

## COMMON COUNCIL

January 3, 2005

Mayor Robert Raphael presided at an organizational meeting of the Common Council held at 7 PM on January 3, 2005, in the Common Council Chambers at One Court Plaza.

### Present:

Mayor Robert Raphael  
Ald. A. Anthony Abraham  
Roberts  
Ald. James Cushman  
Ald. Suzanne Williams  
Ald. Jeffrey Thornton  
Ald. Joseph Maiurano  
Ald. Joseph Biviano

### Also:

Attorney Patrick Flanagan  
Clerk/Director of Finance William  
  
H.R. Director Deborah DeForest  
Police Chief Joseph Angelino  
DPW Supt. Carl Ivarson  
Deputy Clerk Donna Philippone

Addition to Agenda – Ald. Thornton indicated that an executive session was needed this evening and requested it be added to the agenda. The Common Council concurred.

Rules of Procedure – Mayor Raphael presented for consideration by the Council, proposed Rules of Procedure and Protocol for 2005 (attached). He also distributed for the Council to review the following sample documents: Code of Conduct, Request for Council Consideration form, Tips for Successful Public Service.

Ald. Thornton said he agreed that structure is needed, however, he has many questions. He questioned the Code of Conduct and the type of government in place that follows it. Mayor Raphael explained that the other information in the package including the Code of Conduct were samples that the Council could emulate. He indicated that the Rules of Procedure and Protocol document is the only item for the Council to act on this evening. Ald. Biviano stated that the document is a good first start, however, further discussion is needed. Ald. Cushman suggested further discussion take place at the work session.

Ald. Thornton moved to table the matter until the work session meeting. Seconded by Ald. Maiurano and duly adopted, ayes all.

Common Council Committees – Mayor Raphael made the Common Council Committee appointments as follows:

Finance / Personnel - Aldermen Maiurano, Cushman and Abraham  
Public Safety - Aldermen Cushman, Thornton and Maiurano  
Public Works - Aldermen Abraham, Biviano and Williams

The Mayor shall be an ex-officio member of all committees. The Mayor and all Advisory members shall be notified of all committee sessions. Meetings of the committees may be called by the chairman, the Mayor or any two members of the committee. Chairmanships of each committee shall flow from the order of appointment.

Extensive discussion ensued.

Nominations for Council President – Ald. Maiurano nominated James Cushman as Council President. Seconded by Ald. Abraham. Ald. Thornton nominated Joseph Biviano as Council President. Seconded by Ald. Williams. The nomination of James Cushman failed, 1-0, with Ald. Maiurano voting aye. The nomination of Joseph Biviano as President of the Common Council for 2005 was duly adopted, 3-0, with Aldermen Abraham, Thornton and Williams voting aye.

Nominations for Acting Mayor – Ald. Biviano nominated A. Anthony Abraham as Acting Mayor. Seconded by Ald. Maiurano. The nomination of A. Anthony Abraham as Acting Mayor of the Common Council for 2005 was duly adopted, 6-0, all ayes.

### City Official Appointments

City Attorney – Ald. Biviano moved the re-appointment of Patrick Flanagan, 43 South Broad Street, to a two-year term expiring December 31, 2006. Seconded by Ald. Abraham and duly adopted, ayes all.

City Clerk and Director of Finance – Ald. Biviano moved the re-appointment of William J. Roberts of 112 Hillview Court, to a two-year term expiring December 31, 2006. Seconded by Ald. Williams and duly adopted, ayes all.

Youth Bureau Director – Ald. Biviano moved the re-appointment of Robert Mason, Norwich, NY, to a two-year term expiring December 31, 2006. Seconded by Ald. Maiurano and duly adopted, ayes all.

Appointments by the Mayor -- Mayor Raphael made the following Board and Commission appointments:

Electrical Board

- ◆ Richard Barnes, 17 Division Street, appointment to a three-year term expiring December 31, 2007.

Planning Commission

- ◆ John Deierlein, 7 Gerald Street, re-appointment to a three-year term expiring December 31, 2007.
- ◆ Alternate - Elizabeth Pederson, 21 Beebe Ave, re-appointment to a three-year term expiring December 31, 2007.
- ◆ Alternate -- Fred Goldby, 7 Francis Avenue, appointment to the remainder of a three-year term expiring December 31, 2006.

Youth Board

- ◆ Harry Graves, 54 Mitchell Street, re-appointment to a three-year term expiring December 31, 2007

Zoning Board

- ◆ Judy Wright, 40 Borden Avenue, appointment as Chair, to the remainder of a two-year term expiring December 31, 2005.
- ◆ George Cleveland, 17 Columbia Street, appointment to a three year term expiring December 31, 2007.
- ◆ Bartolo Natoli, 40 Sunset Drive, re-appointment to a three-year term expiring December 31, 2007.

