COMMON COUNCIL

July 21, 1998

Mayor Robert Raphael presided at a regular meeting of the Common Council held at 7 PM on July 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
Ald. Jeffrey Thornton	Police Chief Joseph Angelino
Ald. Sharon Jeffer	Director of C.D. David Wagoner
Ald. Joseph Biviano	D.P.W. Supt. Carl Ivarson
	Historian Patricia Scott
Absent:	B.I.D. Administrator Jean Hayes
Supervisor J. Dolan	Deputy Clerk Donna Russell
Supervisor L. Natoli	

-- Ald. Carnrike moved to dispense with the reading and approve the minutes of June 16, 1998 and the work session of July 14, 1998. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 6-0.

PUBLIC HEARINGS:

Proposed Ordinance No. 3 of 1998 – Mayor Raphael opened the public hearing at 7:03 PM for a proposed ordinance amending the Vehicle and Traffic Ordinance relative to Hayes Street and Canal Street. There being no comments made relative to the proposed ordinance, the Mayor closed the hearing at 7:04 PM.

Proposed Ordinance No. 4 of 1998 – Mayor Raphael opened the public hearing at 7:04 PM for a proposed ordinance amending the Vehicle and Traffic Ordinance relative to Handicapped Parking and Parking Lots. There being no comments made, the Mayor closed the hearing at 7:04 PM.

Determining If Property is Required for Use – Mayor Raphael opened the public hearing at 7:04 PM relative to determining if certain real property known as the West Main Street School is required for use by the City.

Casey Jones, 4 Maydole Street, said he feels there is not much public awareness relative to the project. He noted the current owner of the property is in default on the loan and asked why the City did not call in the loan when the property was previously transferred. Mr. Jones said the City should have obtained Requests for Proposals noting that he spoke with several developers that would be interested in the property. Mr. Jones said any vote on this project should be held over until more information on the project can be provided and another public hearing held.

There being no further comments, Mayor Raphael closed the public hearing at 7:10 PM.

OPEN FORUM:

Potholes – **Mary Coe**, 5A Waite Street, said she approached her alderman about her concerns relative to potholes.

Flags – **Mary Coe** also voiced her concern that with the bicentennial approaching, more flags should be flying and suggested that flags could replace some of the banners in the Downtown.

PUD Application – **Casey Jones**, 4 Maydole Street, expressed his concerns relative to the proposed PUD application for The Eaton Center as follows: Parking Lot screening; all Signage would be allowed as industrial zone; the provision for Arts and Crafts is not specific; the allowance for a Parking Garage which the City would have no control over. Mr. Jones noted that any of these items would constitute a positive declaration.

Ald. McNeil said that at the Planning Commission meeting he attended, those items were discussed and the only member with any concern was Mr. Jones. He indicated the screening would be appropriate for a corner lot and with regard to signage, the Eaton Center has done an excellent job with signage to now and they would continue to do so. Ald. McNeil said, regarding a parking garage, the intention is not to erect a multi-story parking garage, only to lease out a parking area. He noted, however, that he feels a parking garage would not be a bad thing. Ald. McNeil stated that these items are minor and should not affect the decision.

Ald. Biviano said he served on the Board and noted they take a hard look at every company that is considering locating to the building. He noted they work very hard to bring in companies that will promote future development.

Ald. Rabinowitz said the PUD designation allows the building to be used for a variety of activities noted that there would be a review process for any uses that are contemplated for the building. He noted that the designation would not relinquish control of the property, it would actually give the City more control. Ald. Rabinowitz also noted that the proposed function is very quiet compared to the previous use of the building when it was purely industrial with a lot of truck traffic and many employees working several shifts.

Charlotte O'Dea, member of the Planning Commission and Chairman of the United Way, stated that the Planning Commission labored over the proposal and the general opinion is that this is a wonderful thing for Norwich and it is supported wholeheartedly.

Internet Service -- **Terry Bresina**, 32 Fair Street, said he was a subscriber to Chenango Net Services for two years and aside from a two week period, he had no problems with them. He stated that has been off-line more since Ascent took over than during the two years with Chenango Net and he is not happy with the service.

Brad Vickers, of Vickers Data and Recall, commended the City for bringing the internet to the area and he believes it is imperative that the City keeps it going. He said it is important to maintain the Norwich.net name the City should subcontract the operation of the service.

BIDS:

1998 Street Program – One bid was received for 1998 Street Program - Asphalt Recycling and has been forwarded to the Public Works Committee for review.

