COMMON COUNCIL

December 17, 2002

Mayor Marylou Stewart presided at a regular meeting of the Common Council held at 7 PM on December 17, 2002, at One Court Plaza.

Present:
Mayor Marylou Stewart
Ald. Gary Clark
Ald. Jeffrey Thornton
Ald. Sharon Jeffer
Ald. Joseph Biviano

Absent:
Ald. Robert Rabinowitz
Supervisor J. McNeil
Supervisor L. Natoli

Also:
Attorney Patrick Flanagan
Director of Finance/City Clerk William Roberts
Police Chief Joseph Angelino
Fire Chief John Tighe
Human Resources Director Deborah DeForest
Public Works Supt. Carl Ivarson
EMO A. Jones
Historian Patricia Scott
Youth Bureau Director Robert Mason
James Cushman
Deputy Clerk Donna Russell

RESOLUTION # 91 - 2002. APPOINTMENT OF JAMES CUSHMAN AS ALDERMAN OF WARD TWO

Ald. Thornton introduced the following and moved its adoption:

WHEREAS, Patrick McNeil has resigned from the office of Alderman for Ward Two of the City of Norwich, effective December 1, 2002, and;

WHEREAS, the Common Council wishes to fill the vacancy pursuant to Section 23 of Title II of the City Charter; and

WHEREAS, James Cushman, residing at 16 Cortland Street, has been nominated to fill the vacancy and to hold office until the first day of January succeeding the next general election held in the City; now, therefore be it

RESOLVED, that James Cushman is hereby appointed to fill the vacancy in the office of Ward Two Alderman until the first day of January succeeding the next general election held in the City of Norwich.

Seconded by Ald. Clark and duly adopted, 3-1 (Ald. Biviano) on a roll call vote. Mr. Cushman was sworn in as Alderman for Ward Two and took his seat with the Common Council.

-- Prior to the vote, Ald. Biviano stated that the City should know where it stands relative to the Camp Building before action is taken on the resolution and discussion ensued.

APPROVAL OF MINUTES:

-- Ald. Jeffer moved to dispense with the reading and approve the minutes of November 19, 2002. Seconded by Ald. Clark and duly adopted, ayes all.

PUBLIC HEARING:

Proposed Ordinance to Amend Certain Water and Sewer Use Rates -- Mayor Stewart opened the public hearing for proposed Ordinance No. 7 of 2002 at 7:10 PM. No one wished to comment. The Mayor closed the hearing at 7:11 PM.

OPEN FORUM: No one wished to be heard.

BIDS: No bids to receive.

CORRESPONDENCE: No correspondence to receive.

DEPARTMENT, BOARD AND COMMISSION REPORTS:

- Fire Department/Codes monthly report for November, 2002
- Historian monthly report for November, 2002
- Police Department monthly report for November, 2002
- Public Works/Water System monthly report for November, 2002
- Records Management monthly report for November, 2002
- Youth Bureau monthly report for November, 2002

- Civil Service Commission minutes of October 24, 2002
- Electrical Board minutes of November 12, 2002
- Planning Commission minutes of November 8, 2002
- Plumbing Board minutes of November 21, 2002
- Water Commission minutes of November 20, 2002
- Youth Board minutes of December 10, 2002
- Zoning Board of Appeals minutes of November 12, 2002

-- Ald. Thornton 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 meetings of November 19 and December 5, 2002
- Public Safety Committee meeting of October 22, 2002
- Public Works Committee meeting of November 18, 2002

- Ald. Clark reported that Ward One is good.
- Ald. Cushman stated that he is pleased to accept the nomination. He noted that Patrick McNeil did an excellent job for Ward Two and he hopes that he can do the seat proud.
- Ald. Thornton reported that concerns from Ward Four have been addressed with the appropriate department heads.
- Ald. Jeffer reported that Ward Five was quiet.
- Ald. Biviano asked if the problem on Delaware Square has been resolved. Attorney Flanagan said he would look into the matter.

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

NEW BUSINESS:

Receive Proposed Local Law -- Ald. Thornton moved to receive a proposed local law to relative to alternate members of the Planning Commission and ZBA and set a public hearing for January 21, 2003, as recommended by the Personnel Committee. Seconded by Ald. Jeffer and duly adopted, ayes all. (5-0).

LOCAL LAW NO. 1 OF 2003

A LOCAL LAW TO AMEND THE ALTERNATE MEMBERS OF THE PLANNING COMMISSION AND ZONING BOARD OF APPEALS ACT

BE IT ENACTED by the Common Council of the City of Norwich, as follows:

Section 1. Sections 2 and 4 of the Alternate Members of the Planning Commission and Zoning Board of Appeals Act be and hereby is amended as follows:

Section 1. Declaration of Policy.

