

COMMON COUNCIL

August 15, 1995

Mayor Biviano presided at a regular meeting of the Common Council held at 7 pm on August 15, 1995, at the Higley Building.

Present:

Mayor Joseph Biviano
Ald. George Carnrike
Ald. Patrick McNeil
Ald. Robert Rabinowitz (7:01)
Ald. Barbara Schermerhorn
Ald. Sam (David) Symonds
Ald. Charles Angelino (7:02)

Also:

Attorney Aaron Dean
Dir. of Finance/Clerk Gary Clark
Accountant Brian Haak
Police Chief Robert Mason
Asst. Fire Chief Graydon Titus
Asst. Fire Chief Stan Brightman
Engineer James Suozzo
Water Supt. Carl Ivarson
EDZ Coordinator David Wagoner
Deputy CD Director Casey Jones
Historian Patricia Scott
Deputy Clerk Donna Russell

Ald. Symonds moved to dispense with the reading and approve the minutes of July 18, 1995 and the special meeting of July 24, 1995. Seconded by Ald. Schermerhorn and duly adopted, ayes all.

PUBLIC HEARING:

Local Law Amending EDZ Boundaries -- Mayor Biviano opened the public hearing at 7:01 pm on proposed Local Law No. 3 of 1995, such local law amending the boundaries of the Economic Development Zone (EDZ).

-- EDZ Coordinator David Wagoner reviewed the status of the proposed local law and explained the proposed changes to the boundaries of the EDZ.

There being no further comments, Mayor Biviano closed the hearing at 7:02 pm.

OPEN FORUM:

No one wished to be heard.

CORRESPONDENCE:

Rochelle A. Harris -- Notification from Assessor Rochelle A. Harris of her intention to not seek reappointment when her term expires on September 30, 1995.

Brian R. Haak -- Letter of Resignation from Accountant Brian R. Haak, effective at the close of business on September 1, 1995.

DOT/East Main Street -- Notification from NYS Department of Transportation regarding Designation of Restricted Highway on East Main Street and asphalt resurfacing project.

Jean Intres -- Notification from Jean Intres of his resignation from the Planning Commission, effective July 31, 1995.

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

Mayor Biviano noted that Jean Intres has done an excellent job on the Planning Commission, as well as other Boards he has served on, and he will

be missed. The Mayor also stated Brian Haak has been an asset to the City during his short time here.

DEPARTMENT, BOARDS AND COMMISSION REPORTS:

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

- Codes Enforcement monthly report for June and July 1995
- Plumbing Board meeting of July 19, 1995
- Police Department monthly report for June and July, 1995
- Youth Board minutes of July 18, 1995
- Parks Commission minutes of July 10, 1995
- Water Commission minutes of July 24, 1995

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

WARD AND COMMITTEE REPORTS:

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

- Public Works Committee meeting of June 22, 1995
- Personnel Committee meeting July 11, 1995
- Finance Committee meeting of July 12, 1995
- Public Safety Committee meeting of July 25, 1995

Francis Avenue Street Party -- Ald. Carnrike reported a street party request for Francis Avenue from 8 am to 8 pm on Sunday, September 10, 1995, and moved to approve the request under the direction of the Police Chief. Seconded by Ald. McNeil and duly adopted, ayes all.

Curb Cut - South Broad Street -- Ald. Carnrike reported a problem with a curb cut at 84 South Broad Street. Engineer Suozzo will look into the matter.

O'Hara Drive Concerns -- Ald. Carnrike reported there has been a great deal of vandalism in the O'Hara Drive neighborhood recently and a concern that there are no street lights in the area. The matter was referred to the Public Works Committee for recommendation.

Pleasant Street Reconstruction -- Ald. Rabinowitz reported the coarse paving has begun on Pleasant Street.

Rexford Street Concerns -- Ald. Schermerhorn reported concerns she received relative to Rexford Street have been referred to the Public Works Department.

Curb Cut Requests -- Ald. Angelino reported curb cut requests for 50 Front Street and 52 Birdsall Street and moved they be approved under the direction of the City Engineer. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Insect Infestation -- Mayor Biviano reported a house on Hubbard Avenue was closed by the Codes Enforcement Officer and the Health Officer due to bug infestation. He stated the house, along with nearby houses, will require fumigation. Ald. McNeil asked if the landlord has been notified of this action. Engineer Suozzo said the landlord is aware of the situation.

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

OLD BUSINESS:

Sidewalk Ordinance -- Possible revisions to the sidewalk ordinance were referred to the Public Works, Public Safety and Finance Committees for recommendations.

