COMMON COUNCIL

April 21, 1998

Mayor Robert Raphael presided at a regular meeting of the Common Council held at 7 PM on April 21, 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 7:35 PM
Ald. Sharon Jeffer	Police Chief Joseph Angelino
Ald. Joseph Biviano	DPW Supt. Carl Ivarson
	CD Director David Wagoner
	Historian Patricia Scott
	Deputy Clerk Donna Russell

Absent:
Supervisor J. Dolan
Supervisor L. Natoli

-- Ald. McNeil moved to dispense with the reading and approve the minutes of the regular meeting of March 17, 1998 and the work session of April 14, 1998. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

OPEN FORUM:

Rite-Aide Project – William Feinstein of Ventura Development presented a revised site plan relative to the Rite-Aid project. He indicated the revised plan includes suggestions from Emanuel Carter and includes realignment of the building, landscaping shrubbery, the installation of a banner pole for the seasonal banners, adding a masonry wall and fewer parking spaces along Broad Street. He said the plans take into account the location as a gateway corner. Mr. Feinsten responded to concerns about having two drug store chains across the street from each other noting that both chains are already in the community and being next to each other is not necessarily a negative. He explained that the current site of Rite Aid is an outdated and undersized building and in order to be competitive, the business must relocate. Mr. Feinstein said the group is working with the DEC on the removal of dirt from the site due to a minor contamination problem. Mr. Feinstein, along with Rite-Aid's Construction Manager Roger Hoffman and Peter Arsenault of N.K. Bhandari Consulting Engineers Architect, explained the proposal in detail. Mr. Feinstein said the building has been positioned so as to minimize the impact to the neighborhood and the church. He stated there will be one loading door. Mr. Feinstein also noted that a large lawn area will be installed to provide a sufficient buffer for the area. Mr. Feinstein indicated that he would be meeting with the sign committee.

Mr. Feinstein stated that he had just come from a neighborhood meeting relative to the project and many of the people attending the meeting expressed concern about the proposed demolition of the large Victorian style green house located at 90 North Broad Street on the site. He stated that representatives of Rite-Aid Corporation have offered the green house to anyone that wants to move, disassemble or take any part of it away. The only stipulation is that they must pay for it.

B.I.D. Administrator Jean Hayes noted that four businesses will be displaced. When asked if she was aware of any relocation plans for those businesses, Ms. Hayes said she was not aware of any.

There was much discussion relative to the fate of the Victorian house. Ald. McNeil asked if the house would fit elsewhere on the property and suggested the City Engineer study the site to determine the feasibility of moving the house to another area of the property. It was noted that the house is on private property and is not the responsibility of the City or of the taxpayers.

Roberta Healy, Preston, questioned if it is viable to replace all those businesses with one. A Sherburne resident indicated she was against the project stating the proposal looks like a strip mall and is of no benefit to the community.

ABATE Request – Larry Peterson, McDonough, stated he was present to answer any questions that may arise relative to the ABATE motorcycle parade request.

Prentice Street Extension – Richard Natoli, 12 Clinton Street, said with regard to the Prentice Street extension, that he would like to see sidewalks on one side of the street. His concern is that there will be school children in the area and added if the City is going to build a street, it should build it right in the beginning. Ald. Carnrike said the Public Works Committee will be discussing the matter at their next meeting.

Agenda Concerns – Casey Jones, 4 Maydole Street, expressed concern regarding the request from the ABATE group. He explained that after reading the Sheriff's comments in the newspaper last evening, he would suggest that the City Attorney look into the matter before the request is approved. Mr. Jones also questioned the proposed motion to authorize Chase Manhattan Bank as a depository for City funds stating he feels the City should keep monies local and invest locally. Mr. Jones said relative a proposed resolution to transfer property to the LDC, there is no indication in the resolution of what use is planned for the property. He also stated the City should have a restriction in the deed that the property shall remain taxable.

CORRESPONDENCE:

ABATE Parade – The Common Council discussed a request from the Cortland/Chenango Chapter of ABATE of New York to hold a motorcycle parade on May 30, 1998 at 1 PM. Larry Peterson, representing the local Chapter of ABATE (American Bikers Aimed Toward Education) explained the group promotes awareness programs for all motorists and rider education courses. He said the runs are held throughout the state and he anticipates that approximately 100 members from two of the seven chapters would be participating in this parade. The organization has provided the Police Chief with a certificate of insurance. Mr. Peterson explained the parade route and noted the participants would not be wearing helmets. He said the Sheriff has denied the group's request to proceed through his jurisdiction without helmets. Ald. McNeil stated that he feels helmets should be worn. Ald. Rabinowitz noted that as with any parade, it will be conducted at an appropriate speed with the route monitored and he questioned what exposure the City would have to any potential liability claim if the organization is not using required helmets. Attorney Dean said he cannot say there would be no exposure to liability. Ald. Carnrike noted that the Public Safety Committee reviewed the matter and approved it.

