

COMMON COUNCIL

July 20, 2004

Mayor Robert Raphael presided at a regular meeting of the Common Council held at 7 PM on July 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 William Roberts
Fire Chief John Tighe
Human Resources Director Deborah DeForest
Police Chief Joseph Angelino
Public Works Supt. Carl Ivarson
Deputy Clerk Donna Philippone

Absent:

Supervisor James McNeil
Supervisor Linda Natoli

-- Ald. Biviano moved to dispense with the reading and approve the minutes of the regular meeting of June 22, 2004 and the work sessions of June 8 and July 13, 2004. Seconded by Ald. Cushman and duly adopted, ayes all.

OPEN FORUM:

Bob Arnell, 24 South Broad Street, addressed several concerns including: the issuing of parking tickets in the downtown while the Streetscape Project is still underway; insufficient parking; the faster speeds of vehicles traveling north versus the southbound; regulations regarding right-on-red turns; how a person can be out on the street days after he was arrested and sentenced to 90 days in jail; the owner of a dog not reprimanded for allowing is dog to be locked in a vehicle with no windows open for several hours.

Chief Angelino explained to Mr. Arnell that the tickets issued were courtesy tickets to remind people that there is two-hour on-street parking in the downtown.

Mary Coe, 5A Waite Street, suggested as a solution for the parking problems that the City build a municipal parking garage. Ald. Biviano explained that the cost of maintaining a parking garage would result in a tremendous burden to the City's taxpayers.

Ed Morano, 21 Miller Street, asked that the Mayor and Common Council to work on four or five issues at it's Committee meetings to develop objectives and timelines for bringing in industry, improving parking and tightening up the zoning ordinance, especially in the area of multi-family residences.

CORRESPONDENCE:

Block Party -- Ald. Biviano moved to approve a request from Kathie Renfrow, 11 Morse Ave, to hold a Morse Avenue Block Party on August 22, 2004 from 4 PM to 8 PM under the direction of the Police Chief. Seconded by Ald. Thornton and duly adopted, ayes all.

Use of Bleachers -- Ald. Thornton moved to approve a request from the Chenango County Fair Association to use bleachers during the County Fair under the direction of the Public Works Superintendent, providing the bleachers are returned in the same condition and a letter is provided to the Clerk naming the City not liable for damages. Seconded by Ald. Biviano and duly adopted, ayes all.

Liquor License Renewal – Ald. Maiurano moved to receive and file the notification from Frank B. Revoir, Jr., Esq. of intent to renew liquor license for the Broad Street Tavern, Inc. located at 29 North Broad Street. Seconded by Ald. Williams and duly adopted, ayes all.

Liquor License Renewal – Ald. Cushman moved to receive and file the notification from Hinman, Howard & Kattell, LLP for Gary William Beadle, of intent to renew liquor license for the Lackawanna OK, Inc. located at 15 Lackawanna Avenue. Seconded by Ald. Thornton and duly adopted, ayes all.

DEPARTMENT, BOARD AND COMMISSION REPORTS:

- ◆ Historian monthly report for June, 2004
- ◆ Police Department monthly report for June, 2004
- ◆ Public Works/Water System monthly report for June, 2004
- ◆ Records Management monthly report for June, 2004
- ◆ Youth Bureau monthly report for June, 2004
- ◆ Civil Service Commission minutes of April 29, 2004
- ◆ Parks Commission minutes of Parks Tour June 5, 2004
- ◆ Zoning Board of Appeals minutes of June 28, 2004

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

WARD AND COMMITTEE REPORTS:

- ◆ Finance Committee meetings of July 7 and 14, 2004
- ◆ Personnel Committee meeting of June 1, 2004
- ◆ Public Works Committee meeting of June 24, 2004

Ward One – Ald. Abraham reported a health hazard on Conkey Avenue relative to garbage throughout as well as overgrown grass was referred to the Codes Enforcement Officer. He also reported that dead or rotted trees on Prentice Street and Beebe Avenue were also referred to the Codes Enforcement Officer. Ald. Abraham indicated that he has not received an answer regarding concern about the closeness of a tree to the transformer on Beebe Avenue. Chief Tighe said he contacted the School and was told the new owner would be taking care of the matter.

Ward Two – Ald. Cushman reported no concerns in Ward Two and noted the parks are getting great use.