NEW BUSINESS:

Appointments - Fire Department -- Ald. Angelino moved to approve the following appointments to the Norwich Fire Department:

- John Beech, 19 Ross Avenue to Ontario Hose Company
- Richard W. Nower, 46 Division Street to Emergency Squad
- John C. Fowlston, 1 Mill Street to Emergency Squad
- Sean M. Hayes, 11 Borden Avenue to Emergency Squad
- Deanna L. Hayes, 11 Borden Avenue to Emergency Squad

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

Appointment - Parks Commission-- Ald. Angelino moved to approve the mayoral appointment of Richard Runyon, 16 Hillview Drive, to the Parks Commission for the remainder of a three year term expiring December 31, 1997. Seconded by Ald. McNeil and duly adopted, ayes all.

Appointment - Water Commission -- Ald. Angelino moved to receive and file the mayoral appointment of Robert Edmunds, 80 Elm Street, to Chair of the Water Commission for the remainder of a two year term expiring December 31, 1995. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Mayor Biviano noted Mr. Edmunds has an engineering background and was the Chair of the former Waste Water Commission.

Appointment - Planning Commission -- Ald. Angelino moved to receive and file the mayoral appointment of Paul Eaton, 79 Plymouth Street, to the Planning Commission for the remainder of a three year term expiring December 31, 1997. Seconded by Ald. Symonds and duly adopted, ayes all.

Request for Proposals - Water -- Ald. Rabinowitz moved to accept the proposal of Richard W. Wakeman, Sidney, NY, in the amount of \$5,624 for roof repair at Wells 1, 2 and the Wheeler Avenue Tank Control Room. Seconded by Ald. Symonds and duly adopted, ayes all.

Request for Proposals - W.W.T.P. -- Ald. Symonds moved to accept the proposal of Richard W. Wakeman, Sidney, NY, in the amount of \$18,000 for roof repair and soffit and fascia repair at the Waste Water Treatment Plant Administration building and public bathroom. Seconded by Ald. Carnrike and duly adopted, ayes all.

Designate Binghamton Savings Bank -- Ald. McNeil moved to designate Binghamton Savings Bank for use by the City of Norwich for investments and bonding purposes. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

RESOLUTION #70 - 1995. ADOPTING LOCAL LAW RELATIVE TO AMENDING THE BOUNDARIES OF THE ECONOMIC DEVELOPMENT ZONE

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, Local Law No. 3 of 1995, which provides for amending the boundaries of the Economic Development Zone, was introduced on July 18, 1995, before the Common Council; and

WHEREAS, a public hearing has been held on such local law on August 15, 1995; now, therefore be it

RESOLVED, that Local Law No. 3 of 1995, which provides for amending the boundaries of the Economic Development Zone, be and hereby is adopted.

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

RESOLUTION #71 - 1995. RECLASSIFICATION OF POSITION IN CITY FINANCE OFFICE

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, a vacancy exists in a position of senior account clerk/typist in the City Finance Department; and

WHEREAS, an analysis of activities and duties within the department demonstrate need for a different type of position; now, therefore be it

RESOLVED, 1. that the vacant position of senior account/clerk typist in the City Finance Department be and hereby is abolished; and

2. that a position of clerk be and hereby is created in the City Finance Department at Grade 10 of the city non-unit compensation schedule; and

3. that classification and grading of the clerk position be subject to classification approval by the Norwich City Civil Service Commission.

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

RESOLUTION #72 - 1995. REGRADING OF POSITION OF DIRECTOR OF FINANCE/CITY CLERK AND MAKING OF CERTAIN PROVISIONS THEREFORE

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, Gary R. Clark has been designated as Director of Finance/City Clerk; and

WHEREAS, municipal circumstances and Mr. Clark's particular experience with Norwich city government result in a need for his specific services at this time and a need to review the position; and

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

RESOLVED, 1. that the position of Director of Finance/City Clerk be and hereby is allocated to Grade 32, after five year step, of the city non-unit compensation schedule, at up to 30 hours per week;

2. the position will be provided with prorated department head benefits based on 30 hours per week, except that the sum of \$600 per calendar year quarter, prorated to start and ending dates, shall be paid to the Chenango County Chamber of Commerce for family health insurance coverage for Mr. Clark in lieu of his participation in the City health insurance plan.

3. that this Resolution shall take effect August 13, 1995.

