

COMMON COUNCIL

January 22, 2019

Mayor Christine Carnrike presided at a meeting of the Common Council held at 6:30 PM on January 22, 2019, in the Common Council Chambers at One Court Plaza.

Present:

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

Also:

Director of Finance/City Clerk Dee DuFour
DPW Superintendent Edward Pepe
Youth Bureau Director Robert Mason
Fire Chief Jan Pangelino left approximately 6:50 p.m.
Police Chief Rodney Marsh
City Attorney Steve Natoli
Deputy City Clerk Agnes Eaton

Supervisor Robert M. Jeffrey

Media Representative: none

Absent

Ald. Brian Doliver
Supervisor James McNeil

Call to Order

The meeting of the Common Council was called to order by Mayor Carnrike at 6:34 p.m.

Approval of Minutes

Ald. Caldwell **moved** to approve the minutes of the regular meetings of November 20, and December 18, 2018 and the special meetings of November 27, December 4, December 11, 2018. Seconded by Ald. Jeffrey and duly approved ayes all.

B.I.D. Request and Discussion

Jamie Gaudreau-Moore, resident of Norwich and Vice President of the Business Improvement District, requested a change to the Annual License Permit ordinance. Ms. Gaudreau-Moore stated that the B.I.D.'s vision for downtown is to create a vibrant downtown with a positive image. She stated that although they would like to see the number of Annual vendor spots expand, their request is to limit the Annual vendors from using their designated spots during special events. She explained that special events such as Colorscape and Pumpkin Fest require their vendors to pay a percentage of their profits at the event and that the Annual vendors that utilize their spots during these events do not. She stated that events typically limit vendors to avoid multiple vendors selling the same thing, and this can be an issue when the Annual vendors sell similar items, which could make it harder to secure event vendors in the future. She continued by agreeing that event vendors may not be local, but the events bring in people to our area.

Celeste Friend, resident of Utica and Executive Director of Colorscape, provided a brief history of the event. She stated that as a juried art show, Colorscape attracts a "premier audience" that is spending money in the area. Not only is it a juried show, but only a certain number of artists in a particular category are allowed. Colorscape's goal is to become a regionally recognized premier show in the Northeast, but that is "undermined" by the presence of the Annual vendors wares which "are not always high quality, are not handmade" and not the caliber the attendees of Colorscape expect. Therefore, they support making a change to the Annual vendor permits so it limits the Annual vendors from being in their spots during special events.

Discussion ensued. Ald. Zieno stated there are only 2 vendors which have been utilizing their spots during special events. He questioned what is the difference between Garf's which is right on the corner or an Annual vendor utilizing their space? We wouldn't ask Garf's, or any other business to shut down for the weekend. Ald. Zieno asked if 2 businesses (Annual vendors) are going to drive people away and Ms. Friend replied that it definitely undermines their Colorscape brand. There was discussion of paying fees to the event and the repercussions to the "juried" status if that was done; cooperation between the event coordinators and Annual permit holders; the Annual vendors are local businesses entitled to use their spot; complaints from event vendors as to exclusivity of products; and complaints from Annual vendors stating their booths are blocked and Ms. Friend confirmed this.

John Quatrocchi, city resident and holder of an Annual vendor permit, stated that as a downtown business owner, B.I.D. has never contacted him. He felt this is a "classic case of elitists". He felt that this was really about one vendor and asked that the B.I.D. come and see them [Annual vendors]. Mr. Quatrocchi stated he has a great relationship with

other event coordinators. He has spoken with other local merchants who say this is a fair market system. Speaking to the B.I.D. representatives attending, he said he takes offense that “we don’t fit in to your little square”.

Mayor Carnrike thought that “trying to exclude a particular vendor with a legal City of Norwich Peddler Permit is not speaking to improving relations for any event.” The vendor in question told the Mayor that Mike McCormack, a member of the B.I.D. Executive Committee, thanked her last November for being there during the Parade of Lights. Mayor Carnrike summed it up by saying the Annual vendor spots exist, they are applied for and permitted by the City, the fees are paid, the insurance is intact and there is no need for any change. Any organization or person requesting special event designation from the Council needs to consider the four Annual vendor areas and that they are off limits for special events. “We cannot have one or two organizations trying to dictate” putting one business over another. Mayor Carnrike added that going forward that when special event designations come before Council it is made clear to the organization that the 4 Annual vendors spots are designated for the Annual vendors and that the Annual vendors may or may not be present during the special event.

