COMMON COUNCIL

June 15, 1999

Mayor Robert Raphael presided at a regular meeting of the Common Council held at 7 PM on June 15, 1999, at One Court Plaza.

Present:
Mayor Robert Raphael
Ald. Thomas Anderson
Ald. Patrick McNeil
Ald. Robert Rabinowitz
Ald. Jeffrey Thornton
Ald. Sharon Jeffer
Ald. Joseph Biviano

Absent:
Supervisor J. Dolan
Supervisor L. Natoli

Also:
Attorney Joseph McBride
Director of Finance/Clerk William Roberts
Director of H.R. Deborah DeForest
Police Chief Joseph Angelino
Fire Chief Gary Lynk
DPW Supt. Carl Ivarson
CD Director David Wagoner
Asst. Fire Chief Leroy Burlingame
Historian Patricia Scott
Deputy Clerk Donna Russell

-- Ald. McNeil moved to dispense with the reading and approve the minutes of the regular meeting of May 18, 1999 and the work session of June 8, 1999. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Before proceeding with the agenda, Mayor Raphael introduced Jeremy McNeil, a boy scout from Troop 62. Jeremy stated he has been a scout for the past 11 years and is beginning work on his Eagle Scout Leadership project. He explained that an eagle project should allow the scout to exhibit leadership skills as well as provide a community service. Living just around the corner from Rotary Park, he has noticed the need for improvements to the park and feels it would make a worthy eagle project. Jeremy proposes to make the following improvements to the park:

◊ Lay Stone on 200 feet of trail that does not currently have it.
◊ Put in a set of stair/erosion steps on needed sections of the trail (with assistance from City Engineer).
◊ Have signs made to mark existing trail, plus another map to be placed at another point on the trail.
◊ The Troop work crew will clear four downed trees.
◊ Pick up dead brush.
◊ Prune low branches.
◊ Widen trails of overgrown brush.

Jeremy stated that he believes the improvements will make the park safer, cleaner and a more enjoyable place to be. It will be a benefit to those people who take advantage of the many uses of the park. He noted the improvements, which will take about three to four weekends to complete, will have a long lasting effect for minimal costs. The only cost to the City would be for the stone and the materials for the stairs. He noted the Troop has it's own insurance coverage for this type of project. Jeremy asked the City to approve his project with the Mayor's signature on a statement that the project will be a benefit to the City After some discussion relative to the liability issue, the City Attorney indicated that liability should not be a problem. He noted, however, that the City's insurance carrier should be notified of the project. Jeremy said he would be looking for contributions to fund the project. Ald. Thornton noted the Rotary Club may be able to assist with the project.

-- Ald. Biviano moved to approve the project under the direction of the City Engineer and authorize the Mayor to sign a letter of intent for the project. Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 5-0, with Ald. McNeil abstaining due to a possible conflict of interest.

PUBLIC HEARINGS:

Proposed Plumbing Ordinance -- Mayor Raphael opened the first public hearing at 7:10 PM for proposed Ordinance No. 4 of 1999, an ordinance to amend the Plumbing Ordinance by replacing it in its entirety. There being no comments, the Mayor closed the hearing at 7:11 PM.

Proposed Electrical Ordinance – Mayor Raphael opened the public hearing at 7:11 PM for proposed Ordinance No. 5 of 1999, an ordinance to amend the Electrical Ordinance by replacing it in its entirety. There being no comments, the Mayor closed the hearing at 7:12 PM.

OPEN FORUM:

Reader Board Ordinance -- CD Director David Wagoner expressed concern with regard to the City's Sign Ordinance relative to reader boards. He explained that the Zoning Board of Appeals is being inundated with requests for variances to allow reader boards, and when so many requests come in for the same variance, it indicates there may be a problem with the ordinance. He requested the Council suspend enforcement of the reader board portion of the Sign Ordinance for 90 days while his office investigates the matter. Concerns were raised from Council members that such action would result in many reader boards being placed throughout the City. Attorney McBride clarified that when the suspension period is over, the boards would have to be in compliance or citations would be issued. Ald. Anderson suggested that the Planning Department focus on all reader boards, not just temporary boards.

Bruce Beadle, 15 Brown Avenue, said he agreed with the need to evaluate reader boards and requested that the City also look into ways to improve the sign ordinance with regard to downtown strip malls. CD Director Wagoner said that although there are several areas of the sign ordinance that need review, at this time he would recommend looking at the reader board issue.

-- Ald. Biviano moved to suspend enforcement of the Sign Ordinance relating to temporary reader boards for a period of 60 days while the Planning Department investigates the ordinance. Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 6-0.

