

COMMON COUNCIL

Special Meeting
May 5, 2020

This meeting was not physically open to the public to comply with the Governor's Executive Order 202.1 in response to COVID-19. This meeting was presented to the public via Zoom and the City Facebook page. Instructions on how to comment on the Public Hearings were given on the Agenda and the Public Notice.

Mayor Shawn Sastri presided at a special meeting of the Common Council held at 6:30 PM on May5, 2020, via Zoom and the City Facebook page.

Present:

Mayor Shawn Sastri
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
Fire Chief Jan Papelino
Police Chief Rodney Marsh
EMO A Jones
Deputy City Clerk Agnes Eaton

Supervisor Robert M. Jeffrey

Absent

Supervisor James McNeil

Call to Order

The meeting of the Common Council was called to order by Ald. Jeffrey at 6:33 p.m.

Public Hearing - Proposed Local Law No. (A) of 2020 to establish Grievance Day – Mayor Sastri opened the Public Hearing at 6:33 p.m. Due to COVID-19 and Executive Order 202.1 public comments were requested in writing and none were received and no one wished to comment via Zoom. Hearing no comments, the Public Hearing was closed at 6:33 p.m.

Public Hearing - Proposed Ordinance No. (A) of 2020 for Section 409 Property Maintenance – False Fire Alarm - Mayor Sastri opened the Public Hearing at 6:34 p.m. Due to COVID-19 and Executive Order 202.1 public comments were requested in writing and none were received and no one wished to comment via Zoom. Hearing no comments, the Public Hearing was closed at 6:34 p.m.

Resolutions

RESOLUTION #26 - 2020 ADOPTING PROPOSED LOCAL LAW NO. (A) OF 2020 ESTABLISHING GREIVANCE DAY

Ald. Caldwell introduced the following and moved its adoption:

WHEREAS, the Common Council received proposed Local Law No. (A) of 2020 March 17, 2020; and

WHEREAS, a public hearing was held on May 5, 2020, in connection with said proposed ordinance;
now, therefore be it

RESOLVED, that Local Law No. (A) of 2020, regarding Establishing Grievance Day, as presented to the Common Council on March 17, 2020, be and hereby is adopted, and is hereby designated as Local Law No. 1 of 2020.

LOCAL LAW NO. (1)
OF 2020

BE IT ENACTED by the Common Council of the City of Norwich as follows:

Title

This local law shall be known as the “Grievance Day Establishment of the City of Norwich.”

Purpose

The purpose of this local law is to establish the day for the hearing by the Board of Assessment Review of the City of Norwich of grievances addressed to real property tax assessments on an alternate date as permitted by New York State Real Property Tax Law Section 5612(1-a). Whereas, the City of Norwich employs an Assessor who is also employed by another assessing unit or units.

Applicability and Duration

This local law shall be applicable to all grievances addressed to assessment of lands within the City of Norwich and shall be in effect indefinitely or until repealed by the Common Council of the City of Norwich.

Grievance Day

All grievances addressed to assessments of real property within the City of Norwich shall be heard by the Board of Assessment Review of the City of Norwich on the second (2nd) Wednesday following the fourth (4th) Tuesday of May of each year.

Sever-ability

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Seconded by Ald. Jeffrey, approved 6 - 0, on a roll call vote.

RESOLUTION #27 - 2020

**ADOPTING PROPOSED ORDINANCE NO. (A) OF 2020 CHAPTER
409 PROPERTY MAINTENANCE REGARDING FALSE FIRE ALARM**

Ald. Caldwell introduced the following and moved its adoption:

WHEREAS, the Common Council received proposed Ordinance No. (A) of 2020 on March 17, 2020; and

WHEREAS, a public hearing was held on May 5, 2020, in connection with said proposed ordinance; now, therefore be it

RESOLVED, that Ordinance No. (A) of 2020, regarding Chapter 409 – Property Maintenance, as presented to the Common Council on March 17, 2020, be and hereby is adopted, and is hereby designated as Ordinance No. 1 of 2020.

ORDINANCE NO. (1)
OF 2020

BE IT ORDAINED by the Common Council of the City of Norwich, New York, that Chapter 409 Property Maintenance, be amended as follows:

§ 409-7Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, be defined as follows:

APPLIANCE

Items also referred to as "white goods" but not limited to refrigerators, stoves, fans, washers, dryers or any metal cabinet unit, whether using electric, gas or other fuels as the means of operation, including those units used for the heating of buildings or water thereto, televisions sets and other major appliances.

DETERIORATION

The condition of a structure or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

ENFORCEMENT OFFICER

The City of Norwich Code Enforcement Officer/Fire Marshal or his authorized representative shall be the enforcement officer.

[Amended 5-20-2008 by Res. No. 53-2008]

EXTERIOR OF PREMISES

Those portions of a building or structure which are exposed to public view or are visible from adjoining or adjacent properties, including all outside surfaces and appurtenances thereto, and the open space on the premises outside any building or structure erected thereon.

