COMMON COUNCIL

April 19, 2005

Mayor Robert Raphael presided at a regular meeting of the Common Council held at 7 PM on April 19, 2005, at One Court Plaza.

Present:
Mayor Robert Raphael
Ald. A. Anthony Abraham
Ald. James Cushman
Ald. Suzanne Williams
Ald. Joseph Maiurano
Ald. Joseph Biviano

Also:
Attorney Patrick Flanagan
Clerk / Director of Finance William Roberts
Human Resources Director Deborah DeForest
Fire Chief John Tighe
Police Chief Joseph Angelino
Supervisor James McNeil
Deputy Clerk Donna Philippone

Absent:
Ald. Jeffrey Thornton
Supervisor Linda Natoli

-- Ald. Biviano moved to dispense with the reading and approve the minutes of the regular meeting of March 15, 2005, the special meetings of April 1, 12 and 18, 2005 and the work session of April 12, 2005. Seconded by Ald. Maiurano and duly adopted, ayes all.

Correction Of Minutes -- Ald. Biviano moved to correct the minutes of the February 15, 2005 Council meeting relative to the award of bid for two One Ton Pickup Trucks; the correct amount of the bid award was $22,979 for each truck. Seconded by Ald. Maiurano and duly adopted, ayes all.

Presentation – Mayor Raphael introduced William Tomkins of Shelter Planning regarding an application for Main Street Program grant funding. Mr. Tomkins explained that grant funding is available through the NYS Division of Housing and Community Renewal under the Main Street Grant Program and eligible activities include façade renovations, building renovations and streetscape enhancements. He indicated that although the City is not directly eligible, the B.I.D. would be eligible and is interested in submitting an application. Mr. Tomkins stated that the B.I.D. has agreed to pay the $6,000 cost for preparing the application. He indicated that the fee to administer the grant would be approximately $20,000. Mr. Tomkins also suggested that the City offer low interest loans with the program. He noted that there is no guarantee that the grant would be approved. Mr. Tomkins asked the Council for its support of the application.

OPEN FORUM:

-- **Mary Coe**, 5A Waite Street, expressed concern regarding the poor acoustics in the Council meeting room and about the poor condition of the parking lot on American Avenue behind McLaughlin's Department Store.

BIDS:

The following bids were received and reviewed for action under New Business:

- NYS Route 12 Re-Paving
- 2005 Street Rehabilitation
- Snow Plows
- Telescopic Loadall and Attachments

CORRESPONDENCE:

Fire Department Celebration – Ald. Biviano moved to approve the request to hold a parade on April 30, 2005 beginning at 1 PM for the Fire Station Grand Opening Event, under the direction of the Police Chief. Seconded by Ald. Cushman and duly adopted, ayes all.

Liquor License -- Ald. Biviano moved to receive and file the notification from Cynthia Thompson of the Ontario Hotel, Inc., 28 Griffin Street, of intent to file an alteration of its liquor license to allow for outside dining and alcoholic beverages to be served on a deck to be constructed off the dining room. Seconded by Ald. Maiurano and duly adopted, ayes all.

DEPARTMENT, BOARD AND COMMISSION REPORTS:

- Historian monthly report for March, 2005
- Public Works/Water monthly report for March, 2005
- Records Management monthly report for March, 2005

- Youth Bureau monthly report for March, 2005
- Civil Service Commission minutes - February 24, 2005
- Parks Commission minutes of March 14, 2005
- Planning Commission minutes of March 21, 2005
- Traffic Commission minutes of March 9, 2005
- Water Commission minutes of March 16, 2005

-- Ald. Biviano moved to receive and file the department, board and commission reports. Seconded by Ald. Maiurano and duly adopted, ayes all.

WARD AND COMMITTEE REPORTS:

- Finance/Personnel Committee meeting of April 6 and special meeting of March 15, 2005
- Public Safety Committee meeting of March 17, 2005
- Public Works Committee meeting of March 24, 2005

Ward One – Ald. Abraham reported problems referred to the Codes Enforcement Officer regarding litter on Beebe Avenue and vehicles issues on Locust Street have been resolved. He also reported that he referred a police matter to the Police Chief, which resulted in an arrest.

Ward Two – Ald. Cushman reported on the aftermath of the flooding in Ward Two and that repairs are being made.

