

COMMON COUNCIL

May 18, 2004

Common Council President Joseph Biviano presided at a regular meeting of the Common Council held at 7 PM on May 18, 2004, at One Court Plaza.

Present:

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 William Roberts
Fire Chief John Tighe
Human Resources Director Deborah DeForest
Police Chief Joseph Angelino
Deputy Clerk Donna Philippone

Absent:

Mayor Robert Raphael
Supervisor James McNeil
Supervisor Linda Natoli

-- Ald. Maiurano moved to dispense with the reading and approve the minutes of the regular meeting of April 20, 2004 and the special meetings of April 27, 2004 and May 4, 2004. Seconded by Ald. Cushman and duly adopted, ayes all.

OPEN FORUM:

Ed Morano, 21 Miller Street, presented a memo to the Council regarding topics and questions of concern which he requested the Mayor and Council review and answer. He expressed concerns about several issues including the Open Meetings Law and the Ethics Committee's role in government.

Mary Coe, 5A Waite Street, said she is a member of the Board of Ethics and asked who the other members were and what their role was. Ald. Biviano said that it is a Mayor's appointment and she should speak to the Mayor about it. Mrs. Coe asked the Council members how often they walk around their ward. Ald. Williams said she looks at streets, signs, sidewalks, etc., often. Mrs. Coe asked the status of the health insurance for part-time employees. HR Director DeForest that no part time employees have health insurance. The HR Director indicated that elected officials have individual health insurance coverage and noted that they pay the highest rate. Mrs. Coe asked when the budget work will begin and also suggested that the late payment penalty be removed from residents tax bill. Ald. Thornton noted the system is in place to encourage residents to pay on time.

Beth Pederson, 21 Beebe Avenue, noted that at a previous meeting she was appointed to a committee as an advocate for the people with disabilities and has not heard anything further. Ald. Biviano noted that she was appointed to the Planning Commission as a non-voting representative for the handicapped. Ms. Pederson reported that she looked at the downtown streetscape project earlier that day and the handicapped

BIDS:

Committee is reviewing the following bids:

- ◆ Appraisal of City Facilities
- ◆ Appraisal of WWTP
- ◆ 2004 Tree Removal

Ald. Williams asked what the procedure was for tree removal. Ald. Biviano said when aldermen receive a request it should be forwarded to DPW Supt. Ivarson who will make the determination.

CORRESPONDENCE:

- ◆ Judge's Decision Re: School District vs. City of Norwich -- Ald. Biviano moved to receive and file the following correspondence: "It appears the District was asleep at the wheel in attempting to protect whatever interest it had in these matters. Essentially, through no efforts of its own it managed to receive \$157,905.62 because the City contacted them and asked them for figures. As to why the \$63,250 figure was left out it is mere conjecture as to who may or may not be at fault for that but under the proof presented at this motion there is no legal or factual basis to hold the City liable. Nothing the City did in this matter created any obligation, in law or equity, to the plaintiff. Accordingly, the motion of the plaintiff for summary judgment is denied and the motion of the defendant for summary judgment is granted. This Decision shall constitute the Order of this Court." Seconded by Ald. Abraham and duly adopted, ayes all.

- ◆ Dairy Day -- Ald. Abraham moved to approve a request to hold the annual Dairy Day on June 12, 2004 under the direction of the Police Chief, as recommended by the Public Safety Committee. Seconded by Ald. Cushman and duly adopted, ayes all.
- ◆ Colorscape Chenango -- Ald. Abraham moved to approve a request to hold the annual Colorscape Chenango Festival on September 11 and 12, 2004 with Special Event Designation, under the direction of the Police Chief, as recommended by the Public Safety Committee. Seconded by Ald. Maiurano and duly adopted, ayes all.

