

COMMON COUNCIL

August 17, 1999

Mayor Robert Raphael presided at a regular meeting of the Common Council held at 7 PM on August 17, 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

Also:

Attorney Joseph McBride
Director of Finance/Clerk William Roberts
Director of H.R. Deborah DeForest
Police Chief Joseph Angelino
Fire Chief Gary Lynk
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 July 20, 1999 and the work session of August 10, 1999. Seconded by Ald. Jeffer and duly adopted, ayes all.

OPEN FORUM:

Tax Auction Property – Charles Berry of 27 Berry Street, stated, relative to his bid for property from the tax auction, that he was the apparent high bidder on a parcel located at 162 - 166 North Broad Street and explained his bid was based on the unknown factors concerning the property such as the lay of the land and the only outlet being a city right of way.

Changeable Copy Signs – Richard Paino, 116 Birdsall Street, owner of John's Hot Dog Stand, addressed the Council relative to changeable copy signs. He expressed several concerns including: an anticipated loss of business with the opening of the Prentice Street Extension, the proposed costs (approximately \$300) associated with making weekly changes to a sign he already owns. Mr. Paino requested the City eliminate restrictions on changeable copy signs in its entirety. CD Director Wagoner stated that the Planning Commission reviewed the matter and has forwarded recommendations to the City Attorney to review. He noted that newspaper reports were based on information heard at the Planning Commission meeting and there has been no formal action taken on the matter. Mr. Wagoner said once the City Attorney has reviewed the matter, the recommendations will be forwarded to the Common Council. Ald. Biviano stated that the area was rezoned to highway commercial and the Zoning Board should take that into account when looking at the ordinance. Ald. McNeil noted that although the Council has not reviewed the recommendations, it is his feeling that side street businesses are different than main street and the changeable copy regulations should reflect such.

BIDS:

Three bids were received for Self Contained Breathing Apparatus for the Fire Department and will be taken up under New Business.

CORRESPONDENCE:

USDA Water Project Award – Ald. Rabinowitz moved to receive and file correspondence from President Clinton recognizing the City's water project under USDA. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 6-0. Mayor Raphael noted he would like to hang the letter at the Water Plant. The Council concurred.

Colorscape Chenango – Ald. McNeil moved to approve a request from Peggy Finnegan to hold the annual Colorscape Chenango Festival on September 11 and 12, 1999, under the direction of the Police Chief, Fire Chief and the DPW Superintendent as recommended by the Public Safety Committee. Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote, 6-0.

Street Closure - Olendorf Place – Ald. McNeil moved to approve a request from Smith Norwich to close Olendorf Place from 11 AM to 7 PM on August 22, 1999 for a customer appreciation picnic, with the stipulation that the neighborhood is notified of the street closure in advance of the event, under the direction of the Police Chief, as recommended by the Public Safety Committee. Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote, 6-0.

DEPARTMENT, BOARD AND COMMISSION REPORTS

- ◆ Community Development/Planning monthly report for July, 1999
- ◆ Emergency Management Office monthly report for July, 1999
- ◆ Fire Department/Codes monthly report for July, 1999
- ◆ Historian monthly report for July, 1999
- ◆ Human Resources monthly report for July, 1999
- ◆ Police Department monthly report for July, 1999
- ◆ Public Works/Water Department monthly report for June, 1999
- ◆ Records Management monthly report for July, 1999
- ◆ Civil Service Commission minutes of June 17, 1999
- ◆ Fire Council minutes of June 14 and July 12, 1999
- ◆ Parks Commission minutes of July 12, 1999
- ◆ Planning Commission minutes of July 9, 1999
- ◆ Water Commission minutes of July 21, 1999

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

WARD AND COMMITTEE REPORTS

- ◆ Personnel Committee meeting of July 6 and 13, 1999
- ◆ Public Safety Committee meeting of July 27, 1999
- ◆ Public Works Committee meeting of July 22, 1999

Francis Avenue Street Party – Ald. Anderson moved to approve a request from the residents of Francis Avenue to hold the annual street party on August 29, 1999 from 8 AM to 8 PM, under the direction of the Police Chief. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 6-0.

Nuisance Wildlife – Ald. McNeil reported he is receiving many calls regarding nuisance wildlife and recalled that several years ago a program was in place to deal with a similar problem. He noted that the Finance Committee has requested the Director of Finance research the matter.

