

COMMON COUNCIL

February 13, 1990

Mayor Chomyszak presided at a regular meeting of the Common Council held at 7 p.m. on February 13, 1990, at the Higley Building.

Present:

Mayor Marjorie Chomyszak
Ald. Hartley Ackley
Ald. Patrick McNeil
Ald. Herbert Horovitz
Ald. Kenneth Titus
Ald. Roland Guinn
Ald. Charles Angelino

Also:

CD Director/Clerk Jody Zakrevsky
Chamberlain Harold Hutton
Attorney James Cushman
DPW Director Neil Beebe
Fire Chief Mark Rice
Water Board Chairman Albert Sullivan
Codes Enforcement Officer Gary Lackos
Police Chief Gary Follett
Asst. Police Chief Richard Whiting
Water/Waste Water Supt. Peter Andrews
Highway Supt. Joseph Loscavio
Supervisor John Dolan

Ald. Horovitz moved to dispense with the reading and approve the minutes of January 23, 1990. Seconded by Ald. Guinn and duly adopted, ayes all.

PUBLIC HEARING:

Mayor Chomyszak opened the public hearing regarding proposed Ordinance No. 1 of 1990.

-- Varley Gibson, 17 Howard Street, stated he thinks it is outrageous that campers will have to pay \$5 for each visit because one almost never has more than 10 gallons when returning from a trip because most campers never travel on a full tank of sewage. Mr. Gibson asked if the plant will be open on Sunday, noting most campers return from their trip on Sunday.

-- June Monk, 49 Canasawacta Street, added that she did not feel city residents should have to pay the fee since they already pay taxes. She also questioned who would have to pay.

-- Jim Thompson, said city residents already pay sewer rent with their water bill and they should not be charged twice.

-- Barb Clesse, Francis Avenue, said there are many elderly campers on fixed incomes who cannot afford a \$5 charge for each visit to the sewer plant. Ms. Clesse said if there must be a fee, the possibility of using a permit system with an annual fee should be explored.

-- Water Board Chairman Albert Sullivan said, according to state and federal regulations, anyone who dumps at the sewage plant will pay. He said the charge to campers has nothing to do with the amount of sewage dumped. He said there are costs associated with attendants who have to be present when the camper is dumping. Chairman Sullivan explained how the \$5 fee was arrived at. He said the hourly rate of an attendant including fringe benefits is approximately \$20, and therefore, if it takes a camper 15-20 minutes to dump, the cost of labor to service each camper would be \$5. Chairman Sullivan said if the camper does not pay for the service, everyone paying a sewer bill will have to pay. Chairman Sullivan said there are no plans to hire an additional employee for the weekend. He said the Board is looking into coordinating the Sunday bed check with having an attendant available for campers.

-- Ron Slater, president of the Chenango County Camping Club, suggested that campers be allowed to drive up and dump without an attendant as they have done at the old plant. DPW Director Neil Beebe said the old plant was a different type of system and did not need to be monitored. He said the

new plant contains a biological system in which even a gallon of the wrong chemical could be disastrous to the plant.

-- Stan Prusik, 30 Eric Street, stated he believed the people who are creating the increased cost should have to pay for it. Those residents who don't have campers shouldn't have to pay for those who do.

-- Robert Robinowitz, Hillview Drive, agreed that not everyone should bear the cost. He also stated that out of City residents should pay more.

-- Ald. Horovitz stated that the campers are just asking for a fair price and will the plant be available to them on Sunday evening.

-- It was the consensus of the campers present that the best time for the plant to be open on Sunday would be from the hours of 4 p.m. to 9 p.m.

There being no further discussion, Mayor Chomyszak closed the hearing.

OPEN FORUM:

-- Planning Commission member Robert Rabinowitz reported on the parking study meeting. He said the group did some brainstorming on the subject and noted the Business Improvement District would also be meeting later in the week. He said another meeting is scheduled for March 5.

-- Joseph Biviano, said he went to the Chamberlain's office last week, requested a copy of the minutes, and was told he would have to fill out a freedom of information request form. Mr. Biviano had also requested a resolution regarding the agreement with Benedicts.

Chamberlain Hutton noted the employee who gave Mr. Biviano the information was a temporary employee who was not familiar with the procedure. Chamberlain Hutton said he referred Mr. Biviano to the Clerk's office.

