

COMMON COUNCIL

November 16, 1993

Mayor Chomyszak presided at a regular meeting of the Common Council held at 7 pm on November 16, 1993, at the Higley Building.

Present:

Mayor Marjorie Chomyszak
Ald. Patrick McNeil
Ald. Robert Rabinowitz
Ald. Barbara Schermerhorn
Ald. Sam Symonds
Ald. Charles Angelino

Also:

Clerk Jody Zakrevsky
Chamberlain Harold Hutton
Attorney James Cushman
Asst. Fire Chief T. Christophersen
Asst. Police Chief Robert Mason
Highway Supt. Joseph Loscavio
Historian Patricia Scott
Deputy Chamberlain James Hoffman
Water Board Chairman Al Sullivan

Ald. McNeil moved to dispense with the reading and approve the minutes of October 26, 1993 and special meeting of November 8, 1993. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

OPEN FORUM:

No one wished to be heard.

-- Mayor Chomyszak introduced Dick Ingraham, Chairman of the Sign Committee.

Mr. Ingraham reported that the Sign Committee has completed their review of the Sign Ordinance and presented the revised ordinance for consideration. He stated that the Committee has talked to merchants about their needs, toured the City and measured signs in trying to address the problems with the current ordinance. He said the Committee has written a document that they believe is easy to understand and will be easy to enforce. Mr. Ingraham indicated that he would be happy to address any questions or concerns the Zoning Board may have regarding the revised Sign Ordinance.

Mayor Chomyszak stated she is in favor of the proposed revision and commended the Committee for their hard work. The Mayor noted that the glossary is an excellent addition to the ordinance.

Ald. Rabinowitz said it is great to see that it has reached this point and he hopes it can get on the books soon.

-- Ald. Angelino moved to receive the proposed ordinance and forward it to Zoning Board of Appeals for review. Seconded by Ald. Symonds and duly adopted, ayes all.

BIDS:

Clerk Zakrevsky reported no bids were received.

CORRESPONDENCE:

Clerk Zakrevsky reported a letter was received from Police Chief Richard Whiting notifying the City of his retirement from the City of Norwich Police Department effective January 3, 1993.

-- Ald. McNeil moved to accept Police Chief Whiting's notification of retirement. Seconded by Ald. Symonds and duly adopted, ayes all.

DEPARTMENT, BOARDS AND COMMISSION REPORTS:

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

- Police Department monthly report for October 1993
- Parks Commission minutes of November 8, 1993

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

WARD AND COMMITTEE REPORTS:

- Finance Committee meetings of November 1 and 2, 1993
- Public Safety Committee meeting of October 18, 1993
- Personnel Committee meeting of October 19, 1993
- Public Works Committee meeting of November 11, 1993

Ald. Angelino stated that the Public Works Committee report would have to be withdrawn for corrections.

-- Ald. Rabinowitz reported from Ward Three, requests to have broken tree limbs from the recent storm picked up. The matter was referred to the Highway Department.

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

OLD BUSINESS:

-- Ald. McNeil moved to remove Resolution No. 106 of 1993 Authorizing Transfer for Legal Fees from the table. Seconded by Ald. Symonds and duly adopted, ayes all.

Ald. Angelino asked if a meeting has been scheduled with the school. Mayor Chomyszak said no meeting is scheduled as yet, she is waiting to hear from Dr. Cleveland.

-- Ald. Angelino moved to table the resolution again until a meeting is scheduled with the school district. Seconded by Ald. McNeil and duly adopted, 4-1 (Ald. Symonds).

RESOLUTION #111 - 1993. APPROVING AGREEMENT WITH CITY OF NORWICH POLICE BENEVOLENT ASSOCIATION

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the Mayor and the City of Norwich Police Benevolent Association have reached a tentative agreement on a new labor agreement for 1993, 1994 and 1995; and

WHEREAS, the Police Benevolent Association has ratified such agreement; now, therefore be it

RESOLVED, that the Common Council does hereby approve an Agreement with the Norwich Police Benevolent Association for the period January 1, 1993 through December 31, 1995.

Seconded by Ald. McNeil and defeated, 3-1 with Ald. Angelino abstaining due to a possible conflict of interest. Ayes - Ald. Rabinowitz, Ald. Schermerhorn, Ald. Symonds. Nays - Ald. McNeil.

-- Prior to the vote, Ald. McNeil said he would like the Finance Committee to take another look at the proposal as he feels the shift differentials are too high.

