

COMMON COUNCIL

October 17, 2000

Mayor Robert Raphael presided at a regular meeting of the Common Council held at 7 PM on October 17, 2000, at One Court Plaza.

Present:

Mayor Robert Raphael
Ald. Gary Clark
Ald. Patrick McNeil
Ald. Robert Rabinowitz
Ald. Jeffrey Thornton
Ald. Sharon Jeffer
Ald. Joseph Biviano

Also:

Attorney Joseph McBride
Clerk/CD Director Joseph Serbin
Director of Finance William Roberts
Human Resources Director Deborah DeForest
Fire Chief John Tighe
Police Chief Joseph Angelino
Public Works Supt. Carl Ivarson
Asst. Fire Chief Leroy Burlingame
Supervisor James McNeil
Historian Patricia Scott
Deputy Clerk Donna Russell

Absent:

Supervisor L. Natoli

-- Ald. Jeffer moved to dispense with the reading and approve the minutes of the regular meeting of September 19, 2000, the special meeting and budget work session of October 3, 2000, the budget work sessions of October 5, 9, 12 & 16, 2000 and the work session of October 10, 2000. Seconded by Ald. Clark and duly adopted, ayes all.

OPEN FORUM:

No one wished to be heard.

CORRESPONDENCE:

Nina's Pizzeria & Restaurant – Ald. Rabinowitz moved to receive and file the notification of Liquor License renewal for Nina's Pizzeria & Restaurant at 32 South Broad Street. Seconded by Ald. Thornton and duly adopted, ayes all.

Veteran's Memorial Home – Ald. Clark moved to receive and file notification of Liquor License renewal for Veterans Memorial Home at 61 East Main Street. Seconded by Ald. Jeffer and duly adopted, ayes all.

Norwich Pumpkin Festival – Ald. Biviano moved to approve a request from the Norwich Pumpkin Festival for special event designation for the Pumpkinfest on October 27 and 28, 2000 under the direction of the Police Chief, Fire Chief and Supt. of Public Works, providing that a written plan is submitted. Seconded by Thornton and duly adopted, ayes all.

Veteran's Day Parade – Ald. Clark moved to approve a request from James Shimer of the VFW to hold the annual Veterans Day Parade on November 11, 2000 at 10:30 AM, under the direction of the Police Chief. Seconded by Ald. Jeffer and duly adopted, ayes all.

Water System Concerns – Ald. Biviano moved to receive and file correspondence from Robert Jeffrey of 17 York Street regarding water system concerns. Seconded by Ald. Jeffer and duly adopted, ayes all.

DEPARTMENT, BOARD AND COMMISSION REPORTS

- ◆ Clerk/Community Development/Planning monthly report for September, 2000
- ◆ Fire Department/Codes monthly report for September, 2000
- ◆ Historian monthly report for September, 2000
- ◆ Police Department monthly report for September, 2000
- ◆ Records Management monthly report for September, 2000
- ◆ Youth Bureau monthly report for September, 2000
- ◆ Electrical Board minutes of September 12, 2000
- ◆ Parks Commission minutes of September, 11, 2000
- ◆ Planning Commission minutes of October 6, 2000
- ◆ Plumbing Board minutes of September 21, 2000
- ◆ Traffic Commission minutes of October 11, 2000
- ◆ Water Commission minutes of September 20, 2000
- ◆ Youth Board minutes of September 19, 2000 and October 10, 2000
- ◆ Zoning Board of Appeals minutes of September 25, 2000

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

Ald. Biviano directed the Clerk to prepare a report on missing department, board and commission reports.

WARD AND COMMITTEE REPORTS

- ◆ Finance Committee meeting of October 3, 2000
- ◆ Personnel Committee meeting of August 28 and September 12, 2000
- ◆ Public Safety Committee meeting of September 26, 2000

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

NEW BUSINESS

Mayoral Appointment – Mayor Raphael reported the appointment of Anthony Criscitello, 7 Griffin Street, to the Youth Board as a youth member for the remainder of a three year term expiring December 31, 2001.

BID Downtown Development – Ald. Biviano moved to amend the motion of June 13, 2000 with the amended material underlined as follows:

To authorize an annual expenditure of \$50,000 to the Business Improvement District Streetscape Project for downtown development for a period of three years, as recommended by the Finance Committee and further, that the Common Council shall review details of the specific purposes for which funds are to be applied, prior to their expenditure and that the expenditure shall be approved by the Common Council.

