

## **COMMON COUNCIL**

September 17, 2019

Mayor Christine Carnrike presided at a meeting of the Common Council held at 6:30 PM on September 17, 2019, in the Common Council Chambers at One Court Plaza.

### **Present:**

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

### **Also:**

Director of Finance/City Clerk Dee DuFour  
Director of Human Resources Lynn Murray  
DPW Superintendent Edward Pepe  
Youth Bureau Director Robert Mason  
Fire Chief Jan Papelino  
Police Chief Rodney Marsh  
City Attorney Steve Natoli  
Deputy City Clerk Agnes Eaton

Supervisor Robert M. Jeffrey

Media Representative: Fox 40 News  
The Evening Sun, Dean Weaver

### **Absent**

Ald. Bryan McCracken  
Supervisor James McNeil

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### **Call to Order**

The meeting of the Common Council was called to order by Mayor Carnrike at 6:31 p.m.

### **Approval of Minutes**

Ald. Kays-Biviano **moved** to approve the minutes of the special meeting of August 7 and the regular meeting of August 20, 2019. Seconded by Ald. Caldwell and duly approved ayes all.

**Swearing in of New Police Officers** – Police Chief Rodney Marsh issued the Oath of Office to Officer Tristan Rifanburg and Officer Keith Leigh with their family and friends in attendance.

**Public Hearing** – Mayor Carnrike opened the public hearing at 6:37 p.m. to hear public comments relative to the proposed sale of One City Plaza and moving City offices to the third floor of the Firehouse.

**Patricia Scott** of 87 South Broad St., spoke against the selling of One City Plaza. She stated the building could not be rebuilt for \$400,000 today and felt it should not be sold for less than that. Ms. Scott mentioned many things she thought should be done before the Council entertains the idea of moving City offices to the third floor. She also pointed out that the railroad tower is not City property, but is owned by the Historical Society.

**Phil Giltner**, 19 Hayes St., questioned what the costs were to renovate the third floor, the available parking, handicap accessibility and the monetary savings. He doesn't want this to turn into a disaster like 61 South Broad St. which he states is still vacant and was sold for considerably less than a higher offer. Mayor Carnrike informed Mr. Giltner that 61 South Broad is not vacant and refuted his statement about the selling price, but pointed out that is not what this public hearing is about.

**Howard Sullivan**, 5 Coombs St., remarked that successful and enduring communities invest in and preserve their historical assets. He thought about the history that took place at the depot, citing the train returning bodies from WWII. He advised the Council to be careful with the sale saying that "when it's gone, it's gone". He also stated that "Stan Cwynar will be a good tenant or owner of the building - he will do what's right and make it appropriate".

**Bonnie Lown**, 7 Chirlin Dr., stated that she loves Chenango County and hates to see history destroyed. She comes to City Hall to take care of various business and, as a handicapped individual, wondered if there was an elevator to the third floor of the Firehouse, where would she be able to park, would she be able to manage it? She wondered if trains came

through again, what would happen if the depot has been sold? She urged care, to consider the “old folks” now and the children’s future.

**Sal Grippaldi**, 110 Birdsall St., said the Code Enforcement Office used to be in City Hall and it felt relaxed and inviting; their current location at the Firehouse feels more formal and stringent. He would hate to have the same happen to the other Administrative offices and lose that “small town” feel.

Hearing no further comments, Mayor Carnrike closed the public hearing at 6:49 p.m.

### **Open Forum**

**Sandy Pierce**, General Manager of Lambs Quarters and Annual City Vendor permit holder since 2011, stated she had two concerns. She stated that on August 16<sup>th</sup>, Ald. Caldwell spoke at a local Ag meeting and said the City vendors were invited to meet with the City and local organizations to discuss their concerns regarding Annual Vendor’s participation in weekend events. She stated two of the four vendors (Carol Eichler and herself) were omitted from the invitation. She wondered whether the action was a clerical error or a deliberate and actionable discriminatory action to prevent them from going. She suggested this can be remedied by arranging another meeting where concerns of everyone can be heard. She referenced an agreement between the Friends of the Park subcommittee and the City and County, suggesting they need to be present as well. She further stated that members of the community are losing patience with discriminatory behaviors causing rumors, misinformation and lies that spread and harm innocent people. Her second concern is of the positioning of port-a-johns near vendors selling food during events. This year during Colorscape she observed the bathrooms being placed contiguous from the Annual Vendor spot permitted to Carol Eichler who sells food, further stating the bathrooms have been there for weeks.

