

COMMON COUNCIL

October 19, 1999

Mayor Robert Raphael presided at a regular meeting of the Common Council held at 7 PM on October 19, 1999, at One Court Plaza.

Present:

Mayor Robert Raphael
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
Asst. Fire Larry Burlingame
E.M.O. A Jones
CD Director David Wagoner
CD Assistant Katy Schwan
Historian Patricia Scott
Deputy Clerk Donna Russell

Absent:

Supervisor J. Dolan
Supervisor L. Natoli

-- Ald. Jeffer moved to dispense with the reading and approve the minutes of the regular meeting of September 21, 1999 and the work session of October 12, 1999. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

OPEN FORUM:

-- No one wished to be heard.

BIDS:

Thermal Imaging Camera -- Seven bids were opened on October 18, 1999 for a Thermal Imaging Camera and have been forwarded to the Public Safety Committee for review.

CORRESPONDENCE:

Resignation from Planning Commission -- Ald. McNeil moved to accept a letter of resignation from Casey Jones as Chair of Planning Commission, effective September 1, 1999. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Housing Authority Performance -- Ald. Biviano moved to receive and file correspondence from HUD Buffalo relative to the Norwich Housing Authority's Public Housing Management Assessment Program score. The Housing Authority received a high performer score of 96.67%. Seconded by Ald. Jeffer and duly adopted, ayes all.

Festival/Parade/Race Events -- Ald. Biviano moved to approve the following requests under the direction of the Police Chief:

- ◆ Norwich Pumpkin Festival on October 23, 1999
- ◆ Annual Halloween Parade at 2 PM on October 23, 1999
- ◆ Annual Turkey Trot Race at 1:30 PM on November 21, 1999
- ◆ Annual Veteran's Day Parade at 10:30 AM on November 11, 1999

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

DEPARTMENT, BOARD AND COMMISSION REPORTS

- ◆ Community Development/Planning monthly report for September, 1999
- ◆ Emergency Management Office monthly report for September, 1999
- ◆ Fire Department/Codes monthly report for September, 1999
- ◆ Historian monthly report for September, 1999
- ◆ Police Department monthly report for August and September, 1999
- ◆ Records Management monthly report for September, 1999
- ◆ Youth Bureau monthly report for September, 1999
- ◆ Electrical Board minutes of September 14, 1999
- ◆ Parks Commission minutes of September 13, 1999

- ◆ Plumbing Board minutes of September 16, 1999
- ◆ Traffic Commission minutes of October 13, 1999
- ◆ Water Commission minutes of September 9, 1999

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

WARD AND COMMITTEE REPORTS

- ◆ Finance Committee meeting of September 27 and October 5, 1999
- ◆ Personnel Committee meeting of August 31, 1999
- ◆ Public Safety Committee meeting of September 28, 1999
- ◆ Public Works Committee meeting of September 8 and 23, 1999

Nuisance Wildlife -- Ald. McNeil requested that the Public Safety Committee look into what the City can do about nuisance wildlife. Ald. Biviano said the Public Safety Committee already discussed the subject and determined that unless the situation becomes life threatening, it is the responsibility of the homeowner.

Ward Three -- Ald. Rabinowitz reported that the grounding off of Thompson Road and Hillview Drive has been completed. He also reported the Water Tank at the Hospital has been taken down.

Ward Four -- Ald. Thornton referred street repairs on Waite Street and Lee Avenue to the DPW Superintendent.

Ward Six -- Ald. Biviano referred holes dug by NYSEG on Ross Avenue to the Assistant Engineer. He also asked that with the paving underway on Prentice Street, barriers be placed on both ends of the street and referred the matter to the DPW Superintendent.

Halloween Schedule -- Mayor Raphael reported he has received some calls relative to changing the date for Halloween "trick or treating" due to a conflict with the Pop Warner tournament and therefore, approximately 200 children would be unable to participate in trick or treating. No change was made to the Halloween schedule.

Police Department -- Police Chief Angelino reported that the technical computer upgrade has been completed in the Police Department. He stated that Officer Craig Berry deserves special praise and recognition for his assistance on the project. The Chief said that it was Officer Berry's computer expertise that allowed the department to upgrade its entire computer system at a substantially reduced cost, under the target date. Chief Angelino stated that he has named Officer Berry the Computer Upgrade Technology Officer and in recognition of his time and effort, presented him with the Policeman's Achievement Award. Mayor Raphael pinned the medal on Officer Berry as congratulations were extended.

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

NEW BUSINESS

Appointments

Planning Commission -- Mayor Raphael reported the mayoral appointment of Michael McCollough, 33 Hayes Street, to temporarily fill the position of Planning Commission Chairman through December 31, 1999.

Zoning Board of Appeals -- Mayor Raphael reported the mayoral appointment of Brian Wessels, Birdsall Street, to the Zoning Board of Appeals for the remainder of a term expiring December 31, 1999.

