

COMMON COUNCIL

December 8, 1992

Council President Charles Angelino presided at a regular meeting of the Common Council held at 7 pm on December 8, 1992, at the Higley Building.

Present:

Mayor Marjorie Chomyszak (8:10)
 Ald. George Carnrike
 Ald. Robert Rabinowitz
 Ald. Stephen Tooker
 Ald. David Symonds
 Ald. Charles Angelino

Also:

Clerk Jody Zakrevsky
 Chamberlain Harold Hutton
 Attorney James Cushman
 Police Chief Richard Whiting
 Asst. Police Chief Robert Mason
 Asst. Highway Supt. Mark Williams
 Historian Patricia Scott
 City Supervisor John Dolan
 City Supervisor Ron Annese

Ald. Symonds moved to dispense with the reading and approve the minutes of November 24, 1992. Seconded by Ald. Tooker and duly adopted, ayes all.

PUBLIC HEARINGS:

-- Ald. Angelino opened the first public hearing, for the proposed 1993 General Fund budget.

-- Casey Jones, 24 East Main Street, commercial and residential property owner, questioned the methodology used in developing the budget. Ald. Rabinowitz stated the goal was to not increase the tax levy. He said that the department heads were approached and asked for their consideration and cooperation in examining their budget very closely to insure efficiency and still maintain the same level of service. Chamberlain Hutton explained the Finance Committee's methodology for preparing the budget was from a zero based prospective.

Mr. Jones stated his concern is that it appears that the overall priorities of the City and where it wants to go are not clear. He noted the street program is now budgeted for \$70,000 when there are hundreds of streets to be repaired. He said it will eventually get to the point where every street in the City will need to be completely reconstructed. Mr. Jones said that a street program should be a priority and noted that maintenance costs are currently significantly less than three years ago.

Mr. Jones also stated with regard to the Police Department, he sees an over-expenditure. He said it was determined that there should be 16 employees in the Police Department and there are currently 18.

Mr. Jones said with regard to the Fire Department that the City is spending too much money on a paid company. He indicated that on Long Island there are only two paid fire companies and yet the City of Norwich has one paid company for 7,000 people.

Mr. Jones said with regard to the SPCA contract, that if the County does not renew the contract, it will cost a lot more for municipalities individually than if everyone supports it. He requested the Council appeal to the Board of Supervisors to consider renewing the contract.

Mr. Jones suggested that contracted services be broken down in the budget.

-- Cliff Tamsett of 23 North Broad Street, on behalf of Chenango United Taxpayers, commended the Council for not raising taxes. He said that Chenango County still remains one of the higher taxed places. Mr. Tamsett quoted an article from the Binghamton Press regarding streamlining services and noted he has seen very little of the City and County consolidating services. He said there is a duplication of services in assessment, law en-

forcement and highway maintenance. He indicated that the budget could be half of what it currently is with consolidation. Mr. Tamsett suggested the City look into re-organization and start taking steps to consolidate services at the County level.

Chamberlain Hutton said there have been a series of initiatives to get some cooperation between the City and other municipal governments.

-- John Loewy, 19 Cortland Street, asked what happened to the fund balance. Chamberlain Hutton said a portion of it was being appropriated in the 1993 budget to reduce the tax levy.

-- There being no further comment, Ald. Angelino declared the hearing closed at 7:20 pm and opened the public hearing regarding the proposed 1993 Water Budget.

-- Supervisor Dolan questioned the heavy surplus of funds in the Water fund balance and asked if it was customary to have that much in the fund. Chamberlain Hutton said \$175,000 was appropriated from the reserve leaving approximately \$200,000. Water Commissioner Knapp noted that the amount reserved is within the allowed amount.

-- There being no further comment, Ald. Angelino declared the hearing closed at 7:25 pm and opened the public hearing regarding the proposed 1993 Waste Water Fund budget.

-- There being no comment, Ald. Angelino declared the hearing closed at 7:26 pm and opened the public hearing regarding the proposed 1993 Unemployment Insurance Fund budget.

-- There being no comment, Ald. Angelino declared the hearing closed at 7:27 pm and opened the public hearing regarding the proposed 1993 Special Grants budget.

-- Mr. Jones asked for greater detail of what the fund would be used for. He suggested for the future that a greater breakdown of the budget proposal would be helpful for the public.

Community Development Director Zakrevsky explained several projects including downtown development projects through the Business Improvement District reserve, Economic Development Loan program, housing rehabilitation, neighborhood sidewalks and investment earnings, Emergency Senior Citizen repair and a new recreation program for disadvantaged youths.

-- There being no further comment, Ald. Angelino declared the hearing closed at 7:34 pm.

