

COMMON COUNCIL

January 20, 2004

Mayor Robert Raphael presided at a regular meeting of the Common Council held at 7 PM on January 20, 2004, at One Court Plaza.

Present:

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

Also:

Attorney Patrick Flanagan
Clerk / Director of Finance Brian Molinaro
Fire Chief John Tighe
Human Resources Director Deborah DeForest
Police Chief Joseph Angelino
Public Works Supt. Carl Ivarson
Supervisor James McNeil
Supervisor Linda Natoli
Youth Bureau Director Robert Mason
Deputy Clerk Donna Philippone

Rules of Procedure -- Ald. Biviano moved to adopt the Rules of Procedure for 2004. Seconded by Ald. Williams and duly adopted, ayes all.

CITY OF NORWICH COMMON COUNCIL 2004 RULES OF PROCEDURE

In accordance with the City Charter and per Section 61 (Rules of procedure), the following Rules of Procedure for 2004 are established.

Section 1. Regular Meetings and Work Sessions.

The Common Council shall hold regular meetings on the 3rd Tuesday of each month and work sessions on the 2nd Tuesday of each month. Such meetings shall commence at 7 PM and be conducted in the Common Council Chambers at One Court Plaza. Any deviation of the foregoing shall be determined by the Common Council. 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 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.

Section 3. Quorum.

A quorum shall be required to conduct business. A majority of all its members shall constitute a quorum to do business, or a smaller number may effect 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. All executive sessions shall be commenced in a public meeting.

Section 5. Agendas.

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 at least 24 hours before the work session, however, items may be placed on the agenda at anytime, including during the meeting.

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. A majority of those present is necessary to pass a matter unless otherwise specified by the City Charter or State law.

A vote upon any question shall be taken by ayes and noes, and the names of the aldermen present and their votes shall be entered in the minutes.

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.

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 well 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.

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.

Minutes shall be approved at the next Council meeting. Amendments to the minutes shall require Council approval.

Section 8. Order of Business.

The order of business shall be:

1. Call to order
2. Pledge of Allegiance
3. Invocation
4. Approval of Minutes of previous meeting
5. Public Hearing
6. Open Forum
7. Bids
8. Correspondence
9. Department, Board and Commission Reports
10. Ward and Committee Reports
11. Old Business
12. New Business
13. Payment of Bills
14. Adjournment

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

Section 9. 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 10. 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.
- Speakers must step to the front of the room.
- Speakers must give their name, address and organization, if any.
- Speakers must be recognized by the presiding officer.
- 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.
- Council members may, with the permission of the Mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
- All remarks shall be addressed to the Council as a body and not to any Council member thereof.
- Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.
- 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 11. 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 12. Adjournment.

Meetings shall be adjourned by motion.

Section 13. Amendments to the Rules of Procedure.

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

Approval of Minutes -- Ald. Biviano moved to dispense with the reading and approve the minutes of the work session of December 9, 2003 and the regular meeting of December 16, 2003. Seconded by Ald. Cushman and duly adopted, ayes all.

-- Mayor Raphael reminded Council members to make an appointment for their photo session on February 9. The Mayor also reiterated that no one member can bind the Common Council.

OPEN FORUM:

Misc Concerns -- **Mary Coe**, 5A Waite Street, questioned: the health insurance coverage for part time employees; the number of public buildings the City maintains; who cleans the buildings; what was being done about the pigeon problem; what the status was of the not-for-profit list she asked for.

Ald. Biviano indicated the Finance Committee discussed having appraisals done on city owned properties and is also looking into the not-for-profit matter. It was noted that the City has one janitor that covers City Hall, City Court and the Police Department.

BIDS: No Bids to receive.

CORRESPONDENCE: No Correspondence to receive.

DEPARTMENT, BOARD AND COMMISSION REPORTS:

- ◆ Historian monthly report for December, 2003
- ◆ Police Department monthly report for November and December, 2003
- ◆ Public Works/Water System monthly report for December, 2003
- ◆ Records Management monthly report for December, 2003
- ◆ Youth Bureau monthly report for December, 2003
- ◆ Civil Service Commission minutes of December 4, 2003
- ◆ Parks Commission minutes of December 8, 2003
- ◆ Planning Commission minutes of December 12, 2003
- ◆ Traffic Commission minutes of December 10, 2003
- ◆ Youth Board minutes of January 13, 2004

-- 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:

Ward One -- Ald. Abraham reported concerns about unlicensed vehicles and garbage being put out to the curb without containers have been referred to the Codes Enforcement Office.

Ward Three -- Ald. Williams reported concerns about potholes on Thompson Road. Supt. Iverson noted that Thompson Road is on the list of streets to be repaved this year.

- ◆ Finance Committee meeting of December 3 and 16, 2003
- ◆ Public Safety Committee meeting of December cancelled
- ◆ Public Works Committee meeting of December cancelled

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

NEW BUSINESS:

Community Development -- Ald. Biviano moved to authorize the City to Advertise for Request for Proposals for Community Development Consulting Services. Seconded by Ald. Maiurano.