A vote taken on the matter was initially defeated and upon clarification of the motion, another vote was taken. Ald. Biviano moved to approve the request under the direction of the Police Chief with the provision that any special conditions required by the City Attorney and the City Insurance Carrier are met. Seconded by Ald. Carnrike and duly adopted, 4-1 (Ald. McNeil) on a roll call vote.

Bicentennial Parade – Ald. Carnrike moved to approve, as recommended by the Public Safety Committee, a 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, under the direction of the Police Chief. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 5-0.

Little League Parade – Ald. Carnrike moved to approve a request from Norwich Little League to hold the annual Little League parade on May 2, 1998 at 9 AM, under the direction of the Police Chief. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 5-0.

Mayoral Proclamations - Mayor Raphael proclaimed the following:

- Triple Threat Against Heart Day – May 9, 1998
- Arbor Day – April 27, 1998
- A Day of Prayer – May 7, 1998
- SPCA Recognition Month – May, 1998
- Girl Scouts of American Achievement & Award Day – May 3, 1998

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
- Human Resources 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
- Civil Service Commission minutes of February 5, 1998
- Electrical Board minutes of March 10, 1998
- Parks Commission minutes of March 9, 1998
- Plumbing Board minutes of February 19 and April 16, 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

-- Ald. McNeil moved to receive and file the department, board and commission reports. Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote, 5-0.

WARD AND COMMITTEE REPORTS

- Personnel Committee meeting of March 3 and 10, 1998
- Public Safety Committee meeting of March 24, 1998
- Public Works Committee meeting of March 26, 1998

Spring Cleanup – Ald. Carnrike asked if the dates for spring cleanup have been determined. DPW Supt. Ivarson said the dates for pickup will be determined at the next Public Works Committee meeting.

Landscaping Concerns – Ald. McNeil reported a representative of the Chenango County Planning Board was at the meeting regarding the Eckerds project and raised concerns relative to landscaping. Relative to the County's parking lot at the corner of Fair and Guernsey Streets, Ald. McNeil requested a letter be sent to the City Supervisors for information as to when the landscaping will be installed.

Proposed Housing Maintenance Code – Ald. Biviano asked the status of the proposed housing maintenance code. Ald. Carnrike said the Public Works Committee reviewed the proposal and forwarded to the Attorney for review.

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

OLD BUSINESS

Resolution No. 27 of 1998 – Ald. McNeil moved to remove Resolution No. 27 of 1998 from the table. Seconded by Ald. Biviano and duly adopted, ayes all.

-- Ald. Biviano moved to approve Resolution No. 27 of 1998, Designating the Common Council as "Lead Agency" for the Environmental Review Process Relative to Cellular One Project. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 5-0.

NEW BUSINESS

Mayoral Appointments

- David True, 168 North Broad Street, reappointment to the Civil Service Commission, a six year term expiring May 31, 2004
- David Kleinstuber, 47 Cortland Street, appointment to the Planning Commission, to the remainder of a three year term expiring December 31, 1999
- Jeffrey L. Dunkleman, 11 Pleasant Street, appointment to the Youth Board, to the remainder of a three year term expiring December 31, 1998

-- Ald. McNeil moved to accept the mayoral appointments. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Depository for Investments -- Ald. Rabinowitz moved that Chase Manhattan Bank be designated as an Approved Depository for Investment Purposes for the City of Norwich. Seconded by Ald. Carnrike and defeated, 0-6, on a roll call vote.

-- Prior to the vote, Director of Finance Roberts clarified that by allowing a third alternative, it increases the options for higher investment rates. Director Roberts said currently the City uses NBT and BSB as investment depositories. Ald. McNeil asked where Chase Bank is located. Director Roberts said the nearest office is located in Binghamton. Ald. Biviano noted that NBT employs a good number of people and we need to support our own community.

Efficiency Study -- Ald. McNeil moved to table a proposal to authorize an Efficiency Study for Sharing of Transportation Maintenance and Related Costs at no cost to the City until the matter can be reviewed further by the Public Works Committee. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

-- Prior to the vote, Director of Finance Roberts explained the proposal would include the City of Norwich in a joint study on the collaboration of maintenance and fuel use involving several entities. He explained the study would be conducted through the NYS Education Department and would determine if there would be any savings by sharing services. He noted the study would involve staff time from the DPW, Finance, Police and Fire Departments.