Ross Avenue Property – Ald. Biviano said, regarding the building at 15-19 Ross Avenue, he would like to look into the possibility of taking down the building. It was noted that fees for insect removal were added to the property taxes, however, the property owner did not pay the taxes. There was concern relative to taking legal action against the property owner.

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

OLD BUSINESS

Ald. Biviano stated that while communities around the area are experiencing draught problems, the City of Norwich has an abundant water supply. This can be attributed to the good planning by city officials in the past by including the drilling of wells as part of the water system improvement project.

NEW BUSINESS

Award of Bids – Ald. Biviano moved to approve the bids for Self Contained Breathing Apparatus to the lowest qualified bidder meeting specifications, LaFrance Equipment Corp. of Elmira, NY in the amount of \$17,240.16, as recommended by the Fire Chief and Public Safety Committee. Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 6-0.

Proposed Local Law No. 1 of 1999 – Ald. McNeil moved to receive proposed Local Law No. 1 of 1999, a local law to adopt the 1999 Retire Incentive Program and set a public hearing for August 31, 1999. Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 6-0.

LOCAL LAW NO. (1)

OF 1999

A LOCAL LAW TO ADOPT THE 1999 RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY CHAPTER 70, LAWS OF 1999, FOR ELIGIBLE EMPLOYEES OF THE CITY OF NORWICH

BE IT ENACTED by the Common Council of the City of Norwich, as follows:

Section 1. The City of Norwich hereby elects to provide all its eligible employees with a retirement incentive program authorized by Chapter 70, Laws of 1999.

Section 2. The commencement date of the retirement incentive program shall be December 1, 1999.

Section 3. The open period which eligible employees may retire and receive the additional retirement benefit, shall be 30 days in length.

Section 4. That the employer will fund the Retirement Incentive Program provided by Chapter 70, Laws of 1999, by paying to the New York State and Local Employees' Retirement System in five annual payments, the amount of which shall be determined by the Retirement System Actuary.

Section 5. This local law shall take effect on August 31, 1999.

-- Mayor Raphael noted that due to a time constraint with the State, the Common Council will have to hold a special meeting on August 31, 1999 to act on the local law.

Asbestos Abatement – Ald. Rabinowitz moved to authorize the City Engineer to proceed with asbestos abatement and bidding process under the Police Station Project. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 6-0.

RESOLUTION # 57 - 1999. AUTHORIZING AGREEMENT FOR LOCAL LAW
ENFORCEMENT BLOCK GRANT (LLEBG) AWARD

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the City of Norwich submitted an application for grant funding through the U.S. Department of Justice, Bureau of Justice Assistance, Local Law Enforcement Block Grant (LLEBG) Program; and

WHEREAS, notification has been received from the Bureau of Justice Assistance that the City of Norwich has been awarded a grant in the amount of \$12,913; and

WHEREAS, such grant award is subject to certain conditions which include that matching funds be provided by the City of Norwich in the amount of \$1,435 and a public hearing be held regarding the proposed use of the grant funds; and

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

RESOLVED, that the Mayor be and hereby is authorized to sign an agreement with the Bureau of Justice Assistance, to accept a grant in the amount of \$12,913, through the Local Law Enforcement Block Grant Program and to act in all respects relative to carrying out its provisions.

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

RESOLUTION # 58 - 1999. AUTHORIZING REAL PROPERTY PURCHASES FOR PRENTICE
STREET EXTENSION PROJECT

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, by Resolutions #24 of 1998, #82 of 1998, and #83 of 1998, the City of Norwich has authorized and committed to the Prentice Street Extension Project using N.Y.S. D.O.T. Multimodal funds, CHIPS capital improvement funds, and other available funds; and

WHEREAS, the acquisition of certain real property parcels is required to accommodate the construction of the project; 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 to execute the appropriate documents under the direction of the City Attorney to effect the purchase of real property in the City of Norwich under the Prentice Street Extension project from the following property owners at a consideration not to exceed the amounts indicated:

From Property Owner:
N. Y., Susquehanna, & Western Railway Corp.

