COMMON COUNCIL

March 17, 1998

Mayor Robert Raphael presided at a regular meeting of the Common Council held at 7 PM on March 17, 1998, at One Court Plaza.

Present:	Also:
Mayor Robert Raphael	Attorney Aaron Dean
Ald. George Carnrike	Director of Finance/Clerk William Roberts
Ald. Patrick McNeil	Director of H.R. Deborah DeForest
Ald. Robert Rabinowitz	Fire Chief Ed Schuurman
Ald. Jeffrey Thornton	Police Chief Joseph Angelino
Ald. Joseph Biviano	DPW Supt. Carl Ivarson
	B.I.D. Administrator Jean Hayes
	Historian Patricia Scott
Absent:	Deputy Clerk Donna Russell
Ald. James Dennis	
Supervisor J. Dolan	
Supervisor L. Natoli	

-- Ald. Carnrike moved to dispense with the reading and approve the minutes of the regular meeting of February 17, 1998, and the work session of March 10, 1998. Seconded by Ald. McNeil and duly adopted, ayes all.

OPEN FORUM:

-- **James Williams**, 116 Hillview Court, representing the Fire Department Building Committee, spoke in response to an article printed in the newspaper relative to the relocation of the Fire Department. He said the FD Building Committee presented ten potential sites to the Public Works Committee for consideration. He noted Delaware Engineering reviewed the sites and made some suggestions. The Committee met with the Mayor and has done everything that it has been asked to do. He reminded the Council that when Delaware Engineering reviewed the project it determined that the cost of reconstruction is much greater than the cost of new construction for this type of project. He reiterated the Fire Department's position on the matter stating the Fire Department would like a new fire house and is willing to work together to get it.

-- **Casey Jones**, 4 Maydole Street, addressed several matters.

- Regarding a resolution on the agenda authorizing a gas line relocation on Front Street, Mr. Jones stated that this is for private development and city taxpayers should not be asked to pay the bill. He noted the line was improperly located in the first place.
- Mr. Jones stated with regard to a resolution authorizing an inner city bypass, he commends the Council for moving the bypass to an area of greater need. Referring to discussion last week regarding sidewalks, Mr. Jones is concerned that the City stay within the perimeters of the $600,000 grant. He said the road will be going through vacant land and should the area be opened up for development, sidewalks can be added at that time. Mr. Jones suggested that the added costs to the project come from community development funds.
- Relative to the community development loan fund program, Mr. Jones said he does not feel projects should be developed for the benefit of city officials and noted city officials are prohibited from participating in these types of programs.
- Mr. Jones also commented, relative to Council Committees, when a member of the Committee is not present at a meeting, another alderman cannot take that member's place.
- Regarding a proposed resolution on the agenda designating Key Bank as a city depository, Mr. Jones said he does not feel that city funds should be placed in a bank outside the City and questioned if it is legal to do so.

-- Ald. McNeil stated with regard to the inner city bypass, the additional funds are for the much needed replacement of water and sewer lines on Prentice Street. With regard to the community development loan program, Ald. McNeil stated the Council is aware that no elected official may receive funds from the program. He noted that he pays into the B.I.D. as a downtown merchant and is unable to participate in the facade improvement program, however, there are several businesses outside the B.I.D. that could use the funds for facade improvement. His question was what area is included as "downtown" relative to the loan program. Ald. McNeil also explained that Key Bank is the bank used by MultiMed and funds collected by the company will be placed in an account at Key Bank to be transmitted to the City.

-- Ald. Biviano said he believes that an alderman has the right to speak at any Committee meeting. He also noted that his inquiry into the community development loan program was to define the area that the program encompasses.

CORRESPONDENCE:

- Ald. McNeil moved to approve a request from Robert and Teddi Arnell, to erect an awning over the rear doorway at 15 South Broad Street, under the direction of the City Engineer. Seconded by Ald. Rabinowitz and duly adopted, ayes all.
- Ald. Carnrike moved to approve a request from Multiple Sclerosis Society to hold the first MS Walk on 5/17/98 at 9 AM, under the direction of the Police Chief. Seconded by Ald. McNeil and duly adopted, ayes all.
- Mayor Raphael announced the City has received notification from the NYS Office of Parks, Recreation and Historic Preservation that a matching grant of $27,963 has been awarded for the Multi-Use Skate Park Improvement Project.
- Mayor Raphael issued mayoral proclamations recognizing Doctor Rosita Aquino as "Distinguished Physician of the Year" and proclaiming March 20, 1998 as "National Agriculture Day in the City of Norwich.

