COMMON COUNCIL

August 20, 2002

Mayor Marylou Stewart presided at a regular meeting of the Common Council held at 7 PM on August 20, 2002, at One Court Plaza.

Present:
Mayor Marylou Stewart
Ald. Gary Clark
Ald. Patrick McNeil
Ald. Robert Rabinowitz
Ald. Jeffrey Thornton
Ald. Sharon Jeffer

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
CD Assistant Wes Pettee
EMO A. Jones
Supervisor James McNeil
Deputy Clerk Donna Russell

Absent:
Ald. Joseph Biviano
Supervisor L. Natoli

-- Ald. Thornton moved to dispense with the reading and approve the minutes of the work session of July 9, 2002 and the regular meeting of June 18, 2002. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Mayor Stewart noted that a presentation by students of the BOCES New Vision Program relative to a riparian buffer has been postponed.

PUBLIC HEARINGS:

Proposed Ordinances to Amend Zoning Ordinance and Map -- Mayor Stewart opened the public hearing at 7:03 PM relative to an ordinance to amend the Zoning Ordinance to create a Museum District Overlay.

Mary Coe, 5A Waite Street, asked what zones were included. She was shown a map of the area and the permitted use table. It was explained that the requirements of the existing zones would have to be met and additional uses in the overlay area would be allowed through the granting of a Special Permit by the Zoning Board of Appeals.

There being no further comments, the Mayor closed the hearing at 7:10 PM and opened the public hearing relative to a proposed ordinance to amend the Zoning Ordinance Map. No one wished to be heard, therefore the Mayor closed the hearing at 7:11 PM.

OPEN FORUM:

-- Mayor Stewart reported that she has received complaints about a storefront on South Broad Street with cigarette butts all over the sidewalk.

-- **Beth Pedersen**, Beebe Avenue, addressed the Council relative to the Americans with Disabilities Act (ADA) and the lack of accessibility to downtown stores. Ms. Pedersen stated she is an advocate for the disabled and would assist with efforts to improve accessibility for the disabled. There was discussion relative to the possibility of obtaining a grant to assist merchants with improvements and it was noted by CD Director Serbin that the City has a program in place to assist merchants.

BIDS:

Filter Media -- One bid was received on August 16, 2002 for Filter Media and is being reviewed by the Public Works Committee.

CORRESPONDENCE:

Feast of St. Bartholomew -- Ald. Clark moved to approve under the direction of the Police Chief, a request from Father Cunningham to hold a procession following St. Bartholomew's 4 PM Mass on August 24 in celebration of the Feast of St. Bartholomew. Seconded by Ald. McNeil and duly adopted, ayes all.

Colorscape Chenango -- Ald. Jeffer moved to approve under the direction of the Police Chief, a request from Colorscape Chenango to designate the annual Colorscape Chenango Festival as a special event on September 7 and 8, 2002. Seconded by Ald. Thornton and duly adopted, ayes all.

-- Prior to the vote, Ald. Thornton asked how involved the Police Department is with the event. Chief Angelino said there would be two to three officers on duty during the day and one at night.

Run for the Arts -- Ald. Thornton moved to approve under the direction of the Police Chief, a request from the Chenango County Council of the Arts to hold the second annual Allegro Run for the Arts fundraising event on May 4, 2003 beginning at 11:30 AM, with the race and walk beginning at 3 PM.

Gus Macker -- Ald. Rabinowitz moved to receive and file correspondence from the YMCA extending thanks to the City for its sponsorship at the seventh annual Gus Macker Three On Three Basketball Tournament held on July 13 and 14, 2002. Seconded by Ald. McNeil and duly adopted, ayes all.

DEPARTMENT, BOARD AND COMMISSION REPORTS:

- Fire Department/Codes monthly report for July, 2002
- Historian monthly report for July, 2002
- Police Department monthly report for July, 2002
- Public Works/Water System monthly report for June and July, 2002
- Records Management monthly report for July, 2002
- Youth Bureau monthly report for June and July, 2002
- Civil Service Commission minutes of June 27, 2002
- Electrical Board minutes of July 8, 2002
- Parks Commission minutes of June 10, 2002
- Planning Commission minutes of July 12 and August 9, 2002
- Plumbing Board minutes of July 18, 2002
- Water Commission minutes of June 19, 2002 and July 17, 2002

-- 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 August 7, 2002
- Personnel Committee meeting of July 1, 2002
- Public Safety Committee meeting of June 25 and July 23, 2002
- Public Works Committee meeting of July 15, 2002

Street Parties -- Ald. Clark reported residents of Ward One are preparing for their street parties.

