

COMMON COUNCIL

August 18, 2020

Mayor Shawn Sastri presided at a meeting of the Common Council held at 6:30 PM on August 18, 2020, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Shawn Sastri
Ald. Matthew Caldwell
Ald. Brian Doliver
Ald. Nancy Allaire
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
EMO A Jones
City Attorney Steve Natoli
Deputy City Clerk Agnes Eaton

Supervisor Robert M. Jeffrey

Media Representative: The Evening Sun, Catherine Sasso

Absent

Supervisor James McNeil

Call to Order

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

Approval of Minutes

Ald. Kays-Biviano **moved** to approve the minutes of the special meeting of July 14 and the regular meeting of July 21, 2020. Seconded by Ald. Allaire and duly approved ayes all.

Open Forum

Sandy Pierce and Jude Smith, representing the Public Farmer's Market in Norwich, spoke about reinstating a Farmer's Market in the City. She gave some background involving the various Markets over the years including the one which the B.I.D. ran for a while. She stated the Market is not allowed to use the City street to sell their products. She claimed vendors were lost and went to other communities. The Market Board would like to meet with City officials to ascertain the concerns and to overcome obstacles to provide nutritional programs to the public through the Market. Mayor Sastri said he would be willing to meet with the Market Board.

Chris Hayes, resident and business owner, is here as a resident's perspective of the Farmer's Market at the request of Sandy Pierce. He stated he did not know of the issues the Market has been fighting over the years, but felt it [re-establishing the Market] was an opportunity for those trying to access fresh food to get those products not only back in the parks, but on the sidewalks and in front of buildings and businesses. From a business owner's perspective this would create excitement downtown.

Roland Guinn, 135 E Main St., reminded the Council he spoke at last month's meeting regarding barking dogs. He felt since then, the rules have changed, referencing that he has been told the Police can't do anything unless the dog is barking while they are there. He stated the dog can bark all day long but may be silent during the short time the Police are there. He has gone so far as to hold the phone out the door so Officers could hear the dog barking before arriving. For him, it is a serious problem affecting his quality of life. He felt the rules should be straightened out so the Police know what to do.

Mike Fradenburg, 53 Locust St., requested the Council wait on their decision to add pickleball lines to a tennis court at Weiler Park. He has submitted plans for pickleball courts to Chris Sprague, the Parks Commission Chairman. However, the Parks Commission does not meet in August and would like time to speak with them before the Council votes.

Jeff Conklin, 68 Borden Ave., stated that if the Parks Commission does not like the plan they submitted for pickleball, they would like the opportunity to come up with a new plan. Discussion continued about the school courts on Conkey

Ave. which are lined for pickleball. They are having a representative speak to the School Board about pickleball courts as well. They clarified that they are not asking for nets. The noise created by pickleball was briefly discussed.

Tom Mody, 56 W. Main St., presented a 121 page document to the Council regarding the problems with pickleball and tennis lines on the same court and documentation of many instances of noise complaints from pickleball. He stated that pickleball requires noise mitigation, abatement and certain distance guidelines when creating pickleball courts. He also asked for clarification of what is being asked ie: the creation of courts or just the lining of courts for pickleball in addition to tennis lines. The Council was unclear. Mr. Mody stated that for the competitive play the Norwich Tennis Club does, it is not possible to play on courts with additional pickleball lines. Ald. Caldwell stated the motion wording they were voting on says only the addition of pickleball lines to the already existing tennis lines on the southeast corner tennis court at Weiler Park. Mr. Mody asked if another location at Weiler had been considered, saying that near the skateboard park may be ideal since there is a natural tree line there.

Correspondence

Chenango Valley Home Tree Removal – Previous discussion included the property owner removing the street tree and replacing the sidewalk at their own cost. However, prior to the meeting it was decided that the City will be removing the street tree at 12 Canasawacta St. and Chenango Valley Home will be replacing the sidewalk at their own cost, therefore, no motion was necessary.

Department, Board and Commission Reports

- ◆ Parks Commission – January and May
- ◆ Traffic Commission – March and July
- ◆ Fire Department – July
- ◆ Civil Service – July
- ◆ Police Department – July
- ◆ Finance Department - July

Ald. Kays-Biviano **moved** to receive and file the department, board, and commission reports. Seconded by Ald. Allaire, approved ayes all.