Proposed Community Residence -- Michael Cerra, Vice President of Rehabilitation for the Chenango ARC, stated that the ARC is proposing to purchase the residence located at 16 Clinton Street to establish supportive apartments for four mentally retarded and developmentally disabled adults. He explained that the residence would consist of two two-bedroom apartments which would be monitored by the ARC as the current community residence next door is. Mr. Cerra said the ARC notified the neighborhood of the proposed project requesting that anyone with concerns address them to the Common Council at this meeting.

Approximately 10 residents of the neighborhood were present and no one expressed opposition to the proposal.

Sam Mercurio, 17 Clinton Street, stated the residents of the existing community residence are good people and good neighbors. He has had no problem with the present residence and foresees no problem with another residence being located in the neighborhood. Other neighbors agreed with Mr. Mercurio's comments.

CD Director Wagoner explained the notification process for such a proposal and the options available to the Common Council. The Council members discussed holding a public hearing on July 13 for comments relative to the project. It was noted that the neighborhood has been notified and no negative comments have been received.

Ald. Thornton said although he is in favor of the project, he is concerned that as a non-profit group, the purchase will result in another property being taken off the tax roll. Ald. Biviano said the City would like to discuss a payment-in-lieu-of taxes. It was noted that a meeting has been scheduled next week to address the issue.

NYS Police – Police Chief Angelino introduced Sgt. James Bullis of the NYS Police, Norwich barracks. Sgt. Bullis explained some of the programs and services available and invited people to stop in to the office. Ald. Anderson asked, relative to the State Police converting shifts to a 12 hour day, if Sgt. Bullis would attend a Public Safety Committee meeting to discuss the results when the six month evaluation has been completed. Sgt. Bullis said he would be happy to meet with the Public Safety Committee to discuss the matter.

BIDS:

1999 Street Program – One bid was opened on June 11, 1999, for 1999 Street Program/Asphalt Recycling and has been reviewed by the Finance Committee. The matter will be taken up under New Business.

Prentice Street Extension -- Three bids were opened on June 11, 1999, for Prentice Street Extension and have been reviewed by the Finance Committee. The matter will be taken up under New Business.

CORRESPONDENCE:

Chenango Blues Association -- Ald. Jeffer moved to approve a request from the Chenango County Blues Association to close West Park Place for a gospel show on August 22, 1999 from 9 AM to 4 PM. Seconded by Ald. Thornton and duly adopted, ayes all on a roll call vote, 6-0.

-- Prior to the vote, Chief Angelino confirmed that there would still be access to the Sheriff's Department.

Gus Macker Tournament – Ald. McNeil moved to approve a request from the YMCA to close East Main Street for the Gus Macker Tournament from 8 AM on Friday, July 9 through 8 PM on Sunday, July 11, 1999, under the direction of the Police Chief. Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote, 6-0.

-- Prior to the vote, Ald Jeffer stated for disclosure that she is on the Board of the YMCA.

St. Bartholomew's Procession – Ald. Biviano moved to approve a request from St. Bartholomew's Church to hold its annual procession at 11 AM on August 22, 1999, under the direction of the Police Chief. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 6-0.

DEPARTMENT, BOARD AND COMMISSION REPORTS

- Community Development/Planning monthly report for May, 1999
- Fire Department/Codes monthly report for May, 1999
- Historian monthly report for May, 1999
- Police Department monthly report for May, 1999
- Public Works Department monthly report for April, 1999
- Records Management monthly report for May, 1999
- Youth Bureau monthly report for May, 1999
- Civil Service Commission minutes of April 29, 1999
- Electrical Board minutes of May 12, 1999
- Fire Council minutes of May 10, 1999
- Parks Commission minutes of May 10, 1999
- Plumbing Board minutes of May 20, 1999
- Traffic Commission minutes of June 9, 1999
- Water Commission minutes of May 19, 1999
- Youth Board minutes of May 11, 1999
- Zoning Board of Appeals minutes of May 10 and June 7, 1999

Department reports – Ald. Biviano requested the Clerk compile a list of department reports that are not being received.

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

WARD AND COMMITTEE REPORTS

- Personnel Committee meeting of May 3, 1999
- Public Safety Committee meeting of May 25, 1999
- Public Works Committee meeting of May 26, 1999

Public Safety Committee -- Mayor Raphael noted that the Public Safety meeting on June 22 will be a special informational meeting on the "Length of Service Awards Program" and will be held at the Silo City Club Ballroom at Howard Johnson's.

Mitchell Street Project – Ald. Thornton requested an update of the Mitchell Street project. DPW Supt. Ivarson said two crews are working on the sidewalks and the driveways should be finished by the end of the week.

