

COMMON COUNCIL

June 12, 1990

Mayor Chomyszak presided at a regular meeting of the Common Council held at 7 p.m. on June 12, 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:

Clerk/CD Director Jody Zakrevsky
Attorney James Cushman
DPW Director Neil Beebe
Chamberlain Harold Hutton
Fire Chief Mark Rice
Police Chief Gary Follett
Asst. Police Chief Richard Whiting
Highway Supt. Joseph Loscavio

Ald. Guinn moved to dispense with the reading and approve the minutes of May 22, 1990. Seconded by Ald. Titus and duly adopted, ayes all.

OPEN FORUM:

-- Mayor Chomyszak introduced Mr. Baran and Mr. Hanniman, representatives of Ernst & Young Audit Firm, to address the Council on the 1989 Audit report.

As copies of the report were distributed to the Council, Mr. Baran reported the audit has been completed and is ready to be filed. He said the City ended with a surplus of \$36,000, bringing the cumulative surplus to \$1.1 million, an adequate amount for a city the size of Norwich. Mr. Baran indicated the City overall is in good shape. He said the audit went smoothly and the auditors received excellent cooperation from City staff.

Ald. Horovitz said the Finance Committee found the audit firm to be helpful and thorough.

-- Cliff Tamsett, 23 North Broad Street, said he is opposed to any use of temporary signs. He feels the sign ordinance should not be made less restrictive. Mr. Tamsett said a strict sign ordinance keeps Norwich attractive and would set an example for the towns which might, in turn, cause them to follow suit.

-- Mary Lou Curley, North Broad Street, said she understood there is a proposed plan to change parking on North Broad Street. She said she is against the removal of parking spaces on the street. She noted it is already difficult to enter North Broad Street from a driveway and will become almost impossible if the proposed plan is carried out. Mrs. Curley indicated that a left turn lane will cause traffic to flow much faster and would cause a safety hazard of North Broad Street.

Doris Utley, North Broad Street, said there has been a problem with increased traffic on North Broad Street, and if the street is re-aligned, there will be greater problems such as traffic not stopping at all to allow cars to pull out of driveways. She said faster moving traffic will create a safety hazard for children in the area.

Frank Mirabito, representing Chenango Memorial Hospital, reported the hospital is developing a plan to re-locate the hospital entrance to the crest of the knoll, at approximately 166 North Broad Street. He said the proposed entrance would be more visible, creating a safer situation, and also maintain a park-like appearance. Mr. Mirabito noted the hospital did not request a left turn lane.

Jeffrey Kramer, North Broad Street, said the parking spaces are used by people on the east side of the street as well. He noted with no parking on

the east side of the street, it is important to maintain parking on the west side of the street.

Police Chief Follett said the Department of Transportation is not trying to pressure the City into the change. He noted the proposal is a suggestion from the DOT to remedy a trouble area.

Esther Flanagan, North Broad Street, reiterated the safety concern and noted the area has a residential flavor that the neighborhood does not want to lose.

Ed Moore, Binghamton, NY, representing his mother who resides on North Broad Street, said he has several concerns such as property values being reduced, the area being a historic district, and structural damage to homes caused by already heavy traffic.

James O'Shea, North Broad Street, said he travels often and it is his experience when a left turn lane is present, people travel much faster, causing a safety hazard.

Virginia Denning, North Broad Street, said she was in agreement with what other residents of North Broad Street had already stated.

Stan Prusik, 30 Eric Street, asked if the Traffic Commission had made a recommendation on the proposal. Mayor Chomyszak said the Traffic Commission has not yet reviewed the proposal.

Correspondence was also received from Mildred Case and Katherine Turner, both residing on North Broad Street, opposing the proposed action.

-- Joseph DiStefano, 13-15 Mitchell Street, said he has applied for a variance from the Zoning Board of Appeals to allow him to change the lettering on his business sign.