RESOLUTION #112 - 1993. APPROVING LABOR AGREEMENT WITH CSEA

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, the Mayor and the Civil Service Employees Association have reached a tentative agreement on a new three-year labor agreement for 1993, 1994 and 1995; and

WHEREAS, the Norwich Unit of such Association has ratified such Agreement; now, therefore be it

RESOLVED, that the Common Council does hereby approve an agreement with the Norwich Unit of the Civil Service Employees Association for the period of January 1, 1993, through December 31, 1995.

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

-- Mayor Chomyszak reported with regard to the correspondence from the Cable Commission a recommendation from Attorney Cushman. Ald. Angelino moved to designate the responsibility of regulating of the local cable company to the State Cable Commission, as the recommended by the City Attorney. Seconded by Ald. McNeil and duly adopted, ayes all.

NEW BUSINESS:

-- Ald. Rabinowitz moved to approve the following appointments to the Norwich Fire Department:

- Steven Biviano, 90 Elm Street, to the Hook and Ladder Company
- Timothy Barrows, Maple Grove, Norwich, to the Alert Hose Company
- Wendy Lynk, RD 2, Norwich, to the Emergency Squad
- Daryl Prindle, 48 Division Street, to the Emergency Squad

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

-- Ald. Angelino moved to receive the proposed 1994 General, Water, Waste Water, Unemployment Reserve and Special Grants budgets and set public hearings for November 30, 1993 at 7 pm. Seconded by Ald. McNeil and duly adopted, ayes all.

Chamberlain Hutton thanked the Finance Committee for their hard work in getting the budget ready for presentation. Ald. Symonds thanked the Chamberlain's staff.

ORDINANCE NO. 2

OF 1993

AN ORDINANCE TO AMEND CERTAIN WATER AND THE SEWER USE RATES
IN THE CITY OF NORWICH

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

Section 1. The water use rate is hereby established as follows:

Per Quarter

Minimum Charge up to 1,000 cubic feet	\$17.80
Additional Charge per 100 cubic feet	
1,000 to 13,000 cubic feet	1.47
13,000 to 50,000 cubic feet	1.35
50,000 and over	1.13

Fire Service

1 1/2 inch service	\$13.99
6 inch service	27.41
8 inch service	46.40
12 inch service	54.36

Hydrant Charges

Per Each Hydrant	\$54.36
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Section 2. The sewer use rate is hereby established at \$1.91 per 100 cubic feet.

Section 3. This ordinance shall take effect February 1, 1994, shall be reflected in the billing of April 30, 1994, due and payable in May 1994, and shall amend previous ordinances establishing rates for such services.

-- Ald. Angelino moved to receive proposed Ordinance No. 2 of 1993, an ordinance to increase water user rates by approximately four percent, increase sewer use rates by approximately nine percent and increase water hydrant rental to \$54.36, and set a public hearing for November 30, 1993 at 7 pm. Seconded by Ald. McNeil and duly adopted, ayes all.

-- Ald. Symonds moved to amend Section 3 of the proposed ordinance as follows: This ordinance shall take effect on January 1, 1994, shall be reflected in the billing of April 1, 1994, due and payable April 30, 1994, and shall amend previous ordinances establishing rates for such services. Seconded by Ald. McNeil and duly adopted, ayes all.

RESOLUTION #113 - 1993. RECORDING THE PASSING OF FORMER ALDERMEN THOMAS O'NEIL AND HARTLEY ACKLEY

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, Thomas O'Neil, for ten years and Hartley Ackley, for 12 years served as aldermen for the City of Norwich with great devotion and extreme proficiency; and

WHEREAS, the City of Norwich, with a deep sense of loss, acknowledges the passing of these dedicated servants who were respected by all; now, therefore be it

RESOLVED, that the Common Council records the passing of Thomas O'Neil and Hartley Ackley and, on behalf of the residents of the City of Norwich, extends to the families its deepest sympathy.

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

Ald. Angelino requested that a certified copy of the resolution be sent to the families of Thomas O'Neil and Hartley Ackley.