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

RESOLUTION #73 - 1995. DESIGNATING THE COMMON COUNCIL AS "LEAD AGENCY" FOR THE WATER SYSTEM IMPROVEMENTS PROJECT ENVIRONMENTAL REVIEW PROCESS

Ald. Carnrike introduced the following and moved its adoption:

WHEREAS, the Common Council of the City of Norwich has proposed improvements to its water system as described in a Full Environmental Assessment Form dated July 10, 1995; and

WHEREAS, said improvements project is subject to an environmental review as outlined in 6 NYCRR Part 617, the Administrative Rules and Regulations of the State of New York (hereinafter "the Rules"), prepared and adopted pursuant to Section 8-0113 of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State (SEQR); and

WHEREAS, Part 617.3 of the Rules require the designation of a "Lead Agency" for each project and Part 617.6 of the Rules govern the determination of lead agency status; and

WHEREAS, the City of Norwich, in a letter dated July 10, 1995, advised other interested parties of its intentions to be lead agency pursuant to the Rules; and

WHEREAS, no challenge to the City of Norwich was made or received by any qualified agency within the required thirty (30) days comment period; now, therefore be it

RESOLVED, that the Common Council hereby designates itself "Lead Agency" for proposed improvements to the City's water system, as set forth in its letter of intent to interested parties on July 10, 1995.

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

RESOLUTION #74 - 1995. DETERMINATION OF NEGATIVE DECLARATION FOR PROPOSED IMPROVEMENTS TO THE CITY OF NORWICH WATER SYSTEM

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the City of Norwich has proposed improvements to its water system to comply with regulations established by the U.S. Environmental Protection Agency (EPA); and

WHEREAS, said water system improvements project is subject to an environmental review as outlined in 6 NYCRR Part 617, the Administrative Rules and Regulations of the State of New York (hereinafter "the Rules"), prepared and adopted pursuant to Section 8-0113 of the Environmental Conservation Law to implement the provisions of the State Environmental Quality Review Act (SEQR); and

WHEREAS, no negative comments have been received and no negative aspects detected regarding said water system improvements project; and

WHEREAS, the Common Council of the City of Norwich has been designated as "Lead Agency" pursuant to Part 617.6 of the Rules; now, therefore be it

RESOLVED, 1. that no significant impact on the environment will occur as a result of the proposed improvements to the water system of the City of Norwich; and

2. the City Engineer, in consultation with the Water and Wastewater Superintendent be, and hereby is, authorized to prepare and file as deemed appropriate, necessary documents to evidence this negative declaration.

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

RESOLUTION #75 - 1995. AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE WATER SYSTEM OF THE CITY OF NORWICH, CHENANGO COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$2,400,000 AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,400,000 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF.

Ald. McNeil introduced the following and moved its adoption:

BE IT RESOLVED, by the Common Council of the City of Norwich, Chenango County, New York, as follows:

Section 1. The construction of improvements to the water system of the City of Norwich, Chenango County, New York, whether or not including buildings, land or rights in land, original furnishings, equipment, machinery or apparatus or the replacement of such equipment, machinery or apparatus, is hereby authorized at a maximum estimated cost of \$2,400,000.

Section 2. SEQR DETERMINATION: It has heretofore been determined by this Common Council, acting as Lead Agency pursuant to the SEQR regula-

tions of the State of New York, that the aforesaid project will not have a significant impact upon the environment.

Section 3. The plan for the financing of such maximum estimated cost is by the issuance of not exceeding \$2,400,000 serial bonds of said City, hereby authorized to be issued therefor pursuant to the Local Finance Law, provided, however, that the amount of serial bonds authorized to be issued pursuant to this resolution shall be reduced, dollar for dollar, to the extent of any moneys received as Federal or State grants-in-aid therefor.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. The faith and credit of said City of Norwich, Chenango County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining debt service, shall be determined by the Director of Finance, the chief fiscal officer of such City. Such bonds shall contain substantially the recital validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in full in The Evening Sun, which is hereby designated as the official newspaper of the City for such purpose, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

RESOLUTION #76 - 1995. AUTHORIZING PAYMENT IN LIEU OF TAXES AGREEMENT
RELATIVE TO NORWICH AERO PRODUCTS

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, the Chenango County Industrial Development Agency is purchasing the former Champion Products facility on O'Hara Drive in the City of Norwich and is entering into an agreement with Norwich Aero Products, Inc., for the property's use by the company; and

WHEREAS, the company wishes to make a payment in lieu of taxes within the community to start at 5% of taxes to all taxing entities in 1996 and to increase by 10% a year until full taxes are achieved; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized, subject to approval of the City Attorney, to enter into an agreement with the Chenango County Industrial Development Agency, Norwich Aero Products and affected taxing agencies whereby Norwich Aero Products will pay 5% of taxes normally due on the former Champion Products plant property on O'Hara Drive in the City of Norwich, with such payment to increase by 10% a year until the property is fully taxable.

