

COMMON COUNCIL

February 23, 1993

Mayor Chomyszak presided at a regular meeting of the Common Council held at 7 pm on February 23, 1993, at the Higley Building.

Present:

Mayor Marjorie Chomyszak
Ald. George Carnrike
Ald. Patrick McNeil
Ald. Robert Rabinowitz
Ald. Stephen Tooker
Ald. Sam Symonds
Ald. Charles Angelino

Also:

Clerk Jody Zakrevsky
Chamberlain Harold Hutton
Attorney James Cushman
Police Chief Richard Whiting
Asst. Fire Chief T. Christophersen
Historian Patricia Scott
Water Supt. Carl Iverson
Acting Water Board Chair James Dunne
City Supervisor John Dolan
City Supervisor Ron Annese

Ald. Tooker moved to dispense with the reading and approve the minutes of February 9, 1993 with the typographical corrections. Seconded by Ald. McNeil and duly adopted, ayes all.

OPEN FORUM:

-- John Poole of Cam-Ful Industries was present to say a few words regarding his firm. He said he understood that the Water Board looked into his firm and found them to be a responsible bidder. He stated that Cam-Ful is responsible and highly organized in plumbing, HVAC and fire protection. He stated the firm currently has projects worth \$12 million. He explained that the firm has been in business for 13 years and has 350 employees. The firm maintains a safety program and also in place is a drug program. Mr. Poole stated that Cam-Ful is currently involved in many projects around the state including SUNY Cortland, Broome County jail, the state fishery, and the state fair grounds. He indicated that Cam-Ful would complete the project in a timely manner and would also consider hiring local people if requested. Mr. Poole stated that Cam-Ful would not hire union people because it is not a union company.

Aaron Seward, Business Manager of Local Union 258 and President of the Building and Trades Council, quoted from a draft executive order from the governor's office defining responsible contract bidding. He also presented a letter from an attorney summarizing that it is the municipality that may determine a firm to be responsible. He stated that the correspondence presented confirms that even if a firm has been removed from the state's disbarment list, the municipality may deem it to be an irresponsible bidder.

Mr. Seward said that Cam-Ful has also received violations from OSHA but was not able to obtain the documentation for tonight's meeting.

Ald. Carnrike stated that it has become a union versus nonunion issue. He noted the Water Board asked for information and did not receive it. The Common Council requested concrete evidence rather than accusations and received nothing more than what was already known, that the firm was disbarred for five years.

Acting Water Board Chair James Dunne stated that the Water Board voted to stand with their recommendation to the Council that the bid be awarded to Cam-Ful Industries.

Attorney Cushman stated he is in agreement with the menu items quoted by Mr. Seward determining responsible contract bidding and if that is what the Water Board evolved its decision on, he has nothing further to add.

BIDS:

Clerk Zakrevsky reported the following bids were received and would be taken up under New Business later in the evening:

- 1992 Surplus Wood
- Modifications to Motor Control Centers at WWTP
- Water Main and Temporary Water Main Materials
- Sanitary Main and Lateral Materials

CORRESPONDENCE:

Clerk Zakrevsky read a letter received by members of the Council from Congressman Sherwood Boehlert informing public officials that with the new administration, additional federal funding may be available for rural development, housing and community development and transportation.

DEPARTMENT, BOARDS AND COMMISSION REPORTS:

- Ald. McNeil moved to receive and file the following reports:
 - Police Department monthly report for January 1993
 - Water Board minutes of January 25, 1993
 - Traffic Commission minutes of February 10, 1993
- Chamberlain Hutton reported the payment for the landfill which the City has been requesting since December of 1990 has been received.

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

WARD AND COMMITTEE REPORTS:

- Personnel Committee meeting of January 19, 1993
- Ald. Carnrike reported from Ward One that several residents have asked to have snow banks removed. He commended the DPW on the snow removal. Ald. Carnrike asked residents and possibly volunteer fire personnel for cooperation with clearing snow around fire hydrants. He also commented that the skunks are out.

