

COMMON COUNCIL

April 17, 2001

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

Present:

Mayor Robert Raphael
Ald. Patrick McNeil
Ald. Robert Rabinowitz
Ald. Jeffrey Thornton
Ald. Sharon Jeffer

Absent:

Ald. Gary Clark
Supervisor L. Natoli

Also:

Attorney Patrick Flanagan
Community Development/Clerk Joseph Serbin
Director of Finance William Roberts
Fire Chief John Tighe
Human Resources Director Deborah DeForest
Police Chief Joseph Angelino
Public Works Supt. Carl Ivarson
Supervisor James McNeil
Deputy Clerk Donna Russell

-- Ald. Biviano moved to dispense with the reading and approve the minutes of the regular meeting of March 20, 2001 and the work session of April 10, 2001. Seconded by Ald. Jeffer and duly adopted, ayes all.

OPEN FORUM:

Jim Fowlston, 160 East Main Street, spoke to the Council relative to discussions by the City's Internal Analysis Committee about closing the Sheldon Street Fire Station immediately as a cost cutting measure. He and other members of the Ontario Hose Company Volunteer Firemen object to the closing of the station and asked the Council to consider offering the facility back to the fire company to be used for housing fire memorabilia and equipment. Mr. Fowlston said the volunteers give their time and service to the City and don't feel that this should be taken away from them. He also noted the Ontario's have done a lot of maintenance on the building and property. Ald. McNeil explained that the Committee was charged with looking into all cost cutting possibilities and noted that it was already determined that the substation would close when the new station was completed. The Committee is examining the matter and is open to any proposals offered by the Ontario Hose Company.

Rich Barnes, 17 Division Street, stated that as a landlord and taxpayer he is opposed to any further low-income housing developments in the City. He explained that local landlords couldn't compete with non-profit agencies that offer low-income housing and although he offers a decent rent, he has to be able to pay the taxes and keep up the maintenance on his properties.

BIDS:

2001 Tree Removal -- Three bids were opened on April 11, 2001 for 2001 Tree Removal and are being reviewed by the Public Works Committee.

CORRESPONDENCE:

YMCA Largest Run -- Ald. McNeil moved to approve a request from the YMCA to hold the YMCA's Largest Run on June 2, 2001 under the direction of the Police Chief, as recommended by the Public Safety Committee. Seconded by Ald. Thornton and duly adopted, ayes all.

Liquor License Renewals -- Ald. McNeil moved to receive and file correspondence from the Ontario Hotel at 28 Griffin Street and the Touch of Texas at 58-62 Hale Street relative to notification of intent to renew liquor licenses at such premises. Seconded by Ald. Jeffer and duly adopted, ayes all.

DEPARTMENT, BOARD AND COMMISSION REPORTS:

- ◆ Emergency Management Office monthly report for March 2001
- ◆ Fire Department/Codes monthly report for March 2001
- ◆ Historian monthly report for March 2001
- ◆ Police Department monthly report for March 2001
- ◆ Records Management monthly report for March 2001
- ◆ Youth Bureau monthly report for March 2001
- ◆ Civil Service Commission minutes of February 22, 2001
- ◆ Parks Commission minutes of March 12, 2001
- ◆ Planning Commission minutes of April 6, 2001
- ◆ Traffic Commission minutes of March 14 and April 11, 2001
- ◆ Water Commission minutes of March 21, 2001

- ◆ Youth Board minutes of April 10, 2001

-- 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:

Garbage concerns -- Ald. McNeil reported concerns about repeat offenders of the garbage ordinance and the need for additional fines for those people. He suggested incorporating a fine of \$100 for those repeaters with an additional fine of \$10 per day until the garbage is cleaned up. The matter was referred to the Public Safety Committee to investigate.

Various concerns -- Ald. Rabinowitz reported several concerns from Ward Three have been forwarded to the Public Works Superintendent. He also reported that a curb drain problem referred to Supt. Iverson has been repaired.

Fire in Ward Four -- Ald. Thornton reported a fire occurred in Ward Four at 29 Berry Street and he thanked the Fire Department for their quick action in saving the home.

Various concerns -- Ald. Jeffer reported various concerns from Ward Five have been referred to the Public Works Superintendent.

Tree removal -- Ald. Biviano reported the addition of two trees to the tree removal list, one at 43 Division Street and one at 51 Brown Avenue.