-- Ald. Thornton questioned an item being added to the agenda when some of the Council members were not aware of it. Ald. Biviano explained that the Finance Committee discussed the matter and recommended that a boilerplate request for proposals go out as soon as possible. Mayor Raphael indicated there is an urgency to make a determination regarding the Community Development Office and assist with grant programs. Discussion ensued.

-- Ald. Biviano called the question and the motion was adopted, 5-1 (Ald. Thornton) on a roll call vote.

RESOLUTION No. # 01 - 2004. DETERMINING CERTAIN REAL PROPERTY NOT REQUIRED FOR USE BY THE CITY AND AUTHORIZING ITS CONVEYANCE TO THE HOUSING AUTHORITY

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the City owns a certain parcel of real property located at 96 Silver Street in the City of Norwich, which property may be required for use by the City; and

WHEREAS, the Common Council has determined that the premises are no longer required for the public use to which the property is devoted and that it is to the interest of the government to grant the property to the City of Norwich Housing Authority for the purposes of attaining the ends recited in Section 2 of the Public Housing Law; now, therefore be it

RESOLVED, that a certain parcel of real property located at 96 Silver Street in the City of Norwich, which property is not and has not been required for use by the City; and, further be it

RESOLVED, that pursuant to Section 124 of the New York State Public Housing Law, the Mayor is hereby authorized under the direction of the City Attorney to execute such deeds and documents as may be necessary to convey said property to the City of Norwich Housing Authority.

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

RESOLUTION # 02 - 2004. AMENDING VEHICLE AND TRAFFIC ORDINANCE RELATIVE TO CORTLAND STREET

Ald. Cushman introduced the following and moved its adoption:

WHEREAS, pursuant to Section 90-4 of the Vehicle and Traffic Ordinance of the City of Norwich, the Common Council has been granted the authority to make, promulgate and enforce reasonable rules and regulations governing and designating parking, parking spaces, safety and loading zones, one-way streets and streets for through traffic; and

WHEREAS, the Traffic Commission has made certain recommendations concerning designating Cortland Street a stop street at its intersection with Willard Court and Plymouth Street; now therefore be it

RESOLVED, that Section 90-50, Streets Designated, of the Vehicle and Traffic Ordinance of the City of Norwich, be and hereby is amended as follows:

CORTLAND STREET is hereby designated as a STOP STREET at its intersection with Willard Court and Plymouth Street.

Underlined material is new. [Bracketed] material is deleted.

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

Pension Relief -- Ald. Williams moved to direct Mayor Raphael to write a letter to legislators regarding the City's need for relief from pension costs. Seconded by Ald. Biviano and duly adopted, ayes all.

Common Council Travel and Training -- Ald. Thornton asked for an update on the amount of funds available for Common Council for travel and training.

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

	<u>Prepaid</u>	<u>01/20/04</u>	<u>Grand Total</u>
General Fund 2003	192,054.74	43,052.57	235,107.31
General Fund 2004	68,066.22	6,640.15	74,706.37
Sewer Fund 2003	21,084.07	4,079.70	25,163.77
Sewer Fund 2004	2,931.24	0.00	2,931.24
Water Fund 2003	20,602.45	8,670.29	29,272.74
Water Fund 2004	4,963.30	2,801.49	7,764.79
Trust 2003	44,346.70	125.00	44,471.70
Trust 2004	30,930.20	0.00	30,930.20
B.I.D.	3,548.50	0.00	3,548.50
Debt Service 2003	55,412.20	0.00	55,412.20
Debt Service 2004	0.00	0.00	0.00
Reserves	0.00	0.00	0.00
Unemployment	0.00	0.00	0.00
C.D. 2003	23,468.70	0.00	23,468.70
C.D. 2004	0.00	0.00	0.00
EDZ/LDC	0.00	0.00	0.00
Capital Projects 2003	182,491.83	8.50	182,500.33
Capital Projects 2004	125,817.52	0.00	125,817.52

TOTALS

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

Executive Session – Ald. Maiurano moved to go into executive session at 8:05 PM to discuss current litigation. Seconded by Ald. Cushman and duly adopted, ayes all.

Ald. Cushman moved to go out of executive session at 9:10 PM. Seconded by Ald. Abraham and duly adopted, ayes all.

Assessment Grievance -- Ald. Cushman moved to authorize the City Attorney to negotiate the settlement of the Delta Sonic assessment grievance. Seconded by Ald. Thornton and duly adopted, ayes all.

Precision Built Tops -- Ald. Cushman moved to receive and file correspondence received from Steven Serafen relative to the property at 89 Borden Avenue that his company, Precision Built Tops, rents from the City of Norwich. Seconded by Ald. Maiurano and duly adopted, ayes all.

School District Lawsuit -- Ald. Biviano moved to appoint James Chamberlain, Esq. as Substitution Attorney for the City of Norwich relative to the lawsuit with Norwich Schools, due to the full time appointment of Joseph McBride as Chenango County District Attorney. Seconded by Ald. Cushman and duly adopted, ayes all.

Adjournment -- Ald. Williams moved to adjourn at 9:15 PM. Seconded by Ald. Cushman and duly adopted, ayes all.