

COMMON COUNCIL

February 21, 2023

Mayor Brian Doliver presided at a meeting of the Common Council held at 6:30 PM on February 21, 2023, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Brian Doliver
Ald. Eric Warren
Ald. Fred Gee
Ald. Nancy Allaire
Ald. David Zieno
Ald. Robert D. Jeffrey

Supervisor Robert M. Jeffrey

Also:

Director of Finance/City Clerk Dee DuFour
Director of Human Resources Lynn Murray
DPW Superintendent Edward Pepe
Fire Chief Jan Papelino
Police Chief Rodney Marsh
Sergeant Ruben Roach
EMO Stephen Cady
Community Development Director Erik Scrivener
City Attorney Stephanie Hanrahan
Deputy City Clerk Agnes Eaton

Absent

Ald. William Loomis
Supervisor James McNeil

Media Representative: Sarah Genter, The Evening Sun

Call to Order

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

Approval of Minutes

Ald. Gee **moved** to approve the minutes of the regular meeting of January 17, 2023. Seconded by Ald. Warren and duly approved ayes all.

Mayor Doliver remarked on the assault to a Police Officer with a vehicle. After spending the night in the hospital, the Officer has been released and we all wish him a speedy recovery.

Mayor Doliver presented a plaque to Police Chief Rodney Marsh thanking him for his 29 years of service to the City and wished him well in his retirement.

Speakers:

David Hubman, Lions Club – David Hubman, the Lions Club District Governor, reported that they are attempting to rebuild a Lions Club Charter here in Norwich. The previous Lions Club had been here for 48 years until last June when the Charter was surrendered. He cited the closure was due to an aging membership and lack of new member recruitment. A new Charter can be formed with as little as 5 persons. He stated that since the Lions Club is service oriented, he asked the Council to let him know of any projects that they could assist with.

Dana Wall, Street Plans – E. Scrivener introduced Dana Wall of Street Plans who has worked with downtowns on Placemaking initiatives. He stated that they could assist with connecting the 9 projects that have been awarded through the DRI to transform the downtown and make the project cohesive rather than 9 separate, individual projects. Ms. Wall presented the initiative through a series of slides and explained that “Placemaking is the process of creating quality places that people want to live, work, play, and learn in” by reclaiming public rights-of-way, safety interventions, engaging [store] frontage, sidewalk amenities and such. E. Scrivener said this has been presented to the Planning Commission, B.I.D. and Commerce Chenango and all have supported the idea.

Open Forum

No one spoke.

Correspondence

Rolling Antiquers Annual Car Show – Ald. Gee **moved** to approve a request from the Rolling Antiquers Car Club for Police and Fire assistance during their annual car show at the Fairgrounds on May 27 and 28, 2023. Seconded by Ald. Jeffrey, approved ayes all.

Department, Board and Commission Reports

- ◆ Police Department Reports – Annual Reports for 2021 and 2022
- ◆ Police Department Reports – November and December
- ◆ Youth Bureau Minutes – February
- ◆ Planning Commission Minutes – November and December
- ◆ Parks Commission Minutes – October
- ◆ Water Commission Minutes – October and November
- ◆ Maydole Hose Minutes – January
- ◆ George Rider Minutes – January
- ◆ Fire Council Minutes – December
- ◆ Fire Department Report - January

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

Council Appointment

Assessment Board of Review

- ◆ *Zachary Stratton, 17 Cole Drive, appointed to fill the remainder of a five-year term expiring September 30, 2023.*

Ald. Zieno **moved** to approve the appointment. Seconded by Ald. Jeffrey, approved ayes all.

Ward Reports

Ward 1

Ald. Warren reported communications regarding snow removal and property boundaries; excessive dog barking and a complaint about the Eaton Center's new lighting.

Ward 2

Ald. Gee reported communications about the trash/littering problems on the block between the Red Roof Inn and the Courthouse; several regarding the planned use of a property on Plymouth St.

Ward 3

Ald. Allaire reported no communications this month.

Ward 5

Ald. Zieno reported two communications he just received today and are in progress.

Ward 6

Ald. Jeffrey reported a communication regarding a sign on Ross Ave. and many about the Water Main Replacement and Paving Projects. He felt everyone should be taking the assault on Officer Leigh seriously and personally.

Ald. Warren **moved** to receive and file the ward reports. Seconded by Ald. Jeffrey, approved ayes all.

Motions

- ◆ **Create Additional Police Officer Positions** – Ald. Jeffrey **moved** to create a second and third additional Police Officer position for the purpose of training to begin prior to positions being vacated and subject to any action by the Norwich Civil Service Commission. Seconded by Ald. Allaire, approved ayes all.