Ward Four Concerns -- Ald. Thornton reported that concerns in Ward Four have been addressed.

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

NEW BUSINESS:

Change in Bond Counsel -- Ald. Clark moved to approve a change in Bond Counsel from Wilkie Farr & Gallagher to Orrik Herrington and Sutcliffe of New York, NY, as recommended by the Finance Committee. Seconded by Ald. Thornton and duly adopted, ayes all.

Tax Sale Auction -- Ald. Clark moved to reject all bids due to inadequacy of the bid amounts, as recommended by the Finance Committee. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Advertising in the CCAC Magazine -- Ald Rabinowitz moved to approve the use of Community Development funds for Economic Development advertising in the Chenango County Area Corporation quarterly magazine at a cost of $945, as recommended by the Finance Committee. Seconded by Ald. Jeffer and duly adopted, ayes all. Prior to the vote, concern was raised about how many people actually read the magazine.

Hardware/Software Systems Assessment -- Ald Clark moved to pursue negotiation of a comprehensive hardware and software systems assessment on a City-wide basis with independent consultant Barry Strock, as recommended by the Finance Committee. Seconded by Ald. Thornton and duly adopted, 4-1 (Ald. McNeil). Prior to the vote, Ald. McNeil asked where the funds were coming from for the project. Director of Finance Roberts explained the funding and gave an overview of the project.

RESOLUTION # 56 - 2002. APPROVING ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NORWICH

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the Common Council received proposed Ordinance No. 5 of 2002 with revisions on July 16, 2002, such ordinance to amend the Zoning Ordinance of the City of Norwich relative to the Museum District Overlay; and

WHEREAS, a public hearing has been held on August 20, 2002, relative to such ordinance; now, therefore be it

RESOLVED, that Ordinance No. 5 of 2002, an ordinance to amend the Zoning Ordinance of the City of Norwich relative to the Museum District Overlay, as presented to the Common Council on July 16, 2002, be and hereby is approved.

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

RESOLUTION # 57 - 2002. APPROVING ORDINANCE TO AMEND THE ZONING ORDINANCE MAP OF THE CITY OF NORWICH

Ald. Jeffer introduced the following and moved its adoption:

WHEREAS, the Common Council received proposed Ordinance No. 6 of 2002 on July 16, 2002, such ordinance to amend the Zoning Ordinance Map of the City of Norwich relative to the Museum District Overlay; and

WHEREAS, a public hearing has been held on August 20, 2002, relative to such ordinance; now, therefore be it

RESOLVED, that Ordinance No. 6 of 2002, an ordinance to amend the Zoning Ordinance Map of the City of Norwich relative to the Museum District Overlay, as presented to the Common Council on July 16, 2002, be and hereby is approved.

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

RESOLUTION # 58 - 2002. AUTHORIZING TRANSFER FOR UNEMPLOYMENT INSURANCE

Ald. Clark introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of unemployment insurance that exceeded second quarter budget due to higher than usual actual expenses; 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 make the following transfer in the 2002 General Fund Budget:

From:

Account Number	Name	Amount
A1990.4	Contingency	$5,265.00

To:

Account Number	Name	Amount
A9050.8	Unemployment Insurance	$5,265.00

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

RESOLUTION # 59 - 2002. AUTHORIZING TRANSFER FOR REPLACEMENT OF BOILER AT WWTP

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, extensive corrosion has caused the boiler at the Waste Water Treatment Facility to require replacement; and

WHEREAS, funds are required to cover the cost of such replacement; 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 make the following transfer in the 2002 Capital Reserves Fund Budget:

From:

Account Number	Name	Amount
HR42-878	Capital Reserves-Sewer Equipment Fund Balance	$18,000.00

To:

Account Number	Name	Amount
G8130.2100	Wastewater Treatment & Disposal-Equipment	$18,000.00

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

RESOLUTION # 60 - 2002. AUTHORIZING TRANSFER FOR REPLACEMENT OF ELECTRONICS EQUIPMENT

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, cumulative damage to electronics equipment from lightning storms has been incurred at the Waste Water Treatment Facility; and