Mayor Carnrike asked for clarification on the meeting at which Ald. Caldwell spoke. Ald. Caldwell said it was during the Open Forum of a Common Council meeting during a discussion of the potential elimination or removal of the Annual Vendor permit use during Special Events, which he thought were around December of 2018 or January of 2019. Mayor Carnrike questioned the August 16, 2019 date referenced by Sandy Pierce and Ms. Pierce stated that meeting was the Agricultural Farmland Protection Group.

**Carol Eichler**, Annual City Vendor permit holder for 8 years, stated that every year there seems to be an issue with events, mostly with Colorscape. Her main complaint was that the organization blocks her vending area so it cannot be seen. She said she pays for her annual license, a County Health Food Permit, liability insurance, and use of electric. Routinely, her assigned vendor spots have been occupied during events, forcing her to set up in alternate parking spaces. In addition, the port-a-johns are set up near her space, making the selling of her food items not possible. Saturday morning of the event, representatives from Colorscape asked her to move her booth to the corner near the toilets. She refused to move. She told the Council that the income of her vending is used to pay her property taxes every year. She stated there is no one there to monitor the set-up of these big events. The Annual City Vendors get no respect and she felt the event organizers want to push them out.

Mayor Carnrike apologized to Ms. Eichler for the difficulties she has had to put up with. She stated that if the Council wants to take action, they should convene to discuss this, as this has come up many times over the years. She further stated that of course we want events in the City for everyone to enjoy, but the City has four (4) vendor permits that are allowed to vend 364 days per year. No one would tell store or restaurant owners they can’t be open or sell because there is an event being held – this is no different. This should be brought up to the organizations who are violating the City Ordinance.

**Janet Rubottom**, 40 Hayes St., asked for an update on 38 Hayes St. She wanted to know if the contractor taking down the garage will be licensed and insured, has a property manager been hired because she cannot deal with the tenants directly, was the contractor who replaced the furnace licensed and insured. She felt there should be a regulation requiring out-of-area property owners to have property managers for their buildings. J. Papelino responded to some of her concerns, and once in the office would find answers to others.

**Sal Grippaldi**, 110 Birdsall St., reported that he has spoken to the Mayor and Aldermen about his building at 33 Mitchell St. which has partially collapsed. He has spoken to 2 engineers who said the building can be repaired. He has been searching for a loan to do the repairs. He stated that he lives in the City, has a business in the City, owns multiple properties in the City, and has done work for the City; he would like to work together to remedy this problem with 33 Mitchell St. Tearing down the building would be \$150,000, however a loan from the City for repairs to the building would be paid back. He would be willing to also volunteer at the DPW for maintenance of vehicles. He would like to sit down and discuss the options as soon as possible, stating he only has a month left to do repairs before cold weather. His

plan is to fix the wall, put a fence around the property, and tarp the roof until additional funds can be found to continue with those repairs. As this the building is currently condemned, he would expect the assessment to reflect that status. He would need an answer by the end of the week or he will have to “throw in the towel”. Mayor Carnrike asked Mr. Grippaldi, A. Donnison, J. Papelino and City Attorney Steve Natoli meet on Wednesday, September 18<sup>th</sup>. Ald. Doliver also mentioned that Ald. McCracken mentioned he had a few ideas and would have Ald. McCracken get in touch with Mr. Grippaldi.

**Mayor Carnrike** took a moment after everyone who wished to speak in Open Forum was heard. She addressed comments made by City Supervisor Jeffrey at last month’s Common Council meeting saying that Supervisor Jeffrey provided reports to the Council of happenings at the County, but heard nothing of what City Supervisor Jeffrey or City Supervisor McNeil are doing for the City at the County level. She reported that she has attended the EMS Mutual Aid meetings at the County for the last 4 months with J. Papelino and said the County needs to take that issue very seriously. She expects the City Supervisors will be “leading the charge” in this issue.

Mayor Carnrike continued saying there are no requirements for the majority of positions held within the City for employees to live in the City of Norwich, although it is preferred. Calling out City employees (for not living within the City) is not something she expects to happen again. She stated that all budgets of the City are important, even if the “big 3” are larger budgets and which were presented before the end of August.

