

COMMON COUNCIL
Work Session

June 15, 2006

Council President, Ald. Joseph Maiurano, presided at the work session of the Common Council held at 7:01 PM on June 15, 2006 at One Court Plaza.

Present:

Ald. A. Abraham
Ald. Terry Bresina
Ald. Suzanne Williams
Ald. Walter Schermerhorn
Ald. Joseph Maiurano
Ald. Robert Jeffrey

Also:

Dir. of Finance/City Clerk, William Roberts
Human Resources Director Deborah DeForest
Police Chief Joseph Angelino
Fire Chief John Tighe
Public Works Superintendent Carl Ivarson
EMO A. Jones
Youth Bureau Director Bob Mason
Deputy Clerk, Darlene Colaso

Committee Chair Reports

Finance/Personnel Committee of June 6, 2006

Director of Human Resources Deborah DeForest reported that an update on Community and Economic Development was distributed by Planning and Community Development Specialist Todd Dreyer earlier this week. She also noted that there is a proposal to hire a part-time Code Enforcement Technician at 19 hours per week, at a Grade 15 (at a combined salary plus mandated benefits cost of \$15,500 annually) that needed to be reviewed by full Council.

Director of Finance/City Clerk William Roberts reported that the Fire Equipment Replacement Plan, which would be handled in two-phases (each phase covering a 5-year period), was discussed in both the Public Safety/Public Works and Finance/Personnel Committees and recommended to come before the full Council. Roberts stated that this would involve drawing down from Capital Reserves to supplement existing budget appropriations and adding budget increases to that in increments each year. Roberts believes a financing lease would be most favorable. The Committee determined that there was sufficient viability to allow Chief Tighe to go out to bid on the equipment, replacing four existing vehicles with three new ones. The driving effect behind all of this is the worn-out equipment and the extremely high cost of trying to maintain some of that equipment. The Committee determined that once bids are received the numbers will be brought back before the committees for discussion.

Roberts also reported that Department of Public Works Superintendent Carl Ivarson reported that the air conditioning in the City Court building is irreparable and that he has taken temporary measures to keep it cool, by placing several removable air conditioning units throughout a portion of the building. In the meantime, he will be going out to bid to replace the air conditioning system.

Roberts also reported that the Committee looked at RBC equipment repair and possible replacement or repair at the Waste Water treatment Plant. The replacement cost is \$89,000 and the repair cost is \$14,000 per unit. Roberts also noted that Ivarson said that two-thirds of the Filter Plant's life is over. So what the Committee is recommending is that Council approves the budget transfer from the Capital Reserves fund for \$14,000 to do the repairs.

DeForest reported that the Finance/Personnel Committee approved filling a vacant MEO I position and that they also approved advertising again for a Water System Maintainer.

Roberts reported that next week the Council will need to consider approving a City of Norwich credit card account to increase the City's efficiency for procurement of favorable pricing on office supplies and equipment. Roberts noted that the card would be controlled and managed directly by the Director of Finance.

In regard to sales tax caps on gasoline, Roberts also reported that the City has always coordinated with the County and that there will be no action taken to initiate a sales tax cap, based on the County's inaction. Roberts noted that the state has already adopted a sales tax cap on gasoline.

DeForest reported that the state minimum wage went up to \$6.75 in January 2006, but the City is only required to conform to the Federal Minimum Wage which is currently at \$6.00. DeForest noted that she currently has no problem with recruitment, however she added that the state minimum wage is increasing to \$7.15 as of January 1, 2007 and they may need to reevaluate at that time.

Roberts mentioned that the July Finance/Personnel Committee meeting has been moved to Thursday, July 6, 2006 at 6:00 p.m., due to the existing meeting falling on the July 4th national holiday.