-- Angelo Garito, 34 Pleasant Street, said the VFW has been sited by the Codes Enforcement Office for not installing a permanent sign. He said they have been using a temporary sign. He noted the VFW was told they would be allowed to change the lettering on a permanent sign. Ald. Horovitz noted a sign used by an organization such as the VFW is a "Public Service Information Sign", which may be allowed to be changed. He said Mr. DiStefano's sign is a business sign and as such letters can not be changed.

PUBLIC HEARING:

-- Mayor Chomyszak opened the hearing at 7:45 p.m. regarding an ordinance to amend an ordinance relative to Skateboarding in the City.

Clerk Zakrevsky read the proposed ordinance.

Alan Sartirana, skateboarder, asked if there was an area in the City that could be designated for skateboarding. Mayor Chomyszak said the Youth Board is looking into reserving a portion of the Beyer Pool parking lot for skateboarding on Saturday and Sunday as well as to close various streets in the City which are under utilized.

Dennis Berg, 30 Park Street, said his neighbor has built a skateboard ramp 30 feet from his building. He stated that although the noise of the ramp is somewhat of an annoyance, he has no problem with it until after 7:30 p.m. when his child is trying to sleep. He said he has asked the neighbor for a compromise and their response was that 9 p.m. was a compromise. Mr. Berg asked that an ordinance be adopted limiting the hours of operating skateboard ramps.

Police Chief Follett said this instance would not fall under the noise ordinance.

Craig Winner, skateboarder, said carpeting placed under the ramp track would reduce the noise.

Howard Sullivan said he was born and raised in this area and Norwich is a great place for kids to grow up. Mr. Sullivan said he is opposed to an

ordinance that will take anything more away from the youth of the City. He said skateboarding is something new and will take some getting used to. Mr. Sullivan said there hasn't been an accident to his knowledge and suggested adults could look both ways.

Ald. McNeil said there have been some near misses, and an ordinance should be passed before there is a serious accident.

Robert Rabinowitz said it is a matter of perception. People walking on the sidewalk are terrified by someone on a skateboard, as well as a bicycle, approaching rapidly towards them. He noted that while a fall would mean nothing to a youngster, it could mean a wheelchair to an elderly person.

Stan Prusik suggested restricting skateboarding on Broad Street between the hours of 9 a.m. and 6 p.m.

James O'Shea, North Broad Street, said he didn't understand why someone would want to skateboard where there were people around.

Howard Sullivan noted several people have indicated that bicycles are more of a hazard than skateboards, yet, he has not seen one ticket issued to a bicyclist. He stated he was against any ordinance or law which would be put on the books and not enforced. He doubted the police would enforce the proposed ordinance.

Ald. Angelino said the Youth Board is looking into closing several streets to traffic during certain hours to allow for skateboard use.

Sally Follett, Canasawacta Street, said she would rather see youngsters into skateboarding than into drinking and drugs.

There being no further discussion, Mayor Chomyszak closed the hearing at 8:17 p.m.

BIDS:

-- Clerk Zakrevsky reported bids were received for Water Line Replacement and 1990 Surplus Wood.

CORRESPONDENCE:

Clerk Zakrevsky reported the following correspondence was received:

- Request from City Housing Authority for salary increases.
- Claim from Susan Vinal of 20 Birdsall Street.
- Curb Cut request from David LoGerfo of 48 Eaton Avenue.
- Correspondence from Council of the Arts regarding fees for temporary signs.
- Correspondence from Mildred Chase of North Broad Street.
- Correspondence from Katherine Turner of North Broad Street.

Ald. Ackley moved to receive and refer the Housing Authority request to the Finance Committee, receive and refer the claim to the City Attorney, receive and refer the Curb Cut request to the City Engineer, and receive and file the correspondence. Seconded by Ald. McNeil and duly adopted, ayes all.

DEPARTMENT, BOARDS AND COMMISSION REPORTS:

Ald. Horovitz moved the following reports be received and filed:

- Electrical Board meeting of May 17, 1990
- Finance Committee meeting of May 22, 1990
- Parks Commission Report - 1990 Annual Tour
- Public Works Committee meeting of May 16, 1990

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

WARD AND COMMITTEE REPORTS:

-- Ald. Angelino reported South Otselic, who has been using the pool two mornings per week for the past several years, is requesting to use the pool three mornings per week this year. He said South Otselic will be making a formal request to the Council shortly. Ald. Angelino indicated the Parks Commission has had discussion on the request and recommends approval.