Fire Department Facility Study -- Ald. Biviano moved that an expenditure to Delaware Engineering for the preparation of cost studies on the improvements to the old City Hall building necessary for its conversion to a modern fire department facility, and also for the preparation of cost studies for a comparable new stand-alone facility, is hereby authorized at a amount not to exceed $6,000. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 5-0.

Records Management Program -- Ald. Rabinowitz moved to confirm support of the Records Management Program as included in the Records Management Personal Services account of the 1998 General Fund Budget, after the current SARA grant is completed on June 30, 1998. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 5-0.

-- Prior to the vote, Ald. Rabinowitz noted that to this point the SARA program has been very successful by reducing the amount of dead records and systematizing the remaining records. He recommended that the SARA program continue.

RESOLUTION # 28 - 1998. ENACTING A ONE WEEK SALES TAX EXEMPTION ON CLOTHING IN THE CITY OF NORWICH

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the New York State Legislature has adopted a one-week tax exemption from the state portion of sales and use tax on clothing; and

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

Be it enacted by the Common Council of the City of Norwich as follows:

Section One. Receipts from sales of and consideration given or contracted to be given for purchases of clothing exempt from state sales and compensating use taxes pursuant to paragraph 30 of subdivision (a) of Section 1115 of the tax law shall also be exempt from sales and compensating use taxes imposed in this jurisdiction.

Section Two. This resolution shall take effect immediately and shall apply to sales made and uses occurring during the period commencing September 1, 1998, and ending September 7, 1998, although made or occurring under prior contract.

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

RESOLUTION # 29 - 1998. AUTHORIZING TRANSFER FOR WATER SYSTEM COMPUTER UPGRADE

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the Superintendent of Public Works has determined the need for upgrading the computer model used in managing the water system operations; and

WHEREAS, the corresponding technical services are available at a significant cost savings; and

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

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer in the 1998 Water Fund Budget:

From:

Account Number	Name	Amount
F1990.4	Contingency	$ 2,400.00

To:

Account Number	Name	Amount
F8310.4020	Water Administration - Contracted Services	$ 2,400.00

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

RESOLUTION # 30 - 1998. AUTHORIZING TRANSFER FOR TRASH PUMP DEVICE FOR FIRE DEPARTMENT

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of a Trash Pump Device for the Fire Department's Pumper truck; and

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

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer in the 1998 General Fund Budget:

From:

BUDGET Account Number	Name	Amount
HR32-9950.9	Transfer To General Fund	$ 1,950.00

SOURCE

Account Number	Name	Amount
HR32-878	Fund Balance - Fire Equipment Reserve	$ 1,950.00

To:

BUDGET

Account Number	Name	Amount
A3410.2100	Fire Department - Equipment	$ 1,950.00

SOURCE

Account Number	Name	Amount
A5031	Transfer from Capital Reserve	$ 1,950.00

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

-- Prior to the vote, Chief Schuurman explained the trash pump is a replacement and noted it allows the truck to pump water at the scene.

RESOLUTION # 31 - 1998. AUTHORIZING TRANSFER FOR PARKING SIGNS

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, changes in the Vehicle and Traffic Ordinance have required the placement of an extensive number of new parking and traffic control signs; and

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

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer in the 1998 General Fund Budget:

From:

Account Number	Name	Amount
A1990.4	Contingency	$ 5,500.00

To:

Account Number	Name	Amount
A5110.4060	Street Maintenance - Materials & Supplies	$ 5,500.00

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

-- Ald. Biviano expressed concern relative to funds being transferred from the contingency and also asked where the signs would be stored. Director of Finance Roberts stated this was the first transfer from contingency this year. DPW Supt. Ivarson said $2,000 has already been spent on signs and noted the signs will be installed as soon as they are received.

RESOLUTION # 32 - 1998. AUTHORIZING TRANSFER FOR FIRE DEPARTMENT PERSONAL SERVICES

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, effective January 1, 1998, emergency ambulance services have been provided by the paid firefighters; and

WHEREAS, funds for such services were originally budgeted under the emergency squad department; and

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

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer in the 1998 General Fund Budget:

From:

Account Number	Name	Amount
A3625.1010	Emergency Squad - Personal Services	$ 110,000.00

To:

Account Number	Name	Amount
A3410.1010	Fire Department - Personal Services	$ 110,000.00

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

RESOLUTION # 33 - 1998. AUTHORIZING TRANSFER FOR PHYSICALS AND DRUG TESTING OF NEW EMPLOYEES

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of physicals and drug testing for new employees of the Fire, Police and DPW Departments; and

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

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer in the 1998 General Fund Budget:

From:

Account Number	Name	Amount
A1990.4	Contingency	$ 4,250.00

To:

Account Number	Name	Amount
A1430.4032	Human Resources - Employee Physicals	$ 4,250.00

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

-- Prior to the vote, Ald. McNeil noted that the resolution is merely transferring funds to the appropriate account and noted there has been discussion relative to contracting the service with the hospital.

