

COMMON COUNCIL

August 21, 2012

Mayor Joseph Maiurano presided at a meeting of the Common Council held at 7:00 PM on August 21, 2012, in the Common Council Chambers at One Court Plaza.

Present:

Ald. Bryan McCracken
Ald. Terry Bresina
Ald. Walter Schermerhorn
Ald. Paul Laughlin
Ald. Thomas LoPiccolo
Mayor Joseph Maiurano

Also:

Director of Finance/City Clerk William Roberts
Human Resources Director Deborah DeForest
Police Chief Joseph Angelino
DPW Superintendent Carl Ivarson
Youth Bureau Director Robert Mason
Fire Chief Tracy Chawgo
Deputy City Clerk Brian Drake
City Attorney Patrick Flanagan
Community Development Specialist Todd Dreyer
Media Representative Shawn Magrath

Absent:

Ald. John Deierlein
Supervisor Robert Jeffrey
Supervisor James McNeil

Call to Order

The meeting of the Common Council was called to order by Mayor Maiurano at 7:01 p.m.

Appointment to Vacancy on Common Council

Ald. LoPiccolo **moved** to appoint Bryan McCracken, 106 South Broad Street, to fill the vacancy of Alderman for Ward 1 through December 31, 2012. Seconded by Ald. Schermerhorn, duly adopted ayes all.

City Clerk/Director of Finance William Roberts administered the oath of office to Mr. McCracken. Mayor Maiurano and the Council welcomed Mr. McCracken to the Council. Mayor Maiurano noted that Mr. McCracken, originally from Sherburne, has served on the Planning Commission since 2011.

Presentation - Public Service Recognition

Mayor Maiurano presented a certificate of recognition from the New York State Conference of Mayors and Municipal Officials to Police Chief Joseph Angelino for 30 years of service.

Approval of minutes

Ald. Schermerhorn **moved** to approve the minutes of the regular meeting of July 17, 2012. Seconded by Ald. Bresina, duly approved ayes all.

Open Forum

Barbara Collins, 195 Pratt Road, urged the Council to adopt a one-year moratorium on gas hydrofracking in the City. She noted that the Town of Chenango has adopted such a moratorium, showing their commitment to protecting the health and welfare of their citizens. Ms. Collins remarked that the new alderman has sworn an oath to uphold the Constitution of the State of New York, which provides for the "safety, health and well-being of persons or property therein." She stated that while there would likely be no leasing for gas drilling within the City limits, the City would feel the effects of such activity conducted outside the City. Mayor Maiurano replied that the City's Fire, Police, and EMO departments have been training for the various eventualities that may arise if gas drilling commences in the area. The State of New York has imposed another moratorium. He has been in contact with Senator Libous to make sure that all necessary regulations are in place so that any proposed activity will be conducted safely. He thanked Ms. Collins for her comments.

Helen-Jane Kaufman, 57 Hillview Drive, advocated that the City enact a one-year moratorium on natural gas drilling and development so that recommendations of the DEC may be reviewed. She expressed concerns about the technology of unconventional wells and high-volume, slick-water horizontal hydrofracking and its potential to pollute air, water, and soil. While there will be no such drilling within the City, our water supply comes from outside the City and air and water pollution does not respect political boundaries. City residents will also be affected by the

increase in industrial and heavy trucking activity and the potential hazards of transporting chemicals through the City and the disposal of dangerous waste materials.

Mary Ellen Heaton, 6 Northrup Avenue, requested that the Council impose a moratorium on drilling in shale formations in the area. As has been shown across the country, hydraulic fracturing for natural gas is not safe. There is scientific evidence of water contamination, air pollution, spills and accidents, and increased earthquake activity in areas where fracking takes place. Governor Cuomo's administration has targeted Chenango County as an area where gas permitting may be allowed, possibly as soon as after Labor Day, and Ms. Heaton urged the Council to act now to protect the City. She cited increased industrial traffic on the roads, toxic contaminants introduced into the environment, and a new grid of volatile gas pipelines to offer more opportunity for spills and accidents. She asked that the Council not allow industry profit to take precedence over citizen safety.

Correspondence

Waite Street Block Party Ald. Schermerhorn **moved** to receive and approve a request from Jeff Thornton for closing Waite Street from the east side of Silver Street to all traffic except emergency vehicles from 5 PM Friday, August 24, to 5 PM Sunday, August 26, 2012, for a block party. Seconded by Ald. Laughlin, duly approved ayes all.

Hayes Street Block Party Ald. Laughlin **moved** to receive and approve a request from Charles Zellner for closing Hayes Street between Elm and Locust Streets to all traffic except emergency vehicles from 12 to 8 PM on Saturday, August 25, 2012, for a block party. Seconded by Ald. LoPiccolo, duly approved ayes all.