[It is sometimes difficult to maintain a quorum on the planning commission and the zoning board of appeals, because members are ill, on extended vacation or find they have a conflict of interest on a specific matter before such board. In such instances, official business cannot be conducted which may delay or impede adherence to required timelines. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this local law.]

On given occasions, members of the Zoning Board of appeals and Planning Commission may not be able to participate in a meeting because of a non-conflict of interest situation, or are faced with a conflict of interest, which may require the member to recuse himself or herself from taking any part in the discussion or decision on an application or issue. Such instances may make it difficult to obtain a majority of the board to move an action forward or to take final action. In such cases where regular members of such boards are not able to participate, the use of alternate members is hereby authorized pursuant to the provisions of this local law.

Section 4. Authorization/Effect.

A. The Common Council of the City of Norwich, hereby enacts this local law to provide a process for appointing "alternate" members of the planning commission and the zoning board of appeals. These individuals would serve when members are [absent or] unable to participate on an application or matter before the respective commission or board to which they are appointed as an alternate.
B. Three alternate members of the planning commission and three alternate members of the zoning board of appeals shall be appointed by the Mayor, for a term the length of which shall be the same as a regular member. The alternate members shall have all of the responsibilities of a member of the commission or board.

C. The [Mayor] Chairperson of their respective commission or board shall designate on a rotating basis from among the alternate members, an alternate to substitute for a member when such member is unable to participate on an application or matter before the commission or board. When so designated, the alternate member shall possess all the powers of such member of the commission or board. Such designation shall be entered into the minutes of the initial [planning commission] meeting at which the substitution is made.
D. All provisions of state law relating to planning commission and zoning board of appeals member eligibility, vacancy in office, removal, compatibility of offices and service on other commissions and board, as well as any provision on local law relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

Section 2. This local law shall take effect immediately upon filing with the Secretary of State.

SPCA Contract -- Ald. Thornton moved to authorize the Mayor, under the direction of the City Attorney, to sign an Agreement with the SPCA for Animal Shelter Services from January 1, 2003 through December 31, 2003, such agreement to include a fee of $70 for each dog or $100 for a mother dog and puppies under four weeks of age that are presented to the SPCA, as recommended by the Public Safety and Finance Committees. Seconded by Ald. Jeffer and duly adopted, 4-1 (Ald. Biviano). Prior to the vote, Ald. Biviano asked if the amounts were unchanged from last year and Ald. Thornton answered that they were not.

2003 Fiscal Year Spending Procedures -- Ald. Thornton moved that as recommended by the Finance Committee, all capital and equipment expenditures of $5,000 and over, including those already provided for in the budget, should require approvals from the Finance and other appropriate Committees; and further, that registration and related commitments for attendance at conferences (travel and training) would require prior approval by the Mayor. Seconded by Ald. Clark and duly adopted, ayes all. Prior to the vote, Ald. Biviano asked if there was a plan to provide for additional Finance Committee meetings to accommodate for reviewing such expenditures.

Acceptance of Microfilming Grant -- Ald. Clark moved to accept a grant through the Greater Norwich Foundation in the amount of $6,592.00 for microfilming of archival records. Seconded by Ald. Jeffer and duly adopted, ayes all.

Authorize Grant Application -- Ald. Jeffer moved to authorize the submission of a grant application to the NYS Library Division of Library Development for microfilming in the amount of $4,912 at no cost to the City. Seconded by Ald. Clark and duly adopted, ayes all. Ald. Clark commended Historian Patricia Scott for her efforts in pursuit of grant monies for the City.

RESOLUTION # 92 - 2002. APPROVING ORDINANCE TO AMEND CERTAIN WATER AND SEWER USE RATES

Ald. Thornton introduced the following and moved its adoption:

WHEREAS, the Common Council received proposed Ordinance No. 7 of 2002 on November 19, 2002, such ordinance to amend certain water and sewer rates in the City of Norwich; and

WHEREAS, a public hearing has been held on December 17, 2002, relative to such ordinance; now, therefore be it

RESOLVED, that Ordinance No. 7 of 2002, relative to amending certain water and sewer use rates in the City of Norwich, as presented to the Common Council on November 19, 2002, be and hereby is approved.

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

RESOLUTION # 93 - 2002. APPOINTMENT OF FULL TIME FIREFIGHTER

Ald. Jeffer introduced the following and moved its adoption:

WHEREAS, a vacancy exists in the position of full-time firefighter in the Norwich Fire Department; and

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

RESOLVED, that
1. Zachary Minor of Norwich, NY, be and hereby is appointed as a permanent full-time firefighter in the Norwich Fire Department, contingent upon the satisfactory completion of the required physical and psychological examinations; and
2. this resolution shall take effect December 30, 2002.