Correspondence

Dollars for Scholars 5K Race - Ald. Kays-Biviano **moved** to approve the request from Dollars for Scholars for police assistance at the 5K race being held on Saturday, April 6, 2019 from 8:45 a.m. – 10:15 a.m. The race route will remain the same as the last 5 years. Seconded by Ald. Deierlein, approved ayes all.

Department, Board and Commission Reports

- ◆ Youth Board Report – 4th Quarter 2018
- ◆ Fire Department Report – thru December 2018

Ald. Caldwell **moved** to receive and file the department, board, and commission reports. Seconded by Ald. Zieno, approved 4 – 1 with Ald. Jeffrey voting nay.

Ward Reports

Ward 1

Ald. Caldwell reported receiving a call from a Ward 3 resident who expressed gratitude to a DPW employee for assistance.

Ward 3

Ald. Deierlein reported several comments regarding the quick clean up after the snow storm.

Ward 4

Ald. Kays-Biviano reported no communications.

Ward 5

Ald. Zieno reported two communications, one in the process of being resolved, the other is being discussed at tonight’s meeting.

Ward 6

Ald. Jeffrey reported receiving a complaint in January regarding leaves. Also one regarding a snowed-in car on York St.

Mayor Carnrike reported communications regarding a sidewalk maintenance issue which was referred to Codes. She also hoped that the snow at the curbs could be cut back further.

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

Motions

Receive Proposed Ordinance - Peddling & Soliciting Ald. Caldwell **moved** to receive Proposed Ordinance No. (A) of 2019 and set a public hearing for February 19, 2019. Seconded by Ald. Deierlein, approved ayes all.

PROPOSED
ORDINANCE NO. (A)
OF 2019

BE IT ORDAINED by the Common Council of the City of Norwich, New York, that Chapter 383, Peddling and Soliciting, be amended as follows:

§ 383-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DESIGNATED AREAS

Include specified areas in the City of Norwich which allow mobile food vendors for an extended duration between the hours of 8:00 a.m. through 11:00 p.m. without the need to move. The designated area shall be the size of two parking spaces.

[Added 8-13-1991 by Ord. No. 2-1991; amended 9-14-2010 by Ord. No. 3-2010]

ESTABLISHED PLACE OF BUSINESS

Includes a building or store in which or where the person transacts business and deals in the goods, wares or merchandise he hawks, peddles or solicits for during regular hours of business daily.

HAWKER, PEDDLER or VENDOR

Includes any person, either principal or agent, who in any public street or public place, or by going from house to house or from place of business to place of business, on foot or on or from any vehicle, sells or barter, offers for sale or barter, or carries or exposes for sale or barter any goods, wares or merchandise and periodicals.

[Amended 5-18-1999 by Ord. No. 3-1999; 9-14-2010 by Ord. No. 3-2010]

NON-PROFIT

Includes the term Not-for-Profit: a corporation or an association that conducts business for the benefit of the general public without shareholders and without a profit motive.

PERSON

Includes one or more persons of either sex, natural persons, firms and corporations, and all other entities of any kind capable of being sued.

SOLICITOR

Includes any person who goes from place to place or house to house or who stands in any street or public place taking or offering to take orders for goods, wares or merchandise or for services to be performed in the future, or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

[Amended 5-18-1999 by Ord. No. 3-1999]

SPECIAL EVENT

An event of specific, limited duration at which the sponsoring organization will have vendors.

[Added 9-14-2010 by Ord. No. 3-2010]

SPECIAL EVENT DESIGNATION

Granted by the Common Council upon written request of an organization sponsoring an event at which it will have vendors.