Appointments by the Mayor with Common Council Approval

Parks Commission -- Ald. Cushman moved to approve the following Mayoral appointment to the Parks Commission. Seconded by Ald. Abraham and duly adopted, ayes all.

- ◆ Suzanne Williams, 116 Hillview Court, appointment to the remainder of a three-year term expiring December 31, 2005.

Street Tree Committee – Ald. Abraham moved to approve the following Mayoral appointment to the Street Tree Committee. Seconded by Ald. Maiurano and duly adopted, ayes all.

- ◆ Rebecca Hargrave, 25 Conkey Avenue, re-appointment to a three-year term expiring December 31, 2007.

Water Commission – Ald. Biviano moved to approve the following Mayoral appointments to the Water Commission. Seconded by Ald. Maiurano and duly adopted, ayes all.

- ◆ A. Anthony Abraham, 118 South Broad Street, re-appointment to a three-year term expiring December 31, 2007.
- ◆ Anthony Caezza, 13 Brown Avenue, re-appointment to a three-year term expiring December 31, 2007.

Appointments by the Council

Traffic Commission – Ald. Biviano moved to approve the following appointments to the Traffic Commission. Seconded by Ald. Cushman and duly adopted, ayes all.

- ◆ Thomas Knapp, 14 Locust Street, re-appointment to a three-year term expiring December 31, 2007.
- ◆ Lelan Gary Brookins, Eric Street, re-appointment to a three-year term expiring December 31, 2007.

Official Newspaper – Ald. Biviano moved to designate The Evening Sun as the official newspaper of the City of Norwich. Seconded by Ald. Thornton and duly adopted, ayes all.

Official Depository – Ald. Maiurano moved to designate NBT Bank, Partners Trust Bank, JPMorgan Chase Bank and Wilbur National bank as the official depositories of City funds. Seconded by Ald. Cushman and duly adopted, ayes all.

Executive Session – Ald. Thornton moved to go into executive session at 8:05 PM to discuss the possible sale of property where the price may be affected. Seconded by Ald. Biviano and duly adopted, ayes all.

Ald. Thornton moved to go out of executive session at 8:27 PM. Seconded by Ald. Maiurano and duly adopted, ayes all.

Adjournment – Ald. Thornton moved to adjourn at 8:29 PM. Seconded by Ald. Williams and duly adopted, ayes all.

**CITY OF NORWICH  
2005  
COMMON COUNCIL  
RULES OF PROCEDURE AND PROTOCOL**

In accordance with the City Charter and per Section 61 (Rules of procedure), the following Rules of Procedure for 2005 are established.

**I. COUNCIL MEETINGS**

**Section 1. Regular Meetings and Work Sessions.**

- a) The Common Council shall hold regular meetings on the 3<sup>rd</sup> Tuesday of each month and work sessions on the 2<sup>nd</sup> Tuesday of each month. Such meetings shall commence at 7 PM and be conducted in the Common Council Chambers at One Court Plaza.
- b) Any deviation of the foregoing shall be determined by the Common Council.
- c) A work session meeting shall be held for the purpose of reviewing the preliminary agenda and may be dispensed with periodically at the discretion of the Common Council. Work Session meetings shall be the forum to receive progress reports on current issues, or to receive similar information from Department Heads. All discussions and conclusions held during a Work Session are of an informal nature. No final action is taken when in a Work Session. Work Session meetings also include an open forum for public comment.

While business is being conducted, only Council members will be principally recognized for the purpose of debate and discussion and upon request by any Alderman or the presiding Chairperson, City Officials, Department Heads, Chairpersons of City Boards and Commissions or their designee for that meeting, will be recognized by the Chairperson for the purpose of providing meaningful information on the subject under debate and discussion.

**Section 2. Special Meetings.**

Special meetings of the Common Council are all those Council meetings other than regular meetings and work sessions. A special meeting may be called in accordance with Section 60 of the City Charter. Notice shall be given by telephone, in person, or in writing.

**Section 3. Quorum.**

A quorum shall be required to conduct business. A majority of all its members (4) shall constitute a quorum to do business, or a smaller number may affect a legal adjournment in accordance with Section 61 of the City Charter.

**Section 4. Executive Sessions.**

Executive sessions shall be held in accordance with the NYS Public Officers Law, Section 105. By a motion made during an open meeting that is carried by a majority vote of the full Council and identifies the general area or areas of the subject or subjects to be considered, the Council may recess to Executive Session under the circumstances prescribed in the New York State Open Meetings Law. The Council may also hold an Executive Session to receive confidential advice from the City Attorney under the attorney-client privilege.

