

COMMON COUNCIL

August 19, 2008

Mayor Joseph Maiurano presided at a meeting of the Common Council held at 7:00 p.m. on August 19, 2008, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Joseph Maiurano
Ald. Robert Carey
Ald. Terry Bresina
Ald. Walter Schermerhorn
Ald. Paul Laughlin
Ald. Robert Jeffrey

Also:

Clerk/Director of Finance William Roberts
DPW Superintendent Carl Ivarson
HR Director Deborah DeForest
Police Chief Joseph Angelino
Fire Chief Tracy Chawgo
Youth Bureau Director Robert Mason
City Attorney Pat Flanagan
Deputy City Clerk Brian Drake
Assistant Police Chief Dale Smith
Jessica Lewis, Press Representative

Absent

Ald. John Deierlein
Supervisor James McNeil
Supervisor Linda Natoli

Call to Order

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

RESOLUTION #70-2008

PROMOTING FIREFIGHTER IN THE NORWICH FIRE DEPARTMENT

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

WHEREAS, a vacancy exists in the position of firefighter in the Norwich Fire Department, and;

WHEREAS, the appointment of William Ballin of Norwich, NY to such position has been recommended;
now, therefore be it

RESOLVED, that William Ballin, Norwich, NY, be and hereby is granted a permanent appointment as
firefighter in the Norwich Fire Department, contingent upon civil service requirements, effective August 20, 2008.

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

Swearing-In Ceremony – William Ballin, Firefighter

Mayor Maiurano administered the oath of office to Firefighter William Ballin. Mr. Ballin's wife, Rachel Ballin, pinned his badge. Mayor Maiurano commented that it is a privilege for him to see the promotion of Mr. Ballin after seeing him rise through the ranks in the Fire Department.

Approval of minutes

Ald. Carey **moved** to approve the minutes of the regular meeting of July 22, 2008 and the special meetings of July 31 and August 5, 2008. Seconded by Ald. Schermerhorn, duly approved ayes all.

Mayoral Proclamation – Family Day

Mayor Maiurano issued the following proclamation:

PROCLAMATION

FAMILY DAY

WHEREAS, the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children;

WHEREAS, 13 years of surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs;

WHEREAS, parents who are engaged in their children's lives – through such activities as frequent family dinners – are less likely to have children who abuse substances;

WHEREAS, family dinners have long constituted a substantial pillar of family life in America:

Now, therefore, I, Joseph P. Maiurano, do hereby proclaim the fourth Monday of every September as Family Day – A Day to Eat Dinner with Your Children, and urge all citizens to recognize and participate in its observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 19th day of August 2008.

Joseph P. Maiurano, Mayor

Mayoral Appointment with Approval of Council

Ald. Jeffrey **moved** to approve the mayoral appointment of George Brummel, 15 Columbia Street, Norwich, NY, to the Parks Commission for the remainder of a three-year term expiring December 31, 2010. Seconded by Ald. Laughlin, duly approved ayes all.

Discussion: Mayor Maiurano remarked that the boards and commissions perform a vital role in City government and thanked Mr. Brummel for volunteering to serve on the Parks Commission.

Open Forum

Mary Coe, 5 Waite Street, thanked DPW Superintendent Carl Ivarson for the fine job of repaving the parking lot behind McLaughlin's Department Store. She asked if it would be possible to repave the East Main Street parking lot as well. Ms. Coe then raised the issue of vermin infesting 7 Waite Street and asked if an exterminator would be brought in before or after the trailer is removed. Mayor Maiurano replied that that would be looked into.

Correspondence

Renewal of Liquor License Ald. Jeffrey **moved** to receive and file correspondence from Gary D. Smith of Veterans Memorial Home Inc. with notification of intent to renew the liquor license at 61-62 East Main Street. Seconded by Ald. Bresina and duly approved ayes all.

Renewal of Liquor License Ald. Jeffrey **moved** to receive and file correspondence from Jeff Cola, Secretary of the Norwich Elks Lodge #1222, with notification of intent to renew the liquor license at 14 East Main Street. Seconded by Ald. Laughlin and duly approved ayes all.