Norwich High School Homecoming Ald. LoPiccolo **moved** to receive and accept a request from Bethany Stephens of Norwich High School for closing East Main Street from the Tops Plaza and Midland Drive for the homecoming parade on October 12, 2012, from 5:30 PM till the end of the parade. Seconded by Ald. Schermerhorn, duly approved ayes all.

Curb Cut Request - 61 Silver Street Ald. Schermerhorn **moved** to accept and approve a curb cut request from Bill Moulton of 61 Silver Street, subject to the approval of the Superintendent of Public Works. Seconded by Ald. Bresina, duly approved ayes all.

Halloween Parade Ald. Bresina **moved** to approve a request from Jamey Mullen of the Norwich Family YMCA to hold the annual Halloween Parade at 2 p.m. on Saturday, October 27, 2012, with police escort and closure of South and North Broad Streets from Beebe Avenue to Howard Johnson's until the end of the parade. Seconded by Ald. Schermerhorn, duly approved ayes all.

Turkey Trot Road Race Ald. Schermerhorn **moved** to approve a request from Jamey Mullen of the Norwich Family YMCA to close North Broad Street in front of the YMCA for the annual Turkey Trot road race, with a race course and traffic cones on Division Street, Birdsall Street, Silver Street, Borden Avenue, and North Broad Street from 12:30 p.m. to the end of the race on Sunday, November 18, 2012, with police escort, ambulance, and barricades. Seconded by Ald. LoPiccolo and duly approved ayes all.

Department, Board and Commission Reports

- ◆ Police Department Monthly Report of July 2012

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

Ward Reports

Ward 1

Ald. McCracken reported that he has received some comments from constituents regarding single-side parking on Francis, Beebe, and Conkey Avenues. Mayor Maiurano suggested these comments be forwarded to the Traffic Commission for review.

Ward 2

Ald. Bresina reported he received no comments during the past month.

Ward 4

Ald. Schermerhorn reported that all matters have been referred to the appropriate department heads and have been or are in the process of being resolved.

Ward 5

Ald. Laughlin reported that he reported a barking dog and burning brush to the appropriate department heads.

Ward 6

Ald. LoPiccolo reported that he received no communications from constituents during the past month.

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

Resolutions

RESOLUTION #74-2012

**AUTHORIZING AGREEMENTS WITH TOWNS FOR YOUTH
RECREATION SERVICES**

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

WHEREAS, the City has reached agreements with the Towns of North Norwich, Norwich, Plymouth, Preston and Pharsalia to provide youth recreation services to the residents of such towns for a lump sum per town, without individual charges being made to such participants; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to sign agreements with the Towns of North Norwich, Norwich, Plymouth, Preston and Pharsalia to provide youth recreation services to residents of such towns during the 2013 fiscal year.

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

Discussion: Ald. Schermerhorn asked if the rate increase proposed at the Joint Committees meeting would cover operating expenses for 2013. Youth Bureau Director Robert Mason replied that he has submitted the same budget figures for 2013 as 2012, anticipating no significant increase in operating expenses. Mayor Maiurano thanked Mr. Mason and James Wysor for their excellent work on making the youth programs so successful.

RESOLUTION #75-2012

AUTHORIZING TRANSFER OF FUNDS - CITY HALL AIR CONDITIONING

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

WHEREAS, the rear air conditioning unit of City Hall has failed; and

WHEREAS, this has necessitated certain repair costs; 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 transfer of funds in the 2012 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR33-878	Capital Reserves - Municipal Buildings	\$5,600.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1620.4040	General Fund - Repairs & Maintenance	\$5,600.00

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

RESOLUTION #76-2012

**AUTHORIZING TRANSFER OF FUNDS - MAPLE STREET RENOVATION
PROJECT**

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

WHEREAS, the City of Norwich has undertaken the renovation of sewer and water lines at Maple Street; and

WHEREAS, such renovations include the repaving of Maple Street; and

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

RESOLUTION #78-2012

**AUTHORIZING EMERGENCY HOME REPAIR PROGRAM GRANT
ASSISTANCE AT 55 FAIR STREET**

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

WHEREAS, the City of Norwich administers an Emergency Home Repair Program designed to provide grants and/or loans to income-qualifying homeowners for the purpose of making emergency home repairs; and

WHEREAS, an application for assistance was received from Audrey L. Reid for the purpose of funding the installation of a handicapped access ramp and other minor house repairs at her residence at 55 Fair Street; and

WHEREAS, it has been determined that the applicant is income-eligible for one hundred percent grant assistance; and

WHEREAS, the applicant has solicited and received one price-quotation proposal based on a work scope prepared by City staff, and the USDA has approved proceeding with the proposal; and

WHEREAS, an estimated 77.44% of the City funds to be expended on the repair work for this Emergency Home Repair Program project will be reimbursed to the City from the current USDA Rural Development Housing Preservation grant; and

WHEREAS, the proposed action is appropriately classified as a Type 2 action under the requirements of the State Environmental Quality Review Act (SEQRA); now, therefore be it

RESOLVED, that the Mayor of the City of Norwich be and hereby is authorized to prepare necessary documents related to the issuance of City Emergency Home Repair Program grant assistance to the applicant; and be it further

RESOLVED, that the City of Norwich Finance Director be and hereby is authorized to make payments to the contractor for direct repair costs of up to \$4,335 (four thousand, three hundred thirty-five dollars) and other minor amounts for necessary change orders that may be approved by the City, and payments to the lead testing firm for lead assessment and lead clearance costs.

