

COMMON COUNCIL

April 18, 1995

Mayor Biviano presided at a regular meeting of the Common Council held at 7 pm on April 18, 1995, at the Higley Building.

Present:

Mayor Joseph Biviano
Ald. George Carnrike
Ald. Patrick McNeil
Ald. Robert Rabinowitz
Ald. Sam (David) Symonds
Ald. Charles Angelino

Also:

Chief Deputy Chamberlain Gary Clark
Attorney Aaron Dean
Deputy CD Director Casey Jones
Police Chief Robert Mason
Asst. Police Chief Gardner Miles
Engineer James Suozzo
Asst. Fire Chief Graydon Titus
Codes Enforcement J. Loscavio (7:40)
Asst. Water Supt. Fred Gray
Historian Patricia Scott
EDZ Coordinator David Wagoner
Water Board Chair Albert Sullivan
Deputy Clerk Donna Russell

Absent:

Ald. Barbara Schermerhorn

Ald. McNeil moved to dispense with the reading and approve the minutes of March 14 and 21, 1995. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

PUBLIC HEARING:

Local Law No. 1 of 1995-- Mayor Biviano opened the public hearing on a local law to adopt the 1995 Retirement Incentive Program as authorized by Chapter 12, Laws of 1995, for eligible employees of the City of Norwich.

Ald. Angelino asked if there was a cut off date for the program. Deputy CD Director Jones said eligible employees must notify the City between May 1 and May 24, 1995 if they plan to take advantage of the program. Chief Deputy Chamberlain Clark noted that the eligible positions would have to be determined by the Common Council.

There being no further discussion, the Mayor closed the hearing at 7:07 pm.

OPEN FORUM:

Concerns - Mary Coe--Mary Coe, 5A Waite Street, asked for an update on the PermaSteel project. Mayor Biviano said negotiations are continuing and noted all the requirements must be met before there can be any release of funds.

Mrs. Coe reported the awning on the Mathews Building is an eyesore. The matter was referred to the Codes Enforcement Officer.

Mrs. Coe asked if a drop box could be placed behind the Salvation Army Store explaining that the storefront becomes an eyesore by the end of the weekend with bags and items piled up at the door. Ald. McNeil noted there is a sign in the window stating that items should not be left at the door when the store is closed and it should be enforced.

Mrs. Coe commented on the City's potential purchase of BFGoodrich. Mayor Biviano communicated on an Economic Summit held earlier that day which addressed several issues including BFGoodrich.

Mrs. Coe read a letter she received from Les Crispell days prior to his passing relative to the proposed auto museum and a plan to bring people to the downtown.

Bicycles on Sidewalks-- Patrick McNeil, business owner, reported on a incident that occurred earlier that day involving a youth riding a bicycle on the sidewalk on Broad Street. He expressed several concerns including liability should the bicycle hit someone exiting his store. He advised that the ordinance be reviewed.

Internet-- Chris Forbes, William Andrew, Inc., stated his company submitted a proposal to bring an Internet node into the City and was told there would be a response to the proposal by January 24. He said he has received no reply to date and asked what steps are needed to move the project forward. There was discussion relative to the matter. Deputy CD Director Jones noted there are several issues with regard to the proposal the City Attorney must investigate. Attorney Dean said pending no further issues arise, he should have an answer within a week.

BIDS:

Bids were received for 1989 Articulated Loader (rebid) and Sale of CF600 Pumper (rebid) and will be taken up under New Business.

CORRESPONDENCE:

Century Communications -- Ald. Angelino moved to receive correspondence from Century Communications notifying the City of a rate increase for basic cable service and refer the matter to the City Attorney for review. Seconded by Ald. McNeil and duly adopted, ayes all.