§383-14

Non-Profit Fundraising Permit

- A. An organization requesting non-profit designation must submit a License Application as provided in §383-3. Non-profit fundraising shall be limited to a singular non-profit vendor or a singular non-profit sponsored vendor for the purposes of fundraising on behalf of the non-profit.
- B. A Non-Profit Organization is limited to no more than (4) four permits per calendar year.
- C. Application for permit. The non-profit organization must provide the City with the following information.
 - 1. Name of vendor/company.
 - 2. Names of owner and all employees/volunteers who will be present.
 - 3. Address of vendor/company.
 - 4. Address of owner, if different than that of vendor/company.
 - 5. Dates of birth of owner and all employees/volunteers who will be present.
 - 6. Make, model and license plate number of vehicles used for selling, if any.
 - 7. Certifications, if applicable, for New York state sales tax, Chenango County food permit, weights and measures.
 - 8. Proof of Non-Profit status must be submitted.
 - 9. All requirements must be met before Non-Profit Fundraising Permit will be issued.
- D. The license fees shall be as set by the Common Council on the fee schedule and as amended from time to time by resolution of the Common Council.
- E. Shall be exempt from moving every 10 minutes, The location of fundraising must be fully contained on the non-profit's property or in an area designated by the Common Council.
- F. No more than (1) one Non-Profit permit per park per day within the City limits will be issued.
- G. Non-Profit Fundraising Permit holders are not exempt from the special event permit within a special event designated area and must obtain a permit from the organization holding the special event.
- H. Special Event Permits will take precedence over Non-Profit Fundraising Permits.
- I. §383-2 through §383-13 shall apply unless expressly exempted.

New material is underlined.

Receive Proposed Ordinance – Animals Ald. Jeffrey **moved** to receive Proposed Ordinance No. (B) of 2019 and set a public hearing for February 19, 2019. Seconded by Ald. Deierlein. It was deemed more work on this was necessary, therefore Ald. Zieno **moved** to forward this to the February Joint Committee. Seconded by Ald. Caldwell, approved 4-1 with Ald. Jeffrey voting nay.

PROPOSED
ORDINANCE NO. (B)
OF 2019

BE IT ORDAINED by the Common Council of the City of Norwich, New York, that Chapter 153, Animals, be amended as follows:

Article I Animal Control

§ 153-15 Animal Waste and Other Disturbances:

A. No person shall dispense, feed, or otherwise make available to any species of wildlife or cats, either on such person's property or on the property of another or of the City, any type or amount of food in a manner that:

- 1. Creates an unclean, unsafe, or unsanitary condition**
- 2. Results in the accumulation of feces**
- 3. Attracts other wildlife, vermin or pests**
- 4. Creates an unreasonable disturbance**
- 5. Constitutes a private or public nuisance**
- 6. Otherwise deleteriously affects the quiet enjoyment by others of any private or public property.**

B. Penalties:

Violation of this provision with this ordinance requires a minimum fine of \$50.00 for the first offense, \$100.00 for the second offense, \$200.00 for the third and subsequent offense within a year of previous violations. Each offense is given one-week duration to correct. If violations do not cease once penalties reach \$1,000.00, a court appearance ticket may be issued. Penalties not paid shall be added to the owner's property tax bill for collection.

New material is underlined

Set Public Hearing to Hear Comment for Establishment of a Dog Park Within Greenway Park - Ald. Caldwell **moved** to set a public hearing for February 5, 2019 in order to hear Public Comment for the establishment of a dog park within Greenway Park. Seconded by Ald. Zieno, approved ayes all.

Discussion before the vote: Chris Sprague from the Parks Commission addressed the Council. The Park Commission feels that currently Greenway Park is the best location for the dog park, however proposed it should be its own separate park. Placement at Greenway Park would necessitate the loss of the merry-go-round, toddler toys, and a swing set, much of which is old. He feels there is an opportunity to reconfigure the park to include the dog park and update the playground. He stated that thought should be given to when the river is high the current would be too fast for dog use. His concern is losing play equipment for the sake of a dog park. Ald. Caldwell asked if he was recommending not going forward with the dog park. Mr. Sprague said that if the goal is to move forward now, there is no alternative. If there was more time to explore options, perhaps an alternate location could be found. It was asked if the loss of playground equipment in Greenway Park would be a substantial loss, as there are other playgrounds in the City but we have no dog park. Mr. Sprague felt it would be a substantial loss as this is the only playground on that side of the City. One other consideration may be any set back requirements for fencing from the Army Corps and DEC that would need to be explored.

