

COMMON COUNCIL

May 21, 2019

Mayor Christine Carnrike presided at a meeting of the Common Council held at 6:30 PM on May 21, 2019, 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
DPW Superintendent Edward Pepe
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: Zack Messeck

Absent

Supervisor Robert M. Jeffrey
Supervisor James McNeil

Call to Order

The meeting of the Common Council was called to order by Mayor Carnrike at 6:30 p.m.

Approval of Minutes

Ald. Caldwell **moved** to approve the minutes of the regular meeting of April 16, 2019. Seconded by Ald. Deierlein and duly approved ayes all.

Proclamation – National Poppy Day

Mayor Carnrike made the following:

Proclamation

The Office of the Mayor of the City of Norwich

Expressing support for the designation of May 24, 2019, as

“National Poppy Day” in honor of our fallen.

As requested by The American Legion Auxiliary, Unity 189, of the American Legion Lt. Warren E. Eaton Post 189, on behalf of the City of Norwich, I am expressing support for the designation of May 24, 2019, as “National Poppy Day” in Norwich, NY, and recognizing the importance of honoring those that have worn our nation’s uniform, and

WHEREAS, poppies are worn and displayed as a symbolic tribute to our fallen and the future of living veterans and service members; and

WHEREAS, at the end of World War I, The American Legion adopted the poppy as a symbol of freedom, and the blood sacrificed by troops in wartimes; and

WHEREAS, the use of the poppy symbolically comes from the poem In Flanders Fields, which movingly begins, “In Flanders Fields the poppies blow, between the crosses, row on row, referring to the poppies that sprung up in the churned earth of battlefields across Belgium and France where soldiers died fighting; and

WHEREAS, The American Legion Family has long utilized the red poppy as its official flower, symbolizing the blood shed by those who have served in our U.S. Military; and

WHEREAS, The American Legion Auxiliary has pledged to remind America annually of the sacrifice of lives in all wars through the distribution of the memorial flower;

THEREFORE, I, Christine A. Carnrike, Mayor of the City of Norwich, New York, do Hereby proclaim May 24, 2019 as POPPY DAY and encourage all citizens, residents and visitors to Norwich to join in observing this day to honor every service member who has died in the name of liberty, freedom and democracy while also showing their support for living veterans, service members and their families;

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the City of Norwich, on the 21st day of May 2019.

Introduction of New Director of Human Resources

Mayor Carnrike introduced the new Director of Human Resources, Lynn Murray, and stated that Ms. Murray would begin her new position on May 28, 2019.

Open Forum

Karol Kucinski, 5 Locust St., invited the Council and others in attendance to a Candidates Forum where 3 out of the 4 Mayoral Candidates will be introducing themselves and speaking about their plans as Mayor. The Forum is at the Bohemian Moon on Monday, June 3, 2019 where an optional buffet begins at 5:30 p.m. with the meeting beginning at 6:00 p.m. Ald. Matthew Caldwell (R) will be the moderator of the question and answer period. He also reported that the Board of Elections is looking for pole workers. He also reported that a Census Committee is being formed by Shane Butler at the County Planning Board to ensure citizen participation in the Census, which is used in determining Congressional representation for our area as well as how Federal monies are disbursed and the County Board of Supervisors representations.

David Francis, 239 Hale Rd., owner/operator of David Francis Plumbing and Heating, Gun Shop and property owner in the City of Norwich, stated he was here to speak about the April 16th Common Council meeting minutes in which he referenced quotes by the Mayor, "She stated she consistently gets phone calls from people looking for licensed persons to do work." He stated that Code Enforcement has a large list of licensed Plumbers and Electricians that is available to everyone. He stated that he has a Master Plumbing License, Master Heating License, a Federal Firearms License, a State Dealers License, a NYS Gunsmithing License, and a State License for Blood Tracking Wounded Animals. Licensing and procedures is very important to him and should be supported, making changes if needed. Referencing another quote from the Mayor, "Mayor Carnrike relayed a comment made to her that "a Plumber or Electrical licensed [person] to do work is a license to steal"," is a very negative comment that warrants an apology to contractors within the City. He reported that many Plumbers and Electricians have "donated thousands and thousands of dollars (in service)" to the poor and elderly within the City. He went on to say these are businesses that support the City, support the organizations within the City.

