

COMMON COUNCIL

February 25, 1992

Mayor Chomyszak presided at a regular meeting of the Common Council held at 7 pm on February 25, 1992, at the Higley Building.

Present:

Mayor Marjorie Chomyszak
Ald. George Carnrike
Ald. Patrick McNeil
Ald. Robert Rabinowitz
Ald. Kenneth Titus
Ald. David Symonds
Ald. Charles Angelino

Also:

Clerk Jody Zakrevsky
Chamberlain Harold Hutton
Attorney James Cushman
Engineer James Suozzo
Fire Chief Timothy Ashcraft
Assessor Ann Makarewicz
Building Inspector Frank Aquilato
Highway Supt. Joseph Loscavio
Asst. Highway Supt. Mark Williams
Police Chief Richard Whiting

Ald. Symonds moved to dispense with the reading and approve the minutes of February 11, 1992. Seconded by Ald. McNeil and duly adopted, ayes all.

OPEN FORUM:

-- No one wished to be heard.

BIDS:

-- Clerk Zakrevsky reported the following bids were received and would be taken up under new business:

- Tree Removal
- Cleaning Supplies and Paper Products
- 1992 Police Patrol Vehicle

CORRESPONDENCE:

-- Ald. Titus moved to approve, under the direction of the Police Chief, the annual request from the Binghamton Morris Men to perform on the Court House lawn on April 11 at 4:30 pm. Seconded by Ald. McNeil and duly adopted, ayes all.

DEPARTMENT, BOARDS AND COMMISSION REPORTS:

- Ald. Rabinowitz moved to receive and file the following reports:
 - Electrical Board minutes of Dec 19, 1991 & January 16, 1992
 - Plumbing Board minutes of Dec 18, 1991 & January 15, 1992
 - Water Board minutes of January 27, 1992
 - Traffic Commission minutes of February 12, 1992
 - Charter Review Commission meeting of February 12, 1992

WARD AND COMMITTEE REPORTS:

- Finance Committee meeting of February 12, 1992
- Ald. Carnrike reported he sent out a newsletter to the residents of Ward One and received comments regarding various concerns including pedestrian safety, flood control, an increase in the skunk population and zoning. Ald. Carnrike commended the Department of Public Works for keeping the creek under control during the recent heavy rains.

Ald. Carnrike noted a resident reported automobile driver vision was being obstructed on West Main Street due to on-street parking. Ald. Symonds said the same problem exists on South Broad Street near the A & P store. The matter was referred to the Traffic Commission for recommendation. *amended 3-10-92*

Mayor Chomyszak noted, with regard to the skunk problem, that putting trash in sealed containers may help the situation.

Ald. Carnrike reported that a resident of Hayes Street is concerned that trees in the City are disappearing rapidly. The matter was referred to the Street Tree Committee for recommendation.

Ald. Carnrike also noted a resident suggested benches be placed in the downtown to allow people to sit down while in the downtown.

-- Police Chief Whiting reported a site inspection was held at the YMCA with himself, Asst. Chief Mason, and the Department of Transportation.

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

OLD BUSINESS:

Ald. Angelino moved to correct the minutes of August 27, 1991, page 3, Resolution No. 86 of 1991, the "meets and bounds" description. Seconded by Ald. Titus and duly adopted, ayes all.

-- Prior to the vote, Clerk Zakrevsky reviewed the plan that established new ward boundaries. He explained that when the City Engineer recently reviewed the "meets and bounds" stated in Resolution No. 86-1991, it was found to be incorrect.

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 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 Pleasant Street; thence easterly along the centerline of Pleasant and Rexford Streets to the intersection of Rexford 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 Borden 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 Borden 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 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 intersection of Court Street to the intersection of Court Street and West Main Street; thence along the centerline of West Main Street and East Main Street to the intersection of East Main Street and 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; 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 O & W right of way; thence northerly along the center line of the former O & W 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; thence northerly along the easterly boundary line 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 Midland Drive 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.

NEW BUSINESS:

-- Mayor Chomyszak reported the appointments of Jackie Gantt, Bordentown Circle, and Melissa deBelush, 74A Elm Street, to the Youth Board.

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

1992 Tree Removal to Central New York Tree Experts of Brookfield, NY for \$4,500.

1992 Cleaning Supplies & Paper Products to SANICO of Binghamton, NY for \$1,454.80.

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

Ald. Angelino noted that since many residents request to have trees cut in their back yards, the Public Works Committee has recommended that Central New York Tree Experts also contract out to residents at a reduced price during the time they are in the City.

-- Ald. Titus moved to award the bid for a 1992 Police Patrol Vehicle to Christman Motor Sales of Norwich, NY for \$9,990 with trade, the lowest bidder meeting specifications, as recommended by the Public Safety Committee.

