

COMMON COUNCIL

March 20, 2007

Mayor Joseph Maiurano presided at the regular meeting of the Common Council held at 6:30 PM on March 20, 2007, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Joseph Maiurano
Ald. A. Anthony Abraham
Ald. Terry Bresina
Ald. Suzanne Williams
Ald. Walter Schermerhorn (6:50)
Ald. Paul Laughlin
Ald. Robert Jeffrey

Also:

Clerk/Director of Finance William Roberts
Human Resources Director Deborah DeForest
City Attorney Patrick Flanagan
Police and Fire Chief Joseph Angelino
DPW Superintendent Carl Ivarson
Assistant Police Chief Dale Smith
Media Representative Jessica Lewis
EMO A. Jones
Deputy Clerk Darlene Colaso

Absent:

Supervisor Jim McNeil
Supervisor Linda Natoli

Call to Order

The regular meeting of the Common Council was called to order by Mayor Maiurano at 6:30 p.m.

Executive Session

Ald. Laughlin moved to enter executive session at 6:31 p.m. to discuss labor contract negotiations and the employment history of a particular individual. Seconded by Ald. Williams and duly adopted, ayes all.

Ald. Abraham moved to go out of executive session at 6:57 p.m. Seconded by Ald. Williams, and duly adopted, ayes all.

Proclamation

Mayor Maiurano presented the following:

PROCLAMATION

Agriculture Recognition Day
March 20, 2007

By the Mayor:

WHEREAS, agriculture makes up approximately 25 percent of the entire U.S. gross national product with food and fiber production and services being the largest segment of the U.S. economy; and

WHEREAS, American farmers and ranchers are not only an integral part of the economy, but they represent and characterize what has made America great - hard work; and

WHEREAS, the week of March 18-24, 2007 marks National Agriculture Week, an annual celebration recognizing the positive impact that the agriculture industry has on every American's daily life; and

WHEREAS, the City of Norwich wishes to pay tribute to the many farmers and ranchers in the Greater Norwich Area who perform their jobs with pride and dedication; and

WHEREAS, throughout the County, the theme of this year's Chenango County Agricultural Day will be, "A Celebration of Agriculture"; now, therefore be it

RESOLVED, that I, Joseph P. Maiurano, Mayor of the City of Norwich, New York, do hereby recognize Chenango County Agriculture Day on March 20, 2007 and encourage all citizens to celebrate the agriculture of Chenango County.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 20th day of March, 2007.

Mayor

Following the reading of the proclamation, the Mayor and Brad Vickers of the Farm Bureau commented on the importance of agriculture and how it is still the mainstay of this community.

Presentation

Kristen Behuniak, 4th grade teacher from Holy Family School, introduced several of her students who took turns presenting to the Council their study focus and learning about conservation and environmental issues facing the world, our nation, state, and local community. The Mayor commented on their excellent efforts and thanked them for meeting with the Council and making their presentation.

Approval of minutes

Ald. Abraham moved to approve the minutes of the work session of February 13, 2007, the regular meeting of February 20, 2007, and the special meeting of March 6, 2007. Seconded by Ald. Jeffrey and duly adopted, ayes all.

Open Forum

Kathleen Campbell, property owner in the City of Norwich, stated that there has been a letter to the Mayor and the Common Council members dated March 19, 2007 from the Landlords of the City of Norwich in reference to the recently passed housing code amendments (Chapter 50). Ald. Abraham stated that it appeared from the letter that they are requesting a response by March 21, 2007 – which is tomorrow and he thought that was a little short notice for a response. K. Campbell stated that in the letter are the concerns that they have regarding referenced changes of which there are three that they would like addressed. One of the items of concern is that the word qualified should be revised to certified in section 1.6. Another concern is that the landlord is not given the opportunity to deny entrance to a unit if a tenant states it is okay for a code officer to enter; K. Campbell stated that she would like the landlord to give permission to enter first. Ald. Jeffrey asked K. Campbell to clarify if the process of obtaining a court order to enter a property if the landlord or the tenant denies access to a unit should be born by the taxpayers of the city as there would indeed be fees associated with this procedure or if they have an alternate way of offsetting the related costs. K. Campbell stated that she does not believe the process is very complicated or costly. Mayor Maiurano stated that he received the letter late last night and has submitted a copy to City Attorney Flanagan for review. When he hears from him regarding same, he will let Richard Barnes know. Additional discussion ensued. Mayor Maiurano wished to restate that the landlords that take care of their properties will likely never hear from the City in regards to violations and wishes to thank them in advance for their cooperation in maintaining their properties.

