

## COMMON COUNCIL

November 18, 2003

Mayor Marylou Stewart presided at a regular meeting of the Common Council held at 7 PM on November 18, 2003, at One Court Plaza.

### Present:

Mayor Marylou Stewart  
Ald. Gary Clark  
Ald. James Cushman  
Ald. Robert Rabinowitz  
Ald. Jeffrey Thornton  
Ald. Sharon Jeffer  
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  
Deputy Clerk Donna Philippone

### Absent:

Supervisor L. Natoli

-- Ald. Jeffer moved to dispense with the reading and approve the minutes of October 21, 2003. Seconded by Ald. Cushman and duly adopted, ayes all.

### PUBLIC HEARING:

Mayor Stewart opened the first public hearing at 7:06 PM relative to the proposed City of Norwich Comprehensive Plan. No one wished to comment.

The Mayor closed the hearing and opened the public hearing at 7:07 PM for the proposed 2004 budgets.

-- Mary Coe, 5A Waite Street, stated that the population is dwindling and City officials are not considering the residents that are still here. She suggested the Council table its decision and take another look at the budget.

There being no further comments, the Mayor closed the hearing at 7:15 PM.

### OPEN FORUM:

No one wished to be heard.

### BIDS:

Norwich Shoe Factory Demolition -- Eleven bids were received on November 3, 2003 and reviewed by Committee with a recommendation to be made under the New Business portion of the meeting.

Sale of Surplus Equipment -- Two bids were received on November 14, 2003 for Item No. 2 from Sale of Surplus Equipment and will be taken up under the New Business portion of the meeting.

### CORRESPONDENCE:

World AIDS Day Procession -- Ald. Jeffer moved to approve a request from the Binghamton Tri-County HIV Care Network to hold a procession for World AIDS Day beginning at 6 PM on December 1, 2003, under the direction of the Police Chief. Seconded by Ald. Thornton and duly adopted, ayes all. Prior to the vote, it was noted that the procession would take place on the sidewalk of Norwich Broad Street.

### DEPARTMENT, BOARD AND COMMISSION REPORTS:

- ◆ Historian monthly report for October, 2003
- ◆ Public Works/Water System monthly report for October, 2003
- ◆ Records Management monthly report for October, 2003
- ◆ Youth Bureau monthly report for October, 2003
- ◆ Civil Service Commission minutes of September 25, 2003
- ◆ Traffic Commission minutes of November 12, 2003
- ◆ Youth Board minutes of October 14, 2003
- ◆ Zoning Board of Appeals minutes of October 27, 2003

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

#### WARD AND COMMITTEE REPORTS:

- ◆ Finance Committee meeting of November 5, 2003
- ◆ Public Safety Committee meeting of October 28, 2003
- ◆ Public Works Committee meeting of October 23, 2003

Four-Way Stop Signs -- Ald. Cushman asked for clarification regarding discussion by the Traffic Commission about four-way stops in Ward Two.

Fall Leaf Pickup -- Ald. Rabinowitz reported for Ward Three that leaves have been put out to the curb for pickup.

Curb Cut Request -- Ald. Biviano moved to approve a curb cut request from John Welman and Sherry Stone for their property located at 7 Division Street in Ward Six, under the direction of the City Engineer. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Finance Committee -- 2004 Non Unit Compensation -- Ald. Clark reported that the compensation schedule for 2004 non-unit personnel was discussed by the Finance Committee with no decision made. The Finance Committee referred the matter to the full Council for discussion. Ald. Biviano moved to hold off discussion on the matter until January. Seconded by Ald. Rabinowitz and duly adopted, 4-2 (Aldermen Clark and Thornton) on a roll call vote.

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

#### NEW BUSINESS:

Award of Bid -- Ald. Rabinowitz moved to award the bid for Commercial Uniform and Laundry Services to the lowest qualified bidder meeting specifications, Shapiro's Uniform Rental of Endicott, NY, as recommended by the Finance Committee as follows:

|                     |                                      |
|---------------------|--------------------------------------|
| a.1 - \$2.23 / week | d.1 - \$6.00 / week                  |
| a.2 - 2.23 / week   | d.2 - 4.50 / week (5%)               |
| a.3 - .97 / week    | e. - no charge                       |
| a.4 - 5.43 / week   | f. - 0 .47 / each                    |
| b.1 - 1.10 / week   |                                      |
| c.1 - no charge     | Delivery charge - none               |
| c.2 - no charge     | Setup charge - \$2.00 per person     |
|                     | Time element to implement - 30 days  |
|                     | Time element to add persons - 7 days |

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

Award of Bid -- Ald. Thornton moved to award the bid for Norwich Shoe Factory Demolition to the lowest qualified bidder meeting specifications, Ritter & Paratore of Utica, NY, in the amount of \$205,632 the base bid total, as recommended by the Finance Committee. Seconded by Ald. Cushman and duly adopted, ayes all on a roll call vote, 6-0.

