

COMMON COUNCIL

July 17, 2001

Mayor Robert Raphael presided at a regular meeting of the Common Council held at 7 PM on July 17, 2001, at One Court Plaza.

Present:

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

Also:

Attorney Patrick Flanagan
Community Development/Clerk Joseph Serbin
Director of Finance William Roberts
Public Works Supt. Carl Ivarson
EMO A Jones
Historian Patricia Scott
Supervisor James McNeil
Deputy Clerk Donna Russell

Absent:

Ald. Gary Clark
Ald. Robert Rabinowitz
Supervisor L. Natoli

-- Ald. Jeffer moved to dispense with the reading and approve the minutes of the regular meeting of June 19, 2001. Seconded by Ald. Thornton and duly adopted, ayes all.

-- Ald. Biviano moved to suspend the order of the agenda. Seconded by Ald. Jeffer and duly adopted, ayes all.

RESOLUTION # 60 - 2001.

AMENDING RULES OF PROCEDURE RELATIVE TO WORK SESSIONS

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the Rules of Procedure of the Common Council regarding work sessions state that work sessions shall be held at 7 PM on the second Tuesday of each month for the purpose of reviewing the preliminary agenda and may be dispensed with periodically at the discretion of the Common Council; and

WHEREAS, a recommendation has been made to include an open forum during the work session meeting to allow the public to make comments; now, therefore be it

RESOLVED, that the Rules of Procedure of the Common Council regarding work sessions be and hereby is amended to include an open forum for public comment during the work session meeting.

Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 4-0.

-- Prior to the vote, Ald. Biviano read the current rules of order and noted the purpose of the work session was to review the agenda and not to conduct business.

-- Ald. Biviano moved to return to the order of the agenda. Seconded by Ald. McNeil and duly adopted, ayes all.

PUBLIC HEARINGS:

Property required for use -- Mayor Raphael opened the public hearing at 7:10 PM to determine if city owned property at 15-19 Ross Avenue is required for use by the City. No one wished to comment. The Mayor closed the hearing at 7:11 PM.

OPEN FORUM:

-- **Mary Coe**, 5A Waite Street, asked the status of the Fire Department building project and what the cost of the study was. Ald. Biviano said the City Engineer is preparing two plans and noted there is no study being done. He noted that the cost of designing the plans is \$150,000 and they would be completed by the end of August.

-- **Ed Morano**, 21 Miller Street, said regarding open forum, that people should be able to speak without having to meet certain criteria and without being timed. Mr. Morano also stated the he would like to see a long-range plan. Ald. McNeil stated that the five minute rule for speaking is recommended as a courtesy to all that would like the opportunity to speak. He noted that in most cases, people complete their statement within five minutes and should it go over five minutes, the person would not be prevented from finishing their statement.

-- **John Turner**, Penfield, NY and summer resident of Chenango Lake, raised concern about the southeast corner of the lake where the unsupervised 30 foot boat launch is located. He explained that the area is also used as a beach with no lifeguard on duty and he believes that the powerful speed boats on the lake create a safety hazard to swimmers. Mr. Turner is also concerned about the potential danger of zebra mussels being introduced into the lake from non-resident boats. He suggested that a gate could be installed across 15 feet of the boat launch and posts approximately four feet apart be placed across the remainder of the launch. Mr. Turner indicated that the matter was presented to the Water Board on October 18, 2000. He noted that there would be no cost to the city for the gate and posts and said that keys would be made available to various Lake Association members as well as the City's Public Works Department. Mr. Turner said the Lake Association is also proposing rules and regulations for the Lake.

City Attorney Flanagan stated that he is reviewing the matter. It was the consensus of the Council that a meeting be held with the Lake Association, the Water Board and the Common Council to discuss the matter.

BIDS:

Sale of Surplus Property -- One bid was received for sale of surplus property on Gold Street from the Lt. Warren Eaton DSC Post 189 of Norwich in the amount of \$3,400. The bids have been reviewed by the Finance Committee and will be taken up under New Business.

