

COMMON COUNCIL

June 18, 2002

Mayor Marylou Stewart presided at a regular meeting of the Common Council held at 7 PM on June 18, 2002, at One Court Plaza.

Present:

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

Also:

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
EMO A. Jones
Supervisor James McNeil
Historian Patricia Scott
Deputy Clerk Donna Russell

Absent:

Supervisor L. Natoli

Upstate Homes Presentation -- Mayor Stewart introduced Patricia Kennedy, Executive Director of Upstate Homes, to explain the proposed plan to establish an Individual Residential Alternative (IRA) in Norwich. Ms. Kennedy said Upstate Home for Children and Adults (UHCA) is a not for profit corporation providing services to children and adults with disabilities and their families in Delaware, Chenango, and Otsego County. She explained that Upstate Homes proposes to establish a "satellite center" for services in Chenango County which would provide service coordination, early intervention and preschool evaluations, residential habilitation and respite as well as three individualized residential alternatives located in Sherburne, Earlville and Norwich. The house proposed in Norwich is located at 120 South Broad Street and would be modified to accommodate five young adults with development disabilities. Ms. Kennedy said Upstate Homes is looking at a five-year lease for its satellite office, which would be located close to downtown with accommodation for office space, training room and evaluation area. Possible site expansion would include room for day habilitation.

Ald. Biviano asked if Upstate Homes would be willing to pay for the services they would receive from the City. Ms. Kennedy said it would not be possible to pay in lieu of taxes, however, would make every attempt to hire locally. She added that purchases such as food, furniture, equipment, etc. would be made locally whenever possible. Ms. Kennedy indicated that Upstate Homes receives donations from other organizations as well as state and federal funding. Ald. Biviano requested a full disclosure from the organization including a list of the Board of Directors as well as a list of vendors. Ald. McNeil asked if all of the employees would be new hires. Ms. Kennedy said they would and added that the timeline is that by December of 2002, there would be 39 jobs in place. Ald. Clark asked what the potential need is for this type of service in the area. Ms. Kennedy said the two Service Coordinators would have a caseload of 25 each. When asked by Ald. Thornton what percentage of the revenue is from Medicaid, Ms. Kennedy said approximately 60 % is from Medicaid. Ald. Thornton asked if a Certificate of Need was submitted. Ms. Kennedy said it was submitted and a copy could be sent to the City. She also noted the County submitted a letter of support for the proposal.

Ms. Kennedy indicated that the UHCA submitted a letter to the Mayor to be considered as formal notification of interest and intent of the Home to establish an Individual Residential Alternative for five young adults with developmental disabilities in the City of Norwich. She stated that under section 41.34 of NYS Mental Hygiene Law, the City of Norwich has 40 days after receipt of the letter to respond in one of the three following ways: 1) Approve the recommended site; 2) Suggest one or more suitable sites within the City which would accommodate such a facility; or 3) Object to the establishment of the facility according to the Mental Hygiene Law. Ms. Kennedy said if the municipality does not respond with 40 days, the Upstate Home may proceed with the establishment of the proposed IRA.

OPEN FORUM:

Proposed IRA home -- Abe Abraham, 118 South Broad Street, expressed concern about the proposed location of the home on a very busy street with heavy car, truck and school bus traffic. He asked how that location was selected and if the Traffic Commission reviewed the matter. Ms. Kennedy indicated that the house on South Broad Street was chosen because it best fit the criteria and that no contact was made with the Traffic Commission. Mr. Abraham stated that although he feels the program is a good one, he requests that the Mayor and Aldermen look at a more suitable site.

-- Art Boice, 117 South Broad Street, agreed with Mr. Abraham that South Broad Street is a very busy street and recommended the home be located on a side street in the City. Ms. Kennedy noted that the individuals would not be left unattended and would be entering and exiting through a handicapped accessible rear entrance.

-- Ald. McNeil said although the Home can be located anywhere it likes, he would like properties in the less restrictive R-2 residential zones of the City to be considered.

APPROVAL OF MINUTES:

-- Ald. McNeil moved to dispense with the reading and approve the minutes of the regular meeting of May 21, 2002, the special meeting of May 28, 2002 and the work session of June 11, 2002. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

PUBLIC HEARINGS:

-- Mayor Stewart opened the public hearing at 8:12 PM relative to a Small Cities Application to provide for an economic development loan in the amount of \$200,000 to William Andrew Inc. for business expansion and \$8,000 for corresponding administrative funding. There being no comments, the Mayor closed the hearing at 8:13 PM.