Clerk Zakrevsky said he explained to Mr. Biviano that at that time the minutes were not yet printed and there was no resolution regarding Benedicts. He said there had been a motion to accept a proposal that was outlined in a letter from Mr. deCordova and offered Mr. Biviano a copy of the letter when he was in his office. Mr. Biviano said a copy of the letter should be attached to the minutes.

Mr. Biviano said he could not see where the City taxpayer will benefit from the agreement with Mr. deCordova. Mayor Chomyszak said the City taxpayer will not win or lose with the proposal. She said the gain will be cooperation between the Town and the City. Mayor Chomyszak did note that in coming to this agreement, the City has avoided two law suits and had taken steps to protect its water supply.

Ald. Guinn said the concern is to get the City and the Town talking and this could be a stepping stone.

Ald. Ackley said no authorization was given to increase the amount of the loan to Mr. deCordova. He said a committee must first give approval.

CD Director/Clerk Zakrevsky said there are four components to the proposal with Mr. deCordova, including \$275,000 for purchase of the property, a minimum relocation allowance of \$10,000, and a low interest loan which is dependent on whether Mr. deCordova can meet HUD criteria (based on number of employees, retained jobs, and jobs created). He noted these three components are the same as in the 1987 agreement with the exception of an increase in the loan for new employees. The fourth item, which is separate, is the sewer and water issue.

BIDS:

-- Clerk Zakrevsky reported bids were received for Tree Removal, Heavy Duty One-Ton Chassis, Two Wheel Drive Pickup Truck, and MSA Breathing Apparatus Update Kits.

CORRESPONDENCE:

-- Ald. Guinn moved to receive and file the memo from the City Planning Commission regarding a Planned Use Development application for 44 West Main Street. Seconded by Ald. Titus and duly adopted, ayes all.

DEPARTMENT, BOARDS AND COMMISSION REPORTS:

-- Clerk Zakrevsky reported the following reports were received:

- Plumbing Board of December 20, 1989 and January 17, 1990
- Electrical Board of December 21, 1989
- 1989 Fire Department annual report
- Police Department monthly report for January 1990
- Codes Enforcement monthly report for January 1990

WARD AND COMMITTEE REPORTS:

-- Ald. Guinn reported the Personnel Committee met on January 24 and will meet again on February 15 at 7 p.m. at City Hall.

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

OLD BUSINESS:

-- Clerk Zakrevsky reported the bid for demolition of building will have to be re-bid. He said the County will accept the debris, but it must be separated. Mr. Zakrevsky said the low bidder felt he could meet the bidding requirements but there would be extra costs in time because of the security of the building and the substantial amount of junk left in the building.

-- Mayor Chomyszak reported an insurance check for \$6,500 was received from the Stott Agency for the boiler that exploded. The Mayor sent a letter of appreciation of service to Richard Mirabito of the Stott Agency for his extra effort in following through with the incident.

NEW BUSINESS:

-- Ald. Angelino moved to award the following bids to the low bidder meeting specifications, as recommended by the Public Works Committee:

1990 Fuel Oil to Mirabito Fuel Company of Norwich for \$.7985 per gallon, escalating.

1990 Tree Removal to Central New York Tree Experts of Brookfield, NY for \$8,858.

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

RESOLUTION #6 - 1990. AUTHORIZING MAYOR TO ENTER INTO AN AGREEMENT WITH
THE BENEDICT CORPORATION TO WATER AND WASTE WATER
SERVICES

Ald. Guinn introduced the following and moved its adoption:

WHEREAS, in accordance with Local Law No. 1 of 1988 adopted on April 12, 1988, the Board of the Waste Water Commission, with approval of the Common Council, may contract with and sell to any person, firm or corporation without the limits of said City for the purpose of supply of sewage system services, at such prices and on such conditions as the Board shall determine; and

WHEREAS, in accordance with Local Law No. 2 of 1988 adopted on April 12, 1988, the Board of the Water Commission, with approval of the Common

Council, may contract with and sell to any person, firm or corporation without the limits of said City, right to make connection with the distributing pipes of said City for the purpose of drawing water therefrom, at such prices and on such conditions as the Board shall determine; and

WHEREAS, in accordance with Local Law No. 1 of 1989 adopted on May 9, 1989, the Board of Water Commissioners and the Waste Water Treatment Commission were merged, and

WHEREAS, on June 26, 1989 the Board of Water Commissioners agreed in principal, subject to approval by the Common Council, the supply of water and sewer services for the property immediately adjacent to the northern City line west of New York State Route 12 under option to the Super 8 Motel and to the Benedict Corporation or deCordova property at the southwest corner of New York State Route 23 and Chenango County Route 32; and

WHEREAS, the Common Council on January 23, 1990 indicated it was in agreement with the sale of such services, now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized, with the approval of the City Attorney, to enter into an agreement with the Benedict Corporation to provide water and waste water services to the Benedict Corporation in the specified area as designated by the Board of Water Commissioners.