DEPARTMENT, BOARD AND COMMISSION REPORTS

- Community Development/EDZ/Planning monthly report for February, 1998
- Historian monthly report for February, 1998
- Police Department annual report for 1997, monthly reports for January and February, 1998
- Youth Bureau monthly reports for January and February, 1998
- Civil Service Commission minutes of February 5, 1998
- Electrical Board minutes of February 10, 1998
- Planning Commission minutes of February 2, 1998
- Plumbing Board minutes of February 19, 1998
- Traffic Commission minutes of March 11, 1998
- Youth Board minutes of February 10 and March 10, 1998
- Zoning Board of Appeals minutes of February 9, 1998

-- Ald. Rabinowitz moved to receive and file the department, board and commission reports. Seconded by Ald. McNeil and duly adopted, ayes all.

WARD AND COMMITTEE REPORTS

- Personnel Committee meetings of February 3 and 24, 1998
- Public Safety Committee meeting of February 24, 1998
- Public Works Committee meeting of February 27, 1998

- Ald. Carnrike reported he has referred several parking concerns to the Police Chief and the Traffic Commission.
- Ald. McNeil stated, with regard to voting at a work session, the Council amended the rules of procedure on October 17, 1995 to provide for one regular meeting and one work session. He explained the action was taken for the purpose of streamlining activities and increasing governmental efficiency. Ald. Biviano said he feels the work session meetings are working, however, from time to time the need arises for action to be taken at a work session. It was suggested that if there is to be a vote at the work session, the Council be advised prior to the meeting and the public informed as well. The Council deferred the matter for further discussion.

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

OLD BUSINESS

Re-vote on Covering Parking Meters -- Mayor Raphael reported the City Attorney has reviewed the matter and recommends that there be a re-vote taken on the meter bagging issue. There was discussion relative to the time limit and ability to enforce the ordinance. Jean Hayes, B.I.D. Administrator, concurred that the B.I.D. recommends the metered spaces be designated for one hour free parking.

-- Ald. McNeil moved to cover the meters for one-hour free parking for a trial period through December 31, 1998, with the current ordinances in force and that the Traffic Commission and the B.I.D. will study the matter and make a recommendation before the end of the trial period. Seconded by Ald. Carnrike and duly adopted, ayes all on a roll call vote, 5-0.

NEW BUSINESS

Executive Order No. 1 of 1998 – Mayor Raphael presented Executive Order No. 1 of 1998, such order establishes a municipal Rapid Response Task Force to aid small businesses hit by major fire or other disasters.

City Seal – Ald. Biviano moved to adopt a new city seal as presented by the Public Works Committee. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 5-0.

-- Prior to the vote, Ald. Biviano stated that the late Charles Angelino initiated the city seal project which he feels will be an asset to the City of Norwich.

RESOLUTION # 19 - 1998. ESTABLISHING CAPITAL RESERVE FOR POLICE EQUIPMENT

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, Article 2, Section 6-c of the New York State General Municipal Law provides for the establishment of various capital reserve funds for municipal services; and

WHEREAS, the Police Chief is desirous of having such a reserve fund established; and

WHEREAS, the Finance Committee has made certain recommendations relative to establishing such a reserve fund for "Police Equipment" for the City of Norwich; now, therefore be it

RESOLVED, that

1. A reserve fund for Police Equipment is hereby established in accordance with Article 2, Section 6-c of the New York State Municipal Law;
2. the Director of Finance is hereby directed to deposit moneys of the reserve fund in a separate bank account to be known as the "Police Equipment Reserve Fund" and is authorized to invest from time to time the moneys of such fund pursuant to the New York State General Municipal Law;
3. no expenditure shall be made from such fund, except upon authorization of the Common Council, pursuant to Article 2, Section 6-c of the New York State General Municipal Law.