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

Resolution Appointing Civil Service Captains – Ald. Biviano moved to hold until after the 2001 tentative budget preparation is complete, a proposed resolution entitled APPOINTMENT OF TWO CIVIL SERVICE FIRE CAPTAIN POSITIONS IN THE NORWICH FIRE DEPARTMENT. Seconded by Ald. Jeffer and duly adopted, 4-2 (Aldermen McNeil and Rabinowitz) on a roll call vote.

-- Prior to the vote, Mayor Raphael clarified that the Public Safety, Personnel and Finance Committees reviewed the matter and recommended the resolution be approved. He stated that on June 20, 2000, the Common Council adopted a resolution which created the three positions of Shift Captain in the Fire Department and that the positions, as previously determined, are needed. The Council discussed the matter at length. Ald. Biviano reiterated that no action should be taken until the Council knows where it stands with regard to the budget.

Resolution Appointing Senior Account Clerk – Ald. Biviano moved to hold until after the 2001 tentative budget preparation is complete, a proposed resolution entitled APPOINTMENT OF SENIOR ACCOUNT CLERK IN THE FINANCE OFFICE. Seconded by Clark and defeated 2-4 on a roll call vote as follows: ayes – Aldermen Clark and Biviano; nays – Aldermen McNeil, Rabinowitz, Thornton and Jeffer.

RESOLUTION # 99 - 2000. APPOINTMENT OF SENIOR ACCOUNT CLERK IN THE FINANCE OFFICE

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, a vacancy exists in the position of Senior Account Clerk in the Finance Office; and

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

RESOLVED, that

1. effective September 25, 2000, Christa Swarts of Norwich, NY, be and hereby is provisionally appointed to a full-time position as Senior Account Clerk for the City of Norwich, and
2. such appointment is contingent upon the satisfactory completion of the required Civil Service Exam.

Seconded by Ald. Thornton and duly adopted, 4-2 (Aldermen Clark and Biviano) on a roll call vote.

RESOLUTION # 100 - 2000. APPOINTMENT OF ACCOUNT CLERK IN THE FINANCE OFFICE

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, a vacancy exists in the position of Account Clerk in the Finance Office; and
WHEREAS, the Personnel Committee has made certain recommendations; now, therefore be it
RESOLVED, that

- 3. effective October 18, 2000, Joan Smith of Oxford, NY, be and hereby is provisionally appointed to a full-time position as Account Clerk for the City of Norwich, and
- 4. such appointment is contingent upon the satisfactory completion of the required Civil Service Exam.

Seconded by Ald. Thornton and duly adopted, 4-2 (Aldermen Clark and Biviano) on a roll call vote.

RESOLUTION # 101 - 2000. AUTHORIZING TRANSFER FOR FIRE DEPARTMENT PERSONAL SERVICES

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, due to organizational changes enacted in the Fire Department, funds are required to cover the cost of personal services through December 31, 2000; and
WHEREAS, the 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 2000 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1990.4	Contingency	\$ 5,000
A8020.1010	Planning – Personal Services	7,000
A9015.8	Police & Fire State Retirement	47,760
	TOTAL	\$59,760

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3410.1010	Fire Department – Personal Services	\$59,760

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

RESOLUTION # 102 - 2000. AUTHORIZING TRANSFER FOR CORTLAND AND ELM STREET REPAIRS

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of installing driveway aprons on Cortland and Elm Streets; 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 2000 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1990.4	Contingency	\$ 5,000.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A5110.4040	Street Maintenance	\$ 5,000.00
	Repairs & Maintenance	

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

RESOLUTION # 103 - 2000.

AUTHORIZING AGREEMENT WITH NYS DEPARTMENT OF
TRANSPORTATION FOR REIMBURSEMENT BY THE STATE
FOR SUNSET DRIVE REPAIRS

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, in connection with the highway improvements on NYS Route 12 at its intersection with Sunset Drive, the City of Norwich has requested and the State has agreed to fund NYS Route 12/Sunset Drive, City of Norwich, Chenango County, PIN 9016.38 ("the Project") which is on the State Highway System; and

WHEREAS, the New York State Department of Transportation will reimburse approved Project costs to the City of Norwich in accordance with an agreement between the New York State Department of Transportation and the City of Norwich; and

WHEREAS, there is a substantial public interest and benefit to the Project; now, therefore be it

RESOLVED, that

1. the City of Norwich Common Council hereby approves the Project, and
2. the sum of \$20,500 is hereby appropriated from the Streets Capital Projects and made available to cover the cost of participation in the Project, and
3. the Mayor be and hereby is authorized, under the direction of the City Attorney, to execute all necessary Agreements, certifications or reimbursement requests on behalf of the City of Norwich with the New York State Department of Transportation in connection with the funding of approved Project costs thereof by the State, and
4. a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and
5. this resolution shall take effect immediately.