Seconded by Ald. Clark and duly adopted, 4-1 (Ald. Thornton) on a roll call vote.

-- Prior to the vote, Ald. Thornton noted that he had voted against filling the position and noted he feels that the City needs to look at operating more for less.

RESOLUTION # 94 - 2002. PERMANENT APPOINTMENT OF WATER SYSTEM LEAD OPERATOR

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, effective April 17,2002, Michael Simons was provisionally promoted to the full-time position of Water System Lead Operator, pending completion of civil service exam requirements; and

WHEREAS, Mr. Simons is now eligible for a permanent appointment based on the result of his Civil Service Exam; now, therefore be it

RESOLVED, that Michael Simons of New Berlin, NY, be and hereby is appointed to a permanent full-time position of Water System Lead Operator.

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

RESOLUTION # 95 - 2002. APPOINTMENT OF WATER SYSTEM METER READER / MAINTAINER POSITION IN THE DEPARTMENT OF PUBLIC WORKS

Ald. Jeffer introduced the following and moved its adoption:

WHEREAS, the Personnel and Public Works Committees have made certain recommendations relative to the appointment of an employee to the position of Water System Meter Reader/Maintainer to in the Public Works Department; now, therefore be it

RESOLVED, that, effective December 30, 2002, Ralph Simons of New Berlin, NY, be given a three month temporary appointment to the position of seasonal laborer; and, further be it

RESOLVED, that Ralph Simons of New Berlin, NY, be and hereby is provisionally appointed to the full time position of Water System Meter Reader/Maintainer, effective upon receipt of a Grade D Water Distribution Operator Certificate, to be issued no later than April 30, 2003; 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 # 96 - 2002. AUTHORIZING ACCEPTANCE OF NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT FOR MUSEUM DISTRICT REVITALIZATION PROJECT

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the Common Council, on March 19, 2002, authorized the submission of an application for a Small Cities Community Development Block Grant through the NYS Governor's Office for Small Cities relative to the City's Museum District Revitalization Project; and

WHEREAS, notification has been received from the Governor's Office for Small Cities that the City of Norwich has been awarded a grant in the maximum amount of $750,000, therefore be it

RESOLVED, that the Mayor be and hereby is authorized to sign, under the direction of the City Attorney, a grant award agreement with the New York State Governor's Office of Small Cities in the maximum amount of $750,000, relative to the City of Norwich Museum District Revitalization Project.

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

RESOLUTION # 97 - 2002. AMENDING HEALTH INSURANCE RELATIVE TO PRESCRIPTION DRUG RIDER

Ald. Thornton introduced the following and moved its adoption:

WHEREAS, the Personnel and Finance Committees have made certain recommendations relative to the City's Health Insurance Prescription Drug Rider as it relates to regular non-unit employees; now, therefore be it

RESOLVED, that, effective January 1, 2003, regular non-unit employees shall be issued prescription cards with a co-payment of $5 for generic drugs; $15 for preferred brand drugs; $30 for non-preferred brand drugs.

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

-- Prior to the vote, Ald. Biviano asked what savings would result in the action. HR Director DeForest stated that for the 17 to 19 employees affected by the resolution, the savings would be approximately $25,000.

It was noted that the Mayor and Aldermen are included with the affected number and that the matter would receive ongoing review.

<u>RESOLUTION # 98 - 2002</u>. AUTHORIZING 2003 COMPENSATION PAYMENT

Ald. Thornton introduced the following and moved its adoption:

WHEREAS, the Personnel and Finance Committees have made certain recommendations relative to 2003 compensation for regular non-unit employees; now, therefore be it

RESOLVED, that City of Norwich regular non-unit employees shall receive a two percent (2 %) one-time compensation payment for calendar year 2003 to be paid with the first payroll of January, 2003.

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

-- Prior to the vote, it was clarified that the action does not include the Mayor and Aldermen who would receive no additional compensation in 2003.

<u>RESOLUTION # 99 - 2002</u>. DESIGNATING THE COMMON COUNCIL AS 'LEAD AGENCY' FOR THE ENVIRONMENTAL REVIEW PROCESS RELATIVE TO THE BORDEN AVENUE WATER AND SEWER SERVICE EXTENSION

Ald. Thornton introduced the following and moved its adoption:

WHEREAS, the City of Norwich was awarded a 2002 Small Cities Community Development Comprehensive Block Grant for its Museum District Revitalization Project, which includes the extension of water and sewer service to industrial properties on Borden Avenue, as described in a Short Environmental Assessment Form dated December 11, 2002, and

