

COMMON COUNCIL

February 19, 1996

Mayor Biviano presided at a regular meeting of the Common Council, held at 7 pm on February 19, 1996, at the Higley Building.

Present:

Mayor Joseph Biviano
Ald. George Carnrike
Ald. Patrick McNeil
Ald. Robert Rabinowitz
Ald. Mat Thall

Also:

Director of Finance/Clerk Brian Haak
Fire Chief Mark Rice
Police Chief Robert Mason
Water Supt. Carl Ivarson
Asst. Highway Supt. Mark Williams
Deputy Clerk Donna Russell

Absent:

Ald. Barbara Schermerhorn
Ald. Charles Angelino

Ald. McNeil moved to dispense with the reading and approve the minutes of January 16, 1996. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

OPEN FORUM:

Mary Coe - various concerns -- Mary Coe, 5A Waite Street, questioned what the City is doing to bring new businesses in. She asked if PermaSteel is still coming to Norwich. Mrs. Coe said she read that the auto museum may be locating to the building on State Street and suggested the surrounding properties be cleaned up. Mayor Biviano stated that the PermaSteel Company has arrived. With regard to cleaning up the State Street area, the Mayor noted that the City is installing water mains. He noted the City is applying for several grants which would include the State Street area. Ald. McNeil commented that these grants are available through the State and Federal Government and if the City does not get them, another municipality will. He also noted, regarding property taxes, that approximately 20% of the taxes a resident pays goes to the City, the other 80% goes to the School and the County.

BIDS:

Bids were received for Sale of Surplus Equipment and 1996 Tree Removal and would be taken up under the New Business portion of the meeting.

CORRESPONDENCE:

Winterfest 5K Run -- A request from the YMCA to hold the Winterfest 5K Run on February 10, 1996 at 10 am was approved under the direction of the Police Chief, by a telephone poll of the Council on February 1, 1996. Ald. McNeil moved to approve the request. Seconded by Ald. Thall and duly adopted, ayes all.

Barricade at 34-38 South Broad Street -- A request from Peter Kwasnik of Service Pharmacy to place a barricade at 34-36-38 South Broad Street from February 16, 1996 through May 1, 1996, with four feet of sidewalk remaining open for public use, was approved under the direction of the City Engineer at the February 12, 1996 work session. Ald. McNeil moved to approve the request. Seconded by Ald. Rabinowitz and duly adopted, ayes all, with Ald. Carnrike abstaining due to a possible conflict of interest.

Curb Cut at 51 Birdsall Street -- Ald. Rabinowitz moved to approve a curb cut request from Terry Biviano, 51 Birdsall Street, under the direction of the City Engineer. Seconded by Ald. McNeil and duly adopted, ayes all.

DEPARTMENT, BOARDS AND COMMISSION REPORTS:

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

- Codes Enforcement 1995 Annual Report
- City Historian 1995 Annual Report
- Codes Enforcement monthly reports for December 1995, January 1996
- Police Department monthly report for January 1996
- Parks Commission minutes of December 11, 1995
- Civil Service Commission minutes of November 22, December 13, 20 and 27, 1995
- Plumbing Board minutes of January 17, 1996
- Electrical Board minutes of January 18, 1996
- Youth Board minutes of January 16, 1996

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

WARD AND COMMITTEE REPORTS:

Flood Watch -- Ald. Carnrike reported he is keeping an eye on the Canasawacta Creek.

- Public Works Committee meeting of December 28, 1995
- Personnel Committee meeting of December 5, 1995
- Public Safety Committee meeting of January 23, 1996
- Finance Committee meeting of February 7, 1996

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

NEW BUSINESS:

Sale of Surplus Equipment -- Ald. Rabinowitz moved to award the bid for Sale of Surplus Equipment to the highest bidders meeting specifications, as recommended by the Public Works Committee, as follows:

1. James Carl Rahn, Norwich, NY, \$351 for International Cub LoBoy - inoperable; \$51 for snow blower - condition unknown; \$25 for homemade trailer - operable; \$20 for pump - inoperable.

2. LJ Smith, South Plymouth, NY, \$136 for miscellaneous cast iron joints and fittings.

3. Howard Larry, \$1,125 for 1975 Ford dump truck and 1979 Viking Snowplow; \$17 for 1984 sewer rods hand type - rusted; \$160 for Hale pump, tank and hose - operable.

4. Chris Roodenburg, DeRuyter, NY, \$100 for 1976 Dodge D-100 pickup - operable; \$50 for 1974 Wayne pump, size 1 1/2" - inoperable.

