COMMON COUNCIL

February 22, 1994

Mayor Biviano presided at a regular meeting of the Common Council held at 7 pm on February 22, 1994, at the Higley Building.

Present:	Also:
Mayor Joseph Biviano	Clerk Jody Zakrevsky
Ald. George Carnrike	Chamberlain Harold Hutton
Ald. Patrick McNeil	Attorney James Cushman
Ald. Robert Rabinowitz	Assessor Rochelle Harris
Ald. Barbara Schermerhorn	Police Chief Robert Mason
Ald. Sam Symonds	Highway Supt. Joseph Loscavio
Ald. Charles Angelino	Water Board Chair Albert Sullivan

Ald. Symonds moved to dispense with the reading and approve the minutes of February 8, 1994. Seconded by Ald. McNeil and duly adopted, ayes all.

PUBLIC HEARING:

-- Mayor Biviano opened the first public hearing at 7:01 pm, relative to an ordinance to allow certain water use rate exemptions for certified businesses in the Greater Norwich Economic Development Zone.

David Gale asked if the ordinance pertains to water usage and the installation of lines. Water Board Chair Albert Sullivan explained that it only involves water rates and noted it will include all businesses going into the EDZ as well as business expansion in the zone.

-- There being no further discussion, Mayor Biviano closed the hearing at 7:03 pm and opened the public hearing for a local law to authorize the City of Norwich to submit an application for designation as and participation in an Economic Development Zone pursuant to Article 18-B of the General Municipal Law.

Clerk/Community Development Director Zakrevsky presented a map showing the proposed boundary for the EDZ as well as subzones. He noted that the EDZ will also benefit residential property owners in the zone.

Stan Prusik, 30 Eric Street, said he is concerned that Norwich is not competitive and he feels the EDZ would help to make us competitive. He stated that the Council should approve the zone and hope we will be one of the lucky ones.

David Gale, 9 Davis Street, asked if the City is granted designation as a EDZ, how the funds will be allocated. CD Director Zakrevsky explained that the operating budget is approximately $100,000 with $40,000 from the LDC. He explained that the EDZ is comprised primarily of credits and tax relief with local incentives such as water rate reductions, real property tax exemption as well as GTE and NYSEG reductions to customers. He stated that the local banks are also offering incentives noting that NBT is starting a revolving loan fund for single family homebuyers and businesses in the zone. Mr. Zakrevsky stated building permit reductions in the zone are also proposed. He noted that the process will not stop with the submission of the EDZ application, and that the Incentives, Marketing and Human Resource Committees will continue to look at the situation and make recommendations.

Mayor Biviano stated that no where in the State of New York has such an effort been made. The Mayor noted that the Committees did an outstanding job. He asked several of the committees members present speak on behalf of the application.

John Lass of the Incentives Committee explained some of the programs being looked at and noted that the process would continue whether or not the EDZ goes through to improve the community.

John Kolbas of the Boundaries Committee explained how the boundaries were determined, noting there were regulations and criteria that had to be followed in determining the boundaries. He stated that the boundaries can be modified later to fit a specific need.

Mary Lou Stewart of the Marketing Committee said the Committee has developed a brochure depicting incentives on one side and community shops on the other side.

Joseph Serbin, representative from the NYS Department of Economic Development, explained how the incentives would apply to business owners.

-- There being no further discussion, Mayor Biviano closed the hearing at 7:34 pm and opened the last public hearing relative to a local law to partially exempt from taxation and special ad valorem levies real property constructed, altered, installed or improved in an area designated an Economic Development Zone within the City of Norwich.

CD Director Zakrevsky explained that any increased assessments over a ten year period would have a reduced rate based on a sliding scale.

-- There being no further discussion, Mayor Biviano closed the hearing at 7:36 pm.

OPEN FORUM:

-- David Gale, 9 Davis Street, thanked the Mayor, Police Chief Mason and the Traffic Commission for their prompt attention to his concerns regarding directional signs on Broad Street. He noted that the overhead directional signs are in place at the intersections and look great.

-- Stan Prusik, 30 Eric Street, commented regarding the slow reaction by the City to plow the streets during the last snow storm and asked if the budget has been depleted. Mr. Prusik recommends the City look into the possibility of odd - even parking as the City of Binghamton is doing to allow for easier passage of fire and emergency vehicles.

Highway Supt. Loscavio said that presently the Public Works Department is within budget. He explained that crews are working in three split shifts to avoid overtime.

Mayor Biviano said he received many telephone calls and read a memo from the Public Works Committee regarding the recent snow storm and recommendations for future handling of the snow.