Charles Courtemanche, property owner in the City of Norwich, echoed many of the same concerns. He stated that “we (landlords) check our rentals every day”. He feels we should all be working together, land owners, apartment owners, and the City should focus on making it a cooperative environment, enforcing codes and laws.

Mayor Maiurano commented that the laws are not made just for the good people who comply, but must address those who are not conscientious about how they affect others.

Richard Barnes, property owner in the City of Norwich, stated that there are several good landlords, but there are a lot of bad tenants. He also said that he does not want anyone entering his properties without his advance knowledge.

Sometimes the tenant may be calling to have perceived violations reviewed when the tenant is the one who often creates the violations due to a dispute with the landlord over rent not being paid or other issues. In most of these cases the landlord may not even be aware that there is a violation and would like to have the opportunity to review the alleged violations at the same time the code officer enters the property.

Teddy (Theodora) Arnell stated that she lives in Chenango County and owns properties in Norwich. She said she is one who appreciates the efforts, but not the punitive aspects of the registration program. She feels that if it isn't clearly worded to be objective, such as using the word reasonable in line 12 of section 13, it leaves it too open for interpretation. She also referred to line 6 of section 2, saying that to eliminate the owner landlord from the inspection of the property seems strange to her. Lastly, she advised changing the word qualified to certified in section 1.6.

Robert Arnell, business owner with properties in the City of Norwich, inquired if Jason Lawrence the Code Enforcement Officer was present – it was stated no. R. Arnell stated he hoped that the council members give the letter received serious review and consideration, as he would hate to have to bring in lawyers from Syracuse to act on their behalf.

Lisa Fitch, 220 Ashcraft Road, Norwich, said she would simply like to support and request the same recommended amendments as already presented. She believes it is her right to require her permission for entry.

Mayor Maiurano interjected that the Council members will discuss this and come up with whatever they can come up with.

Mary Coe, 5 Waite Street, inquired about getting American flags back up on the poles, and stressed that no banner or flag should ever be located above the American flag – Mayor Maiurano suggested that she attend a meeting of the BIDMA regarding this issue, since they provide the Council with recommendations on downtown decorations and this type of concern. M. Coe stated that she has tried several times to meet with Pegi LoPresti and sometimes it is difficult to catch her in the office.

Hearing no further requests to comment, the Mayor closed the open forum at 7:41 p.m.

Correspondence

Letter from Charlie Romano of Crazy Horse Music

Ald. Williams moved to receive and file a letter from Charlie Romano at his business on 30 S. Broad Street regarding DPW snow removal in the Hayes St. parking lot, following the February 14th snowstorm. Seconded by Ald. Schermerhorn and duly adopted, ayes all.

Request from Frank Revoir of the American Legion for a May 28th Memorial Day Parade

Ald. Bresina moved to receive and file a request from Frank Revoir, representing the Lt. Warren E. Eaton, D.S.C. Post No. 189, for a Memorial Day Parade on May 28, 2007 at 9:45 am, to run from the VFW Home on 61 E. Main St. to West Park. Seconded by Ald. Abraham and duly adopted, ayes all.

Notice of Liquor License Renewal for Grande Pizza

Ald. Abraham moved to receive and file notification from Grande Pizza of the intent to renew its liquor license. Seconded by Ald. Jeffrey and duly adopted, ayes all.

Notice of Liquor License Renewal for Ontario Hotel, Inc.

Ald. Schermerhorn moved to receive and file notification from Ontario Hotel, Inc. of the intent to renew its liquor license. Seconded by Ald. Bresina and duly adopted, ayes all.

Notice of Liquor License Renewal for Pasquale's Pizzeria

Ald. Schermerhorn moved to receive and file notification from Pasquale's Pizzeria of the intent to renew its liquor license. Seconded by Ald. Bresina and duly adopted, ayes all.

Letter from Empire State Development Corporation – Railroad Line

Ald. Abraham moved to receive and file a letter from the Empire State Development Corporation regarding the railroad line. Seconded by Ald. Jeffrey and duly adopted, ayes all.

