COMMON COUNCIL

July 17, 2007

Mayor Joseph Maiurano presided at the regular meeting of the Common Council held at 7:00 PM on July 17, 2007, in the Common Council Chambers at One Court Plaza.

Present:
Mayor Joseph Maiurano
Ald. Terry Bresina
Ald. A. Anthony Abraham
Ald. Suzanne Williams
Ald. Walter Schermerhorn
Ald. Paul Laughlin

Also:
Clerk/Director of Finance William Roberts
Director of Human Resources Debbie DeForest
DPW Superintendent Carl Ivarson
Police Chief Joseph Angelino
City Attorney Patrick Flanagan
EMO A. Jones
Deputy City Clerk Brian Drake
Codes Enforcement Office Jason Lawrence
Deputy Police Chief Dale Smith
Planning & Community Dev. Specialist Todd Dreyer
Assistant Fire Chief Jan Papelino
Media Representative Jessica Lewis

Absent:
Ald. Robert Jeffrey
Supervisor Jim McNeil
Supervisor Linda Natoli

Call to Order

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

Approval of Minutes

Ald. Williams **moved** to approve the minutes of the work session of June 12, 2007, the regular meeting of June 19, 2007, and the work session of July 10, 2007. Seconded by Ald. Schermerhorn and duly adopted ayes all.

Swearing-In of Police Department Personnel

Chief Angelino administered the oath of office to Assistant Police Chief Rodney V. Marsh.

Special Recognition for Assistant Fire Chief Papelino

Chief Angelino then read and presented a Certificate of Appreciation from the Mayor and Common Council to Assistant Fire Chief Jan Papelino, dated July 17, 2007, recognizing him for his willingness and dedication to serve the residents of the City of Norwich. Chief Angelino added that his duties as Acting Fire Chief were significantly aided by Assistant Fire Chief Papelino's able assistance.

Public Hearing to Determine Use of Surplus Property at 80 Sheldon Street

Hearing no comments, Mayor Maiurano closed the public hearing at 7:08 p.m.

Public Hearing to Determine Use of Surplus Property at 96 Silver Street

Hearing no comments, Mayor Maiurano closed the public hearing at 7:09 p.m.

Open Forum

Joshua Mahannah of Boy Scout Troop 62 of Norwich, presented a plaque to Mayor Joseph Maiurano in appreciation of his sitting in the dunk tank on July 4th at the Fairgrounds. The Mayor commented that the Boy Scouts are a great influence on the youth of Norwich and represent the City through all their careers.

Hearing no further comments, the Mayor closed the open forum at 7:13 p.m.

Correspondence & Requests

77th Annual Francis Avenue Clambake, August 11, 2007

Ald. Schermerhorn **moved** to receive, file, and approve a request from Kathleen Campbell to close Francis Avenue on August 11, 2007 from 7:00 a.m. until 10:00 p.m. for the 77th Annual Francis Avenue Clambake. Seconded by Ald. Laughlin and duly adopted ayes all.

Music Shop Pub, Renewal of Liquor License, July 9, 2007

Ald. Laughlin **moved** to receive and file notice from the Music Shop Pub of renewal of their liquor license. Seconded by Ald. Williams and duly adopted ayes all.

Department, Board and Commission Reports

- Water Commission minutes of June 20, 2007
- Youth Bureau monthly report for June 2007
- Zoning Board of Appeals minutes for July 16, 2007

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

Ward and Committee Reports

- Finance / Personnel Committee meeting of July 3, 2007
- Public Safety / Public Works Committee meeting of June 28, 2007

Ward 1 Report

Ald. Abraham reported that he and several of his constituents have noted drivers using hand-held cellphones while driving through intersections, and have also noted several vehicles routinely speeding on Locust Street. He commented that this is no reflection on the Police Department, but that these concerns should be noted.

Ward 2 Report

Ald. Bresina stated that all issues have been referred to the appropriate department heads and have been responded to promptly and appropriately.

Ward 3 Report

Ald. Williams indicated that no issues had arisen in Ward 3.

Ward 4 Report

Ald. Schermerhorn stated that all issues have been referred to the appropriate department heads and have been responded to promptly and appropriately.

Ward 5 Report

Ald. Laughlin reported that all issues have been referred to the appropriate department heads and have been responded to promptly and appropriately.

Ward 6 Report

Ald. Jeffrey – Absent. The Mayor thanked the Codes Enforcement Officers and the Police Department for their work done in Ward 6.

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.

New Business

Motions

Appointment to Fill Vacancy of Assistant Police Chief Ald. Bresina **moved** to approve the appointment of Sergeant Rodney Marsh to fill the position of Assistant Chief of Police effective July 22, 2007 on a temporary basis until September 30, 2007, at which time he is to be given a provisional appointment for such position, contingent on such actions as may be necessary by the Norwich Civil Service Commission. Seconded by Ald. Schermerhorn and duly adopted 5-0 on a roll-call vote.