CORRESPONDENCE:

City Club Restaurant/Sports Bar Liquor License -- Ald. McNeil moved to receive and file correspondence from the City Club Restaurant and Sports Bar Corp. of Norwich, NY of intent to apply for a liquor license at 75 North Broad Street. Seconded by Ald. Thornton and duly adopted, 3-1 with Ald. Jeffer abstaining due to a possible conflict of interest.

Music Shop Pub Liquor License -- Ald. McNeil moved to receive and file correspondence from Gregory Reining Grosvenor: DBA Music Shop Pub of intent to apply for a liquor license at 26 South Broad Street. Seconded by Ald. Thornton and duly adopted, ayes all.

County Fair Firemen's Parade -- Ald. Biviano moved to approve a request from the Chenango County Firemen's Association to hold the Chenango on August 7, 2001 at 7 PM under the direction of the Police Chief. Seconded by Ald. Jeffer and duly adopted, ayes all.

DEPARTMENT, BOARD AND COMMISSION REPORTS:

- ◆ Community Development/Planning/Clerk monthly report for May and June, 2001
- ◆ Fire Department/Codes monthly report for June, 2001
- ◆ Historian monthly report for June, 2001
- ◆ Police Department monthly report for June, 2001
- ◆ Public Works/Water System monthly report for June, 2001
- ◆ Records Management monthly report for June, 2001
- ◆ Youth Bureau monthly report for June, 2001
- ◆ Civil Service Commission minutes of May 31, 2001
- ◆ Parks Commission Tour of June 11, 2001
- ◆ Planning Commission minutes of June 8, 2001
- ◆ Water Commission minutes of June 20, 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:

- ◆ Finance Committee meeting of June 5 and July 3, 2001
- ◆ Personnel Committee meetings of June 4 and 19, 2001
- ◆ Public Safety Committee meetings of June 26 and July 5, 2001
- ◆ Public Works Committee meeting of June 28, 2001

Ward One -- Mayor Raphael reported that Ald. Clark had surgery recently and would not be returning to work until July 26.

Grass and Garbage -- Ald. McNeil reported Ward Two is experiencing the usual grass and garbage problems.

Ward Four -- Ald. Thornton had nothing to report for Ward Four.

Ward Five -- Ald. Jeffer reported concerns from Ward Five have been addressed.

Unsafe Property -- Ald. Biviano asked the status of the unsafe building on Delaware Square. Chief Tighe indicated the Code Enforcement Officer sent a letter to the owner of record that the property is unsafe and must be brought up to code. Ald. Biviano directed the City Attorney to look into what steps are needed to have the building taken down.

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

OLD BUSINESS:

NYSEG Franchise Renewals -- CD Director/Clerk Serbin reported that the special attorney retained to review the electric and gas franchise agreements indicated that the agreements are standard and suggested no additional changes.

RESOLUTION # 61 - 2001. AUTHORIZING RENEWAL OF ELECTRIC FRANCHISE
AGREEMENT WITH NYSEG

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, on May 8, 1951 the City of Norwich entered into a 50 year agreement with New York State Electric & Gas Corporation (NYSEG) to lay, place and maintain poles, wires, etc., for the transmission and distribution of electricity for light, heat and power purposes through, along and over the highways and other public places in the City of Norwich; and

WHEREAS, such agreement shall expire on May 8, 2001; and

WHEREAS, NYSEG has requested the consent of the City of Norwich that it may carry on the electric utility business in said City and may occupy the streets and public places in said City for that purpose; and

WHEREAS, a public hearing was held on June 19, 2001 relative to such renewal request; now, therefore be it