BIDS:

2002 Street Program -- One bid was received on June 13, 2002 for 2002 Street Program and has been forwarded to the Public Works Committee for review.

Diaphragm Type Metering Pumps -- One bid was received on June 17, 2002 for Diaphragm Type Metering Pumps and a recommendation will be made by the Public Works Committee under New Business.

CORRESPONDENCE:

Liquor License Renewal -- Ald. Thornton moved to receive and file notification from Herb Ryan of his intent to renew the liquor license for the Broad Street Tavern at 29 North Broad Street. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Establishment of an Individual Residential Alternative -- Ald. Thornton moved to receive and file a notice of interest and intent from the Upstate Home for Children and Adults to establish an Individual Residential Alternative for five young adults with development disabilities in the City of Norwich. Seconded by Ald. Rabinowitz and duly adopted, ayes all. Prior to the vote, it was noted that the City has forty days to respond.

Chenango County Fair Firemen's Parade -- Ald. Thornton moved to approve a request from the Chenango County Firemen's Association to hold the annual Chenango County Fair Firemen's Parade on Tuesday, August 6, 2002 at 7 PM under the direction of the Police Chief, as recommended by the Public Safety Committee. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

DEPARTMENT, BOARD AND COMMISSION REPORTS:

- ◆ Fire Department/Codes monthly report for May, 2002
- ◆ Historian monthly report for May, 2002
- ◆ Police Department monthly reports for May, 2002
- ◆ Public Works/Water System monthly report for May, 2002
- ◆ Records Management monthly report for May, 2002
- ◆ Youth Bureau monthly report for May, 2002
- ◆ Civil Service Commission minutes of April 24, 2002
- ◆ Electrical Board minutes of May 14, 2002
- ◆ Parks Commission minutes of May 13, 2002 and Annual Parks Tour of June 1, 2002
- ◆ Planning Commission minutes of May 10, 2002
- ◆ Plumbing Board minutes of May 16, 2002
- ◆ Traffic Commission minutes of June 12, 2002
- ◆ Water Commission minutes of May 15, 2002

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

WARD AND COMMITTEE REPORTS:

- ◆ Finance Committee meeting of June 5, 2002
- ◆ Personnel Committee meeting of May 6, 2002
- ◆ Public Safety Committee meeting of May 28, 2002
- ◆ Public Works Committee meeting of May 14, 2002

Street Program Progress -- Aldermen reported on the status of the street program progress in their wards noting that residents will be notified in advance of the work beginning.

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

OLD BUSINESS:

DCJS Study -- Ald. McNeil moved to proceed with the Criminal Justice Services Administrative Study at no cost to the City. Seconded by Ald. Jeffer and duly adopted, ayes all.

NEW BUSINESS:

Appointments -- Mayor Stewart reported the re-appointment of Anthony Caezza, 13 Brown Avenue to the Housing Authority, a five year term expiring June 25, 2007.

Award of Bids

2002 Tree Removal -- Ald. Biviano moved to award the bid for 2002 Tree Removal to the lowest qualified bidder meeting specifications, Quinlan Tree Service, NY in the amount of \$ 6,500 for Item B and \$ 1,600 for Item B1, as recommended by the Pubic Works Committee. Seconded by Ald. Jeffer and duly adopted, ayes all.

Sale of Surplus Property -- Ald. Rabinowitz moved to award the bid for Sale of Surplus Property to the highest qualified bidder meeting specifications, Arlouine M. Conrad of Norwich, NY in the amount of \$500 as recommended by the Finance Committee. Seconded by Ald. Jeffer and duly adopted, ayes all.

Diaphragm Type Metering Pumps -- Ald. Rabinowitz moved to award the bid for Diaphragm Type Metering Pumps to the lowest qualified bidder meeting specifications, JEM Enterprises of Watertown, NY in the amount of \$ 6,534, as recommended by the Pubic Works Committee. Seconded by Ald. Jeffer and duly adopted, ayes all.

RESOLUTION # 45 - 2002.

