

COMMON COUNCIL

July 17, 2018

Mayor Christine Carnrike presided at a meeting of the Common Council held at 6:30 PM on July 17, 2018, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Christine Carnrike
Ald. Matthew Caldwell
Ald. Brian Doliver
Ald. John Deierlein
Ald. Linda Kays-Biviano
Ald. David Zieno
Ald. Robert D. Jeffrey

Also:

Director of Finance/City Clerk Dee DuFour
Youth Bureau Director Robert Mason
Fire Chief Jan Papelino
Police Chief Rodney Marsh
EMO A Jones
City Attorney Steve Natoli
Deputy City Clerk Agnes Eaton

Media Representative: Zach Meseck

Supervisor James McNeil

Absent

Supervisor Robert M. Jeffrey

Call to Order

The meeting of the Common Council was called to order by Mayor Carnrike at 6:32 p.m.

Approval of Minutes

Ald. Caldwell **moved** to approve the minutes of the regular meeting of June 19, 2018 and the special meeting of June 27, 2018. Seconded by Ald. Jeffrey and duly approved ayes all.

Open Forum

Sandy Pierce, Market Manager and Board Member of the Norwich Farmer's Market, would like the Council to consider giving temporary permission for a Farmer's Market member, Poppy's food truck, to park on the street during the Farmer's Market. She stated that during a previous week the vendor was asked to move from the spot they were occupying as they were not in the designated spot for the Market (inside East Park). Temporary permission would allow the food truck to park in the street next to East Park using parking spaces, as the County will not allow the truck to park on the grass in the park. Code Enforcement and the City Clerk's Office state that when parked in the street this then would be regulated by the Vendor's ordinance and, by doing so, would be a violation of that ordinance. Ms. Pierce, her attorney, and insurance agent have gone over City Code and cannot find where this would be a violation, however the City Attorney has reviewed the situation feels that it is a violation. Ald. Caldwell stated that they must take into consideration the City Attorney's view and thanked Ms. Pierce.

Mayor Carnrike commented that the City has to look at this issue seriously as the Market is a valuable and viable asset and if the code, as it's written, prohibits the Market from bringing in new vendors we need to do something.

Correspondence

use **Plymouth Street Block Party** – Ald. Doliver **moved** to receive and approve the request from Pat Phillips for of Police barricades to close Plymouth St. from Cortland to Pleasant for a neighborhood block party on July 29, 2018 at 5:00 p.m. Seconded by Ald. Caldwell, approved ayes all.

Joe **Hayes Street Block Party** – Ald. Caldwell **moved** to receive and approve the request from Chuck Zellner and Phelps of Hayes St. on behalf of the Hayes Street Block Party Committee for permission to close Hayes St. from Elm St. to Locust St. on September 15, 2018 from 12:00 p.m. till 6:00 p.m. for a block party with a rain date of September 16, 2018. Seconded by Ald. Deierlein, approved ayes all.

on **Chenango County Fireman's Parade** – Ald. Caldwell **moved** to receive and approve the request from the Chenango County Agricultural Society for Police assistance in conjunction with their Annual Fireman's Parade August 7, 2018. The parade route is from Midland Drive, onto East Main St. and concluding at the Fairgrounds. Seconded by Ald. Zieno, approved ayes all.

Mayoral Appointment

Mayor Carnrike announced the following appointment:

Planning Commission

- ◆ Elisabeth Caldwell, 24 Locust St., appointed to fill the remainder of a three-year term expiring December 31, 2019

Mayoral Appointment with Council Approval

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

Parks Commission

- ◆ Scott Sutton, 141 North Broad St., reappointed to a three-year term expiring December 31, 2020

Seconded by Ald. Deierlein, approved ayes all.

Mayor Carnrike also mentioned that the Planning Commission is looking for two more members.

