

COMMON COUNCIL

February 15, 2000

Mayor Robert Raphael presided at a regular meeting of the Common Council held at 7 PM on February 15, 2000, 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 John Tighe
DPW Supt. Carl Ivarson
CD Assistant Katy Schwan
Deputy Clerk Donna Russell

Absent:

Supervisor J. McNeil
Supervisor L. Natoli

-- Ald. McNeil moved to dispense with the reading and approve the minutes of January 18, 2000. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

PUBLIC HEARINGS:

YMCA Expansion Project – Mayor Raphael opened the first public hearing at 7:01 PM to receive comments relative to the closing of Turner Street and the YMCA expansion project.

Richard Ingrahm, 49 West Main Street, said he is concerned about the what effect it will have on property at the corner of Mechanic and Broad Street should Mechanic Street be made one way. Ald. Thornton said that designating Mechanic Street as one way was mentioned, however, it was not being considered.

Chief Angelino summarized the concerns of the Traffic Commission relative to the project. He noted the Traffic Commission did not take any action regarding the matter, but did make the following recommendations: that the traffic circle be wide enough to accommodate emergency vehicles and buses; the entrance on Broad Street be a one way entrance; Mechanic Street be widened with no left turn onto Broad Street. Ald. Thornton noted the Traffic Commission also discussed including an inlet for vehicles to use as a drop off, however, the YMCA said it would not be feasible as it would result in a loss of too many parking spaces in the lot.

Eric Larsen, from the YMCA, stated that the Y will be meeting with the architects this week and noted the widening of Mechanic Street is a priority issue.

Mike McCollough, stated the Planning Commission discussed making Merrill Street a bridge street.

Francine Zupp, owner of Hairaphenalia, asked how much of Turner Street would be closed. Mayor Raphael noted that the purpose of this public hearing is for Council to receive input with regard to the closing of Turner Street.

Eric Larsen said the YMCA's request would be to close the portion of Turner Street at the southern entrance of Eckerd Drug Store of Turner Street south to Mechanic Street. He said the issue needs to be resolved before the Y can proceed with the project and asked for direction from the Common Council. Ald. Biviano noted there would be a cost associated with closing the street, which would allow for the upgrading of Merrill Street.

-- The Common Council concurred to hold a special meeting at 6:30 PM on February 29, 2000 to resolve the issue of the street closing.

There being no further comments, the Mayor closed the hearing at 7:20 PM.

Sign Ordinance Amendment – Mayor Raphael opened the public hearing at 7:20 PM for proposed Ordinance No. 1 of 2000, an ordinance to the amend the sign ordinance relative to changeable copy and temporary signs.

Richard Paino, John's Hot Dog Stand, stated the proposed ordinance is not what was discussed at the Public Safety Committee meeting. When explained that the changes made were based on the recommendations made at the Public Safety Committee meeting, Mr. Paino said he feels some of the wording confuses his interpretation of the meaning of the ordinance. He stated all of his concerns with the ordinance. Attorney McBride stated he reviewed the ordinance and the statute is there. It was noted that although something may not seem clear in a particular section, it can be clarified elsewhere in the ordinance. The City Attorney said if someone requires an interpretation, it can be made by the codes

enforcement officer. Mr. Paino requested the Common Council make the following changes to the ordinance: under Section 2.06, (7) the word "Signs" be replaced with **Business** and under the same section, the second sentence should clarify 32 square feet in sign area **per side**; under Section 3.01 (e) that the time allowed to display a temporary sign be clarified to **not more than** 30 days.

There being no further comments, the Mayor closed the hearing at 7:40 PM.

OPEN FORUM:

Norwich Volunteer Fire Department – Jim Fowlston, 160 East Main Street and President of the Norwich Volunteer Fire Department, said the Fire Department is sponsoring "Meet the Fire Chief" evening on February 19, 2000 from 5 to 6 PM and extended an invitation to all to attend. He also noted the loss of two lifetime members of the Fire Department, Lynn Tanner and Frank Call.