Seconded by Ald. Titus and duly adopted 5-1 (Ald. Ackley) on a roll call vote.

-- Prior to the vote, Ald. Guinn asked Water Board Chairman Albert Sullivan when the lines are installed if the Water Board will have control over any requests for hookup to those lines. Chairman Sullivan said there can be no hookups without authorization by the Water Board.

RESOLUTION #7 - 1990. AMENDING RESOLUTION DETERMINING OFFER OF JUST
COMPENSATION FOR BENEDICT CORPORATION REALTY

Ald. Titus introduced the following and moved its adoption:

WHEREAS, the City of Norwich, adopted Resolution #87 of 1988 which provided for in accordance with section 303 of the Eminent Domain Procedure Law, the City to make an offer of just compensation to Peter deCordova in the amount of \$197,500 and that the same was to be paid to him upon the entry of Court Order authorizing the City to file the acquisition map to premises known as 8 Hayes Street and 20-22 South Broad Street, and

WHEREAS, such funds were paid to him in accordance with section 303 of the Eminent Domain law, and

WHEREAS, Peter deCordova, in accordance with the Eminent Domain Law of the State of New York did file for additional compensation for the loss of his property and the disruption of his business, and

WHEREAS, the City had signed an agreement with Peter deCordova on August 23, 1989 setting forth the terms and conditions whereby Peter deCordova could rent 8 Hayes Street and 20-22 South Broad Street and

WHEREAS, Peter deCordova has agreed to accept a sum of \$275,000 as just compensation for former property, a loan of \$200,000 to assist him in the retention of his business in the general city area and a lump sum payment pursuant to Federal guidelines for relocation of his business; and

WHEREAS, to avoid the necessity of proceeding with the acquisition of said premises pursuant to the Condemnation Laws of the State of New York and the attendant cost, delay and uncertainties to both parties; now, therefore be it

RESOLVED, that the Common Council does hereby amend its prior resolution #87 of 1988 to raise its offer of just compensation for the acquisition of the premises known as 8 Hayes Street and 20-22 South Broad Street from the sum of \$197,500 to the sum of \$275,000 and said offer of just compensation is hereby established to be \$275,000, and further be it

RESOLVED, that the Mayor be, and hereby is authorized under the direction of the City Attorney to accept such offer of the former owner and to act on behalf of the City in all matters consistent with the offer and acquisition.

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

-- Prior to the vote, Ald. Ackley said he disapproves of making an agreement prior to working out the details.

ORDINANCE NO. 2

OF 1990

AN ORDINANCE TO AMEND AN ORDINANCE AUTHORIZING PARTIAL EXEMPTION OF CERTAIN REAL PROPERTY OWNED BY PERSONS SIXTY-FIVE YEARS OF AGE AND OVER IN THE CITY OF NORWICH

BE IT ORDAINED by the Common Council of the City of Norwich, New York, as follows:

Section 1. Paragraph (a) of Section 1 of An Ordinance Authorizing Partial Exemption from Taxation of Certain Real Property Owned by Persons in the City of Norwich, as adopted on May 7, 1967, and as amended on March 23, 1971, March 27, 1973, February 25, 1975, December 28, 1976, January 10, 1978, January 23, 1979, February 12, 1980, February 24, 1981, {and} June 14, 1983, and February 28, 1989, be and hereby is amended to reflect an exemption formula provided for pursuant to Section 467.1(b) of the state Real Property Tax Law, as follows:

(a) The income of the owner or the combined incomes of the owners of such property did not exceed the following sum for the stated exemption for the twelve consecutive months immediately preceding the date of making application for such exemption:

Income	Exemption
Up to \$9,200	50 percent
Over \$9,200 but less than { \$9,700 } <u>\$9,800</u>	45 percent
Over { \$9,700 } <u>\$9,800</u> but less than { \$10,200 } <u>\$10,400</u>	40 percent
Over { \$10,200 } <u>\$10,400</u> but less than { \$10,700 } <u>\$11,000</u>	35 percent
Over { \$10,700 } <u>\$11,000</u> but less than { \$11,200 } <u>\$11,600</u>	30 percent
Over { \$11,200 } <u>\$11,600</u> but less than { \$11,700 } <u>\$12,200</u>	25 percent
Over { \$11,700 } <u>\$12,200</u> but less than { \$12,200 } <u>\$12,800</u>	20 percent

Where title is vested in either the husband or the wife, their combined income did not exceed such sum. The word "income" includes social security and retirement benefits, interest dividends, net rentals, salary earnings, and income from self-employment, but does not include gifts and inheritances.

New material is underlined; {bracketed} material is deleted.

Section 2. This ordinance shall take effect immediately.

ORDINANCE NO. 3

OF 1990

AN ORDINANCE TO AMEND THE ZONING ORDINANCE MAP

BE IT ORDAINED by the Common Council of the City of Norwich, New York, as follows:

Section 1. The City of Norwich Zoning Ordinance Map is hereby amended to reclassify the property located at 44-48 West Main Street (C.T.M. 136.55-1-14), formerly known as Anderson Motors from R-2 (Single Family to Multiple Family Residential District) to a Planned Use Development zone.

Section 2. This ordinance shall take effect immediately.

-- Ald. Guinn moved to receive Ordinance No. 2 of 1990 and Ordinance No. 3 of 1990 and set public hearings for February 27, 1990. Seconded by Ald. Titus and duly adopted, ayes all.

RESOLUTION #8 - 1990. APPROVING ORDINANCE RELATIVE TO SEWER USE RATES

Ald. Horovitz introduced the following and moved its adoption:

WHEREAS, the Common Council received proposed Ordinance No. 1 of 1990 on January 23, 1990, such ordinance establishing sewer rates in the City of Norwich for local septage waste haulers and mobile camper owners; and

WHEREAS, a public hearing has been held on February 13, 1990, relative to such ordinance; now, therefore be it

RESOLVED, that Ordinance No. 1 of 1990 relating to the establishment of sewer rates relative to local septage waste haulers and mobile camper owners, as presented to the Common Council on January 23, 1990, be and hereby is approved.

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

-- Prior to the vote, Ald. Guinn said we should try to lower the rate for city residents.

Water Board Chairman Sullivan said the Water Board will look at how to come up with a permit method for city residents and will report back to the Council in a month.

RESOLUTION #9 - 1990. AUTHORIZING SETTLEMENT OF ARTICLE 7 ASSESSMENT CASE

Ald. Guinn introduced the following and moved its adoption:

WHEREAS, a certain assessment review action has been filed against the City of Norwich pursuant to Article 7 of the State Real Property Tax Law; and

WHEREAS, the City Attorney has negotiated a tentative settlement of such case; now, therefore be it

RESOLVED, that the Common Council does hereby approve the recommendation of the City Attorney to settle the following case having been brought against the City of Norwich pursuant to Article 7 of the Real Property Tax Law, subject to final details of the tentative settlement being worked out by the City Attorney and the attorney for the petitioner:

-- Sally C. Chirlin, Linda Clintsman, and Gail Markham, R.D.#3,
Norwich, New York, Tax Map No. 136.31-2-16.1.

Seconded by Ald. Angelino and duly adopted, ayes all on a roll call vote.

RESOLUTION #10 - 1990. AUTHORIZING AGREEMENT WITH JAMES SUOZZO FOR DESIGN
OF KURT BEYER POOL RECONSTRUCTION

Ald. Guinn introduced the following and moved its adoption:

WHEREAS, the Parks Commission has reviewed the need to immediately begin designs for the reconstruction of the Kurt Beyer Pool; and

WHEREAS, initial work on the filtration system must begin immediately as to allow certain improvements to be completed before the opening of the pool for the 1990 season; and

WHEREAS, James Suozzo, P.E., has advised the City that he has the technical capacity to undertake the project immediately; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized to enter into an agreement with James Suozzo for professional services associated with the design, bidding and inspection of the Kurt Beyer Pool reconstruction project in Beyer Pool Park in the City of Norwich.