Department, Board and Commission Reports

- ◆ Traffic Commission Minutes – June
- ◆ Youth Board Report – 2nd Quarter
- ◆ Police Department – May and June
- ◆ Fire Department – through June

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

Ward Reports

Ward 1

Ald. Caldwell reported some communications which have been referred to the proper party. One, in particular, stated that when driving through downtown at dusk the visibility is poor and asked about the LED Street Lighting project.

Ward 2

Ald. Doliver reported a few communications regarding code issues, lawns and tractor trailers parking on the street.

Ward 3

Ald. Deierlein reported no communications.

Ward 4

Ald. Kays-Biviano reported a communication regarding shopping carts on Mitchell St. Another was a complaint about a television set on the railroad tracks on Mitchell St. which has been forwarded to DPW.

Ward 5

Ald. Zieno reported a communication that was referred to the Police Department and has been resolved. Another call regarding a tree has been addressed as well. A third call has been forwarded to Code Enforcement and is in the process of being resolved.

Mayor Carnrike reported she had a call from a Ward 5 constituent which has been referred to Code Enforcement.

Ward 6

Ald. Jeffrey reported some communications which have been forwarded to Code Enforcement. There have been a lot of complaints regarding a pile of branches that have been dumped at the end of Liberatore Lane on Norwich Housing property. The pile does not belong to Norwich Housing and keeps accumulating and becoming larger. He has asked DPW to take care of the pile. He also wanted Chief Papelino that Amy Donnison is doing a great job.

Mayor Carnrike asked the Chief of Police to discuss this at the Department Head meeting in order to discover who may be dumping the debris.

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

Motions

Authorizing an agreement with the NYS Department of Transportation for in-street pedestrian safety signs – Ald. Jeffrey **moved** to authorize signing an agreement with the NYS DOT for the placement of in-street pedestrian safety signs. Seconded by Ald. Caldwell, approved ayes all.

Receive Proposed Ordinance No. (B) of 2018 and Set Public Hearing – Chapter 310 Ald. Caldwell **moved** to receive Proposed Ordinance No. (B) of 2018 regarding Chapter 310 and set a public hearing to receive public comment for 6:30 p.m. on Tuesday, August 21, 2018. Seconded by Ald. Deierlein, approved ayes all.

ORDINANCE NO. (B) OF 2018

AN ORDINANCE AMENDING CHAPTER 310 OF THE CODE OF THE CITY OF NORWICH

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

§ 310-16 Fees.

A.

~~Fees for certification of rental occupancy inspection or status report.~~ **A minimum fee for certificate of rental occupancy inspection or status report shall be paid as set forth by Chapter 199 Construction Codes, Uniform, Article II. Should the owner or property manager permit the rental unit to become occupied prior to a rental occupancy inspection and a passed certificate of occupancy being issued, the minimum occupied rental inspection fee;** there shall be no fee for any initial reinspection should the unit fail. Any subsequent re-inspections related to the initial failure shall be assessed a fee for each visit. A certificate of rental occupancy shall be issued to the property owner upon a passed inspection. This certificate is nontransferable. The fee for any status report under this section shall be \$10 **set in Chapter 199 Construction Codes, Uniform, Article II.**

B.

Rental registration fee. There shall be no fee for properly completed rental registration forms submitted within 30 days of the date of initial registration as set forth in § ~~310-14~~ of this chapter and subsequent renewals per § ~~310-14D~~ of this chapter. The fee for applications received after 30 days of the deadline, if any, shall be as set by the Common Council.

C.

No fee for new buildings. There shall be no fee charged for the initial inspection for a certificate of rental occupancy registration certificate for new rental dwellings at the completion of their construction covered by a building permit.

§ 310-17 Penalties for offenses.

Any violation of any provision of this chapter, or any provision of any rule or regulation adopted by the enforcement officer pursuant to authority granted by this chapter, shall be deemed an offense and any person found guilty thereof shall be liable to a fine which shall not be less than \$250 ~~and not to exceed \$1,000~~ **the minimum and not to exceed the maximum as set by Chapter 199 Construction Codes, Uniform, Article II,** or to imprisonment not to exceed 30 days, or to both such fine and imprisonment, and each day's failure to comply with such provision, rule or regulation shall constitute a separate violation.