RESOLUTION #114 - 1993. AMENDING RESOLUTION NO. 19 OF 1992 TO DESIGNATE STOP STREET AT THE INTERSECTIONS OF AMERICAN AVENUE AND FRONT STREET AS VIRGINIA LANE

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, Adelbert Button, former Mayor of the City of Norwich, has assisted the City on numerous civic and other activities, and

WHEREAS, the City is appreciative of his efforts and devotion to his community, and

WHEREAS, the Public Works Committee has recommended that the new city street designated Chenango Lane by Resolution No. 127 of 1991 be renamed

Virginia Lane in remembrance of his and his family's dedication; now, therefore be it

RESOLVED, that Resolution No. 19 of 1992 is amended to designate the new street connecting Front Street to American Avenue as Virginia Lane; and further be it

RESOLVED, that the City Engineer's Office notify the Post Office and residence on former North Front Street that the name has been changed to Virginia Lane.

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

RESOLUTION #115 - 1993. AUTHORIZING SUBMISSION OF ECONOMIC DEVELOPMENT ZONE APPLICATION TO THE NEW YORK STATE DEPARTMENT OF ECONOMIC DEVELOPMENT

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, the Mayor and the Common Council of the City of Norwich have indicated that Economic Development is a priority in the City of Norwich; and

WHEREAS, in recent years the City has experienced a severe increase in employment loss in all sectors of the business community; and

WHEREAS, the City has identified a need to strengthen existing businesses and attract new businesses for increased employment opportunities; and

WHEREAS, the New York State Department of Economic Development has notified the City of Norwich that it is an eligible municipality for the Round III application process for designation as a New York State Economic Development Zone; and

WHEREAS, the City of Norwich must file with the New York State Department of Economic Development an intent to apply notice; now, therefore be it

RESOLVED, that the Common Council hereby authorizes the filing of an application for designation of the City of Norwich as an Economic Development Zone with the New York State Department of Economic Development and authorizes the Mayor and the Community Development Director to take all actions on behalf of the City as may be necessary in support of such application.

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

RESOLUTION #116 - 1993. AUTHORIZING CREATION OF ECONOMIC DEVELOPMENT ZONE APPLICATIONS COMMITTEE

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, the Common Council of the City of Norwich has authorized the Mayor and Community Development Director to prepare an application for designation by the New York State Department of Economic Development; and

WHEREAS, the Common Council is desirous of working on a joint application with the Towns of Norwich and North Norwich; and

WHEREAS, certain requirements of the application would necessitate agreements between the City of Norwich, the Town of Norwich, and the Town of North Norwich; now, therefore be it

RESOLVED, that the Common Council hereby creates an Economic Development Zone Application Committee which shall be comprised of three representatives appointed by the Common Council, three representatives appointed by the Norwich Town Board, and one representative appointed by the North Norwich Town Board to assist in the application process by proposing necessary agreements as they relate primarily to extension of services and local tax issues.

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

RESOLUTION #117 - 1993. AUTHORIZING TRANSFER FOR PURCHASE OF ASPHALT

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, funds are required to cover the purchase of asphalt for street maintenance; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1993 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A5110.4061	Street Maintenance Fuel & Lubricants	\$ 4,500.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A5110.4060	Street Maintenance Material & Supplies	\$ 4,500.00

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

-- Prior to the vote, Highway Supt. Loscavio stated that the asphalt was for filling pot holes. He noted that 300 tons of asphalt has been used to date for patching the streets.

RESOLUTION #118 - 1993. AUTHORIZING TRANSFER FOR SMALL CLAIMS PREPARATIONS

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of contracted services for small claims preparations; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1993 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1989.402	Contracted Services	\$ 62.50

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1355.4020	Assessor - Contracted Services	\$ 62.50

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

RESOLUTION #119 - 1993. AUTHORIZING TRANSFER FOR WATER SYSTEM BACKHOE REPAIR

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of motor and brake repairs to the Water System's backhoe; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1993 Water Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
F1990.4	Contingency	\$ 4,500.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
F8340.4047	Distribution - Repairs	\$ 4,500.00

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

-- Prior to the vote, Water Board Chairman Albert Sullivan noted that the backhoe is a 16 year old piece of equipment.

RESOLUTION #120 - 1993. AUTHORIZING TRANSFER FOR REPLACEMENT OF WATER WELL PUMP

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of purchase and installation of a new water well pump for Well No. 2; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1993 Water Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
F1990.4	Contingency	\$ 4,836.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
F8320.2100	Source of Supply - Equipment	\$ 4,836.00

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

RESOLUTION #121 - 1993. AUTHORIZING TRANSFER FOR LEGAL FEES

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of legal fees; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1993 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1990	Contingency	\$ 495.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1430.4020	Personnel - Contracted Services	\$ 495.00

Seconded by Ald. McNeil and duly adopted, 4-1 (Ald. Angelino) on a roll call.