**Section 5. Agendas.**

- a) The agenda shall be prepared by the Clerk at the direction of the Mayor. The Mayor or any Alderman may have an item placed on the agenda. Items for the agenda shall be given to the Clerk by the end of the day on the Friday before the work session, however, items may be placed on the agenda at anytime, including during the meeting. No action may be taken on any item that is not on the agenda.
- b) The preliminary agenda shall be prepared by noon on the day of the work session. The regular agenda and pertinent materials shall be distributed by noon on the Friday prior to the meeting. If necessary a supplemental agenda shall be distributed at the beginning of the meeting.

## **Section 6. Voting.**

Each member of the Common Council shall have one vote. The Mayor shall vote only in case of a tie. Unless otherwise specified by the City Charter or State law, for all motions and resolutions, except for the following, a simple majority of the Council members present ( 3 ) is sufficient for passage.

The passage of any ordinance, local law and any resolution authorizing or involving the expenditure of money requires an affirmative vote of at least a majority of the whole membership of the Council ( 4 ) and a roll call vote of the ayes and noes shall be called.

## **Section 7. Minutes.**

Minutes shall be taken by the Clerk. Minutes shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes shall be taken at executive session of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote, thereon; provided, however, that such summary need not include any matter which is not required to be made public by the NYS Freedom of Information Law.

- a) Minutes shall also include the following:
  - Name of the Board (Common Council);
  - Date, place and time of the meeting;
  - Notation of presence or absence of Council members and time of arrival or departure if different from time of call to order and adjournment;
  - Name and title of other city officials and employees present and will approximate number of attendees;
  - Record of communications presented to the Board;
  - Record of reports made by the Council or other City personnel;
  - Time of Adjournment;
  - Signature of Clerk or person who took the minutes if not the Clerk.
- b) Minutes shall not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the Council shall resolve to have the Clerk do so.
- c) If a Council member desires for a comment to be included in the minutes, it is his or her responsibility to indicated that the statement is “for the record” before making the comments.
- d) Minutes shall be approved at the next Council meeting. Amendments to the minutes shall require Council approval. Unless a reading of the minutes is requested by a member of the Council, minutes may be approved without reading if the Clerk has previously furnished a copy of such to each member.

## **II. ORDER OF BUSINESS**

### **Section 8. General Order of Business.**

All meetings of the Council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the City Clerk, City Attorney and Mayor shall take their regular stations in the Council Chambers, and the business of the council shall be taken up for consideration and disposition in the following order:

1. Call to order -- The Mayor, or in his absence, the Council President, shall take the Chair precisely at the hour appointed for the meeting and shall immediately call the Common Council to order.
2. Pledge of Allegiance
3. Invocation
4. Roll Call – The Mayor or designee takes roll and announces the presence or absence of individual Council Members.
5. Approval of Minutes of previous meeting (see Section 7)
6. Public Hearing – When a matter for public hearing comes before the Council, the Mayor will open the public hearing. Upon opening the public hearing and before any motion is

adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. (see also Section 15)

7. Open Forum (see Section 11)
8. Bids
9. Correspondence
10. Department, Board and Commission Reports
11. Ward and Committee Reports
12. Old Business
13. New Business
14. Payment of Bills
15. Adjournment -- A motion to adjourn shall always be in order and decided without debate.

The order of business need not be followed if the Mayor determines that it is necessary to deviate.

## **Section 9. Enforcement of Order**

The Chief of Police (or designee) acts as the sergeant-at-arms. It shall be the duty of the sergeant-at-arms to carry out all instructions of the presiding officer to preserve the peace and maintain order and decorum at Council meetings.

## **III. RULES OF CONDUCT**

### **Section 10. General Rules of Procedure.**

The Mayor shall preside at meetings. In the Mayor's absence the Council President shall preside. The City Attorney shall act as the official parliamentarian to the Common Council.

Council members are not required to rise but must be recognized by the presiding officer before making motions and speaking. An alderman, once recognized shall not be interrupted when speaking unless it be to call the alderman to order. If an alderman, while speaking, be called to order, they shall cease speaking until the question of order be determined, and, if in order, they shall be permitted to proceed.

There is no limit to the number of times an alderman may speak on a question.

Motions to close or limit debate may be entertained but shall require a two-thirds vote.

### **Section 11. Guidelines for Public Comment.**

- The public shall be allowed to speak only during the Open Forum period of the meeting or at such other time as a majority of the Council shall allow.
- No person, except City officials, their representatives and newspaper reporters shall be permitted within the rail in front of the Council Chambers without express consent of the Council.
- Speakers must step to the front of the room and be recognized by the presiding officer.
- Speaker must be a City resident, taxpayer or operator of a legitimate business within the City to speak and must speak on City business in an orderly fashion. All other speakers would have to be approved by a majority of the Council members present.
- Speakers must give their name, address and organization, if any.
- Speakers must limit their remarks to five minutes on a given topic.
- Speakers may not yield any remaining time they may have to another speaker and each speaker has only one opportunity per meeting to speak.
- Any speaker who engages in electioneering, campaigning or similar action shall be deemed to be out of order and
- No Council member shall respond/comment to the speaker; should a response be necessary, the Mayor shall comment or refer the matter.
- Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the Clerk or their designee. Speakers may not read written communications verbatim but should summarize their contents.