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

RESOLUTION # 20 - 1998. DESIGNATING KEY BANK AS DEPOSITORY FOR CITY OF NORWICH FUNDS

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the City of Norwich has entered into an agreement with MultiMed Billing Service, Inc. of Baldwinsville, NY, for contracted billing services relative to the Ambulance Revenue Recovery Program; and

WHEREAS, the Finance Committee has made certain recommendations relative to naming Key Bank of New York as an official depository of City of Norwich funds; now, therefore be it

RESOLVED, that

1. Key Bank of New York be and hereby is designated as a depository of the City of Norwich and that any of the officers, employees or agents of the City of Norwich be and each of them hereby is authorized from time to time to deposit any of the funds of the City of Norwich in said Bank, either as its principal office or at any of its branches; and to endorse in the name of the City of Norwich all checks, orders or instruments so deposited by rubber stamp, facsimile, mechanical, manual or other signature, and to waive presentment, demand, protest and/or notice of dishonor or protest with respect to any such check, order or instrument and that any checks, orders or instruments so deposited shall be deemed to have been unqualifiedly endorsed by the City of Norwich, whether or not so endorsed.
2. the funds of the City of Norwich shall be subject to withdrawal, upon the presentation of checks, drafts, bills of exchange, acceptances, notes, withdrawal orders, negotiable orders of withdrawal or other instruments or orders for the payment of money (herein referred to as instruments) of the Customer signed by any one of its officers as follows: the Mayor or the Director of Finance.

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

-- Prior to the vote, Director Roberts noted that this is a housekeeping measure. Attorney Dean stated that it is an acceptable practice.

RESOLUTION # 21 - 1998. AUTHORIZING SUBMISSION OF 1998 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the Mayor and the Common Council have established that development of safe, sanitary and decent housing for low and moderate income families is a goal of the City; and

WHEREAS, the City has designated an area of Mitchell Street in the City as being a target area for actions in support of such goal; and

WHEREAS, the City wishes to submit a single purpose grant application to the federal Department of Housing and Urban Development for funds to aid in accomplishment of its goal in the target area; and

WHEREAS, the City has met the citizen participation and public hearing requirements for the filing of such application; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized to file an application for a Small Cities application with the federal Department of Housing and Urban Development and to take all such actions on behalf of the City as may be necessary in support of such application.

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

RESOLUTION # 22 - 1998. REINSTATEMENT OF POSITION OF POLICE OFFICER IN THE NORWICH POLICE DEPARTMENT AND APPOINTMENT THERETO

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the Police Chief has made certain recommendations relative to the reinstatement of a position of police officer in the Norwich Police Department, and;

WHEREAS, the Personnel Committee have made certain recommendations; now, therefore be it

RESOLVED, that

1. a position of police officer in the Norwich Police Department is hereby reinstated; and
2. Michael Purdy, Sherburne, NY, be and hereby is granted a permanent appointment as police officer in the Norwich Police Department, effective March 29, 1998; and
3. this resolution shall be subject to such action as may be necessary by the Norwich Civil Service Commission and is contingent upon the satisfactory completion of the required physical and psychological examinations.

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

-- Police Chief Angelino introduced Mr. Purdy.

RESOLUTION # 23 - 1998. REPLACING POSITION OF CLERK WITH AN ACCOUNT CLERK POSITION IN THE FINANCE OFFICE AND APPOINTMENT THERETO

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the Director of Finance has conducted a review of staff duties in the City's Finance Office; and

WHEREAS, such review has determined that there is a need for an additional account clerk; and

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

RESOLVED, that

1. one position of Clerk be replaced by the position of Account Clerk in the Finance Office;
2. Christa Swarts be and hereby is hereby granted a provisional appointment as Account Clerk, effective on March 18, 1998;
3. this resolution shall be subject to such action as may be necessary by the Norwich Civil Service Commission.

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

RESOLUTION # 23 - 1998. AUTHORIZING INCREASE IN HOURS FOR EMPLOYEES IN THE FINANCE OFFICE

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, due to work requirements, the need has been demonstrated for an increased work day from 37.5 to 40 hours per week for employees in the Finance Office; and

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

RESOLVED, that

1. the following positions in the Finance Office be and hereby are amended to 40 hours per week full time positions:

Deana DuFour, Assistant to the Director of Finance
Amy Donnison, Senior Account Clerk
Lavonne Hinman, Account Clerk
Joan Smith, Clerk
Christa Swarts, Account Clerk; and

2. this resolution shall take effect on April 1, 1998; and

3. such amendment is contingent upon concurrence by the CSEA union.