Richard Barnes, 17 Division St., owner of Barnes Electric, relayed to the Council work that was done at the property located at 125-127 East Main St. He quoted the building permit dated 10/1/18 stating that Plumbers, Electricians and Heating contractors must have Master Licenses. He reported what he had done as the Electrician of Record and why he felt he had to leave the job due to the owners having done some electrical work. He had concerns about the correctness of the work and felt it was a safety concern -this would could also jeopardized his License and Insurance, therefore he notified Code Enforcement he was no longer on the job. He added that the first Electrical Inspectors report was wrong and the second (corrected) one is still wrong.

Michael O'Reilly, property owner of 125-127 East Main St., disputed some of what Mr. Barnes had said. He again referenced the word "repair". He reported that Mr. Barnes wanted 25% more than his quoted price two times, which Mr. O'Reilly stated was fine with him but asked to be able to "work with him (Mr. Barnes) on it." He stated there had been no rough-in on the building which Barnes should have done, but Atlantic-Inland has no record of it. He stated that after spending \$225K on a building and dealing with this because he put in 20 light fixtures. His "fundamental problem with this – if he buys another building in Norwich, I'll call John Dexheimer, I'll have him move the building to the other side of the bridge, I'll do the plumbing and electric myself and I'll move the (expletive) building back. That's how ridiculous this is."

Ed O'Reilly, 1097 County Rd. 19, Norwich, father of Dan & Michael O'Reilly, stated that, as President of the Electrical Board, Mr. Barnes called and threatened the Plumbers and Electrical Contractor and Inspector. He accused the Code Enforcement Officer and Mr. Barnes of contacting (signaling) each other during a Plumbing Board meeting. He thought Mr. Barnes should be removed from the Electrical Board and thought his License should be revoked.

Tom Mealey, Mealey Electric, addressed the Council regarding what he called a Level 3 Alteration (IBC 505.1 states when work exceeds 50% of the building area) being completed by unlicensed Electricians and Plumbers. The building in question comprised multiple school classrooms which have been converted to living space which is

much more than a “repair”. He reported the specifications, schooling, tests and apprenticeships necessary to become Licensed Master Electricians and/or Plumbers. This, along with required insurance, protect the taxpayer from faulty and inferior work.

Richard Towndrow, 131 Dempsey Rd., Norwich, Norwich Plumbing, is here to back up the Licensed contractors. “It’s not a license to overstep bounds or anyone else, not comment on quality of work. We all have the education and took the test for what we wanted to do for a living.” He said they earn their money here and spend their money here and have the same challenges that every business has. He stated the Code specifies “repair” which is “a restoration of good or sound condition of an existing building for the purpose of its maintenance”. It does not include new items, but repair of existing items.

Duffy Hart, Norwich, 2nd Generation Licensed Electrician for 40 years stated that the trade professions should be promoted at all school levels. There is a lot for the Trades to offer to kids who don’t want or perhaps can’t go to college. If they can pass the test, he has no problem with contractors from out-of-town or landlords doing the work as long as everyone is following the same rules.

David Francis related some history of Licensing saying that oil companies such as Mirabito’s and BlueOx were in a similar situation that the O’Reilly’s are in. The solution at that time was simple – hire a Licensed Plumber or Electrician. Also, about 15-20 years ago the Plumbing Board addressed tests within the City at which time they established procedures that remove any bias on how licensing was done and it’s been the same procedure since.

Dan O’Reilly, owner of 125-127 East Main St., stated he would like to clarify some things. He stated the building is fully safe. We paid for a 3rd party electrical inspection which has been signed off. A licensed Plumber did sign off on the plumbing after United Plumbing left due a disagreement with the owners. He has no problem with the Licensing and understands why they are needed, but doesn’t understand how a (Electrical) Board can be overseen by the same person who have to utilize the rules that they put in place. He also didn’t understand why, if a property owner has insurance, they cannot perform their own work? He stated that in other cities Mechanical and Electrical Engineers can sit for Master Plumber (licenses). Mr. O’Reilly listed his many professional accomplishments and qualifications and asked why he should not be allowed to do certain work on his projects. His is not asking to get rid of Licensing, that things should be fair, and those that use the laws should not be creating the laws.

Mayor Carnrike went on record stating that there are issues with our Electrical and Plumbing Boards. Meeting minutes stop in 2010 and 2013 reflecting the Boards are not fulfilling their responsibilities. She has asked the City Attorney to review these Boards. She stated it is unfortunate that 2 Town of Norwich residents invest in our City and it comes to this and hopes a reasonable solution can be found. Referencing Mr. Francis request for an apology, Mayor Carnrike said “if you want me to apologize for saying that members of this community, more than one, many have said that Licenses are a License to steal – you’re not getting that tonight nor ever. I was speaking of what was said to me.” She stated there is an 8-page transcript of the last Common Council Open Forum and welcomes anyone to a copy.