### **Correspondence**

- ◆ **Purple Pumpkins in the Park** - Ald. Caldwell **moved** to approve a request from the Liberty Resource’s Help Restore Hope Center for special event designation for a new event, Purple Pumpkins in the Park, in order to raise awareness of domestic violence and sexual assault in the community. Proceeds from the event will be used to assist victims with leaving domestic violence situations. The event will be held in East and West Parks on October 26, 2019 from 10:00 a.m. to 9:00 p.m. with the closure of East Park Place to traffic. Seconded by Ald. Zieno, approved ayes all.
- ◆ **YMCA Halloween Parade** – Ald. Caldwell **moved** to approve a request from the Norwich YMCA for a Police escort and road closures for the Annual Halloween Parade on October 19, 2019 at 11:00 a.m. Road Closures are requested beginning at South Broad St. and Beebe Ave. to North Broad St. at Howard Johnson’s where the parade will conclude. Seconded by Ald. Jeffrey, approved ayes all. Mayor Carnrike explained that the parade would have been October 26<sup>th</sup>, however with the Purple Pumpkins in the Park on that date in the East and West Parks, organizers felt that, although they fully support the organization’s purpose and goal, it was not in line with the YMCA parade event and chose to change their date to coincide with the last week of Saturday in the Park.

### **Department, Board and Commission Reports**

- ◆ Youth Bureau Minutes – September
- ◆ Finance Report - August
- ◆ Fire Department Report – August
- ◆ Human Resource Report - August

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

### **Ward Reports**

#### **Ward 1**

Ald. Caldwell reported some communications regarding the possible move of City offices to the third floor of the Firehouse.

#### **Ward 2**

Ald. Doliver reported no communications.

**Ward 4**

Ald. Kays-Biviano reported receiving complaints of speeders on Mitchell St.

**Ward 5**

Ald. Zieno reported a sidewalk complaint that was forwarded to DPW. He also reported communications regarding the Sale of One City Plaza with the same amount for the plan as against it, while others seemed not to care either way.

**Ward 6**

Ald. Jeffrey reported communications including codes and tree removal which were forward to the appropriate departments. He also heard varying opinions on moving City offices to the third floor. He repeated his conversation and findings concerning the crosswalk projects by the DOT that he reported on at the special Common Council meeting on September 10, 2019. The anticipated completion date is now December of 2019.

Mayor Carnrike stated that a Press Release will be drafted to inform the public about the new crosswalks and will be placed on the City's Facebook page.

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

**Motions**

- ◆ **DOH Rabies Clinic** – Ald. Kays-Biviano **moved** to approve the request from Chenango County DOH for use of the Firehouse for a rabies clinic on December 7, 2019 from 9:30 a.m. to 11:00 a.m. Seconded by Ald. Zieno, approved ayes all.
- ◆ **Designating Trick or Treat Hours** – Ald. Caldwell **moved** to designate Trick or Treat night as Thursday, October 31, 2019 from 5:30 p.m. to 8:00 p.m. Seconded by Ald. Zieno, approved ayes all.

**RESOLUTION #42 - 2019**

**AUTHORIZING ELIMINATION OF STIPEND FOR DIRECTOR OF FINANCE/CITY CLERK**

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

WHEREAS, a Director of Human Resources was hired as of May 28, 2019; and

WHEREAS, the Director of Finance/City Clerk has been receiving a stipend for temporary additional responsibility for the ongoing operations of departments in addition to the Finance Department and the City Clerk's Office; and

WHEREAS, the Director of Human Resources has been working diligently for three months; and

WHEREAS, the Director of Finance/City Clerk has made the recommendation to eliminate the stipend and the Joint Committee has agreed with the recommendation; now therefore be it

RESOLVED, that the Director of Finance/City Clerk stipend of \$100 per week be discontinued as of August 30, 2019.

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

**RESOLUTION #43 - 2019**

**CHANGE DIRECTOR OF HUMAN RESOURCES TITLE FROM NON-UNIT TO DEPARTMENT HEAD**

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

WHEREAS, the position of Director of Human Resources prior to May 28, 2019 had been a Department Head; and

WHEREAS, the position of Director of Human Resources has been a Non-Unit position since May 28, 2019 and;

WHEREAS, the Joint Committee has made a recommendation to revert the Director of Human Resources position back to Department Head status, now, therefore be it

RESOLVED, that the Director of Human Resources position is moved from Non-Unit to Department Head status effective September 18, 2019.

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

**RESOLUTION #44 - 2019**

**AUTHORIZING AGREEMENTS WITH TOWNS FOR YOUTH  
RECREATION SERVICES**

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

WHEREAS, the City has reached agreements with the Towns of North Norwich, Norwich, Plymouth, Preston and Pharsalia to provide youth recreation services to the residents of such towns for a lump sum per town, without individual charges being made to such participants; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to sign agreements with the Towns of North Norwich, Norwich, Plymouth, Preston and Pharsalia to provide youth recreation services to residents of such towns during the 2020 fiscal year.

