

COMMON COUNCIL

August 27, 1991

Mayor Chomyszak presided at a regular meeting of the Common Council held at 7 pm on August 27, 1991, at the Higley Building.

Present:

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

Also:

Clerk Jody Zakrevsky
Chamberlain Harold Hutton
Attorney James Cushman (7:25)
Fire Chief Mark Rice
Asst. Police Chief Robert Mason
Engineer James Suozzo
Highway Supt. Joseph Loscavio
Deputy Chamberlain Susan Wilson
Supervisor John Dolan

Ald. Ackley moved to dispense with the reading and approve the minutes of August 13, 1991. Seconded by Ald. Guinn and duly adopted, ayes all.

PUBLIC HEARINGS:

-- Mayor Chomyszak opened the first public hearing at 7:01 pm for proposed Local Law 2 of 1991, amending the procedures for requiring signatures on claims and bills.

As no one wished to heard on the subject, Mayor Chomyszak closed the hearing at 7:02 pm.

-- Mayor Chomyszak opened the second public hearing at 7:02 pm for a P.U.D. request from Norwich Highlands.

David Kepner, representative for Norwich Highlands, presented an overview of the project. He noted the preliminary site plan has received the approval Planning Commission. Mr. Kepner said the 71 unit development would include two types of homes, one-story homes on small lots and two-story homes on larger lots with the open space atmosphere of an R-1 zone. He noted there will also be a recreation area in the neighborhood.

Mr. Kepner stated that within 90 days of approval of the project two model homes will be completed.

-- Thomas Knapp, 14 Locust Street, asked if there was a plan for sidewalks in the area. Mr. Kepner said sidewalks will be installed at the beginning of the project, where the smaller lots will be located and will lead to the recreation area. He said the larger lots will not have sidewalks installed, noting that they will not lead to anywhere other than the end of the project. He noted the final plot plan allows for the installation of sidewalks in the future connecting Cole Drive to the Highlands sidewalks.

There was concern among several citizens and Council members that sidewalks should be installed throughout the whole neighborhood.

-- Vicki Williams, 20 Cole Drive, said people walk in the area all hours of the day and night, in all kinds of weather, and noted the traffic flow is such that it warrants the need for sidewalks.

-- John Dolan, Pleasant Street, said he feels any new construction should have sidewalks included. He said there are many dangerous areas in the City due to the lack of sidewalks.

-- Stan Prusik, 30 Eric Street, said he feels traffic flow may become a problem. He said it is difficult at present to cross through traffic on North Broad Street.

Clerk Zakrevsky said the Traffic Commission was advised of the proposed project and have not commented.

The Council concurred to refer the matter of traffic flow in the neighborhood to the Traffic Commission for review.

-- Annette Daniels, 16 Cole Drive, asked what the lot sizes would be in the project. Mr. Kepner said lot sizes would be 18,000 sq. ft. (1,600 sq. ft. home and 400 sq. ft. garage) and 12,000 sq. ft. (1,300 sq. ft. home and 200 sq. ft. garage).

Mr. Kepner noted the houses will have the same floor plan with different siding, roofing, driveways, and landscaping.

-- There being no further discussion, Mayor Chomyszak closed the hearing at 7:38 pm.

OPEN FORUM:

-- Pat Fuller, on behalf of her father, George Maiurano, reported that at 9:05 am on August 14 her father went to the Chamberlain's office to obtain a mobile food vendor permit. He believed he would have his choice of location and found Marco's Pizza had it.

Ald. McNeil said the Parks Commission should look at the situation and suggested Ms. Fuller and Mr. Maiurano attend the next Park's Commission meeting on September 9.

-- Stan Prusik, 30 Eric Street, reported that the local cable company has adjusted its shut off policy to allow 45 days before cable is shut off due to nonpayment.

BIDS:

-- Clerk Zakrevsky reported no bids were received.

CORRESPONDENCE:

-- Clerk Zakrevsky reported Interest Disclosure Statements were received from Aldermen Ackley and Guinn. Ald. McNeil moved to receive and file the statements. Seconded by Ald. Titus and duly adopted, ayes all.