EXTERMINATION

The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

FIRE HAZARD

Any thing or any act which increases or may cause any increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire or which may obstruct, delay or hinder or may become the cause of an obstruction, delay, hazard or hindrance to the prevention, suppression or extinguishing of fire.

MALICIOUS FALSE ALARM

Means the reckless or intentional misuse of a fire alarm system resulting in an activation of the system, but does not include the activation of a fire alarm system under circumstances that would have caused a careful or prudent person to believe that a fire related emergency was in progress at the owner's building, or in circumstances where the owner has notified the Fire Department in advance of work being done on the fire alarm system that could cause a false fire alarm.

NUISANCE

Any public or private condition that would constitute a nuisance according to the statutes, laws and regulations of the State of New York, any of its agencies or this chapter; any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental or hazardous to the health or safety of persons on, near or passing in proximity of the premises where said condition exists.

NUISANCE FALSE ALARM

Means the activation of a fire alarm system through a mechanical failure, equipment malfunction, or improper maintenance or installation of the system, but does not include the activation of a fire alarm system where the activation occurred as a result of accidental damage to the system or a weather related activation.

OCCUPANT

Any occupant, owner, agent, tenant, lessee, caretaker or other person or corporation in charge of residing, living or sleeping in or on the premises of or having actual possession or use of a business, dwelling unit or rooming unit or other premises affected by this chapter.

OPERATOR

Any person, persons or entity not the owner, who has charge, care or control of a structure or a part thereof, with or without the knowledge, consent or authority of the owner.

OWNER

Any person, persons or entity who shall have legal or equitable title in any form whatsoever to any premises or part thereof, with or without accompanying actual possession thereof, or who shall have charge, care or control of any lot, premises, building, structure or part thereof, as owner or agent of the owner, or as fiduciary, trustee, receiver, guardian, lessee or mortgagee in possession, regardless of how such possession was obtained. Any person, group of persons or entity who is a lessee, sublessee or assignee of a lessee of any part or all of any building, structure or land shall be deemed to be a co-owner with the lessor for the purposes of this section and shall have responsibility over that portion of the premises so sublet, leased or assigned.

PREMISES

A lot, plot or parcel of land, including the buildings, structures and improvements thereon.

§ 409-15 FALSE ALARM

A. An alarm is considered false if it is determined that the alarm was caused through:

- A mechanical failure
- An equipment malfunction
- Improper maintenance or installation of the system
- The reckless or intentional misuse of a fire alarm system resulting in the activation of the system

B. When is an Alarm not considered False?

An alarm will **not** be considered false if it is determined that the alarm was caused by:

- A disaster such as earthquakes or severe weather conditions
- Accidental damage to the system
- Calls not initiated by a fire alarm system
- Fire alarm system testing involving the activation of the system where Fire Service has been notified

Whenever fire department personnel respond to an activated fire alarm system, the fire official in charge of the incident shall determine if the response was caused by a false alarm and shall indicate that fact upon the incident report.

§ 409-16 FEES

(A) The fire department shall regularly review incident reports to monitor the accumulation of false alarms at any one location. When three false alarms have occurred at the same location within six months, and the location is within the area the fire department protection district, the fire department/codes office shall notify the fire alarm user by letter, citing the location and date of each false alarm. The letter shall recommend that appropriate action be taken on the part

of the fire alarm user to alleviate the causes of false alarms and shall include a statement that an accumulation of **more than two** additional false alarms within six months shall result in a charge for services.

(B) When five false alarms have occurred at one location within a year, a user fee of \$100.00 for service for false alarm response shall be billed to the property owner. Each additional false alarm within the year of up to three false alarms shall require the billing of an additional fee of \$100.00. If payment of the fee, in full, has not been received within 30 days of billing, the fee shall increase to \$300.00.

(C) If the system is not repaired and continues to malfunction after the three \$100.00 charges, the fee for each activation shall increase to \$250.00. However, no fire alarm user shall be charged with accumulating more than one false alarm in any 24-hour period. The fee established by this section affords only partial recovery of the expenses incurred in responding to the false alarm. If payment of the fee, in full, has not been received within 30 days of billing, the fee shall increase to \$500.00.

(D) Any accumulated unpaid fees outstanding by October 31 of each year, will be added to the property tax bill.

§ 409-17 **APPEALS**

Any person may appeal the imposition of a false alarm user fee to the Fire Chief, Code Enforcement Officer or their designees. Such appeals shall be in writing and shall be made to the city representatives within ten days of the date of notification of the fee.

This Ordinance shall take effect immediately.

New Material is in italics and underlined, old material is struck through

Seconded by Ald. Doliver, approved, 6 - 0, on a roll call vote.

Adjournment

Ald. Caldwell **moved** to adjourn at 6:38 p.m. Seconded by Ald. Kays-Biviano, approved ayes all.