

COMMON COUNCIL

June 19, 2007

Common Council President Terry Bresina, in the absence of Mayor Joseph Maiurano, presided at the regular meeting of the Common Council held at 7:00 PM on June 19, 2007, in the Common Council Chambers at One Court Plaza.

Present:

Ald. Terry Bresina
Ald. A. Anthony Abraham
Ald. Suzanne Williams
Ald. Walter Schermerhorn
Ald. Paul Laughlin
Ald. Robert Jeffrey

Also:

Clerk/Director of Finance William Roberts
DPW Superintendent Carl Ivarson
Director of Human Resources Debbie DeForest
City Attorney Patrick Flanagan
EMO A. Jones
Deputy City Clerk Brian Drake
Codes Enforcement Office Jason Lawrence
Deputy Police Chief Dale Smith
Media Representative Jessica Lewis

Absent:

Mayor Joseph Maiurano
Supervisor Jim McNeil
Supervisor Linda Natoli

Call to Order

The regular meeting of the Common Council was called to order by Council President Terry Bresina at 7:03 p.m.

Approval of Minutes

Ald. Schermerhorn **moved** to approve the minutes of the work session of May 8, 2007, and the regular meeting of May 15, 2007. Seconded by Ald. Williams and duly adopted ayes all.

Public Hearing

Ald. Bresina opened a public hearing on the Proposed Local Law Prohibiting Outdoor Burning Furnaces at 7:05 p.m. There were no comments.

Ald. Bresina closed the public hearing at 7:06 p.m.

Open Forum

There were no comments in the Open Forum.

Bids

Ald. Bresina stated that there were two bids to be awarded this evening and that they would be addressed under new business.

Correspondence & Requests

Colorscape Chenango Festival, Sept. 8 and 9, 2007 - Streets Closings & Special Events Designation

Ald. Williams **moved** to receive, file, and approve a request from the organizers of the Colorscape Chenango Festival for the closings of West Park Place, East Park Place, and West Main Street, and special event designation. Seconded by Ald. Schermerhorn and duly adopted ayes all.

Gus Macker Basketball Tournament, July 6-8, 2007 - Streets Closings & Special Events Designation

Ald. Abraham **moved** to receive, file, and approve a request from the Gus Macker Basketball Tournament for the blocking off of East Main Street, with special event designation, under the supervision of the Fire Chief and Police

Chief, and providing bleachers, picnic tables, and a water attachment to the hydrant at the Northeast corner of East Park Place on July 6, 7, and 8, 2007. Seconded by Ald. Laughlin and duly adopted ayes all.

County Fair Firemen's Parade Request

Ald. Williams **moved** to receive, file, and approve a request for the Firemen's Parade on August 7, 2007, with special event designation, under the supervision of the Fire Chief and Police Chief. Seconded by Ald. Laughlin and duly adopted ayes all.

Department, Board and Commission Reports

- ◆ Police Department Report for April and May, 2007
- ◆ Parks Commission minutes of May 14, 2007
- ◆ Planning Commission of May 21, 2007
- ◆ Water Commission minutes of May 16, 2007
- ◆ Youth Board (no quorum in May)
- ◆ Youth Bureau monthly report for May 2007
- ◆ Zoning Board of Appeals minutes for May 29, 2007

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

Ward and Committee Reports

- ◆ Reports on the Finance / Personnel Committee Meeting of June 5, 2007, and Public Safety / Public Works Committee special meeting of May 24, 2007, were heard at the Common Council Work Session of June 12, 2007.

Ward 1 Report

Ald. Abraham repeated comments made at the Common Council Work Session of June 12, 2007, regarding a letter of September 5, 2006, offering to sell the City of Norwich property at 20-22 Maple Street for \$2,000. He repeated that he had not received a copy of the letter until June 12, 2007, and to his knowledge, none of the other Council members had received a copy of said letter before that date. He asked why the letter had not been submitted to the Council earlier so that action could have been taken, as the property is now listed for sale at \$19,900. Ald. Abraham quoted from the minutes of the June 12, 2007 Common Council Work Session in which the Mayor indicated that the Council had indeed received copies of that letter as part of a proposal package, which the Council voted upon. Ald. Abraham suggested that such matters should be handled more openly in the future.