DEPARTMENT, BOARDS AND COMMISSION REPORTS:

Ald. McNeil moved to receive and file the following reports:

- Parks Commission minutes of January through March, 1995
- Electrical Board minutes of March 16, 1995
- Plumbing Board minutes of March 15 and April 10, 1995
- Codes Enforcement monthly report for March, 1995
- Planning Commission minutes of April 3, 1995
- Police Department monthly report for March, 1995
- Civil Service Commission minutes of March 30, 1995
- Youth Board minutes of March 21, 1995

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

WARD AND COMMITTEE REPORTS:

- Personnel Committee meeting of March 28, 1995
- Finance Committee meeting of March 20, 1995
- Public Works Committee meetings of February 9 and March 9, 1995
- Public Safety Committee meeting of April 4, 1995

Broad Street Traffic Signal -- Ald. Carnrike reported he has received calls relative to the traffic light being slow on Broad and Main Streets. The concern is that it takes so long to travel north on Broad, people are avoiding Broad Street and speeding on the parallel streets. Police Chief Mason said he would refer the matter to the Traffic Commission and also check with the NYS Department of Transportation.

Tree Stump Removal -- Ald. Carnrike commented with regard to the tree removal at the South Broad Street Park, the tree stumps should be removed as soon as possible.

Pleasant Street Rehab Project -- Ald. McNeil asked if the Pleasant Street Rehabilitation project is moving along. Mayor Biviano stated a detour agreement has been submitted by the County which has been referred to the City Attorney.

Spring Clean Up -- Ald. McNeil noted with regard to spring clean up, the City is picking up only clear bags. If people are putting out colored

bags and they are being picked up, someone else may be picking them up for their gardens.

Hydrant Flushing/Spring Cleanup -- Ald. Rabinowitz reported hydrants were flushed and said he has seen the crews out picking up yard waste but it appears that a lot of people have not put anything out yet.

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

NEW BUSINESS:

Bids

Articulated Loader -- Ald. Angelino moved to award the bid for 1989 or Newer Articulated Loader (Rebid) to the lowest qualified bidder, Wehrli Excavating of Norwich, NY with a bid of \$13,775. Seconded by Ald. Symonds and duly adopted, ayes all.

Sale of Fire Pumper -- Ald. Symonds moved to reject the bid for Sale of CF600 Pumper (Rebid) and refer the matter to the Public Safety Committee for recommendation. Seconded by Ald. Carnrike and duly adopted, ayes all.

Appointments

Gordon Barkley-Civil Service Commission -- Ald. Angelino moved to accept the Mayoral appointment of Gordon Barkley, 13 Jones Avenue to the Civil Service Commission, to the remainder of a six year term expiring May 31, 2000. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Meeting Attendance -- Ald. Angelino stated that volunteers are appreciated but should not serve unless they can attend the meetings. He asked the Clerk to keep an attendance record for Boards and Commissions meetings.

A. Jones-Assistant Emergency Management Officer -- Mayor Biviano reported the appointment of A. Jones as Assistant Emergency Management Officer. The Mayor noted Mr. Jones will be serving in a voluntary capacity. Asst. Fire Chief Titus said having an Assistant EMO will be a great help to the department.

Fire Department -- Ald. Carnrike moved to approve the following Fire Department appointments as recommended by the Public Safety Committee:

- Robert Vance, 29 Cortland Street, to the Emergency Squad
- Ann Oliver, RD 2, Norwich, to the Emergency Squad
- William Church, 58 Rexford Street, to the Hook & Ladder Company and the Emergency Squad
- Scott McLaughlin, RR 3, Norwich, to the Maydole Hose Company
- Stephen Cady, PO Box 833, Norwich, to the Alert Hose Company

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

Mayor Biviano-Municipal Cooperation Committee Appointment -- Ald. Symonds moved to appoint Mayor Biviano to the City member vacancy on the Municipal Cooperation Committee. Seconded by Ald. Angelino and duly adopted, ayes all.

Ordinance relative to Animals

Ald. McNeil moved to receive proposed Ordinance No. 1 of 1995 and set a public hearing for May 16, 1995. Seconded by Ald. Carnrike and duly adopted, ayes all.

ORDINANCE NO. 1

OF 1995

AN ORDINANCE TO AMEND A CITY ORDINANCE
RELATIVE TO ANIMALS

BE IT ORDAINED by the Common Council of the City of Norwich, New York, as follows:

Section 1. Chapter 11 of the Ordinances of the City of Norwich, which relates to animals is amended as follows:

11-1. Keeping and raising swine.

