

COMMON COUNCIL

November 21, 1995

Mayor Biviano presided at a regular meeting of the Common Council held at 7 pm on November 21, 1995, at the Higley Building.

Present:

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

Also:

Attorney Aaron Dean
Director of Finance/Clerk Brian Haak
Police Chief Robert Mason
Asst. Fire Chief Graydon Titus
Engineer James Suozzo
Water Supt. Carl Ivarson
Asst. Highway Supt. Mark Williams
Historian Patricia Scott
Deputy Clerk Donna Russell

Ald. McNeil moved to dispense with the reading and approve the minutes of October 17, special meeting of October 25, work session of November 7 and special meeting of November 7, 1995. Seconded by Ald. Symonds and duly adopted, ayes all.

PUBLIC HEARINGS:

Mayor Biviano presented a budget message. Director of Finance Haak highlighted items from the budget narrative.

Mayor Biviano opened the first public hearing at 7:15 pm for the General Fund Budget.

-- Mary Manley, senior typist in the Assessor's Office, expressed her concern relative to cuts made in the Assessor personal services budget. She referred specifically to her position being cut from 40 hours to 24 hours per week. She stated she has received her Assessor's certification and is now qualified to be an Assessor. As the position of Assessor is currently vacant, she asked the Common Council to consider the matter.

Ald. McNeil said it was his understanding that the reduction in hours from 78 to 48 hours would only affect the Assessor's position. Director of Finance Haak stated the hours were cut to 24 hours for both positions.

-- Mary Coe, 5A Waite Street, said she is not in favor of taxes being raised. She said any increase affects people on a fixed income. She suggested the City look further into ways to reduce the budget. Mrs. Coe also stated she did not feel people should be penalized for not being able to pay their taxes.

There being no further discussion, Mayor Biviano closed the hearing at 7:29 pm and opened the public hearing for the Unemployment Insurance Fund budget.

There being no discussion, Mayor Biviano closed the hearing at 7:30 pm and opened the public hearing for the Water and Waste Water Funds budgets.

There being no discussion, Mayor Biviano closed the hearing at 7:31 pm and opened the public hearing for Ordinance No. 3 of 1995, an ordinance amending water and sewer use rates in the City of Norwich.

There being no discussion, Mayor Biviano declared the public hearing closed at 7:32 pm.

OPEN FORUM:

- No one wished to be heard.

BIDS:

The following bids were received and referred to New Business:

- Water System Upgrade/Contract #1
- Mineral Crushed Rock Salt
- Fuel Card System
- Commercial Uniform Supply and Laundering

CORRESPONDENCE:

Curb Number/Letter Painting Proposal -- Ald. Angelino moved to approve, under the direction of the City Engineer and the Codes Enforcement Officer, a request from Robert LaRusso of Unadilla, NY, for permission to paint house numbers/letters on the curbs of interested residents. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Resignation of Jean Intres from B.I.D. -- Ald. Angelino moved to receive and accept with regret a letter of resignation from Jean Intres as Director of the Business Improvement District Management Association, effective December 31, 1995. Seconded by Ald. Symonds and duly adopted, ayes all.

Notice of Disclosure from Gary Clark -- Ald. Angelino moved to receive and file a Notice of Disclosure from Gary Clark relative to the issue of the City of Norwich fire and ambulance contracts. Seconded by Ald. Schermerhorn and duly adopted, ayes all.

DEPARTMENT, BOARDS AND COMMISSION REPORTS:

- Ald. Angelino moved to receive and file the following reports:

- Youth Board minutes of September 19 and October 17, 1995
- Civil Service Commission minutes of October 25, 1995
- Police Department monthly report for October 1995
- Traffic Commission minutes of October 11 and November 8, 1995
- Codes Enforcement monthly report for October 1995

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

WARD AND COMMITTEE REPORTS:

- Finance Committee meeting of September 7, 1995
- Public Safety Committee meeting of September 26 & October 24, 1995
- Public Works Committee meeting of October 26, 1995

Street Light Request -- Ald. Carnrike reported a request for a street light on O'Hara Drive. Engineer Suozzo said NYSEG was contacted with no response to date.

Municipal Electric -- Ald. Carnrike reported NYSEG would like to meet with the Common Council relative to municipal electric. Mayor Biviano suggested NYSEG representatives attend the next work session of the Common Council.

Curbside garbage pickup -- Ald. Carnrike reported receiving many complaints relative to curbside garbage pickup including traffic safety concerns when garbage cans are blown into the street. He suggested that the situation be looked at once again and asked that the haulers be invited to meet with the Council.