OPEN FORUM:

-- Jean Intres, Planning Commission Chair, reported the Planning Commission has started looking at the Charter Revisions and does not feel a recommendation can be completed within 90 days. He also requested the Council meet with the Commission to discuss the Council's priorities. The Council concurred and requested the Clerk schedule the meeting.

-- P.J. Cobb of the American Red Cross, asked if there was a zoning request before Council. Clerk Zakrevsky said there is a proposed ordinance amending the zoning ordinance and map coming before the Council under New Business.

CORRESPONDENCE:

-- Clerk Zakrevsky reported a letter was received from the Zoning Board of Appeals recommending that effective steps be taken to update the City of Norwich Zoning Ordinance. Ald. Angelino moved to receive the letter and refer it to the Public Works and Public Safety Committees for recommendation. Seconded by Ald. Symonds and duly adopted, ayes all.

DEPARTMENT, BOARDS AND COMMISSION REPORTS:

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

- Parks Commission minutes of November 9, 1992
- Civil Service minutes of November 12, 1992

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

WARD AND COMMITTEE REPORTS:

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

- Personnel Committee meetings of November 10 and 24, December 1, 1992
- Finance Committee meeting of November 23, 1992
- Public Works Committee meetings of October 8 and November 12, 1992

-- Ald. Carnrike reported from Ward 1 that concerned citizens on Eaton Avenue have reported a garbage issue at 37 Eaton Avenue. He explained that it is unsightly and a health problem as well. He noted that there is an ordinance and it must be enforced. Police Chief Whiting said the intent of the ordinance is to get the garbage off the street and into containers. He stated that in this case the owner was contacted and has done nothing and should get a ticket.

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

NEW BUSINESS:

Ald. Symonds moved to amend the minutes of November 10, 1992, Resolution #132-1992 ADJUSTING THE TERMS FOR ASSESSMENT BOARD OF REVIEW MEMBERS as follows: the term expiring for Mary Pat Lanfair should be September 30, 1994 and the term expiring for Thomas Coffey should be September 30, 1993. Seconded by Ald. Tooker and duly adopted, ayes all.

RESOLUTION #136 - 1992. ADOPTING 1993 GENERAL FUND BUDGET

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, a proposed general fund budget in the amount of \$3,790,665 was presented to the Common Council on November 24, 1992; and

WHEREAS, a public hearing on such budget has been held on December 8, 1992; now, therefore be it

RESOLVED, that the 1993 General Fund Budget for the City of Norwich in the amount of \$3,790,665, as presented on November 24, 1992, be and hereby is adopted.

Seconded by Ald. Symonds and duly adopted, ayes all on a roll call vote (4-0) with Ald. Angelino abstaining due to a possible conflict of interest.

RESOLUTION #137 - 1992. ADOPTING 1993 WATER, WASTE WATER, UNEMPLOYMENT INSURANCE AND SPECIAL GRANTS BUDGETS

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, proposed 1993 budgets for the Water Fund in the amount of \$696,500, the Waste Water Fund in the amount of \$936,500, the Unemployment Insurance Fund in the amount of \$15,000, and the Special Grants Fund in the amount of \$1,248,000 were presented to the Common Council on November 24, 1992; and

WHEREAS, public hearings on the Water Fund, Waste Water Fund, Unemployment Insurance Fund, and Special Grants Fund budgets have been held on December 8, 1992; now, therefore be it

RESOLVED, that the 1993 Water Fund budget in the amount of \$696,500, the 1993 Waste Water Fund budget in the amount of \$936,500, the 1993 Unemployment Insurance Fund budget in the amount of \$15,000, and the 1993 Special Grants Fund budget in the amount of \$1,248,000, as presented to the Common Council on November 24, 1992, be and hereby are adopted.

Seconded by Ald. Symonds and duly adopted, ayes all on a roll call vote (5-0).

-- Prior to the vote, Ald. Rabinowitz asked the Council if they wished to separate each budget in the resolution. The Council concurred not to change the resolution.

RESOLUTION #138 - 1992. AUTHORIZING THE CONSTRUCTION OF ADDITIONS TO AND THE RECONSTRUCTION OF THE WATER FILTRATION SYSTEM OF THE CITY OF NORWICH, CHENANGO COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$5,000,000, AND AUTHORIZATION OF THE ISSUANCE OF NOT EXCEEDING \$5,000,000 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF.