Upgrade Position of Assistant Police Chief Ald. Laughlin **moved** to approve the upgrade of the position of Assistant Chief of Police from grade 26 to grade 28, and place all incumbents in the position at step 2 of such grade 28, effective July 22, 2007. Seconded by Ald. Bresina and duly adopted 5-0 on a roll-call vote.

Acceptance of NOAA Flood Warning System Grant Ald Schermerhorn **moved** to accept an Automated Flood Warning System Grant from the National Oceanic & Atmospheric Administration of $24,292.65 for the placement of stream gauges. Seconded by Ald. Laughlin and duly adopted ayes all.

Resolutions

RESOLUTION #48-2007 AWARDING BID FOR RANSFORD CREEK REPAIR AND AUTHORIZING TRANSFER AND APPROPRIATION OF FUNDS

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

WHEREAS, bids for the Ransford Creek Repair Project have been received and were opened on June 19, 2007; and

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

WHEREAS, the reimbursement of uninsured costs related to such project will be forthcoming through the Federal Emergency Management Agency (“FEMA”), the State Emergency Management Office (“SEMO”), and State of New York supplemental funding as announced by the Governor in 2006, (the “Flood Cost Reimbursements”) which together will totally reimburse such costs; and

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

RESOLVED, that the bid for Ransford Creek Repair be awarded to the lowest qualified bidder meeting specifications, Bombard Excavating Corp., of Middle Grove, NY, in the amount of $279,000; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfers and supplemental appropriation in the 2007 Water Fund budgets:

From:

Account Number	Name	Amount
HR29-878	Capital Reserves - Water Repairs	$100,000.00
F909	Water Fund - Unappropriated Fund Balance	$179,000.00

To:

Account Number	Name	Amount
F1989.4	Water Fund - Special Projects & Other	$279,000.00

and, further be it

RESOLVED, that all Flood Cost Reimbursements shall be applied to the replenishment of the corresponding Capital Reserves Fund and Unappropriated Water Fund Balance.

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

RESOLUTION #49-2007 **AWARDING BID FOR ONE-TON DUMP TRUCK AND AUTHORIZING TRANSFER OF FUNDS**

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

WHEREAS, bids for a one-tone dump truck have been received and were opened on June 26, 2007; and

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

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

RESOLVED, that the bid for a one-ton dump truck be awarded to the lowest qualified bidder meeting specifications, Oneonta Ford LLC, of Oneonta, NY, in the amount of $49,462.72; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer in the 2007 General Fund budgets:

From:

Account Number	Name	Amount
HR26-878	Capital Reserves – Highway Equipment	$49,462.72

To:

Account Number	Name	Amount
A5110.2100	General Fund – Street Maintenance Equipment	$49,462.72

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

Following the vote, the Mayor commented that this purchase was made possible by a grant from Senator Thomas Libous's office, a grant that will cover other vehicle purchases in future.

RESOLUTION #50-2007 **AUTHORIZING CONTRACT WITH DELAWARE ENGINEERING FOR PROFESSIONAL SERVICES – RBC PROJECT**

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

WHEREAS, on May 15, 2007 the Common Council approved the submittal of qualifications by Delaware Engineering, P.C. for professional engineering services relative to the Rotating Biological Contactors project at the Wastewater Treatment Plant, as recommended by the Water Commission, the Public Safety / Public Works Committee, and the Finance/Personnel Committee; and

WHEREAS, it is desired that the City proceed with the development and establishment of the project; and

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

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to sign an agreement with Delaware Engineering for applicable professional services at a cost of $340,000.00.

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

RESOLUTION #51-2007 AUTHORIZING INCREASE IN BUDGETED TRANSFERS TO CAPITAL RESERVES FROM WATER FUND

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

WHEREAS, it has been determined that although a significant replacement and renovation of dilapidated water mains was accomplished by the water system upgrade projects completed from 1995 to 2000, a considerable amount of additional replacement of remaining outdated mains will be required in upcoming years; and

WHEREAS, the Unappropriated Fund Balance of the Water Fund has been restored to improved levels over previous years; and

WHEREAS, it is desired that Capital Reserves for Water Mains be increased to help meet the future need for funds to accomplish the above; 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 supplemental appropriation in the 2007 Water Fund Budget:

From:

Account Number	Name	Amount
F909	Unreserved Unappropriated Fund Balance – Water Fund	$ 86,000.00

To:

Account Number	Name	Amount
F9950.8330	Water Fund Interfund Transfers to Main Replacement	$ 86,000.00

and, further be it

RESOLVED, that such supplemental appropriation and corresponding interfund transfer be made only after the completed receipt of reimbursement funds from Federal and State sources, related to the 2006 Flood reimbursements for the Ransford Creek Repair Project.