At Consideration Not to Exceed:
\$ 10,600.00

Podenak	\$ 3,093.40	
Herring	\$ 1.00 (In-Kind; For Radius	
	& Paved Drive to	
	Parking Lot)	

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

RESOLUTION # 59 - 1999. AUTHORIZING COMPENSATION FOR ADDITIONAL DUTIES
FOR CARL IVARSON

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the City of Norwich has undertaken a new water system improvement project consistent with the current E.P.A. and New York State Department of Health Safe Drinking Water Standards; and

WHEREAS, the Finance Committee has made certain recommendations relative to administering such project using in-house personnel rather than contracting from outside sources; now, therefore be it

RESOLVED, that the Director of Finance be and hereby is authorized to establish a budget within the New Water Distribution Upgrade Project to compensate Carl Ivarson for performing administration duties relative to the new water system improvement project, in the amount of \$5,000 per year, at his regular rate of pay, for the period of September 1, 1999 through August 31, 2001.

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

RESOLUTION # 60 - 1999. AUTHORIZING TRANSFER FOR POLICE DEPARTMENT
COMPUTER SOFTWARE

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of computer software upgrade for the Police 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 1999 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1990.4	Contingency	\$ 3,732.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H25-1680.2110	Computer System Development - Software	\$ 3,732.00

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

RESOLUTION # 61 - 1999. AUTHORIZING TRANSFER FOR SEWER SYSTEM AT FILTER
PLANT

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of installation of a sewer system at the Albert A. Sullivan Filter Plant; and

WHEREAS, the Water Commission and the 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 Sewer Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
G1990.4	Contingency	\$ 3,900.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
G8120.4100	Other	\$ 3,900.00

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

RESOLUTION # 62 - 1999. AUTHORIZING TRANSFER FOR SPILL PREVENTION REPORT
FOR POOL

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of the pool portion of the spill prevention report;
and

WHEREAS, the 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 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1990.4	Contingency	\$ 2,000.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A7110.4020	Parks - Contracted Services	\$ 2,000.00

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

Sale of Property From Tax Auction – Ald. Biviano moved to remove one property, 21 Delaware Square,
from the resolution authorizing sale of property from tax auction until it can be re-qualified. Seconded by
Ald. McNeil and duly adopted, ayes all on a roll call vote, 6-0.

RESOLUTION # 63 - 1999. AUTHORIZING SALE OF PROPERTY FROM TAX AUCTION

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, on July 30, 1999, the Director of Finance conducted a sealed bid auction of
properties taken by the City of Norwich, pursuant to the New York State Real Property Tax Law and
Norwich City Charter, for delinquent taxes from 1997 and prior years; and

WHEREAS, the bids received have been reviewed by the Director of Finance and the City
Attorney and a portion of them have been confirmed to be in order; and

WHEREAS, all conditions of the sale of such portion have been satisfied; and

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

RESOLVED, that the City transfer the below listed properties to the individuals and at the price
set opposite thereto:

<u>Property Address</u>	<u>Tax Map Number</u>	<u>Buyer</u>	<u>Amount</u>
26 Barnes Street	136.51-1-39	Five Smiths, LP	\$ 588.00
37 Eaton Avenue	136.63-3-7	Carnrike Construction	1,010.00
21-23 Guernsey Street	136.47-3-19	Mark Dietrich	7,575.00
14 King Street	136.39-3-34	Carnrike Construction	2,210.00
162-166 N. Broad Street	136.24-2-19.1	Charles E. Berry	555.55

and, further be it

RESOLVED, that the Director of Finance and the City Attorney be and hereby are directed to
prepare and execute the necessary documents for the transfer of the above listed properties on behalf of the
City of Norwich.

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

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

	<u>Prepaid</u>	<u>8/17/99</u>	<u>Grand Total</u>
General Fund	\$ 71,091.16	\$ 29,592.45	\$ 100,683.61
Sewer Fund	8,496.69	7,802.13	16,298.82
Water Fund	5,157.48	13,337.23	18,494.71
Trust	33,564.39	0.00	33,564.39
Debt Service	110,431.04	54,912.50	165,343.54
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.	8,810.98	0.00	8,810.98
EDZ/LDC	622.75	380.94	1,003.69
Capital Projects	22,975.41	20,057.82	43,033.23
TOTALS	\$261,149.90	\$126,083.07	\$387,232.97

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

Executive Session – Ald. Biviano moved to go into executive session at 7:50 PM to discuss contract negotiations. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

HR Director DeForest updated the Common Council on the status of contract negotiations with the unions.

Ald. McNeil moved to go out of executive session at 8:37 PM. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Adjournment –Ald. McNeil moved to adjourn at 8:37 PM. Seconded by Ald. Thornton and duly adopted, ayes all.