Mayoral Appointments – Mayor Sastri announced the following appointments:

Planning Commission

- ◆ *John Antonowicz, 16 Cortland Street, appointed to fill the remainder of a three-year term expiring December 31, 2021.*
- ◆ *Jason Miller, 127 South Broad Street, appointed to fill the remainder of a three-year term expiring December 31, 2020.*
- ◆ *Andrew Coates, 5 South Broad Street, appointed to fill the remainder of a three-year term as an alternate expiring December 31, 2021.*

Ward Reports

Ward 1

Ald. Caldwell reported some communications which have been referred to the proper department for resolution. He said he could appreciate both sides of the pickleball/tennis argument and hoped for a solution that would suit both.

Ward 2

Ald. Doliver reported some communications regarding the paving in Ward 2. He thanked the DPW and Police Departments for their assistance.

Ward 3

Ald. Allaire reported communications regarding the pickleball and tennis lines. She also received communications regarding the location of Stop signs.

Ward 4

Ald. Kays-Biviano reported a request to install curbing in front of 41 Mitchell St. to help with the standing water that occurs there. She also received a communication regarding pickleball.

Ward 5

Ald. Zieno reported a communication regarding a missing No Parking sign which was resolved. He also received complaints of speeding on East Main St. and the Speed indicator trailer was relocated to that location. Pothole complaints received have also been resolved.

Ward 6

Ald. Jeffrey reported communications that have been referred to Code Enforcement with most having been resolved. A tree trimming request on Birdsall St. was referred to DPW and has been resolved. He announced that the Knight's of Columbus were conducting a backpack giveaway at 81 East Main St. Backpacks contain school supplies for K-2 students with many businesses contributing to the project. He felt that with the current difficult situation causing families and businesses struggling that a 0% tax increase was very important as they discuss the 2021 budget.

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

Motions

Driver Policy – Ald. Caldwell **moved** to approve the revised version of the Driver Policy Seconded by Ald. Doliver, approved ayes all.

Social Media Policy – Ald. Zieno **moved** to approve the Social Media Policy as presented to the Joint Committee on August 4, 2020. Seconded by Ald. Kays-Biviano, approved ayes all

Infectious Disease Control Policy – Ald. Kays-Biviano **moved** to approve the Infectious Disease Control Policy as presented to the Joint Committee on August 4, 2020. Seconded by Ald. Allaire, approved ayes all.

Violence in the Workplace Policy – Ald. Allaire **moved** to approve the Violence in the Workplace Policy as presented to the Joint Committee on August 4, 2020. Seconded by Ald. Kays-Biviano, approved ayes all.

FMLA leave expansion policy – Ald. Caldwell **moved** to approve the FMLA Leave Expansion Policy as presented to the Joint Committee on August 4, 2020. Seconded by Ald. Allaire, approved ayes all.

Anti-Discrimination & Anti-Harassment Policy – Ald. Zieno **moved** to approve the Anti-Discrimination & Anti-Harassment Policy as presented to the Joint Committee on August 4, 2020. Seconded by Ald. Kays-Biviano, approved ayes all.

Exposure Control Plan – Ald. Caldwell **moved** to approve the Exposure Control Plan as presented to the Joint Committee on August 4, 2020. Seconded by Ald. Allaire, approved ayes all.

HAZCOM – Police – Ald. Jeffrey **moved** to approve the HAZCOM – Police Policy as presented to the Joint Committee on August 4, 2020. Seconded by Ald. Kay-Biviano, approved ayes all.

HAZCOM – Water – Ald. Caldwell **moved** to approve the HAZCOM – Water Policy as presented to the Joint Committee on August 4, 2020. Seconded by Ald. Jeffrey, approved ayes all.

Employee Handbook – Ald. Caldwell **moved** to approve the Employee Handbook as presented to the Joint Committee on August 4, 2020. Seconded by Ald. Jeffrey, approved ayes all.

OFC PILOT Agreement – Ald. Zieno **moved** to accept the terms of the 2020 OFC PILOT Agreement of \$2,500 per year for the period of 10 years. Seconded by Ald. Jeffrey, approved ayes all.