WHEREAS, said project is subject to an environmental review as outlined in 6 NYCRR Part 617, the Administrative Rules and Regulations of the State of New York (hereinafter "the Rules"), prepared and adopted pursuant to Section 8-0113 of the Environmental Conservation Law to implement provisions of the State Environmental Quality Review Act (SEQR), and

WHEREAS, part 617.3 of the Rules require the designation of a "Lead Agency" for each project and Part 617.6 of the Rules govern the determination of lead agency status, and

WHEREAS, the City of Norwich, in a letter dated December 13, 2002, advised other involved/interested agencies of its intentions to be lead agency pursuant to the Rules, and

WHEREAS, no challenge to the City of Norwich was made or received by any qualified agency within the comment period; now, therefore be it

RESOLVED, that the Common Council hereby designates itself "Lead Agency" for the environmental review of the extension of water and sewer service to industrial properties on Borden Avenue, as set forth in the City's letter of intent to interested parties on December 13, 2002.

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

<u>RESOLUTION # 100 - 2002</u>. DESIGNATING THE COMMON COUNCIL AS 'LEAD AGENCY' FOR THE ENVIRONMENTAL REVIEW PROCESS RELATIVE TO THE NORWICH SHOE FACTORY DEMOLITION

Ald. Thornton introduced the following and moved its adoption:

WHEREAS, the City of Norwich was awarded a 2002 Small Cities Community Development Comprehensive Block Grant for its Museum District Revitalization Project, which includes the demolition of the Norwich Shoe Factory, as described in a Short Environmental Assessment Form dated December 11, 2002, and

WHEREAS, said project is subject to an environmental review as outlined in 6 NYCRR Part 617, the Administrative Rules and Regulations of the State of New York (hereinafter "the Rules"), prepared and adopted pursuant to Section 8-0113 of the Environmental Conservation Law to implement provisions of the State Environmental Quality Review Act (SEQR), and

WHEREAS, part 617.3 of the Rules require the designation of a "Lead Agency" for each project and Part 617.6 of the Rules govern the determination of lead agency status, and

WHEREAS, the City of Norwich, in a letter dated December 13, 2002, advised other involved/interested agencies of its intentions to be lead agency pursuant to the Rules, and

WHEREAS, no challenge to the City of Norwich was made or received by any qualified agency within the comment period; now, therefore be it

RESOLVED, that the Common Council hereby designates itself "Lead Agency" for the environmental review of the demolition of the Norwich Shoe Factory, as set forth in the City's letter of intent to interested parties on December 13, 2002.

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

-- Prior to the vote, Ald. Biviano stated that he recommends that the long environmental review form be used for this project as it is an unclear area. Mayor Stewart said that a short environmental form is required at this time and noted the primary concern is designating the lead agency. She also stated that she met with the DEC at the site earlier that day.

RESOLUTION # 101 - 2002. CITY/COUNTY TAX LEVY FOR 2003

Ald. Thornton introduced the following and moved its adoption:

WHEREAS, the taxes levied by Chenango County for collection by the City of Norwich during 2003 total $ 2,023,302.16, and

WHEREAS, the budget of the City of Norwich for the year 2003 has been duly adopted and the amount to be raised by taxes is $ 1,614,019.00 and the amount of special assessments and other total $ 55,501.64, for a total City levy of $ 1,669,520.64; now, therefore be it

RESOLVED, that said taxes totaling $ 3,692,822.80 are hereby levied against the real property of the City of Norwich. The Director of Finance is hereby directed to extend said tax against the property listed in the assessment roll of the City of Norwich. The Mayor is hereby authorized to execute and issue to the Director of Finance the tax warrant for the collection of the above-mentioned taxes.

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

Electricity Usage -- Ald. Biviano reported the Public Works Committee reviewed a proposal from Advantage Energy regarding savings on electric usage. DPW Supt. Ivarson said he would be distributing information to the Council members.

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

	Prepaid	12/17/02	Grand Total
General Fund	85,390.19	89,708.18	175,098.37
Sewer Fund	42,586.32	2,465.84	45,052.16
Water Fund	9,908.78	5,618.78	15,527.56
Trust	50,002.33	0.00	50,002.33
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.	80,164.00	3,415.00	83,579.00
EDZ/LDC	34,563.00	0.00	34,563.00
Capital Projects	14,592.20	9,026.44	23,618.64
TOTALS	**$317,206.82**	**$110,234.24**	**$427,441.06**

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

Executive Session – Ald. Clark moved to go into executive session at 7:45 PM to discuss contract negotiations. Seconded by Ald. Cushman and duly adopted, ayes all.

-- Ald. Thornton moved to go out of executive session at 8:25 PM. Seconded by Ald. Jeffer and duly adopted, ayes all.

Adjournment –Ald. Thornton moved to adjourn at 8:30 PM. Seconded by Ald. Jeffer and duly adopted, ayes all.