DEPARTMENT, BOARDS AND COMMISSION REPORTS:

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

- Police Department monthly report for July 1991
- Plumbing Board meeting of July 17, 1991
- Electrical Board meeting of July 18, 1991
- Youth Board meeting of July 16, 1991
- Civil Service Commission minutes of August 15, 1991

-- Clerk Zakrevsky reported that, as a result of the 1990 Census, a study of regrouping ward boundaries has been conducted. Based on the anticipated growth the proposed Highlands development will bring, it is proposed to redistrict the wards as follows: Ward One - 1,272, Ward Two - 1,270, Ward Three - 1,255, Ward Four - 1,270, Ward Five - 1,270, Ward Six - 1,276. He noted there is no change in Ward Five. Clerk Zakrevsky said the City Charter states that ward boundaries can be redistricted with Council approval through a resolution. He reported that a proposed change is on the agenda which would require a local law subject to a general mandatory referendum.

Ald. Titus asked why the action is necessary. Clerk Zakrevsky said currently the Wards are not equal between the Supervisors. He explained that the unbalanced numbers between the City Supervisors would cause one Supervisor to have more voting power with the County

than the other. The proposed redistricting would equal up the votes once again.

-- Planning Commissioner Robert Rabinowitz reported the Planning Commission recommendation regarding John and Bernie Windsor's request for a zoning overlay.

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

WARD AND COMMITTEE REPORTS:

- Personnel Committee meeting of August 6, 1991
- Public Works Committee of meeting of August 8, 1991
- Finance Committee meeting of August 15, 1991

-- Ald. Ackley reported his Ward parties were a success.

-- Ald. McNeil complimented the Public Works Committee on their thorough research of projects.

-- Ald. Angelino moved to approve a curb cut request at 17 Clinton Street under the direction of the City Engineer. Seconded by Ald. Titus and duly adopted, ayes all.

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

OLD BUSINESS:

-- Ald. Titus moved to award the bids for Commercial Laundry Services, as recommended by the Public Works Committee and subject to receipt by the Clerk of a bid tabulation sheet, to Coyne Textile Service of Syracuse, NY as follows: Item 6.1 - \$3.15, Item 6.2 - \$2.25, Item 6.3 - \$.90, Item 6.4 - \$.75, Item 6.5 - \$.00, Item 6.6 - \$.00, Item 7.4 - \$.06, Item 7.5 \$2.50, Item 7.6 - \$.96. Seconded by Ald. McNeil and duly adopted, ayes all.

-- Ald. Titus moved to award the bid for Plymouth Street Rehabilitation, as recommended by the Public Works Committee, to Suite Kote (Central Asphalt) of Cortland, NY as follows: Item 1.01 - \$20,336.40, Item 1.02 - \$10,829.00, Base Bid - \$31,165.40, Item 7A - \$120 per ton, Item 7B - \$5.33 per foot square. Seconded by Ald. Angelino and duly adopted, ayes all.

NEW BUSINESS:

Amended 2-25-92

* RESOLUTION #86 - 1991. ESTABLISHING WARD BOUNDARIES

Ald. Titus introduced the following and moved its adoption:

WHEREAS, the Supreme Court of the United States has determined that the equal protection clause of the XIV Amendment of the United States Constitution requires that the apportionment of legislative bodies be based on the principal of equality of representation; and

WHEREAS, the Courts of the State of New York have determined that this mandate of the Supreme Court of the United States applies with full force and effect to apportionment of municipal legislative bodies; and

WHEREAS, after due deliberation, the Common Council of the City of Norwich has determined that said Council shall be apportioned in accordance with accepted judicial and statutory standards relating to the "One Man - One Vote" principal; now, therefore be it

RESOLVED, that the Charter for the City of Norwich shall be amended to provide that the boundaries for the several wards shall be as follows:

First ward. The first ward shall include all that part of said City bounded on the north by a line running from the westerly boundary line of the City of Norwich easterly along the center of West Main Street to the point where Main and Broad Streets intersect; thence easterly along the center line of East Main Street to the intersection of Hubbard Avenue; thence southerly along the center line of Hubbard Avenue to the intersection of Hubbard Avenue and American Avenue; thence westerly along the center line of American Avenue to the intersection of South Broad Street; on the east by a line running from the above point of intersection southerly along the center of South Broad Street to the intersection of Hale Street and South Broad Street; thence easterly along the center of Hale Street to the easterly boundary of the City; thence southerly along the easterly boundary of the corporation; thence northerly and westerly along the south and west boundaries of the City of Norwich to the place of beginning.

Second ward. The second ward shall include all that part of said City of Norwich bounded on the south by a line running from the westerly line of the City of Norwich, westerly along the center line of West Main Street to the point where West Main Street and Court Street join; thence northerly along the center of Court Street to the intersection of Court Street and Cortland Street; thence easterly along the center line of Cortland Street to the intersection of Cortland Street and North Broad Street; thence northerly along the center line of North Broad Street to the intersection of North Broad Street and Pleasant Street; thence westerly along the center line of Pleasant Street to the intersection of Pleasant Street and Canasawacta Street; thence northerly along the center line of Canasawacta to the intersection of Canasawacta Street and Beech Street; thence westerly along the center line of Beech Street to the intersection of Beech Street and Plymouth Street; thence southerly along the center line of Plymouth Street to the intersection of Plymouth and Pleasant Street; thence westerly along the center line of Pleasant Street to the westerly boundary line of the City of Norwich; thence southerly along the western boundary of said City to the place of beginning.

Third ward. The third ward shall include all that part of the City bounded on the south by a line commencing on the westerly boundary line of the corporation; thence running along the center of Pleasant Street and Rexford Street to the intersection Plymouth Street; thence northerly along the centerline of Plymouth Street to the intersection of Beech Street; thence easterly along the centerline of Beech Street to the intersection of Beech Street and Canasawacta Street; thence southerly along the centerline of Canasawacta Street to the intersection of Canasawacta Street and Plymouth Street; thence easterly along the centerline of Plymouth Street to the intersection of Plymouth Street and Lee Avenue; thence northerly along the centerline of Lee Avenue to the intersection of Waite Street and Lee Avenue; thence running easterly along the center of Waite Street to the center of Silver Street; thence running northerly along the center of Silver Street to the centerline of Bordon Avenue to the northerly boundary line of said corporation; thence running westerly along the northern boundary line of the City; thence northerly along the boundary line to the northern boundary line of the City of Norwich; thence westerly along the northern boundary line of the City to the western boundary line of the said City; thence southerly along the westerly boundary line of the City to the place of beginning.

Fourth ward. The fourth ward shall include all that part of the City of Norwich bounded on the west by a line commencing at the north boundary line of the City along the centerline of Bordon Avenue and to the center of the extension of Silver Street; thence southerly along the center of said extension of Silver Street to the intersection of Silver and Waite Streets; thence westerly along the center of Waite Street to the intersection of Waite Street and Lee Avenue; thence southerly along the center of Lee Avenue to the intersection of Lee Avenue and Rexford Street; thence westerly along Rexford Street to the intersection of Rexford Street and North Broad Street; thence southerly along the center line of North Broad Street and South Broad Street to the intersection of North Broad Street and Cortland Street; thence westerly along the centerline of Cortland Street to the intersection of Cortland Street and Court Street; thence southerly along the intersec-

tion of Court Street to the intersection of Court Street and West Main Street; thence along the centerline of West Main Street to the intersection of Broad Street; thence southerly along the centerline of South Broad Street to the intersection of Front Street; thence easterly along the center line of Front Street to the intersection of Birdsall Street; thence northerly along the center line of Birdsall Street and Silver Street to the intersection of Silver Street and Gold Street; thence easterly along the center line of Gold Street to the former right of way; thence northerly along the center line of the former railroad right of way to Rexford Street; thence easterly along the center line of Rexford Street to the easterly boundary of the corporation; thence northerly along the easterly boundary line of the corporation to the place of beginning.