St. Bartholomew's Feast Day Parade Ald. Jeffrey **moved** to approve a request from Ed Caputo of St. Bartholomew's Church to close a parade route from Birdsall and Clinton Streets and West Midland Drive from 10:00

a.m. until the end of the parade on Sunday, August 24, 2008 for the Feast Day Parade. Seconded by Ald. Bresina and duly approved ayes all.

Department, Board and Commission Reports

- ◆ Parks Commission Minutes of July 14, 2008
- ◆ Police Department Report of July 2008
- ◆ Water Department Report of July 2008

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

Ward and Committee Reports

Public Safety/Public Works meeting of July 24, 2008

Members of the Norwich American Legion addressed the Committee about hopes to purchase a City-owned property or portion thereof, the former O&W railroad bed, adjacent to their property. The Legion has very limited parking and a joint driveway with another property. They would erect a fence, but a strip along the parcel would be left free for a pedestrian walkway. C. Ivarson discussed access to a storm drain and NYSEG utility lines. They said the Legion would allow for emergency access to the area and that, if the Legion acquires the property, costs for maintenance will no longer be borne by the City. C. Ivarson further noted that the City's storm sewer line in the area is at or exceeding capacity and another line may need to be dug in the future. The Committee discussed whether a lease arrangement might be possible, rather than a sale, then we discussed the current Charter provisions for sale of City-owned property.

Code Enforcement Officer Jason Lawrence presented research to the Committee on how other communities handle the matter of farm animals kept within city limits. Many of them allow livestock with conditions and permits. He reminded the Committee that while this proposed revision to the City's charter is to deal with a single individual, any law will affect other residents who are currently keeping ponies or other animals without giving rise to any complaints. He also reported that the Department had just received a call from an irate resident who demanded that if the City plans to remove farm animals, the City must also remove stray cats. J. Lawrence has drafted the proposed law for review by the Committee.

Youth Bureau Director Robert Mason presented to the Committee about a letter from Mang Insurance enumerating safety recommendations at City facilities. All such recommendations are already in place except one suggesting the Skate Park should be staffed. R. Mason explained that the Skate Park was originally staffed, but this was cut in 2005, saving the City \$8,000 annually. That's been very successful, the facility is used by more children now than when it was staffed, and only one injury has occurred at the Park, when someone illegally climbed the locked fence after the Park was closed. Approximately half the municipalities in the State with skate parks do not maintain a staff. Ald. Carey asked that a response state that the City does not intend to comply with the staffing request, and requesting further clarification of the City's premium for liability insurance.

A. Jones reported that the Flood Buyout program was approved by the Governor. \$750,000 is earmarked for Chenango County. The County may outsource administration of the program, and the County would own all properties bought out under the program. A. Jones mentioned that other options may be available in order to keep such properties producing property taxes.

J. Lawrence presented a draft notice announcing a temporary waiver of the City's permit fee for installing wood stoves until year-end, in order to encourage any residents who are installing wood stoves to have them inspected. We're voting on that tonight.

C. Ivarson reported that the curbs and sidewalks on Maple Street have deteriorated badly and should be replaced. He could do the renovation in 2009 if FEMA reimbursements come in. He also investigated the request for curbs and sidewalks at Willard Court and South Plymouth Street. Cost for curbs alone would total \$114,776, one-third of which would be borne by the City and two-thirds by the residents. The problem seems to be that cars are parking off the street, causing ruts along the edge of the street and lawns, so the installation of delineators to mark the edge of the road is recommended; this would also aid in plowing snow. The cost of delineators would be approximately \$1,600, at the City's expense.

C. Ivarson reported that the Water Commission voted in favor of offering the sale of raw water to natural-gas drillers at \$5/100 cu. ft. This would have no significant impact on water availability for the City's use area. One driller is estimating a need of 20,000 gallons/day.

