

COMMON COUNCIL

July 9, 1991

Mayor Chomyszak presided at a regular meeting of the Common Council held at 6:50 pm on July 9, 1991, 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 Jody Zakrevsky  
Chamberlain Harold Hutton  
Attorney James Cushman  
Fire Chief Mark Rice  
Asst. Police Chief Robert Mason  
Assessor Ann Makarewicz  
Highway Supt. Joseph Loscavio  
Deputy Chamberlain Susan Wilson

Ald. Guinn moved to go into executive session at 6:50 pm to discuss pending litigation. Seconded by Ald. McNeil and duly adopted, ayes all.

Ald. Guinn moved to go out of executive session at 7:26 pm. Seconded by Ald. Titus and duly adopted, ayes all.

-- Ald. Guinn moved to dispense with the reading and approve the minutes of June 25, 1991 as presented. Seconded by Ald. Titus and duly adopted, ayes all.

Ald. Horovitz asked regarding discussion in the minutes of June 25, if funds are available to cover the cost of contracting Delaware Engineering for engineering services. Chamberlain Hutton said the funds are available.

-- Mayor Chomyszak opened the public hearing at 7:31 pm for Local Law No. 1 of 1991; a local law to amend the City Charter to clarify and amend the responsibility of sidewalk repair in the City of Norwich.

There being no discussion, the hearing was closed at 7:32 pm.

OPEN FORUM:

-- Kent Buckingham, 21 Summit Street, asked, regarding the Supreme Court overruling of the Zoning Board of Appeals ruling on the expansion of Catholic Charities in an R-1 zone, what the City's position was on the issue. Mayor Chomyszak said the matter will be brought to the floor under New Business later in the meeting.

-- Chester Shultz, Greene, NY, asked if there is a recommendation regarding the vendor ordinance on the agenda. Mayor Chomyszak said a memo from the Parks Commission with their recommendations will be received under Correspondence later in the meeting.

BIDS:

-- Clerk Zakrevsky reported no bids were received.

CORRESPONDENCE:

Clerk Zakrevsky reported the following correspondence was received:

-- Request from Thena Russell, Jones Avenue, to reschedule the Jones Avenue Street Party to August 18, 1991 from 11 am to 5 pm. Ald. McNeil moved to approve the request under the direction of the Police Chief. Seconded by Ald. Guinn and duly adopted, ayes all.

-- Resignation of George Carnrike from Charter Commission and Planning Commission. Ald. Guinn moved to receive and file the resignation from Mr. Carnrike. Seconded by Ald. Titus and duly adopted, ayes all.

-- Ald. McNeil reported a request from the Norwich Merchants Association to allow two-hour free parking downtown and hay rides from 11 - 2 during Sidewalk Sale Days, July 11-13. Ald. Titus moved to approve all-day free parking downtown and hay rides during the three-day event. Seconded by Ald. Horovitz and duly adopted, 5-0 with Ald. McNeil abstaining due to a possible conflict of interest.

-- Clerk Zakrevsky reported a memo from the Parks Commission with recommendations regarding mobile vendors was received and will be discussed under New Business.

-- Ald. Horovitz reported the SPCA would like to hang a banner across Route 12 on Broad Street. Ald. Titus said that since Broad Street is on a state highway, the request must go to the State.

#### DEPARTMENT, BOARDS AND COMMISSION REPORTS:

-- Ald. Horovitz moved to receive and file the following reports:

-- Parks Commission minutes of special meeting of July 1, 1991

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

#### WARD AND COMMITTEE REPORTS:

-- Ald. McNeil moved to receive and file the following reports:

-- Public Safety Committee meeting of June 25, 1991

-- Personnel Committee meeting of June 4, 1991

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

#### OLD BUSINESS:

-- Ald. McNeil moved to remove Resolution No. 74-1991 from the table. Seconded by Ald. Titus and duly adopted, ayes all.

Ald. McNeil moved for a vote, and Resolution No. 74-1991 was duly adopted on a roll call vote, 5-0 with Ald. Angelino abstaining due to a possible conflict of interest.

-- Clerk Zakrevsky updated the Council on the situation at Mirabito Fuel Group. He reported that there will be a special informational meeting regarding the situation at 6 pm on Monday, July 15 in the Higley Building. He noted that the City Engineer will be present, as well as representatives from Mirabito Fuel Group, the NYS Department of Environmental Conservation and the NYS Health Department. Mr. Zakrevsky also reported discussions are being held with Mirabito Fuel Group regarding the removal of the above ground tanks from the City.

-- Attorney Cushman gave a brief summary of the Catholic Charities zoning appeal and reported the decision of the judge was to overturn the decision of the Zoning Board of Appeals and allow Catholic Charities to expand in an R-1 zone. Mr. Cushman explained to the Council that they may accept the judge's decision or appeal it through a higher court.

Ald. McNeil said the R-1 zone should be protected and the Council should support the Zoning Board by appealing the decision.

Ald. Horovitz said he believes it is the City's responsibility to defend the residents of Ward 3.

-- Ald. Horovitz moved to appeal the decision. Seconded by Ald. McNeil and duly adopted, 5-1 (Ald. Ackley).

