

COMMON COUNCIL

September 8, 2004

Mayor Robert Raphael presided at a special meeting of the Common Council held at 7 PM on September 8, 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
HR Director Deborah DeForest
Police Chief Joseph Angelino
Fire Chief John Tighe
DPW Supt. Carl Ivarson
Deputy Clerk Donna Philippone
Representatives from Upstate Homes
Linda Henry, Adelphia Communications
Pegi LoPresti, B.I.D.

Special Meetings – Ald. Thornton asked if there was a specific procedure for special meetings and how many have been held this year versus past years. He suggested the Council might need to re-evaluate the number of regular meetings it holds. Mayor Raphael indicated that special meetings are held when the need arises. He reminded all that the Council tabled several matters during the regular meeting on August 17 and set a special meeting for August 28 to re-address the matters. When there was no quorum present on August 28 to conduct business, the meeting was rescheduled to an evening when all could attend.

Upstate Homes – Mayor Raphael indicated that Patricia Kennedy from Upstate Homes was present to answer any questions. Ald. Biviano questioned the date of the correspondence and asked if there was verbal communication with the Mayor prior to the written notification. Mayor Raphael could not recall. It was noted that the 40-day period for a response from the City would have commenced on August 12, 2004. Ald. Biviano stated that he does not object to Upstate Homes, he objects to the proposed location due to over-saturation of the neighborhood. He asked Upstate Homes to pull its notice and work with the Common Council to find a better location in the City. Ms. Kennedy indicated that Upstate Homes would not pull its letter of intent, however, it is willing to talk with the City relative to the over-saturation issue. She noted that Upstate Homes did utilize local realtors and looked at eight properties. Ald. Thornton said he would like to see good community partnership and, noting that the City's policy for not-for-profits is that a payment in lieu of taxes be made, asked if the group would make a payment or be interested in a barter system. Ms. Kennedy said Upstate Homes has many properties off the tax roll outside of Chenango County and do not make payments in lieu of taxes. She noted the homes are here to support the people most in need.

Joan Crow of 60 Borden Avenue said she understands that the need is there, however, she has health problems of her own and is finding it difficult to pay her taxes. She stated that she does not want to lose her home in the last years of her life and have no place to live because she is paying for them.

Nancy Adsit, Norwich, asked what other non-profits pay. Ald. Biviano stated that some pay and some do not.

Ald. Maiurano said the question of over-saturation needs to be addressed. When asked by Ald. Biviano if she believes that the Rowley Avenue home would result in over-saturation, Ms. Kennedy said that she did not.

Ed Morano, 21 Miller Street, noted that he has never seen a non-profit organization apply for a use variance to the Zoning Board of Appeals.

Ald. Cushman asked Ms. Kennedy what the requirements were for this particular property. She indicated that the property has ample space on the first floor with an accessible bath and plenty of off street parking.

Dick Snyder, Norwich, suggested that Upstate Homes say yes to something, such as committing 60 hours of its residents' time for community service. Ms. Kennedy said she is willing to work with the non-profits on how to give back to the community, but she cannot make promises. She said Upstate Homes will be good neighbors. Ms. Kennedy questioned if a payment in lieu-of taxes were to be made, would there still be an issue relative to over-saturation.

-- Ald. Biviano moved to authorize legal action for the investigation of over-saturation. Seconded by Ald. Thornton and duly adopted, 5-1 (Maiurano) on a roll call vote.

-- Ald. Biviano moved to receive and file the correspondence from Upstate Homes relative to its intent to locate an Individual Residential Alternative (IRA) at 15-15 ½ Rowley Avenue. Seconded by Ald. Thornton and duly adopted, ayes all.

Resolution No. 44 of 2004 AUTHORIZING RENEWAL OF CABLE TELEVISION FRANCHISE AGREEMENT WITH ADELPHIA. Ald. Maiurano moved to remove the resolution from the table. Seconded by Ald. Williams and duly adopted, ayes all.

Ald. Biviano stated that he had strong reservations about a 10-year agreement however; it is the standard and was recommended by the Attorney.

-- Ald. Thornton moved to approve Resolution No. 44 of 2004, Authorizing Renewal of Cable Television Franchise Agreement With Adelphia. Seconded by Ald. Williams and duly adopted, ayes all on a roll call vote, 6-0.

Public Access Channel – Ald. Thornton moved to authorize the Mayor to sign an understanding and agreement with Adelphia Communications to operate the Public Access Channel, effective immediately and in addition, Adelphia will post all Government Access related details provided to it by the City of Norwich on the Public Access Channel. Seconded by Ald. Maiurano and duly adopted, ayes all on a roll call vote, 6-0.

Resolution No. 46 of 2004 AUTHORIZING ADDENDUM TO AGREEMENT FOR PROFESSIONAL COMMUNITY DEVELOPMENT SERVICES. Ald. Biviano moved to remove the resolution from the table. Seconded by Ald. Williams and duly adopted, ayes all.