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

Prior to the vote, Ald. Williams asked why transfers in specific amounts were being approved before the work was done and final amounts were definite. EMO A Wesley Jones explained that the work must be completed and paid for before reimbursement could be received.

RESOLUTION #52-2007 AUTHORIZING INCREASE IN BUDGETED TRANSFERS TO CAPITAL RESERVES FROM WASTEWATER FUND

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

WHEREAS, it has been determined that there is a considerable need to provide for the replacement of dilapidated sanitary and storm mains, as well as the upgrading of wastewater treatment equipment in upcoming years; and

WHEREAS, the Unappropriated Fund Balance of the Wastewater Fund has been restored to improved levels over previous years; and

WHEREAS, it is desired that Capital Reserves for such purposes be increased to help meet the future need for funds to accomplish the above; 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 supplemental appropriation in the 2007 Wastewater Fund Budget:

From:

Account Number	Name	Amount
G909	Unreserved Unappropriated Fund Balance – Water Fund	$ 385,000.00

To:

Account Number	Name	Amount
G9950.8340	Wastewater Fund Interfund Transfers Main Replacement	$ 150,000.00
G9950.8360	Wastewater Fund Interfund Transfers Storm Sewer Replacement	95,000.00
G9950.9	Wastewater Fund Interfund Transfers Equipment	140,000.00
		$ 385,000.00

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

RESOLUTION #53-2007 AUTHORIZING STIPENDS FOR EXTRA DUTIES UNDER WWTP RBC REPLACEMENT CAPITAL PROJECT

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

WHEREAS, the Common Council has committed to establishing the capital project for replacement of the Rotating Biological Contactors at the wastewater treatment plant; and

WHEREAS, extensive administrative and construction inspection services will be required to develop, monitor, and complete the many aspects of the project; and

WHEREAS, it is desired that such services be accomplished by the performance of extra duties by in-house personnel at a significant savings over the cost of outsourcing of such work; and

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

RESOLVED, that stipends be and hereby are authorized in the amount of $5,000 for the Director of Finance for the extra duties of administrative bookkeeping and reporting work, and in the amount of $8,000 for the Superintendent of Public Works for the extra duties of technical resident construction inspection work; and, further be it

RESOLVED, that said stipends shall be paid over an eighteen month period beginning September 2, 2007, and shall be charged to the Capital Project Fund for the stated project.

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

Prior to the vote, Ald. Williams asked about further stipends if the project goes beyond the projected 18 months. Finance Director William Roberts and Superintendent of Public Works Carl Ivarson explained that these were based on best estimates and that even if the project ends later or earlier than the project 18 months, there would be no further stipends.

RESOLUTION #54-2007 AUTHORIZING ECONOMIC DEVELOPMENT LOAN – COFFEE CONNECTION/GERI BARNES

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

WHEREAS, funds are available for eligible applicants through the City's Economic Development Revolving Loan Main Street Program; and

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

RESOLVED, that an economic development loan through the downtown Main Street Program be and hereby is approved in the amount of $25,000 to Geri Barnes, principal of the Coffee Connection for the purpose of purchasing equipment and making renovations and improvements, for her business located on South Broad Street in Norwich, NY; and, further be it

RESOLVED, that such loan shall be for a term of five years at a fixed rate of 75% of prime and subject to all terms and conditions as specified by the Loan and Finance/Personnel Committees.

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

The Mayor commented that this loan encouraged a local business to develop and expand within the City, and thanked Geri Barnes of Coffee Connection for the decision to expand in Norwich.

RESOLUTION #55-2007 AUTHORIZING MORTGAGE PRIORITY SHARING AGREEMENT RELATIVE TO ECONOMIC DEVELOPMENT LOAN TO BYTHEWAY, BLACKBURN, AND GEISLER

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

WHEREAS, the City of Norwich on June 2, 2003, issued an economic development loan to Betty (a/k/a Elizabeth) Bytheway, Jean Blackburn, and Valerie Geisler for the purpose of their purchase of Paragon Communications, Inc. (the "Paragon Loan"); and

WHEREAS, the Paragon Loan was secured by a Leasehold Mortgage granted by Betty (a/k/a Elizabeth) Bytheway and Jean Blackburn ("Bytheway & Blackburn") on June 2, 2003 (the "City's Leasehold Mortgage"); and

WHEREAS the City's Leasehold Mortgage is subordinate and second to a first mortgage presently held by Partners Trust Bank (the "Partners Mortgage"; and

WHEREAS, Bytheway & Blackburn wish to refinance the outstanding debt under the Partners Mortgage, along with other debt and borrowings, with a new mortgage to secure a consolidated loan in the amount of $260,000 with NBT Bank of Norwich New York, (the "NBT Mortgage"); and