Water Supt. Iverson noted that the Water System clears the fire hydrants.

- Ald. Tooker reported that there is still a problem with tractor trailer trucks driving up onto a sidewalk on Turner Street. He indicated the next step may be for the Police Department to issue tickets against the drivers.

-- Ald. Angelino reported a traffic problem at the corner of Birdsall and South Delaware Square has been referred to the Traffic Commission for recommendation.

-- Mayor Chomyszak reported she has received complaints from residents regarding sidewalks not being cleared of snow and ice. She noted one complaint is in the downtown. Ald. McNeil noted that the property downtown is vacant and the matter is being processed.

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

OLD BUSINESS:

- Ald. Symonds moved to award the bid for a 1993 Police Patrol Vehicle to the lowest qualified bidder meeting specifications as recommended by the Public Safety and Finance Committees, Christman Motor Sales of Norwich with

a bid of \$13,499 without trade in. Seconded by Ald. McNeil and duly adopted, ayes all.

-- Ald. McNeil moved to take Resolution No. 14 of 1993 from the table. Seconded by Ald. Angelino and duly adopted, ayes all.

-- Ald. Carnrike moved for a vote, seconded by Ald. Rabinowitz and the resolution was duly adopted, ayes all on a roll call vote.

-- Supervisor Annese reported, regarding the landfill tipping fee question from the previous meeting, that as of March 1, 1993 the new policy at the landfill will be that anyone bringing in nine bags or less will pay \$1.50 per bag and anyone bringing in 10 bags or more may either pay \$1.50 per bag or have the bags weighed with a \$10 minimum on weighing. He noted that the tipping fee increase to \$1.50 became effective January 1, 1993.

NEW BUSINESS:

-- Ald. Rabinowitz moved the mayoral appointment of Roland Guinn, 135 East Main Street, to the Water Board for the remainder of a five year term expiring December 31, 1997. Seconded by Ald. Symonds and duly adopted, ayes all on a roll call vote.

-- Ald. Angelino moved to reject the single bid received for 1992 Surplus Wood and rebid the item in the fall, as recommended by the Public Works Committee. Seconded by Ald. Tooker and duly adopted, ayes all.

-- Ald. Carnrike moved to award the following bids to the lowest bidders meeting specifications as recommended by the Water Board:

-- Modifications to the Motor Control Centers at W.W.T.P. to M. Gleason and Sons of Binghamton, NY for \$25,200.00.

-- Water and Temporary Water Main Materials to Vellano Brothers of Iatham, NY for \$26,027.60.

-- Sanitary Main and Lateral Materials to Martisco Corp of Liverpool, NY for \$5,003.82.

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

RESOLUTION #20 - 1993. APPOINTING ALLEN LINDENTHALER AS FIRE FIGHTER

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, due to retirement, a vacancy will exist in the rank of full-time fire fighter in the Norwich Fire Department, and

WHEREAS, the fire chiefs have made certain recommendations; now, therefore be it

RESOLVED, 1. that Allen Lindenthaler, 31 Hickock Avenue, be and is hereby appointed as a full-time fire fighter in the Norwich Fire Department.

2. that this resolution shall take effect March 1, 1993.

Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote.

-- Ald. Symonds moved the following appointments to the Norwich Fire Department:

-- David Robinson, RR 1, Norwich, to the Emergency Squad.

-- Richard Burton, RR 1, Norwich, to the Hook & Ladder Company.

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

RESOLUTION #21 - 1993. AUTHORIZING TRANSFER FOR YOUTH BUREAU TRIPS

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of planned Youth Bureau recreational bus trips and activities; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1993 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1989.402	Contracted Services	\$ 450.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A7140.4020	Playgrounds & Recreation Contracted Services	\$ 450.00

Seconded by Ald. Symonds and duly adopted, ayes all on a roll call vote.