- ◆ **Amend Minutes of November 15, 2022** – Ald. Jeffrey **moved** to amend Resolution #87-2022 in the minutes of November 15, 2022 to reflect that the start date of Troy Kingsbury was not on November 21, 2022 but began employment on January 17, 2023 at the rate of \$15.05 per hour. Seconded by Ald. Warren, approved ayes all.

RESOLUTION #87 - 2022

APPOINTMENT OF MEO II IN THE DPW

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

WHEREAS, vacancies exist in the Norwich DPW Department, and;

WHEREAS, the Superintendent of DPW has recommended certain appointments to fill such vacancies; and

WHEREAS, the Joint Committee has recommended the appointment; now, therefore be it

RESOLVED, that Troy Kingsbury of Bainbridge, NY, be and hereby is granted a permanent appointment as a full time MEO II to the Norwich DPW Department with a starting salary of \$15.05 per hour effective ~~November 21st, 2022~~ January 17, 2023; and further be it

RESOLVED, that the appointment is contingent upon successfully passing the required medical examination, background check and any action necessary from the Norwich Civil Service Commission.

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

Resolutions

RESOLUTION #13 -2023

AUTHORIZING APPOINTMENT OF POLICE CHIEF IN THE NORWICH POLICE DEPARTMENT

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

WHEREAS, the Norwich City Police Chief has notified the City of his intention to retire from service effective March 3, 2023; and

WHEREAS, the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that Reuben Roach of Norwich, NY be and hereby is granted a permanent appointment to the position of Police Chief in the City of Norwich Police Department effective March 3, 2023 at the rate of \$104,000 per year.

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

RESOLUTION #14 - 2023

DECLARING VEHICLE SURPLUS AND AUTHORIZING DISPOSAL

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

WHEREAS, a vehicle used by Code Enforcement needs repairs; and

WHEREAS, the vehicle is not worth repairing and has been deemed as obsolete and surplus; and

WHEREAS, the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that the following vehicle, as presented to the Common Council, be and hereby is declared surplus:

and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to dispose of such equipment as is provided for by law.

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

RESOLUTION #15 - 2023

USDA LOAN RESOLUTION FOR WATER MAIN REPLACEMENT PROJECT

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

WHEREAS, the Common Council of the City of Norwich, authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its Municipal Services facility to serve an area lawfully within its jurisdiction to serve; and

WHEREAS, it is necessary for the City of Norwich to raise a portion of such undertaking by issuance of its bonds in the principal amount of Two Million Eight Hundred Fifty Thousand and 00/100 pursuant to the provisions of NYS Local Finance Law; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association; now, therefore be it

RESOLVED, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ N/A under the terms offered by the Government; that the Mayor and Director of Finance/City Clerk of the Association are hereby authorized and empowered to take all the action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement (s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found

to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

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

RESOLUTION #16 - 2023 AUTHORIZING EASEMENT TO NYSEG AT CITY-OWNED PARKING LOT

Ald. Zieno introduced the following and moved its adoption:

WHEREAS, the City entered into an agreement with Greenspot LLC for the installation of Electric Vehicle (EV) charging stations on City-owned property; and

WHEREAS, to install the EV Charging Station at the City-owned parking lot (136.48-3-20) behind the hotel now known as The Red Roof Inn requires the installation of electric service consisting of a pole, anchor and aerial conductor; and

WHEREAS; an easement to NYSEG is required to affect such action; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to sign an easement to allow NYSEG to locate the electric service as described for the installation of an EV charging station onto City-owned property in the parking lot at 136.48-3-20.

Seconded by Ald. Warren, duly adopted, 5 – 0, on a roll call vote..

Payment of Bills

Ald. Jeffrey **moved** to pay the February 2023 bills after proper audit and certification.

	<u>Prepaid</u>	<u>2/21/2023</u>	<u>Grand Total</u>
General Fund	\$1,621,226.13	\$80,011.01	\$1,701,237.14
Sewer Fund	64,908.93	23,367.10	88,276.03
Water Fund	87,698.71	9,631.86	97,330.57
Trust	36,860.32	-	36,860.32
BID	47,177.01	-	47,177.01
Comm. Dev. - Special Grants	140.00	-	140.00
Capital Projects	647.50	-	647.50
TOTALS	\$1,858,658.60	\$113,009.97	\$1,971,668.57

Seconded by Ald. Allaire and duly adopted 5 - 0.

Executive Session

Ald. Gee **moved** to enter executive session to discuss contract negotiations and the sale of property where price may be affected at 7:38 p.m. Seconded by Ald. Jeffrey, approved ayes all.

Ald. Jeffrey **moved** to exit executive session at 7:51 p.m. Seconded by Ald. Warren, approved ayes all.

Adjournment

Ald. Jeffrey **moved** to adjourn at 7:52 p.m. Seconded by Ald. Warren, approved ayes all.