CORRESPONDENCE:

Colorscape Chenango – Ald. Biviano moved to receive and file correspondence from Colorscape Chenango relative to charges for police coverage during the Colorscape Festival. Seconded by Ald. McNeil and duly adopted, ayes all.

DEPARTMENT, BOARD AND COMMISSION REPORTS

- Community Development/Planning monthly report for June, 1998
- Historian monthly report for June, 1998
- Human Resources monthly report for June, 1998
- Police Department monthly report for June, 1998
- Records Management Department monthly report for June, 1998
- Water/Waste Water Monthly Operating Reports for May and June, 1998
- Youth Bureau monthly report for Monthly Report for June, 1998
- Civil Service Commission minutes of May 28, 1998
- Electrical Board minutes of June 9 and July 14, 1998
- Parks Commission minutes of June 8, 1998 and Parks Tour of June 6, 1998
- Planning Commission minutes of June 30, 1998
- Plumbing Board minutes of June 18 and July 16, 1998
- Water Commission minutes of June 17, 1998

Overtime Report -- Ald. Biviano noted he had requested an overtime report last month and asked when he could expect to receive it. There was discussion regarding the report and the details that should be included in it. Ald. Rabinowitz suggested that Ald. Biviano bring a sample of what he would like in the report to the next Finance Committee meeting. Ald. Biviano said he wants a simple report with hours and dollars. HR Director DeForest said she will look into the possibility of having Tomaselli write a computer program for the report.

-- Ald. Carnrike moved to receive and file the department, board and commission reports. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 6-0.

WARD AND COMMITTEE REPORTS

- Personnel Committee meeting of July 7, 1998
- Public Safety Committee meeting of June 23, 1998
- Public Works Committee meeting of June 22, 1998

Ward One/Noise Ordinance – Ald. Carnrike reported he has received several complaints regarding noise and has referred the matter to the Police Chief and Codes Enforcement Officer.

Ward Two/Trash & Nuisance Ordinances – Ald. McNeil referred complaints relative to garbage and wildlife nuisances to the Codes Enforcement Officer.

Ward Three/Pot Holes – Ald. Rabinowitz referred complaints regarding pot holes to the Public Works Department.

Ward Three/Waite Street Construction – Ald. Thornton asked when the construction would start on Waite Street. DPW Supt. Ivarson said construction would begin next week on Berry and Waite Streets.

Ward Four/Children Playing Sign - Ald. Jeffer referred to the Traffic Commission a request from a Day Care Center on Mitchell Street for a "Children Playing" sign on the street.

Ward Six/Various Concerns – Ald. Biviano referred various concerns from Ward Six to the Police Chief.

-- Ald. Carnrike moved to receive and file the reports. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 6-0.

NEW BUSINESS

Appointments – Ald. Rabinowitz moved to appoint Del Webster, Brown Avenue, to the Assessment Board of Review for the remainder of a five year term, expiring September 30, 1998. Seconded by Ald. Carnrike and duly adopted, ayes all on a roll call vote, 6-0.

Proposed Ordinance No. 5 of 1998 -- Ald. Biviano moved to receive a proposed ordinance to amend the Vehicle and Traffic Ordinance of the City of Norwich relative to No Parking on North Broad Street and Birdsall Street and set a public hearing for August 18, 1998. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 6-0.

ORDINANCE NO. (5)
OF 1998

AN ORDINANCE TO AMEND THE VEHICLE AND TRAFFIC ORDINANCE
OF THE CITY OF NORWICH RELATIVE TO NO PARKING

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

Section 1. Chapter 90, Vehicle and Traffic Ordinance of the City of Norwich, New York, is hereby amended as follows:

Section 90-43. No Parking.

BIRDSALL STREET, west side, for a distance of 107 feet south of Front Street.

BROAD STREET NORTH, west side, for a distance of 230 feet north of Cortland Street.

Underlined material is new.

Section 2. This ordinance shall take effect immediately.

New material is underlined; deleted material is [bracketed].

1998 Justice Department Block Grant -- Ald. Carnrike moved to authorize the submission of a 1998 Justice Department Block Grant Application in the amount of $13,268, with an estimated local match of 25 percent, as recommended by the Finance Committee. Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote, 6-0.

1999 Towns Youth Recreation -- Ald. Rabinowitz moved to authorize the Youth Bureau Director to negotiate with Towns for 1999 Youth Recreation Contracts. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 6-0.