Pickleball Lines for Weiler Park – Ald. Caldwell **moved** to approve adding pickleball lines in addition to the tennis lines in one of the tennis courts on the southeast corner court of Weiler Park. Seconded by Ald. Zieno. Ald. Allaire **moved** to table the addition of pickleball lines and refer this back to the Parks Commission. Seconded by Ald. Zieno, approved to table and refer to Parks Commission, approved ayes all.

Set a Public Hearing for Proposed Ordinance No. (C) for Adoption of Records Management and Retention Schedule - Ald. Caldwell **moved** to set a Public Hearing for the proposed change to Section 99-2 – Adoption of state schedule; disposition of records on September 15, 2020 at 6:30 p.m. Seconded by Ald. Zieno, approved ayes all.

ORDINANCE NO. (C)
OF 2020

AN ORDINANCE TO AMEND THE ZONING ORDINANCE MAP
OF THE CITY OF NORWICH

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

§99-2 Adoption of state schedule; disposal of records.

In accordance with Article 57-A of the state Arts and Cultural Affairs Law:

A.

The City does hereby adopt Records Retention and Disposition Schedule ~~MU-1~~ as developed by the State Archives and Records Administration of the State Education Department; and

B.

Only those records will be disposed of that are described in such schedule and only after they have met the minimum retention period set forth in such schedule; and

C.

Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established time periods.

Change has been struck out.

Resolutions

RESOLUTION #54 -2020

**AWARDING BID – FIREHOUSE ROOF REPLACEMENT AND
AUTHORIZING TRANSFER**

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

WHEREAS, a bid for the replacement of the Firehouse roof has been received and was opened on July 31, 2020;
and

WHEREAS, the DPW Superintendent and Joint Committees have made certain recommendations; and

WHEREAS, the low bidder was A-1 Construction at \$106,750.00; now, therefore be it

RESOLVED, that the bid for the replacement of the Firehouse roof be awarded to the lowest qualified bidder meeting specifications, A-1 Construction and Painting of Tonawanda, NY, in the base bid amount of \$106,750; and further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds in the 2020 Budget:

From:

Account Number
HR33-878

Name

Capital Reserves – Municipal Buildings

Amount

\$106,750

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H36-3497.4020	Fire Station Roof Replacement	\$106,750

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

RESOLUTION #55 - 2020 **AWARDING BID – CITY COURT ROOF REPLACEMENT AND AUTHORIZING TRANSFER**

Ald. Jeffrey introduced the following and moved its adoption:

WHEREAS, a bid for the replacement of the City Court roof has been received and was opened on July 31, 2020; and

WHEREAS, the DPW Superintendent and Joint Committees have made certain recommendations; and

WHEREAS, the low bidder was Neubauer Construction, Inc. at \$62,850.00; now, therefore be it

RESOLVED, that the bid for the replacement of the City Court roof be awarded to the lowest qualified bidder meeting specifications, Neubauer Construction of Bainbridge, NY, in the base bid amount of \$62,850; and further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds in the 2020 Budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR33-878	Capital Reserves – Municipal Buildings	\$62,850
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H36-3997.4020	City Court Roof Replacement	\$62,850

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

RESOLUTION #56 -2020 **AUTHORIZING TRANSFER FOR THE DEMOLITION AND REMOVAL OF STRUCTURE (MITCHELL STREET PROPERTY)**

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

WHEREAS, a bid for a bid for the demolition and removal of the structure known as Mitchell St. and encompasses properties with Tax ID # 136.41-1-17 - 31 Mitchell Street; Tax ID# 136.41-1-16 - 33 Mitchell Street; Tax ID# 136.41-1-15 - 1 State Street; Tax ID# 136.41-1-14 - 1A State Street; Tax ID# 136.41-1-13 - 3 State Street has been received and was opened on July 24, 2020; and

WHEREAS, the bid was awarded by the Common Council on August 4, 2020; and

WHEREAS, a transfer of funds is needed for the \$83,388 demolition and removal of said property; now, therefore be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds in the 2020 Budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR33-878	Capital Reserves – Municipal Buildings	\$83,388
<u>To:</u>		