RESOLUTION #22 - 1993. AUTHORIZING TRANSFER FOR IBM SYSTEM COMPUTER MAINTENANCE CONTRACT

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, funds are needed to cover the 1993 computer mainframe maintenance contract for the IBM System 36 system; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfers in the 1993 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1989.402	Contracted Services	\$ 769.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A8020.4020	Planning - Contracted Services	\$ 192.25
A1440.4020	Engineer - Contracted Services	192.25
A1210.4020	Mayor - Contracted Services	192.25
A1410.4020	Clerk - Contracted Services	192.25
		\$ 769.00

Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote.

RESOLUTION #23 - 1993. AUTHORIZING TRANSFER FOR LEGAL FEES ASSOCIATED WITH RE-ASSESSMENT CASES

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, funds are required to cover legal fees associated with re-assessment cases; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1993 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1989.402	Contracted Services	\$ 558.40

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1420.4020	Attorney - Contracted Services	\$ 558.40

Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote.

RESOLUTION #24 - 1993. ESTABLISHING CONTINGENCY AND TAX STABILIZATION RESERVE FUND

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, Article 2, Section 6-e of the New York State General Municipal Law provides for the establishment of reserve funds for the payment of contingency and tax stabilization; and

WHEREAS, the Common Council is authorized, by resolution subject to a permissive referendum, to establish a contingency and tax stabilization reserve fund for the City of Norwich; and

WHEREAS, the Finance Committee has made certain recommendations at their meeting of February 17, 1993; and

WHEREAS, the Common Council is desirous of establishing such a fund for payment arising from public emergencies, unanticipated expenditures, and unanticipated revenue losses; now, therefore be it

RESOLVED, 1. that a reserve fund for contingency and tax stabilization is hereby established in accordance with Article 2, Section 6-e of the New York State General Municipal Law;

2. that the Chamberlain is hereby directed to deposit monies of the reserve fund in a separate bank account to be known as the "Contingency and Tax Stabilization Reserve Fund" and is authorized to invest from time to time the monies of such fund pursuant to Article 2, Section 6-e of the New York State General Municipal Law;

3. that any appropriation made to such fund shall occur only by recommendation of the Mayor and after adoption of a resolution appropriating the recommended amount by at least two-thirds of the Common Council;

4. that no expenditure shall be made from such fund, except upon authorization of the Common Council, pursuant to Article 2, Section 6-e of the New York State General Municipal Law; and

5. that this resolution is subject to a permissive referendum in accordance with the procedures outlined in Article 3, Sections 24, 25, and 26 of the New York State Municipal Home Rule Law.

Seconded by Ald. Angelino and duly adopted, ayes all on a roll call vote.

-- Prior to the vote, Chamberlain Hutton stated that there won't be any money in the account until the Council so desires and then a transfer can be made from any sources that are available. He explained the technical aspects of the fund.

Ald. Tooker noted that the resolution is merely establishing an account.

Clerk Zakrevsky added that if a valid petition is presented within the next 60 days, the issue will have to go on the ballot.

-- Chief Whiting stated with regard to the unusually heavy snowfalls recently, that he wished to commend the Police Department, Fire Department and Department of Public Works for their efforts. He also reminded residents that it is against the law to push snow into the street. The Chief cautioned motorists that due to the high snow banks extra care should be given as visibility is limited.

-- Mayor Chomyszak reminded everyone that the first Council meeting in March which would normally be held on March 9 has been rescheduled to March 2, 1993.

-- Ald. McNeil moved to pay the following bills after proper audit and certification:

	<u>Prepaid</u>	<u>02/23/93</u>	<u>Grand Total</u>
General Fund	102,755.12	21,643.01	123,755.13
Trust Fund	88,317.36	25.00	88,342.36
Community Development	0.00	437.50	437.50
TOTALS	191,072.48	22,105.51	212,534.99

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

-- Ald. McNeil moved to go into executive session to discuss pending litigation. Seconded by Ald. Carnrike and duly adopted, ayes all.

-- Ald. Angelino moved to go out of executive session. Seconded by Ald. Symonds and duly adopted, ayes all.

-- Ald. Tooker moved to adjourn at 8:48 pm. Seconded by Ald. Symonds and duly adopted, ayes all.