Ald. Carnrike asked how the department is transporting the police dog to school. Ald. McNeil said the dog is currently being transported by a police vehicle.

-- Mayor Chomyszak reported a proposed ordinance amending the garbage and rubbish ordinance will be withdrawn until the next meeting.

-- Ald. McNeil reported that the next Public Safety Committee meeting may be rescheduled for March 23 at 7 pm if the garbage haulers are available to attend the meeting.

RESOLUTION #20 - 1992. AUTHORIZING TRANSFER FOR LEGAL FEES ASSOCIATED WITH RE-ASSESSMENT CASES

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, funds are required to cover legal fees 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 1992 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1989.402	Contracted Services	\$ 664.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1420.4020	Attorney - Contracted Services	\$ 664.00

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

RESOLUTION #21 - 1992. AUTHORIZING TRANSFER FOR IBM SYSTEM COMPUTER MAINTENANCE CONTRACT

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, funds are needed to cover the 1992 computer mainframe maintenance contract for the IBM System 36 system; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfers in the 1992 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1989.402	Contracted Services	\$ 769.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A8020.4020	Planning - Contracted Services	\$ 192.25
A1430.4020	Personnel and Civil Service - Con. Ser.	192.25
A1210.4020	Mayor - Contracted Services	192.25
A1410.4020	Clerk - Contracted Services	192.25
		\$ 769.00

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

RESOLUTION #22 - 1992. AUTHORIZING TRANSFER FOR ENGINEERING SERVICES

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, funds are required to cover the estimated cost of engineering services to be performed by Delaware Engineering from January 1, 1992 through June 30, 1992; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1992 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1989.402	Contracted Services	\$ 20,000.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1440.4020	Engineering - Contracted Services	\$ 20,000.00

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

RESOLUTION #23 - 1992. DESIGNATING ELECTION DISTRICTS IN THE CITY OF NORWICH

Ald. Titus introduced the following and moved its adoption:

WHEREAS, the New York State Board of Elections has recommended that election districts be designated for every 900 registered voters; and

WHEREAS, the City of Norwich is currently one election district; now, therefore be it

RESOLVED, that the following election districts be and hereby are designated for the Wards stated:

Ward One	-	Election District No. 1
Ward Two	-	Election District No. 2
Ward Three	-	Election District No. 3
Ward Four	-	Election District No. 4
Ward Five	-	Election District No. 5
Ward Six	-	Election District No. 6

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

-- Mayor Chomyszak noted that the two proposed resolutions relative to the Department of Transportation would be held until after the City Attorney reviews the final documents.

RESOLUTION #24 - 1992. ESTABLISHING FEES SCHEDULE RELATIVE TO VARIOUS CODES RELATED ACTIVITIES

Ald. Titus introduced the following and moved its adoption:

WHEREAS, fees for various codes in the City of Norwich have not been changed in several years; and

WHEREAS, there is a desire to make such fees more realistic; and

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

RESOLVED, that

1. the following fee schedule be and hereby is adopted:

BUILDING PERMITS

One/Two Family

New Construction	
Up to 1,500 sq. ft.	\$ 75.00
1,500 sq. ft. to 2,000 sq. ft.	150.00
Over 2,000 sq. ft.	200.00

Detached garages/storage buildings (over 140 sq. ft.)

For each 1,000 sq. ft.	\$ 40.00
Repairs, alterations, additions	
Up to \$1,000 true value	\$ 25.00
For each additional \$1,000 value or fraction thereof	5.00
(Includes wood stoves) (Cannot exceed cost of new construction)	
<u>Commercial/Industrial</u> (Includes multiple dwelling and assembly occupancies)	
New Construction	
Up to 500 sq. ft. floor area	\$ 75.00
501 sq. ft. to 1,000 sq. ft. floor area	150.00
For each additional 1,000 sq. ft. or fraction thereof up to 5,000 sq. ft. of floor area	75.00
For each additional 1,000 sq. ft. or fraction thereof over 5,000 sq. ft. of floor area	50.00
Repairs, alterations, additions	
Up to \$1,000 true value	\$ 50.00
For each additional \$1,000 value or fraction thereof	10.00
(Cannot exceed cost of new construction)	
<u>Demolition</u>	
Up to \$1,000 true value	\$ 10.00
\$1,000 to \$3,000 value	30.00
For each \$1,000 value or fraction thereof	5.00
<u>Plumbing and Electrical License Fees</u>	
Annual license fee	
Master License	\$ 50.00
Journeyman's License	25.00
Application for test	
Master's License test	\$ 50.00
Journeyman's License test	25.00
No test required for Apprentice	
Single Project Temporary Licenses for recognized Master License holders from other communities	\$ 350.00
<u>Other Fees</u>	
Flood Ordinance permit	\$ 30.00
In-ground swimming pools	\$ 35.00
Mobile homes on approved lots	\$ 40.00
Tents (for retail or public assembly use)	\$ 25.00
Signs	
per square foot	\$ 2.50
minimum	25.00
Requested inspections (no permit required) (Included are required inspections by other governmental agencies)	\$ 35.00/hour
Temporary Certificate of Occupancy	\$ 20.00
Permit Renewal Fee	\$ 20.00
Zoning Board of Appeals Application	
Residential (set back appeals)	\$ 25.00
All others	50.00
Refund for unapproved permit (withdrawn project, provided work did not start). Refunds will be issued for up to one year. After one year no refund will be issued.	50% of fee