Fire District -- Ald. McNeil indicated the vote taken by Council relative to participation in a fire district was done prior to the meeting with the Fire Advisory Committee and the matter should be looked into further.

Personnel Committee -- Ald. McNeil stated there was no Personnel Committee meeting in November. However, a work session was held with Director of Finance/Clerk Haak and Bill Roberts relative to a job description for the Director of Human Resources position. A recommendation has been forwarded to the Finance Committee for recommendation.

Pleasant Street Reconstruction -- Ald. Rabinowitz complimented everyone on the job done on the Pleasant Street Reconstruction project. He noted the driveways will be made usable to residents until the work can be completed in the spring.

Snow Removal -- Mayor Biviano reported 43 courtesy notices went out to people that did not clear their sidewalks of snow.

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

NEW BUSINESS:

Special Grants Fund Budget -- Ald. Angelino moved to receive the Special Grants Fund budget and set a public hearing for December 19, 1995 at 7 pm. Seconded by Ald. Symonds and duly adopted, ayes all.

Civil Service Commission appointment -- Ald. Rabinowitz moved the appointment of Maureen Byrne, 16 Sharon Drive, to the Civil Service Commission for the remainder of a six year term expiring May 31, 2000. Seconded by Ald. McNeil and duly adopted, ayes all.

Assessment Board of Review Appointment -- Ald. Angelino moved the appointment of Frank Paino, 99 Birdsall Street, to the Assessment Board of Review for the remainder of a five year term expiring September 30, 1999. Seconded by Ald. Symonds and duly adopted, ayes all.

Fuel Card System Bids -- Ald. Angelino moved to reject all Fuel Card System bids and rebid the item with revised specifications, as recommended by the Public Works Committee. Seconded by Ald. Symonds and duly adopted, ayes all.

Mineral Crushed Rock Salt -- Ald. Angelino moved to award the bid for Mineral Crushed Rock Salt to the lowest bidder meeting specifications, Cargill Salt of Lansing, NY in the amount of \$41.64 per ton delivered and \$33 per ton picked up at mine, as recommended by the Public Works Committee. Seconded by Ald. Carnrike and duly adopted, ayes all.

Commercial Uniform Supply & Laundering -- Ald. Carnrike moved to award the bid for Commercial Uniform Supply and Laundering to the lowest bidder meeting specifications as recommended by the Public Works Committee, American Linen of Syracuse, NY as follows: a.1.-2.00, a.2.-2.00, a.3.-.79, a.4.-4.79, b.1.-.56, c.1.-no charge, c.2.-no charge, d.1.-.056, d.2.-no charge. Seconded by Ald. McNeil and duly adopted, ayes all.

Water Main Stakeout -- Ald. Angelino moved to accept the proposal from Natoli Engineering of Norwich, NY for Water Main Stakeout from Rexford Street northerly to City of Norwich Well No. 3 in the amount of \$3,800. Seconded by Ald. Symonds and duly adopted, ayes all.

RESOLUTION #99 - 1995. ADOPTING 1996 GENERAL FUND BUDGET

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, a proposed general fund budget in the amount of \$4,210,069 was presented to the Common Council on November 7, 1995; and

WHEREAS, a public hearing on such budget has been held on November 21, 1995; now, therefore be it

RESOLVED, that the 1996 General Fund Budget for the City of Norwich in the amount of \$4,210,069, as presented on November 7, 1995, be and hereby is adopted.

Seconded by Ald. Angelino and duly adopted, 5-1 (Ald. Schermerhorn) on a roll call vote.

RESOLUTION #100 - 1995. ADOPTING 1996 UNEMPLOYMENT INSURANCE BUDGET

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, a proposed 1996 budget for the Unemployment Insurance Fund in the amount of \$7,000 was presented to the Common Council on November 7, 1995; and

WHEREAS, a public hearing on such budget has been held on November 21, 1995; now, therefore be it

RESOLVED, that the 1996 Unemployment Insurance Fund budget in the amount of \$7,000 as presented to the Common Council on November 7, 1995, be and hereby is adopted.

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

RESOLUTION #101 - 1995. ADOPTING 1996 WATER FUND AND WASTE WATER FUND BUDGETS

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, proposed 1996 budgets for the Water Fund in the amount of \$551,600 and the Waste Water Fund in the amount of \$708,020 were presented to the Common Council on October 17, 1995; and

WHEREAS, public hearings on the Water Fund and Waste Water Fund budgets have been held on November 21, 1995; now, therefore be it

RESOLVED, that the 1996 Water Fund budget in the amount of \$551,600 and the 1996 Waste Water Fund budget in the amount of \$708,020, as presented to the Common Council on October 17, 1995, be and hereby are adopted.