Curb Cut at 25 Gold Street – Ald. Jeffer moved to approve a curb cut request from John Quattrocchi, 25 Gold Street under the direction of the City Engineer. Seconded by Ald. Thornton and duly adopted, ayes all on a roll call vote, 6-0.

Traffic Concern on Park Street – Ald. Jeffer reported concern from residents of Park Street relative to truck traffic. Police Chief Angelino said he has spoken to the owner of the trucks and suggested an alternate route on Silver Street.

Truck Traffic – Ald. Biviano requested the Traffic Commission look into truck traffic and the type of trucks that should be parking on streets.

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

NEW BUSINESS

Planning Commission – Mayor Raphael reported the appointment of Robert Jeffrey, 17 York Street, to the Planning Commission for the remainder of a three year term expiring December 31, 2001. The Mayor noted that Mr. Jeffrey had previously served on the Planning Commission.

Set Public Hearing for Community Residence – Relative to a motion to set a public hearing for July 13, 1999, Ald. McNeil moved to forego with a public hearing to receive comments relative to a proposal from the Chenango Community Residences, Inc. for the purchase of property at 16 Clinton Street to establish supportive apartments for four mentally retarded and developmentally disabled adults and make a determination of no objection to the project based on comments from the residents of the neighborhood which included support of and no opposition to the project. Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 6-0.

Award of Bids

1999 Street Program/Asphalt Recycling – Ald. Rabinowitz moved to award the bid for 1999 Street Program/Asphalt Recycling to the only bidder meeting specifications, Suite Kote Corp of Cortland, NY, in the amount of $42,485.98, as recommended by the Finance Committee. Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 6-0.

-- Prior to the vote, Ald. Biviano asked if the bid was advertised in the newspaper and was informed that it was advertised in the Evening Sun.

Prentice Street Extension – A resolution relative to the award of bids for the Prentice Street Extension project was deferred to the end of the agenda.

Summer Help – Ald. Rabinowitz moved to approve the summer hiring of Fred Gray Enterprises for pipe line inspections relative to the Water System Upgrade Project, as recommended by the Public Works and Finance Committees. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 6-0.

RESOLUTION # 35 - 1999. APPROVING ORDINANCE AMENDING THE PLUMBING ORDINANCE OF THE CITY OF NORWICH

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the Common Council received proposed Ordinance No. 4 of 1999 on May 18, 1999, such ordinance amending the Plumbing Ordinance of the City of Norwich by replacing it in its entirety; and

WHEREAS, a public hearing has been held on June 15, 1999, relative to such ordinance; now, therefore be it

RESOLVED, that Ordinance No.4 of 1999, relative to amending the Plumbing Ordinance of the City of Norwich, as presented to the Common Council on May 18, 1999, be and hereby is approved.

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

-- Prior to the vote, Ald. Anderson noted the City Attorney reviewed the ordinance amendments with him and addressed all of his concerns.

RESOLUTION # 36 - 1999. APPROVING ORDINANCE AMENDING THE ELECTRICAL ORDINANCE OF THE CITY OF NORWICH

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the Common Council received proposed Ordinance No. 5 of 1999 on May 18, 1999, such ordinance amending the Electrical Ordinance of the City of Norwich by replacing it in its entirety; and

WHEREAS, a public hearing has been held on June 15, 1999, relative to such ordinance; now, therefore be it

RESOLVED, that Ordinance No.5 of 1999, relative to amending the Electrical Ordinance of the City of Norwich, as presented to the Common Council on May 18, 1999, be and hereby is approved.

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

RESOLUTION # 37 - 1999. ESTABLISHING 1999 COMPENSATION FOR CITY HISTORIAN AND PUBLIC HEALTH OFFICER

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the Personnel and Finance Committees have made certain recommendations relative to 1999 compensation for the City Historian and Public Health Officer; now, therefore be it

RESOLVED, that effective January 1, 1999, the 1999 compensation schedule for City Historian and Public Health Officer be amended by increasing the salaries by three percent (3 %).

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

RESOLUTION # 38 - 1999. AUTHORIZING SUPPLEMENTAL TRANSFER FOR GOLD STREET WATER MAIN REPLACEMENT

Ald. Biviano introduced the following and moved its adoption:

WHEREAS the Common Council, on May 18, 1999, passed Resolution #29 of 1999, authorizing transfers for Gold Street water and sewer main replacement; and

WHEREAS, additional funds are required to supplement the water main portion; and

WHEREAS, the Water Commission, Public Works, and Finance Committees have 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 1999 Water Capital Reserve and Project Budget:

From:

Account Number	Name	Amount
HR31-599	Water Main Reserve - Appropriated Fund Balance	$ 5,000.00

To:

