

COMMON COUNCIL

July 23, 1991

Mayor Chomyszak presided at a regular meeting of the Common Council held at 7 pm on July 23, 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
Police Chief Richard Whiting
Highway Supt. Joseph Loscavio
City Engineer James Suozzo

Ald. Horovitz moved to dispense with the reading and approve the minutes of July 9, 1991. Seconded by Ald. Titus and duly adopted, ayes all.

OPEN FORUM:

-- Thomas Knapp, 14 Locust Street, commented that the new sound system installed in the Council Chambers makes it much easier to hear discussion during the Council meeting.

BIDS:

-- Clerk Zakrevsky reported bids for Commercial Laundry Services were received and referred to the appropriate committee for recommendation.

Clerk Zakrevsky noted that Plymouth Street Recycling (from Pleasant Street to the bridge) will be going out to bid and also a request for proposals for the City Freight Depot on Hubbard Avenue.

Engineer Suozzo reported that after measuring Plymouth Street, he estimates the cost of recycling the street will be approximately \$40,000, including a new overlay.

Ald. Guinn asked if installing sidewalk on Plymouth Street has been looked at. Mr. Suozzo said he would look into it and prepare a cost estimate for the Council's consideration.

Ald. Angelino said sidewalks aren't budgeted, and noted the residents in the neighborhood must pay part of the cost of the sidewalk and curbing.

Engineer Suozzo noted that due to there being more CHIPS funds available, there may be an additional \$50,000 after Plymouth Street is complete to recycle additional streets. Mr. Suozzo said he would meet with the Public Works Committee to determine a priority list for recycling streets. Highway Supt. Loscavio noted there is a list of streets that were to be recycled prior to the 1991 budget cuts.

CORRESPONDENCE:

-- Clerk Zakrevsky reported the following correspondence was received:

-- Request from Chenango Memorial Hospital to use two City parking lots (behind Howard Johnsons and west of Weiler Park) during an Open House from 10 am to 3 pm on August 17, 1991.

-- Request from YMCA to hold annual Halloween Parade on October 31, 1991 at 6 pm.

-- Request from YMCA to hold annual Turkey Trot race on November 17, 1991 and restrict parking on Division, Birdsall, and Silver Streets, and Borden Avenue from 1:30 pm to 3:30 pm.

The Council concurred that city parking lots cannot be closed to the public for the specific use of Chenango Memorial Hospital. However, the hospital is welcome to use any available spaces in the lots.

Attorney Cushman suggested that the hospital contact Ken Morse of the County's Buildings and Grounds department to use the County Office Building and the Cooperative Extension parking lots.

-- Ald. Guinn moved to approve the use of available spaces of two City lots for Chenango Memorial Hospital and to approve the YMCA requests under the direction of the Police Chief. Seconded by Ald. Horovitz and duly adopted, ayes all.

DEPARTMENT, BOARDS AND COMMISSION REPORTS:

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

- Water Board minutes of June 3, 1991
- Police Department monthly report for June 1991
- Youth Board minutes of June 11, 1991

Ald. Angelino, asked if the Summer Youth Recreation Program turned away City and Town of Norwich residents to allow others to pay to attend programs. Mayor Chomyszak said that City and Town of Norwich residents signed up for programs first and whatever programs were left were made available to others on the second night of sign-up.

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

WARD AND COMMITTEE REPORTS:

-- Clerk Zakrevsky reported the following reports were received:

- Finance Committee meeting of July 16, 1991.

Ald. Guinn reported a meeting was held on July 15 for the residents of the neighborhood surrounding Mirabito Fuel Group. Clerk Zakrevsky said representatives from Mirabito's, DEC, NYS and County Health Department, as well as City Engineer Suozzo were present at the informational meeting. Clerk Zakrevsky said there is much that is not known, but it is now known that the area centers on the former McNitt (Gorton Construction) property. He said Mirabito did have a small fuel leak at one time that was reported. Mr. Zakrevsky reported Mirabito plans to begin removing six tanks within the week. He also reported that there has been a series of meetings with Lynn Alcott of the County Health Department, who will be working with the City to keep the residents of the neighborhood updated on the situation. Mr. Zakrevsky noted the DEC has determined that the lagoons will be shut down and an air stripper installed.