No person shall keep, house, breed or raise swine irrespective of their actual or asserted state of docility, tameness or domesticity and without regard to whether a specific animal is considered a pet or domesticated by its keeper or possessor within the corporate limits of this city. The provisions of this section shall not apply to premises owned or operated by the Chenango County Agricultural Association or their successors provided said premises are used for fair, carnival or agricultural related purposes.

11-2. Animals running at large.

No owner of or other person having the custody of any horse, cattle, sheep, swine or other animal, excepting dogs, shall suffer or permit any such animals to run at large on any public street or place in the city. The owner or custodian of any dog shall forthwith confine the same when ordered to do so by any police officer of the City.

11-3. Driving in park; hitching horses; penalty.

No vehicles, horse or team shall be driven into, or allowed to stand within any public park or square of said city. No person shall leave any horse or other animal in any street without being sufficiently tied; and no person shall at any time fasten any horse or other animal to any tree, building or signpost within any public street or place in said city, nor at any time or place so fasten any such animal in such way that the reins, lines or tie strap shall, or may, obstruct the free use of any sidewalk or crossing. Any person violating any of the provisions of this section shall pay a penalty of {three} fifty dollars {(\$3.)} (\$50.00) for each offense.

11-4. Keeping and raising wild or exotic animals.

1. No person shall within the City of Norwich offer for sale, bring into, keep, house, breed or raise or permit to be kept any wild or exotic animal irrespective of their actual or asserted state of docility, tameness or domesticity and without regard to whether a specific animal is considered a pet or domesticated by its keeper or possessor.

a. Wild or exotic animals shall mean any animal, including those animals that are captive-bred, cross-bred or raised, which can normally be found in the wild state, including but not limited to any live monkey (non-human primate), raccoon, skunk, wolf, wolfdog, bear, coydog, squirrel, fox, leopard, lion, ostrich, panther, tiger, llama, lynx, any member of the crocodilian family, including but not limited to alligators, crocodiles, caimans and gavials or other such wild animal.

b. Specifically declared not to be wild or exotic animals subject to regulation are tropical birds such as canaries, parakeets, parrots, and myna birds; guinea pigs; hamsters; white mice; turtles other than snapping turtles; and ferrets under license issued by New York State Department of Environmental Conservation. All persons keeping ferrets shall keep on file with the City Clerk a copy of a valid license.

c. The provisions of this section shall not apply to premises owned or operated by the Chenango County Agricultural Association or their successors provided said premises are used for fair, carnival or agricultural related purposes.

11-{4}5. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, unless some other punishment be hereinbefore provided, be subject to a {penalty not exceeding fifty dollars (\$50.), or to a} fine of not {exceeding} less than fifty dollars (\$50.) nor more than two hundred fifty dollars (\$250.00) {imprisonment in county jail of Chenango County until such fine be paid not exceeding one (1) day for each dollar (\$1.) of fine imposed}. In the event of a continuing violation, each week shall constitute a separate offense.

11-6. Severability.

If any part or provision of this chapter or application thereof to any person or circumstances be adjusted invalid or void by any court, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy and shall not affect or impair the validity or remainder of this chapter or the application thereof to other persons or circumstances.

Section 2. This ordinance shall take effect immediately.

New material is underlined; deleted material is {bracketed}.

RESOLUTION #25 - 1995. ADOPTING LOCAL LAW RELATIVE TO THE 1995 RETIREMENT INCENTIVE PROGRAM

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, Local Law No. 1 of 1995, which provides a 1995 Retirement Incentive Program as authorized by Chapter 12, Laws of 1995 for eligible employees of the City of Norwich, was introduced on March 21, 1995, before the Common Council; and

WHEREAS, a public hearing has been held on such local law on April 18, 1995; now, therefore be it

RESOLVED, that Local Law No. 1 of 1995, which provides a 1995 Retirement Incentive Program as authorized by the Chapter 12, Laws of 1995, be and hereby is adopted.

Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 5-0.