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, the City of Norwich, in the County of Chenango, New York (herein called the "City"), has applied for and expects to receive from the United States of America, acting through the Department of Agriculture, pursuant to the Consolidated Farm and Rural Development Act, as amended, Section 306, Public Law 92-419, 7 U.S.C. 1926, to aid in financing the cost of reconstructing and constructing improvements and additions to the City owned and operated Water Filtration and Distribution Plant; now, therefore be it

RESOLVED, that by the Common Council of the City of Norwich, in the County of Chenango, New York, as follows:

Section 1. The City is hereby authorized to construct improvements and additions to the City owned and operated water filtration plant of the City of Norwich, Chenango County, New York, consisting of new water treatment facility, replacing the existing primary treatment facility, including buildings, lands or rights-in-land, and the necessary original furnishings, equipment, machinery and apparatus, all in accordance with maps, plans and specifications, and estimates of cost prepared by Stearns and Wheler, duly licensed engineers in the State of New York, approved or to be approved by the Commissioners of Health of the State of New York, and the Common Council of the City of Norwich. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto, and the financing thereof, is \$5,000,000, and the said amount is hereby appropriated therefore. The plan of financing includes the issuance of serial bonds to finance said appropriation, and the levy and collection of a tax upon all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Water rents may be imposed by the City pursuant to the provisions of Article 14-C of the General Municipal Law of the State of New York in amounts sufficient to pay the principal of and interest on said bonds and budgeted as an offset to the taxes the taxes thus to be levied and collected. It is also expected that grants of federal and state funds will be received, and any amounts received by the City are hereby authorized to be expended toward the cost of said specific object or purpose or redemption of said bonds, or to be budgeted as an offset to the taxes and or water rents for the payment of the principal of and interest on said bonds.

Section 2. Serial bonds of the City are hereby authorized to be issued in the principal amount of \$5,000,000, pursuant to the provisions of the Local Finance Law, constituting chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law").

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued, within the limitations of Section 11.00a of the Law, is forty (40) years.

(b) The specific object or purpose for which the bonds authorized by this resolution is a capital improvement, being the construction of improvements and additions to the City owned and operated water filtration plant and, in consequence thereof, current funds are not required to be provided prior to the issuance of said bonds or any notes in anticipation of the sale of said bonds, pursuant to the provisions of Section 107.00d.3(1) of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will be in excess of five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of such bonds, shall contain the recital of validity prescribed by Section 52.00 of the Law, and said bonds and any notes issued in anticipation thereof, shall be general obligations of the City and the City hereby irrevocably pledges its faith and credit to the punctual payment of the principal thereof and the interest thereon, and there shall be raised annually by water rents levied on all locations served by the Water System and by tax on all the taxable real property in the City, a sum sufficient to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes, or the renewals of said notes, and of the Sections 50.00 and 56.00 to 60.00 of the Law, the powers and duties of the Common Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents, as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the City Chamberlain, the chief fiscal officer of the City.

Section 6. It is further stated that the validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

Seconded by Ald. Rabinowitz and duly adopted, ayes on a roll call vote (5-0).

-- Prior to the vote, Ald. Symonds asked, noting that there is still a possibility of going with a ground water system, if the City will be locked in to this. Ald. Carnrike asked if the matter has gone through all the committees.

Chamberlain Hutton said the resolution is part of the grant request and has been through committee. Clerk Zakrevsky noted the bond anticipation is part of the environmental clearance. If the Council decides to go to a well system, a new environmental clearance will be needed.

Casey Jones asked if this was a pre-application. Clerk Zakrevsky said it was.

Ald. Rabinowitz said the resolution is enabling the City, not obligating it, to go out and bond for the project if needed.

RESOLUTION #139 - 1992. AUTHORIZING TRANSFER FOR SNOW AND ICE EQUIPMENT

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of rebuilding the engine of Salt Truck No. 11; 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>
A5142.4061	Snow & Ice Fuel and Lubricants	\$ 1,500.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A5142.4040	Snow & Ice Equipment Maintenance	\$ 1,500.00

Seconded by Ald. Tooker and duly adopted, ayes all on a roll call vote (5-0).

-- Prior to the vote, Ald. Rabinowitz asked what the anticipated life of the repaired engine would be. Asst. Highway Supt. Williams stated he would anticipate the life to be that of a nearly new engine.

RESOLUTION #140 - 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	\$ 428.35

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1420.4020	Attorney - Contracted Services	\$ 428.35

Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote (5-0).

RESOLUTION #141 - 1992. AUTHORIZING TRANSFER FOR PERSONAL SERVICES

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of payroll for Youth Bureau and Street Maintenance; 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>
A8140.1010	Storm Sewers - Personal Services	\$ 1,200.00
A5410.1010	Sidewalks - Personal Services	10,600.00
A5142.1010	Snow & Ice - Personal Services	26,000.00
A7140.1010	Recreation - Personal Services	1,600.00
	Total	\$ 39,400.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A5110.1010	Street Maintenance - Personal Services	\$ 37,800.00
A7310.1010	Youth Bureau - Personal Services	1,600.00
	Total	\$ 39,400.00

Seconded by Ald. Carnrike and duly adopted, ayes all on a roll call vote (5-0).