NEW BUSINESS:

-- Ald. McNeil moved to approve the appointment of Robert Scudder to the Maydole Hose Company of the Fire Department. Seconded by Ald. Ackley and duly adopted, ayes all.

Chief Rice noted the appointments of the following to the Boy Scout Explorer Post #662 sponsored by the Norwich Fire Department:

Daryl Prindle  
Randy Dunkle  
Mark Lane  
Paul Wagner  
Jason Lawrence  
Joe Strauss  
Bret Rice

-- Ald. Titus moved the appointment of Kent Buckingham, 21 Summit Street, to the remainder of a one-year term with the Traffic Commission. Seconded by Ald. Guinn and duly adopted, ayes all.

-- The Council reviewed the recommendation of the Parks Commission regarding mobile vendors and concurred that six locations would be allowed in the City for daily usage by mobile vendors for a fee of \$100 for an annual permit or \$75 for a seasonal (six months) permit. Vendors may also be allowed to lease a particular site annually. The vendors may be allowed at a site without moving during special events with the approval of the Common Council. The Council requested an ordinance be prepared for the next Council meeting.

RESOLUTION #75 - 1991.     ADOPTING LOCAL LAW RELATIVE TO AMEND THE CHARTER TO CLARIFY AND AMEND THE RESPONSIBILITY OF SIDEWALK REPAIR IN THE CITY OF NORWICH

Ald. Guinn introduced the following and moved its adoption:

WHEREAS, Local Law No. 1 of 1991, which provides for the amendment of the charter to clarify and amend the responsibility of sidewalk repair in the City of Norwich, was introduced on June 25, 1991, before the Common Council; and

WHEREAS, a public hearing has been held on such local law on July 9, 1991; now, therefore be it

RESOLVED, that Local Law No. 1 of 1991, which provides for the amendment of the Charter to clarify and amend the responsibility of sidewalk repair in the City of Norwich, be and hereby is adopted.

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

RESOLUTION #76 - 1991.     AUTHORIZING TRANSFER FOR SOUND RENTAL FOR MEMORIAL DAY

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of sound system rental for memorial services held in the West Side Park on Memorial Day; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1991 General Fund Budget:

From:

| <u>Account Number</u> | <u>Name</u> | <u>Amount</u> |
|-----------------------|-------------|---------------|
| A1990                 | Contingency | \$ 110.00     |

To:

| <u>Account Number</u> | <u>Name</u>                 | <u>Amount</u> |
|-----------------------|-----------------------------|---------------|
| A1989.4020            | Mayor - Contracted Services | \$ 110.00     |

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

RESOLUTION #77 - 1991. AUTHORIZING TRANSFER FOR LEGAL FEES ASSOCIATED WITH RE-ASSESSMENT CASES

Ald. Horovitz introduced the following and moved its adoption:

WHEREAS, funds are required for legal costs associated with re-assessment cases; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1991 General Fund Budget:

From:

| <u>Account Number</u> | <u>Name</u>         | <u>Amount</u> |
|-----------------------|---------------------|---------------|
| A1989.402             | Contracted Services | \$ 5,625.00   |

To:

| <u>Account Number</u> | <u>Name</u>                    | <u>Amount</u> |
|-----------------------|--------------------------------|---------------|
| A1420.4020            | Attorney - Contracted Services | \$ 5,625.00   |

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

RESOLUTION #78 - 1991. AUTHORIZING TRANSFER FOR RE-DATA COLLECTION PROJECT

Ald. Horovitz introduced the following and moved its adoption:

WHEREAS, funds are required to cover the payroll of Data Collectors for the Re-Data Collection Project being conducted by the City Assessor; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1991 General Fund Budget:

From:

| <u>Account Number</u> | <u>Name</u>         | <u>Amount</u> |
|-----------------------|---------------------|---------------|
| A1989.402             | Contracted Services | \$ 3,500.00   |

To:

| <u>Account Number</u> | <u>Name</u>                    | <u>Amount</u> |
|-----------------------|--------------------------------|---------------|
| A1355.4020            | Assessor - Contracted Services | \$ 3,500.00   |

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

-- Prior to the vote, Chamberlain Hutton noted this was the final installment of the \$13,500 that was allocated.

Ald. Angelino asked if the re-assessment will be completed. Assessor Makarewicz said it will be completed by the end of the month.

-- Ald. Guinn moved to approve the following Senior Citizen Emergency Repair Program application through the Community Development office:

Felix Mirabito, 7 Maydole Street  
Senior Citizen/low-income homeowner  
\$650 straight grant

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

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

|                       | <u>Prepaid</u>    | <u>7/9/91</u>     | <u>Grand Total</u> |
|-----------------------|-------------------|-------------------|--------------------|
| General Fund          | 450,870.13        | 140,989.90        | 591,560.03         |
| Trust Fund            | 1,412.50          | 0.00              | 1,412.50           |
| B.I.D.                | 26,366.95         | 0.00              | 26,366.95          |
| Community Development | 0.00              | 113.12            | 113.12             |
| Capital Projects      | 0.00              | 43,425.45         | 43,425.45          |
| <b>TOTALS</b>         | <b>478,649.58</b> | <b>184,528.47</b> | <b>663,178.05</b>  |

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

-- Ald. Horovitz moved to adjourn at 8:30 pm. Seconded by Ald. McNeil and duly adopted, ayes all.