Ward Three – Ald. Williams reported the potholes in Ward Three have been filled. She has referred a matter to the Codes Enforcement Officer relative to parking problems resulting from the conversion of a one family home to a two family.

Ward Four – Ald. Thornton reported concerns from Ward Four have been addressed with the appropriate department heads.

Ward Five – Ald. Maiurano reported he has referred concerns from Ward Five to the appropriate department heads.

Ward Six – Ald. Biviano reported on progress in Ward Six relative to 15 to 19 Ross Avenue.

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

Mayor Raphael reported concerns have been referred to the Codes Enforcement Officer relative to drainage problems along the railroad tracks. Ald. Biviano directed the Mayor to send a follow-up letter to the railroad regarding the matter.

OLD BUSINESS:

Cost Reduction Impact Statements – Mayor Raphael referred back to the special meeting on June 1 when department heads presented responses to his February 9 memo requesting General Fund cost reduction impact statements and noted that Fire Chief Tighe and EMO A Jones were called away before presenting their statements. Therefore, the Mayor asked for questions from the Council at this time relative to the Fire Department and Emergency Management cost reduction impact statements.

EMO Jones stated the Emergency Management budget was reduced by ten percent. Ald. Williams asked what the total cost reduction was for Emergency Management. Jones responded that it was \$635.

Fire Chief Tighe indicated regarding the Fire Department budget that revenues are increasing and with the three positions eliminated in the past three years, the resulting cost reduction in the Fire Department is approximately \$125,000. He noted that revenues from the ambulance service are significantly higher (\$100,000) than what was budgeted and he anticipates that revenues will continue to increase. Ald. Abraham asked the reason for such an increase in revenue. Chief Tighe said the ambulance rates were increased to be more competitive with the other services. The Chief noted that personnel cuts would not allow the City to comply with OSHA requirements. Discussion ensued regarding the two-man-in/two-man-out rule and although some municipalities are not following it, Chief Tighe stated that it is the law and is taken from the NFPA. Ald. Biviano asked about cell phone usage and said he feels there should be a policy on cell phones for departments. Chief Tighe explained that there is a cell phone in each ambulance, the First Responder vehicle and Engine 4. Also, the four Captains and himself each have a cell phone which allows them to be in contact at all times. Chief Tighe stated the volunteers have donated approximately \$12,000 for equipment this year and noted the group does their part to help out every year. Mayor Raphael asked the Chief how many vehicle purchases has he been involved in, to which he responded two replacement ambulances, one responder and the ladder truck.

Cable Franchise Renewal Negotiations – Finance Director Roberts reported that the Finance Committee met with representatives from Adelphia Cable and is recommending that a public hearing be set for the August 17 meeting. Ald. Biviano commended Attorney Flanagan for his efforts.

NEW BUSINESS:

Water Commission Appointment – Ald. Abraham moved to approve the Mayor’s appointment of Joseph Telesky, 7 Westcott Street, to the Water Commission for the remainder of a three-year term expiring December 31, 2005, a mayoral appointment with Common Council approval. Seconded by Ald. Maiurano and duly adopted, ayes all.

Cable Franchise Renewal Hearing – Ald. Williams moved to set a public hearing relative to Adelphia Cable Franchise Agreement renewal for August 17, 2004 at 7 PM. Seconded by Ald. Cushman and duly adopted, ayes all.

RESOLUTION # 38 - 2004 DECLARING EXCESS EQUIPMENT SURPLUS AND
AUTHORIZING DISPOSAL

Ald. Biviano introduced the following and moved its adoption.

WHEREAS, various equipment and other materials have been deemed to be surplus by various departments and no longer needed by the City; and

WHEREAS, a list of such items has been presented to the Common Council; now, therefore be it

RESOLVED, that the following excess equipment, as presented to the Common Council, be and hereby is declared surplus: 1990 Ford Ranger Pickup Truck, VIN/1FTCR10A9LUB82151; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to dispose of such equipment and materials as is provided for by law.

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

RESOLUTION # 39 - 2004. AUTHORIZING TRANSFER FOR FIRE DEPARTMENT
EQUIPMENT REPAIR

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of required repairs to the Fire Department Tanker Truck; 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 2004 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
AHR32-878	Capital Reserves Fire Equipment-Fund Balance	\$15,000

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3410.4040	Fire Equipment - Repairs and Maintenance	\$15,000

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

-- Prior to the vote, discussion ensued regarding fire equipment and vehicle repairs. Ald. Biviano suggested that the Town of Norwich should have a person attending the Public Safety Committee meetings.