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

RESOLUTION # 104 - 2000.

APPROVING CITY OF NORWICH EMERGENCY REPAIR
PROGRAM

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the City of Norwich realizes that with its aging housing stock there is a need for emergency repairs to remedy code violations and hazardous situations; and

WHEREAS, under an emergency repair program, financial assistance would be provided to qualifying homeowners for the emergency repair of their property; and

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

RESOLVED, that the City of Norwich Emergency Repair Program, as drafted on September 29, 2000, be and hereby is approved; and, further be it

RESOLVED, that such program shall commence on November 1, 2000 and be financed with Community Development funds in the amount of \$26,000.

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

-- Prior to the vote it was noted that the program would be operated with community development funds and taxpayer dollars are not involved.

RESOLUTION # 105 - 2000.

AMENDING RESOLUTION NO. 47 OF 1989 AND ENACTING A
SALES AND COMPENSATING USE TAX EXEMPTION TO
QUALIFIED EMPIRE ZONE ENTERPRISES IN THE CITY OF
NORWICH

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the New York State Legislature has adopted an exemption from the state portion of sales and use tax on tangible personal property, consumer utility services, certain enumerated services and related use taxes imposed by section 1110 of the Tax Law to qualified Empire Zone Enterprises, effective on March 1, 2001; 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 (m) under Section 6, as follows:

- (m) Receipts from sales of and consideration given or contracted to be given for, or for the use of, property and services exempt from state sales and compensating use taxes pursuant to subdivision (z) of section 1115 of the New York Tax Law shall also be exempt from sales and compensating use taxes imposed in this jurisdiction.

Section Two. This resolution shall take effect on March 1, 2001, and shall apply to sales made, services rendered and uses occurring on or after that date in accordance with the applicable transitional provisions in sections 1106, 1216 and 1217 of the New York State Tax Law.

Seconded by Ald. Clark.

Ald. Biviano stated that he is opposed the action and suggested the matter be tabled. Ald. Rabinowitz said this is an example of another unfunded mandate from Albany. Ald. Clark noted the purpose of the exemption is to assist the certified businesses in maintaining employment.

-- Ald. McNeil moved to table the resolution until the November Common Council meeting. Seconded by Ald. Thornton and duly adopted, ayes all on a roll call vote, 6-0.

RESOLUTION # 106 - 2000. RECEIVE MUSEUM DISTRICT PLAN AND SET PUBLIC HEARING

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the City of Norwich Planning Commission has developed a proposed Museum District Plan which was presented to the Common Council on October 10, 2000; now, therefore be it

RESOLVED, that the proposed Museum District Plan, as presented to the Common Council on October 10, 2000, be received and a public hearing set for Tuesday, November 21, 2000, at 7:00 PM, in the Common Council Chambers at City Court, One Court Plaza, Norwich, NY 13815 to hear all persons interested in the subject thereof.

Seconded by Ald. McNeil.

Mayor Raphael indicated the Planning Commission would like to look at the proposal further to possibly expand the area of the district by adding an additional block to allow for shops.

-- Ald. McNeil moved to table the resolution for further discussion. Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 6-0.

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

	<u>Prepaid</u>	<u>10/17/00</u>	<u>Grand Total</u>
General Fund	72,338.29	50,130.45	122,468.74
Sewer Fund	7,627.13	7,038.37	14,665.50
Water Fund	26,348.08	17,366.57	43,714.65
Trust	60,029.23	100.00	60,129.23
B.I.D.	0.00	0.00	0.00
Debt Service	0.00	0.00	0.00
Reserves	0.00	0.00	0.00
Unemployment	0.00	0.00	0.00
C.D.	31,179.95	170.60	31,350.55
EDZ/LDC	250.00	0.00	250.00
Capital Projects	441,779.62	78.00	441,857.62
TOTALS	\$639,552.30	\$74,883.99	\$714,436.29

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

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

Ald. McNeil moved to go out of executive session at 9:40 PM. Seconded by Ald. Jeffer and duly adopted, ayes all.

Adjournment –Ald. McNeil moved to adjourn at 9:40 PM. Seconded by Ald. Thornton and duly adopted, ayes all.