Ward 2 Report

Ald. Bresina discussed the removal of the Canasawacta Dam and reported that residents are pleased with the removal of the dam. He reminded the public that the process to remove the dam had required a year, but the results were well worth the effort. Ald. Bresina gave a brief history of the dam, saying that it had originally been built under the auspices of the American Legion in 1933 to provide a swimming area for residents, but that for many years the dam had served no purpose and indeed had constituted a dangerous attraction to area children.

Ward 3 Report

Ald. Williams also commented that the removal of the Canasawacta Dam was a positive move for the City. She asked Carl Ivarson to comment on the removal process. DPW Superintendent Ivarson stated that the work was complete, and that the project had been a cooperative effort between private and public sectors.

Ward 4 Report

Ald. Schermerhorn thanked Codes Enforcement Officer Jason Lawrence for addressing two complaints in his ward in a prompt manner. Regarding question on the status of the Housing Authority's Brown Avenue project, Ald. Bresina reported that the project had been approved, bids were to be sent out in the following week, and construction is scheduled to begin in August. Ald. Schermerhorn asked J. Lawrence to comment on the situation of the property located at 49 Front Street. J. Lawrence stated that the property has been secured and that the owner's and City's attorneys are in communication. City Attorney Patrick Flanagan clarified that he had not as of this date received any communication from the owner's attorney. The owner is currently out of the country and has suggested that he may give the property to the City. The lawn has been cut, a landscaper checks on the property weekly. Currently a tree has come down on the property, but it is not a public nuisance and will be removed soon. The property is being evaluated

by engineers for submission under the second round of the Restore New York grant proposal. Ald. Schermerhorn also commented on the fine work done on removing the Canasawacta Dam.

Ward 5 Report

Ald. Laughlin reported that he was pleased to see the sidewalk program had begun and is progressing nicely.

Ward 6 Report

Ald. Jeffrey stated that all matters have been referred to the appropriate department heads for attention. He complimented C. Ivarson on the fine work done removing the blue stone on the sidewalks on North and South Broad Street, and on the progress of the sidewalk program. Ald. Jeffrey then asked J. Lawrence about the status of the railroad right of way, and who should be maintaining that area. J. Lawrence indicated that he had personally made three calls to railroad management and had been present when the Mayor had called twice. As the property has not been maintained properly, the railroad will be put on official notice. If the property is not made compliant in five days, the City will mow the area at its own expense. J. Lawrence said that the Mayor is in contact with the railroad's Maintenance Director, and that they are following procedures as set forth in the law. Ald. Bresina asked what recourse the City may have to recover costs if it is forced to mow the property itself. City Clerk William Roberts said that he would research the question, but as the property is tax exempt, there is no way to add the costs to a tax bill. J. Lawrence indicated that he had approached City Attorney Patrick Flanagan about this question.

Additional Report on Ward 1

Ald. Abraham brought up an additional item from Ward 1. He commented that there had been a newspaper article on potholes on Locust Street, but that he had spoken to C. Ivarson and was informed that repairs had already been made before the article appeared. C. Ivarson also confirmed that the whole street would be repaved in August. Ald. Bresina commented that this may not have been an error on the part of the newspaper, but that the article may have been pushed back to a later date due to space constraints.

Ald. Williams **moved** to receive and file the Ward and Committee reports. Seconded by Ald. Schermerhorn and duly adopted ayes all.

Old Business

No old business was brought to discussion.

New Business

Discussion Items

Procedures for the Condemnation of Properties

Ald. Bresina asked City Attorney Patrick Flanagan to comment on the procedure for condemning properties. P. Flanagan stated that the process is quite long and complicated, and that all procedures must be conducted on a case-by-case basis. The main point was that condemning a property leads to the question of eminent domain, that is, taking private property for public use. The first step was to enforce codes to the greatest extent possible. If the property is residential and can be deemed abandoned, that helps the process, but there are different definitions of "abandoned" depending on the type of residential property, such as single-family, multi-family, etc. A third possibility is to create an urban renewal project, but that in itself is a long process. P. Flanagan indicated that he had articles and other research on the various processes and would be pleased to share those with the Council. He suggested that the Council review this research and the procedures, then discuss specific properties. He stressed that any process would require public hearings and be quite lengthy. Ald. Schermerhorn asked for confirmation that all procedures must be looked at on a case-by-case basis. Ald. Jeffrey asked that if a property were actually condemned following such processes, would it then have to conform to current codes and zoning? J. Lawrence said that, once again, this is decided by the specific instances of each case, but that in general any building left vacant for two years must conform to current codes and zoning. He cited the building on Delaware Street and reminded the Council of the process that entailed.

