

COMMON COUNCIL
September 19, 2017

Mayor Christine Carnrike presided at a meeting of the Common Council held at 6:00 PM on September 19, 2017, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Christine Carnrike
Ald. Matthew Caldwell
Ald. Brian Doliver
Ald. John Deierlein
Ald. Walter Schermerhorn
Ald. David Zieno

Also:

City Chamberlain/City Clerk Dee DuFour
Director of Human Resources Deborah DeForest
Youth Bureau Director Robert Mason
Police Chief Rodney Marsh
DPW Superintendent Carl Ivarson
Fire Chief Tracy Chawgo
Code Enforcement Officer/Fire Marshall Jason Lawrence
City Attorney Patrick Flanagan (6:04)

Supervisor Robert Jeffrey

Absent

Ald. Jennifer Morris
Supervisor James McNeil

Call to Order

The meeting of the Common Council was called to order by Mayor Carnrike at 6:00 p.m.

RESOLUTION #70 - 2017

**APPOINTMENT OF FIREFIGHTER IN THE NORWICH FIRE
DEPARTMENT**

Ald. Doliver introduced the following and **moved** its adoption:

WHEREAS, a vacancy exists in the position of firefighter in the Norwich Fire Department, and;

WHEREAS, the Fire Chief has recommended the appointment of Tyler Zelsnack of Marathon , NY, to such position; now, therefore be it

RESOLVED, that Tyler Zelsnack, of Marathon, NY, be and hereby is granted a permanent appointment as firefighter in the Norwich Fire Department, effective September 25, 2017, contingent upon successfully passing the required medical and psychological examinations and further be it

RESOLVED, that the appointment is contingent upon Tyler Zelsnack relocating his residence to within ten (10) miles of the central fire station within 90 days of his appointment.

Seconded by Ald. Deierlein and duly adopted, 4 - 1 , on a roll call vote with Ald. Caldwell voting nay.

RESOLUTION #71 - 2017

**APPOINTMENT OF FIREFIGHTER IN THE NORWICH FIRE
DEPARTMENT**

Ald. Schermerhorn introduced the following and **moved** its adoption:

WHEREAS, vacancies exist in the position of firefighter in the Norwich Fire Department, and;

WHEREAS, the Fire Chief has recommended the appointment of Dan Kerila of Endwell, NY, to such position; now, therefore be it

RESOLVED, that Dan Kerila of Endwell, NY, be and hereby is granted a permanent appointment as a firefighter in the Norwich Fire Department, effective September 25, 2017, contingent upon successfully passing the required medical and psychological examinations and any action necessary from the Norwich Civil Service Agency and further be it

RESOLVED, that the appointment is contingent upon Dan Kerila relocating his residence to within ten (10) miles of the central fire station within 90 days of his appointment.

Seconded by Ald. Deierlein and duly adopted, 4 - 1, on a roll call vote with Ald. Caldwell voting nay.

RESOLUTION #72 - 2017 **APPOINTMENT OF POLICE OFFICER**

Ald. Zieno introduced the following and **moved** its adoption:

WHEREAS, vacancies exist in the Norwich Police Department, and;

WHEREAS, the Police Chief has made a recommendation to fill such vacancies, and;

WHEREAS, the Joint Committee has concurred with the recommendation, now, therefore be it

RESOLVED, that Steven Rounds of Binghamton, NY, be and hereby is granted a permanent appointment as a lateral transfer Police Officer in the City of Norwich Police Department effective September 20, 2017; and further be it

RESOLVED, that the appointment is contingent upon any action necessary from the Norwich Civil Service Commission.

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

Approval of Minutes

Ald. Caldwell **moved** to approve the minutes of the regular meeting of August 15, 2017. Seconded by Ald. Deierlein and duly approved ayes all.

Public Hearing - Proposed Ordinance No. (A) of 2017 Regarding Signs

Mayor Carnrike opened the Public Hearing at 6:12 p.m. for Proposed Ordinance No. (A) of 2017 regarding signs. There being no comments, the hearing was closed at 6:13 p.m.