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

RESOLUTION #102 - 1995. APPROVING ORDINANCE RELATIVE TO WATER AND SEWER USE RATES

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the Common Council has approved water and waste water budgets for the City of Norwich for the 1996 fiscal year which require increases in rates to achieve necessary revenues; and

WHEREAS, the Common Council received proposed Ordinance No. 3 of 1995 on November 7, 1995, such ordinance establishing new water and sewer use rates in the City of Norwich; and

WHEREAS, a public hearing has been held on November 21, 1995, relative to such ordinance; now, therefore be it

RESOLVED, that Ordinance No. 3 of 1995, relative to establishment of new water and sewer rates, as presented to the Common Council on November 7, 1995, be and hereby is approved.

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

RESOLUTION #103 - 1995. **AWARDING BID FOR WATER SYSTEM IMPROVEMENTS CONTRACT NO. 1 FOR TRANSMISSION AND DISTRIBUTION SYSTEM IMPROVEMENTS**

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, the Common Council, on August 15, 1995, adopted Resolution No. 75 of 1995, authorizing the construction of improvements to the Water System of the City of Norwich and the issuance of not exceeding \$2,400,000 serial bonds to pay the cost thereof; and

WHEREAS, bids were received on October 19, 1995, for Water System Improvements Contract No. 1 for Transmission and Distribution System Improvements; and

WHEREAS, the Public Works Committee has made certain recommendations; now, therefore be it

RESOLVED, that the bid submitted by Madison Construction of Canastota, NY, in the amount of \$302,310.00, be and hereby is approved pending final approval from the Farmers Home Administration.

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

-- Prior to the vote, Engineer Suozzo said the project is progressing under budget at this time.

RESOLUTION #104 - 1995. **AMENDING VEHICLE & TRAFFIC ORDINANCE RELATIVE TO NO PARKING ON EATON AVENUE**

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, pursuant to Section 90-4 of the Vehicle and Traffic Ordinance of the City of Norwich, the Common Council has been granted the authority to make, promulgate and enforce reasonable rules and regulations governing and designating parking, parking spaces, safety and loading zones, one-way streets and streets for through traffic; and

WHEREAS, the Traffic Commission has made certain recommendations concerning no parking on the south side of Eaton Avenue between South Broad Street and Elm Street, from 4:00 pm to 5:30 pm; now, therefore be it

RESOLVED, that Section 90-63, No Parking, of the Vehicle and Traffic Ordinance of the City of Norwich be and hereby is amended as follows:

{EATON AVENUE, south side, from South Broad Street to Elm Street, from 4:00 pm to 5:30 pm.}

{Bracketed} material is deleted.

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

RESOLUTION #105 - 1995. **AMENDING VEHICLE & TRAFFIC ORDINANCE RELATIVE TO NO STANDING ON EATON AVENUE**

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, pursuant to Section 90-4 of the Vehicle and Traffic Ordinance of the City of Norwich, the Common Council has been granted the authority to make, promulgate and enforce reasonable rules and regulations governing and designating parking, parking spaces, safety and loading zones, one-way streets and streets for through traffic; and

WHEREAS, the Traffic Commission has made certain recommendations concerning no standing on the south side of Eaton Avenue between South Broad Street and Elm Street from 4:00 pm to 5:30 pm; now, therefore be it

RESOLVED, that Section 90-62, No Standing, of the Vehicle and Traffic Ordinance of the City of Norwich be and hereby is amended as follows:

{EATON AVENUE, south side, from South Broad Street to Elm Street, from 4:00 pm to 5:30 pm.}

{Bracketed} material is deleted.

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

RESOLUTION #106 - 1995. DESIGNATING CITY AUDIT FIRM

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, the Director of Finance has solicited proposals for single audit services for the City of Norwich; and

WHEREAS, the Finance Committee has made certain recommendations; now, therefore be it

RESOLVED, 1. that the firm of Dorfman-Robbie, P.C., 338 North Comrie Avenue, Johnstown, NY be retained for single audit services for the fiscal years ending December 31, 1995, 1996 and 1997 at a cost not to exceed \$40,400 for basic auditing services;

2. that additional fees for any additional services will be negotiated at such time as services are required;

3. that the Mayor and the Director of Finance be and hereby are authorized to sign the engagement letter pending approval of the City Attorney.