Ald. McNeil moved to receive and file the reports. Seconded by Ald. Ackley and duly adopted, ayes all.

OLD BUSINESS:

RESOLUTION #79 - 1991. AUTHORIZING REDUCTION IN THE GENERAL FUND BUDGET

Ald. Titus introduced the following and moved its adoption:

WHEREAS, a review of personal services budgets has been conducted with corresponding revenues being analyzed; and

WHEREAS, the Finance Committee has made certain recommendations; now, therefore be it

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

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A5110.1010	Street Maintenance - Personal Services	\$ 1,812
A5142.1010	Snow & Ice Removal - Personal Services	12,270
A5410.1010	Sidewalks - Personal Services	1,838
A8140.1010	Storm Sewers - Personal Services	6,495
A8170.1010	Street Cleaning - Personal Services	(1,181)
A8560.1010	Tree & Stump Removal-Personal Services	903
A8745.1010	Flood Control - Personal Services	2,859
A7110.1010	Parks - Personal Services	4,674
		\$ 29,670

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1710	Public Works Services	\$ 7,000
A1740	On Street Parking Meters	1,000
A2350	Youth Recreation	2,300
A2401	Interest Earnings	17,370
A2680	Insurance Recoveries	2,000
		\$ 29,670

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

-- Prior to the vote, Ald. Horovitz questioned the large reduction in the Snow & Ice Removal budget. Engineer Suozzo explained that the reduction was based on last year's snow fall.

-- Ald. Angelino reported that the amount of City employee overtime has improved considerably, noting he would like to see it reduced further. He said the City has spent \$42,000 to date this year on overtime, well below the \$162,000 spent last year.

NEW BUSINESS:

-- Mayor Chomyszak reported the appointments of Amber Benjamin and Zoe Van Cott to the Youth Board as student members. The current members, Aaron Giltner and Cassidy Holt, have graduated from High School and will be unable to continue serving on the Board. Mayor Chomyszak noted that Amber and Zoe are currently serving on the Youth Council.

ORDINANCE NO. 2

OF 1991

AN ORDINANCE TO AMEND A CITY ORDINANCE
RELATIVE TO MOBILE FOOD VENDORS

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

Section 1. Sections 48-1, 48-4, 48-5, and 48-9 of the Ordinances of the City of Norwich, Hawkers, Peddlers and Solicitors, which regulates the operation of mobile food vendors, is amended as follows:

48-1 Definitions.

HAWKER and PEDDLER - As used in this ordinance shall mean and include any person, either principal or agent, who, in any public street or public place, or by going from house to house or from place of business to place of business, on foot or on or from any vehicle or animal, sells or barter, offers for sale or barter, or carries or exposes for sale or barter any goods, wares or merchandise (except milk or newspapers) and periodicals.

SOLICITOR - As used in this ordinance shall mean and include any person who goes from place to place or house to house or who stands in any street or public place taking or offering to take orders for goods, wares or merchandise (except newspapers or milk) or for services to be performed in the future, or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

ESTABLISHED PLACE OF BUSINESS - As used in this ordinance shall mean and include a building or store in which or where the person transacts business and deals in the goods, wares or merchandise he hawks, peddles or solicits for during regular hours of business daily.

PERSON - As used in this ordinance shall mean and include one (1) or more persons of either sex, natural persons, firms and corporations, and all other entities of any kind capable of being sued.

DESIGNATED AREAS - As used in this ordinance shall mean and include specified areas in the City of Norwich which allow mobile food vendors for an extended duration between the hours of 8:00 a.m. through 11:00 p.m. without the need to move.

Section 48-4. Licenses. (Amended 10/9/56)

A. Upon the filing of the application as provided in the last preceding subdivision, the City Chamberlain shall upon approval of said application by the Chief of Police issue to the applicant a license as provided in Section 48-2 hereof. Except as hereinafter provided, no license shall be refused except for a specific reason and for the protection of the public safety, health, morale or the general welfare{.}, or failure to produce other documents which the Common Council may require such as insurance certificates, sales tax information, etc.