Department, Board and Commission Reports

- ◆ Police Department Annual Report for 2006
- ◆ Police Department Report for December 2006 & January 2007
- ◆ Public Works/Water System monthly report for February 2007
- ◆ Parks Commission minutes of March 12, 2007
- ◆ Planning Commission (no February meeting)
- ◆ Water Commission minutes of February 21, 2007
- ◆ Youth Board minutes of March 7, 2007
- ◆ Youth Bureau monthly report for February 2007
- ◆ Zoning Board of Appeals (no February meeting)

Ward and Committee Reports

- ◆ Finance / Personnel Committee meeting of March 6, 2007
- ◆ Public Safety / Public Works Committee meeting of February 22, 2007

Ald. Williams moved to receive and file the department, board and commission reports. Seconded by Ald. Schermerhorn and duly adopted, ayes all.

Ward 1 Report

Ald. Abraham reported that all is running smoothly. He said there had been some bad potholes on Elm Street, and the DPW responded immediately and they have been fixed.

Ward 2 Report

Ald. Bresina reported that all concerns have been reported to the appropriate departments with satisfactory results, and their response was gratifying.

Ward 3 Report

Ald. Williams reported all is quiet.

Ward 4 Report

Ald. Schermerhorn reported that unfortunately, certain street areas have been getting really torn up by the effects of the winter weather, and otherwise all is quiet.

Ward 5 Report

Ald. Laughlin reported that there had been some concerns with snow accumulation along the former East Main Street School property, but that it was removed today.

Ward 6 Report

Ald. Jeffrey reported that any concerns have been referred to appropriate departments and taken care of.

Ald. Schermerhorn moved to file the ward and committee reports. Seconded by Ald. Laughlin and duly adopted, ayes all.

Old Business

None.

New Business

Motions

Motion – Authorizing Establishment of an Employee Assistance Program

Ald. Jeffrey moved to authorize the establishment of an EAP through ESI, effective April 1, 2007. Seconded by Ald. Laughlin and duly adopted, 6-0, on a roll call vote.

Prior to the vote, Ald. Williams asked if this would be a free service for employees. H.R. Director DeForest replied that yes, it was at no cost to them. She said there was a myriad of consultation benefits ranging from smoking cessation efforts to financial and legal counseling through toll-free calls anytime day or night.

Resolutions

RESOLUTION #25-2007 AWARDING BID FOR LIQUID CHLORINE & SODIUM HYPOCHLORITE

Ald. Bresina introduced the following and moved its adoption:

WHEREAS, bids have been received for Liquid Chlorine & 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 as follows:

Amrex Chemical Co. of Binghamton, NY –

Item I. C. Sodium Hypochlorite, 55-gal Drums at .95 per gallon

Item IV. A. Sodium Hypochlorite – 55-gal Drums at .95 per gallon;

JCI Jones Chemicals, Inc. of Merrimack, NH –

Item I. A. Liquid Chlorine in 150# cylinders at \$70.00 each,

Item II A. Liquid Chlorine in 150# cylinders at \$70.00 each;

Slack Chemical Co. of Carthage, NY –

Item I. B. Sodium Hypochlorite – bulk liquid at .949 per gallon, and

Item III A. Sodium Hypochlorite – bulk liquid at .949 per gallon.

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

RESOLUTION # 26-2007 AUTHORIZING END OF YEAR 2006 BUDGET TRANSFERS

Ald. Abraham introduced the following and moved its adoption:

WHEREAS, funds need to be reallocated among line items to cover the cost of expenses through December 31, 2006; and

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

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfers in the 2006 General Fund and Water Fund Budgets:

2006 Budget Transfers

GENERAL

TO:

A1010.1010	Common Council - Personal Services	\$	2,821.59
A1325.1010	Finance - Personal Services	\$	15,050.63
A1355.1010	Assessment - Personal Services	\$	463.69
A1410.1010	City Clerk - Personal Services	\$	1,772.44
A1420.1010	City Attorney - Personal Services	\$	649.04
A1430.1010	Civil Service - Personal Services	\$	4,960.90
A1620.1010	Municipal Buildings - Personal Services	\$	3,043.93
A3120.1020	Police - Overtime	\$	28,365.88
A3410.1010	Fire - Personal Services	\$	16,743.32
A3410.1020	Fire - Overtime	\$	130,561.67
A3620.1010	Code Enforcement - Personal Services	\$	8,914.03
A3640.1010	Disaster Preparedness - Personal Services	\$	81.38
A5110.1010	Street Maintenance - Personal Services	\$	70,090.34
A8020.1010	Community Development - Personal Services	\$	561.04
A8170.1010	Street Cleaning - Personal Services	\$	783.48
	GENERAL	\$	284,863.36