CORRESPONDENCE:

Cable Television Rate Increase – Ald. McNeil moved to receive and file notification from Adelphia Cable Company of a \$.26 increase in basic service rate, effective May 1, 2000. Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote, 6-0.

-- Prior to the vote, Ald. Biviano noted that the City has no control over the cable company's decision to raise its rates. It was noted that there is a Cable Commission appointed to review the 50 year franchise agreement and make recommendations. The current agreement expires in 2004.

Little League Parade – Ald. Jeffer moved to approve a request from Norwich Little League to hold the annual Little League Opening Day Parade on April 29, 2000 beginning at 8:30 AM, under the direction of the Police Chief. Seconded by Ald. Thornton and duly adopted, ayes all on a roll call vote, 6-0.

DEPARTMENT, BOARD AND COMMISSION REPORTS

- ◆ Fire Department/Codes monthly report for January, 2000
- ◆ Historian monthly report for January, 2000
- ◆ Police Department annual report for 1999 and monthly report for January, 2000
- ◆ Public Works Department/Water System monthly report for January, 2000
- ◆ Records Management monthly report for January, 2000
- ◆ Youth Bureau monthly report for January, 2000
- ◆ Electrical Board minutes of January 11, 2000
- ◆ Planning Commission minutes of January 14, 2000
- ◆ Plumbing Board minutes of January 20, 2000
- ◆ Water Commission minutes of January 19, 2000
- ◆ Youth Board minutes of January 11, 2000

-- 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

- ◆ Finance Committee meeting of January 11, 2000
- ◆ Public Safety Committee meetings of December 28, 1999 and February 1, 2000
- ◆ Public Works Committee meeting of January 27, 2000

Ice Buildup at Creek – Ald. Anderson reported, for Ward One, he received several calls regarding concern about ice building up at the Canasawacta Creek near the South Broad Street Bridge. He said the Fire Chief and the DPW Superintendent are monitoring the ice levels.

Transfer of Property to Housing Authority – Ald. Biviano asked if the bowling alley property on Brown Street has been transferred to the Norwich Housing Authority. Director of Finance Roberts stated that it has not.

Public Works Committee – Ald. Anderson noted that the Public Works Committee would be holding a special meeting at 7 PM on February 29, 2000 in the Common Council Chambers at One Court Plaza to discuss the Fire Department building project.

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

NEW BUSINESS

Award of Bids – Ald. McNeil moved to award the bids for Liquid Chlorine/Sodium Hypochlorite Bids to the lowest bidders meeting specifications as recommended by the Public Works Committee as

follows: Item II A. - Liquid Chlorine/150# cylinder to Jones Chemical Inc. in the amount of \$55.00 per cylinder with \$100 deposit on cylinder; Item III A. – Sodium Hypochlorite/bulk to Amrex Chemical Co. in the amount of \$.59 per gallon; Item IV A. – Sodium Hypochlorite/55 gallon drum to Amrex Chemical Co. in the amount of \$.62 per gallon with \$35 deposit on drum. Seconded by Ald. Thornton and duly adopted, ayes all.

Permanent Appointment -- Ald. McNeil moved that Gary Rice of Oxford, NY, having completed Civil Service exam requirements, be and hereby is appointed to a permanent full-time position as Water System Operator for the City of Norwich, effective February 16, 2000. Seconded by Thornton and duly adopted, ayes all.

RESOLUTION # 15 - 2000. APPROVING ORDINANCE TO AMEND THE SIGN ORDINANCE
OF THE CITY OF NORWICH

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the Common Council received proposed Ordinance No. 1 of 2000 on January 18, 2000, such ordinance to amend the sign ordinance relative to changeable copy and temporary signs in the City of Norwich; and

WHEREAS, a public hearing has been held on February 15, 2000, relative to such ordinance; now, therefore be it

RESOLVED, that Ordinance No. 1 of 2000, to amend the sign ordinance of the City of Norwich relative to changeable copy and temporary signs, as presented to the Common Council on January 18, 2000, be and hereby is approved.