New material is underlined and bold

Locust St. Temporary Removal of NO PARKING Signs east side – Ald. Caldwell **moved** to temporarily remove the NO PARKING signs on the East side of Locust St. based on a recommendation by the Traffic Commission. Seconded by Ald. Kays-Biviano, approved ayes all.

West Main/Canasawacta St. Crosswalk removal – Ald. Caldwell **moved** to remove the West Main and Canasawacta St. crosswalk based on a recommendation from the Traffic Commission. Seconded by Ald. Doliver, approved ayes all.

Water Agreement with Burrell's – Ald. Caldwell **moved** to approve an agreement with Burrell's Excavating for the purchase of metered water. Seconded by Ald. Deierlein.

Discussion: Ald. Jeffrey asked the City Attorney if he has looked over the agreement to which S. Natoli replied that he was aware of the terms but has not seen an agreement. Ald. Zieno wanted confirmation that the rate in question is the residential rate and Ald. Caldwell stated this was not made clear to him as he thought it was a special rate. Ald. Zieno concurred with Ald. Caldwell to have everyone to be paying the same rate. He went on to say if everyone is paying the same rate there should be no need for an agreement. D. DuFour reported that the City only owns 2 hydrant meters that are necessary for these types of arrangements. The cost of purchasing additional meters is \$1,300 - \$1,600 each and would not be cost effective and the City would be losing money. In addition, if the City is giving them a meter, who is responsible for that meter if it gets damaged? Distinction between the residential water rates and the bulk water rates was explained and the fact that Sunrise Farms was the only regular customer purchasing multiple loads of water at the time. Ald. Caldwell asked how Burrell's already have a meter if the agreement hasn't been approved. D. DuFour stated that it was her understanding after the last [conversation with Caldwell] that we were to give them a meter. They did fill out an application and called to receive the meter. Ald. Doliver wondered if a meter could be affixed to the hydrant and D. DuFour said this could be a problem with meter readings being accurate when multiple customers are coming on the same day. Ald. Kays-Biviano suggested renting the meters, not giving them out at no charge and Ald. Deierlein suggested they buy the meters. Ald. Jeffrey stated that water is an asset, and wouldn't it be a disservice to the City taxpayer to have anyone come and get water at the same cost residents are paying and Ald. Deierlein concurred. Ald. Doliver said we should take into consideration the loss of revenue, however we could figure out how to do a bulk rate. Ald. Caldwell pointed out that the City is not a for-profit organization to which the Director of Finance agreed but reminded him the City should not be losing money either. The overhead would depend on many factors based on the procedure established such as the cost of meters, time and labor of an employee, and the interruption of an employee's regular duties. Ald. Caldwell again made a **motion** to approve an agreement with Burrell's not to exceed December 31, 2018. Ald. Jeffrey questioned why there is a need to follow precedent set by a previous administration. Ald. Jeffrey **moved** to table this. Seconded by Ald. Doliver. Before the vote Mayor Carnrike stated she would "stay out of it for obvious reasons." She did mention that the previous Superintendent sold a lot of the meters for surplus and pointed out that Dave Burrell is a taxpayer in the City. "He discussed with the Finance Office using his own water for which he is [already] paying so he can pay the \$66.80 minimum usage, or he can pay \$70 for 2500 gallons. So, do the math. He's a business person, so we'll take it from there. I apologize to our City Attorney that he wasn't kept in the loop on this, but it was my understanding from the Joint Committee meeting that the agreement with Sunrise Farms was made by Carl Ivarson; not by the Council, not by the former Administration. So, I would appreciate that you consider this going forward, however you want to do that." She remarked that hopefully something can be worked out for all who want to purchase water. After calling for a vote, the motion to table is approved, 5-1, with Ald. Caldwell voting nay.