-- Matt Asma spoke to the Council regarding the displeasure of many residents over the disbandment of the K-9 program and presented a petition asking the City to reevaluate the decision.

The Mayor explained that the City cannot afford to keep the dog as the Fair Labor Standard does not allow an officer to donate his time. Therefore the officer involved in the grooming, feeding and care of the animal must be paid for his time. He reported the Department of Labor will be investigating the situation.

Ald. McNeil noted that the matter has not been dropped and will be reviewed by the Personnel and Public Safety Committees and when the decision comes through from the Department of Labor with what amount the City will be paying, the situation will be looked at again.

-- Clerk Zakrevsky read a letter from Mrs. Aldrich expressing hers and several other senior citizens displeasure with the retirement of Maxine.

-- Richard Hartsig, 48 Hayes Street, on behalf of Maxine, asked that the Council reconsider their thoughts about the K-9 Program.

-- Les Crispell, 83 North Broad Street, said, regarding snow removal, that there has been a lot of publicity about one morning, but the work the crews have done all winter should not be forgotten and he applauds them.

BIDS:

Clerk Zakrevsky reported bids were received for the following and referred to the proper committee for recommendation.

-- 1994 Water and Temporary Water Main Materials
-- 1994 Sanitary Main and Lateral Materials
-- 1994 Tree Removal

CORRESPONDENCE:

-- Ald. Carnrike moved to receive and file the correspondence from Mrs. Aldrich and the petition presented during open forum. Seconded by Ald. McNeil and duly adopted, ayes all.

DEPARTMENT, BOARDS AND COMMISSION REPORTS:

-- Ald. Carnrike moved to receive and file the following report:

-- Traffic Commission minutes of February 8, 1994

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

WARD AND COMMITTEE REPORTS:

-- Personnel Committee meeting of February 1, 1994
-- Public Works Committee meeting of February 10, 1994

-- Ald. Carnrike reported the creek is being monitored for flooding.

-- Ald. Schermerhorn reported a problem on Silver Street has been referred to the Codes Enforcement Officer.

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

NEW BUSINESS:

-- Ald. Angelino moved to award the bid for 1994 Cleaning Supplies and Paper Products to the lowest bidder meeting specifications, Roberts Supply with a bid of $1,372.42. Seconded by Ald. McNeil and duly adopted, ayes all.

RESOLUTION #30 - 1994. APPROVING ORDINANCE NO. 1 OF 1994 RELATIVE TO WATER RATE EXEMPTIONS IN THE GREATER NORWICH ECONOMIC DEVELOPMENT ZONE

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, the Common Council received proposed Ordinance No. 1 of 1994 on February 8, 1994, an ordinance to allow certain water use rate exemptions for certified businesses in the Greater Norwich Economic Development Zone; and

WHEREAS, a public hearing has been held on February 22, 1994, relative to such ordinance; now, therefore be it

RESOLVED, that Ordinance No. 1 of 1994, relative to water use rate exemptions for certified businesses in the Greater Norwich Economic Development Zone, as presented to the Common Council on February 8, 1994, be and hereby is approved.

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

RESOLUTION #31 - 1994. ADOPTING LOCAL LAW RELATIVE TO THE DESIGNATION AS AND PARTICIPATION IN AN ECONOMIC DEVELOPMENT ZONE

Ald. Symonds introduced the following and moved its adoption:

WHEREAS, Local Law No. 1 of 1994, which authorizes the City of Norwich to submit an application for designation as and participation in an Economic Development Zone pursuant to Article 18-B of the General Municipal Law, was introduced on February 8, 1994, before the Common Council; and

WHEREAS, a public hearing has been held on such local law on February 22, 1994; now, therefore be it

RESOLVED, that Local Law No. 1 of 1994, which authorizes the City of Norwich to submit an application for designation as and participation in an Economic Development Zone pursuant to Article 18-B of the General Municipal Law, be and hereby is adopted.

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

RESOLUTION #32 - 1994. ADOPTING LOCAL LAW RELATIVE TO PARTIAL EXEMPTIONS FROM TAXATION AND SPECIAL AD VALOREM LEVIES FOR REAL PROPERTY CONSTRUCTED, ALTERED, INSTALLED OR IMPROVED IN AN AREA DESIGNATED AN ECONOMIC DEVELOPMENT ZONE WITHIN THE CITY OF NORWICH

Ald. Carnrike introduced the following and moved its adoption:

WHEREAS, Local Law No. 2 of 1994, which provides for partial exemptions from taxation and special ad valorem levies for real property constructed, altered, installed or improved in an area designated an Economic Development Zone in the City of Norwich, was introduced on February 8, 1994 before the Common Council; and

WHEREAS, a public hearing has been held on such local law on February 22, 1994; now, therefore be it

RESOLVED, that Local Law No. 2 of 1994, which provides for partial exemption from taxation and special ad valorem levies for real property constructed, altered, installed or improved in an area designated an Economic Development Zone in the City of Norwich, be and hereby is adopted.