Account Number	Name	Amount
H37-5031	Interfund Transfer from Capital Reserve - Water Main	$ 5,000.00

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

RESOLUTION # 39 - 1999. APPROVING UTILITY WORK AGREEMENT FOR SOUTH BROAD STREET BRIDGE RECONSTRUCTION

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the New York State Department of Transportation (DOT) has submitted a Utility Work Agreement for the replacement of water main, fire hydrant and service connections in relation to the reconstruction of the South Broad Street bridge over the Canasawacta Creek on Route 12; and

WHEREAS, such utility work shall be done by the State's Contractor at no cost to the City of Norwich; 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, under the direction of the City Attorney, to enter into a Utility Work Agreement with the NYS Department of Transportation for the South Broad Street bridge reconstruction.

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

RESOLUTION No. # 40 - 1999. SETTING PUBLIC HEARING TO DETERMINE IF CERTAIN REAL PROPERTY IS REQUIRED FOR USE BY THE CITY

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the City owns a certain parcel of real property located at the southeast corner of American Avenue at the intersection of Virginia Lane 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 20th day of July, 1999 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. Jeffer and duly adopted, ayes all on a roll call vote, 6-0.

RESOLUTION # 41 - 1999. AUTHORIZING TRANSFER FOR COPIER REPLACEMENT IN THE COMMUNITY DEVELOPMENT OFFICE

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the copy machine located in the Community Development/Planning Office is in need of replacement; and

WHEREAS, funds are required to cover the cost of such replacement; 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 1999 General Fund Budget:

From:

Account Number	Name	Amount
HR24-878	Fund Balance - Office Equipment Reserve	$7,500.00

To:

Account Number	Name	Amount
A8020.2100	Planning - Equipment	$7,500.00

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

-- Prior to the vote, Ald. McNeil indicated that the Finance Committee recommended the resolution be approved with the stipulation that the Director of Finance look into one other source for a copy machine, per Ald. Thornton.

Gold Street Sidewalk Program – Ald. McNeil moved to adopt the sidewalk program for Gold Street as recommended by the Finance Committee. Seconded by Ald. Biviano and duly adopted, ayes all on a roll call vote, 6-0.

-- Prior to the vote, Ald. Biviano explained the Public Works Committee developed a proposal for the reconstruction of sidewalks on Gold Street which was affirmed by the Finance Committee. The proposal would require a confirmation from 50 percent of the residents of their desire to have their sidewalk reconstructed at their expense. The City would contract the work out, pay the total cost up front and recover the cost at pro-rata from each property owner. Residents would have the option of reimbursing the City either by lump sum or by annual installments added to taxes over a three year period. It was noted that a resident won't be required to participate unless the sidewalk is determined to be unsafe. It was noted that the program is a good investment in the neighborhood and may want to be expanded throughout the City. The Finance Committee will look into the matter further.

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

	Prepaid	6/15/99	Grand Total
General Fund	549,891.36	495,037.93	1,044,929.29
Sewer Fund	9,656.34	15,307.10	24,963.44
Water Fund	4,124.03	6,645.88	10,769.91

Trust	40,748.05	0.00	40,748.05
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	0.00	0.00	0.00
C.D.	0.00	0.00	0.00
EDZ/LDC	1,122.49	565.22	1,687.71
Capital Projects	26,740.00	12,571.33	39,311.33
TOTALS	**$632,282.27**	**$530,127.46**	**$1,162,409.73**

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

Executive Session – Ald. McNeil moved to go into executive session at 8:15 PM to discuss contract negotiations and the possible sale or purchase of property where the price may be affected. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Ald. McNeil moved to go out of executive session at 9:08 PM. Seconded by Ald. Jeffer and duly adopted, ayes all.

RESOLUTION # 42 - 1999. AWARDING CONSTRUCTION CONTRACT FOR PRENTICE STREET EXTENSION PROJECT

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the City of Norwich is planning to construct the Prentice Street Extension utilizing Multimodal funds; and

WHEREAS, the City has publicly bid the construction of said project and received three responsive bids; and

WHEREAS, the low bid was prepared so that no informalities exist and no exceptions are referenced; and

WHEREAS, the low bid price is reasonable and within the anticipated project budget; now, therefore be it

RESOLVED, that the contract for construction of the Prentice Street Extension be awarded to Burrell Excavating, the lowest responsive bidder, in the amount of the bid price ($524,161.95) plus the cost of Engineer - approved Change Orders within the project budget; and further be it

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to sign contract agreements as necessary to initiate and complete the work.

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

Adjournment –Ald. McNeil moved to adjourn at 9:15 PM. Seconded by Ald. Jeffer and duly adopted, ayes all.