RESOLVED, that

1. the City of Norwich does hereby grant to said New York State Electric & Gas Corporation, its successors and assigns, upon due acceptance in writing, a 30 year franchise to lay, place and maintain conduits, to contain wires for transmitting electricity and to erect and maintain in any of the streets, avenues, lanes, highways, public alleys and other public places, poles, lines, wires, insulators, transformers, arms, braces, and all other necessary or usual attachments and devices, and to suspend from the poles and wires to be so erected electric lights for street lighting and other purposes, and to connect said wires with all public and private buildings in said City for the purpose of lighting the same with electricity, and to distribute over said wires at all times such an electric current as shall be required and necessary and proper for such street lighting and for lighting the public and private buildings, and such electricity and electric current over said wires for the purpose of heat and/or power to be used in any of said public or private buildings; and
2. that at all times after the placing of said poles and the installation of said wires, NYSEG shall be permitted to examine and keep the same in proper condition and repair, and do all necessary work properly to maintain the construction thereof; and
3. NYSEG shall provide space and facilities in or near its trenches for other services rendered to the public, including communications services, in said City, so long as the interested party is prepared to share the cost, and to extend its facilities beyond the limits of the City as may be necessary and incident to its business as a company that furnishes electric service and which provides space and facilities in or near its trenches for other services; and
4. all poles, wires and fixtures shall be places in such a manner as to cause as little inconvenience to the public in the use of such highways as is practicable and consistent with the safety and efficiency of such poles, wires and fixtures; and
5. all of said poles, wires and fixtures shall be placed, constructed and maintained in a proper wand workmanlike manner so that the same shall in no way endanger the public, and NYSEG shall at all times indemnify and save harmless said costs, charges and expenses by reason of the location and maintenance of said poles, wires and fixtures in any of the streets, highways, avenues, lanes and other public places, or be reason of any act done or omitted to be done in the premises by NYSEG; and
6. whenever NYSEG shall have occasion to make an opening in the surface of any street, highway or other public place for the purpose of laying or repairing any conduits, poles, wires or fixtures, it will first procure any permits necessary under the law or ordinances of said City (except in an emergency), will conduct such work in a careful and workmanlike manner, will cause as little disturbance of traffic as reasonably possible, and will restore the surface of such street, highway or other public place equal to or better than its former condition, including restoration of pavements where it has been necessary to disturb the same.
7. this resolution shall take effect on May 9, 2001 and expire on May 9, 2031, and

8. this grant of a franchise is made upon the condition that permission be secured from the Public Service Commission as is required by law.

Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 4-0.

RESOLUTION # 62 - 2001. AUTHORIZING RENEWAL OF GAS FRANCHISE AGREEMENT
WITH NYSEG

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, on May 8, 1951 the City of Norwich entered into a 50 year agreement with New York State Electric & Gas Corporation (NYSEG) to lay, place and maintain conduits, pipes, etc., for the transmission and distribution of gas through, along and under the highways and other public places in the City of Norwich; and

WHEREAS, such agreement shall expire on May 8, 2001; and

WHEREAS, NYSEG has requested the consent of the City of Norwich that it may carry on the gas utility business in said City and may occupy the streets and public places in said City for that purpose; and

WHEREAS, a public was held on June 19, 2001 relative to such renewal; now, therefore be it