Finance/Personnel Committee meeting of August 5, 2008

Chief Joseph Angelino reported that a patrolman resigned from the Department, and the vacancy is already leading to overtime because the new 12-hour shifts, which eliminated most of the overtime, make it difficult to have other officers cover. Ald. Jeffrey said we shouldn't take on the expense of hiring a new officer now. Chief Angelino noted that the hiring process would take a minimum of two months, that the outgoing patrolman was at the second pay step and a new patrolman would likely be coming in at an entry-level salary. Ald. Jeffrey said again he didn't want the position filled at this time. Ald. Laughlin moved to refer the matter to the Common Council for further discussion, and we'll be talking about that tonight.

Fire Chief Tracy Chawgo announced that one bid was received was from Tyler Fire Equipment for a demonstration model ambulance in the same style as the current ambulance. The model has approximately 7,000 miles. That'll be \$108,051.00, with a trade-in allowance of \$7,500, for a total bid amount of \$100,551.00. We recommended Council approval of the bid and a transfer from the Ambulance Capital Reserves to cover the purchase.

C. Ivarson reported that though the Council had approved the replacement of certain playground equipment at Weiler Park, because of higher overall, unrelated costs and the current State fiscal crisis, he, the Finance Director, and the Mayor had considered postponing this expenditure. Ald. Jeffrey stated that he is strongly in favor of replacing the equipment. The Committee told Carl to proceed with the purchase of the new equipment.

C. Ivarson told us about the proposal for rates to supply water to gas-drilling companies. He said figures can't be finalized until after he met with the DEC, the DOH, and the Susquehanna River Basin Commission. He reported that the current City sewer-use ordinance regulates any wastewater stream entering the treatment plant. The August 12 meeting will affect a proposed agreement with gas-drilling companies for waste streams. He will follow-up with the Committee on this at a future meeting. He added that any such streams would be closely monitored, and no hazardous or toxic content would be accepted.

Director of Finance William Roberts presented a chart detailing the proposed budget-preparation process. There will be a draft of tentative budget presented at the September Finance/Personnel Committee Meeting, with special Common Council meetings as needed to discuss line items, a public hearing on the proposed budget at the October Common Council meeting, the required notice submitted to the State Comptroller's Office at the end of October, and the budget adoption at the November Council meeting. Ald. Jeffrey thanked Mr. Roberts for his work on this timeline. He asked about City expenditures to date. W. Roberts said that while some line items, such as fuel costs, are up, overall current expenditures are tracking well. Revenues are very good, especially sales tax and ambulance fee recovery revenues. Ald. Jeffrey asked about sales tax revenues from eBay sales. W. Roberts explained that while technically sales tax is collectable from such sales, and some people do voluntarily report such purchases, its effective enforceability by the State Taxation Department is uncertain.

The Finance/Personnel Committee will meet on September 9 rather than September 2, 2008.

Ward Reports

Ward 1

Ald. Carey reported that all matters had been referred to the appropriate department heads for resolution. Ald. Carey also stated that he had received communication from Bob Arnell of Arnell Music in strong support of filling the vacancy in the Police Department.

Ward 2

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

Ward 4

Ald. Schermerhorn reported that all matters had been referred to the appropriate department heads for resolution and noted that Ward 4 had been quiet in the past month.

Ward 5

Ald. Laughlin reported that all is quiet in Ward 5, other than the problem with farmyard animals. He thanked the City for demolishing the building at 23 Grove Avenue.

Ward 6

Ald. Jeffrey reported that all matters had been referred to the appropriate department heads for resolution. He thanked the DPW for their work repaving Hale and Front Streets.