Resolutions

RESOLUTION #46 -2018 DECLARING VEHICLE SURPLUS AND AUTHORIZING DISPOSAL

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

WHEREAS, vehicles have been deemed to be surplus; and

WHEREAS, the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that the following vehicles, as presented to the Common Council, be and hereby are declared surplus:

2005 Chevy Impala

VIN # 2G1WF52K059350030

and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to dispose of such equipment as is provided for by law.

Seconded by Doliver, and duly adopted, 6 - 0, on a roll call vote.

RESOLUTION #47 - 2018

AMEND AMUBLANCE RECOVERY FEES

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

WHEREAS, the Ambulance Recovery Fees have not been increased since May 2015; and

WHEREAS, the Fire Chief has made a recommendation to raise certain recovery fees and the Finance/Personnel and Public Safety/Public Works Committees have agreed with the recommendation; now, therefore be it

RESOLVED, to amend the Ambulance Recovery Rates as follows effective date of July 18, 2018:

	<u>Present Rate</u>	<u>Revised Rate</u>
Mileage (Per loaded mile-All Transports)	\$20	\$25
ALS-1 Non-Emergency	\$1,000	\$1,400
ALS-1 Emergency	\$1,000	\$1,400
BLS Non-Emergency	\$900	\$1,200
BLS Emergency	\$900	\$1,200
Paramedic Intercept	\$500	\$500
ALS-2 Emergency	\$1,100	\$1,500
Specialty Care Transport	\$1,300	\$1,700
Treatment - No Transport	\$300	\$300
<u>Non-Resident Surcharge (for patients residing outside of C.O.N. Area)</u>		
Basic Life Support Services	\$200	\$ 300
Advanced Life Support Services	\$300	\$ 400

Seconded by Caldwell, and duly adopted, 6 - 0, on a roll call vote.

RESOLUTION #48 - 2018

AUTHORIZING NO PARKING SIGNS ON CHENANGO AVENUE

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

WHEREAS, the Traffic Commission has recommended that "No Parking" signs be placed on the South side of Chenango Avenue; and

WHEREAS, the DPW is now authorized to post "No Parking" signage, on the South side of Chenango Avenue; and

WHEREAS, the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that the City Clerk update the City Code Chapter 525-54 A. Parking; Regulations - No Parking of The Vehicle and Traffic code to include the South side of Chenango Avenue.

Seconded by Zieno, and duly adopted, 6 - 0, on a roll call vote.

RESOLUTION #49 - 2018

AUTHORIZING NO PARKING SIGNS ON SOUTH MITCHELL STREET

Ald. Kays-Biviano introduced the following and **moved** its adoption:

WHEREAS, the Traffic Commission has recommended that "No Parking" signs be placed on both sides of South Mitchell Street; and

WHEREAS, the DPW is now authorized to post "No Parking" signage, on both sides of South Mitchell Street; and

WHEREAS, the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that the City Clerk update the City Code Chapter 525-54 A. Parking; Regulations - No Parking of The Vehicle and Traffic code to include both sides of South Mitchell Street.

Seconded by Zieno, and duly adopted, 6 – 0, on a roll call vote.

RESOLUTION #50 - 2018

AUTHORIZING 4-WAY STOP AT COURT AND FAIR STREETS

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

WHEREAS, the Traffic Commission has recommended that the intersection of Court and Fair Streets be posted a four-way stop; and

WHEREAS, the DPW is now authorized to post "Stop" signs at the intersection of Court and Fair Streets; and

WHEREAS, the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that the City Clerk update the City Code Chapter 525-60 - Streets Designated of the Vehicle and Traffic code to include four-way stops at Court and Fair Streets.

Seconded by Ald. Doliver, and duly adopted, 6 - 0, on a roll call vote.

RESOLUTION #51 - 2018

AUTHORIZING CHANGE ORDERS TO THE WATER TREATMENT PLANT PROJECT

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

WHEREAS, Electrical Construction Change Order No. 6 includes installation of a fire alarm for the bathroom in the amount of \$2,188.00; and

WHEREAS, Delaware Engineering has reviewed the Electrical Construction Change Order request and has recommended its approval; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized to execute the change order for the Water Treatment Plant Project in the Electrical Construction Contract in the amount not to exceed \$2,188.00.