RESOLVED, that

1. the City of Norwich does hereby grant to said New York State Electric & Gas Corporation, its successors and assigns, upon due acceptance in writing, a 30 year franchise to lay, construct, install, maintain and operate conductors, fixtures, pipes and structures for carrying, transmitting, distributing and delivering gas (natural, manufactured or mixed), other fluids and electricity with the necessary pipes, conduits, ducts, valves, valve pits, regulators, compressors and other conductors, fixtures and structures, in, under, along, across, through and beyond all of the streets, highways, alleys, squares, lanes, parks and public places in said City, so long as the interested party is prepared to share the cost, and beyond the limits thereof and the doing of such other things as may be necessary and incident to its business as a company which furnishes natural gas service and which provides space and facilities in or near its trenches for other services; and
2. all pipes, conduits, ducts, valves, valve pits, regulators, compressors and other conductors, fixtures and structures shall be placed in such a manner as to cause as little inconvenience to the public in the use of such highways as is practicable and consistent with the safety and efficiency of such pipes, conduits, ducts, valves, valve pits, regulators, compressors and other conductors, fixtures and structures; and
3. all of said pipes, conduits, ducts, valves, valve pits, regulators, compressors and other conductors, fixtures and structures shall be placed, constructed and maintained in a proper and workmanlike manner so that the same shall in no way endanger the public, and NYSEG shall at all times indemnify and save harmless the City of Norwich and the members of the Common Council from and against any and all actions, suits, damages, costs, charges and expenses by reason of the location and maintenance of said pipes, conduits, ducts, valves, valve pits, regulators, compressors and other conductors, fixtures and structures through, along and under any of the streets, highways, avenues, lanes and other public places, or by reason of any act done or omitted to be done in the premises by NYSEG; and
4. whenever NYSEG shall have occasion to make an opening in the surface of any street, highway or other public place for the purpose of laying or repairing any pipes, conduits, ducts, valves, valve pits, regulators, compressors and other conductors, fixtures and structures, it will first procure any permits necessary under the law or ordinances of said City (except in an emergency), will conduct such work in a careful and workmanlike manner, will cause as little disturbance of traffic as reasonable possible, and will restore the surface of such street, highway or other public place equal to or better than its former condition, including restoration of pavements where it has been necessary to disturb the same; and
5. this resolution shall take effect on May 9, 2001 and expire on May 9, 2031, and
6. this grant of a franchise is made upon the condition that permission be secured from the Public Service Commission as is required by law.

Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 4-0.

NEW BUSINESS:

NYSEG Price Protection Plan -- Ald. Biviano stated that NYSEG has submitted to the Public Service Commission a comprehensive electric plan that would freeze prices until 2008. He noted that NYSEG is requesting that the City send letters of support for the plan to its legislators as well as to the Public Service

Commission. Ald. Biviano moved to authorize the Mayor to write a letter of support for the NYSEG price protection plan. Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 4-0.

Memorandum of Understanding – Ald. Biviano moved to authorize the Mayor, under the direction of the City Attorney, to sign a draft memorandum of understanding with NYSEG. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 4-0.

Award of Bids – Ald. Jeffer moved to award the bid for 2001 Surplus Equipment to the highest qualified bidders meeting specifications, as recommended by the Public Works Committee FOR A TOTAL AMOUNT OF \$926.25 as follows: Joseph Aquece, Port Jefferson Station, NY for Item # 7 - \$15, Item # 49 - \$300; Gerald Cushman & Sons, Plymouth, NY for Item # 57 - \$59, Item # 59 - \$109, Item # 70 - \$66, Item # 87 - \$40; Raymond Mills, Norwich, NY for Item # 79 - \$5; Robert Rabinowitz, Norwich, NY for Item #75 - \$18; Joyce Stoutenberg, Norwich, NY for Item # P-6 - \$8.75, Item # P-8 - \$8.75, Item # P-10 - \$8.75, Item # P-17 - \$8.75, Item # P-12 - \$8.75, Item # P-16 - \$8.75, Item # P-18 - \$8.75; Dale Thompson, Norwich, NY for Item # 59 - \$201, Item # 64 - \$1, Item #91 - \$51. Seconded by Ald. Biviano and duly adopted, ayes all.

Award of Bid -- Ald. Thornton moved to award the bid for Sale of Surplus Property on Gold Street to the highest qualified bidder meeting specifications, as recommended by the Finance Committee, Lt. Warren Eaton DSC Post 189, of Norwich, NY in the amount of \$3,400. Seconded by Ald. Jeffer and duly adopted, ayes all.

Authorize Building Alternations -- Ald. Jeffer moved to authorize the tenant to make alterations to the City-owned Transportation Building at 89 Borden Avenue, under the direction of the City Engineer. Seconded by Ald. Biviano and duly adopted, ayes all.