DEPARTMENT, BOARD AND COMMISSION REPORTS:

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

- ◆ Historian monthly report for April 2004
- ◆ Police Department monthly report for April 2004
- ◆ Public Works/Water System monthly report for April 2004
- ◆ Records Management monthly report for April 2004
- ◆ Youth Bureau monthly report for April 2004
- ◆ Civil Service Commission minutes of March 25, 2004
- ◆ Parks Commission minutes of April 12, 2004
- ◆ Planning Commission minutes of April 19, 2004
- ◆ Traffic Commission meeting of May 12, 2004
- ◆ Water Commission minutes of April 21, 2004
- ◆ Youth Board minutes of May 11, 2004

WARD AND COMMITTEE REPORTS:

Ward One -- Ald. Abraham reported that several matters in Ward One relative to trees and a sewer drain on Conkey Avenue were referred to the Public Work Superintendent.

Ward Two -- Ald. Cushman expressed appreciation to Shelter Planning for its efforts to canvas the Cortland Street area for additional grant rehab applicants.

Ward Three -- Ald. Williams reported that the catch basin on Sunset Drive has been taken care of, however there are more to be done.

Ward Four -- Ald. Thornton reported the property on Silver Street has been demolished and asked the status of the OFC housing project proposed for the location. Attorney Flanagan has received correspondence from OFC that they will be moving forward with the project.

Ward Five -- Ald. Maiurano reported concerns relative to the speed of vehicles traveling on River, Mitchell and Adelaide Streets, which seem to have improved due to increased police patrols in the area. He also reported: a drainage problems on Burr and Marconi Avenues have been referred to the DPW Superintendent; several grass violations have been referred to the Codes Enforcement Officer.

Ward Six -- Ald. Biviano reiterated that the number one problem in Ward Six is grass complaints.

- ◆ Finance Committee meeting of May 5, 2004
- ◆ Personnel Committee meeting of April 6, 2004
- ◆ Public Safety Committee meeting of April 15, 2004
- ◆ Public Works Committee meeting of April 22, 2004

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

NEW BUSINESS:

Budget Planning -- Ald. Thornton asked the status of budget planning and the Mayor's memo. Ald. Biviano said the Mayor is making arrangements to meet with everyone. Ald. Maiurano suggested they meet before the next work session. Ald. Thornton indicated that decisions don't necessarily need to be made, however, discussion should begin.

RESOLUTION # 31 - 2004.

AUTHORIZING AGREEMENT WITH DELAWARE
ENGINEERING FOR PROFESSIONAL SERVICES RELATIVE TO
SANITARY SEWER SYSTEM INFILTRATION AND INFLOW
STUDY

Ald. Maiurano introduced the following and moved its adoption:

WHEREAS, the City of Norwich requires professional engineering services for an infiltration and inflow study of the Sanitary Sewer System which would include system mapping, manhole inspections and summarizing study information; and

WHEREAS, the Public Works and Finance 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 to a Sanitary Sewer System Infiltration and Inflow study at a cost not to exceed \$53,000.

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

RESOLUTION # 32 - 2004. ESTABLISHING TIME AND PROCEDURES FOR TAX AUCTION

Ald. Maiurano introduced the following and moved its adoption:

WHEREAS, taxes remain unpaid on several parcels within the City of Norwich from fiscal year 2002; and

WHEREAS, every effort has been made to collect these taxes; and

WHEREAS, Section 220 of the Charter of the City of Norwich and Section 1060 of the New York State Real Property Tax Law authorize the foreclosure against and public sale of these properties for tax enforcement purposes; and

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

RESOLVED, that

1. the following properties be sold at public auction by the Director of Finance:

Property Address	Tax Map Id #	Owner's Last Name
19 Delaware Square South	136.65-6-34	Fahey
23-25 Delaware Sq Rear	136.65-6-19	Lovtero\Blanda
36 Eaton Avenue	136.64-1-1	Guinn
45 Gold Street	136.34-2-11	Lovetro
12 Grove Avenue	136.5-4-8	Lovetro
23 Grove Avenue	136.58-2-5	Lovetro
35 Guernsey Street	136.47-2-20	Aguilar
7 Merrill Street	136.49-1-6	Osterhout
79 Sheldon street	136.43-1-2	Lovetro\Blanda
43 Silver Street	136.41-2-17	Moran
1 State Street	136.41-1-15	Lovetro\Blanda
1A State Street	136.41-1-14	Lovetro\Blanda
5 State Street	136.41-1-12	Lovetro
5A State Street	136.41-1-11	Lovetro