## **Section 12. Authority of the Chair.**

Subject to appeal to the full Council, the Mayor shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.

## **Section 13. Council Deliberation & Order of Speakers.**

The Mayor has been delegated the responsibility to control the debate and the order of speakers.

- a) Council members will limit their comments to the subject matter, item or motion being currently considered by the Council.
- b) Council members will govern themselves as to the length of their comments or presentation. As a courtesy, the Mayor will signal by hand to a Council member who has been speaking for over five minutes. This procedure is not meant to limit debate or to cut comments short, but rather to assist Council members in their efforts to communicate concisely.

## **Section 14. Obtaining the Floor.**

Any member of the Council wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any Council member who seeks the floor when appropriately entitled to.

## **Section 15. Use of Recording Equipment.**

All members of the public and all public officials are allowed to tape or video record public meetings. Recording is not allowed during executive sessions. The recording should be done in a manner which does not interfere with the meeting. The Mayor may make the determination that the recording is being done in an intrusive manner taking into consideration, but not limited to, brightness of lights, distance from the deliberations of the Common Council, size of the equipment, and the ability of the public to still participate in the meeting. If the Mayor makes the determination that the recording is intrusive and has the effect of interfering with meeting, the Mayor may request an accommodation to avoid the interference and if not complied with ask the individual to leave the meeting room.

## **Section 16. Decorum**

- a) By Council members – While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.
- b) By Persons – Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith, by the presiding officer, barred from further audience before the Council, unless permission to continue be granted by a majority vote of the Council.
- c) Questions to Staff – A Council member may, after recognition by the presiding officer, address questions to staff members.
- d) Interruptions – Once recognized, a Council member should not be interrupted while speaking, except to make a point of order or personal privilege. If a council member is called to order while speaking, the individual shall cease speaking until the question order is determined.

## **IV. PROTOCOL**

### **Section 17. Protocol Guidelines**

Other guidelines are also in place to ensure meetings of the Council emphasize the importance of the business being conducted in a professional manner. Council members and staff shall:

- ◆ Work to preserve appropriate order and decorum during all meetings.
- ◆ Address Council members as Alderman/Alderwoman, followed by last name, such as “Alderman Jones” and staff member’s last name.
- ◆ Discourage side conversations, disruptions, interruptions or delaying efforts.
- ◆ Inform the presiding officer when departing from a meeting.
- ◆ Limit disruptive behavior. The presiding officer will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the presiding officer may call a recess, request the removal of such person(s) from the Council Chambers, adjourn the meeting, or take such other appropriate action as permitted by law. The Common Council discourages applause, booing or other similar behaviors, including holding up or waving banners, from the public during meetings.
- ◆ Recognize that only the Common Council, staff, advisory body chairs or designated representatives, and those authorized by the presiding officer shall be permitted to sit at the council or staff stations.

#### **Section 18. City Attorney as Protocol Advisor.**

The City Attorney assists the Mayor as a resource to confer with and an advisor for interpreting the Common Council’s adopted protocols.

### **V. MISCELLANEOUS**

#### **Section 19. Public Hearings**

The Council procedure for the conduct of public hearings is generally as follows:

- b. The Mayor opens the public hearing.
- c. Council members may ask questions of staff if they so desire.
- d. Members of the public, upon being recognized by the Mayor, are provided with the opportunity to speak or present evidence relevant to the matter being heard.
- e. Members of the Council who wish to ask questions of the speakers or each other during the public hearing portion may do so but only after first being recognized by the Mayor. Interaction with the speakers shall be limited to a question or questions rather than an ongoing dialogue.
- f. All Council rules pertaining to oral presentation by members of the public apply during public hearings.
- g. No person will be permitted during the hearing to speak about matters or present evidence that is not germane to the matter being considered. A determination of relevance shall be made by the Mayor, but may be appealed to the full Council.
- h. The Mayor closes the public hearing.

#### **Section 20. Proclamations.**

Proclamations are issued by the Mayor as a ceremonial commemoration of an event or issue. Proclamations are not statements of policy and do not require the approval or action of the Council. Proclamations are a manner in which the City can make special recognition of an individual, event or issue.

#### **Section 21. Amendments to the Rules of Procedure.**

The foregoing procedures may be amended from time to time by resolution of the Common Council.