Seconded by Ald. Kays-Biviano, duly adopted, 6 - 0, on a roll-call vote.

RESOLUTION #52 - 2018

AUTHORIZING CHANGE ORDERS TO THE WATER TREATMENT PLANT PROJECT

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

WHEREAS, General Construction Change Order No. 7 includes charges for winter work due to a delay in construction in the amount of \$35,512.00; and

WHEREAS, Delaware Engineering has reviewed the General Construction Change Order request and has recommended its approval; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized to execute the change orders for the Water Treatment Plant Project in the General Construction Contract in the amount not to exceed \$35,512.00 and is contingent on the completion of the project no later than October 5, 2018.

Seconded by Ald. Deierlein, duly adopted, 6 - 0, on a roll-call vote.

RESOLUTION #53 - 2018

**AUTHORIZING TECHNICAL SERVICE CHANGE ORDERS TO THE
WATER TREATMENT PLANT PROJECT**

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

WHEREAS, there was a two-month delay in beginning the Water Treatment Plant Project and an additional two months added to the completion of the project; and

WHEREAS, Delaware Engineering Contract Change Order No. 2 includes additional Construction Administration and Resident Inspections for a total of \$87,696.93; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized to execute the change orders for the Water Treatment Plant Project in the Contract with Delaware Engineering in the amount not to exceed \$87,696.93 and is contingent on the completion of the project no later than October 5, 2018.

Seconded by Ald. Deierlein, duly adopted, 6 - 0, on a roll-call vote.

RESOLUTION #54 - 2018

**AUTHORIZING EXPENDITURE TO CONDUCT A FLOW STUDY AT
CHENANGO LAKE**

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

WHEREAS, the inflow line from Chenango Lake into the reservoir has been getting clogged and may need replacing; and

WHEREAS, an Emergency Grant is available to cover 100% of the cost of replacing the line; and

WHEREAS, a study must be done in advance of applying for the Emergency Grant to prove that replacement of the line is needed with the study costing up to \$15,000; now, therefore be it

RESOLVED, that the Common Council authorizes the expenditure of up to \$15,000 to meet grant qualifications to conduct a study of the inflow from Chenango Lake into the reservoir with the intention of applying for an Emergency Grant.

Seconded by Ald. Deierlein, and duly adopted, 6 - 0, on a roll call vote.

Ald. Jeffrey asked who would be applying for the Grant and the Mayor answered that Delaware Engineering would do so. Ald. Zieno remarked that this is a project that would cost hundred's of thousand's of dollars if it becomes necessary and the study will allow us to determine that necessity.

RESOLUTION #55 - 2018

**APPOINTMENT OF THE DEPARTMENT OF PUBLIC WORKS
SUPERINTENDENT**

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

WHEREAS, a vacancy exists in the position of the Department of Public Works Superintendent; and

WHEREAS, the Joint Committees has recommended the provisional appointment of Edward Pepe of Norwich NY to such position; now, therefore be it

RESOLVED, that Edward Pepe of Norwich, NY, be and hereby is granted a provisional appointment as the Department of Public Works Superintendent effective August 6, 2018, subject to any and all action as may be necessary by the Norwich Civil Service Commission; and, further be it

RESOLVED, that Edward Pepe shall be placed in Grade 32, entry of the non-unit compensation schedule.

Seconded by Ald. Deierlein, and duly adopted, 6 – 0, on a roll call vote.

Mayor Carnrike stated the Edward Pepe has been informed a Civil Service test would need to be taken and passed; he had no issue with this.