5. Robin Straley, South New Berlin, NY, \$50 for 1950 LeRoi Air Compressor - inoperable; \$200 for 1955 Rex pump size 4" - inoperable; \$50 for Jacger pump, size 2" - inoperable; \$30 for 1983 pressure washer - inoperable; \$300 for 1982 Stowe plate tamp - operable; \$200 for 1980 Aires 24" snow blower - inoperable.

6. Robert Adsit, Sherburne, NY, \$26 for 1968 Koehring Jumping Jack - operable.

7. Joseph L. Cross, Sherburne, NY, \$350 for 1983 Prismo Line Stripper; \$20 for drum tripper - operable.

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

1996 Tree Removal -- Ald. Rabinowitz moved to award the bid for 1996 Tree Removal to Central NY Tree Experts of Brookfield, NY, the lowest bidder meeting specifications as recommended by the Public Works Committee, in the amount of \$5,109.80 for Item A and \$300 for Item B. Seconded by Ald. Thall and duly adopted, ayes all.

Proposed Ordinance No. 1 of 1996 -- Ald. McNeil moved to receive proposed Ordinance No. 1 of 1996 and set a public hearing for March 19, 1996. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

ORDINANCE NO. 1

OF 1996

AN ORDINANCE TO AMEND THE
VEHICLE AND TRAFFIC ORDINANCE RELATIVE TO PARKING METERS

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

Section 1. Section 90-42 of the Vehicle and Traffic Ordinance of the City of Norwich, is hereby amended as follows:

Section 90-42 Use of meters.

A. Where any vehicle shall be parked next to a parking meter, the owner or operator of said vehicle shall park within the area designated by the curb or street marking lines and as indicated on the meter for parallel or diagonal parking; and upon entering said parking space shall immediately deposit the proper coin or coins in said meter. It shall be unlawful for a person to fail to park within said designated area, or fail or neglect to deposit the proper coin or coins. It shall be unlawful for a person to park a vehicle at any space within any portion of the streets so designated in Section 90-39 hereof, except within a parking space in the parking meter area. Where parking meters are so installed, no vehicle shall be parked between the hours of 9:00 am and 5:00 pm, Sunday and holidays excepted.

B. Said vehicle shall be considered as unlawfully parked if it remains in said space beyond such legal parking limit or when said parking meter by a signal or flag indicates expiration of said parking period. It shall be unlawful for any person to cause or permit any vehicle registered in his name to be unlawfully parked as set out in this section.

C. Each hour that a vehicle remains parked in violation of the provisions of this section shall constitute a separate and distinct offense for purpose of Section 90-47 hereof.

Section 2. This ordinance shall take effect immediately upon adoption.

New material is underlined.

Proposed Ordinance No. 2 of 1996 -- Ald. Rabinowitz moved to receive proposed Ordinance No. 2 of 1996 and set a public hearing for March 19, 1996. Seconded by Ald. McNeil and duly adopted, ayes all.

ORDINANCE NO. 2

OF 1996

AN ORDINANCE TO
AMEND AN ORDINANCE OF THE CITY OF NORWICH
RELATIVE TO SNOW AND ICE REMOVAL

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

Section 1. Section 61-2 of the Ordinances of the City of Norwich, Nuisances, relative to snow and ice, is hereby amended in its entirety by substituting the following:

Section 61-2. Snow and ice; penalty.

It shall be the responsibility of all persons, firms, corporations or copartnerships owning or occupying property including all sidewalks adjacent thereto in the City of Norwich, New York, including the owners of unoccupied property therein, to remove all accumulations of ice and snow from all walkways and sidewalks on properties under their control within twenty-four (24) hours from the substantial completion of such storm.

Failure to remove such materials shall constitute maintaining a public nuisance and subject to having such nuisance removed by the City or their designee, and that all expenses, with a fifty per centum (50%) administrative surcharge added thereto, and after it shall have been done so, a bill for the expenses incurred thereby shall be presented to the owner personally or by leaving the same at his residence, or if he is a nonresident, by mailing the same to him at his last known place of residence, or if the name of such owner or his place of residence cannot be ascertained after due diligence, by posting the same in a conspicuous place on the premises, and if he shall fail to pay the same within ten (10) days thereafter, the Department shall file each year immediately preceding the time for making the annual assessment roll, a certificate of the actual cost of the work, together with a statement as to the property in front of which the cleaning or clearing was done, with the Director of Finance, who shall, in the preparation of the next assessment roll for general city taxes, assess such amount upon such property, and the same shall be levied, corrected, enforced and collected in the same manner, by the same proceedings, at the time, under the same penalties and having same lien, upon the property assessed, as the general city tax and as a part thereof.