-- Prior to the vote, Chamberlain Hutton explained that the funds are shifting from one center to another.

ORDINANCE NO. 5

OF 1992

AN ORDINANCE TO DISPOSE OF CERTAIN REAL
PROPERTY OWNED BY THE CITY OF NORWICH LOCATED AT THE
CORNER OF NATOLI AND STEER'S LANE

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

Section 1. In accordance with provisions of Section 74 of the City Charter, the City Clerk is hereby authorized to publicly bid surplus property located at the corner of Natoli and Steer's Lane in the City of Norwich, property decribed by Tax Map No. 136.50-1-14, to the highest bidder after proper advertisement.

Section 2. This ordinance shall take effect immediately.

-- Ald. Symonds moved to receive proposed Ordinance No. 5 of 1992 and set a public hearing for December 22, 1992. Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote (5-0).

ORDINANCE NO. 1

OF 1993

AN ORDINANCE TO AMEND TO THE ZONING ORDINANCE AND MAP OF THE CITY OF NORWICH

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

Section 1. Section 3 of Article VI of the Zoning Ordinance of the City of Norwich, as adopted by the Common Council on September 22, 1981, is hereby amended as follows:

3. Variances: The Board of Appeals shall have the power to vary or adapt the strict application of any of the requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions or severe, unanticipated personal hardships, whereby such strict application would result in practical difficult or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable. However, no variance in the strict application of any provision of this ordinance shall be granted by the Board of Appeals unless it finds:

a. that there are special circumstances or conditions, fully described in the findings applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings to the neighborhood, or where there exists severe, unanticipated personal hardships, and that said circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building.

b. that, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance is granted by the Board is the minimum variance that will accomplish the purpose.

c. that the granting will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Section 2. The City of Norwich Zoning Ordinance Map is hereby amended to reclassify the properties fronting on Fair Street on the north side starting at the corner of Court Street to Guernsey Street and on the south side starting at the corner of Court Street to Guernsey Street to R-3, and includes the following properties:

Tax Map Nos. 136.48-1-32, 136.48-1-33, 136.48-1-34, 136.48-1-35, 136.48-1-36, 136.48-1-37, 136.48-1-38, 136.48-1-39, 136.48-2-1, 136.48-2-2, 136.48-2-3.

Section 3. This ordinance shall take effect immediately.

New material is underlined and deleted material is {bracketed}.

-- Ald. Angelino moved to receive proposed Ordinance No. 1 of 1993 and set a public hearing for January 12, 1993. Seconded by Ald. Carnrike and duly adopted, ayes all on a roll call vote (5-0).

-- Prior to the vote, Clerk Zakrevsky said that advertising requirements for the ordinance would prevent a public hearing before the January meeting.

-- In response to questions raised during the budget hearings and after some discussion regarding the SPCA contract, Ald. Angelino moved to authorize the City Clerk, under the direction of the City Attorney, to send a letter to the County Board of Supervisors at their Monday meeting requesting the County work to resolve their differences with the SPCA as it is a necessary service. Seconded by Ald. Symonds and duly adopted, ayes all.

Supervisor Dolan said he has been in contact with the people from the SPCA and there seems to be some misconception that it is a city-based service. He noted that only 10-12% of the animals coming in to the SPCA are from the City. He noted that the SPCA asked for a 3% increase after the County requested 10% budget reductions.

Casey Jones noted that the SPCA is not like other organizations that just accept donations, it provides a required service under state law.

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

	<u>Prepaid</u>	<u>12/08/92</u>	<u>Grand Total</u>
General Fund	225,567.25	398,448.92	624,016.17
Trust Fund	235,185.92	0.00	235,185.92
B.I.D.	200.00	0.00	200.00
W.W.T.P.	0.00	8,593.32	8,593.32
Community Development	0.00	1,775.00	1,775.00
Urban Renewal	44.45	0.00	44.45
C.D. Repair Program	0.00	1,000.00	1,000.00
Capital Projects	110.00	0.00	110.00
TOTALS	461,107.62	409,817.24	870,924.86

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

-- Ald. Angelino moved to go into executive session to discuss contract negotiations at 8:30 pm. Seconded by Ald. Symonds and duly adopted, ayes all.

Ald. Carnrike moved to go out of executive session. Seconded by Ald. Tooker and duly adopted, ayes all.

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