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

Payment of August 2012 Bills Ald. Schermerhorn **moved** to pay the August 2012 bills after proper audit and certification. Seconded by Ald. Laughlin and duly adopted, ayes all.

August Bills

	<u>Prepaid</u>	<u>8/21/12</u>	<u>Grand Total</u>
General Fund	\$ 38,923.70	\$ 173,339.01	\$ 212,262.71
Sewer Fund	10,712.07	11,766.91	22,478.98
Water Fund	20,165.68	12,515.54	32,681.22
Trust	13,346.77	16,641.06	29,987.83
Community Dev. Small Cities	-	2,096.93	2,096.93
Community Dev. Special Grants	26,877.00	378.00	27,255.00
Economic Dev.	4,009.00	-	4,009.00
Capital Projects	3,980.00	-	3,980.00
TOTALS	\$ 118,014.22	\$ 216,737.45	\$ 334,751.67

Other Items

Flow Management Plan - Wastewater Fund DPW Superintendent Carl Ivarson reported that he has submitted the required flow management report to the NYS DEC and has included projected costs of approximately \$61,000 in his proposed 2013 budget. These costs would cover videotaping, cleaning, and engineering. The DEC will either approve the plan or require changes. Robert Carey, 17 Francis Avenue, asked if this plan refers to a mandate from the State that will cost the City millions of dollars. C. Ivarson replied that the City is in a good position in this regard as we have already been upgrading water and sewer mains first installed in the 1880s.

RFQ - Filter Plant; RFP - Wheeler Avenue Water Tank C. Ivarson explained the purpose of a Request for Qualifications (RFQ) and a Request for Proposals (RFP). He noted that USDA-Rural Development funding may be available in October and the City should be ready to proceed immediately. Ald. Schermerhorn **moved** to proceed with the RFQ for the Filter Plant. Seconded by Ald. Bresina, approved ayes all.

C. Ivarson reported that he is prepared to proceed with the RFP for the Wheeler Avenue water tank. As the cost of repairs is almost as great as the cost of a new tank, he recommends a new tank, which should last many years. He further noted that the project must be ready to proceed if USDA-Rural Development funds are made available. Ald. Schermerhorn **moved** to proceed with the RFP for the Wheeler Avenue water tank. Seconded by Ald. LoPiccolo, approved ayes all.

Executive Session

Ald. Laughlin **moved** to enter executive session at 7:45 p.m. to discuss the sale of real property where price may be affected, and to discuss matters leading to the employment of a particular corporation;. Seconded by Ald. Schermerhorn, approved ayes all.

Ald. Schermerhorn **moved** to exit executive session at 8:41 p.m. Seconded by Ald. Bresina, approved ayes all.

RESOLUTION #79-2012 **DESIGNATING “PREFERRED PURCHASER” OF CITY-OWNED PROPERTY AT 12 WALNUT STREET**

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

WHEREAS, the City of Norwich acquired the real property at 12 Walnut Street for the purpose of reselling it for rehabilitation and use as a single-family dwelling; and

WHEREAS, the subject property is considered by the Common Council to be surplus and its continued ownership by the City unnecessary to a useful public purpose; and

WHEREAS, the City previously conducted an unsuccessful public Request for Proposals (RFP) for the subject property; and

WHEREAS, the Common Council has subsequently received an offer for the purchase of the property from Carey Properties, LLC that it believes is acceptable based on the purchase amount offered, the proposed use of the existing residential structure, and the relevant experience of the applicant; and

WHEREAS, the sale of the subject property to a private party is appropriately classified as an Unlisted action pursuant to the applicable provisions of the State Environmental Quality Review Act (SEQRA); now, therefore, be it

RESOLVED, the Common Council hereby determines that the proposed action will not result in a significant adverse environmental impact, and hereby issues a Determination of Non-Significance (a negative declaration) in the accompanying short environmental assessment form (EAF); and be it further

RESOLVED, the Common Council hereby designates Carey Properties, LLC, having offices at 17 Francis Avenue, Norwich, NY, as the “preferred purchaser” of the City-owned property at 12 Walnut Street for the purpose of rehabilitating the residential structure and establishing a single-family residential use at the property; and be it further

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to negotiate and enter into a contract for the sale of the City-owned property at 12 Walnut Street to Carey Properties, LLC for the purpose of rehabilitating the residential structure and establishing a single-family residential use at the property.

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

Adjournment

Ald. Schermerhorn **moved** to adjourn at 8:44 p.m. Seconded by Ald. Laughlin, accepted ayes all.