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

Other Items

Patrolman Vacancy

Mayor Maiurano noted that he had received communications from City residents and business owners in favor of filling the patrolman vacancy in the Police Department. Ald. Jeffrey stated that he believes the position is necessary, but is concerned about the financial impact of filling the position in light of current economic problems at the State level. Ald. Schermerhorn commented that he understands this concern, but pointed out that the Council had moved the Department to 12-hour shifts based on a fully staffed force. The Mayor remarked that Police Department overtime is much lower now because of the 12-hour shifts, and keeping the Department fully staffed will help the budget by keeping overtime to a minimum. Ald. Carey noted that while it is a concern, the budget is not the only concern: there is the concern with community safety and with Police Department safety and morale, since officers are now being asked to cover more shifts, leading to fatigue. Ald. Schermerhorn said that the budgeted funds will be needed either for salary or for overtime expenses. Ald. Jeffrey reiterated his desire to look at whether there would be other ways to cover the gap in staffing than filling the position, such as looking for off-peak hours to reschedule officers. Chief Joseph Angelino stated that he had compared overtime expenses for the first six months of several years. Prior to 2008 overtime in that period ran 400-500 hours; in 2008, however, overtime in the first six months has amounted to only 127 hours. Most of that overtime was caused by officers being absent for training, sick time, or unanticipated personal time. This amounts to a savings of \$9,000. Ald. Bresina reminded the Council that it will take some time to fill the position and the process should begin now before morale problems begin. Chief Angelino remarked that morale is not a current problem, but officer safety is. Ald. Laughlin commented that in public safety matters, such as criminal activity and fires, it is difficult to track peak hours.

Ald. Bresina **moved** to approve proceeding with filling the vacant position of patrolman in the Police Department. Seconded by Ald. Carey, duly approved, 5-0, on a roll call vote.

Discussion: Ald. Jeffrey asked if funds for the patrolman position are already included in the budget. Director of Finance William Roberts replied that such funds were already budgeted.

Letter to Gov. Paterson regarding Proposed State Mid-Year Budget Cuts

Mayor Maiurano presented the following letter to the Council regarding his response to Gov. Paterson's proposed mid-year budget and aid-funding cuts:

Governor David A. Paterson
State Capitol Building
Albany, NY 12224-0341

Hon. Clifford W. Crouch
Rm 545 Legislative Office Building
Albany, NY 12248

Hon. Thomas Libous
512 Legislative Office Building
Albany, NY 12247

Hon. Peter Lopez
Rm 429 Legislative Office Building
Albany, NY 12248

Dear Elected Officials:

I am writing this letter to voice our strong opposition to the current proposal to apply a 6% across-the-board cut in funding for local aid programs and a \$250 million reduction in local assistance, including \$57 million in mid-year cuts in AIM funding.

Such cuts would immediately open significant gaps in municipal budgets and will lead directly to increased property taxes on our residents and businesses. While I am certainly in favor of the State balancing its budget, I cannot support any measure that shifts the State's fiscal deficiencies to municipal taxpayers. You, Governor Paterson, and our legislative leaders have declared property tax relief your top priority; this proposal, if enacted, will force municipal property taxes even higher.

I want to remind you and the State Legislature that similar cuts were effected in the early 1990s, yet those cuts caused catastrophic shortfalls for municipalities and continue to adversely affect our budgets and local taxpayers, because we still receive less aid today than we did twenty years ago (when adjusted for inflation).

Furthermore, such across-the-board cuts, though presented as the only fair way to impose cuts, are inherently and unavoidably unfair, because they do not take into account the different burden of services provided by the various municipalities or the different economic climates of the various municipalities. As you, Governor Paterson, and our legislative leaders are well aware, Central New York State has been suffering for years from an exodus of industry, stagnant property values, increased fuel costs, and many other economic problems. Our legislative leaders have been working hard to find ways to attract industry and jobs back to the area. These proposed cuts and consequent unavoidable property tax increases will instead drive away more businesses, and residents, to parts of the country that are more economically welcoming.

I urge you, Governor Paterson, and our legislative leaders to set aside this ill-considered proposal and work instead to find fiscally responsible ways to bring the State budget into balance without penalizing the very people who make New York State a viable place for business and living: it's property owners and businesses.