-- Ald. Angelino reported the fencing and bleachers at Flanagan Field are in need of repair. Highway Supt. Loscavio said he would contact the school regarding the repairs.

-- Ald. Horovitz reported the YMCA is requesting to use the pool this year for competitive swimming. The matter was referred to the Parks Commission for recommendation.

-- Ald. Guinn reported Mr. Sherman, YMCA Director, would like to serve on the Youth Board.

-- Police Chief Follett requested a 15 minute Public Safety Committee meeting after the Council meeting.

-- DPW Director Beebe reported there is a new form of vandalism in the City - street signs being turned sideways.

NEW BUSINESS:

-- Ald. Ackley moved to receive proposed Ordinance No. 6 of 1990 and set a public hearing for June 26, 1990. Seconded by Ald. McNeil and duly adopted, ayes all.

ORDINANCE NO. 6

OF 1990

AN ORDINANCE TO AMEND THE SIGN ORDINANCE OF THE CITY OF NORWICH
RELATIVE TO REGULATING THE ERECTION AND MAINTENANCE OF SIGNS

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

Section 1. Section 3.4 of the Sign Ordinance of the City of Norwich, as adopted by the Common Council on December 27, 1979, is hereby amended in its entirety by substituting the following:

"Portable Sign" shall mean any sign that is not permanently affixed to a building, a structure, or the ground, but not including identification lettering on vehicles and advertising on buses and are intended to be displayed for a short period of time (allowed in residential, business and industrial districts). See also section 5, 7, and 15.

Section 2. Section 7.2 of the Sign Ordinance of the City of Norwich, as adopted by the Common Council on December 27, 1979, is hereby amended in its entirety by substituting the following:

Portable signs may be used for periods not to exceed five (5) days and the use of such signs at the same premises may not exceed more than five (5) separate occasions in a calendar year.

Portable signs shall not be located on a public street, highway or sidewalk. No portable sign shall exceed 32 square feet in sign area. Illumination may be of constant intensity, non-flashing only.

This section shall not be applicable to the temporary use of government signs and warning signs indicating danger.

Section 3. This ordinance shall take effect July 1, 1990.

-- Ald. Guinn moved to refer the Surplus Fire Wood bid to the Public Works Committee for recommendation and award the Water Line Replacement Bid to the lowest bidder meeting specifications, Dean Calice Construction of Greene, NY for \$41,800, subject to approval of the Board of Water Commissioners. Seconded by Ald. McNeil and duly adopted, ayes all.

RESOLUTION #45 - 1990. AMENDING ORDINANCE RELATIVE TO SKATEBOARDING IN THE
CENTRAL BUSINESS DISTRICT

Ald. Guinn introduced the following and moved its adoption:

WHEREAS, the Common Council received proposed Ordinance No. 5 of 1990 on May 22, 1990, such ordinance prohibiting persons from riding or operating a skateboard or any other device rolling on wheels which cannot be guided or steered and stopped by the operator by means of suitable steering and braking controls upon any sidewalk on either side of Broad Street, between Mitchell and Cortland Streets and Front and Hayes Streets, or either side of Main Street between Maple Street and Hubbard Avenue in the City of Norwich; and

WHEREAS, a public hearing has been held on June 12, 1990 relative to such ordinance; now, therefore be it

RESOLVED, that Ordinance No. 5 of 1990 relating to the prohibition of riding or operating a skateboard or any other device rolling on wheels which cannot be guided or steered and stopped by the operator by means of suitable steering and braking controls upon any sidewalk on either side of Broad Street, between Mitchell and Cortland Streets and Front and Hayes Streets, or either side of Main Street between Maple Street and Hubbard Avenue in the City of Norwich, as presented to the Common Council on May 22, 1990, be and hereby is approved.