2. said public auction shall be conducted by sealed bid with all bids being received no later than 3 PM, prevailing time, July 23, 2004, after which time they shall be publicly opened and read; and
3. the Common Council acting through the Director of Finance reserves the right to withdraw from sale any of the above listed properties up to the moment of final sale; and
4. all bids shall be in writing, signed by the bidder, and evidenced by a certified bank check equivalent to ten percent (10%) of the bid amount at the time of the public sale; and
5. the balance of all bids shall be paid to the Director of Finance no later than three (3) business days following notification to the parties of the acceptance of the bid with such payment being by cash or certified bank check; and
6. the City will issue only tax or quitclaim deeds; no warranty or guarantee deeds will be issued; also, no abstract of title will be provided, and no deeds will be issued until all elements of the sale are reviewed by the City Attorney; and
7. the Common Council reserves the right to reject any or all bids, and no sale shall be final until approved by the Common Council; and
8. no sale shall be made to an individual or other parties who shall be delinquent in taxes or any other obligations to the City of Norwich, Chenango County or the State of New York; and
9. the Director of Finance shall send courtesy notices through the United States Postal Service to all affected property owners of this resolution stating the amount due, date and time of auction and the urgency of the notice; and
10. affected property owners shall have until three o'clock PM, prevailing time, on July 23, 2004 to redeem their property from public sale by paying their taxes and all associated fees; and
11. all properties acquired through this tax auction and sale must be brought into compliance with all applicable codes within nine months from acquisition unless exceptions or extensions are otherwise authorized by the Common Council; and
12. the City Attorney and the Director of Finance be and hereby are directed to take all other necessary and legal steps to prepare for and conduct such public auction.

Seconded by Ald. Cushman.

Discussion ensued relative to changing the date of final opportunity to redeem, item number 10 of the resolution. Concern was raised that the process leads to a lot of paperwork and time. It was clarified that those property owners

are being charged a penalty of 17.5% up to the redemption. Ald. Biviano noted the Finance Committee recommended that property owners be allowed to redeem their property up to the moment of sale, a policy that was in effect for several years until recently.

-- Ald. Thornton moved to amend item 10 of the resolution to reflect a redemption date of May 28, 2004. Seconded by Ald. Abraham and defeated 3-3 on a roll call vote as follows: Ayes: Aldermen Cushman, Thornton and Abraham; Nays: Aldermen Williams, Maiurano and Biviano.

-- Ald. Maiurano moved to amend item 10 of the resolution to reflect a redemption date of June 15, 2004. Seconded by Ald. Cushman and duly adopted, 4-2 on a roll call vote as follows: Ayes: Aldermen Thornton, Maiurano, Abraham and Cushman; Nays: Aldermen Williams and Biviano.

RESOLUTION # 33 - 2004. **AUTHORIZING TRANSFER OF FUNDS RELATIVE TO CITY ATTORNEY CONTRACTED SERVICES**

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of legal services; and

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

RESOLVED, that the following transfer be made in the 2004 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1990.4	Contingency	\$10,000

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1420.4020	Attorney - Contracted Services	\$10,000

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

-- Prior to the vote, it was noted that the legal services include additional legal expenses for cable negotiations, property transactions and tax assessment grievances.

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

	<u>Prepaid</u>	<u>5/18/04</u>	<u>Grand Total</u>	
General Fund	86,834.14	435,910.01	522,744.15	
Sewer Fund	14,828.26	7,248.87	22,077.13	
Water Fund	65,660.92	8,881.87	74,542.79	
Trust	41,964.66	0.00	41,964.66	
B.I.D.	0.00	0.00	0.00	
Debt Service	0.00	0.00	0.00	
Reserves	0.00	0.00	0.00	
Unemployment	0.00	0.00	0.00	
C.D.	10,614.80	0.00	10,614.80	
EDZ/LDC	0.00	0.00	0.00	
Capital Projects	306,806.72	2,548.50	309,355.22	
TOTALS				

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

Adjournment –Ald. Thornton moved to adjourn at 8:09 PM. Seconded by Ald. Maiurano and duly adopted, ayes all.