Correspondence

Greater Chenango Aquatic Team (GCAT) Bottle Drive – Ald. Caldwell **moved** to approve the request from the Greater Chenango Aquatic team for the use of the Firehouse for a bottle drive on Saturday, June 1, 2019 from 9 a.m. to 1 p.m. Seconded by Ald. Doliver, approved ayes all.

American Legion Memorial Day Parade – Ald. Caldwell **moved** to approve the request from the American Legion for Police assistance at the Memorial Day Parade on Monday, May 27, 2019. The parade will begin at 11:00 at the VFW and proceed to West Main St. where a ceremony will take place in West Park. Crowd dispersal is expected around 12:00 p.m. Police and Fire are invited to participate in the parade. Seconded by Ald. Jeffrey, approved ayes all.

YMCA Gus Macker – Ald. Kays-Biviano **moved** to approve the request from the YMCA for Special Event status for the Gus Macker Tournament on Friday, Saturday and Sunday, July 12, 13 and 14, 2019. The request includes the closure of East Main St. 8 a.m. on Friday until 9 p.m. on Sunday as well as the use of bleachers, picnic tables, the Fire hydrant on the Northeast corner of East Main St., and Police assistance. Seconded by Ald. Jeffrey, approved ayes all.

Mayor Carnrike announced the following appointments:

Mayoral Appointment
Housing Authority

- ◆ Lisa Robinson, 164 East Main Street, appointed to fill the remainder of a five-year term expiring June 25, 2021.

Announcement of Appointments to BIDMA for a one-year term expiring December 31, 2019

- ◆ Council Representative – Matthew Caldwell

Department, Board and Commission Reports

- ◆ Water Commission Minutes – March, April
- ◆ Youth Bureau Minutes – May
- ◆ Park Commission Minutes - February
- ◆ Fire Department Activity – April
- ◆ Finance Department Report – April
- ◆ Human Resource Report – March, April
- ◆ Planning Commission - April

Ald. Caldwell **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 receiving good comments regarding the DPW and street cleaning as well as a resident's concern over an increase in their property tax assessment.

Ward 2

Ald. Doliver reported receiving additional complaints of tractor trailers parking on City streets. Ald. Doliver reported the Traffic Commission has been working on this for some time.

Ward 3

Ald. Deierlein reported no communications.

Ward 4

Ald. Kays-Biviano reported complaints of garbage behind one of the properties the city now owns and thanked the DPW for the speedy cleanup.

Ward 5

Ald. Zieno reported receiving complaints regarding pot holes, especially on South Broad Street. E. Pepe reported the black top plant will not be open until June and will be going to Cortland for black top to begin repair of pot holes.

Ward 6

Ald. Jeffrey reported a communication regarding tree removal which has been forwarded to DPW. Other communications included tall grass. He stated that the Ordinance regarding Camping may need to be revisited as it only prohibits camping on City owned property. He reported a situation on N. Delaware Sq. where persons are living in a tent on property owned by a relative where no running water or sewer is available.

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

Motions

Curb Cut at 16 Gold St. – Ald. Zieno **moved** to approve the curb cut request at 16 Gold St. Seconded by Ald. Jeffrey, approved ayes all.

Curb Cut at 24 Locust St. – Ald. Jeffrey **moved** to approve the curb cut request at 24 Locust St. Seconded by Ald. Zieno, approved ayes all with Ald. Caldwell abstaining.

Re-Establish the Sidewalk Rehabilitation Program – Ald. Jeffrey **moved** to approve the re-establishment of a Sidewalk Rehabilitation Program using the same rules and procedures as the previous Sidewalk Rehabilitation Program. Seconded by Ald. Kays-Biviano, approved ayes all.

Receive Proposed Ordinance – Chapter 376 Parks Ald. Caldwell **moved** to receive Proposed Ordinance No. (B) of 2019 and set a public hearing for June 18, 2019. Seconded by Ald. Jeffrey, approved ayes all.

PROPOSED
ORDINANCE NO. (B)
OF 2019

BE IT ORDAINED by the Common Council of the City of Norwich, New York, that Chapter 376, Parks, be amended as follows:

Article I Closing Hours

[Adopted 6-28-1960 (Ch. 64, § 64-2, of the 1967 Code)]

§ 376-1 Hours; exemptions.