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

RESOLUTION #33 - 1994. ESTABLISHING FEES SCHEDULE RELATIVE CODES RELATED ACTIVITIES IN THE AREA DESIGNATED AN ECONOMIC DEVELOPMENT ZONE IN THE CITY OF NORWICH

Ald. Angelino introduced the following and moved its adoption:

WHEREAS, the City of Norwich is desirous of being designated as an economic development zone; and

WHEREAS, Chenango County has proposed and adopted certain incentives related to building permits; 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	50% of fee

(withdrawn project, provided work did not start).
Refunds will be issued for up to one year.
After one year no refund will be issued.

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. That any permits issued for projects located in a New York State Department of Economic Development Economic Development Zone of the City will be granted a fifty (50%) reduction in the building permit fees.

3. all fees shall be payable in advance.

4. this resolution shall take effect upon designation as an economic development zone by the State and shall supersede all previous schedules for fees for the same subjects.

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

RESOLUTION #34 - 1994. RESOLUTION of the Common Council of the City of Norwich, providing a credit or refund of sales and use taxes on tangible personal property used in constructing, expanding or rehabilitating certain industrial or commercial real property located in an economic development zone, pursuant to Chapter 686 of the Laws of 1986, to the extent such property becomes an integral component part of the real property, pursuant to Article 29 of the Tax Law of the State of New York.

Ald. Symonds introduced the following and moved its adoption:

Be it enacted by the Common Council of the City of Norwich, as follows:

SECTION 1. Subdivision (a) of section twelve of resolution # 47 as enacted in nineteen hundred eighty nine is amended to read as follows:

"SECTION 12. Refunds or credits based on proof of certain uses.

(a) Subject to the conditions and limitations provided for herein, a refund or credit shall be allowed for a tax paid pursuant to subdivision (a) of section two or section four (1) on the sale or use of tangible personal property if the purchaser or user, in the performance of a contract, later incorporates that tangible personal property into real property located outside this taxing jurisdiction, (2) on the sale or use of tangible personal property purchased in bulk, or any portion thereof, which is stored and not used by the purchaser or user within this taxing jurisdiction if that property is subsequently reshipped by such purchaser or user to a point outside this taxing jurisdiction for use outside this taxing jurisdiction, (3) on the sale to or use by a contractor or subcontractor of tangible personal property if that property is used by him solely in the performance of a pre-existing lump sum or unit price construction contract, (4) on the sale or use within this taxing jurisdiction of tangible personal property, not purchased for resale, if the use of such property in this taxing jurisdiction is restricted to fabricating such property (including incorporating it into or assembling it with other tangible personal property), processing, printing or imprinting such property and such property is then shipped to a point outside this taxing jurisdiction for use outside this taxing jurisdiction, (5) on the sale to or use by a veterinarian of drugs or medicine if such drugs or medicine are used by such veterinarian in rendering services, which are exempt pursuant to subdivision (f) of section six of this enactment, to livestock or poultry used in the production for sale of tangible personal property by farming or if such drugs or medicine are sold to a person qualifying for the exemption provided for in paragraph (6) of subdivision (a) of section six of this enactment for use by such person on such livestock or poultry, or (6) on the sale of tangible personal property purchased for use in constructing, expanding or rehabilitating industrial or commercial real property (other than property used or to be used exclusively by one or more registered vendors primarily engaged in the retail sale of tangible personal property) located in an area designated as an economic development zone pursuant to article eighteen-B of the general municipal law, but only to the extent that such property becomes an integral component part of the real property. (For the purpose of clause (3) of the preceding sentence, the term "pre-existing lump sum or unit price construction contract" shall mean a contract for the construction of improvements to real property under which the amount payable to the contractor or subcontractor is fixed without regard to the costs incurred by him in the performance thereof, and which (i) was irrevocably entered into prior to the date of the enactment of this enactment or the enactment of a law increasing the rate of tax imposed under this enactment, or (ii) resulted from the acceptance by a governmental agency of a bid accompanied by a bond or other performance guaranty which was irrevocably submitted prior to such date.) Where the tax on the sale or use of such tangible personal property has been paid to the vendor, to qualify for such refund or credit, such tangible personal property must be incorporated into real property as required in clause (1) above, reshipped as required in clause (2) above, used in the manner described in clauses (3), (4), (5) and (6) above within three years after the date such tax was payable to the commissioner of taxation and finance by the vendor pursuant to section eleven hundred thirty-seven of the tax law. Where the tax on the sale or use of such tangible personal property was paid by the applicant for the credit or refund directly to such commissioner, to qualify for such refund or credit, such tangible personal property must be incorporated into real property as required in clause (1) above, reshipped as required in clause (2) above, used in the manner described in clauses (3), (4), (5) and (6) above within three years after the date such tax was payable to such commissioner by such applicant pursuant to article twenty-eight of the tax law. An application for a refund or credit pursuant to this section must be filed with such commissioner within the time provided by subdivision (a) of section eleven hundred thirty-nine of the tax law. Such application shall be in such form as such commissioner may prescribe. Where an application for credit has been filed, the applicant may immediately take such credit on the return which is due coincident with or immediately subsequent to the time that he files his application for credit. However, the taking of the credit on the return shall be deemed to be part of the application for credit and shall be subject to the provisions in respect to applications for credit in section eleven hundred thirty-nine of the tax law as provided in subdivision (e) of such section. With respect to a sale or use described in clause (3) above where a pre-existing lump sum or unit price construction contract was irrevocably entered into prior to the date of the enactment of this enactment or the bid accompanied by the performance guaranty was irrevocably submitted to the governmental agency prior to such date, the purchaser or user shall be entitled to a refund or credit only of the amount of the taxes imposed by this enactment if enacted later than the date of such contract or bid, or of the amount reflecting an increase in the rate of tax enacted later than said date, as the case may be, but only to the extent that all such sales and use taxes paid on such sale or use under the aggregate statewide and local taxes imposed under article twenty-eight and by authority of article twenty-nine exceeded an amount computed by applying against such sale or use the aggregate of the rates of statewide and local sales and use taxes that were in effect at the time such contract was entered into or such bid was submitted.