FROM:

A1460.2100	Records Management - Equipment	\$	15,680.00
A1620.4090	Municipal Buildings - Utilities	\$	48,691.00
A3120.1010	Police - Personal Services	\$	8,675.79
A3625.4021	Emergency Squad - Billing Services	\$	10,709.45
A5110.2100	Street Maintenance - Equipment	\$	11,653.53
A5110.4020	Street Maintenance - Contracted Services	\$	4,288.28
A5142.1010	Snow & Ice Removal - Personal Services	\$	53,987.42
A5142.1020	Snow & Ice Removal - Overtime	\$	23,137.66
A5142.4060	Snow & Ice Removal - Materials & Supplies	\$	35,684.99
A5182.4020	Street Lighting - Contracted Services	\$	29,177.63
A7140.1010	Playgrounds & Rec - Personal Services	\$	21,992.54
A9060.8	Health Insurance	\$	21,185.07
	GENERAL	\$	284,863.36

WATER**TO:**

F8310.1010	Water Administration - Personal Services	\$	405.63
F8330.1010	Water Treatment - Personal Services	\$	596.09
F8340.1020	Water Distribution - Overtime	\$	1,405.04
WATER		\$	2,406.76

FROM:

F8320.1010	Water Source of Supply - Personal Services	\$	2,406.76
WATER		\$	2,406.76

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

RESOLUTION #27-2007 AUTHORIZING THE NON-UNIT COMPENSATION SCHEDULE FOR 2007

Ald. Abraham introduced the following and moved its adoption:

WHEREAS, the Finance/Personnel Committee has made certain recommendations relative to the 2007 compensation schedule for non-unit employees; now, therefore be it

RESOLVED, that Section I of the 2007 compensation schedule be amended by increasing Section I of the 2006 non-unit compensation schedule by three percent (3 %) across the board, retroactive to January 1, 2007, as follows:

CITY OF NORWICH
Tentative Non-Unit Employee Compensation Schedule
For Fiscal Year 2007

<u>Compensation Levels Based on 2,080-Hour Work Year:</u>						
<u>REGULAR EMPLOYEES : (Increase of 3% over prior year, across the board)</u>						
<u>Grade</u>	<u>Entry</u> <u>Yearly</u>	<u>Level</u> <u>Hourly</u>	<u>After 2 Years</u> <u>Yearly</u>	<u>Hourly</u>	<u>After 5 Years</u> <u>Yearly</u>	<u>Hourly</u>
35	68,831	33.0918	83,540	40.1635	91,133	43.8139
34	65,853	31.6601	79,923	38.4245	87,191	41.9188
33	62,875	30.2284	76,311	36.6880	83,291	40.0236

						49
32	59,897	28.7966	72,697	34.9505	79,306	38.1279
<u>Grade</u>	<u>Entry Level :</u>		<u>After 2 Years :</u>		<u>After 5 Years:</u>	
	<u>Yearly:</u>	<u>Hourly:</u>	<u>Yearly:</u>	<u>Hourly:</u>	<u>Yearly:</u>	<u>Hourly:</u>
31	56,918	27.3644	69,081	33.2120	75,363	36.2322
30	53,939	25.9322	65,468	31.4750	71,419	34.3361
29	50,961	24.5005	61,852	29.7365	67,474	32.4394
28	47,984	23.0692	58,237	27.9986	63,529	30.5428
27	45,008	21.6385	54,624	26.2615	59,590	28.6490
26	42,027	20.2053	51,008	24.5231	55,647	26.7534
25	39,049	18.7736	47,392	22.7846	51,701	24.8563
24	37,064	17.8192	44,983	21.6264	49,073	23.5928
23	35,080	16.8654	42,575	20.4688	46,444	22.3288
22	33,093	15.9101	40,167	19.3111	43,816	21.0654
21	31,108	14.9558	37,758	18.1529	41,187	19.8014
20	29,122	14.0010	35,343	16.9918	38,559	18.5380
19	28,128	13.5231	34,140	16.4135	37,246	17.9067
18	27,136	13.0462	32,935	15.8341	35,931	17.2745
17	26,144	12.5692	31,732	15.2558	34,615	16.6418
16	25,150	12.0913	30,527	14.6764	33,303	16.0111
15	24,159	11.6149	29,320	14.0962	31,987	15.3784
14	23,166	11.1375	28,117	13.5178	30,673	14.7466
13	22,174	10.6606	26,912	12.9385	29,358	14.1144
12	21,182	10.1837	25,707	12.3591	28,045	13.4832