In regard to the proposed garbage ordinance changes and the fine-tuning of the Rental Registration ordinance, DeForest stated that the City Attorney has approved the garbage ordinance as written, but the documents for the Rental Registration are currently under review. Ald. Jeffrey inquired as to whether the fines for garbage violations are set at the maximum amount allowable and Chief John Tighe stated that they were. DeForest stated that this item is set for next week's agenda to receive a proposed ordinance to amend the garbage ordinance and set a date for a public hearing. Ald. Maiurano asked if it were possible that this could come back from the Attorney by next week's meeting and DeForest and Roberts concurred that while possibly, they believe that this particular ordinance needs much more review to fine-tune the details. DeForest also mentioned that she and Code Enforcement Officer Jason Lawrence have been discussing administrative fees over the past few weeks and that Lawrence has been working hard to research the fee scales. She stated that the Council will see a proposal for fee increases so that the City can be up to speed with, at minimum, County fee standards.

Public Works/Safety Committee of May 25, 2006

Ald. Abraham reported that after contacting Police Chief Angelino about a potential traffic light arrow change, at the corner of Hale Street and Northrup Avenue, Angelino wrote a letter to Mike Dale at the Department of Transportation. Angelino has already received a reply from Mike Dale (which Ald. Abraham read, stating that the situation is being investigated). Ald. Abraham commended Angelino for his swift action. Ald. Abraham reported that the curb cut on Chenango Avenue has been taken care of. He indicated that in regard to engineering on the third floor, the former Mayor indicated he wanted Debbie DeForest and Bill Roberts to be the primary coordinators and decision makers as far as the general layout and design, since they will be the ones working up there. He also noted that Superintendent Ivarson is currently procuring different sockets for the various areas that will be placed on the third floor.

Ald. Abraham also mentioned that despite the numerous requests for removal over the past several months, the third floor of the firehouse is still storing volunteer equipment that should not be there. He stated that Chief Tighe is on record stating that the volunteers are working on it.

Discussion

Proposed Rental Registration

Council discussed the proposed Rental Registration Ordinance, which would require all non-owner occupied property owners to register their properties and give contact person information in case there's a problem at the property. DeForest reiterated that as soon as it gets reviewed by the City Attorney, we will be holding a public hearing and we hope to take action in the month of July.

Vacancy on Planning Commission

Council president Joseph Maiurano noted that there is a vacancy on the Planning Commission, due to the resignation of Diane DiStefano. He added that this would be included on the agenda for next week, pending appointment of the Mayor, as this is a mayoral appointment.

Mayoral Vacancy

Ald. Jeffrey **moved** to appoint Ward 5 Alderman and Council President, Joseph P. Maiurano, as Mayor for the remainder of 2006. Seconded by Ald. Schermerhorn. Ald. Abraham **moved** to table Ald. Jeffrey's motion for 30 days, until the next regular Council meeting. Ald. Abraham then revised his motion that they confirm all information with the City Attorney prior to placing this back on the agenda. DeForest confirmed that Ald. Abraham is asking that the City Attorney be present at the next Common Council meeting and Ald. Abraham replied yes. Ald. Abraham's revised motion to table was then seconded by Ald. Williams. The revised motion to table was duly defeated, 2-4, with Ald. Bresina, Ald. Schermerhorn, Ald. Maiurano, and Ald. Jeffrey voting nay. Ald. Jeffrey's original motion for the Mayoral appointment was duly adopted, 4-2, on a roll call vote with Ald. Abraham and Ald. Williams voting nay.

Prior to the voting, Ald. Abraham stated that he believes that this is a very important matter and that other people are interested in this position and this is why he would like to table the matter. Ald. Abraham also stated that he did not receive the agenda until 10 minutes ago, so the mayoral vacancy discussion and proposed motion is more or less a bombshell. Ald. Williams stated that she would concur with the motion to table and would like to consult the City Attorney for his opinion of the Charter provision that states the Council cannot appoint one of its own. Ald. Williams stated that this is a very important decision that needs to be made and she believes that they should have a series of meetings discussing 1) protocol (how we go about doing this) and 2) she believes they should be soliciting people from their own constituencies for those interested in performing the job of interim Mayor. She believes they should be bringing other

names in to determine who could do this job. Ald. Williams stated she has nothing against our acting Mayor, but believes we need more names, a larger body of people to select from.