RESOLUTION # 63 - 2001. AMENDING VEHICLE AND TRAFFIC ORDINANCE RELATIVE
TO PARKING METER REGULATIONS AND TIMED PARKING

Ald. Jeffer 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 removing language relative to parking meters from the ordinance and clarifying regulations regarding timed parking; now, therefore be it

RESOLVED, that Sections 90-31 through 90-38, of the Vehicle and Traffic Ordinance of the City of Norwich, be and hereby are amended by deleting the sections in their entirety and replacing with blank sections; and, further be it

RESOLVED, that Section 90-43, Extending Time Beyond Maximum, be and hereby is amended as follows:

Section 90-43. Extending Time Beyond Maximum.

No vehicle shall remain in a timed parking space for more than [three (3) hours] the posted parking limit for that space. Every three hours constitutes a separate and distinct offense.

Underlined material is new. [Bracketed] material is deleted.

Seconded by Ald. Biviano and duly adopted, ayes all on a roll call vote, 4-0.

-- Ald. McNeil expressed concern relative to the lack of overnight parking in the downtown and requested the Traffic Commission and Public Safety Committee look into the matter.

RESOLUTION No. # 64 - 2001. DETERMINING CERTAIN REAL PROPERTY NOT REQUIRED
FOR USE BY THE CITY AND AUTHORIZING ITS DISPOSITION

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the City owns a certain parcel of real property located at 15-19 Ross Avenue in the City of Norwich, tax map number 136.57-3-18, which property may be required for use by the City; and

WHEREAS, the Common Council has determined that said property is not required for use by the City; and

WHEREAS, the City wishes to dispose of said property by means of open competitive bidding; now, therefore be it

RESOLVED, that

1. a certain parcel of real property located at 15-19 Ross Avenue in the City of Norwich, tax map number 136.57-3-18 in the City of Norwich is not and has not been required for use by the City, and
2. the City be and hereby is authorized to dispose of such property by means of open competitive bidding.

Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 4-0.

RESOLUTION # 65 - 2001. AUTHORIZING AGREEMENT FOR STATE ARCHIVES GRANT AWARD

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the City of Norwich submitted an application for grant funding through the New York State Education Department, Local Government Records Management Improvement Fund for conservation activities and the microfilming of records; and

WHEREAS, notification has been received from the New York State Archives that the City of Norwich has been awarded a grant in the amount of \$16,539 for the microfilming portion of the application; 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 New York State Archives to accept a grant in the amount of \$16,539 through the Local Government Records Management Improvement Fund 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, 4-0.

-- Ald. McNeil noted that BOCES has a records management program and does microfilming. He said the department heads will be meeting with BOCES to review the services that are available at 8 AM on August 21 at BOCES and invited Common Council members to attend.

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

	<u>Prepaid</u>	<u>7/17/01</u>	<u>Grand Total</u>
General Fund	32,495.55	52,098.81	84,594.36
Sewer Fund	7,393.20	5,463.99	12,857.19
Water Fund	7,932.34	6,657.32	14,589.66
Trust	29,531.05	0.00	29,531.05
B.I.D.	2,890.36	0.00	2,890.36
Debt Service	0.00	0.00	0.00
Reserves	0.00	0.00	0.00
Unemployment	170.55	0.00	170.55
C.D.	86,104.86	0.00	86,104.86
EDZ/LDC	0.00	0.00	0.00
Capital Projects	90,061.25	645.10	90,706.35
TOTALS	\$256,579.16	\$64,865.22	\$321,444.38

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

Executive Session – Ald. McNeil moved to go into executive session at 8:03 PM to discuss contract negotiations. Seconded by Ald. Biviano and duly adopted, ayes all.

Ald. Jeffer moved to go out of executive session at 8:15PM. Seconded by Ald. Biviano and duly adopted, ayes all.

Adjournment –Ald. Biviano moved to adjourn at 8:15 PM. Seconded by Ald. Jeffer and duly adopted, ayes all.