PLUMBING PERMITS

Fees are for plumbing installations without accompanying building permit.

Water line connection with backflow prevention valve	\$ 15.00 ea.
Sanitary line connection	\$ 15.00 ea.
Fixtures	
up to six	\$ 15.00 ea.
additional	2.00 ea.
Water Heater	No Fee
Heating systems (Replacements and new installations without a new building permit)	
Up to 175,000 btu	\$ 35.00
175,000 to 1,000,000 btu	150.00
1,000,000 to 10,000,000 btu	500.00
Over 10,000,000 btu	900.00
Sprinkler system - new or addition	\$ 200.00
Temporary Master License	\$ 350.00
Repair/Alteration - Value of Work	
Up to \$500	\$ 15.00
\$500 to \$1,000	20.00
Over \$1,000-for each additional \$1,000 portion thereof	3.00

2. all fees shall be payable in advance.

3. this resolution shall take effect March 1, 1992 and shall supersede all previous schedules for fees for the same subjects.

Seconded by Ald. Angelino.

Ald. Titus noted that contractors may already have bids out based on the current fees.

-- Ald. Titus moved to amend the resolution to take affect April 1, 1992. Seconded by Ald. Angelino and duly adopted, ayes all.

-- Ald. Angelino moved the amended resolution. Seconded by Ald. Titus and duly adopted, 5-1 (Ald. Carnrike).

-- Prior to the vote, Ald. Angelino noted fees would now be in line with the County. Ald. Carnrike stated that with contractors just coming out of a slow time he did not feel that this is the time to be raising fees.

RESOLUTION #25 - 1992. AUTHORIZING EASEMENT FOR NEW YORK STATE ELECTRIC AND GAS AT REXFORD STREET

Ald. Titus introduced the following and moved its adoption:

WHEREAS, New York State Department of Transportation is rebuilding the bridge on Rexford Street in the City of Norwich; and

WHEREAS, New York State Department of Transportation have instructed the New York State Electric and Gas Corporation (NYSE&G) to relocate their facilities along Rexford Street to make room for the construction project; and

WHEREAS, NYSE&G has requested an easement through City owned property along Rexford Street to relocate their facilities; and

WHEREAS, the City Engineer has made certain recommendations; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized to sign an easement to allow New York State Electric and Gas to install transmission facilities on City owned property along Rexford Street.

Seconded by Ald. Symonds.

Engineer Suozzo said the easement would be on the north side of Rexford Street. The Council expressed concern over the length of time of the easement.

-- Ald. Titus moved to table the resolution until the next meeting. Seconded by Ald. McNeil and duly adopted, ayes all.

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

	<u>Prepaid</u>	<u>02/25/92</u>	<u>Grand Total</u>
General Fund	195,182.74	193,655.98	338,838.72
Trust Fund	88,966.41	0.00	88,966.41
Community Development	0.00	2,042.01	2,042.01
Capital Projects	20,111.71	235.00	20,346.71
TOTALS	304,260.86	195,932.99	500,193.85

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

-- Mayor Chomyszak reported she and Clerk Zakrevsky attended the NYCOM Winter Legislative Meeting in Albany. She summarized several proposals which were presented at the meeting including a 1/3 of a cent surcharge on residents who use municipal water. Mayor Chomyszak indicated the proposed figure for revenue sharing for the City will be \$396,548, a cut of \$54,799. She reported the CHIPS funding is down \$13,442 to \$53,159.

Clerk Zakrevsky noted most of the NYCOM membership was not supportive of the governor's budget. He also reported that it was indicated that the governor would support legislation to repeal the "wicks law".

-- Ald. Angelino moved to go into executive session at 8:02 pm to discuss pending litigation. Seconded by Ald. McNeil and duly adopted, ayes all.

Ald. Carnrike moved to go out of executive session at 9:02 pm. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

-- Ald. Symonds moved to adjourn. Seconded by Ald. Titus and duly adopted, ayes all.