Award of Bid -- Ald. Jeffer moved to award the bid for Sale of Surplus Equipment to the highest bidder as follows: Item 1 - no bids received; Item 2 - to Robert Mason, Norwich, NY in the amount of \$435. Seconded by Ald. Thornton and duly adopted, ayes all.

#### RESOLUTION # 69 - 2003.      ADOPTING FISCAL YEAR 2004 GENERAL FUND BUDGET

Ald. Cushman introduced the following and moved its adoption:

WHEREAS, a tentative fiscal year 2004 General Fund budget in the amount of \$ 6,042,562 was presented to the Common Council on November 12, 2003; and

WHEREAS, a public hearing on such budget has been held on November 18, 2003; now, therefore be it

RESOLVED, that the Fiscal Year 2004 General Budget for the City of Norwich in the amount of \$ 6,042,562, as presented on November 12, 2003, be and hereby is adopted.

Seconded by Ald. Rabinowitz.

Extensive discussion ensued including the need to rebuild the general fund as well as the need for fundamental changes from the State.

-- Upon a roll call vote, the resolution was adopted with the Mayor voting aye to break the tie. Ayes: Aldermen Rabinowitz, Thornton and Jeffer; Nays: Aldermen Clark, Cushman and Biviano.

RESOLUTION # 70 - 2003.            ADOPTING FISCAL YEAR 2004 WATER FUND BUDGET

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, a tentative fiscal year 2004 Water Fund budget in the amount of \$ 1,033,589 was presented to the Common Council on November 12, 2003; and

WHEREAS, a public hearing on such budget has been held on November 18, 2003; now, therefore be it

RESOLVED, that the Fiscal Year 2004 Water Fund Budget for the City of Norwich in the amount of \$ 1,033,589, as presented on November 12, 2003, be and hereby is adopted.

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

RESOLUTION # 71 - 2003.            ADOPTING FISCAL YEAR 2004 WASTEWATER FUND BUDGET

Ald. Jeffer introduced the following and moved its adoption:

WHEREAS, a tentative fiscal year 2004 Wastewater Fund budget in the amount of \$ 863,935 was presented to the Common Council on November 12, 2003; and

WHEREAS, a public hearing on such budget has been held on November 18, 2003; now, therefore be it

RESOLVED, that the Fiscal Year 2004 Wastewater Fund Budget for the City of Norwich in the amount of \$ 863,935, as presented on November 12, 2003, be and hereby is adopted.

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

RESOLUTION # 72 - 2003.            ADOPTING FISCAL YEAR 2004 SPECIAL GRANTS FUND AND DEBT SERVICE FUND BUDGETS

Ald. Jeffer introduced the following and moved its adoption:

WHEREAS, tentative fiscal year 2004 budgets for Special Grants Fund in the amount of \$ 2,053,688 and Debt Service Fund in the amount of \$ 877,260 were presented to the Common Council on November 12, 2003; and

WHEREAS, a public hearing on such budgets has been held on November 18, 2003; now, therefore be it

RESOLVED, that Fiscal Year 2004 Special Grants Fund in the amount of \$ 2,053,688 and Fiscal Year 2004 Debt Service Fund in the amount of \$ 877,260 for the City of Norwich, as presented to the Common Council on November 12, 2003, be and hereby are adopted.

Seconded by Ald. Thornton.

Discussion ensued regarding the Empire Zone budget. Ald. Biviano moved to amend the resolution by removing the EDZ budget from the Special Grants Fund Budget. Seconded by Ald. Clark and duly adopted, ayes all.

-- Upon a roll call vote, the resolution was duly adopted as amended, 6-0.

RESOLUTION # 73 - 2003.            AUTHORIZING SETTLEMENT AND RELEASE AGREEMENT WITH NYSEG

Ald. Thornton introduced the following and moved its adoption:

WHEREAS, the New York State Public Service Commission instituted formal proceedings to consider the past billings and other issues, claims or disputes in connection with the rendition of street lighting services by New York State Electric and Gas Corporation (NYSEG); and

WHEREAS, the City of Norwich intervened in such proceedings; and

WHEREAS, the City of Norwich engaged Computel Consultants (Computel) to represent the City of Norwich in such proceedings and negotiate on its behalf in regard to all issues, claims or disputes

pertaining to street lighting services rendered by NYSEG to the City of Norwich, including, but not limited to, its past NYSEG street lighting bills; and

WHEREAS, negotiations between NYSEG and Computel have resulted in a settlement and release agreement between NYSEG and the City of Norwich; and

WHEREAS, Computel has recommended acceptance of such settlement and release agreement; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized and directed, under the direction of the City Attorney, to execute a settlement and release agreement with and to deliver the same to NYSEG; and, further be it

RESOLVED, that this settlement and release agreement is an accord and satisfaction for all issues, claims or disputes pertaining to street lighting services rendered by NYSEG to the City of Norwich for the period set forth in the settlement and release agreement.