Proclamation

The following proclamation was read by Deputy City Clerk Brian Drake:

P R O C L A M A T I O N

New York Insurance Fraud Prevention Day, June 27, 2007

WHEREAS, insurance fraud, whether committed by sophisticated criminals or amateurs, is an expensive burden that takes money out of the pockets of everyone; and

WHEREAS, insurance fraud costs consumers billions of dollars annually, which for the average family means hundreds of dollars in additional premiums each year; and

WHEREAS, millions of people are victimized by insurance fraud, which can put New Yorkers at risk for serious injury as victims of staged accidents, arson, or medical practitioners who falsify records; and

WHEREAS, the New York Alliance Against Insurance Fraud is a cooperative effort of more than 100 New York State insurance companies dedicated to educating the state's consumers about this problem; now, therefore be it

RESOLVED, that I, Joseph P. Maiurano, Mayor of the City of Norwich, New York, do hereby proclaim June 27, 2007, as Insurance Fraud Prevention Day in the City of Norwich.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 19th day of June, 2007.

Mayor

Mayoral Appointments

The following appointments were announced:

Norwich Housing Authority

Anthony C. Caezza, re-appointment for a five-year term, expiring on June 25, 2012.

B.I.D. (Business Improvement District) Board of Directors

Council Representative – Terry Bresina for a one-year term expiring in June of 2008.

Mayor's Representative – Michael King for a one-year term expiring in June of 2008.

Director of Finance Representative – Mary Davis for a one-year term expiring in June of 2008.

Motions

Eaton Avenue Reconstruction Project

Ald. Schermerhorn **moved** to award the bid for the Eaton Avenue Reconstruction Project to Burrell's Excavating of Norwich, NY, in the amount of \$281,200.00. Seconded by Ald. Jeffrey and duly adopted, 6-0 on a roll call vote.

2007 Tree Removal

Ald. Williams **moved** to award the bid for 2007 Tree Removal to Kilts Enterprises Inc. of Brookfield, NY, in the amount of \$20,400.00. Seconded by Ald. Schermerhorn and duly adopted, 6-0 on a roll call vote. Mary Coe, 5 Waite Street, asked which trees were to be removed. Ald. Williams said that the trees had been identified by the DPW, arborists had recommended their removal. Ms. Coe asked if the trees were between the sidewalk and the curb, and C. Ivarson confirmed that they were and that the DEC indicated whether trees required trimming or removal.

To Set a Public Hearing - 96 Silver Street

Ald. Schermerhorn **moved** to set a public hearing on July 17, 2007 for real property located at 96 Silver Street to be determined as surplus. Seconded by Ald. Laughlin and duly adopted ayes all.

To Set a Public Hearing - 80 Sheldon Street

Ald. Laughlin **moved** to set a public hearing on July 17, 2007 for real property located at 80 Sheldon Street to be determined as surplus. Seconded by Ald. Schermerhorn and duly adopted ayes all. Ald. Laughlin asked if neighbors had been notified, because a fence on the property had been removed. J. Lawrence stated that the posts were rotten and so the fence had to be removed.

To Establish a 2008 Budget Commitment for Sidewalk Follow-on Program

Ald. Schermerhorn **moved** that the Council shall commit to provide funds in the adoption of the 2008 General Fund budget for the continuation of the current sidewalk program in 2008, as recommended by the Public Safety/Public Works and Finance/Personnel Committees. Seconded by Ald. Jeffrey and duly adopted, 6-0 on a roll call vote.

Authorize Establishment of Two-Way Traffic at Southern Portion of Hubbard Ave.

Ald. Schermerhorn **moved** to authorize establishment of two-way traffic at southern portion of Hubbard Ave., as recommended by the Traffic Commission. Seconded by Ald. Jeffrey and duly adopted ayes all.

Authorize Backfilling of Police Department Position

Ald. Jeffrey **moved** to authorize the HR Director to take the necessary actions to provide for backfilling a position in the Police Department in connection with the retirement of an Assistant Police Chief. Seconded by Ald. Schermerhorn and duly adopted, 6-0 on a roll call vote.