WHEREAS, funds are required to cover the cost to replace such equipment; 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 make the following transfer in the 2002 Capital Reserves Fund Budget:

From:

Account Number	Name	Amount
HR42-878	Capital Reserves-Sewer Equipment Fund Balance	$5,000.00

To:

Account Number	Name	Amount
G8130.2100	Wastewater Treatment & Disposal-Equipment	$5,000.00

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

RESOLUTION # 61 - 2002. AUTHORIZING TRANSFER FOR POLICE EQUIPMENT PENDING STATE AID REIMBURSEMENT

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the City of Norwich, on April 16, 2002, accepted a grant in the amount of $56,225 through the New York State Division of Criminal Justice Services Local Law Enforcement Block Grant for the purchase of Mobile Data Terminals for each of the City's patrol vehicles; and

WHEREAS, such grant award requires that matching funds be provided by the City of Norwich in the amount of $6,248; and

WHEREAS, State funding is based on reimbursement only which would require advance payment of the project costs; 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 make the following transfer in the 2002 General Fund Budget:

From:

Account Number	Name	Amount
HR21-878	Police Equipment - Capital Reserve Fund Balance	$62,473.00

To:

Account Number	Name	Amount
A3120.2100	Police Department - Equipment	$62,473.00

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

RESOLUTION # 62 - 2002. AUTHORIZING TRANSFER FOR PROFESSIONAL LEGAL SERVICES

Ald. Jeffer introduced the following and moved its adoption:

WHEREAS, the Common Council, on July 9, 2002, approved the appointment of the law firm of Harris Beach, LLP, of Ithaca, NY, to provide professional services as Labor Attorney; and

WHEREAS, funds are required to cover the cost of services to be provided; 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 make the following transfer in the 2002 General Fund Budget:

From:

Account Number	Name	Amount
A1440.4020	Engineering - Contracted Services	$ 10,000.00

To:

Account Number	Name	Amount
A1430.4020	Human Resources - Contracted Services	$ 10,000.00

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

RESOLUTION # 63 - 2002. APPOINTMENT OF WATER SYSTEM METER READER / MAINTAINER POSITION IN THE DEPARTMENT OF PUBLIC WORKS

Ald. Thornton introduced the following and moved its adoption:

WHEREAS, the Personnel and Public Works Committees have made certain recommendations relative to the promotion of an employee from the position of Motor Equipment Operator I (MEO I) to Water System Meter Reader/Maintainer in the Public Works Department; now, therefore be it

RESOLVED, that Daniel Utter of South New Berlin, NY, be and hereby is provisionally promoted to the full-time position of Water System Meter Reader / Maintainer, effective August 21, 2002.

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

RESOLUTION # 64 - 2002. AUTHORIZING SUBMISSION OF 2002 STREETSCAPE GRANT APPLICATION

Ald. Jeffer introduced the following and moved its adoption:

WHEREAS, the City of Norwich, along with the B.I.D. has undertaken a downtown "Streetscape" revitalization project; and

WHEREAS, financial assistance is available to projects involving the development of capital facilities or infrastructure that will help create or retain jobs or business activity within a municipality or region of New York State through the Empire Opportunity Fund (EOF) of the Empire State Development Corporation; and

WHEREAS, the Streetscape project meets the eligibility criteria for making application for such financial assistance; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized to file an application through the Empire Opportunity Fund (EOF) of the Empire State Development Corporation for financial assistance in the amount of $272,050.00 and to take all such actions on behalf of the City as may be necessary in support of such application.

Seconded by Ald. Thornton.

-- Director of Finance Roberts noted a change to the grant amount. Ald. McNeil moved to amend the resolution from $255,150 to $272,050. Seconded by Ald. Thornton and duly adopted, ayes all. Ald. Rabinowitz moved to approve the resolution as amended. Seconded by Ald. Thornton and duly adopted, 5-0, on a roll call vote.