Sincerely yours,

Joseph P. Maiurano
Mayor

Motion

Temporary Waiver of Permit Fees – Wood Stove Installation Ald. Bresina **moved** to waive the permit fee of \$50 dollars for installation of wood stoves within the City of Norwich until year-end, December 31, 2008, in order to encourage the proper permitting and inspection to ensure the safety of all residents of the City. Seconded by Ald. Carey, duly approved, 5-0, on a roll call vote.

Resolutions

RESOLUTION #71-2008

AUTHORIZING THE ADOPTION OF THE CHENANGO COUNTY MULTI-JURISDICTIONAL MULTI-HAZARD MITIGATION PLAN

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

WHEREAS, all of Chenango County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

WHEREAS, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, the Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and

WHEREAS, a coalition of Chenango County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies to be implemented within each partner's identified capabilities within Chenango County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy; now, therefore, be it

RESOLVED, that the City of Norwich:

- 1) Adopts the Chenango County Multi-Jurisdictional Multi-Hazard Mitigation Plan (the "Plan") as this jurisdiction's Natural Hazards Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction;
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified;
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.

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

Discussion: Mayor Maiurano noted that City officials had worked hard to help create the Hazard Mitigation Plan and that having adopted this will also aid the City in receiving grant and aid funds in the future.

RESOLUTION #72-2008.

AWARDING BID AND AUTHORIZING TRANSFER OF FUNDS – AMBULANCE

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

WHEREAS, a bid for an ambulance unit has been received and was opened on August 5, 2008; and

WHEREAS, funds are required to cover the cost of said purchase; and

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

RESOLVED, that the bid for an ambulance unit be awarded to the lowest qualified bidder meeting specifications, Tyler Fire Equipment Co., of Elmira, NY, in the amount of \$100,551.00; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer to the 2008 Fire Department budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR22-878	Capital Reserves – Ambulance Equipment	\$100,551.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3410.2101	Fire Department – Ambulance Equipment	\$100,551.00

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

Discussion: Ald. Jeffrey pointed out that the cost of this demo ambulance is significantly lower than a new model would cost. Fire Chief Tracy Chawgo confirmed that a new ambulance would cost approximately \$160,000. Ald. Carey noted that this is not a commercial-type ambulance, but a more rugged model designed and equipped for the Fire Department.

RESOLUTION #73-2008. AUTHORIZING TRANSFER OF FUNDS – CHEMICAL COSTS

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

WHEREAS, as the result of DEC and Susquehanna River Basin Commission requirements, funds are required for the purchase of additional chemicals for wastewater treatment; 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 to the Wastewater Fund 2008 Budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR42-878	Capital Reserves – Sewer Equipment	\$12,000.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
G8130.4026	Wastewater Fund - Laboratory Expense	\$12,000.00

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

RESOLUTION #74-2008. AUTHORIZING TRANSFER OF FUNDS – SCREW PUMP REDUCTION GEAR

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

WHEREAS, funds are required for the repair of screw-pump reduction gear for the wastewater treatment plant; 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 to the Wastewater Fund 2008 Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR42-878	Capital Reserves – Sewer Equipment	\$18,000.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
G8130.4040	Wastewater Fund - Treatment Maintenance & Repairs	\$18,000.00

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

Payment of Bills

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

	<u>Prepaid</u>	<u>04/15/08</u>	<u>Grand Total</u>
General Fund	\$ 24,373.28	\$ 66,140.72	\$ 90,514.00
Sewer Fund	10,437.55	12,545.00	22,982.55
Water Fund	17,698.54	13,988.02	31,686.56
Trust	6,089.12	3,172.41	9,261.53
B.I.D.	-	-	-
Debt Service	130,373.61	-	130,373.61
Reserves	-	-	-
Unemployment	-	-	-
Community Development	63,342.95	-	63,342.95
Economic Development	-	-	-
Capital Projects	11,448.47	-	11,448.47
TOTALS	\$263,763.52	\$ 95,846.15	\$359,609.67

Seconded by Ald. Jeffrey and duly adopted ayes all.

Adjournment

Ald. Carey **moved** to adjourn at 7:45 p.m. Seconded by Ald. Jeffrey, accepted ayes all.