RESOLUTION # 40 - 2004. AUTHORIZING TRANSFER FOR POLICE VEHICLE

Ald. Williams introduced the following and moved its adoption:

WHEREAS, a grant in the amount of \$28,200 has been awarded through the New York State Division of Criminal Justice Services Local Law Enforcement Block Grant for the purchase of a four-wheel drive police patrol vehicle; and

WHEREAS, such vehicle shall replace the 1990 Ford Ranger and 1985 Chevrolet Blazer; and

WHEREAS, funds in the amount of \$25,380 have been received into the Reserve from the DCJS with the City's 10 % matching funds in the amount \$2,820; 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 2004 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR21-878	Police Equipment - Capital Reserve Fund Balance	\$28,200.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3120.2100	Police Department - Equipment	\$28,200.00

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

RESOLUTION # 41 - 2004. AUTHORIZING TRANSFER FOR POLICE BULLET RESISTANT VESTS

Ald. Thornton introduced the following and moved its adoption:

WHEREAS, the National Institute of Justice requires that the City of Norwich replace its Police Officers bullet resistant vests every five years; and

WHEREAS, a grant has been awarded through the New York State Division of Criminal Justice Services Local Law Enforcement Block Grant for the purchase of such vests; and

WHEREAS, funds in the amount of \$6,356 from such grant award are received into the Reserves with the City's 50% matching funds in the amount of \$6,356; 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 2004 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR21-878	Police Equipment - Capital Reserve Fund Balance	\$ 12,711.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3120.2100	Police Department - Equipment	\$ 12,711.00

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

RESOLUTION # 42 - 2004. AUTHORIZING AMENDMENT TO RESOLUTION NO. 36-2004
RELATIVE TO TRANSFER FOR HIGHWAY EQUIPMENT
REIMBURSEMENT

Ald. Thornton introduced the following and moved its adoption:

WHEREAS, the Common Council, on June 22, 2004, adopted Resolution No. 36-2004 AUTHORIZING TRANSFER FOR DEPARTMENT OF PUBLIC WORKS EQUIPMENT PENDING STATE AID REIMBURSEMENT, and

WHEREAS, such resolution authorized the transfer of funds in the amount of \$39,921.05 from the highway equipment reserve pending CHIPS State Aid reimbursement; and

WHEREAS, the Public Works Committee has since reviewed the City's 2004 Streets Recycling Program with a recommendation to add East Park Place to its list of streets to be recycled; and

WHEREAS, such addition to the street program would result in an increase in use of the CHIPS funds and less than a full reimbursement to the Highway Equipment Reserve; and

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

RESOLVED, that Resolution No. 36-2004 be amended by authorizing the amount of subsequent reimbursement from the CHIPS Program to be modified from \$39,921.05 to \$21,675.00.

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

RESOLUTION # 43 - 2004.

ESTABLISHING FEES SCHEDULES RELATIVE TO VARIOUS
CODES RELATED ACTIVITIES

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, fees for various codes in the City of Norwich have not been changed in several years;
and

WHEREAS, there is a desire to make such fees more realistic; and

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

RESOLVED, that

1. the following fee schedule be and hereby is adopted:

BUILDING PERMITS

<u>One/Two Family.</u>			
New Construction			
	Up to 1,500 sq. ft.		150.00
	1,500 sq. ft. to 2,000 sq. ft.		200.00
	Over 2,000 sq. ft.		300.00
Detached garages/storage buildings (over 140 sq. ft.)			
	Up to 1,000 sq. ft.		75.00
	For each additional 500 sq. ft. or fraction thereof		25.00
Repairs, alterations, additions			
	Up to \$ 500 true value		20.00
	\$500 to \$1,000 true value		40.00
	For each additional \$1,000 value or fraction thereof		7.50
	(Includes wood stoves) (Cannot exceed cost of new construction)		
<u>Commercial/Industrial</u> (Includes multiple dwelling and assembly occupancies)			
New Construction			
	Up to 1,000 sq. ft. floor area		225.00
	For each additional 1,000 sq. ft. or fraction thereof		75.00
	up to 5,000 sq. ft. of floor area		
Repairs, alterations, additions			
	Up to \$1,000 true value		100.00
	For each additional \$1,000 value or fraction thereof		15.00
	(Cannot exceed cost of new construction)		
<u>Renewal/Refund</u>			
Permit Renewal Fee (Renewable every Six Months after the First Year, up to two years)	50%	of original fee	
Refund for Unapproved Permit (withdrawn project, provided work did not start)			50% of fee
Refunds will be issued for up to six (6) months-after six (6) months no refund will be issued.			
<u>Other Fees</u>			
Demolition			
	Up to \$3,000 of true assessed value		40.00
	For each \$1,000 of true assessed value or fraction thereof		5.00
Flood Ordinance permit			50.00
Pools			
	In-Ground Swimming Pools (Over Two (2) Feet in Depth)		75.00
	On-Ground Swimming Pools (Over Two (2) Feet in Depth)		50.00
	90 Day Renewal Fee (If Pool is not installed within 90 days)		25.00
All swimming pools requiring a permit shall be FENCED per Appendix G, Section AG106 of the Residential Code of New York State. Electrical Inspections shall be performed by an inspection agency approved by the City of Norwich. Fees associated with this inspection are not part of this fee schedule.			
Petroleum Bulk Storage Tanks (1,000 gallons or less)			100.00
Installation and/or Removal of Underground and/or Aboveground Storage Tanks	each		50.00

Mobile Homes on approved lots	100.00
Flood Plain application may be required.	
Approved stabilizing devices and anchoring equipment for mobile home, fuel and gas tanks are required.	
Fence	15.00
Tents (for retail or public assembly use)	30.00
Signs	
Per Square Foot	3.00
Minimum	30.00
Certificate of Occupancy Inspection (no permit required)	Per Hour / 50.00
(Included are required inspections by other governmental agencies)	
Temporary Certificate of Occupancy	50.00
Zoning Board of Appeals Application -- Nonrefundable Fee	
Residential, Area or Use Variance	100.00
Commercial or Professional, Area Variance	150.00
Commercial or Professional, Special Permit	200.00
Commercial or Professional, Use Variance	250.00

Complaints

An Inspection of an Existing Structure shall only be performed upon the receipt of a bona fide complaint form. The cost of the inspection will be directed to the owner of the building. Unfounded complaints shall be billed to the complainant.

PLUMBING PERMITS

Plumbing & Heating License Fees

Annual License fee	
Master Plumbing License	100.00
Master Heating License	100.00
Master Plumbing & Heating License	150.00
Reciprocating Master Plumbing License	100.00
Reciprocating Master Heating License	100.00
Reciprocating Master Plumbing & Heating License	150.00
Journeyman Plumbing License	60.00
Journeyman Heating License	60.00
Journeyman Plumbing & Heating License	80.00
Reciprocating Journeyman Plumbing License	60.00
Reciprocating Journeyman Heating License	60.00
Reciprocating Journeyman Plumbing & Heating License	80.00
Inactive license fee	1/5 of license fee
Application for test	
Master's License test	125.00
Journeyman's License test	100.00
No test required for Apprentice	
Temporary Licenses for qualified	
Temporary Master License for qualified Plumbing or Heating Contractors	500.00
Temporary Journeyman Licenses for qualified Plumbing or Heating Contractors	100.00

FAILURE TO APPLY FOR A RECIPROCATING OR TEMPORARY LICENSE 30 DAYS BEFORE COMMENCEMENT OF WORK WILL AUTOMATICALLY DOUBLE THE FEE.

Fees for Plumbing Installations without accompanying Building Permit

Water line connection with backflow prevention valve and expansion tank	ea. 30.00
Sanitary line connection	
From Clean Out to Structure	ea. 30.00
From Street Main to Clean Out	ea. 50.00
Fixtures	
Up to Six	ea. 25.00
Each Additional	ea. 4.00

Water Heater	15.00
Heating systems (Replacements and new installations without a new building permit)	
Up to 175,000 btu	50.00
175,000 to 1,000,000 btu	100.00
1,000,000 to 10,000,000 btu	525.00
Over 10,000,000 btu	925.00
Sprinkler system - new or addition	350.00
Plumbing Repair/Alteration - Value of Work (Including Air Conditioning)	
Up to \$1,000	25.00
Over \$1,000 - for each additional \$1,000 portion thereof	5.00

A Permit is Required for ALL Heating Equipment installed in any existing structure or on any property within the City of Norwich which uses solid fuel, combustible liquids or gases and also included is new or replacement chimneys, flues or gas vents. Fuel examples: outdoor wood furnaces, wood stoves, wood boilers, coal stoves, pellet or corn stoves and all gas and oil heating equipment. All heating equipment shall be required to be UL or other testing agency tested and installed according to the manufacturers instructions.