Ward Three – Ald. Williams reported there was flood damage to Weiler Park which included an electric box situated 2.5 feet above the ground. She reported that the potholes on Sunset Drive have been repaired.

Ward Five – Ald. Maiurano reported on the flood damage in Ward Five and also that the Public Works Department is repairing the infrastructure. He commended the Fire, Police and Public Works Departments on the tremendous job done during and after the flooding.

Ward Six – Ald. Biviano reported that he referred numerous complaints to the appropriate department heads and also asked Chief Tighe for the status of the Delaware Square issue. Ald. Biviano suggested that a low interest loan program be structured to assist flood victims while the long process of FEMA and insurance reimbursement gets underway.

-- Ald. Cushman moved to receive and file the reports. Seconded by Ald. Williams and duly adopted, ayes all.

NEW BUSINESS:

Waive Fees for Flood Damage – Ald. Biviano moved to waive any fees for permits through June 1, 2005 for property owners relative to flood damage repairs in connection with the April 2005 Flood; and further, that such waiver shall be under the direction of the Fire Chief. Seconded by Ald. Williams and duly adopted, 5-0, on a roll call vote.

Award of Bid -- NYS Rte 12 Re-Paving – Ald. Biviano moved to award the bid for NYS Rte 12 Re-Paving to the lowest qualified bidder meeting specifications, as recommended by the Public Works and Finance/Personnel Committees and pending approval by the NYS Department of Transportation – Bothar Construction LLC, of Binghamton, NY in the amount of $857,796.50. Seconded by Ald. Maiurano and duly adopted, 5-0, on a roll call vote.

Award of Bid -- 2005 Street Rehabilitation – Ald. Biviano moved to award the bid for 2005 Street Program to the lowest qualified bidder meeting specifications, as recommended by the Public Works and Finance/Personnel Committees, Suit Kote Corp of Cortland, NY in the amount of $48,591.22 for Street Rehabilitation, $55,609.40 for Norwich Housing Authority and $27,877.85 for Fire Station Lot. Seconded by Ald. Cushman and duly adopted, 5-0, on a roll call vote.

Award of Bid – Snow Plows – Ald. Biviano moved to award the bid for Snow Plows to the lowest qualified bidder meeting specifications as recommended by the Public Works and Finance/Personnel Committees, Chenango Truck of Oxford, NY in the amount of $7,165.30. Seconded by Ald. Maiurano and duly adopted, 5-0, on a roll call vote.

Advantage Energy Contract – Ald. Biviano moved to authorize the renewal of the Advantage Energy Contract under the City's membership in the Municipal Electric and Gas Alliance at the more favorable variable rate, which can be converted to a fixed rate at the City's option should future conditions warrant, with the renewal term extending to the first meter read date prior to April 1, 2007. Seconded by Ald. Maiurano and duly adopted, 5-0, on a roll call vote.

RESOLUTION # 29 - 2005. SUPPORTING THE B.I.D. MAIN STREET PROGRAM APPLICATION

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the Business Improvement District Management Association (BIDMA) is submitting an application to the NYS Division of Housing and Community Renewal for funding through the Main Street Program; and

WHEREAS, such grant would provide grants of up to $200,000 for façade renovations, building renovations and streetscape enhancements in the City's downtown Business Improvement District; and

WHEREAS, the City is committed to the ongoing efforts of the B.I.D. to revitalize and improve the downtown; now, therefore be it

RESOLVED, that the City of Norwich be and hereby authorizes its support of the application being submitted by Norwich Business Improvement District Management Association (the "BIDMA") to the NYS Division of Housing and Community Renewal for funding through the Main Street Grant Program.