Seconded by Ald. Horovitz.

-- Ald. Guinn moved to table the resolution until a proposal is presented by Mr. Suozzo. Seconded by Ald. Titus and duly adopted, ayes all.

RESOLUTION #11 - 1990. AWARDING BIDS AND AUTHORIZING EXPENDITURES FOR A **amended*
ONE-TON TRUCK CHASSIS AND A TWO-WHEEL DRIVE PICKUP *2/27/90*
TRUCK

Ald. Titus introduced the following and moved its adoption:

WHEREAS, bids have been received for a 1990 Heavy Duty One-Ton Truck Chassis and a 1990 Two Wheel Drive Pickup Truck, and

WHEREAS, the Public Works Committee has recommended purchase of the 1990 Heavy Duty One-Ton Truck Chassis to Smith Norwich, Inc. of Norwich, NY, being low bidder meeting specifications, and

WHEREAS, the Public Works Committee has recommended purchase of the 1990 Two Wheel Drive Pickup Truck to Smith Norwich, Inc. of Norwich, NY, being low bidder meeting specifications, and

WHEREAS, funds for such purchases are available from the Highway Equipment Reserve Fund; now, therefore be it

RESOLVED, that the bid of Smith Norwich, Inc. in the amount of \$16,388 for a 1990 Heavy Duty-One Ton Truck Chassis, and the bid of Smith Norwich, Inc. in the amount of \$11,588 for a 1990 Two-Wheel Drive Pickup Truck be and hereby are approved; and further be it

RESOLVED, that the Chamberlain be and hereby is authorized to expend the following from the Highway Equipment Reserve Fund:

<u>Account Number and Name</u>	<u>Item</u>	<u>Amount</u>
HR26 Highway Reserve Fund	One-Ton Truck Chassis	\$ 16,388
HR26 Highway Reserve Fund	Two Wheel Drive Pickup Truck	11,588

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

-- Mayor Chomyszak reported the appointment of Gary Mills, 18 Maple Street, to a one year appointment to the Youth Board along with Cassidy Holt and Aaron Giltner who will be representing the youth of the City. The Mayor also noted the YMCA has a new director who has indicated he is interested in participating in City youth projects.

-- Ald. Guinn moved to approve the appointment of Robert Michael Mathewson to the Alert Hose Company of the Fire Department. Seconded by Ald. Titus and duly adopted, ayes all.

-- Ald. Horovitz moved to pay the following bills after proper audit and certification:

	<u>Feb-Prepaid</u>	<u>2/13/90</u>	
<u>Grand Total</u>			
General Fund	2,247,441.14	170,293.03	2,417,734.17
Trust Fund	86,158.91	0.00	86,158.91
W.W.T.P.	1,018,604.46	0.00	1,018,604.46
Capital Projects	0.00	0.00	0.00
Special Grants	142,000.00	0.00	142,000.00
Reserves	69,000.00	0.00	69,000.00
B.I.D.	50,400.00	0.00	50,400.00
Sm Cities Economic Development	128,000.00	0.00	128,000.00
TOTALS	3,741,604.51	170,293.03	3,911,897.54

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

-- Mayor Chomyszak reported she interviewed someone for the Assessor's position on Monday.

The Mayor noted to the aldermen there is a vacancy on the Board of Assessment Review and the person should come from either Ward 4, 5, or 6.

-- Water Board Chairman Sullivan asked if there has been any movement by Mr. deCordova to stop the legal actions against the City. Attorney Cushman said the case had been adjourned until March 16, after which time action can be taken.

-- Ald. Ackley said, regarding the pending sales tax on fuel oil, that he did not know fuel oil was to be included in the 3% sales tax.

Clerk Zakrevsky said fuel oil has been exempt, but the general sales tax law which the City has adopted does not exclude home heating oil. He said under the general sales tax law, the City can exempt all utility (electric, gas, and oil) taxes or none. He said the process to repeal the utility tax would require a three-month turn around time. Ald. Horovitz noted the 1990 budget has already been adopted and would be approximately \$110,000 short if the tax was repealed. He recommended leaving the tax as is for the remainder of the year and then consider repealing a tax on utilities.

Ald. Titus moved to adjourn at 9:31 p.m. Seconded by Ald. Angelino and duly adopted, ayes all.