Resolutions

RESOLUTION #1 -2019

AWARDING BID - FUEL CARD SYSTEM

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

WHEREAS, a bid for a fuel card system has been received and was opened on December 28, 2018; and

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

RESOLVED, that the bid for a fuel card system be awarded to the lowest qualified bidder meeting specifications, Mirabito Energy Products, of Binghamton, NY, in the following schedule:

		Rack	Margin	Total
Gasoline	1)	1.6313	.0809	1.7122
	2)	1.5022	.0700	1.5722
Diesel	1)	1.9033	.0704	1.9737
	2)	2.0807	.2219	2.3026

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

RESOLUTION #2 - 2019

APPOINTING ORDINANCE INSPECTOR IN THE CODE ENFORCEMENT OFFICE

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

WHEREAS, a vacancy exists in the position of Ordinance Inspector in the Code Enforcement Office; and

WHEREAS, the Joint Committee has made certain recommendations; now, therefore be it

RESOLVED, that Dale Smith of Norwich, NY be and hereby shall receive a permanent appointment to the part-time position of Ordinance Inspector at the hourly rate of \$17.8385 of the non-unit compensation schedule, and further be it

RESOLVED, that the effective date of the appointment shall be January 24, 2019.

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

RESOLUTION #3 - 2019

DESIGNATING LEAD AGENCY & DECLARING SEQRA DETERMINATION OF NON-SIGNIFICANCE CONCERNING CHENANGO MEMORIAL HOSPITAL CONSTRUCTION PROJECT

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

WHEREAS, the proposed action is subject to the regulations of 6NYCRR Part 617, the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the proposed action is expected to involve permitting and funding from other state and local government agencies; and

WHEREAS, the project site is neither individually listed or contained within an existing district listed on either the national or state registries of historic places; and

WHEREAS, the proposed action is preliminarily classified as a Unlisted Action because it does not qualify for either a Type 1 or Type 2 classification; and

WHEREAS, the City of Norwich Common Council desires to serve as the lead agency; now, therefore be it

RESOLVED, that the City of Norwich Common Council hereby determines that the above-described action is subject to the regulations of the State Environmental Quality Review Act (SEQRA); and further be it

RESOLVED, that the Common Council hereby expresses its desire to serve as the lead agency for the environmental review of the above-described action; and further be it

RESOLVED, a coordinated review of the proposed action will be conducted with other potentially involved agencies; and further be it

RESOLVED, that the Common Council hereby authorizes the circulation of a short environmental assessment form (EAF) and related documents to other potentially involved agencies to allow their comment and opportunity to consent or object to the Common Council's designation as lead agency; and further be it

RESOLVED, that the Common Council hereby classifies the above project as an Unlisted action in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA); and further be it

RESOLVED, that the accompanying Determination of Non-Significance (a negative Declaration), dated October 21, 2018, is hereby incorporated by reference as part of this resolution; and further be it

RESOLVED, that the Common Council, acting as lead agency pursuant to SEQRA, hereby determines that the proposed action will not result in a significant adverse impact on the environment, and hereby issues a negative declaration based on the reasons given in the accompanying Determination of Non-Significance. The determination that the proposed action will not have a significant impact on the environment, the Common Council further determines that an Environment Impact Statement is not required for the proposed action.

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

Payment of January 2019 Bills - Ald. Kays-Biviano **moved** that the payment of the January 2019 bills be authorized subject to final audit and verification, and subject to subsequent ratification and approval of the detailed bill list at the February 2019 meeting. Seconded by Ald. Deierlein and duly adopted, ayes all.

Executive Session

Ald. Caldwell **moved** to enter executive session to discuss contract negotiations at 7:30 p.m. Seconded by Ald. Deierlein, approved ayes all.

Ald. Kays-Biviano **moved** to exit executive session at 8:48p.m. Seconded by Ald. Deierlein, approved ayes all.

Adjournment

Ald. Deierlein **moved** to adjourn at 8:48 p.m. Seconded by Ald. Caldwell, approved ayes all.