RESOLUTION # 34 - 1998. AUTHORIZING TRANSFER FOR WATER MAIN REPLACEMENT PROGRAM

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, additional funds are required to cover the cost of the 1998 Water Main Replacement Program; and

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

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfers in the 1998 Water Fund Budget:

From:

BUDGET Account Number	Name	Amount
HR31-9950.9	Water Main Reserve - Transfer to Capital Project	$ 35,000.00

SOURCE Account Number	Name	Amount
HR31-599	Water Main Reserve - Appropriated Fund Balance	$ 35,000.00

To:

BUDGET Account Number	Name	Amount
H37-8347.4	1998 Water Main Replacement	$ 35,000.00

SOURCE Account Number	Name	Amount
H37-5031	Interfund Transfer from Capital Reserve-Water Main	$ 35,000.00

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

Resolution Relative to Fire Chief – Mayor Raphael stated a resolution proposed relative to the appointment of Fire Chief would be deferred until after executive session.

RESOLUTION # 35 - 1998. SETTING PUBLIC HEARING TO DETERMINE IF CERTAIN REAL PROPERTY IS REQUIRED FOR USE BY THE CITY

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the City owns a certain parcel of real property located at the northeast corner of Gold Street at the intersection of River Street in the City of Norwich, which property may be required for use by the City; and

WHEREAS, the Common Council wishes to determine if the said property is required for use by the City; and

WHEREAS, the Greater Norwich Local Development Corporation has expressed an interest in obtaining said property pursuant to section 1411 of the Not-For-Profit Corporation Law; now, therefore be it

RESOLVED, that

1. a public hearing shall be held on the 19th day of May, 1998 at the City Council Chambers at One Court Plaza at 7 PM to determine if such property is required for use by the City, and
2. the City Clerk publish such notice of hearing as required by law.

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

-- Prior to the vote, Ald. Carnrike asked that the tax map number of the property be available at the public hearing.

RESOLUTION # 36 - 1998. NOTING APPRECIATION TO JAMES DENNIS

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, James Dennis has served the residents of the City of Norwich for many years and since April 26, 1997, as Alderman for Ward Five; and

WHEREAS, circumstances have caused Mr. Dennis to resign his position effective April 15, 1998; and

WHEREAS, James Dennis has served the City of Norwich with extreme dedication and proficiency; and now, therefore be it

RESLOVED, that the Common Council of the City of Norwich does hereby extend to James Dennis a vote of thanks for his efforts on behalf of the residents of the City; and, further be it

RESOLVED, that a copy of this resolution be presented to Mr. Dennis in appreciation of his dedication and service to the City of Norwich.

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

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

	Prepaid	4/21/98	Grand Total
General Fund	25,620.25	312,635.68	338,255.93
Sewer Fund	525.47	4,003.86	4,529.33
Water Fund	247.66	8,748.45	8,996.11
Trust	1,741.50	290.79	2,032.29
Debt Service	0.00	0.00	0.00
B.I.D.	0.00	0.00	0.00
Reserves	0.00	0.00	0.00
Unemployment	1,288.88	0.00	1,288.88
C.D.	0.00	0.00	0.00
EDZ/LDC	22.96	1,257.86	1,280.82
Capital Projects	0.00	10,289.19	10,289.19
TOTALS	**$29,446.72**	**$337,225.83**	**$366,672.55**

-- Prior to the vote, Ald. Biviano requested that the utility bill for 16 South Broad be stricken from the bill list until it can be properly investigated.

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

Executive Session – Ald. McNeil moved to go into executive session at 8:45 PM to discuss the contract negotiations relative to the PBA and the personnel history of a particular individual. Seconded by Ald. Carnrike and duly adopted, ayes all.

Ald. Rabinowitz moved to go out of executive session at 9:32 PM. Seconded by Ald. McNeil and duly adopted, ayes all.

PBA Contract – Ald. McNeil moved to ratify the PBA Contract. Seconded by Ald. Rabinowitz and duly adopted, 4-1 (Ald. Biviano) on a roll call vote.

Appointment of Fire Chief – The Council concurred to defer the resolution to the May work session meeting.

Adjournment –Ald. McNeil moved to adjourn at 9:35 PM. Seconded by Ald. Carnrike and duly adopted, ayes all.