Correspondence

Pumpkin Festival – Ald. Caldwell **moved** to receive and approve the request for road closures and special event status for the 19th Annual Pumpkin Festival. Road closures include East and West Park Place from 8:00 a.m. on Friday, October 27th through Saturday, October 28th until the fireworks conclude at approximately 9:30 p.m. Seconded by Ald. Zieno, approved ayes all.

Northeast Classic Car Museum –Ald. Caldwell **moved** to recommend the Common Council approve the request for partial street closures on Rexford St. starting at the corner of North Broad St. to the intersection of Silver St. and State St. from Rexford St. to the entrance of Cobbler's Square on Sunday, June 24, 2018 from 9:00 a.m. – 5:00 p.m. The Museum will be hosting a "lunch stop" for the 2018 Great Race that will include 120 vintage cars and approximately 240 racers and additional spectators that will be stopping in Norwich. Seconded by Ald. Schermerhorn, approved ayes all.

Appointments by the Common Council

Ald. Zieno **moved** to approve the following appointment:

Assessment Board of Review

- ◆ *Jack Roque, 26 Prospect Street, appointment to fill the remainder of a five-year term expiring September 30, 2021*

Seconded by Ald. Caldwell, approved ayes all.

Department, Board and Commission Reports

Ald. Schermerhorn **moved** to receive and file the department, board, and commission reports. Seconded by Ald. Deierlein, approved ayes all.

Ward Reports

Ward 1

Ald. Caldwell reported he received communications that have been forwarded to the proper party.

Ward 2

Ald. Doliver reported he received communications that are in the process of being resolved.

Ward 3

Ald. Deierlein reported he received communications that have been referred to the proper department head.

Ward 4

Ald. Schermerhorn reported he received communications that have been referred to the proper department head.

Ward 5

Ald. Zieno reported he received no communications.

Ald. Caldwell **moved** to receive and file the ward reports. Seconded by Ald. Deierlein, approved ayes all.

Motions

- ◆ Ald. Caldwell **moved** to approve the curb cut request at 42 Waite St. Seconded by Ald. Doliver, approved ayes all.
- ◆ Ald. Caldwell **moved** to approve the curb cut request at 90 Elm St. Seconded by Ald. Doliver, approved ayes all.
- ◆ Ald. Deierlein **moved** to receive the proposed Ordinance No. (B) of 2017 regarding Abandoned Vehicles and set a public hearing at 6:00 p.m. on October 17, 2017. Seconded by Ald. Caldwell, approved ayes all.

ORDINANCE NO. (B) OF 2017

AN ORDINANCE AMENDING CHAPTER 519 OF THE CODE OF THE CITY OF NORWICH

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

§ 519-1 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

ABANDONED MOTOR VEHICLE

- A.** Any junked vehicle, as defined below;
- B.** Any vehicle which does not have a current/valid registration; or
- C.** Any motor vehicle situated on private property other than of its owner, which has not been moved or used for seven consecutive days or more and is determined to be deserted by the Police Department.

JUNKED VEHICLE Any motor vehicle which is without a valid registration, inspection, or license plates or is in either a rusted, wrecked, discarded, dismantled, partly dismantled, inoperative or abandoned condition.

[Amended 2-15-2011 by Ord. No. 1-2011]

PERSON Any person, firm, partnership, company, corporation or organization of any kind.

PROPERTY Any real property within the City which is not a street or highway.

PREMISES A lot, plot or parcel of land, easement or public way, including any structures thereon.

STREET or HIGHWAY The entire width between boundary lines of every thoroughfare or way publicly maintained when any part thereof is open to the use of the public for purposes of pedestrian or vehicular travel.

VEHICLE A machine propelled by other than human power, designed to travel along the ground by use of wheels, treads or other mechanical means to transport persons or property or pull machinery, and shall include, without limitation, automobile, truck, tractor, trailer, motorcycle and wagon.

INOPERABLE MOTOR VEHICLE A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power real property within the City which is not a street or highway.

§ 519-2 Prohibited acts; exceptions.

A. No person shall abandon any vehicle within the City, and no person shall leave any vehicle at any place within the City for such time and under such circumstances as to cause such vehicle to appear to have been abandoned.

B. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

B. ~~It shall be unlawful for any person, either as owner, lessee, occupant or otherwise, to store or deposit or cause or permit to be stored or deposited an abandoned, junked, discarded, dismantled, unlicensed or unregistered vehicle in and upon any real property lying, being and situated in the City of Norwich except as provided in this section.~~

C. The parking of unlicensed or unregistered motor vehicle(s) in a fully enclosed private garage is permitted.

D. A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

~~D. — Temporary storage of one unlicensed or unregistered motor vehicle per property, covered with a fitted cover designed specifically for the vehicle, may be permitted, subject to such conditions as will safeguard the public health, safety, convenience and general welfare as determined by the Code Enforcement Officer.~~

[New Material is underlined]

- ◆ Ald. Schermerhorn **moved** to approve the use and hiring of a negotiator for Fire Contracts. Seconded by Ald. Deierlein.

Discussion: Ald. Caldwell stated he had information to share with the Council that would need to be discussed in Executive session because it concerned union negotiations. Ald. Caldwell **moved** to table the use and hiring of a negotiator. Seconded by Ald. Doliver, approved ayes all.

Resolutions

RESOLUTION #73 -2017 AWARDING BID – BORDEN AVENUE STORM DRAINAGE

Ald. Deierlein introduced the following and **moved** its adoption:

WHEREAS, bids for the Borden Avenue Storm Drainage were opened on September 5, 2017 and;

WHEREAS, the Department of Public Works and the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that the bid for the Borden Avenue Storm Drainage be awarded to the lowest qualified bidder meeting specifications, Burrell's Excavating of Norwich, NY, in the base bid amount of \$81,100; and further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR43-878	Storm Sewers – Capital Reserves	\$ 81,100.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
G8140.4040	Storm Sewers – Repairs & Maintenance	\$ 81,100.00

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

RESOLUTION #74 -2017 AWARDING BID – WATER REXFORD STREET PUMPSTATION EMERGENCY GENERATOR

Ald. Schermerhorn introduced the following and **moved** its adoption:

WHEREAS, bids for the Water Rexford Street Pumpstation Emergency Generator were opened on September 5, 2017 and;

WHEREAS, the Department of Public Works and the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that the bid for the Water Rexford Street Pumpstation Emergency Generator be awarded to the lowest qualified bidder meeting specifications, Wilcox Construction Corp. of Norwich, NY, in the base bid amount of \$56,700; and further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR30-878	Water System Improvements - Capital Reserves	\$ 56,700.00

<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
F8340.4040	Distribution – Repairs & Maintenance	\$ 56,700.00

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

RESOLUTION #75 -2017 **AWARDING BID – WATER SYSTEM FLUORIDE IMPROVEMENTS**

Ald. Zieno introduced the following and **moved** its adoption:

WHEREAS, bids for the Water System Fluoride Improvements were opened on September 5, 2017 and;

WHEREAS, the Department of Public Works and the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that the bid for the Water System Fluoride Improvements be awarded to the lowest qualified bidder meeting specifications, Richard W. Wakeman, Inc. of Sidney, NY, in the base bid amount of \$126,509.00.

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

RESOLUTION #76 - 2017 **AUTHORIZING CHANGE ORDER FOR WATER TREATMENT PLANT PROJECT**

Ald. Caldwell introduced the following and **moved** its adoption:

WHEREAS, it has been determined that additional work is needed for the Filter Plant to complete the project; and

WHEREAS, the additional work needed is to install an insertion valve; and

WHEREAS, Delaware Engineering has reviewed the Change Order request submitted by Eastman Associates Inc. and has recommended its approval; and

WHEREAS, funds are available in the project to cover the costs of the Change Order; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized to execute the change order for the Filter Plant Project at a cost not to exceed \$23,520; and further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H38-01-8330.1990.4	New Filter Plant Project - Contingency	\$ 23,520.00

<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H38-01-8330-4020C1	General Construction - Eastman	\$ 23,520.00

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

RESOLUTION #77 - 2017

**ADOPTING PROPOSED ORDINANCE NO. (A) OF 2017 REGARDING
SIGNS**

Ald. Caldwell introduced the following and **moved** its adoption:

WHEREAS, the Common Council received proposed Ordinance No. (A) of 2017 on August 15, 2017; and

WHEREAS, a public hearing was held September 19, 2017, in connection with said proposed ordinance; now, therefore be it

RESOLVED, that Ordinance No. (A) of 2017, regarding Chapter 465 – Identification Sign Ordinance, as presented to the Common Council on August 15, 2017, be and hereby is adopted, and hereby designated as Ordinance No. 1 of 2017.