Fifth ward. The fifth ward shall include all that part of the City of Norwich bounded as follows: Beginning on the easterly edge of the City of Norwich in the center of Rexford Street; thence running westerly at the center of said street to the center line of the former O. & W. Railroad right of way; thence southerly along the center line of the said former railroad right of way to Gold Street; thence westerly along the center line of Gold Street to Silver Street; thence southerly along the center line of Silver Street to the intersection of Silver Street and East Main Street; thence easterly along the center line of East Main Street to the intersection of Midland Drive and East Main Street; thence southerly along the center of Midland Drive to the intersection of Midland Drive and Hale Street; thence easterly along the center line of Hale Street to the easterly boundary of the corporation to the place of beginning.

Sixth ward. The sixth ward shall include all that part of the City of Norwich bounded as follows: Beginning at the intersection of Midland Drive and Hale Street; thence northerly along the center line of Midland Drive to East Main Street; thence westerly along the center line of East Main Street to the intersection of Birdsall Street and East Main Street; thence southerly along the center line of Birdsall Street to the intersection of Birdsall Street and Front Street; thence westerly along the center line of Front Street to the intersection of Front Street and South Broad Street; thence southerly along the center line of South Broad Street to the intersection of Hale Street and South Broad Street; thence easterly along the center line of Hale Street to the intersection of Birdsall Street at the place of beginning.

and; further be it

RESOLVED, that this resolution shall be subject to a local law being adopted which shall be subject to a mandatory referendum.

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

LOCAL LAW NO. 3

OF 1991

A LOCAL LAW TO AMEND THE WARD BOUNDARIES OF THE CITY OF NORWICH

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

Section 1. Title 1, Section 6, of the City of Norwich City Charter, as amended, is hereby further amended as it relates to the boundaries of the six wards of the City of Norwich to those outline by resolution adopted by the Common Council by a majority vote on August 27, 1991.

Section 2. This local law shall take effect on January 1, 1992.

Section 3. This Local Law will be subject to a referendum at a regular or special election.

Ald. Titus moved to receive proposed Local Law No. 3 of 1991 and set a public hearing for September 4, 1991 at 7 pm. Seconded by Ald. McNeil and duly adopted, ayes all.

RESOLUTION #87 - 1991. ADOPTING LOCAL LAW RELATIVE TO AMENDING THE PROCEDURES FOR REQUIRING SIGNATURES FOR PRESENTATION OF CLAIMS AND BILLS

Ald. Guinn introduced the following and moved its adoption:

WHEREAS, Local Law No. 2 of 1991, which provides for the amendment of the Charter of the City of Norwich relative to the procedures for requiring signatures for presentation of claims and bills, was introduced on August 13, 1991, before the Common Council; and

WHEREAS, a public hearing has been held on such local law on August 27, 1991; now, therefore be it

RESOLVED, that Local Law No. 2 of 1991, which provides for amending the City Charter of the City of Norwich relative to the procedures for requiring signatures for presentation of claims and bills, be and hereby is adopted.

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

RESOLUTION #88 - 1991. APPROVING ORDINANCE AMENDING THE ZONING ORDINANCE MAP

Ald. Titus introduced the following and moved its adoption:

WHEREAS, The Common Council received proposed Ordinance No. 3 of 1991 on August 13, 1991, such ordinance amending the City of Norwich Zoning Ordinance Map to reclassify the property known as the Norwich Highlands Development (C.T.M. 123-1-1.13), which is bounded on the north by the Town/City line, south by Chirlin Drive, east by property of the Methodist Homes, and west by property owners along Route 23, from R-1 (Single Family Residential zone) to a Planned Use Development; and

WHEREAS, a public hearing has been held on August 27, 1991, relative to such ordinance; now, therefore be it

RESOLVED, that Ordinance No. 3 of 1991, relative to amending the Zoning Ordinance Map of the City of Norwich, as presented to the Common Council on August 13, 1991, be and hereby is approved.