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

Prior to the vote, Ald. Jeffrey asked about going with a lump sum on an individual basis, and the question was raised as to whether a different system, such as a performance review and merit increase approach could be used. H.R. Director D. DeForest pointed out that the current system, which is based simply on years of service, has been in place for many years. There are many salary and wage administration options, and it certainly can be changed, but not on the spot tonight. Ald. Schermerhorn said that the program and various alternatives need to be reviewed and evaluated. Mayor Maiurano noted that the cost effect of this schedule is included in the 2007 adopted budget for all funds, and we need to move on it. On the question of cost, W. Roberts responded that it was \$11,454 - General Fund; approximately \$1,500 each for Water and Sewer; and about \$400 - Special Grants. Ald. Schermerhorn asked if benefits costs were also affected. Roberts said yes, it would involve roughly 8% for FICA/Medicare and 11% for the State Retirement System, and that those effects are also included in the budget. They amount to approximately another \$2,000 for the General Fund. The Mayor suggested that we start working on the evaluation of alternatives for the different ways of how to look at this, to determine what the Council would like to do, but as part of planning for next year.

RESOLUTION #28-2007

**STEARNS & WHEELER ENGINEERING CONCEPTUAL DESIGN PROPOSAL –
NEW WATER FILTRATION PLANT**

Ald. Bresina introduced the following and moved its adoption:

WHEREAS, the city's existing water filtration facilities are 103 years old and are in need of replacement to meet the growing demands in the greater Norwich area; and

WHEREAS, advanced capabilities will provide a cost-effective means of delivering high quality standards and ample supply of drinking water over the long term, which are essential to the economic vitality and prosperity of the area; and

WHEREAS, a conceptual design proposal was completed by and presented by Stearns & Wheler, LLC in February, 2007; and

WHEREAS, funds are required to cover the cost of the conceptual design proposal for the project; and

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

RESOLVED, that the Mayor is authorized, under the direction of the City Attorney, to sign a contract for engineering services for the conceptual design of water filtration facilities, with Stearns & Wheler, LLC, of Cazenovia, New York, at a cost not to exceed \$39,000.00; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfers in the 2007 Water Fund Budget not to exceed the following amounts:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR30-878	Capital Reserves – Water System Improvements	\$39,000.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
F1989.4	Water Fund – Special Projects	\$39,000.00

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

Payment of Bills

Ald. Abraham moved to pay the bills after proper audit and certification as follows:

	<u>Prepaid</u>	<u>04/17/07</u>	<u>Grand Total</u>
General Fund	\$139,797.39	\$500,037.24	\$639,834.63
Sewer Fund	18,299.09	5,876.50	24,175.59
Water Fund	25,472.78	4,248.14	29,720.92
Trust	15,131.53	0.00	15,131.53
B.I.D.	0.00	0.00	0.00
Debt Service	88,917.50	0.00	88,917.50
Reserves	0.00	0.00	0.00
Comm Development	2,493.79	0.00	2,493.79
EDZ/LDC	0.00	0.00	0.00
Capital Projects	3,520.00	0.00	3,520.00
TOTALS	293,632.08	510,161.88	803,793.96

Seconded by Ald. Williams and duly adopted ayes all.

Executive Session: To Discuss Pending Litigation

Ald. Abraham moved to enter into Executive Session to discuss pending litigation at 7:50pm. Seconded by Ald. Laughlin and duly adopted ayes all. Ald. Williams moved to exit executive Session at 8:06pm. Seconded by Ald. Schermerhorn and duly adopted ayes all.

Adjournment

Ald. Bresina moved to adjourn the Common Council meeting at 8:07pm. Seconded by Ald. Abraham and adopted ayes all.