Section 2. This ordinance shall take effect immediately upon adoption.

New material is underlined.

RESOLUTION #14 - 1996. AUTHORIZING AGREEMENT WITH DELAWARE ENGINEERING FOR OUTSIDE ENGINEERING SERVICES

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the City of Norwich will undertake a project to extend water lines in the area of Plymouth Street; and

WHEREAS, the preparation of bid plans and specifications for said project falls outside the scope of the current agreement with Delaware Engineering; and

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

RESOLVED, that the Mayor be and hereby is authorized to enter into an agreement with Delaware Engineering to prepare bid plans and specifications for the Plymouth Street Area Water Line Extension Project at an amount not to exceed \$3,000.

Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 4-0.

-- Prior to the vote, Water Supt. Ivarson said water lines will be installed from Flanagan Field to the last house on the block and noted that there are already sewer lines installed.

RESOLUTION #15 - 1996. AUTHORIZING STIPEND EXTENSION FOR MARK WILLIAMS

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, Assistant Highway Superintendent Mark Williams has served in the capacity of Highway Superintendent since August 1, 1994; and

WHEREAS, the Common Council, on June 20, 1995, authorized a stipend of \$2,000 for the 1995 fiscal year be provided to Mr. Williams for his additional duties; and

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

RESOLVED, a stipend of \$2,000 per annum be provided to Mark Williams for the period Mr. Williams serves as acting head of the Highway Department; and, further be it

RESOLVED, that such stipend shall be retroactive to January 1, 1996.

Seconded by Ald. Thall and duly adopted, ayes all on a roll call vote, 4-0.

RESOLUTION #16 - 1996. CREATING POSITION OF MOTOR EQUIPMENT TECHNICIAN

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the positions of mechanic in the City of Norwich Highway Department were eliminated as part of the 1995 Retirement Incentive Program as authorized by Chapter 12, Laws of 1995; and

WHEREAS, a need exists within the Highway Department for mechanical services; and

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

RESOLVED, that the position of Motor Equipment Technician be created at the rate established for Mechanic in the agreement between the City of Norwich and the Civil Service Employees Association; and, further be it

RESOLVED, that this resolution shall take effect subject to the approval of the Civil Service Commission.

Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote, 4-0.

RESOLUTION #17 - 1996. ELIMINATING POSITION OF LABORER

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the position of Laborer currently exists in the City of Norwich Highway Department; and

WHEREAS, there is no driver's license requirement within the job specification for such position; and

WHEREAS, it is the intention of the Common Council that all employees of the Highway Department possess a driver's license; and

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

RESOLVED, that the position of Laborer be eliminated, effective March 2, 1996.

Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote, 4-0.

RESOLUTION #18 - 1996. ESTABLISHING TEMPORARY CLERK IN THE FIRE DEPARTMENT

Ald. Carnrike introduced the following and moved its adoption:

WHEREAS, the position of part time clerk in the Fire Department was abolished effective December 31, 1995; and

WHEREAS, the Fire Chief has requested temporary clerical assistance in completing Fire Department paperwork requirements while the appropriate fire department personnel are trained for such; and

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

RESOLVED, that Ellen Cluff be appointed to a temporary position as Clerk in the Norwich Fire Department at Grade 11, entry level, for a period of 30 days, effective immediately.

Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 4-0.

-- Prior to the vote, Ald. McNeil noted the Personnel Committee will be looking into the position.

RESOLUTION #19 - 1996. APPOINTING BRIAN R. HAAK AS ACTING ASSESSOR

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, a vacancy exists in the position of Assessor for the City of Norwich; and

WHEREAS, Section 314(1) of the Real Property Tax Law and Subsection 188-2.20(a) of the Rules for Real Property Tax Administration promulgated by the New York State Office of Real Property Tax Services allow for the appointment of an acting assessor; and

WHEREAS, the Personnel Committee has made certain recommendations relative to the appointment of an acting assessor to prepare and certify the tax roll until a permanent assessor is hired; now, therefore be it

RESOLVED, that Brian R. Haak, 14 Eaton Avenue, Norwich, NY, be and hereby is appointed as Acting City Assessor for a period of six months commencing on February 20, 1996; and, further be it

RESOLVED, that during this appointment Mr. Haak shall receive no additional compensation for his service.

Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote, 4-0.

RESOLUTION #20 - 1996. APPROVING COLORSCAPE CHENANGO ARTS FESTIVAL FOR SPECIAL EVENT EXEMPTION

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, Section 8-4 of the Ordinance Prohibiting the Possession and Consumption of Alcoholic Beverages in Public Places in the City of Norwich allows the Common Council to grant an exemption to the ordinance for any special event; and

WHEREAS, Colorscape Chenango is planning to hold an Arts Festival within the areas of East and West Parks in the City of Norwich on September 7 and 8, 1996, between the hours of 10 a.m. and 6 p.m.; and

WHEREAS, such festival is requesting a special event exemption to sell beer and wine for the purpose of consumption only on the designated festival grounds; and

WHEREAS, the Public Safety Committee has made certain recommendation; now, therefore be it

RESOLVED, that the Colorscape Chenango Arts Festival be and hereby is granted a Special Events Exemption on September 7 and 8, 1996, from 10 a.m. to 6 p.m. within the areas of East and West Parks in the City of Norwich for the purpose of sale and consumption of beer and wine; and, further be it

RESOLVED, this exemption is subject to the terms and conditions as follows:

1. Chenango County and City of Norwich Fire Police named as additionally insured on the festival insurance policy.
2. TESIS students named as additionally insured on the festival insurance policy.
3. Hold Harmless Agreement signed by Colorscape Chenango Festival representative.
4. Additional security will be provided by Colorscape to assist with patrol of the grounds during and after festival hours.
5. Colorscape Chenango shall, at its expense, take out and maintain during the entire term of the festival a policy of liability insurance on the City premises used for festival purposes, and the use thereof by Colorscape Chenango, such insurance to cover all loss or damage arising out of the use or occupancy of the City premises in which the limits of public liability shall be in an amount of not less than ONE MILLION DOLLARS (\$1,000,000.00). Colorscape Chenango shall additionally, at its expense, take out and maintain a policy to cover any and all liability, loss or damage resulting from or related to the consumption, sale or service of alcoholic beverages on City premises or in connection with the festival operations, the limits of this liability policy shall be at least ONE MILLION DOLLARS (\$1,000,000.00). The above mentioned policies shall name the City, and Colorscape Chenango as insured, and shall contain a clause that the insurer shall not cancel or change the insurance without first giving the City ten (10) days prior written notice. Colorscape Chenango shall provide the City with proof of the liability insurance naming the City as additional insured at least ten (10) days prior to the festival event. It is specifically understood and agreed that Colorscape Chenango shall be prohibited from allowing the consumption, service or sale of alcoholic beverages on City premises at any time without providing the City with proof of above referenced liability insurance naming City as additional insured covering any and all loss or damage resulting from or related to the consumption, sale or service of alcoholic beverages on City premises or in connection with Colorscape Chenango festival operations.

Seconded by Ald. Carnrike. Ayes - Aldermen Carnrike, McNeil and Rabinowitz. Nay - Ald. Thall. The Mayor voted aye for a majority of 4-1 and the resolution was duly adopted on a roll call vote.

Appraisal Services -- Ald. McNeil moved to authorize the Mayor to enter into an agreement with Ashton Assemblies of Barneveld, NY for the appraisal of the Norwich Fire Department vehicles at a cost of \$50 per vehicle.

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

	<u>Prepaid</u>	<u>2/20/96</u>	<u>Grand Total</u>
General Fund	2,419,686.87	454,410.12	2,874,096.99
Sewer Fund	63,870.12	130,778.57	194,648.69
Water Fund	93,201.26	12,128.63	105,329.89
Trust Fund	285,520.84		285,520.84
B.I.D.		13,656.52	13,656.52
Unemployment Ins.	190.00		190.00
EDZ/LDC	6,340.32	1,928.85	8,269.17
Community Development	17,962.05	2,250.00	20,212.05
Capital Projects	4,753.48	60,589.59	65,343.07
TOTALS	2,891,524.94	675,742.28	3,567,267.22

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

Executive Session -- Ald. McNeil moved to go into executive session at 8:20 pm to discuss contract negotiations. Seconded by Ald. Carnrike and duly adopted, ayes all.

Ald. Rabinowitz moved to go out of executive session at 8:45 pm. Seconded by Ald. Thall and duly adopted, ayes all.

Adjournment -- Ald. Carnrike moved to adjourn. Seconded by Ald. Thall and duly adopted, ayes all.