Seconded by Ald. Rabinowitz and duly adopted, 5-0 on a roll call vote, with Ald. Carnrike abstaining due to a possible conflict of interest.

RESOLUTION #77 - 1995. AUTHORIZING TRANSFER FOR CATCH BASIN REPAIRS

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, a light winter has allowed the Department of Public Works to undertake additional work with repairs of catch basins; 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>
A5142.1010	Snow & Ice Removal - Personal Services	\$ 6,500

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A8140.1010	Storm Sewers - Personal Services	\$ 6,500

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

RESOLUTION #78 - 1995. AUTHORIZING TRANSFER FOR FIRE DEPARTMENT VEHICLE
REFURBISHING

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, funds have been received from the sale of a fire pumper which is desired to be used to refurbish the brush truck for first responder use; 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	\$ 2,500

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3410.4040	Fire - Vehicle Maintenance	\$ 2,500

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

Gray's Ambulance Service -- Ald. Carnrike reported that Gray's Ambulance Service has offered the City a proposal for ambulance response services. The matter was referred to the Finance Committee for review.

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

	<u>Prepaid</u>	<u>8/15/95</u>	<u>Grand Total</u>
General Fund	355,300.87	340,345.83	695,646.70
Trust Fund	200,985.69	4,069.35	205,055.04
B.I.D.	0.00	1,944.91	1,944.91
Community Development	828.26	117,962.47	118,790.73
LDC/EDZ	3,334.26	719.37	4,053.63
Capital Projects	0.00	97,211.75	97,211.75
Waste Water (August)	88,402.00	0.00	88,402.00
Water (August)	59,461.83	0.00	59,461.83
TOTALS	\$ 708,312.91	\$ 562,253.68	\$ 1,270,566.59

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

Plaques for Fountain and Trees -- Ald. Angelino moved to authorize the purchase of plaques for the Gordon Park Fountain and several trees that were planted as memorials. Seconded by Ald. McNeil and duly adopted, ayes all.

Executive Session -- Ald. McNeil moved to go into executive session at 7:50 pm to discuss the personnel history of particular individuals. Seconded by Ald. Angelino and duly adopted, ayes all.

Ald. McNeil moved to go out of executive session at 9:15 pm. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

RESOLUTION #79 - 1995. REGRADING OF CASEY JONES

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, the Common Council, by resolution on August 23, 1994, did establish the position of deputy community development director, to which Mr. Casey Jones did receive appointment; and

WHEREAS, municipal needs and Mr. Jones' particular experience and expertise with local governments and Norwich city government in particular result in a need for his particular services at this time and a need for position review; and

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

RESOLVED, that Resolution #113 of August 23, 1994, Creating the Position of Deputy Community Development Director and Establishing Grade Therefor, be and hereby is amended by regrading Casey Jones to Grade 30, after five year step, of the non-unit compensation schedule; and, further be it

RESOLVED, that this resolution shall take effect August 20, 1995.

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

-- Prior to the vote, Ald. Symonds stated that until a duties statement is completed, Mr. Jones will report directly to the Mayor.

Executive Session -- Ald. Symonds moved to go into executive session at 9:25 pm to discuss negotiations. Seconded by Ald. McNeil and duly adopted, ayes all.

Ald. McNeil moved to go out of executive session. Seconded by Ald. Schermerhorn and duly adopted, ayes all.

Adjournment -- Ald. McNeil moved to adjourn at 9:45 pm. Seconded by Ald. Symonds and duly adopted, ayes all.

COMMON COUNCIL

Executive Session

August 15, 1995

Present:

Mayor Joseph Biviano
Ald. George Carnrike
Ald. Patrick McNeil
Ald. Robert Rabinowitz
Ald. Barbara Schermerhorn
Ald. Charles Angelino

Also:

Deputy Chamberlain Gary Clark
Attorney Aaron Dean
Deputy CD Director Casey Jones
Accountant Brian Haak
Deputy Clerk Donna Russell

During an executive session of the Common Council on August 15, 1995, held for the purpose of discussing the personnel history of particular individuals and the financial history of particular businesses, the following actions were taken:

-- After some discussion regarding the role of City Assessor, it was the consensus of the Common Council that a proposal be requested from Life Safety Consultants to provide assessment services to the City of Norwich.

-- Deputy CD Director Jones provided the status of negotiations with William Andrew, Inc relative to that company providing Internet services in the Greater Norwich Area. It was the unanimous consensus of the Common Council that Mr. Jones now negotiate with Keith Obrosky and the remaining principal of Chenango Real Time Services to bring Internet services to the Greater Norwich Area.