Resolutions

RESOLUTION #44- 2007 AUTHORIZING BUDGET TRANSFER FOR CANASAWACTA DAM REMOVAL COSTS

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

WHEREAS, on May 16, 2006 the Common Council authorized the removal of the Canasawacta Creek Dam; and

WHEREAS, funds are required to cover the cost of such removal; now, therefore be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfers in the 2007 General Fund Budget up to the following amounts:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A7110.1010	Parks – Personal Services	\$ 16,000.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A7110.4040	Parks – Repairs & Maintenance	\$ 16,000.00

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

RESOLUTION #45-2007 AUTHORIZING CAPITAL RESERVES TRANSFER FOR WELL THREE PUMP REPLACEMENT AND COMPONENTS

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

WHEREAS, on February 20, 2007 the Common Council authorized the cleaning and redevelopment of Well Three by Moody and Associates, Inc.; and

WHEREAS, said cleaning and redevelopment revealed the need to replace the existing pump and related components; and

WHEREAS, funds are required for the costs of such replacement; and

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

RESOLVED, that the aforementioned replacement work be and hereby is authorized for performance by Moody and Associates, Inc. at a cost not to exceed \$15,000; and further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds in the 2007 Water Fund Budget up to the following amounts:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR28-878	Capital Reserves – Water Equipment	\$15,000.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
F8320.4040	Source of Supply – Repairs & Maintenance	\$15,000.00

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

RESOLUTION #46-2007 ADOPTING PROPOSED LOCAL LAW PROHIBITING OUTDOOR BURNING FURNACES

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

WHEREAS, a proposed local law to impose restrictions upon the construction and operation of outdoor burning furnaces within the City was received by the Common Council on May 15, 2007; and

WHEREAS, a public hearing has been held on June 19, 2007 relative to the enactment of such local law; and

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

RESOLVED, that Local Law No. 2 of 2007, a local law of the City of Norwich prohibiting outdoor burning furnaces, be and hereby is adopted..

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

After the vote, Ald. Jeffrey commented that this law provides for the health and safety of the residents of the City of Norwich and he is pleased at its passage. Ald. Bresina noted that he is acquainted with asthma sufferers, and that within the confines of a city such outdoor furnaces would pose a threat to the public health.

RESOLUTION #47-2007 URGING ADOPTION BY THE NEW YORK STATE LEGISLATURE OF THE “NEW YORK STATE PROPERTY TAXPAYER PROTECTION ACT (ASSEMBLY BILL 8775).”

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

WHEREAS, the tremendously high property tax burden on New York families and businesses is the number one issue facing our community today, and the sheer cost of living in New York has forced many residents and businesses to leave, thus slowing the economic engine of the state; and

WHEREAS, young people are finding it difficult to purchase homes, seniors are struggling to maintain their homes, and businesses are facing immense challenges to create and retain jobs; and

WHEREAS, New Yorkers face the highest property taxes in the nation, and when measured as a percentage of home value, nine of the top 10 property tax rates in the entire country belong to counties in New York; and the State must act now to thwart the detrimental effects that high property taxes are having on local governments; and

WHEREAS, Assembly Minority Members have introduced the “New York State Property Taxpayer Protection Act (Assembly Bill 8774),” which puts forth new and innovative ideas for property tax reform that limit the amount school districts can raise annually through local tax levies to four percent or the rate of inflation, whichever is less; in addition the Act would relieve municipalities and school districts of unfunded mandates, reduce county Medicaid costs, strengthen financial accountability over school tax dollars, promote local government efficiency, and encourage local option insurance pooling; and

WHEREAS, the “New York State Property Taxpayer Protection Act” will help fix New York’s broken property tax system, providing homeowners, business and municipalities significant and lasting relief from the crushing burden of skyrocketing property taxes, and now, therefore, be it

RESOLVED, that this Legislative Body pause in its deliberations to acknowledge New York State’s property tax crisis and urge the immediate passage and chaptering of the “New York State Property Taxpayer Protection Act; which will help local governments reinvigorate New York’s economy by providing incentives for people and businesses to move and stay here; and be it further

RESOLVED, that a copy of this Resolution, suitably engrossed, be transmitted to the Governor of the State of New York, the Temporary President of the New York State Senate, the Speaker of the New York State Assembly, and to each member of the New York State Legislature.

Seconded by Ald. Laughlin and duly adopted ayes all.

Payment of Bills

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

Adjournment

Ald. Abraham **moved** to adjourn the Common Council meeting at 7:43 p.m. Seconded by Ald. Laughlin and duly adopted ayes all.