RESOLUTION # 65 - 2002. AUTHORIZING SUBMISSION OF NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Ald. Jeffer introduced the following and moved its adoption:

WHEREAS, the City of Norwich is seeking to develop a strategic plan that will address specific goals and objectives in the downtown area; and

WHEREAS, funding is available to assist with the development of such a plan through the 2002 Technical Assistance Grant Program of the New York State CDBG Small Cities Program; and

WHEREAS, such funding would require a 40 percent match which may be in the form of cash or in-kind services; and

WHEREAS, the City wishes to submit a technical assistance grant application in an amount not to exceed $25,000 to the New York State Governor's Office of Small Cities; and

WHEREAS, the City will meet citizen participation requirements for the filing of such application; and

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

RESOLVED, that the Mayor be and hereby is authorized to file an application for a technical assistance grant in an amount not to exceed $25,000 with the New York State Governor's Office of Small Cities and to take such actions on behalf of the City as may be necessary in support of such application.

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

RESOLUTION # 66 - 2002. CLOSEOUT OF WATER SYSTEM IMPROVEMENTS PROJECT GENERAL CONSTRUCTION CONTRACT

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the bid for General Construction Contract No. CN1-G-00, for 2000 and 2001 Work (Years 1 and 2), of the Water System Improvements USDA Rural Development Project was awarded to J. Coppola Construction of Endicott, NY on April 16, 2000 in the amount of $ 1,033,625.00 for a total project cost of $1,348,902.70 with change orders including the extended contract for Year Three; and

WHEREAS, the general construction portion of the project has been completed; and

WHEREAS, the Public Works and Finance Committees have made certain recommendations; now, therefore be it

RESOLVED, that the General Construction Contract No. CN1-G-00 of the Water System Improvements USDA Rural Development Project be and hereby is closed with final payment made to J Coppola Construction on July 25, 2002; and, further be it

RESOLVED, such close out is contingent upon approval by the USDA – Rural Development – Rural Utility Service (RUS).

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

RESOLUTION # 67 - 2002. AUTHORIZING AGREEMENT FOR PROFESSIONAL SERVICES AND TRANSFER OF FUNDS RELATIVE TO THE 2003 SANITARY SEWER REPLACEMENT PROGRAM

Ald. Jeffer introduced the following and moved its adoption:

WHEREAS, professional services are required for surveying, engineering design, bid documentation and construction services relative to the preparation of 2003 sanitary sewer replacement on Baldwin Avenue and Westcott Street; and

WHEREAS, Delaware Engineering, P.C. has presented a proposal to provide such services; 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 sign an agreement with Delaware Engineering, P.C. for professional services relative to the preparation of 2003 sanitary sewer replacement on Baldwin Avenue and Westcott Street at a cost not to exceed $20,000; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer in the 2002 Capital Reserves Fund Budget:

From:

Account Number	Name	Amount
HR34-878	Capital Reserves-Sewer Mains Fund Balance	$20,000.00

To:

Account Number	Name	Amount
H41-8127.4	2003 Sewer Main Replacement Baldwin Ave and Westcott St	$20,000.00

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

RESOLUTION No. # 68 - 2002. REALLOCATING POSITION OF SUPERINTENDENT OF PUBLIC WORKS TO GRADE 32

Ald. Rabinowitz introduced the following and moved its adoption:

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

RESOLVED, that the position of Superintendent of Public Works be reallocated to Grade 32 of the City Non-Unit Compensation Schedule, effective August 21, 2002.

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

-- Prior to the vote, Ald. McNeil questioned the resolution being presented and stated that at the last meeting there was a vote to remove it from the agenda. It was his understanding that it would not be presented until a complete plan was developed. Mayor Stewart stated that she consulted with the City Attorney as well as NYCOM regarding the resolution being brought up under New Business and was advised that it could be done.

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

	Prepaid	8/20/02	Grand Total
General Fund	96,087.10	70,950.53	167,037.63
Sewer Fund	21,778.27	7,891.38	29,669.65
Water Fund	11,049.78	7,660.55	18,710.33
Trust	50,880.50	0.00	50,880.50
B.I.D.	4,653.89	0.00	4,653.89
Debt Service	121,033.70	0.00	121,033.70
Reserves	0.00	0.00	0.00
Unemployment	0.00	0.00	0.00
C.D.	61,755.00	229.87	61,984.87
EDZ/LDC	16,425.71	0.00	16,425.71
Capital Projects	183,195.79	0.00	183,195.79
TOTALS	**$566,859.74**	**$86,732.33**	**$653,592.07**

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

Adjournment –Ald. McNeil moved to adjourn at 8:02 PM. Seconded by Ald. Jeffer and duly adopted, ayes all.