Fire Department -- Ald. Thornton moved to approve the following appointments to the Norwich Fire Department:

- ◆ Mathew Gray, Norwich, NY, to the George L. Rider Hook & Ladder Company
- ◆ Dennis Dann, Norwich, NY, to the George L. Rider Hook & Ladder Company
- ◆ John Marvin, Norwich, NY, to the Ontario Hose Company
- ◆ Robert Cable, Jr., Norwich, NY, to the Ontario Hose Company
- ◆ Jennifer King, 10 State Street, transfer to the George L. Rider Hook & Ladder Company
- ◆ Tim Danaher, 57 Rexford Street, transfer to the George L. Rider Hook & Ladder Company
- ◆ Jason Gray, Norwich, NY, transfer to the George L. Rider Hook & Ladder Company

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

Approving Payment Arrangements – Ald. Rabinowitz moved to approve construction and corresponding reimbursement payment arrangements for extension of water and sewer mains on Plymouth Street. Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 5-0.

-- Prior to the vote, Ald. McNeil stated the Finance Committee recommended that the payment arrangement be added to the property tax bill to be paid over a five year period.

Change of salary for the Director of Finance – Ald. Biviano moved to approve the change of salary for Director of Finance, William J. Roberts, from the two-year step to the five year step of Grade 30, as recommended by the Personnel and Finance Committees. Seconded by Ald. Jeffer and duly adopted, 4-1 (Ald. Thornton) on a roll call vote.

-- Prior to the vote, Ald. Thornton stated that he voted against the proposal in both Finance and Personnel Committees. He feels that there is a salary schedule in place and it should be adhered to. Ald. Biviano said that when Mr. Roberts was hired, the salary was negotiated down from Grade 32 to Grade 30 with the understanding that if Mr. Roberts showed expertise in the position, the salary would be raised after two years. Mayor Raphael stated that Mr. Roberts shows expertise in his position and is well worth his salary.

RESOLUTION # 69 - 1999. APPOINTMENT OF MEO II POSITIONS IN THE DEPARTMENT
OF PUBLIC WORKS

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, vacancies exist in the position full time Motor Equipment Operator (MEO) II in the Public Works Department; and

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

RESOLVED, that

1. Carey M. Girndt of 17 Burr Avenue, be and hereby is provisionally appointed to the position of MEO II, effective September 29, 1999; and
2. William J. Long, IV of Norwich, NY, be and hereby is provisionally appointed to the position of MEO II, effective October 1, 1999; and
3. Brian T. Christophersen of Norwich, NY, be and hereby is provisionally appointed to the position of MEO II, effective October 4, 1999; and
4. such appointments are contingent upon the satisfactory completion of the required physical examination; and
5. this resolution shall be subject to such action as may be necessary by the Norwich Civil Service Commission.

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

RESOLUTION # 70 - 1999. ENACTING A ONE WEEK SALES TAX EXEMPTION ON
CLOTHING AND FOOTWEAR IN THE CITY OF NORWICH

Ald. Rabinowitz 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 footwear purchases of less than \$500 per item; 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 and footwear exempt from state sales and compensating use taxes pursuant to paragraph 30-a 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 January 15, 2000, and ending January 21, 2000, although made or occurring under prior contract.

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

RESOLUTION # 71 - 1999.

AMENDING RESOLUTION NO. 47 OF 1989 AND ENACTING A
PERMANENT SALES TAX EXEMPTION ON CLOTHING AND
FOOTWEAR IN THE CITY OF NORWICH

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the New York State Legislature has adopted a permanent exemption from the state portion of sales and use tax on clothing and footwear costing less than \$110 per item of clothing or per pair of shoes or other articles of footwear, effective March 1, 2000; 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. Resolution No. 47 of 1989, entitled, "Imposing Taxes on Sales And Uses of Tangible Personal Property and On Certain Services, And On Occupancy of Hotel Rooms, Admission Charges and Club Dues, Pursuant To Article 29 Of The Tax Law of The State of New York" as adopted on June 27, 1989 be and hereby is amended by adding a new subdivision (n) under Section 6, as follows:

- (n) Receipts from sales of and consideration given or contracted to be given for purchases of clothing and footwear exempt from state sales and compensating use taxes pursuant to paragraph (30) of subdivision (a) of section 1115 of the New York Tax Law shall also be exempt from sales and compensating use taxes imposed by this resolution.

Section Two. This resolution shall take effect on March 1, 2000, and shall apply to sales made and uses occurring on or after that date although made or occurring under a prior contract.

Seconded by Ald. Jeffer and defeated due to the lack of a majority on a roll call vote, 3-2. Ayes - Aldermen Rabinowitz, Thornton and Jeffer; nays - Aldermen Biviano and McNeil.

-- Prior to the vote, Ald. Rabinowitz noted that the City can opt out of the program in a year and suggested that the resolution include such a clause. Director of Finance Roberts noted that the resolution is presented in the format prescribed by the State. Ald. Biviano asked how much of a burden would the action place on taxpayers. Director of Finance Roberts said a study conducted by the County shows an impact of approximately \$24,000 or 17 cents per \$1,000 on the tax rate. Ald. Biviano expressed concern relative to the resolution stating that eight new stores were brought into the City with the intent of increasing sales tax.

RESOLUTION # 72 - 1999.