- ◆ Finance Committee meeting of April 3, 2001
- ◆ Public Safety Committee meeting of March 27, 2001
- ◆ Public Works Committee meeting of March 22, 2001

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

OLD BUSINESS:

Planning Retreat -- Mayor Raphael said he has been looking at what other municipalities do relative to long range planning sessions/retreats and would be compiling a binder of the pertinent information for each member to review. The Council concurred to set the dates of planning retreat at the next work session meeting.

NEW BUSINESS:

Mayoral Proclamation -- Mayor Raphael read the following proclamation:

MAYORAL PROCLAMATION ARBOR DAY

WHEREAS, the holiday called Arbor Day was first observed in 1872 by the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood, fuel and wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, beautify our community and are a source of joy; now

THEREFORE, I, Robert Raphael, Mayor of the City of Norwich, New York, do hereby proclaim April 27, 2001, as Arbor Day in the City of Norwich.

The Mayor noted one of the activities being planned for Arbor Day includes the planting of a tree.

Award of Bids -- Ald. Jeffer moved to award the bid for a 2001 Dump Truck with Plow to the single lowest qualified bidder meeting specifications, Smith Norwich of Norwich, NY, in the amount of \$35,017

with trade-in, as recommended by the Public Works Committee. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 5-0.

SPCA Contract Renewal -- Ald. McNeil moved to authorize the Mayor, under the direction of the City Attorney, to sign an agreement with the SPCA through December 31, 2001. Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 5-0.

Proposed Legislation -- Mayor Raphael presented the Council with a proposed resolution opposing NFPA proposed standards 1710 and 1720, which, if adopted on May 16, 2001, would impose onerous, unfunded mandates upon local governments to meet established response times and staffing levels. The Mayor referred to a memo from Chief Tighe which states that the NFPA has clearly gone outside its authority in proposing these national minimum manning, response and staffing standards and the City of Norwich needs to go on record opposing such a proposal. Ald. Rabinowitz said this was another example of an organization trying to impose something that would add costs to the City noted the proposed standards contain conditions that are impossible. Ald. Biviano stated that it was critical the City of Norwich oppose the proposal and suggested the towns be contacted to support the opposition.

RESOLUTION # 23 - 2001. OPPOSING NFPA PROPOSED STANDARDS 1710 AND 1720

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the National Fire Protection Association (NFPA) is an international association of individuals and trade and professional organizations; and

WHEREAS, the mission of NFPA is "to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating scientifically-based consensus codes and standards, research and education"; and

WHEREAS, NFPA has produced over 275 codes and standards that deal with every aspect of fire and life safety; and

WHEREAS, NFPA is an internationally recognized authority in producing codes and standards dealing with fire and life safety; and

WHEREAS, NFPA is currently proposing two new standards: NFPA 1710, *Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*, and NFPA 1720, *Organization and Deployment of Fire Suppression, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments*; and

WHEREAS, proposed NFPA standards 1710 and 1720 define minimum response times, minimum fire company staffing levels, initial full alarm response levels and extra alarm response levels; and

WHEREAS, levels of service delivery for fire and emergency medical services (EMS) have always been determined by local jurisdictions; and

WHEREAS, proposed NFPA standards 1710 and 1720 would impose onerous, unfunded mandates upon local governments to meet established response times and staffing levels, if adopted by NFPA with subsequent consideration taken by federal agencies, such as the Occupational Safety and Health Administration (OSHA) and insurance companies; and

WHEREAS, the NFPA has clearly gone outside its authority in proposing these national minimum manning, response and staffing standards; and

WHEREAS, because NFPA codes and standards will be considered and voted on at the NFPA annual conference on May 16, 2001 in Anaheim, California; and

WHEREAS, if adopted and issued, these proposed NFPA standards would force local governments to shift dollars from fire prevention programs to fire suppression activities, potentially increasing the risk of fire and the danger to local firefighters; now, therefore be it

RESOLVED, that that the Common Council of the City of Norwich opposes any attempt by the National Fire Protection Association to adopt standards for staffing or minimum manning levels of fire, specialized, or emergency medical services vehicles controlled by units of local government; and, further be it

RESOLVED, that the Common Council of the City of Norwich opposes any attempt by the National Fire Protection Association to adopt a standard dictating or affecting the response time of any fire, specialized, or emergency medical services vehicle; and, further be it

RESOLVED, that the Common Council of the City of Norwich will send this resolution to the National Fire Protection Association registering the City's opposition to proposed standards 1710 and 1720, which preempt local authority and place a one-size-fits-all mandate on our City and on all cities and towns.