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

RESOLUTION # 30 - 2005. AUTHORIZING USE OF UDAG LOAN PROGRAM INCOME FOR MAIN STREET GRANT PROGRAM

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the City of Norwich has authorized its support of an application being made by the Norwich Business Improvement District Management Association (the "BIDMA") to the NYS Division of Housing and Community Renewal for funding through New York Main Street Grant Program; and

WHEREAS, such program would require approximately $20,000 to administer; and

WHEREAS, it is desired that a loan program be made available to aid in financing the required funding match; and

WHEREAS, the City of Norwich has loan program income available to assist with the administration as well as to partially finance a required match; and

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

RESOLVED, that in the event of a grant award being received, an expenditure be and hereby is authorized for the administration of the Main Street Program in an amount not to exceed $20,000; and, further be it

RESOLVED, that in the event of a grant award being received, the City Common Council hereby authorizes the implementation of a Main Street Rehabilitation Loan Program within the Business Improvement District (the "Loan Program") in an aggregate amount not to exceed $100,000; and be it further

RESOLVED, that the funding for the Main Street Grant Program Administration and Loan Program shall be sourced from Community Development UDAG miscellaneous income; and, further be it

RESOLVED, that the Director of Finance is hereby authorized and directed to establish other Loan Program details as may be required; and be it further

RESOLVED, that this resolution shall take effect immediately.

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

RESOLUTION # 31 - 2005. AWARDING BID FOR TELESCOPIC LOADALL WITH ATTACHMENTS AND AUTHORIZE TRANSFER OF FUNDS

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, bids have been received for a telescopic loadall and attachments; and

WHEREAS, the Public Works and Finance Committees have made certain recommendations; now, therefore be it

RESOLVED, that the bid for Telescopic Loadall and Attachments be awarded to the lowest qualified bidder meeting specifications, Liftech Construction Equipment of East Syracuse, NY in the amount of $50,383 with trade in; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer in the 2005 Water, Wastewater and General Fund budgets:

From:

Account Number	Name	Amount
HR26.878	Capital Reserves – Highway Equipment	$16,794.00
HR28-878	Capital Reserves-Water Equipment	16,794.00
HR42-878	Capital Reserves – Wastewater Equipment	16,795.00
TOTAL		**$50,383.00**

To:

Account Number	Name	Amount
A5110.2100	Street Maintenance - Equipment	$16,794.00
F8310.2100	Water Fund Administration - Equipment	16,794.00
G8110.2100	Sewer Fund Administration - Equipment	16,795.00
TOTAL		**$50,383.00**

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

RESOLUTION # 32 - 2005. AUTHORIZING APPROPRIATION OF 2005 UNBUDGETED DONATION TO FIRE DEPARTMENT

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the Norwich Volunteer Fire Departments have donated funds to replace Fire Department equipment in the amount of $13,807.37; 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 appropriate the donated funds and make the following supplemental appropriation in the 2005 General Fund Budget:

From:

Account Number	Name	Amount
A510	Estimated Revenues – Donations	$ 13,807.37

To:

Account Number	Name	Amount
A960	Appropriations - Fire Department Equipment	$ 13,807.37

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

-- Prior to the vote, Ald. Biviano questioned how the funds for various donations are distinguished in the budget. Director of Finance Roberts explained that donations to the paid Fire Department go into the General Fund and donations to the volunteers are kept by the volunteer Fire Department and do not go into the City funds.

RESOLUTION # 33 - 2005. AUTHORIZING AGREEMENT WITH DELAWARE ENGINEERING FOR PROFESSIONAL SERVICES RELATIVE TO TROUGH REPLACEMENT AT WASTEWATER TREATMENT FACILTY

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, professional engineering services are required for the replacement of the primary clarifier effluent troughs at the Wastewater Treatment Facility; and

WHEREAS, the 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 enter into an agreement with Delaware Engineering for professional services relative the replacement of the primary clarifier effluent troughs at the Wastewater Treatment Facility at a cost not to exceed $ 25,000; and, further be

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer in the 2005 Sewer Fund Budget:

From:

Account Number	Name	Amount
HR42-878	Capital Reserves - Sewer Equipment	$ 25,000.00

To:

Account Number	Name	Amount
G8130.4040	Sewer Fund Treatment/Disposal Repairs and Maintenance	$ 25,000.00

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

RESOLUTION # 34 - 2005. AUTHORIZING TRANSFER FOR POLICE BULLET RESISTANT VESTS

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the Common Council adopted a resolution on July 20, 2004 authorizing the transfer of $12, 711 from Police Equipment Capital reserves to the General Fund for the replacement of bullet resistant vests; and

WHEREAS, fewer vests were ultimately purchased than originally planned, leaving a residual balance of unspent reserve funds in the amount of $3,261 in the General Fund; and