RESOLUTION #26 - 1995. AUTHORIZING TRANSFER FOR NYCOM MEMBERSHIP DUES

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, additional funds are required to cover the cost of 1995 NYCOM membership dues; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1995 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1210.4030	Mayor - Travel & Training	\$ 75.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1920.4	NYCOM	\$ 75.00

Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 5-0.

RESOLUTION #27 - 1995. AUTHORIZING TRANSFER FOR HIGHWAY EQUIPMENT

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, the Public Works and Finance Committees have made certain recommendations relative to the purchase of a 1989 Kubota R310 Articulated Loader and Sidewalk Forms; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1995 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR26-9950.9	Highway Equipment Reserve	\$ 15,775

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A5200.2	Highway Equipment	\$ 15,775

Seconded by Ald. Symonds and duly adopted, ayes all on a roll call vote, 5-0.

RESOLUTION #28 - 1995. AUTHORIZING TRANSFER FOR POLICE DEPARTMENT RADAR GUN

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the Public Safety and Finance Committee have made certain recommendations relative to the replacement of a worn radar gun; and

WHEREAS, funds are required to cover the cost of such replacement; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1995 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1990	Contingency	\$ 1,800

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3120.2100	Police Department - Equipment	\$ 1,800

Seconded by Ald. Rabinowitz and duly adopted, 4-1 (Ald. Symonds) on a roll call vote.

-- Prior to the vote, Ald. Symonds made the recommendation that when a request comes in for a non-budgeted item, a suggested source of funding should accompany the request.

RESOLUTION #29 - 1995. AUTHORIZING TRANSFER FOR POLICE DEPARTMENT EQUIPMENT

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, the Information Network in the Police Department is being upgraded by the State of New York; and

WHEREAS, funds are required to cover the cost of such upgrade; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1995 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1990	Contingency	\$ 5,100

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3120.2100	Police Department - Equipment	\$ 5,100

Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote, 5-0.

RESOLUTION #30 - 1995. AUTHORIZING TRANSFER FOR WATER FILTRATION PROJECT

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, funds are required for payment of current charges relative to the water filtration project; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1995 Water Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR30-230	Capital Reserve-Filtration Project	\$ 25,500

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H38-8320.4020	Capital Project-Filtration Project	\$ 25,500

Seconded by Ald. Carnrike and duly adopted, ayes all on a roll call vote, 5-0.

RESOLUTION #31 - 1995. AUTHORIZING AGREEMENTS WITH TOWNS FOR YOUTH RECREATION SERVICES

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, the City has reached agreements with the Towns of North Norwich, Norwich, Plymouth and Preston to provide youth recreation services to the residents of such towns for a lump sum per town, without individual charges being made to such participants; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized, with the approval of the City Attorney, to sign agreements with the Towns of North Norwich, Norwich, Plymouth and Preston to provide youth recreation services to residents of such towns during the 1995 fiscal year.

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

RESOLUTION #32 - 1995. AUTHORIZING BASIC SERVICES AGREEMENT WITH THE
GREATER NORWICH LOCAL DEVELOPMENT CORPORATION

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, the City of Norwich has established The Greater Norwich Local Development Corporation (LDC) for the purpose of aiding the City in undertaking various functions which the City is unable to undertake itself; and

WHEREAS, the City and the LDC desire to enter into a Basic Services Agreement which defines the terms and conditions under which the LDC will provide services to the City; and

WHEREAS, such Basic Services Agreement has been prepared; now, therefore be it

RESOLVED, 1. that a Basic Services Agreement between the City and The Greater Norwich Local Development Corporation for services by the LDC to the City, as presented to the Common Council on April 18, 1995, be and hereby is approved; and

2. that the Mayor be and hereby is authorized to execute such Agreement on behalf of the City.

Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote, 5-0.