ELECTRICAL LICENSE

Electrical License Fees

Annual License fee	
Master Electrician License	100.00
Reciprocating Master Electrician License	100.00
Journeyman Electrician License	60.00
Reciprocating Journeyman Electrician License	60.00
Inactive license fee	1/5 of license fee
Application for Test	
Master’s License test	125.00
Journeyman’s License test	100.00
No test required for Apprentice	
Temporary Licenses for Single Project	
Temporary Master License for qualified Electrical license holder	500.00
Temporary Journeyman License for qualified Electrical license holder	100.00

FAILURE TO APPLY FOR A RECIPROCATING OR TEMPORARY LICENSE 30 DAYS BEFORE COMMENCEMENT OF WORK WILL AUTOMATICALLY DOUBLE THE FEE

- any permits issued for projects located in a New York State Department of Economic Development Zone of the City will be granted a fifty (50) percent reduction in the building permit fees; and
- all fees shall be payable in advance; and
- this resolution shall take effect August 1, 2004 and shall supersede all previous schedules for fees for the same subjects.

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

RESOLUTION # 43 - 2004. AUTHORIZING AGREEMENT FOR STATE ARCHIVES GRANT AWARDS

Ald. Thornton introduced the following and moved its adoption:

WHEREAS, the City of Norwich submitted two applications for grant funding through the New York State Education Department, Local Government Records Management Improvement Fund for the microfilming of records; and

WHEREAS, notification has been received from the New York State Archives that the City of Norwich has been awarded two grants in the amounts of \$19,000 for the microfilming of archival permanent records, and \$3,373 for the microfilming of non-archival permanent records; and

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

RESOLVED, that the Mayor be and hereby is authorized to sign the agreements with the New York State Archives to accept both grants, in the amounts of \$19,000 and \$3,373 respectively, through the Local Government Records Management Improvement Fund and to act in all respects relative to carrying out its provisions.

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

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

	<u>Prepaid</u>	<u>7/20/04</u>	<u>Grand Total</u>
General Fund	157,089.07	46,397.33	203,486.40
Sewer Fund	14,685.42	6,832.65	21,518.07
Water Fund	14,087.62	15,370.79	29,458.41
Trust	61,150.25	0.00	61,150.25
B.I.D.	0.00	0.00	0.00
Debt Service	204,417.26	0.00	204,417.26
Reserves	0.00	0.00	0.00
Unemployment	0.00	0.00	0.00
C.D.	80,555.43	0.00	80,555.43
EDZ/LDC	0.00	0.00	0.00
Capital Projects	995,652.62	328.00	995,980.62

TOTALS

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

Executive Session – Ald. Biviano moved to go into executive session at 8:40 PM to discuss the employment history of a particular individual; pending litigation and the financial and credit history of a particular corporation. Seconded by Ald. Williams and duly adopted, ayes all.

Ald. Williams moved to go out of executive session 9:05 PM. Seconded by Ald. Cushman and duly adopted, ayes all.

-- Ald. Biviano moved to authorize and direct the City Attorney to file a tax certiorari lawsuit in State Supreme Court with respect to the denied reduction in the appraised value of Chenango Lake. Seconded by ald. Maiurano and duly adopted, ayes all on a roll call vote, 6-0.

-- Ald. Maiurano moved to authorize the Director of Finance to sign a letter of understanding with Steven Serafen and ARS Properties, LLC (d/b/a Precision Built Tops) on the rental of the Borden Avenue Transportation Building, under the direction of the City Attorney. Seconded by Ald. Thornton and duly adopted, ayes all on a roll call vote, 6-0.

Executive Session – Ald. Biviano moved to go into executive session at 9:10 PM to discuss the employment and financial history of a particular individual. Seconded by Ald. Maiurano and duly adopted, ayes all.

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

Adjournment – Ald. Maiurano moved to adjourn at 10:10 PM. Seconded by Ald. Thornton and duly adopted, ayes all.