-- Ald. Biviano asked if all the towns were current on the contracts in terms of payment. Director of Finance Roberts said he would look into the matter. Attorney Dean noted that this year's contracts included a stipulation

Set Public Hearing Relative to Water Project – Ald. McNeil moved to set a public hearing for August 18, 1998 to receive comments relative to the SEQR for the Water System Improvements Project. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

RESOLUTION # 66 - 1998. APPROVING ORDINANCE AMENDING VEHICLE AND TRAFFIC ORDINANCE RELATIVE TO HAYES AND CANAL STREETS

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the Common Council received proposed Ordinance No. 3 of 1998 on June 16, 1998, such ordinance amending the Vehicle and Traffic Ordinance of the City of Norwich relative to two hour parking on Hayes Street and designating Canal Street as a one-way street; and

WHEREAS, a public hearing has been held on July 21, 1998, relative to such ordinance; now, therefore be it

RESOLVED, that Ordinance No. 3 of 1998, relative to amending the Vehicle and Traffic Ordinance of the City of Norwich, as presented to the Common Council on June 16, 1998, be and hereby is approved.

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

RESOLUTION # 67 - 1998. APPROVING ORDINANCE AMENDING VEHICLE AND TRAFFIC OORDINANCE RELATIVE TO HANDICAPPED PARKING AND CITY PARKING LOTS

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the Common Council received proposed Ordinance No. 4 of 1998 on June 16, 1998, such ordinance amending the Vehicle and Traffic Ordinance of the City of Norwich, relative to designating handicapped parking spaces and parking lots; and

WHEREAS, a public hearing has been held on July 21, 1998, relative to such ordinance; now, therefore be it

RESOLVED, that Ordinance No. 4 of 1998, relative to amending the Vehicle and Traffic Ordinance of the City of Norwich, as presented to the Common Council on June 16, 1998, be and hereby is approved.

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

RESOLUTION # 68 - 1998. DETERMINATION OF NON-SIGNIFICANCE RELATIVE TO THE EATON CENTER PROJECT

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the Chenango County Area Corp. is requesting a zoning change from Industrial (IN) to Planned Used Development (PUD) for the Eaton Center located at 19 Eaton Avenue as described in Part I of the Full Environmental Assessment Form dated February 20, 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, the Common Council of the City of Norwich has been designated as "Lead Agency" pursuant to Part 617.6 of the Rules; and

WHEREAS, the requirements of the 6NYCRR Part 617, have been met; and

WHEREAS, public comments have been received; and

WHEREAS, pursuant to said SEQR regulation, it is hereby determined that the action will not have a significant effect upon the environment; now, therefore be it

RESOLVED, that the Common Council hereby makes a determination of "no significant environmental impact" as a result of the Eaton Center zoning change from Industrial to PUD and that a "negative declaration" shall issue.

Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote, 5-0, with Ald. Carnrike abstaining due to a possible conflict of interest.

RESOLUTION # 69 - 1998. APPROVING ECOMONIC DEVELOPMENT LOAN

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, funds are available for eligible applicants through the City's Economic Development Revolving Loan Program; and

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

RESOLVED, that an economic development loan be and hereby is approved in the amount of $10,000 to Martha Brower, "Brower Communications", for a term of three years, at a fixed rate of 75% of prime.

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

-- Prior to the vote, Ald. McNeil stated that the application was very detailed and the business plan was very well received by the loan committee. He said he recommends that the loan be approved.

RESOLUTION # 70 - 1998. RESCINDING RESOLUTION #45-1998 AND AUTHORIZING TEMPORARY WAIVER FOR CHIPS PILOT AGREEMENT

Ald. Biviano introduced the following and move its adoption:

WHEREAS, on May 19, 1998, the Common Council passed Resolution #45-1998 authorizing the modification of the Payment In Lieu of Taxes Agreement with Chenango Housing Improvement Program, Inc., (CHIP) dated April 15, 1997, for property at 2-6 Merrill Street; and

WHEREAS, it was determined afterward that the above modification is unnecessary; and

WHEREAS, the City had entered into an separate Payment In Lieu of Taxes Agreement with Chenango Limited Partnership on October 22, 1996, (which was subsequently assigned to Chenango Housing Development Fund Corporation under the authorization of Resolution #39-1997) for property on O'Hara Drive known as Marlene Meadows Senior Citizen Apartments (the Project); and

WHEREAS, Article Five of that agreement provides for the same payment schedule as that afforded taxable property owners; and