Seconded by Ald. Jeffer.

-- Ald. McNeil moved to amend the resolution by making the following changes to the ordinance: Section 2.06 (7) – change the first word of the first sentence from [Signs] to **Businesses** and change the second sentence to “The changeable copy sign shall be only one or two sided and shall not exceed thirty-two (32) square feet **per side** in sign area”. Section 3.01 (e) – change “provided that such signs shall [be displayed for a maximum of] **not be displayed for more than** thirty days in any one calendar year”. Seconded by Ald. Anderson and duly adopted, ayes all on a roll call vote, 6-0.

Ald. McNeil stated that he was frustrated that rather than going through the variance procedure, the Council is changing ordinances based on single cases. Ald. Anderson noted there were a lot of comments from both businesses and the Zoning Board on this issue. Ald. Biviano said the Public Safety Committee listened to all of the concerns and not only wants to be business friendly, but protect the integrity of the neighborhood. Attorney McBride expressed concern with changing the wording under number seven to “businesses”. He noted that city officials put a lot of time in the preparation of the ordinance before he reviewed it and determined that it was in order.

-- Ald. Anderson called the question and the resolution as amended was adopted, ayes all on a roll call vote, 6-0.

RESOLUTION # 16 - 2000. AUTHORIZING AGREEMENT FOR LOCAL LAW
ENFORCEMENT BLOCK GRANT (LLEBG) AWARD

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

RESOLUTION # 17 - 2000.

AUTHORIZING AGREEMENT WITH THE PLACE FOR 1999
SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, Chenango Place Products (CPP) is a youth operated business that was started in 1997 by The Christian Neighborhood Center of Norwich, Inc. d/b/a The Place, and supported by local business, educational and governmental agencies and provides job training and employment for youth; and

WHEREAS, on behalf of The Place, the City submitted a grant application to the federal Department of Housing and Urban Development (HUD) for funds to aid in accomplishment of its goal to develop a sustainable operation, create a minimum of 8 FTE jobs and provide “hands on” training for youth, a majority of participating youths will come from low to moderate income households and have a strong probability of dropping out of school and/or becoming involved with the juvenile justice system; and; and

WHEREAS, on August 11, 1999, such grant was awarded to the City, pursuant to conditions established by law and by regulations of HUD, and such HUD grant has been accepted by the City; 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 Place for the administration of a Small Cities Community Development Block Grant for Chenango Place Products in the amount not to exceed \$88,000.

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

RESOLUTION # 18 - 2000.

AUTHORIZING THE PURCHASE OF A FIRE FIGHTING
VEHICLE, IN AND FOR THE CITY OF NORWICH, CHENANGO
COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF
\$300,000 AND AUTHORIZING THE ISSUANCE OF \$300,000
SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF.

Ald. Rabinowitz introduced the following and moved its adoption:

BE IT RESOLVED, by the Common Council of the City of Norwich, Chenango County, New York, as follows:

Section 1. The purchase of a new fighting vehicle, in and for the City of Norwich, Chenango County, New York, including apparatus, is hereby authorized at a maximum estimated cost of \$300,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$300,000 bonds of said City, hereby authorized to be issued therefor pursuant to the Local Finance law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Norwich, Chenango County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer. Such notes shall be of such terms, forms and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in full in *The Evening Sun*, which is hereby designated as the official newspaper of said City for such purpose, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

-- Prior to the vote, Ald. McNeil noted that because the interest rate is so low, the City would save money by borrowing the funds.