SECTION 2. This enactment shall take effect on June 1, 1994.

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

Ald. Rabinowitz commented on the excellent coverage from the Evening Sun and thanked the paper and their personnel for the job they did.

RESOLUTION #35 - 1994. AUTHORIZING TRANSFER FOR LEGAL FEES

Ald. McNeil 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 1994 General Fund Budget:

From:

Account Number	Name	Amount
1989.402	Contracted Services	$ 2,500.00

To:

Account Number	Name	Amount
A1430.4020	Personnel & C.S. - Contracted Services	$ 2,500.00

Seconded by Ald. Rabinowitz and duly adopted, 5-1 (Ald. Angelino).

RESOLUTION #36 - 1994. AUTHORIZING TRANSFER FOR ACCRUED COMPENSATED ABSENCES

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, funds are required to cover the cost of additional vacation awarded in the Firefighters 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:

Account Number	Name	Amount
A1990	Contingency	$ 6,201.00

To:

Account Number	Name	Amount
A3410.1010	Fire Department - Personal Services	$ 6,201.00

Seconded by Ald. Symonds.

-- Ald. Symonds said he did not recall this matter going through the Finance Committee and he recommended that it be sent back to the Committee.

-- Ald. Symonds moved to table the resolution for a recommendation from the Finance Committee. Seconded by Ald. McNeil and duly adopted, ayes all.

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

	Prepaid	2/22/94	Grand Total
General Fund	$205,659.48	$297,879.22	$503,538.70
Trust Fund	86,081.04	0.00	86,081.04
W.W.T.P.	0.00	7,850.00	7,850.00
Community Development	19,505.48	3,790.32	23,295.80
TOTALS	**$311,246.00**	**$309,519.54**	**$620,765.54**

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

-- Mayor Biviano announced that at 1 pm on Friday, February 25, 1994, a memorial service will be held at the Methodist Church on North Broad Street, for former First Ward Alderman L. Forrest (Bud) Hotchkin.

-- Ald. McNeil moved to go into executive session at 8:35 pm to discuss pending litigation and the personnel history of particular individuals. Seconded by Ald. Schermerhorn and duly adopted, ayes all.

-- Ald. McNeil moved to go out of executive session. Seconded by Ald. Symonds and duly adopted, ayes all.

-- Ald. McNeil moved that, upon receipt of an affidavit, a letter be typed and presented by the Mayor and the Police Department to Mr. Hutton placing him on a two week administration leave. Seconded by Ald. Angelino and duly adopted, ayes all.

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