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

RESOLUTION # 24 - 1998. AUTHORIZING INNER CITY BYPASS PROJECT WITH UPGRADING AND EXTENSION OF PRENTICE STREET

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the City of Norwich has been approved for funding in the amount of $600,000 through the Multi-Modal Program of the New York State Department of Transportation; and

WHEREAS, additional funds are available in the capital reserve for water and sewer main replacement; and

WHEREAS, traffic patterns at the intersection of Prentice Street with South Broad Street require alternative routing options for efficiency and safety; and

WHEREAS, water, sewer and road infrastructure are in need upgrading in the Prentice Street area; and

WHEREAS, the City Engineer has prepared a proposed project with preliminary plans for the upgrading of infrastructure and extension of Prentice Street to Hale Street at an estimated cost under $645,000; and

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

RESOLVED, that the City Engineer and Superintendent of Public Works are hereby authorized and directed to proceed with the implementation of the proposed project subject to all legal and administrative requirements at a cost not to exceed $645,000 and that no railroad crossing shall be closed.

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

-- Prior to the vote, Ald. Carnrike stated the bypass will relieve a serious traffic problem. Ald. McNeil indicated the Council discussed the possibility of curbing and sidewalks at the last work session and he feels the Council should first look at the traffic. He noted sidewalks and curbs can be added later if needed.

RESOLUTION # 25 - 1998. AUTHORIZING THE EXPENDITURE OF FUNDS RELATIVE TO THE RELOCATION OF GAS LINES ON FRONT STREET

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the relocation of two gas lines beneath Front Street is required to allow the installation of a storm drain from the TOPS parking lot; and

WHEREAS, such drain is necessary to prevent flooding from the parking lot; and

WHEREAS, the Public Works and Finance Committees have made certain recommendations relative to sharing the cost of such relocation with Benderson Development Company and NYSEG; now, therefore be it

RESOLVED, that the Director of Finance be and hereby is directed to pay one-third of the cost of the gas line relocation in an amount not to exceed $5,000 from the Capital Projects Fund for Permanent Streets.

Seconded by Ald. Biviano. Roll call vote: ayes - Aldermen McNeil, Rabinowitz and Biviano; nays - Aldermen Carnrike and Thornton.

As the resolution would require a two-thirds majority for passage, it was requested that the Mayor cast his vote. Mayor Raphael requested a ruling from the City Attorney on the matter. Attorney Dean stated that the Charter provides that the Mayor may vote in the case of a tie. Therefore, the resolution was declared defeated for lack of a two-thirds majority vote.

-- Prior to the vote, Ald. Biviano suggested the city's share of the project be paid for through community development funds. Finance Director Roberts noted the total project is just under $15,000. DPW Supt. Ivarson noted there is in-kind service provided which would bring the cost of the project down. Ald. McNeil said the City has in the past provided assistance to aid in development. Ald. Carnrike said his concern is that the action could set a precedent.

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

	Prepaid	3/17/98	Grand Total
General Fund	310,997.15	303,126.54	614,123.69
Sewer Fund	1,042.34	6,259.07	7,301.41
Water Fund	19,937.50	11,197.39	31,134.89
Trust	31,925.04	199.71	32,124.75
Debt Service	118,362.50	0.00	118,362.50
Reserves	0.00	0.00	0.00
Unemployment	0.00	0.00	0.00
0.00	0.00	0.00	0.00
EDZ/LDC	24.44	4,606.39	4,630.83
Capital Projects	28,485.00	58,550.41	87,035.41
TOTALS	**$510,773.97**	**$383,939.51**	**$894,713.48**

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

Executive Session – Ald. McNeil moved to go into executive session at 8:30 PM to discuss the personal history of a particular individual. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Ald. McNeil moved to go out of executive session at 9:10 PM. Seconded by Ald. Thornton and duly adopted, ayes all.

Adjournment –Ald. McNeil moved to adjourn at 9:10 PM. Seconded by Ald. Carnrike and duly adopted, ayes all.