[Amended 9-22-1981 by Ord. No. 2-1981; 12-19-2000 by Ord. No. 6-2000]

A.

~~With the exception of Kurt Beyer Park, all parks of the City of Norwich will be closed to the public between the hours 10:00 p.m. and 8:00 a.m. The Kurt Beyer Park shall be closed from darkness until 8:00 a.m.~~

With the exception of Weiler Park and Gordon Park, all parks in the City of Norwich will be closed to the public from dusk until dawn. Weiler Park and Gordon Park shall be closed from 10:00pm until dawn.

B.

Exemptions may be granted for special events designated by the Common Council.

New Material is underlined, old material is struck through.

- ◆ **Receive Proposed Ordinance – Chapter 153 Animals** Ald. Caldwell **moved** to receive Proposed Ordinance No. (C) of 2019 and set a public hearing for June 18, 2019. Seconded by Ald. Deierlein, approved ayes all.

PROPOSED
ORDINANCE NO. (C)
OF 2019

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

Chapter 153 Animals

Article II Dog Control

§ 153-17 Regulations and restrictions.

[Amended 1-5-1987; 7-18-2000 by Ord. No. 2-2000]

It shall be unlawful for any owner of a dog in the City of Norwich to permit or allow such dog to:

A.

Run at large, unless within the confines of a dog park.

B.

Be off the owner's property unless such dog is controlled and restrained by a leash or chain not exceeding eight feet in length, unless in the confines of a dog park.

New material is underlined

Resolutions

RESOLUTION #18 - 2019 APPOINTMENT OF MEO I

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

WHEREAS, the position of MEO I has been vacant; and

WHEREAS, the DPW Superintendent has recommended the appointment of Robert Brown of Norwich, NY from the position of Cleaner to MEO I; now, therefore be it

RESOLVED, that Robert Brown of Norwich, NY, be and hereby is granted a permanent appointment to the position of MEO I in the DPW, effective June 3, 2019, and further be it

RESOLVED, that Robert Brown of Norwich, NY, be and hereby is appointed at the 5 year step at \$18.75 subject to any action as may be necessary by the Norwich Civil Service Commission.

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

Payment of May 2019 Bills

Ald. Deierlein **moved** to pay the May 2019 bills after proper audit and certification.

	<u>Prepaid</u>	<u>3/19/2019</u>	<u>Grand Total</u>
General Fund	\$108,664.17	\$524,298.17	\$632,962.34
Sewer Fund	19,523.59	7,031.04	26,554.63
Water Fund	18,113.75	8,963.13	27,076.88
Trust	30,233.01	-	30,233.01
Comm. Dev. - Special Grants	4,839.85	-	4,839.85
TOTALS	\$181,374.37	\$540,292.34	\$721,666.71

Seconded by Ald. Caldwell and duly adopted ayes all.

Executive Session

Ald. Deierlein **moved** to enter executive session to discuss contract negotiations and the employment history of a particular individual at 7:40 p.m. Seconded by Ald. Caldwell, approved ayes all.

Ald. Caldwell **moved** to exit executive session at 7:50 p.m. Seconded by Ald. Deierlein, approved ayes all.

RESOLUTION #19 - 2018 AUTHORIZING MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF NORWICH AND THE NORWICH CSEA ADMIN UNIT

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

WHEREAS, the City of Norwich and the CSEA Admin Local #6404-01 are parties to a collective bargaining agreement that by its terms ended December 30, 2017; and

WHEREAS, the parties have engaged in collective negotiations pursuant to the Taylor Law for a successor collective bargaining agreement and reached a tentative agreement on terms and conditions for a successor collective bargaining agreement on May 1, 2019; now therefore be it

RESOLVED, that the Mayor be and hereby is authorized to execute a Memorandum of Agreement between the City of Norwich and the CSEA Admin Local #6404-01 relative to a six-year Admin labor contract for the period of January 1, 2018 to December 31, 2023.

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

Ald. Caldwell **moved** to enter executive session to discuss the employment history of a particular individual at 8:03 p.m. Seconded by Ald. Deierlein, approved ayes all.

Ald. Zieno **moved** to exit executive session at 9:20 p.m. Seconded by Ald. Doliver, approved ayes all.

Adjournment

Ald. Deierlein **moved** to adjourn at 9:21 p.m. Seconded by Ald. Kays-Biviano, approved ayes all.