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

RESOLUTION #46 - 1990. AUTHORIZING MAYOR TO SIGN CONTRACTS WITH NEW YORK
STATE DEPARTMENT OF ECONOMIC DEVELOPMENT AND
DEPARTMENT OF STATE

Ald. Guinn introduced the following and moved its adoption:

WHEREAS, the City of Norwich has received notification that it has received a New York State Department of Economic Development grant as part of the local assistance budget in the amount of \$50,000 for assistance with the infrastructure improvements associated with the Chenango Center Plaza project; and

WHEREAS, the City of Norwich has received notification that it has received a New York State Department of State grant as part of the local assistance budget in the amount of \$73,316 for assistance with the infrastructure improvements associated with the Chenango Center Plaza project; and

WHEREAS, the New York Susquehanna and Western Railroad has begun removal of tracks and related debris and various city related work is to begin shortly; now, therefore be it

RESOLVED, that Mayor be and hereby is authorizing under the direction of the City Attorney to sign contracts with the New York State Department of Economic Development in the amount of \$50,000 and with the New York State Department of State in the amount of \$73,316 for work associated with the redevelopment of the former rail yards located in the southeast quadrant of the central business district known as the Chenango Center Plaza.

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

-- Prior to the vote, CD Director Zakrevsky gave a brief background of the awards noting support for the project has been given from both Assemblyman Rappleyea and Senator Seward.

RESOLUTION #47 - 1990. AUTHORIZING RETURN OF PROPERTY

Ald. Guinn introduced the following and moved its adoption:

WHEREAS, the City of Norwich acquired certain real property at 11-17 Davis Street from Joseph Scibetta, by tax deed as a result of non-payment of taxes; and

WHEREAS, the City has been notified of an encumbrance against the property by a mortgagee, and

WHEREAS, such mortgagee has agreed to pay outstanding tax encumbrances against the property to the City; and

WHEREAS, the City Attorney has advised that under the conditions, the property should be returned to the former owner upon payment of the encumbrances due the City; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized to take such action as is necessary and is approved by the City Attorney to convey property at 11-17 Davis Street, being Tax Map No. 136.65-5-8 to Joseph Scibetta, upon payment of outstanding encumbrances due to the City of Norwich.

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

RESOLUTION #48 - 1990. AUTHORIZING RESTRUCTURING OF LOAN TO S&S APPLIANCES

Ald. Guinn introduced the following and moved its adoption:

WHEREAS, the City of Norwich has made a loan to S&S Appliances for job creation activities under the UDAG program; and

WHEREAS, the company has proposed to expand its operations and hire additional employees; and

WHEREAS, such expansion will require a restructuring of the economic development package; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized under the direction of the City Attorney to sign agreements with S&S Appliances which will restructure the City's economic development loan package to the company and act in all matters related to such agreements and their terms and conditions.

Seconded by Ald. McNeil and duly adopted, 4-0 with two abstentions (Ald. Ackley and Titus), on a roll call vote.

RESOLUTION #49 - 1990. ESTABLISHING CAPITAL ACCOUNTS FOR VARIOUS GRANT PROGRAMS

Ald. Guinn introduced the following and moved its adoption:

WHEREAS, various federal and state grants have been awarded to the City of Norwich which necessitate the expenditure of funds for capital improvements; now, therefore be it

RESOLVED, that the following capital projects budgets be and hereby are established:

1990 BENEDICT PROJECT

Source of Funds:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
CD65-5031	Transfers from Other Funds	
	- Small Cities Revolving Loan	\$ 37,675
	- UDAG - CD57	<u>200,000</u>
		\$ 237,675

Expenses:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
CD65-5650.22	1990 Benedicts - Acquisition	\$ 25,675
CD65-5650.402D	1990 Benedicts - Appraisal	2,000
CD65-5650.402F	1990 Benedicts - Relocation	10,000
CD65-8669.4	1990 Benedicts - Econ. Dev. Loan	<u>200,000</u>
		\$ 237,675