ORDINANCE NO. (1)
OF 2017

AN ORDINANCE AMENDING CHAPTER 465
OF THE CODE OF THE CITY OF NORWICH

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

Section 1. Article VIII Terminology, Section 35, Definitions of Chapter 465 of the Code of the City of Norwich shall be amended as follows:

IDENTIFICATION SIGN - A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified on the premises, one business phone number and/or a business email address or business website address where the sign is located.

Article III Regulation of On-Premises Signs by Zone, Section 14, Signage in Business Improvement District of Chapter 465 of the Code of the City of Norwich shall be amended as follows:

(2) Size and quantity.

(d) Keep it simple. Signs must identify the business and its main product or service using words, pictures and symbols. No sign may include brand name advertising ~~or telephone numbers~~.

New Material is underlined.

Section 2. This ordinance shall take effect immediately upon adoption.

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

RESOLUTION #78 - 2017

**APPOINTMENT OF WATER SYSTEM OPERATOR UNLICENSED
(TRAINEE)**

Ald. Schermerhorn introduced the following and **moved** its adoption:

WHEREAS, a vacancy exists in the position of Water System Operator Unlicensed (Trainee) in DPW; and

WHEREAS, the DPW Superintendent has made a recommendation to fill such vacancy, and;

WHEREAS, the Joint Committee has concurred with the recommendation, now, therefore be it

RESOLVED, that Brian Maricle of South Plymouth, NY, be and hereby is granted a provisional appointment as a Water System Operator Trainee in the City of Norwich Department of Public Works at the two year salary step effective September 20, 2017.

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

Payment of September 2017 Bills

Ald. Schermerhorn **moved** to pay the September 2017 bills after proper audit and certification.

	<u>Prepaid</u>	<u>9/19/2017</u>	<u>Grand Total</u>
General Fund	\$384,758.66	\$48,558.86	\$ 433,317.52
Sewer Fund	15,191.45	18,273.76	33,465.21
Water Fund	14,051.34	52,554.58	66,605.92
Trust	24,931.76	200.00	25,131.76
Comm. Dev. - Special Grants	99.00	-	99.00
Capital Projects	9,787.31	2,145.54	11,932.85
TOTALS	\$448,819.52	\$121,732.74	\$570,552.26

Seconded by Ald. Deierlein and duly adopted 5 - 0.

Executive Session

Ald. Caldwell **moved** to enter executive session to discuss Fire contract negotiations at 6:27 p.m. Seconded by Ald. Deierlein, approved ayes all.

Ald. Deierlein **moved** to exit executive session at 6:51 p.m. Seconded by Ald. Schermerhorn, approved ayes all.

Ald. Caldwell **moved** to take the use and hiring of a negotiator for the Fire Contract off the table. Seconded by Ald. Deierlein, approved ayes all.

Ald. Caldwell **moved** to approve the use and hiring of a negotiator for the Fire Contract. Seconded by Ald. Deierlein, approved ayes all.

Ald. Deierlein **moved** to re-enter executive session at 6:53 p.m. to discuss contract negotiations. Seconded by Ald. Schermerhorn, approved ayes all.

Ald. Deierlein **moved** to exit executive session at 7:23 p.m. Seconded by Ald. Schermerhorn, approved ayes all.

Ald. Deierlein **moved** to re-enter executive session at 7:24 p.m. to discuss the personal history of particular individuals. Seconded by Ald. Deierlein, approved ayes all.

Ald. Deierlein **moved** to exit executive session at 7:39 p.m. Seconded by Ald. Doliver, approved ayes all.

Ald. Deierlein **moved** to re-enter exit executive session at 7:40 p.m. to discuss the sale of real property where price may be affected. Seconded by Ald. Schermerhorn, approved ayes all.

Ald. Deierlein **moved** to exit executive session at 8:07 p.m. Seconded by Ald. Zieno, approved ayes all

Adjournment

Ald. Deierlein **moved** to adjourn at 8:07 p.m. Seconded by Ald. Doliver, approved ayes all.