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H36-8666.4020	Demolition Mitchell & State Street Properties	\$83,388

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

RESOLUTION #57 - 2020 **AUTHORIZING PURCHASE OF POLICE VEHICLE AND TRANSFER OF FUNDS**

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

WHEREAS, a need to replace a Police Department patrol car has been realized; and

WHEREAS, an opportunity exists to replace such vehicle with a 2020 Ford Utility/SUV at the approved State contract bid for \$35,112.96, lettering \$435.00, and outfitting installation \$9,812.12; and

WHEREAS, funds were included in the Capital Reserves Budget to support the equipment budget line in the Police Department; and

WHEREAS, the Public Safety/Public Works and Finance/Personnel Committees have made certain recommendations; now, therefore be it

RESOLVED, that the purchase of a patrol car at a total combined cost of \$45,360.08 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 2020 General Fund Budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR21-9950.9	Capital Reserves - Police Equipment	\$45,360.08

<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3120.2100	Police – Equipment	\$45,360.08

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

RESOLUTION #58 - 2020 **CHANGE IN WINTER NO PARKING**

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

WHEREAS, the Traffic Commission has recommended a change in time for winter overnight parking; and

WHEREAS, effective dates of the winter No Parking would be from December 1 to April 1 from 12 a.m. to 6 a.m.; and

WHEREAS, this includes No Parking on any city street outside the effective date and time when 2 inches or more of snow or any ice accumulation is predicted by the Binghamton National Weather Service; 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) of the Vehicle and Traffic code as follows:

A. No parking on any city street from 12:00 a.m. to 6:00 a.m. effective December 1st through April 1st
AND No Parking on any city street outside the effective date and time when 2 inches or more of snow or any ice accumulation is predicted by the Binghamton National Weather Service.

Seconded by Ald. Caldwell, and duly adopted, 5 - 1, on a roll call vote with Ald. Doliver voting nay.

Discussion: Before the vote, Ald. Caldwell asked E. Pepe if this would interfere with snow plowing. E. Pepe said they can try it and see how it goes.

RESOLUTION #59 - 2020

**CERTIFIED OPERATOR FOR THE WATER FILTER PLANT
COMMITMENT**

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

WHEREAS, the City received grant funds from the USDA for the new Water Filter Plant; and

WHEREAS, the Water Filter Plant project needs to be closed; and

WHEREAS, the USDA requires a commitment from the City to staff the Water Filter Plant with a Certified Operator; now therefore be it

RESOLVED, that the City of Norwich Water Department will retain on staff the services of a certified water operator(s) in accordance with NYSDOH regulations, to operate the water filter plant.

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

RESOLUTION #60 - 2020

**DECLARING AMBULANCE #2393 AS SURPLUS AND AUTHORIZING ITS
DISPOSAL**

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

WHEREAS, the vehicle has been deemed to be surplus by the Fire Department; and

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

RESOLVED, that the following items be and hereby is declared surplus:

Ambulance #2393

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 Ald. Allaire, and duly adopted, 6 - 0, on a roll call vote.

Payment of August 2020 Bills

Ald. Caldwell **moved** to pay the August 2020 bills after proper audit and certification.

		<u>Prepaid</u>		<u>8/18/2020</u>		<u>Grand Total</u>
General Fund		\$152,566.33		\$49,552.16		\$202,118.49
Sewer Fund		12,727.58		18,819.75		31,547.33
Water Fund		11,657.88		6,288.83		17,946.71
Trust		27,327.79		-		27,327.79

Debt Service			-	
Comm. Dev. - Special Grants		820.31	-	820.31
Capital Projects			-	
TOTALS		\$205,099.89	\$74,660.74	\$279,760.63

Seconded by Ald. Jeffrey and duly adopted 6 - 0.

Executive Session

Ald. Doliver **moved** to enter executive session to discuss the employment history of a particular individual at 7:18 p.m.
Seconded by Ald. Caldwell, approved ayes all.

Ald. Jeffrey **moved** to exit executive session at 8:29 p.m. Seconded by Ald. Caldwell, approved ayes all.

Adjournment

Ald. Allaire **moved** to adjourn at 8:29 p.m. Seconded by Ald. Zieno, approved ayes all.