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

RESOLUTION No. # 24 - 2001. 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 on East Main Street at the intersection of West Midland Drive in the City of Norwich, tax map number 136.50-5-11, 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 15th day of May, 2001 at the Common 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, 5-0.

RESOLUTION # 25 - 2001. AUTHORIZING SUBMISSION OF 2001 SMALL CITIES
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Ald. Jeffer introduced the following and moved its adoption:

WHEREAS, the Mayor and the Common Council have established that development of safe, sanitary and decent housing for low and moderate income families is a goal of the City; and

WHEREAS, the City has designated an area of Cortland Street in the City as being a target area for actions in support of such goal; and

WHEREAS, the City wishes to submit a single purpose grant application to the New York State Office for Small Cities for funds to aid in accomplishment of its goal in the target area; and

WHEREAS, the City has met the citizen participation and public hearing requirements for the filing of such application; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized to file an application for the New York State Community Development Block Grant Small Cities Program and to take all such actions on behalf of the City as may be necessary in support of such application.

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

RESOLUTION # 26 - 2001. AUTHORIZING SUBMISSION OF FEMA GRANT APPLICATION
FOR FIRE DEPARTMENT EQUIPMENT

Ald. Jeffer introduced the following and moved its adoption:

WHEREAS, the Federal Emergency Management Agency (FEMA) is providing grant funding through the Assistance to Firefighters Grant Program to assist communities in addressing the needs of its fire department; and

WHEREAS, FEMA would provide funding for not more than two of the six eligible categories; and

WHEREAS, upon review of the eligible categories, the Fire Chief has determined that the application for funding be made in the following areas: 1) Protective Equipment - \$60,000, to better outfit the volunteer staff with interior fire fighting clothing and replace worn out, outdated air packs and 2) Vehicle - \$300,000, to replace a worn out 1968 Mack Pumper; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized and directed to file an application for funding through the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant Program.

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

-- Prior to the vote, Chief Tighe reiterated that there is a 10 percent funding match required.

RESOLUTION # 27 - 2001.

AUTHORIZING AGREEMENT FOR WATER MAIN LINING
WORK RELATIVE TO WATER SYSTEM IMPROVEMENTS
PROJECT

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the City of Norwich has undertaken a new water system improvement project consistent with the current EPA and New York State Department of Health Safe Drinking Water Standards, which includes the cleaning and cement mortar lining of various water mains; 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 an agreement with Mainlining Service, Inc. for the cleaning and cement mortar lining of water mains located on Brown Avenue, Conkey Avenue, Locust Street and Prospect Street at a cost of \$19.75 per linear foot; and, further be it

RESOLVED, that this resolution is contingent upon approval by the USDA – Rural Development – Rural Utility Service (RUS).

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

RESOLUTION # 28 - 2001.

AUTHORIZING TRANSFER FOR SALT BARN
REHABILITATION

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of rehabilitation to the walls and sides of the Salt Barn; 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 2001 General Fund Budget:

From:

Account Number	Name	Amount
HR33-878	Capital Reserves	\$ 4,000.00
	Municipal Buildings and Facilities	

To:

Account Number	Name	Amount
A1620.4040	Municipal Buildings	\$ 4,000.00
	Repairs and Maintenance	

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

RESOLUTION # 29 - 2001.

AUTHORIZING THE CLOSING OF 1994 HOME INVESTMENTS
PARTNERSHIP PROGRAM

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, in 1994 the City of Norwich applied for and received funding through the New York State Division of Housing and Community Renewal HOME Investment Partnerships Program to provide low interest loans to residential units located in the EDZ (now referred to as the Empire Zone) targeted area; and

WHEREAS, through the HOME Program, the City of Norwich was able to upgrade and improve its housing stock; and

WHEREAS, the program allows for the Common Council, at any time during the covenant or loan period, to waive the loan payments; and

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

RESOLVED, that 1994 HOME Investment Partnership Program is closed and the following HOME Program loans be waived from repayment:

Project Number	Name of Owner	Address	# Units	Loan Amount	Contract Date
635500031	Greg N. Moore	17 1/2 Burr Avenue	1	5,863.00	09/12/1996
635500033	Carol Stern	9 Waite Street	1	5,706.00	11/06/1996
635500059	Stephen Mercurio	12 Ross Avenue	1	10,790.00	09/04/1996
635500039	Martin McAveigh	19 Westcott Street	1	7,635.00	10/02/1996
635500044	Madeline Paul	52 Rexford Street	1	7,450.00	09/05/1996
635500048	Joan Craw	60 Borden Avenue	1	10,000.00	09/03/1996
635500050	Leslie Linfante	16 Taylor Avenue	1	11,987.00	11/27/1996
635500051	Gerald McGowan	75 Birdsall Street	1	7,430.81	11/04/1996
635500052	Catherine Rowe	34 Waite Street	1	6,597.00	11/20/1996
635500053	Birgit Behrmann	45 Birdsall Street	2	13,061.25	04/07/1997
635500054	Walter Russell	8 Lee Avenue	1	6,608.50	10/24/1996
635500056	Michael Broten	16 Ross Avenue	1	17,395.00	03/12/1997
635500066	Josephine Harrington	40 Front Street	1	16,252.00	03/20/1997
635500067	Mildred Law	12-14 Taylor Ave	2	11,967.00	03/12/1997
635500068	Robin Felldin	31 S Mitchell Street	2	13,834.00	03/13/1997
635500069	David Gantt	17 Prentice Street	1	13,725.00	04/22/1997
635500072	Birgit Behrmann	14 Columbia Street	2	26,690.00	03/21/1997
635500073	Doug Kelly	43 Eaton Avenue	2	9,482.87	01/07/1997
635500074	Edith Mirabito	8-10 Burr Avenue	3	34,863.20	02/05/1997
635500075	Birgit Behrmann	23 Silver Street	7	53,641.06	02/18/1997
635500076	John Tumminia	96 Silver Street	1	17,449.00	04/15/1996
635500077	Billie Hendrickson	14-16 Hayes Street	3	25,574.75	04/07/1997
635500079	Jules Fox	28 Sheldon Street	2	20,000.00	05/06/1997
635500080	Jules Fox	6 Natoli Avenue	1	10,000.00	05/06/1997
635500081	David Gale	9 Davis Street	1	9,434.00	10/28/1996
635500082	Rose Lorimer	42 W Midland Drive	1	8,430.00	12/13/1996
635500078	Clarence Bosket	57 Mechanic Street	2	22,305.00	04/07/1997
		TOTAL		\$404,171.44	

Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote, 4-0, with Ald. Biviano abstaining due to a possible conflict of interest.

RESOLUTION # 30 - 2001. APPOINTMENT OF MEO II POSITION IN THE DEPARTMENT OF PUBLIC WORKS

Ald. Jeffer introduced the following and moved its adoption:

WHEREAS, a vacancy exists 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 effective May 14, 2001, Troy Ingham of Guilford, NY, be and hereby is appointed to the permanent position of MEO II; and, further be it

RESOLVED, that such appointment is contingent upon the satisfactory completion of the required physical examination.

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

RESOLUTION # 31 - 2001. 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 effective April 18, 2001, 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 further be it

RESOLVED, that such appointment is contingent upon the satisfactory completion of the required Civil Service Exam.

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

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

	<u>Prepaid</u>	<u>04/17/01</u>	<u>Grand Total</u>
General Fund	78,117.55	366,895.87	445,013.42
Sewer Fund	8,897.23	2,593.76	11,490.99
Water Fund	7,148.18	4,484.95	11,633.13
Trust	21,282.84	0.00	21,282.84
B.I.D.	7,718.39	0.00	7,718.39
Debt Service	50,990.83	0.00	50,990.83
Reserves	0.00	0.00	0.00
Unemployment	147.78	0.00	147.78
C.D.	36,775.31	0.00	36,775.31
EDZ/LDC	0.00	0.00	0.00
Capital Projects	11,816.00	3,688.33	15,504.33
TOTALS	\$222,894.11	\$377,662.91	\$600,557.02

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

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

There was discussion relative to recommendations made by the Internal Analysis Committee to the Finance Committee.

-- Ald. McNeil moved that the part-time position of Account Clerk in the Public Works Department be and hereby is abolished, effective May 31, 2001. Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 5-0.

Ald. Thornton moved to go out of executive session at 8:35 PM. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Adjournment –Ald. McNeil moved to adjourn at 8:35 PM. Seconded by Ald. Biviano and duly adopted, ayes all.