AUTHORIZING AGREEMENT FOR DCMO BOCES PRINT SHOP SERVICES

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the DCMO BOCES Print Shop Service is a plan of a number of public school districts in the Delaware-Chenango-Madison-Otsego BOCES area in New York, to jointly provide duplicating services through a centralized facility; and

WHEREAS, the City of Norwich is desirous of participating with other governmental entities in the Delaware-Chenango-Madison-Otsego BOCES area in the Service mentioned above as authorized by General Municipal Law, Section 119-o; and

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

RESOLVED, that the Common Council of the City of Norwich hereby appoints the Delaware-Chenango-Madison-Otsego BOCES Print Shop Service to represent it in all matters relating above; and, further be it

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to enter into an agreement with DCMO BOCES Print Shop Service for 2002/2003 to assume its share of the costs for duplicating costs; abide by majority decisions of the participating members; abide by the terms and conditions of the Mutual Sharing Plan of the BOCES Board.

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

RESOLUTION # 46 - 2002.

REALIGNMENT OF POSITIONS WITHIN THE PUBLIC WORKS
DEPARTMENT

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the Personnel and Public Works Committee have made certain recommendations relative to the realignment of various positions in the Department of Public Works; now, therefore be it

RESOLVED, that

1. Cary Grindt of Norwich, NY, be and hereby is promoted from Motor Equipment Operator (MEO) II to Motor Equipment Operator (MEO) I, effective June 19, 2002; and
2. Richard Whittaker of Guilford, NY, be and hereby is promoted from Motor Equipment Operator (MEO) II to Motor Equipment Operator (MEO) I, effective June 20, 2002; and,
3. Harry Myers of Norwich, NY, be and hereby is promoted from Motor Equipment Operator (MEO) II to Motor Equipment Operator (MEO) I, effective June 21, 2002; and,
4. the position of Motor Equipment Operator (MEO) II in the Department of Public Works be and hereby is eliminated, effective June 22, 2002; and, further be it

RESOLVED, that effective June 19, 2002

1. the position of Senior Water System Maintainer be and hereby is eliminated; and
2. a position of General Foreman be and hereby is created combining various duties of the former Senior Water System Maintainer and the Working Foreman positions; and
3. Robert Page of Mt. Upton, NY, be and hereby is appointed to the position of General Foreman.

Seconded by Ald. Jeffer and duly adopted, 5-1 (Ald. McNeil) on a roll call vote.

RESOLUTION # 47 - 2002.

ESTABLISHMENT OF EMPLOYEE BENEFIT ACCRUED
LIABILITY RESERVE FUND

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the labor contract between the City and the Police Benevolent Association provides for retirement benefits under Article 18 which are separate from the State Retirement System; and

WHEREAS, the timing and extent of such benefits could place undue fiscal burden on the City in future years; and

WHEREAS, liabilities for other employee benefits may accrue with similar fiscal impact; and

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

RESOLVED, that the Director of Finance be and hereby is authorized to establish an Employee Benefit Accrued Liability Reserve Fund, as provided under and subject to all provisions of Section 6-p of the General Municipal Law.

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

RESOLUTION # 48 - 2002.

ESTABLISHING TIME AND PROCEDURES FOR TAX AUCTION

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, taxes remain unpaid on several parcels within the City of Norwich from fiscal year 2000; and

WHEREAS, every effort has been made to collect these taxes; and

WHEREAS, Section 220 of the Charter of the City of Norwich and Section 1060 of the New York State Real Property Tax Law authorize the foreclosure against and public sale of these properties for tax enforcement purposes; and

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

RESOLVED, that

1. the following properties be sold at public auction by the Director of Finance:

Property Address	Tax Map Id #	Owner's Last Name
6 Berry Street	136.33-2-12	Lovetro
35 Berry Street	136.33-1-34	Woodard
56-58 Birdsell Street	136.65-3-10	Lovetro
23-25 Delaware Square Rear	136.65-6-19	Lovetro
167 East Main Street	136.51-1-17	Gorski
12 Grove Avenue	136.5-4-8	Lovetro
23 Grove Avenue	136.58-2-5	Lovetro
65 Henry Street	136.47-3-4	Lovetro
33 Hickok Avenue	136.65-7-7	Lovetro
25 King Street	136.39-2-11	Lovetro
96 Silver Street	136.33-1-47	Morse
1 State Street	136.41-1-15	Lovetro
1A State Street	136.41-1-14	Lovetro
5 State Street	136.41-1-12	Lovetro
5A State Street	136.41-1-11	Lovetro
1-3 Steeres Lane	136.5-1-19	Diuro