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

RESOLUTION # 74 - 2003.      AUTHORIZING TRANSFER FOR PROFESSIONAL LEGAL SERVICES

Ald. Clark introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of professional legal services relative to the Norwich City School District lawsuit for the period of August 29 through October 19, 2003; 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 2003 General Fund Budget:

From:

| <u>Account Number</u> | <u>Name</u> | <u>Amount</u> |
|-----------------------|-------------|---------------|
| A1990.4               | Contingency | \$ 6,800.00   |

To:

| <u>Account Number</u> | <u>Name</u>                    | <u>Amount</u> |
|-----------------------|--------------------------------|---------------|
| A1420.4020            | Attorney - Contracted Services | \$ 6,800.00   |

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

RESOLUTION # 75 - 2003.      AUTHORIZING TRANSFER FOR POLICE EQUIPMENT

Ald. Jeffer introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of computer upgrades in the Police Department; 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 2003 General Fund Budget:

From:

| <u>Account Number</u> | <u>Name</u>                             | <u>Amount</u> |
|-----------------------|-----------------------------------------|---------------|
| AHR21.9950            | Police Equipment - Capital Reserve Fund | \$ 7,500.00   |

To:

| <u>Account Number</u> | <u>Name</u>                   | <u>Amount</u> |
|-----------------------|-------------------------------|---------------|
| A3120.2100            | Police Department - Equipment | \$ 7,500.00   |

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

RESOLUTION # 76 - 2003.      AUTHORIZING TRANSFER FOR UNEMPLOYMENT INSURANCE

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of third quarter unemployment insurance expenses; 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 2003 General Fund Budget:

From:

| <u>Account Number</u> | <u>Name</u> | <u>Amount</u> |
|-----------------------|-------------|---------------|
| A1990.4               | Contingency | \$ 5,200      |

To:

| <u>Account Number</u> | <u>Name</u>            | <u>Amount</u> |
|-----------------------|------------------------|---------------|
| A9050.8               | Unemployment Insurance | \$ 5,200      |

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

RESOLUTION # 77 - 2003.            AUTHORIZING TRANSFER FOR EMPLOYEE BENEFITS

Ald. Jeffer introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of an unbudgeted increase in December 2003 by the NYS Retirement System; 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 2003 General Fund Budget:

From:

| <u>Account Number</u> | <u>Name</u>              | <u>Amount</u> |
|-----------------------|--------------------------|---------------|
| A9901.9BA30           | Employee Benefit Reserve | \$ 9,605      |

To:

| <u>Account Number</u> | <u>Name</u>                          | <u>Amount</u> |
|-----------------------|--------------------------------------|---------------|
| A9010.8               | Employee Benefits - State Retirement | \$ 9,605      |

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

RESOLUTION # 78 - 2003.            AUTHORIZING TRANSFER FOR FIRE DEPARTMENT VEHICLE MAINTENANCE

Ald. Jeffer introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of vehicle maintenance in the Fire Department; and

WHEREAS, the Public Works and Finance Committees have 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 2003 General Fund Budget:

From:

| <u>Account Number</u> | <u>Name</u>                                   | <u>Amount</u> |
|-----------------------|-----------------------------------------------|---------------|
| A3410.4070            | Fire Department - Clothing & Employee Expense | \$2,700       |

To:

| <u>Account Number</u> | <u>Name</u>                           | <u>Amount</u> |
|-----------------------|---------------------------------------|---------------|
| A3410.4040            | Fire Department - Vehicle Maintenance | \$ 2,700      |

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

OTHER BUSINESS

Resolution Amending V&T Ordinance -- Mayor Stewart reported that the Vehicle and Traffic Ordinance relative to parking permits in the Hayes Street Parking Lot has been pulled for further review.

Comprehensive Plan -- The Mayor reported on the status of the Comprehensive Plan and noted the next step is the environmental assessment with adoption of the plan anticipated for November 28.

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

|                  | <u>Prepaid</u> | <u>11/18/03</u> | <u>Grand Total</u> |
|------------------|----------------|-----------------|--------------------|
| General Fund     | 84,209.52      | 45,306.68       | 129,516.20         |
| Sewer Fund       | 6,755.02       | 1,882.26        | 8,637.28           |
| Water Fund       | 23,349.35      | 5,756.34        | 29,105.69          |
| Trust            | 42,380.44      | 25.00           | 42,405.44          |
| B.I.D.           | 2,279.51       | 0.00            | 2,279.51           |
| Debt Service     | 4,475.00       | 0.00            | 4,475.00           |
| Reserves         | 0.00           | 0.00            | 0.00               |
| Unemployment     | 0.00           | 0.00            | 0.00               |
| C.D.             | 72,861.90      | 0.00            | 72,861.90          |
| EDZ/LDC          | 0.00           | 0.00            | 0.00               |
| Capital Projects | 99,682.45      | 3,028.21        | 102,710.66         |

**TOTALS**

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

Adjournment --Ald. Jeffer moved to adjourn at 7:57 PM. Seconded by Ald. Thornton and duly adopted, ayes all.