C. Designated areas which an annual or seasonal license is required, and a vendor may use between the hours of 8 am and 11 pm are:

Old Borden Avenue road across from Weiler Park
Cortland Street Park, next to the Kurt Beyer Pool Filter House
Northwest Corner of East Side Park
Southeast Corner of East Side Park
Northeast Corner of East Side Park
Northeast Corner of West Side Park

Section 48-5 Fees. (Amended 10/9/56)

A. Where a vehicle or vehicles is or are to be used by the applicant, the fees shall be:

(1) {For the first such vehicle so used: For one (1) year, twenty five dollars (\$25.); for any period less than one (1) year at the rate of five dollars (\$5.) per month, except that the minimum fee shall be ten dollars (\$10.).} One Hundred Dollars (\$100.) - Annual Fee - would allow for the lease of a specified designated space downtown.

(A) All four of the downtown spaces are available for Annual Lease. The designated spaces can be used by seasonal permit holders until spaces leased for annual fees. Permits are nontransferable. Limit one designated space per vendor.

Annual Permit may be renewed by the same vendor. If not renewed by the vendor, a new vendor may apply for his designated area.

(2) {For each addition vehicle so used by any one (1) licensee: For one (1) year, twelve dollars and fifty cents (\$12.50); for any period less than one (1) year at the rate of two dollars and fifty cents (\$2.50) per month, except that the minimum fee shall be five dollars (\$5.)} Seventy five dollars (\$75.) - Seasonal Fee - would be for a length of six (6) months from the date of permit. Seasonal Fee is not applicable to the leasing of a space.

(3) Twenty five dollars (\$25.) - Special Event Fee - would allow for special events after the event, including the date and location has been approved by the Common Council.

Section 48-9 Restrictions.

D. Not stand or permit the vehicle used by him to stand, in one (1) place in any street or public place for more than ten (10) minutes unless the vehicle has a permit for a designated area or special event.

New Material is underlined, {bracketed} material is deleted.

Section 2. All existing permits shall remain in effect for the remainder of it's term. An existing permit may be converted into an annual permit provided that the user pay the difference between their existing fee and the annual permit fee. Those vendors currently occupying a specific site will be given first preference.

Section 3. This ordinance shall take effect immediately.

-- Ald. Angelino moved to receive Ordinance No. 2 of 1991 and set a public hearing for August 13, 1991 at 7 pm. Seconded by Ald. McNeil and duly adopted, ayes all.

RESOLUTION #80 - 1991. AUTHORIZING TRANSFER FOR POLICE DEPARTMENT PERSONAL SERVICES

Ald. Guinn introduced the following and moved its adoption:

WHEREAS, additional funds are required as a result of the settlement of the Police Benevolent Association (PBA) contract; 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	\$ 22,340.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3120.1010	Police Personal Services	\$ 20,753.00
A9030.8	F.I.C.A.	<u>1,587.00</u>
		\$ 22,340.00

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

-- Mayor Chomyszak reported a request to allow mobile food vendors for a special event, the annual teen pool party at Kurt Beyer Pool on July 30, 1991 from 6 - 9 pm.

Ald. Titus moved to approve the request to allow mobile food vendors at the teen pool party at Kurt Beyer Pool without moving every ten minutes. Seconded by Ald. McNeil and duly adopted, ayes all.

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

	<u>Prepaid</u>	<u>07/23/91</u>	<u>Grand Total</u>
General Fund	206,869.60	137,573.69	344,443.29
Trust Fund	194,072.58	0.00	194,072.58
Unemployment Ins.	0.00	653.75	653.75
Community Development	0.00	465.38	465.38
Capital Projects	257.72	0.00	257.72
TOTALS	401,199.90	138,692.82	539,892.72

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

-- Ald. McNeil moved to adjourn at 7:51 pm. Seconded by Ald. Titus and duly adopted, ayes all.