Appalachian Regional Commission - Parking Lot

Source of Funds:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
CD60-3990	ARC Grant A84-DH-0048	\$ 150,000

Expenses:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
CD60-5650.402A	ARC - Parking Lot - Construction	\$ 101,666
CD60-5650.402D	ARC - Parking Lot - Design & Sup.	15,000
CD60-5650.402E	ARC - Parking Lot - Demolition	<u>33,334</u>
		\$ 150,000

CHENANGO CENTER PROJECT

Source of Funds:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
CD66-3910	NYS Dept. of Economic Development Grant	\$ 50,000
CD66-3915	NYS Dept. of State Grant	<u>73,316</u>
		\$ 123,316

Expenses:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
CD66-6989.4010	Chenango Center - Mat. & Suppl.	\$ 5,000
CD66-6989.402A	Chenango Center - Construction	113,316
CD66-6989.1010	Chenango Center - Pers. Services	<u>5,000</u>
		\$ 123,316

EMERGENCY HOUSING FOR SENIOR CITIZENS

Source of Funds:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
CD67-5031	Transfers from Other Funds	\$ 5,000

Expenses:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
CD67-8666.4	Emergency Housing	\$ 5,000

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

-- Prior to the vote, Ald. Angelino asked when the demolition of Benedict's would begin. CD Director said he would be meeting with the contractor the following day to arrange schedules. He noted the consultants would be present at the next Public Works Committee meeting with plans.

RESOLUTION #50 - 1990. AMENDING VEHICLE & TRAFFIC ORDINANCE TO PROVIDE FOR
NO PARKING ON WEST SIDE OF NORTH BROAD STREET

Ald. Guinn introduced the following and moved its adoption:

WHEREAS, pursuant to Section 90-4 of the Vehicle and Traffic Ordinance of the City of Norwich, the Common Council has been granted the authority to make, promulgate and enforce reasonable rules and regulations governing and designating parking, parking spaces, safety and loading zones, one-way streets and streets for through traffic; now, therefore be it

RESOLVED, that Section 90-63, No Parking, of the Vehicle and Traffic Ordinance of the City of Norwich be and hereby is amended as follows:

BROAD STREET NORTH, west side, from Pellet Street north
to city line.

Underlined material is new.

Seconded by Ald. Horovitz and defeated, all nays on a roll call vote.

RESOLUTION #51 - 1990. AUTHORIZING TRANSFER FOR POOL RESERVE

Ald. Guinn introduced the following and moved its adoption:

WHEREAS, funds are needed to pay for design work associated with the reconstruction of Beyer Pool; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1990 Pool Reserve Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR27-9950.1	Beyer Park and Pool	\$ 15,000

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H39-5031	Transfer from Other Funds to Pool/Park	\$ 15,000

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

-- Ald. Guinn moved to approve the appointment of Karri Scudder, RD#3, Box 472, Norwich, to the Maydole Hose Company, John Salinas, 10 Henry Street, to the Ontario Hose Company, and Merrill O. Nice, 96 Birdsall Street, and Tracy A. Reese, 59A Canasawacta Street, to the Emergency Squad of the Norwich Fire Department. Seconded by Ald. McNeil and duly adopted, ayes all.

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

	<u>Prepaid</u>	<u>6/12/90</u>	<u>Grand Total</u>
General Fund	2,575,923.64	53,083.02	2,629,006.66
Trust Fund	157,123.09	100.00	157,223.09
B.I.D.	85,229.84	0.00	85,229.84
W.W.T.P.	45,192.43	46,025.68	91,218.11
Reserves	1,146,184.04	38,276.00	1,184,460.04
Unemployment Ins.	56,930.00	0.00	56,930.00
Small Cities	0.00	189.71	189.71
Special Grants	193,608.89	0.00	193,608.89
Capital Projects	612,764.01	70,251.00	683,015.01
TOTALS	\$4,872,955.94	\$207,925.41	\$5,080,881.35

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

-- Ald. Guinn moved to adjourn at 9:30 p.m. Seconded by Ald. Titus and duly adopted, ayes all.