WHEREAS, a substantial amount of PILOT payments have already been made in 1998, but the initial cash flow from the startup of the Project has been insufficient for paying the balance due according to the PILOT payment schedule without requiring undue rental rate increases to its lower income senior citizen tenants; and

WHEREAS, a plan has been devised with the approval of Rural Development, allowing the buildup over three years of appropriate funds in the Tax and Insurance Escrow account of the Project which will provide for payment of all amounts due under the agreement during that time and also establish the ability to make all payments according to the payment schedule of the agreement thereafter; now therefore be it

RESOLVED, that

1. Resolution #45-1998 is hereby rescinded, and
2. Article Five of the Payment In Lieu of Taxes Agreement dated October 22, 1996 between the City of Norwich and assignee, Chenango Housing Development Fund Corporation (the Agreement), is hereby temporarily waived with respect to the timing of payments, and the following schedule is substituted therefore:
    a.) The balance of $3,251.81 in PILOT amounts due for 1998 shall be paid by August 31, 1998; and
    b.) Two equal payments of the amounts due under the Agreement for each of the three years, 1999, 2000, and 2001 shall be paid in February and August; and
    c.) Payments as provided for in Article Five of the Agreement shall be made for each year thereafter, beginning January 1, 2002.

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

-- Prior to the vote, Ald. Rabinowitz noted that this will allow CHIPS to build up a reserve until the year 2002 when the regular scheduled payments can be resumed. Ald. McNeil asked if the City is going to make these provisions for landlords to disperse their taxes. Director of Finance noted that CHIPS is a Not-For-Profit organization.

RESOLUTION # 71 - 1998. AUTHORIZING TRANSFER FOR WATER ELECTRICAL REPAIRS

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the severe weather of May 31, 1998 resulted in a lightning strike which damaged the remote transmitting unit and related equipment at the Water System Pressure Reducing Station, necessitating emergency repairs; and

WHEREAS, funds are required to cover the cost of such emergency repairs until insurance reimbursement can be obtained; 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	Water Fund Contingency	$ 5,000.00

To:

Account Number	Name	Amount
F8340.4040	Water Distribution - Repairs & Maintenance	$ 5,000.00

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

RESOLUTION No. # 72 - 1998. DETERMINING CERTAIN REAL PROPERTY NOT REQUIRED FOR USE BY THE CITY AND AUTHORIZING ITS SALE TO THE LOCAL DEVELOPMENT COMPANY

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the Mayor has been authorized, under the direction of the City Attorney, to accept a deed in lieu of foreclosure to the parcel of real property known as the West Main Street School, tax map number 136.56-2-2.1, which property may be required for use by the City; and

WHEREAS, the Common Council has determined that said property is not required for use by the City; and

WHEREAS, the City wishes to transfer parcels to the Greater Norwich Local Development Corporation pursuant to section 1411 of the Not-For-Profit Corporation Law; now, therefore be it

RESOLVED, that

1. a certain parcel of real property known as the West Main Street School, tax map number 136.56-2-2.1, located in the City of Norwich, which property is not required for use by the City, and
2. further, that the Mayor is authorized under the direction and supervision of the City Attorney to transfer the parcel to the Greater Norwich Local Development Corporation pursuant to section 1411 of the Not-for-Profit Corporation Law.

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

-- Prior to the vote, Ald. Biviano indicated this has been a problem area and commended CD Director Wagoner for his work on the project. He said the tenants of the West Main Street School will be getting a good landlord and noted CHIPS does a first rate job.

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

	Prepaid	7/21/98	Grand Total
General Fund	32,541.97	96,566.61	129,108.58
Sewer Fund	1,499.03	9,448.40	10,947.43

Water Fund	2,318.09	11,093.59	13,411.68
Trust	27,592.51	15,019.62	42,612.13
Debt Service	0.00	30,562.25	30,562.25
B.I.D.	0.00	0.00	0.00
Reserves	0.00	0.00	0.00
Unemployment	0.00	456.50	456.50
C.D.	0.00	44,974.89	44,974.89
EDZ/LDC	961.53	4,065.26	5,026.79
Capital Projects	16,208.85	55,302.96	71,511.81
TOTALS	**$81,121.98**	**$267,490.08**	**$348,612.06**

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

Adjournment –Ald. McNeil moved to adjourn at 8:10 PM. Seconded by Ald. Carnrike and duly adopted, ayes all.