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

RESOLUTION #107 - 1995. AUTHORIZING OUTSIDE LEGAL SERVICES RELATIVE TO VICTORY MARKETS

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, Victory Markets, Inc. has filed for Chapter 11 Bankruptcy Protection against its creditors; and

WHEREAS, the City of Norwich is one such creditor; and

WHEREAS, the City Attorney has consulted with the firm of Cooper, Erving, Savage, Nolan and Heller, LLP of Albany, NY relative to such matter; and

WHEREAS, the Finance Committee has made certain recommendations relative to outside legal services for the Victory Markets, Inc. Bankruptcy Case; now, therefore be it

RESOLVED, 1. the firm of Cooper, Erving, Savage, Nolan and Heller, LLP of Albany, NY be and hereby is retained as outside legal counsel relative to the Victory Markets Inc. Bankruptcy Case in accordance with the terms outlined in their letter of October 27, 1995 to the City of Norwich;

2. that all services performed by said firm shall be under the direction of and in consultation with the City Attorney.

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

RESOLUTION #108 - 1995. AUTHORIZING TRANSFER FOR SARA GRANT APPLICATION

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, funds are required to cover additional costs incurred by the City Historian relative to the preparation of the SARA Grant Application; now, therefore be it

RESOLVED, that the Director of Finance 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>
A1950	Contingent Account	\$ 100.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A7510.1010	Historian - Personal Services	\$ 100.00

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

RESOLUTION #109 - 1995. AUTHORIZING TRANSFER FOR LEGAL SERVICES

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of legal services relative to Norwich Center Associates; now, therefore be it

RESOLVED, that the Director of Finance 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	\$ 1,168.30

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1420.4020	Attorney - Contracted Services	\$ 1,168.30

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

RESOLUTION #110 - 1995. AUTHORIZING TRANSFER FOR RBC RECYCLE MOTOR FOR THE WASTE WATER TREATMENT PLANT

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of a new RBC Recycle Motor for the Waste Water Treatment Plant; now, therefore be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer in the 1995 Waste Water Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
G1990	Contingency	\$ 3,000.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
G8130.2100	Sewage Disposal - Equipment	\$ 3,000.00

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

RESOLUTION #111 - 1995. AUTHORIZING TRANSFER FOR VEHICLE MAINTENANCE

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, funds are required to cover the estimated cost of vehicle maintenance through December 31, 1995; now, therefore be it

RESOLVED, that the Director of Finance 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>
A5142.4060	Snow & Ice Materials and Supplies	\$ 14,000

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A5110.4040	Street Maintenance Vehicle Maintenance	\$ 14,000

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

RESOLUTION #112 - 1995. AUTHORIZING TRANSFER FOR FIRE DEPARTMENT VEHICLE MAINTENANCE

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, funds are required to cover the estimated cost of vehicle maintenance for the Fire Department through December 31, 1995; now, therefore be it

RESOLVED, that the Director of Finance 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 Materials and Supplies	\$ 3,000

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3410.4040	Fire Department Vehicle Maintenance	\$ 3,000

Seconded by Ald. Carnrike and duly adopted, 5-1 (Ald. McNeil) on a roll call vote.

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

	<u>Prepaid</u>	<u>11/21/95</u>	<u>Grand Total</u>
General Fund	\$ 443,579.23	\$ 40,523.70	\$ 484,102.93
Sewer Fund	39,797.53	10,382.84	50,180.37
Water Fund	24,178.67	6,692.70	30,871.37
Trust Fund	322,194.94	40.00	322,234.94
B.I.D.		674.68	674.68
Unemployment Ins	600.00		600.00
EDZ/LDC	5,536.34	1,059.63	6,595.97
Community Development	4,398.25	168,936.96	173,335.21
TOTALS	\$ 840,284.96	\$ 228,310.51	\$ 1,068,595.47

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

Executive Session -- Ald. McNeil moved to go into executive session to discuss the personnel history of particular individuals and negotiations. Seconded by Ald. Symonds and duly adopted, ayes all.

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

Sick Time -- Ald. McNeil moved to refer a request to transfer sick time to the City Attorney and Finance Committee for recommendation. Seconded by Ald. Carnrike and duly adopted, ayes all.

Compensation relative to Health Insurance -- Ald. McNeil moved to approve a payment of \$1,000 to Gardner Miles as compensation for not obtaining dependent health insurance coverage through the City of Norwich. Seconded by Ald. Symonds and duly adopted, 5-1 (Ald. Symonds).

Appointment of Gary Clark -- Ald. McNeil moved to appoint Gary Clark to a position pursuant to the duties established by the Personnel Committee at the rate of pay he previously received, title to be determined by the Civil Service Commission. Seconded by Ald. Angelino and duly adopted, ayes all.

Adjournment -- Ald. Symonds moved to adjourn at 9:20 pm. Seconded by Ald. Schermerhorn and duly adopted, ayes all.