RESOLUTION #33 - 1995. AUTHORIZING AGREEMENT WITH THE GREATER NORWICH
LOCAL DEVELOPMENT CORPORATION FOR EDZ
ADMINISTRATIVE BOARD ACTIVITIES

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, the City has applied for and received an Economic Development Zone (EDZ) designation from the state; and

WHEREAS, the City, by law, is required to designate a local economic development zone administrative board to monitor, evaluate and coordinate all economic development zone benefits; and

WHEREAS, the City desires to amend its Basic Services Agreement with The Greater Norwich Local Development Corporation (LDC) to provide for the LDC to serve as the local economic development zone administrative board; and

WHEREAS, a Supplemental Services Agreement between the City and the LDC has been prepared to provide for such services; now, therefore be it

RESOLVED, 1. that a Supplemental Services Agreement with The Greater Norwich Local Development Corporation for services by the LDC as the Economic Development Zone Administrative Board, as presented to the Common Council on April 18, 1995, be and hereby is approved; and

2. that the Mayor be and hereby is authorized to execute such Agreement on behalf of the City.

Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote, 5-0.

RESOLUTION #34 - 1995. AUTHORIZING AGREEMENT WITH CHENANGO FOUNDATION,
INC., FOR COLORSCAPE CHENANGO

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the Chenango Foundation is sponsoring Colorscape Chenango which will undertake a design and use project for East and West Side Parks in the City; and

WHEREAS, the City desires to enter into a services agreement with the Foundation for the purpose of accomplishing such project to aid in the betterment of the community; and

WHEREAS, certain preliminary activities which have been studied by the Public Safety Committee need to be undertaken prior to undertaking this project; now, therefore be it

RESOLVED, 1. that the Mayor be and hereby is authorized to enter into an agreement with Chenango Foundation whereby the Foundation will undertake a design and use project for East and West Side Parks in the City at a cost to the City not to exceed \$5,000;

2. that such agreement shall be subject to review and concurrence of the City Attorney;

3. that before any payment is made for such services that the Public Safety Committee shall determine that all pre-conditions for payment have been met; and

4. that funds for such project be and hereby are appropriated from Account CD59 Streetscape to pay for services under such agreement.

Seconded by Ald. Carnrike and duly adopted, ayes all on a roll call vote, 5-0.

-- Prior to the vote, Ald. Carnrike said Colorscape Committee has met with the Public Safety Committee, City Attorney and Police Chief relative to the event. He noted that there are several issues left to be addressed and will be discussed at the next Public Safety Committee meeting.

RESOLUTION #35 - 1995. AUTHORIZING PLEASANT STREET RECONSTRUCTION PROJECT DETOUR AGREEMENTS

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, the Pleasant Street Reconstruction Project will necessitate the closing of Pleasant Street and the detour of traffic; now, therefore be it

RESOLVED, that the Mayor, be and hereby is authorized to enter into Pleasant Street Reconstruction Project Detour Agreements under the direction of the City Attorney.

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

Bills

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

	<u>Prepaid</u>	<u>4/18/95</u>	<u>Grand Total</u>
General Fund	226,152.14	450,444.98	676,597.12
Trust Fund	185,427.17	50.00	185,477.17
Community Development	8,296.83	8,309.97	16,606.80
TOTALS	\$ 419,876.14	\$ 458,804.95	\$ 878,681.09

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

-- Prior to the vote, Chief Deputy Chamberlain noted the articulated loader payment is being processed through fast track billing.

Early Retirement-- Ald. Symonds moved the following positions to be eligible for the Early Retirement Program:

- Mechanics (2)
- Assistant Water Superintendent
- Deputy City Clerk (Temporary)

Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 5-0.

Executive Session

Ald. McNeil moved to go into executive session at 8:30 pm to discuss possible pending litigation. Seconded by Ald. Rabinowitz and duly adopted, ayes all. Ald. McNeil moved to go out of executive session at 9:25 pm. Seconded by Ald. Angelino and duly adopted, ayes all.

Community Development Director/Clerk -- It was the consensus of the Council to pursue the hiring of a Community Development Director/Clerk, as recommended by the Personnel Committee.

Water Filtration Project -- Various options were discussed with regard to the water filtration project and it was the consensus of the Council that Chief Deputy Chamberlain Clark review the Farmer's Home Administration application prior to determining how to proceed.

Adjournment

Ald. Carnrike moved to adjourn at 9:35 pm. Seconded by Ald. McNeil and duly adopted, ayes all.