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 19 Delaware Square in the City of Norwich, tax map number 136.65-6-34, 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 16th day of November, 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. Rabinowitz and duly adopted, ayes all on a roll call vote, 5-0.

RESOLUTION # 73 - 1999.

AUTHORIZING SALE OF PROPERTY FROM TAX AUCTION

Ald. Rabinowitz 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 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 property to the individual and at the price set opposite thereto:

<u>Property Address</u>	<u>Tax Map Number</u>	<u>Buyer</u>	<u>Amount</u>
21 Delaware Square	136.65-6-35	Richard Fahey	\$ 1,070.00

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 property on behalf of the City of Norwich.

Seconded by Ald. Thornton and duly adopted, 4-1 (Biviano) on a roll call vote.

-- Prior to the vote, Ald. Biviano noted that the property is directly behind 19 Delaware Square and is landlocked with no access. He asked if there was an easement to the property. Ald. Thornton said that it would be between the two property owners. Attorney McBride stated that if the buyer is fully aware of the situation, there is no problem selling the property to him.

RESOLUTION # 74 - 1999. 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 certain parcels of real property located at 26-30 Brown Avenue 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 Norwich Housing Authority has expressed an interest in obtaining said property pursuant to section 2 of the Public Housing Law; now, therefore be it

RESOLVED, that

1. a public hearing shall be held on the 16th day of November, 1999 at 7 PM in the City Council Chambers at One Court Plaza to determine if such properties are 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, 5-0.

RESOLUTION # 75 - 1999. AUTHORIZING AGREEMENT WITH THE BULLTHISTLE
MODEL RAILROAD SOCIETY FOR LEASE OF 33 REXFORD
STREET

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, pursuant to the City Charter, the City has acquired property at 33 Rexford Street, for which taxes were delinquent beyond the redemption period; and

WHEREAS, the City wishes to lease such property until final disposition is determined; and

WHEREAS, the Finance Committee has 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 an agreement with the Bullthistle Model Railroad Society to lease the property at 33 Rexford Street on a month to month basis at a rate sufficient to cover any costs to the City; and, further be it

RESOLVED, that the Bullthistle Model Railroad Society provide the City with evidence of appropriate property and liability insurance coverage.

Seconded by Ald. Jeffer.

Attorney McBride stated that it would be a tremendous liability to the City should the Railroad Society rent out space and suggested that there be a restriction in the lease agreement. Ald. Biviano asked what the cost would be for leasing the building. Director of Finance Roberts said the only cost would be for the preparation of the agreement and legal costs. The City Attorney indicated that the City must lease the building for fair market value. Director of Finance Roberts did not have the figure.

Ald. Biviano moved to table the resolution. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 5-0.

RESOLUTION # 76 - 1999. AMENDING VEHICLE AND TRAFFIC ORDINANCE RELATIVE
TO NO PARKING ON CONKEY AVENUE

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, pursuant to Section 90-4 of the Vehicle and Traffic Ordinance of the City of Norwich, the Common Council has been granted the authority to make, promulgate and enforce reasonable rules and regulations governing and designating parking, parking spaces, safety and loading zones, one-way streets and streets for through traffic; and

WHEREAS, the Traffic Commission has made certain recommendations concerning designating no parking on the south side of Conkey Avenue from Broad Street to Elm Street from 8 AM to 6 PM, Monday through Friday; now therefore be it

RESOLVED, that Section 90-44, No Parking, of the Vehicle and Traffic Ordinance of the City of Norwich, be and hereby is amended as follows:

CONKEY AVENUE, south side, from South Broad Street to Elm Street from 8 AM to 6 PM, Monday through Friday.

Underlined material is new.

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

-- Prior to the vote, Ald. Biviano noted that the matter was brought before the Public Safety Committee. He said the congestion in the neighborhood was due to the number of businesses and multi-family homes in the area.

2000 Budget – Director of Finance Roberts updated the Council on the budget preparation and distributed a schedule for the process.

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

	<u>Prepaid</u>	<u>10/19/99</u>	<u>Grand Total</u>
General Fund	159,092.70	44,267.00	203,359.70
Sewer Fund	8,398.56	4,847.15	13,245.71
Water Fund	7,027.67	10,384.77	17,412.44
Trust	41,539.58	1,200.00	42,739.58
Debt Service	0.00	0.00	0.00
Reserves	0.00	0.00	0.00
Unemployment	0.00	0.00	0.00
C.D.	0.00	252.69	252.69
EDZ/LDC	1,325.83	679.10	2,004.93
Capital Projects	167,625.62	23,386.95	191,012.57
B.I.D.	13,988.08	0.00	13,988.08
TOTALS	\$398,998.04	\$85,017.66	\$484,015.70

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

Executive Session – Ald. McNeil moved to go into executive session at 8:05 PM to discuss the employment history of a particular individual and pending litigation. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Ald. Biviano moved to go out of executive session at 9:20 PM. Seconded by Ald. Jeffer and duly adopted, ayes all.

Adjournment –Ald. McNeil moved to adjourn at 9:20 PM. Seconded by Ald. Thornton and duly adopted, ayes all.