

COMMON COUNCIL

August 27, 1996

Mayor Biviano presided at a special meeting of the Common Council held at 7 pm on August 27, 1996, at the Higley Building.

Present:

Mayor Joseph Biviano
Ald. George Carnrike
Ald. Patrick McNeil
Ald. Robert Rabinowitz
Ald. Barbara Schermerhorn
Ald. Mat Thall
Ald. Charles Angelino

Also:

Director of Finance/Clerk Brian Haak
CD Director David Wagoner
Police Chief Robert Mason
Acting Fire Chief Stan Brightman
Director of H.R. Deborah DeForest
Deputy Clerk Donna Russell

Mayor Biviano explained the purpose of the meeting was to receive and set a public hearing for a proposed local law to allow the City to establish a public utility service.

PROPOSED
LOCAL LAW NO. 4

OF 1996

A LOCAL LAW to Allow the City of Norwich To Establish, Own and Operate a Public Utility Service.

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

Section 1. Pursuant to Article 14-A of the General Municipal Law of the State of New York, the City of Norwich may establish a Public Utility Service in accordance with the following:

1. The facilities for such service, to the extent prudent and necessary, shall be acquired by condemnation in accordance with the laws, rules and regulations of the State of New York from New York State Electric and Gas Corporation or shall be purchased, or constructed, or leased in accordance with the laws of the State of New York;

2. The method of furnishing service shall be through a contract or contracts to be entered into in accord with the laws of the State of New York; and/or the development, construction, operation and maintenance by the municipal electric utility of any necessary generation, transmission, subtransmission, distribution and incidental facilities and equipment.

3. The City may contract for the development, establishment and operation of the public utility under an agreement or agreements which shall:

a. Provide all legal, engineering and other professional services necessary and prudent for the establishment of the public utility, and

b. Permit recovery of the costs incurred in connection with the establishment of the public utility system, and a return for services and development costs; such recovery to be derived solely from revenues of the public utility.

4. The method of operation of and the rates, rentals and charges for such service and the procedure for their collection shall be as fixed by the Common Council.

Section 2. This local law shall be subject to a mandatory referendum as provided by the Municipal Home Rule Law and the Election Law.

Section 3. This local law shall take effect immediately upon approval by a majority of the electors qualified and voting at the General Election to be held on November 6, 1996, on a proposition in said election and filing as provided in the Municipal Home Rule Law.

Proposed Local Law No. 4 of 1996 -- Ald. Angelino moved to receive proposed Local Law No. 4 of 1996 and set a public hearing for September 5, 1996 at 7 pm. Seconded by Ald. McNeil.

Ald. McNeil noted the action this evening was just to set a public hearing on the matter.

Mayor Biviano noted that the Council will receive complete information relative to the proposal within the next couple of days and will have until next Thursday to review the data.

Ald. Carnrike stated that his concern is receiving the proposal before having all the facts presented. He noted that several changes have occurred since initial discussions were held with the Wing Group including deregulation of the utilities and the loss of several major businesses. Ald. Carnrike asked what effect these actions would have on the Wing Group's initial proposal. The Mayor noted that all additional information would be provided to the Council within the next few days.

-- Ald. Rabinowitz moved to call for the question. Seconded by Ald. McNeil and duly adopted, 5-1 (Ald. Carnrike).

The motion to receive proposed Local Law No. 4 of 1996 and set a public hearing for September 5, 1996 at 7 pm was duly adopted, 4-2 (Ald. Carnrike and Schermerhorn) on a roll call vote.

Block Party Request -- Ald. McNeil moved to approve a request to hold a block party for Fair, Canasawacta, West main and Locust Streets on October 13, 1996 from 1 to 5 pm under the direction of the Police Chief. Seconded by Ald. Rabinowitz and duly adopted, ayes all.

Adjournment -- Ald. Rabinowitz moved to adjourn at 7:08 pm. Seconded by Ald. McNeil and duly adopted, ayes all.