

COMMON COUNCIL

Work Session

April 14, 1998

Mayor Robert Raphael presided at a work session of the Common Council held at 7 PM on April 14, 1998, at One Court Plaza.

Present:

Mayor Robert Raphael
Ald. George Carnrike
Ald. Patrick McNeil
Ald. Robert Rabinowitz
Ald. Jeffrey Thornton
Ald. James Dennis
Ald. Joseph Biviano

Also:

Attorney Aaron Dean
Director of Finance/City Clerk William Roberts
Human Resources Dir. Deborah DeForest
Fire Chief Edward Schuurman
Police Chief Joseph Angelino
DPW Supt. Carl Ivarson
CD Director David Wagoner
Asst. Engineer Asa Allison
Historian Patricia Scott
B.I.D. Administrator Jean Hayes
Deputy Clerk Donna Russell

B.I.D. Downtown Plan Design – Mary Davis, B.I.D. President, updated the Council on the B.I.D. Downtown Plan. She reported the B.I.D. conducted a survey and of the 25 percent of the surveys returned, all were in support of the concept. Mrs. Davis explained the B.I.D. is not asking the City for any money, just an endorsement of the concept. Ald. Rabinowitz noted there are items in the plan that may already need to be revised. Mrs. Davis said it is critical to get the plan underway, noting there are things in the 10 year plan that need to take place now. She reiterated that the concept is presented in three phases and includes examples of short and long term improvements. Ald. Biviano said the City has always been a supporter of the Business Improvement District. Mrs. Davis stated that the next step would be to bring ordinances for action to support the plan. She noted the intent of the concept is to be business friendly.

-- Ald. McNeil moved to accept and endorse the concept of a Downtown Plan Design as presented by the Norwich Business Improvement District. Seconded by Ald. Biviano and duly adopted, ayes all on a roll call vote, 6-0.

Vendor Ordinance/Special Events – Ald. Carnrike reported a representative from the YMCA approached him relative to the vendor ordinance. He explained that during the Gus Macker event last year, vendors set up stands on vacant lots without obtaining a permit. Ald. Carnrike referred to Sherburne's peddler ordinance relative to special events. There was discussion relative to the ordinance and revisions for special events. The City Attorney was directed to research the matter and make a recommendation to the Public Safety Committee.

Curb Cut Request For American Avenue – Mayor Raphael reported on a curb cut request for American Avenue. He explained the area in question is a right of way from the Giltner Building to American Avenue which has been closed to traffic with the installation of curbs and sidewalks. There was no request to the City for permission to install curbing by the owner, MT Associates. The request at this time is for a curb cut for the area which would result in the removal of the curbing and sidewalks. The Mayor asked if anyone from the public would like to comment.

George Cleveland, 17 Columbia Street, said removing the sidewalks and opening up the driveway would create a safety hazard.

Ald. McNeil said it was a right of way previously and the owner installed the sidewalks and curbing without obtaining permission from the City for the curbing. The request is now being made to remove the curbing to return the area to the way it was previously. He said once the curbing is removed, the parties involved should get together and resolve the matter between them.

Ald. Carnrike explained that it is private property and the City's involvement is due to the requirement of a curb cut request due to the encroachment of curbs on City property.

Ald. Biviano said he is against the removal of the sidewalks as it is a detriment to the businesses in the area and inconsistent with the B.I.D. plan.

Mayor Raphael stated the matter was discussed by the Public Works and Public Safety Committees and the City recognizes the problems in the area, however, it is private property.

Ald. Dennis questioned the action as the area has been improved with nice landscaping and attractive sidewalks.

June McIntyre-Georgia, business owner in the area, said she is concerned about the safety issue and asked about liability.

Phil Giltner, 43 South Broad Street, said the area is private property owned by MT Associates. He indicated that he has a right of way to the private driveway which enters onto American Avenue and that MJ Associates installed the curbing and sidewalks illegally.

-- Ald. McNeil moved to approve a curb cut request from MT Associates for American Avenue. Seconded by Ald. Carnrike and duly adopted, 4-2 (Aldermen Dennis and Biviano) on a roll call vote.

Resignation of Alderman James Dennis – Ald. Biviano moved to receive and accept with regret a letter of resignation from James Dennis as Alderman for Ward Five, effective April 15, 1998. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 6-0.

Ald. Biviano stated that Mr. Dennis has done an excellent job on the Common Council, noted some of his accomplishments and commended him for his efforts.

Ald. Rabinowitz noted that Mr. Dennis has served the City for many years having previously served as Alderman.

