

Special COMMON COUNCIL

May 1, 2006

Mayor Robert Raphael presided at a special meeting of the Common Council held at 7:40 PM on May 1, 2006 at One Court Plaza.

Present:

Mayor Raphael
Ald. Terry Bresina
Ald. Walter Schermerhorn
Ald. Joseph Maiurano
Ald. Robert Jeffrey
Ald. Suzanne Williams
Ald. A. Abraham

Also:

Dir. of Finance/City Clerk, William Roberts
Human Resources Director Deborah DeForest
Police Chief Joseph Angelino
Fire Chief John Tighe
Carl Ivarson, Public Works Superintendent
Youth Bureau Director Bob Mason
Todd Dreyer, Planning & CD Specialist
Deputy Clerk Darlene Colaso

Call to Order: The meeting was called to order at 7:40 by Mayor Robert Raphael.

Motion

City of Norwich Imposing a 365 (three-hundred-sixty-five) Day Moratorium on Construction, Placement or Permitting of High Voltage Transmission Systems

Ald. Maiurano **moved** to receive proposed local number 1 of 2006, and set a public hearing for May 9th at 7:00 p.m. to hear comments in regard to the City of Norwich Common Council Imposing a 365 (three-hundred-sixty-five) Day Moratorium on Construction, Placement or Permitting of High Voltage Transmission Systems. Seconded by Ald. Williams and duly adopted, ayes all.

City of Norwich Local Law No. 1 of the year 2006

A LOCAL LAW OF THE CITY OF NORWICH IMPOSING A 365 (THREE-HUNDRED-SIXTY-FIVE) DAY MORATORIUM ON CONSTRUCTION, PLACEMENT OR PERMITTING OF HIGH VOLTAGE TRANSMISSION SYSTEMS

Be it enacted by the _____ Common Council _____ of the

City of _____ **Norwich** _____ as follows:

SECTION 1. INTENT

Pursuant to the statutory powers vested in the City of Norwich (hereinafter "City") to regulate and control land use, and to protect the health, safety and general welfare of the residents of the City, the City is in the process of studying among other things the City's current land use patterns, to make recommendations for amending the Zoning Ordinance to accurately reflect these findings, with anticipated adoption in the spring of 2007. As a result, in order to provide standards for the safe provision of High Voltage Transmission Systems consistent with applicable Federal and State regulations, and to protect the natural features and aesthetic character of the City and its physical and visual environment, particularly as they impact its economic viability, and in keeping with the City of Norwich Comprehensive Plan adopted in December 2003, the City of Norwich Common Council hereby declares and imposes a three hundred sixty-five (365) day moratorium on the construction, placement, establishment, erection and enlargement of High Voltage Transmission systems or components, including but not limited to towers and facilities (hereinafter collectively referred to as "HV Transmission Systems") in the City.

The City of Norwich Common Council (hereinafter “Common Council”) hereby finds and determines that:
The rapidly changing technology and the location of current electrical substations, along with the demands on the current electrical power supply in the lower Hudson Valley, Long Island and New York City indicate that applications for construction and placement of HV Transmission Systems may soon be received by the City. The integration of these HV Transmission Systems within the City’s existing pattern of predominantly residential, recreational, and agricultural land use emphasizes the need for suitable land use standards and controls with reference to HV Transmission Systems. The Common Council desires to address, in a careful manner, the site preparation, construction, placement, establishment, erection and enlargement (hereinafter collectively referred to as “Siting”) of HV Transmission Systems on a City-wide basis, rather than on an ad-hoc basis, and to adopt a comprehensive local law to specifically regulate the same. The Common Council needs to have the time period prescribed by this local law in order to further study, in a careful manner, the issues described herein above, and to be in a position to adopt a comprehensive local law relating to HV Transmission Systems and the Siting thereof.

SECTION 2. SCOPE AND CONTROLS

- A. During the effective period of the moratorium imposed by this local law:
 - 1. The Common Council shall not grant any approvals, which would have as an objective the Siting of any HV Transmission System within the City.
 - 2. The City of Norwich Planning Board or Zoning Board of Appeals shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit, or other permit or application which would have as an objective the Siting of any HV Transmission Systems within the City.
 - 3. The City Building and Code Enforcement Officer or Inspector shall not issue any permit, which would result in the Siting of any HV Transmission System within the City.
- B. The City of Norwich reserves the right to direct the City Building and Code Enforcement Officer or Inspector to revoke or rescind any permits or certificates of occupancy issued in violation of local law.

SECTION 3. NO CONSIDERATION OF NEW APPLICATIONS

No application for Siting of HV Transmission Systems affected by this local law or for approvals for subdivision, site plan, variance, special use permit or other permits or applications relating to HV Transmission Systems shall be considered by any board, officer or agency of the City while the moratorium imposed by this local law is in effect.

SECTION 4. TERM

The moratorium imposed by this local law shall be in effect for a period of three hundred sixty-five (365) days from the effective date of this local law.

SECTION 5. PENALTIES

Any person, firm or corporation who shall engage in the siting of HV Transmission Systems in violation of the provisions of this local law or shall otherwise violate any of the provisions of this local law shall be subject to:

- A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules or regulations of the City for violations: and/or
- B. Injunctive relief in favor of the City to cease any and all such actions which conflict with, or are in violation of, this local law, and if necessary to remove any HV Transmission Systems or Siting which may have taken place in violation of this local law.

SECTION 6. VALIDITY

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law, which can be given effect without such invalid provision.

SECTION 7. HARDSHIP

- A. Should any owner of property within the City or other applicant affected by this local law suffer an unnecessary hardship in the way of carrying out the stricter letter of the law, then the owner of said property or applicant may apply to the Common Council in writing for a variation from strict compliance with this local law upon submission of proof of such unnecessary hardship. For purposes of this local law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special use permit, site plan, subdivision, or other permit or application during the period of the moratorium imposed by this local law.
- B. Procedure: Upon submission of a written application to the Common Council by the property owner or applicant seeking a variation of this local law, the Common Council shall, within thirty (30) days of receipt of said application, schedule a public hearing on said application upon five (5) days written notice in the official newspaper of the City. At said public hearing the property owner, applicant and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard. The Common Council shall, within fifteen (15) days of the close of said public hearing render its decision either granting or denying the application for a variation from the strict requirements of this local law. If the Common Council determines that a property owner or applicant will suffer an unnecessary hardship if this local law is strictly applied to a particular property, then the Common Council shall vary the application of this local law to the minimum extent necessary to provide the property owner or applicant relief from strict compliance with this local law.

SECTION 8. EFFECTIVE DATE

This local law shall take effect immediately when it is filed in the office of the Secretary of State of the State of New York in accordance with the provisions of Section 27 of the Municipal Home Rule Law.

Executive Session

Ald. Maiurano **moved** to go into executive session at 7:43 P.M for the purpose of discussing labor negotiations. Seconded by Ald. Bresina and duly adopted, ayes all.

Ald. Abraham **moved** to exit executive session at 8:52 P.M. Seconded by Ald. Maiurano and duly adopted, ayes all.

Adjournment

Ald. Jeffrey **moved** to adjourn at 8:52 PM. Seconded by Ald. Maiurano and duly adopted, ayes all.