A brief discussion ensued as to who was aware of City Attorney, Patrick Flanagan's ruling on the protocol. DeForest stated that at this point, there was a motion to table the decision and she believes this motion should be acted on prior to taking a vote on Ald. Jeffrey's motion to appoint Ald. Maiurano as Mayor. Ald. Abraham asked what happens to the position of Alderman if an Alderman is chosen to act as Mayor and followed up that question with a question regarding the remaining terms of the vacancies, as he felt these questions had not yet been addressed. DeForest explained that this is why the Mayoral vacancy was on the agenda as a discussion item – to discuss the vacancy/vacancies and to further clarify the City Attorney's rulings on such. DeForest stated that should the Mayoral vacancy be decided upon tonight and should that vacancy be filled by an existing Alderman, then the Council would need to address appointing someone to the Alderman's vacancy which would also run through the end of 2006. A permanent Alderman and a permanent Mayor would be determined during this year's general election and those elected officials would carry out the job responsibilities until the end of the current terms (for an Alderman, that would be until his term was concluded and for the Mayor it would mean the newly elected Mayor would serve one year, from January 1, 2007 through December 31, 2007). Ald. Abraham asked if the newly appointed Mayor, should it be an Alderman, were to run in the fall for election of the remaining term of the Mayoral vacancy, would that Alderman (should he lose) be eligible to continue in the former Alderman position he held? DeForest answered that he would not be eligible (that Alderman would be eliminated from consideration).

Ald. Williams stated that Section 42 of the Charter states that in the case of a vacancy of the Mayor, the Common Council will appoint a person "not a member of your body." Ald. Williams stated that she is not prepared to vote tonight, until she confirms this information with the City Attorney. DeForest said that the City Attorney had thoroughly reviewed the City Charter and had clearly advised that a Council member may be appointed Mayor under the current Charter.

Ald. Bresina commented that when heard that there was a question as to whether or not the Council could appoint an Alderman as Mayor, he went to City Hall to look at the Charter noting that Section 23 made it quite clear that they can indeed appoint one of the existing Council members. Ald. Maiurano noted that this exact scenario occurred in 1969 and that although that Alderman was appointed Mayor, he subsequently lost the ensuing election.

Development of Agenda for Regular Common Council Meeting of June 20, 2006

- 1) *Call To Order*
- 2) *Pledge of Allegiance*
- 3) *Invocation*
- 4) *Approval of minutes of the regular meeting of the work session of May 9, 2006 and the regular meeting of May 16, 2006*
- 5) *Public Hearing (none scheduled)*
- 6) *Open Forum*
- 7) *Bids*
- 8) *Correspondence*
 - ◆ *Request for Traffic Control for Relay for Life Event on July 14th, 2006*
 - ◆ *Notice of On Premises Liquor License Application for Broad Street Tavern*
 - ◆ *Notice of On Premises Liquor License Application for Pasquale's Pizza*
- 9) *Department, Board and Commission Reports *report not received*
 - ◆ *Fire Department/Codes monthly report for May 2006*
 - ◆ *Historian monthly report for **
 - ◆ *Police Department monthly report for April 2006*
 - ◆ *Public Works/Water System monthly report for May 2006*
 - ◆ *Records Management monthly report for **

- ◆ Youth Bureau monthly report for May 2006
- ◆ Civil Service Commission minutes of &*
- ◆ Parks Commission minutes of May 8, 2006
- ◆ Planning Commission minutes of May 15, 2006
- ◆ Traffic Commission minutes of May 10, 2006
- ◆ Water Commission minutes of May 17, 2006
- ◆ Youth Board minutes of May 2006
- ◆ Zoning Board of Appeals minutes of *

10) Ward and Committee Reports

- ◆ Finance/Personnel Committee meeting of June 6, 2006
- ◆ Public Safety / Public Works Committee meeting of May 25, 2006

11) Old Business

12) New Business

Mayoral Appointments

BID Board of Directors

- ◆ Mike King, 115 North Broad Street, re-appointed as the Mayor's Representative for a one-year-term expiring June 30, 2007.
- ◆ Mary Davis, re-appointed as the Director of Finance Representative to a one-year-term expiring June 30, 2007.

Norwich Housing Authority

- ◆ Jane Prime, 16 Locust Street, re-appointed to a five-year term expiring June 25, 2011.