Mayoral Proclamations

- * The first Founders Day in the City of Norwich - April 17, 1998
- * The Week of the Young Child - April 19 - 25, 1998

RESOLUTION # 26 - 1998. APPOINTMENT OF SHARON JEFFER AS ALDERWOMAN OF WARD FIVE

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, Alderman James Dennis has resigned from the office of Alderman for Ward Five of the City of Norwich; and

WHEREAS, the Common Council wishes to fill the vacancy pursuant to Section 23 of Title II of the City Charter; and

WHEREAS, Sharon Jeffer, residing at 49 Mitchell Street, has been nominated to fill the vacancy and to hold office until the first day of January succeeding the next general election held in the City; now, therefore be it

RESOLVED, that effective on April 16, 1998, Sharon Jeffer is hereby appointed to fill the vacancy in the office of Ward Five alderman until the first day of January succeeding the next general election held in the City.

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

Mayor Raphael introduced Ms. Jeffer and she was welcomed by all.

RESOLUTION # 27 - 1998. DESIGNATING THE COMMON COUNCIL AS ‘LEAD AGENCY’ FOR THE ENVIRONMENTAL REVIEW PROCESS RELATIVE TO CELLULAR ONE PROJECT

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, Southwestern Bell Mobile Systems, Inc. d/b/a Cellular One installed an unmanned base station, two receiving and two transmitting whip antennas at the Eaton Center, 19 Eaton Avenue, as described in a Full Environmental Assessment Form dated March 14, 1998; and

WHEREAS, said 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 provisions of the State Environmental Quality Review Act (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; now, therefore be it

RESOLVED, that the Common Council hereby designates itself “Lead Agency” for the environmental review of the Cellular One Project.

Seconded by Ald. Biviano.

-- Ald. McNeil moved to table the resolution. Seconded by Ald. Thornton and duly adopted, ayes all.

Old Business – Mayor Raphael stated that Resolution No. 25 of 1998 has been removed from the agenda.

Development of Agenda for April 21, 1998

- 1) Call To Order
- 2) Pledge of Allegiance
- 3) Invocation
- 4) Approval of minutes of the regular meeting of March 17, 1998 and the work session of April 14, 1998
- 5) Public Hearing
- 6) Open Forum
- 7) Bids
- 8) Correspondence
 - ◆ Request from ABATE of New York to hold a motorcycle parade on May 30, 1998 at 1 PM
 - ◆ Request from Chenango County Firemen's Association to hold the Chenango County Fair Bicentennial parade on August 15, 1998 at 3 PM with lineup beginning at 1:30 PM
 - ◆ Request from Norwich Little League to hold the annual Little League parade on May 2, 1998 at 9 AM
 - ◆ Mayoral Proclamations
- 9) Department, Board and Commission Reports
 - ◆ Community Development/EDZ/Planning monthly report for March, 1998
 - ◆ Historian annual report for 1997 and monthly report for March, 1998
 - ◆ Police Department monthly report for March, 1998
 - ◆ Water System monthly reports for February and March, 1998
 - ◆ Youth Bureau monthly report for March, 1998
 - ◆ Electrical Board minutes of March 10, 1998
 - ◆ Parks Commission minutes of March 9, 1998
 - ◆ Plumbing Board minutes of February 19, 1998
 - ◆ Traffic Commission minutes of April 8, 1998
 - ◆ Water Commission minutes of March 18, 1998
 - ◆ Zoning Board of Appeals minutes of March 9 & 23, 1998
- 10) Ward and Committee Reports
 - ◆ Public Safety Committee meeting of March 24, 1998
 - ◆ Public Works Committee meeting of March 26, 1998
- 11) Old Business
- 12) New Business
 - Appointments
 - ◆ Mayoral Appointment - David True, 168 North Broad Street, reappointment to the Civil Service Commission, a six year term expiring May 31, 2004
 - Motions
 - ◆ Auth Chase Manhattan Bank as Approved Depository for Investment Purposes
 - ◆ Auth Efficiency Study for Sharing of Transportation Maintenance and Related Costs at no cost to the City
 - ◆ Auth Preparation of Cost Study Relative to a Fire Department Facility
 - ◆ Confirm continued support of Records Management Program
 - Resolutions
 - ◆ Res - Enacting One Week Sales Tax Exemption on Clothing
 - ◆ Res - Determination of Negative Declaration Relative To the Cellular One Project
 - ◆ Res - Auth Transfer Water System Computer Upgrade
 - ◆ Res - Auth Transfer Trash Pump Device for Fire Department
 - ◆ Res - Auth Transfer for Parking Signs
 - ◆ Res - Auth Transfer for Fire Department Personal Services
 - ◆ Res - Auth Transfer for Physicals and Drug Testing of New Employees
 - ◆ Res - Auth Transfer for Water Main Replacement Program
 - ◆ Res - Appointment of Fire Chief
- 13) Payment of Bills
- 14) Adjournment

Executive Session – Ald. Biviano moved to go into executive session at 7:58 PM to discuss the proposed purchase of property where the price may be affected and the financial history of a particular corporation. Seconded by Ald. Dennis and duly adopted, ayes all.

-- Ald. McNeil moved to go out of executive session at 8:52 PM. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Adjournment – Ald. Biviano moved to adjourn at 8:53 PM. Seconded by Ald. Thornton and duly adopted, ayes all.