WHEREAS, the Finance/Personnel Committee has made certain recommendations regarding transferring the residual funds back to the Capital Reserve; now, therefore be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer in the 2005 General Fund Budget:

From:

Account Number	Name	Amount
A909	General Fund	$3,261.00

To:

Account Number	Name	Amount
HR21-878	Police Equipment - Capital Reserve Fund Balance	$ 3,261.00

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

RESOLUTION # 35 - 2005. AUTHORIZING TRANSFER FOR INSURANCE COSTS

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, as anticipated when preparing the 2005 General Fund Contingency Budget, changes in insurance coverage for new facilities and equipment requires additional funds to cover higher insurance costs; and

WHEREAS, the Finance 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 in the 2005 General Fund Budget:

From:

Account Number	Name	Amount
A1990.4	Contingency	$ 6,208.28

To:

Account Number	Name	Amount
A1910.4	Insurance	$ 6,208.28

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

RESOLUTION # 36 - 2005. AUTHORIZING TRANSFER FOR THIRD FLOOR RENOVATIONS

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the Council, on March 15, authorized a Change Order to the Fire Department Renovation Project for extending electrical, plumbing/bathrooms and heating, ventilation, air conditioning to the third floor at a cost not to exceed $95,000; and

WHEREAS, funds are required to cover the cost of such Change Order; 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 in the 2005 General Fund Budget:

From:

Account Number	Name	Amount
HR33-878	Capital Reserves - Municipal Buildings	$ 95,000

To:

Account Number	Name	Amount
H36-1660.4020B	Capital Projects – Firehouse Renovation/Construction	$ 95,000

and, further be it

RESOLVED, that proceeds from the sale of the East Main Street School shall be applied toward replenishing same to the Capital Reserve.

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

RESOLUTION # 37- 2005. AUTHORIZING TRANSFER FOR RBC DRIVE REPAIR AT WASTE WATER TREATMENT FACILITY

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of repairs to the Rotating Biological Contactor (RBC) Drive at the Wastewater Treatment Facility at an estimated cost not to exceed $11,930; and

WHEREAS, the Finance 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 in the 2005 Sewer Fund Budget:

From:

Account Number	Name	Amount
HR42-878	Capital Reserves - Sewer Equipment	$ 11,930.00

To:

Account Number	Name	Amount
G8130.4040	Sewer Fund Treatment/Disposal Repairs and Maintenance	$ 11,930.00

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

RESOLUTION # 38 - 2005. AMENDING 2005 RULES OF PROCEDURE AND PROTOCOL

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the Common Council established its Rules of Procedure and Protocol for 2005 on January 25, 2005 and amended such rules on March 15, 2005; and

WHEREAS, Council members have made certain recommendations regarding work sessions; now, therefore be it

RESOLVED, that the 2005 Rules of Procedure and Protocol, Section 1. Regular Meetings and Work Sessions, be and hereby is amended as follows:

Section 1. . Regular Meetings and Work Sessions.

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.] <u>Discussions and conclusions held during a Work Session are of an informal nature except when a majority of the full Council deems that action may be taken.</u> Work Session meetings also include an open forum for public comment.

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

-- Prior to the vote, Ald. Cushman raised concern that the Council was opening the door to creating two Council meetings a month. It was the consensus of the Council that there would not be a vote by the Council at a work session unless it was absolutely necessary.

<u>Payment of Bills</u> -- Ald. Biviano moved to pay the bills after proper audit and certification as follows:

	Prepaid	4/19/05	Grand Total
General Fund	648,692.27	77,297.61	725,989.88
Sewer Fund	38,273.21	11,400.51	49,673.72
Water Fund	41,309.38	11,369.49	52,678.87
Trust	63,437.80	100.00	63,537.80
B.I.D.	0.00	0.00	0.00
Debt Service	92,197.50	0.00	92,197.50
Reserves	0.00	0.00	0.00
Unemployment	0.00	0.00	0.00
C.D.	15,403.00	6,000.00	21,403.00
EDZ/LDC	0.00	0.00	0.00
Capital Projects	22,936.20	6,944.00	29,880.20
TOTALS			

Seconded by Ald. Cushman and duly adopted, ayes all.

<u>Adjournment</u> –Ald. Biviano moved to adjourn at 8:40 PM. Seconded by Ald. Cushman and duly adopted, ayes all.