WHEREAS, without an agreement to the contrary, the City's Leasehold Mortgage position would become primary and come before the NBT Mortgage; and

WHEREAS, such refinancing will require that the City agree to mutually share the priority of its mortgage position with the proposed NBT Mortgage; and

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

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to sign a mortgage priority sharing agreement with NBT Bank, providing for mutually sharing the priority of the City's Leasehold Mortgage with the priority of the proposed NBT Mortgage as follows:

1.) The proposed NBT Mortgage shall have a ninety percent (90%) mutual share of the priority up to a limit not exceeding the amount of Two Hundred Sixty Thousand Dollars ($260,000); and

2.) The City's Leasehold Mortgage shall have a ten percent (10 %) mutual share of the priority up to a limit not exceeding the amount of Sixty Three Thousand, Five Hundred Thirty-Five Dollars ($63,535).

Seconded by Ald. Bresina.

Executive Session

Prior to taking a vote, Ald. Williams **moved** to enter executive session at 7:30 p.m. to discuss issues regarding the financial history of a corporation. Seconded by Ald. Laughlin, accepted ayes all.

Ald. Abraham moved to go out of executive session at 7:34 p.m. Seconded by Ald. Laughlin, accepted ayes all.

Following the executive session, the motion was duly adopted 3-1, on a roll call vote. Ald. Schermerhorn: abstain; Ald. Laughlin: aye; Ald. Abraham, nay; Ald. Bresina, aye; Ald. Williams, aye.

Following the vote, Ald. Abraham asked the City Attorney about the validity of a 3-1 vote in the adoption of the resolution. City Attorney Patrick Flanagan explained that because the resolution did not involve the expenditure of new funds, a majority vote of the members present was all that was required. Ald. Abraham left the Common Council Regular Meeting at 7:37 p.m.

RESOLUTION No. #56- 2007. DETERMINING PROPERTY AT 80 SHELDON STREET NOT REQUIRED FOR USE BY THE CITY AND AUTHORIZING ITS DISPOSITION

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

WHEREAS, the City owns a certain parcel of substandard real property located at 80 Sheldon Street, tax map number 136.51-1-10; which property may be required for use by the City; and

WHEREAS, a public hearing has been held on July 17, 2007 to determine whether such real property is required for use by the City; and

WHEREAS, the Common Council has determined that said property is not required for use by the City; and

WHEREAS, the City wishes to dispose of said property by transferring it to the Greater Norwich Local Development Corporation, therefore be it

RESOLVED, that

1. a certain parcel of real property located at 80 Sheldon Street, tax map number 136.51-1-10, in the City of Norwich is not and has not been required for use by the City, and
2. the City be and hereby is authorized to dispose of said property by transferring it to the Greater Norwich Local Development Corporation.

Seconded by Ald. Bresina and duly adopted 4-0 on a roll call vote.

RESOLUTION No. #57- 2007. DETERMINING PROPERTY AT 96 SILVER STREET NOT REQUIRED FOR USE BY THE CITY AND AUTHORIZING ITS DISPOSITION

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

WHEREAS, the City owns a certain parcel of real property located at 96 Silver Street, tax map number 136.33-1-47; which property may be required for use by the City; and

WHEREAS, a public hearing has been held on July 17, 2007 to determine whether such real property is required for use by the City; and

WHEREAS, the Common Council has determined that said property is not required for use by the City; and

WHEREAS, the City wishes to dispose of said property by selling it by means of a sealed bid auction, therefore be it

RESOLVED, that

1. a certain parcel of real property located at 96 Silver Street, tax map number 136.33-1-47, in the City of Norwich is not and has not been required for use by the City, and
2. the City be and hereby is authorized to dispose of said property by selling it by means of a sealed bid auction.
3. the Director of Finance be and hereby is authorized to cause the public notice and advertising of such sale, establish the date of opening bids, and conduct the opening of bids.
4. the Common Council shall review all bids and render a determination of acceptance or rejection.

Seconded by Ald. Williams and duly adopted 4-0 on a roll call vote.

Payment of Bills

Ald William moved to pay the bills after proper audit and certification. Seconded by Ald. Bresina and duly adopted ayes all.

Discussion

The Mayor introduced Troop 62 of the Boy Scouts and mentioned that a requirement for their service was to attend a Common Council session. He asked if the scouts had any questions about the government of the City. A troop leader suggested that, while the Council Members and Mayor were well know to the scouts, it would be beneficial to have other members of the City government introduce themselves and explain their duties and responsibilities. All City employees present then introduced themselves to the assembly and explained their roles.

Adjournment

Ald. Schermerhorn **moved** to adjourn the Common Council meeting at 7:42 p.m. Seconded by Ald. Bresina and duly adopted ayes all.