RESOLUTION #56 - 2018 **APPOINTMENT OF TEMPORARY PART-TIME WASTEWATER TREATMENT PLANT TECHNICIAN**

Ald. Kays-Biviano introduced the following and **moved** its adoption:

WHEREAS, it has been determined the need for the extension of the temporary part-time Wastewater Treatment Plant Technician and;

WHEREAS, the Common Council has reviewed and concur with said need; and

WHEREAS, the new position of Wastewater Treatment Plant Technician was created on March 20, 2018; now therefore be it

RESOLVED, that the appointment of Larry Monahan, Norwich, NY as temporary part-time Wastewater Treatment Plant Technician in the Department of Public Works, is extended from April 21, 2018 at a rate of \$45 per hour to; and further be it

RESOLVED, that the temporary appointment will terminate effective no later than 18 months from April 21, 2018.

Seconded by Ald. Deierlein and duly adopted, 6 - 0, on a roll call vote.

Before the vote, Aids. Doliver and Jeffrey asked how many hours Mr. Monahan was working. D. DuFour said he is working around 27 hours per week. Mayor Carnrike thought it was important to continue the position and hoped that when Mr. Pepe arrives he can work with Larry Monahan and Scott Folts to get things moving forward with the transition. There was discussion that by the end of the third quarter Scott Folts would no longer need Mr. Monahan.

Payment of July 2018 Bills

Ald. Doliver **moved** to pay the July 2018 bills after proper audit and certification.

	<u>Prepaid</u>	<u>7/17/2018</u>	<u>Grand Total</u>
General Fund	\$108,857.94	\$46,700.90	\$ 155,558.84
Sewer Fund	17,936.63	17,451.58	35,388.21
Water Fund	18,357.87	9,762.59	28,120.46
Trust	31,783.99	-	31,783.99
Debt Service	208,584.65	-	208,584.65
Comm. Dev. - Special Grants	334.16	-	334.16
Capital Projects	345,761.19	-	345,761.19
TOTALS	\$731,616.43	\$73,915.07	\$805,531.50

Seconded by Ald. Caldwell and duly adopted.

Ald. Caldwell asked if the Human Resource Director position has been advertised. D. DuFour stated she was not told to advertise and that she was unsure of what to advertise as there had been discussion previously about the two Human Resource positions job duties. It was deemed that free advertising on Indeed was all that was needed and with the job description exactly as it is currently.

Mayor Carnrike added: "For the record, I work for Burrell's Excavating. You need a fulltime job in order to pay the bills, and that is my job. I am your Mayor fulltime as well. Burrell's Excavating has been a great friend to the City of Norwich long before I was employed there and probably long after I'm employed there. There was a handshake agreement, an understood agreement - Burrell's Excavating provides a lot of services to the City of Norwich at no cost. They provide street plates whenever we have a problem, fittings, (.....emergency staffing) – you name it, they've done it- for a number of years. A great friend of the parks for that project to beautify our parks – for the Farmer's Market, for Colorscape, for Gus Macker, for Pumpkin Fest and the like. It was kind of understood, if Burrell's Excavating needed a tank of water Carl Ivarson did not have a problem with them getting a tank of unfiltered, untreated water. However, it became an issue recently and that is why Ald. Caldwell brought this to the Council because, unfortunately, there was that handshake agreement also with Sunrise Farms. So, in order to be fair, it had to come to this body. Now, it is unfortunate that there's not (meters?) but as I stated earlier, Mr. Burrell is a taxpayer of the City of Norwich and he can receive up to 7,500 gallons of water for \$66.80 or he can pay \$70 for 2,500." Ald. Caldwell said they can bill the City for services and the Mayor stated that is probably going to happen. She again apologized to the City Attorney was not being informed and stated that when Mr. Pepe takes over there are many things that need to be addressed. She remarked that the 30 Seconds online column of the newspaper "has had a field day with this and that is why it was brought to Council." The Mayor asked D. DuFour to contact Mr. Burrell to retrieve the meter they were given. She thought it was unfortunate that when you have working relationships with businesses, whether they are in the City or the Town, the City of Norwich should be open for business and not drive them out.

Adjournment

Ald. Caldwell **moved** to adjourn at 7:39 p.m. Seconded by Ald. Doliver, approved ayes all.