings – Utilities	$3,737.37

To:

Account Number	Name	Amount
A1410.1010	Clerk – Personal Services	$3,737.37

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

RESOLUTION #53-2008 AUTHORIZING AMENDMENT OF POSITION OF CODE ENFORCEMENT OFFICER

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

WHEREAS, the City Council is authorized by Section 130 of the City Charter to create departments of the City; and

WHEREAS, the Finance/Personnel Committee has reviewed the current staffing of the City in regards to code enforcement and fire prevention; and

WHEREAS, the Committee has made certain recommendations regarding the above; now, therefore be it

RESOLVED, that the Department of Code Enforcement for the City of Norwich is hereby created; and further be it

RESOLVED, that the job title of Code Enforcement Officer be changed to Code Enforcement Officer/Fire Marshall; and further be it

RESOLVED, that the job description be amended to reflect changes recommended by the Committee in duties and responsibilities subject to any action required by the City of Norwich Civil Service Commission; and further be it

RESOLVED, that the revised position of Code Enforcement Officer/Fire Marshall be placed in the non-unit salary schedule at Grade 29; and further b0e it

RESOLVED, that Jason Lawrence is hereby reallocated to the position of Code Enforcement/Fire Marshall at the entry level of Grade 29 effective May 21, 2008.

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

RESOLUTION #54-2008 **AUTHORIZING AN INCREASE IN THE ORIGINAL MAXIMUM AMOUNT TO BE EXPENDED REPLACEMENT OF THE ROTATING BIOLOGICAL CONTACTORS AT THE WASTEWATER TREATMENT PLANT, IN AND FOR THE CITY OF NORWICH, CHENANGO COUNTY, NEW YORK, TO $4,500,000 AND AUTHORIZING THE ISSUANCE OF $1,000,000 BONDS OF SAID CITY TO PAY A PART OF THE COST THEREOF.**

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

WHEREAS, the Common Council of the City of Norwich, Chenango County, New York, has previously approved the replacement of the Rotating Biological Contactors (RBC's) at the wastewater treatment plant, including incidental expenses and improvements in connection therewith, in and for said City, at a aggregate maximum estimated cost of $3,500,000; and

WHEREAS, it is now desired to authorize an increase in the maximum amount to be expended for said improvement and to provide for the financing thereof; now, therefore, be it

RESOLVED, by the affirmative vote of not less that 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 the Rotating Biological Contactors (RBC's) at the wastewater treatment plant, including incidental expenses and improvements in connection therewith, is hereby authorized at a new maximum estimated cost of $4,500,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost shall consist of the issuance of:

(a) by $3,500,000 serial bonds of said City previously authorized therefor by bond resolution dated October 16, 2007; and

(b) by $1,000,000 additional serial bonds hereby authorized to be issued therefor pursuant to the provisions of Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty 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 bonds 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 bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer. 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 powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Director of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interest of the City, including, but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds.

Section 7. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, 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 51.00 of the Local Finance Law, as the Controller 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 t 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 resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of 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 designated for such purpose, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Discussion: Ald. Carey asked for clarification on the reasons for amending the original bond resolution. Mayor Maiurano explained that material and equipment costs had risen since the original bond resolution, and increased requirements regarding water quality from the Chesapeake Bay Program had also increased projected costs. Ald. Carey asked about grant funds for the project. Director of Finance William Roberts reiterated that the City has been found eligible for a USDA-Rural Development grant, though stressing that the grant has not yet been awarded. Mayor Maiurano stated that other grant possibilities have been discussed with various Federal and State officials.

Payment of Bills

Ald. Schermerhorn **moved** that the May 2008 bills be paid after proper audit and certification as follows:

	Prepaid	04/15/08	Grand Total
General Fund	$ 68,660.91	$462,790.59	$531,451.50
Sewer Fund	49,665.10	22,710.89	72,375.99
Water Fund	12,273.75	14,650.51	26,924.26
Trust	10,068.49	-	10,068.49
B.I.D.	-	-	-
Debt Service	1,943.64	-	1,943.64
Reserves	-	-	-
Unemployment	-	-	-
Community Development	447.00	-	447.00
Economic Development	-	-	-
Capital Projects	11,246.70	-	11,246.70
TOTALS	**$154,305.59**	**$500,151.99**	**$654,457.58**

Seconded by Ald. Laughlin and duly adopted ayes all.

Executive Session

Ald. Carey **moved** to enter executive session at 7:47 to discuss the possible sale of real property where price may be affected and to discuss the credit history of a particular individual. Seconded by Ald. Laughlin, duly approved ayes all.

Ald. Carey **moved** to exit executive session at 8:50 p.m. Seconded by Ald. Laughlin, duly approved ayes all.

Adjournment

Ald. Jeffrey **moved** to adjourn at 8:51 p.m. Seconded by Ald. Carey, accepted ayes all.