Ald. Thornton noted that he had asked to have the resolution tabled because there was no detail of where the amount came from. Ald. Biviano said he feels that Shelter Planning is well worth the money. It was explained that it would be a greater expense to the City if Shelter Planning had to go back and research and itemize the previous bill. Discussion ensued. Ald. Thornton said he would like a one-page summary included with the bill in the future.

-- Ald. Biviano moved to approve Resolution No. 46 of 2004, Authorizing Addendum To Agreement For Professional Community Development Services. Seconded by Ald. Thornton and duly adopted, ayes all on a roll call vote, 6-0.

B.I.D. / American Flags – B.I.D. Administrator Pegi LoPresti explained that as part of the Streetscape Project, the B.I.D. addressed the issues regarding the American Flag. It was decided that due to the amount of time required for maintaining the flags as well as the wear and tear on the flags that the flags would not be reinstalled on the light poles. Ms. LoPresti said that as part of the project, flag pole holders were constructed at intervals along Broad Street and merchants are encouraged to utilize them. She noted that she and other B.I.D. board members have met with Mrs. Coe several times in the hope of arriving at a mutual agreement.

Mary Coe said she began a campaign in 1997 to have the American Flag flying on the power poles here in the City of Norwich. She received help and support from Veteran groups, local businesses and citizens. She stated that the City needs to have an American Flag on every power pole on North Broad, South Broad as well as East and West Main Streets to show our continued support for the armed services men and women serving our County. She presented a petition with over 200 names requesting the placement of the American Flag flying on the tall power poles here in Norwich. She also stated that the Chief Tighe has discussed the matter with the George Rider Hook and Ladder Company of the Fire Department who have agreed to assist with the placement and removal of the flags.

Ms. LoPresti noted that the City had charged the B.I.D. with the flag and banner placement in conjunction with the streetscape project and a policy and procedure for banners and flags is being developed. Tom Sutton noted that the B.I.D. is trying to work with Mrs. Coe to resolve the matter. Discussion ensued.

Officers from the VFW that were present offered to donate flags and also maintain them. It was also noted that the 10 foot poles along the sidewalk would be appropriate flag protocol and if there is a football game, it would be appropriate to fly a purple and white flag.

Police Chief Angelino referring to his military experience stated that the American Flag is such a powerful symbol, it is kept out of public view in Iraq. He said that he could step out of his station, stand in one place and see 13 flags. The Chief said there are flags all over and people should not be as concerned with the number of flags as with the way they are displayed. He noted that more is not better and the best way is for the American Flag to be respected to the utmost and flown respectfully.

-- Ald. Maiurano moved to refer the matter back to the B.I.D. for a determination. Seconded by Ald. Cushman and duly adopted, ayes all on a roll call vote, 6-0.

Ward One Concerns – Ald. Abraham updated the Council regarding the tree on South Broad Street stating that he has resolved the matter with NYSEG. He also reported on concerns regarding a tree at the intersection of Elm Street and Beebe Avenue and traffic speed on Conkey Avenue. Ald. Abraham referred to the meeting of August 24 when the Mayor announced the formation of a budgetary task force. He stated that the Mayor explained the reason for the task force was that three of the aldermen were new and not qualified. He asked the Mayor why he went out and put together this task force without considering any suggestions by the Council. He also asked the Mayor who gave him the names and if he knew the people.

Mayor Raphael again apologized for the implication that the new aldermen were not qualified. He clarified that they are new and have not been through the budget process. The Mayor said that these people are professionals that do this everyday and are willing to volunteer their time. He noted that in the past the City has paid professionals for consulting services. The Mayor said he met some of the people through the LDC and some at events. He said he asked employers if they had someone that could volunteer. Mayor Raphael stated that with an outside resource available like this, why not take advantage of it.

Per Diem Firefighters – Chief Tighe updated the Council with details of the proposed per diem firefighter with regard to rate of pay, rate of overtime and comparison of schedules. He noted that training would be for 18 months and the firefighter can be employed during the training phase.

Executive Session – Ald. Biviano moved to go into executive session at 8:50 PM to discuss the personnel history of a particular individual. Seconded by Ald. Thornton and duly adopted, ayes all. Ald. Maiurano moved to go out of executive session at 9:10 PM. Seconded by Ald. Biviano and duly adopted, ayes all.

-- Ald. Maiurano moved to authorize the Police Chief and the HR Director to negotiate with the Town of Norwich and its Dog Warden to provide temporary coverage while the City's Dog Officer is out on leave. Seconded by Ald. Williams and duly adopted, ayes all on a roll call vote, 6-0.

Adjournment – Ald. Maiurano moved to adjourn at 9:12 PM. Seconded by Ald. Williams and duly adopted, ayes all.