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

**RESOLUTION #45 - 2019**

**APPOINTMENT OF FIREFIGHTER**

Ald. Caldwell 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 Dennis Smith of Norwich, NY, to such position; now, therefore be it

RESOLVED, that Dennis Smith of Norwich, NY, be and hereby is granted a provisional appointment as firefighter in the Norwich Fire Department at the entry level contingent upon successfully passing the required medical and psychological examinations; and further be it

RESOLVED, that permanent appointment is contingent upon completion of 229 Certification within 18 months of his date of hire as a Firefighter.

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

**RESOLUTION #46 - 2019**

**AUTHORIZING PURCHASE AND TRANSFER OF FUNDS FOR  
AMBULANCE REPAIR**

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

WHEREAS, ambulance #2393 needs significant engine repairs; and

WHEREAS, a recommendation was made by a repair shop to purchase a new long block; and

WHEREAS, the Superintendent and Fire Chief have agreed with the recommendation for the purchase of a new long block for \$17,160.97; and

WHEREAS, a transfer from Capital Reserves is required to pay for such new purchase; and

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

RESOLVED, that the purchase of a long block for ambulance #2393 at the price of \$17,160.97 is hereby approved; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds in the 2019 General Fund budget:

|                       |                                          |               |
|-----------------------|------------------------------------------|---------------|
| <u>From:</u>          |                                          |               |
| <u>Account Number</u> | <u>Name</u>                              | <u>Amount</u> |
| HR22                  | Capital Reserves – Ambulance Equipment   | \$17,160.97   |
| <u>To:</u>            |                                          |               |
| <u>Account Number</u> | <u>Name</u>                              | <u>Amount</u> |
| A5110.4040            | Transportation – Repairs and Maintenance | \$17,160.97   |

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

**RESOLUTION #47 - 2019**      **AUTHORIZING PURCHASE OF SAMPLING EQUIPMENT AT WASTE WATER TREATMENT PLANT**

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

WHEREAS, the DEC now requires samples at the WWTP to be refrigerated; and

WHEREAS, the WWTP has no refrigerated samplers; and

WHEREAS, the DPW Superintendent has obtained quotes for two samplers; and

WHEREAS, funds for the two sampler purchases in the total amount of \$15,279 are in the 2019 budget; and

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

RESOLVED, that the purchase of two samplers for the Waste Water Treatment Plant for \$15,279 is hereby approved.

|                       |                                              |               |
|-----------------------|----------------------------------------------|---------------|
| <u>From:</u>          |                                              |               |
| <u>Account Number</u> | <u>Name</u>                                  | <u>Amount</u> |
| G8130.4060            | Treatment & Disposal – Repairs & Maintenance | \$15,279      |

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

**Other**

- ◆ **Recruitment Bonus Policy Update** – L. Murry reported that the PBA has the Recruitment Bonus Policy for review and expects to have an MOA by the October Joint Committee meeting.

Mayor Carnrike asked for an update on the Water Treatment Plant. E. Pepe stated they have successfully completed the disinfection of the water main down the hill, the electrical contractor is working on lines between the building and generator and there are some water quality issues being worked on. He is hopeful the plant will be fully operational by October 5, 2019.

### **Payment of September 2019 Bills**

Ald. Kays-Biviano **moved** to pay the September 2019 bills after proper audit and certification.

|                             | <u>Prepaid</u>      | <u>0917/2019</u>   | <u>Grand Total</u>  |
|-----------------------------|---------------------|--------------------|---------------------|
| General Fund                | \$254,725.65        | \$28,562.17        | \$ 283,287.82       |
| Sewer Fund                  | 15,044.99           | 5,824.95           | 20,869.94           |
| Water Fund                  | 20,115.44           | 4,392.37           | 24,507.81           |
| Trust                       | 27,740.60           | -                  | 27,740.60           |
| Comm. Dev. - Special Grants | 958.40              | -                  | 958.40              |
| <b>TOTALS</b>               | <b>\$318,585.08</b> | <b>\$38,779.49</b> | <b>\$357,364.57</b> |

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

Ald. Caldwell asked Chief Marsh if the new policies (Facial Hair and Tattoo) were in effect. Chief Marsh said the Tattoo policy is in effect; the Facial Hair policy is still being worked on.

### **Adjournment**

Ald. Caldwell **moved** to adjourn at 7:45 p.m. Seconded by Ald. Doliver, approved ayes all.