Motions

Approving Use of the Fire Station by the Norwich City Band on Rainy Nights

Appointing Robert Jeffrey to the BID Board of Directors

Denial of Appeal of Determination on Private Building on City Property at Chenango Lake

- ◆ Approving the City of Norwich Street Naming Policy
- ◆ Receiving a Proposed Ordinance No. 1 of 2006 to Amend the Garbage Ordinance and Set Date for Public Hearing

Resolutions

- ◆ Res – Authorizing Part-Time Code Enforcement Technician
- ◆ Res – Authorizing Budget Transfers for RBC Replacement
- ◆ Res – Authorizing Director of Finance to Procure a Credit Card Through NBT Bank
- ◆ Res – Designating the Common Council as the “Lead Agency” for the Canasawacta Dam Removal Project Environmental Review Process
- ◆ Res – Determination of Negative Declaration the Canasawacta Dam Removal Project

13) Payment of Bills

14) Executive Session: To Discuss the Labor Negotiations

14) Adjournment

Agenda Discussion

Ald. Maiurano asked for any additions or deletions to the proposed agenda for next week's work session and Superintendent of Public Works Iverson pointed out that the last resolution needed a revision to reflect the correct project: The title was revised to reflect the dam removal project, which is currently listed above. There was a brief discussion about a possible historical portion of the dam, which would need to be determined.

Code Enforcement Technician Position Discussion

Ald. Abraham wanted to discuss the part-time Code Enforcement Technician Position and explain why he is against it. He asked to quote the Fire Chief who commented after Chuck Green left the Code Enforcement position last year that "I have five fireman that can handle Chuck Green's duties until the City hires a new Code Enforcement Officer." Ald. Abraham wants to know why Chief Tighe can't rotate the five qualified fireman, who he recommended, rather than hire a hiring a Code Enforcement technician at the taxpayer's expense. Ald. Abraham stated that the firemen spent approximately 52 hours per year fighting fires, which is one hour per week: That's the reason he will be voting no to creating this position. Ald. Abraham asked if the Chief has a comment on that, as those were his words in the minutes and quoted in the newspaper. He would like to know why those firefighters couldn't handle those duties, when they have no fires to report to everyday? Ald. Jeffrey said that he is in favor of a part-time Code Enforcement Technician, even on an as-needed basis. He believes the City of Norwich Common Council needs to show that they're committed to provide a great place to live, work and play. He added that this is a quality of life issue and we need to show that we are concerned with the public welfare.

Ald. Bresina inquired as to what rate the firefighters would be paid if they were to perform these duties. Fire Chief John Tighe responded that their basic rate is \$17.90 per hour and he followed up that question with confirmation of the rate that the proposed Code Enforcement Technician would receive. DeForest responded that that rate of pay is \$11.27. Ald. Williams stated that she receives more complaints about how this City looks than anything else (sidewalks, buildings). Ald. Maiurano asked about an as-needed basis and DeForest stated that there is a possibility of hiring a per diem person for up to 19 hours per week and then whatever amount we've budgeted each year is what we spend.

A brief discussion ensued as to working hours possibilities and DeForest added that this person would be critically needed during the times that the Code Enforcement Officer was on vacation. Ald. Bresina asked if this person works 40 hours to cover vacation time and whether it added any eligibility for other benefits. DeForest answered that it would not; as the hours are averaged over the 52 weeks and if they anticipate a problem, they could simply have the person not work for the week following the 40-hour-work week worked to cover the vacation.

Ald. Williams inquired about continuing to review the proposed position and DeForest stated that if this position were approved, it would be continually reviewed for need. Ald. Williams also added that the County's system of fining generates more revenues and alluded that perhaps the fines generated could pay for this position. DeForest replied that she would hate to go on record saying that the fines would pay for this position, but that depending on how proactive the Technician becomes, it's a possibility that enforcement revenue may increase. Ald. Schermerhorn noted that if there's more revenue being generated then it's a good thing, if it's simply generating more paperwork then it's a bad thing. DeForest added that summertime is always more busy and with a per diem person you will gain more flexibility with hours.

Ald. Maiurano stated that they would keep this on the agenda and discuss it again next week during regular session.

Adjournment

Ald. Williams **moved** to adjourn the Common Council work session at 7:37 p.m. Seconded by Ald. Jeffrey and duly adopted, ayes all.