-- A resolution on the agenda Authorizing Transfer for Legal Fees Associated with Assessment Cases was deferred until the next meeting.

RESOLUTION #122 - 1993. AUTHORIZING TRANSFER FOR FIRE DEPARTMENT PERSONAL SERVICES

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of the retroactive settlement of the fire contract; now, therefore be it

RESOLVED, that the Chamberlain be and hereby is authorized to make the following transfer in the 1993 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1990	Contingency	\$ 28,000.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3410.1010	Fire Department - Personal Services	\$ 28,000.00

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

RESOLUTION #123 - 1993. APPOINTMENT OF POLICE CHIEF IN THE NORWICH POLICE DEPARTMENT

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the Norwich City Police Chief has notified the City of his intention to retire from service effective January 3, 1994; and

WHEREAS, the Civil Service Commission has notified the City that Robert D. Mason is eligible for permanent appointment to that position; and

WHEREAS, the Personnel and Public Safety Committees have made certain recommendations; now, therefore be it

RESOLVED, that Assistant Police Chief Robert D. Mason be and hereby is granted a permanent appointment to the position of police chief in the City of Norwich Police Department; and further be it

RESOLVED, that this resolution shall take effect on January 3, 1994.

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

RESOLUTION #124 - 1993. APPOINTMENT OF ASSISTANT POLICE CHIEF IN THE NORWICH POLICE DEPARTMENT

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the Common Council has appointed Robert D. Mason to the position of Police Chief, effective January 3, 1994; and

WHEREAS, such appointment would leave a vacancy in the Assistant Police Chief position; and

WHEREAS, the Personnel and Public Safety Committees have made certain recommendations; now, therefore be it

RESOLVED, that Gardner L. Miles be and hereby is granted a provisional appointment to the position of assistant police chief in the City of Norwich

Police Department to fill the vacancy created by the promotion of Assistant Chief Mason; and, further be it

RESOLVED, that this resolution shall take effect on January 3, 1994.

Seconded by Ald. McNeil and defeated, 3-1 with Ald. Angelino abstaining due to a possible conflict of interest. Ayes - Ald. McNeil, Rabinowitz and Schermerhorn. Nays - Ald. Symonds.

RESOLUTION #125 - 1991. APPOINTING JOSEPH ANGELINO AS SERGEANT IN THE NORWICH POLICE DEPARTMENT

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, a vacancy exists in the position of sergeant in the Norwich Police Department; and

WHEREAS, a Civil Service list exists for said position; and

WHEREAS, the Police Chief and the Public Safety Committee have made certain recommendations; now, therefore be it

RESOLVED, that Police Officer Joseph G. Angelino of 45 Brown Avenue, Norwich, NY be and hereby is granted a permanent appointment as a sergeant in the Norwich Police Department; and, further be it

RESOLVED, that this resolution shall take effect January 3, 1994.

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

RESOLUTION #126 - 1993. CREATING NEW SERGEANT POSITION IN NORWICH POLICE DEPARTMENT AND APPOINTING LORRAINE M. WARNER THERETO

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the Police Chief has made certain recommendations relative to the creation of a new sergeant position in the Norwich Police Department; and

WHEREAS, the Personnel Committee and Public Safety Committee have made recommendations relative to said position; and

WHEREAS, the Police Chief has recommended appointment of Lorraine M. Warner of RD #4, Box 95, Norwich, to the position, such candidate being eligible for appointment from the Civil Service list; now, therefore be it

RESOLVED, 1. that a new sergeant position in the City of Norwich Police Department be and hereby is created; and

2. that Police Officer Lorraine M. Warner be and hereby is granted a permanent appointment as a sergeant in the Norwich Police Department effective January 3, 1994.

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

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

	<u>Prepaid</u>	<u>11/16/93</u>	<u>Grand Total</u>
General Fund	808,345.94	20,738.86	829,084.80
Trust Fund	179,722.78	0.00	179,722.78
B.I.D.	1,110.88	0.00	1,110.88
Community Development	31,351.69	225.00	31,576.69
TOTALS	1,020,531.29	20,963.86	1,041,495.15

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

-- Ald. Angelino moved to go into executive session at 8:05 pm to discuss the personnel history of a particular individual. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

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

-- Ald. McNeil moved to adjourn at 8:35 pm. Seconded by Ald. Symonds and duly adopted, ayes all.