RESOLUTION # 19 - 2000. RECEIVE BUSINESS IMPROVEMENT DISTRICT PLAN AND
SET PUBLIC HEARING

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, Resolution # 05 of 2000 authorized the preparation of a district plan on which the renewal of the Business Improvement District would be based and which plan has been completed and filed in the City of Norwich Clerk's Office; now, therefore be it

RESOLVED, that

- 1) a copy of said plan is hereby attached to this Resolution as "Attachment A",
- 2) said plan is available for public inspection during normal office hours in the Office of the City Clerk, One City Plaza, Norwich, NY 13815,
- 3) the Common Council will hold a public hearing on the District Plan on Tuesday, March 21, 2000, at 7:00 PM, at City Court, One Court Plaza, Norwich, NY 13815 to hear all persons interested in the subject thereof,
- 4) written objections to the establishment of the proposed district from owners of real property, deemed benefited and within the proposed district must be filed in the Office of the City Clerk, on forms provided by said clerk, within thirty days of the conclusion of the public hearing set forth above, and
- 5) if written objections from the following people are properly filed within the prescribed time limit, the proposed district plan will not be amended and the amendment of a district plan may not be considered for one year:
 - (a) the owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the district proposed for amendment, as shown upon the latest completed assessment roll of the municipality, or
 - (b) at least fifty-one percent of the owners of the benefited real property within the area included in the district proposed for amendment;

and, further be it

RESOLVED, that the City Clerk shall cause this resolution or a summary thereof to be printed in the official newspaper of the City of Norwich no later than ten (10) days prior to the public hearing on this matter; and, further be it

RESOLVED, that the Community Development Office and the Business Improvement District Management Association shall cause a copy of this resolution or a summary thereof be mailed to each owner of real property within the district, to such persons who receive tax bills concerning real property within the district and to the tenant of each building within the district no later than ten (10) days prior to the public hearing.

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

RESOLUTION # 20 - 2000.

APPOINTMENT OF POLICE OFFICER IN THE NORWICH
POLICE DEPARTMENT

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, a vacancy exists in the position of police officer in the Norwich Police Department,
and;

WHEREAS, the Personnel Committee has recommended the appointment of Randouth Palmer of
10 Morse Avenue to such position, such candidate being available as a lateral transfer; now, therefore be it

RESOLVED, that Randouth Palmer, 10 Morse Avenue, be and hereby is granted a permanent
appointment as police officer in the Norwich Police Department, effective February 14, 2000.

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

-- Police Chief Angelino introduced Mr. Palmer to Council members.

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

	<u>Prepaid</u>	<u>2/15/00</u>	<u>Grand Total</u>
General Fund	84,802.65	311,645.22	396,447.87
Sewer Fund	10,078.13	7,327.24	17,405.37
Water Fund	11,683.14	12,614.09	24,297.23
Trust	32,410.83	0.00	32,410.83
Debt Service	32,514.63	0.00	32,514.63
Reserves	0.00	0.00	0.00
Unemployment	0.00	0.00	0.00
C.D.	55,291.32	27,510.88	82,802.20
EDZ/LDC	1,576.00	2,439.10	4,015.10
Capital Projects	83,152.50	48.00	83,200.50
B.I.D.	0.00	0.00	0.00
TOTALS	\$311,509.20	\$361,584.53	\$673,093.73

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

Executive Session – Ald. McNeil moved to go into executive session at 8:10 PM to discuss the
sale of property where the price may be affected and possible pending litigation. Seconded by Ald. Jeffer
and duly adopted, ayes all.

Ald. McNeil moved to go out of executive session at 8:55 PM. Seconded by Ald. Jeffer and duly
adopted, ayes all.

Authorizing Purchase Option – Ald. Biviano moved to enter into a purchase option with Don
Westcott for 99 Borden Avenue, known as the Borden Avenue Transportation building. Seconded by Ald.
Jeffer and duly adopted, ayes all.

Adjournment –Ald. McNeil moved to adjourn at 9:05 PM. Seconded by Ald. Biviano and duly
adopted, ayes all.