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

-- Prior to the vote, Clerk Zakrevsky said comments have been received by the Police and Fire Departments.

The Council concurred that the traffic situation be referred to the Traffic Commission for recommendation prior to the next Planning Commission meeting.

RESOLUTION #89 - 1991. AUTHORIZING TRANSFER FOR PAYMENT OF SCHOOL TAXES

Ald. Titus introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of the second half of school taxes due on City owned properties located at 8 Hayes Street, 20-22 South Broad Street, and 117 Pleasant Street; 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	\$ 3,000.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1950	Taxes and Assessment	\$ 3,000.00

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

RESOLUTION #90 - 1991. AUTHORIZING BUDGET ADJUSTMENTS FOR CHIPS AND
PLYMOUTH STREET CAPITAL PROJECT

Ald. Titus introduced the following and moved its adoption:

WHEREAS, The City of Norwich has received notification that New York State CHIPS (Capital Highway Improvement Program) funding has been reinstated; and

WHEREAS, the Public Works Committee has recommended recycling, repaving and shoulder repair for Plymouth Street which meets CHIPS requirements; and

WHEREAS, an adjustment is required in the 1991 General Fund Budget to reflect the increase in CHIPS Aid and the reinstatement and transfer of the corresponding appropriation for Capital Projects; and

WHEREAS, bids have been received for Plymouth Street Rehabilitation; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following adjustments in the 1991 General Fund and Capital Projects Budgets:

General Fund

Budget:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A9950.1H93	Interfund Transfers-Permanent Street	\$ 45,000

Revenue:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3501	Highway Safety - CHIPS	\$ 45,000

Capital Projects Fund

Budget:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H93-5113.4020	Plymouth Street-Contractual Expense	\$ 37,000
H93-909	Fund Balance - Unappropriated	8,000
		<u>\$ 45,000</u>

Revenue:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H93-5031	Interfund Transfer	\$ 45,000

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

RESOLUTION #91 - 1991. APPROVING STUDY OF WATER FILTRATION SYSTEM

Ald. Guinn introduced the following and moved its adoption:

WHEREAS, the New York State Department of Health requires that all public drinking water systems be in compliance with the United States Environmental Protection Agency water filtration standards by June 29, 1993; and

WHEREAS, the Board of Water Commissioners approved a contract for professional service with Stearns and Wheler Environmental Engineers of Cazenovia, New York in the amount of \$14,000 to conduct a study for a water filtration system that will be in compliance with such standards; and

WHEREAS, Stearns and Wheler Environmental Engineers have the experience and expertise to successfully perform such study; now, therefore be it

RESOLVED, that the contract between the City of Norwich Board of Water Commissioners and Stearns and Wheler Environmental Engineers in the amount of \$14,000 to conduct a water filtration system study be and hereby is approved.

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

-- Water Board Commissioner Thomas Knapp said the Commission looked at six firms, requested proposals from three, and Stearns & Wheler was the lowest proposal. He noted that as Stearns & Wheler have worked for the Water Board in the past, less research of the Water Plant would be involved on their part which lowered their price.

Mr. Knapp also pointed out the the actual amount of the proposal from Stearns & Wheler was \$14,500.

-- Ald. McNeil moved to amend the resolution to the amount of the contract award to Stearns & Wheler, \$14,500. Seconded by Ald. Guinn and duly adopted, ayes all.

-- Ald. Guinn moved the resolution as amended. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote.

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

	<u>Prepaid</u>	<u>8/27/91</u>	<u>Grand Total</u>
General Fund	81,129.89	29,474.81	110,604.70
Trust Fund	90,531.62	0.00	90,531.62
W.W.T.P.	7,719.21	0.00	7,719.21
Office Equip. Reserve	655.00	0.00	655.00
TOTALS	180,035.72	29,474.81	209,510.52

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

-- Ald. Titus moved to adjourn at 8:45 pm. Seconded by Ald. McNeil and duly adopted, ayes all.