2. said public auction shall be conducted by sealed bid with all bids being received no later than 3 PM, prevailing time, July 26, 2002, after which time they shall be publicly opened and read; and
3. the Common Council acting through the Director of Finance reserves the right to withdraw from sale any of the above listed properties up to the moment of final sale; and
4. all bids shall be in writing, signed by the bidder, and evidenced by a certified bank check equivalent to ten percent (10%) of the bid amount at the time of the public sale; and
5. the balance of all bids shall be paid to the Director of Finance no later than three (3) business days following notification or certified bank check; and
6. the City will issue only tax or quitclaim deeds; no warranty or guarantee deeds will be issued; also, no abstract of title will be provided, and no deeds will be issued until all elements of the sale are reviewed by the City Attorney; and
7. the Common Council reserves the right to reject any or all bids, and no sale shall be final until approved by the Common Council; and
8. no sale shall be made to an individual or other parties who shall be delinquent in taxes or any other obligations to the City of Norwich, Chenango County or the State of New York; and
9. the Director of Finance shall send courtesy notices through the United States Postal Service to all affected property owners of this resolution stating the amount due, date and time of auction and the urgency of the notice; and
10. affected property owners shall have until three o'clock PM, prevailing time, on July 26, 2002 to redeem their property from public sale by paying their taxes and all associated fees; and
11. all properties acquired through this tax auction and sale must be brought into compliance with all applicable codes within nine months from acquisition unless exceptions or extensions are otherwise authorized by the Common Council; and
12. the City Attorney and the Director of Finance be and hereby are directed to take all other necessary and legal steps to prepare for and conduct such public auction.

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

RESOLUTION # 49 - 2002.

STATEMENT OF OPPOSITION TO LANGUAGE RELATIVE TO
PROPOSED COUNTY LEGISLATION

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the County of Chenango has announced that plans for a new public safety facility would move forward; and

WHEREAS, Chenango County is proposing to increase the state sales tax by one percent to help finance the debt for building such a facility; and

WHEREAS, it has been reiterated by the County that the additional 1% sales tax would be collected solely by Chenango County for application to the corresponding debt and subsequently to the County's capital reserves fund; and

WHEREAS, while the City of Norwich supports the need for a new Chenango County Public Safety facility and recognizes that raising the sales tax is a reasonable means to help finance the debt, the legislation as proposed precludes any sharing of the revenue by the City and Towns; and

WHEREAS, language contained in the proposed legislation further preempts any negotiating by the City of Norwich for a revenue sharing formula, which could have a detrimental financial effect on the City of Norwich and surrounding communities; now therefore be it

RESOLVED, that the City of Norwich affirms its opposition to the legislation as presented; and, further be it

RESOLVED, that this resolution be transmitted to the City’s state legislators and state legislative leadership.

Seconded by Ald. Thornton 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>6/18/02</u>	<u>Grand Total</u>
General Fund	73,325.80	538,958.11	612,283.91
Sewer Fund	9,362.69	3,493.60	12,856.29
Water Fund	11,016.37	6,787.45	17,803.82
Trust	39,132.25	0.00	39,132.25
B.I.D.	2,925.38	0.00	2,925.38
Debt Service	0.00	0.00	0.00
Reserves	0.00	0.00	0.00
Unemployment	0.00	0.00	0.00
C.D.	101,035.00	0.00	101,035.00
EDZ/LDC	0.00	0.00	0.00
Capital Projects	25,319.28	10,106.68	35,425.96
TOTALS	\$262,116.77	\$559,345.84	\$821,462.61

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

Upstate Homes Proposed IRA – The Council discussed the proposed location in an R-1 zone for an Individual Residential Alternative by Upstate Homes for Children and Adults. The Council concurred that the Clerk contact the local realtors to see if there were any sites in an R-2 zone that meet the needs of Upstate Homes and any responses should be brought to the Public Safety Committee meeting on June 25.

Adjournment –Ald. McNeil moved to adjourn at 8:45 PM. Seconded by Ald. Biviano and duly adopted, ayes all.