

COMMON COUNCIL

April 26, 2022

Mayor Brian Doliver presided at a meeting of the Common Council held at 6:30 PM on April 26, 2022, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Brian Doliver
Ald. Matthew Caldwell
Ald. Fred Gee
Ald. Nancy Allaire
Ald. William Loomis
Ald. David Zieno
Ald. Robert D. Jeffrey

Also:

Director of Finance/City Clerk Dee DuFour
DPW Superintendent Edward Pepe
Fire Chief Jan Papelino
Police Chief Rodney Marsh
EMO Stephen Cady
Community Development Director Erik Scrivener
City Attorney Steve Natoli
Deputy City Clerk Agnes Eaton

Absent

Supervisor Robert M. Jeffrey
Supervisor James McNeil

Media Representative: Sarah Genter, The Evening Sun

Call to Order

The meeting of the Common Council was called to order by Mayor Doliver at 6:32 p.m.

Approval of Minutes

Ald. Gee **moved** to approve the minutes of the special meeting of March 1, 2022 and the regular meeting of March 15, 2022. Seconded by Ald. Allaire and duly approved ayes all.

Open Forum

No comments were heard.

Correspondence

Glow 5K Walk/Run – Suicide Prevention Coalition – Ald. Zieno **moved** to approve a request from the Suicide Prevention Coalition for Special Event status in Weiler Park for their Recovery & Wellness Glow 5K Walk/Run on September 17, 2022 from 6 p.m. to 9:30 p.m. The 5K route will begin at Weiler Park and continue on Borden Ave. to Silver St., Mitchell, Adelaide, Midland, Hale, Birdsall, back to Silver, Borden and finishing at Weiler Park. Seconded by Ald. Jeffrey, approved ayes all.

Norwich High School Students Against Destructive Behavior Mock Crash – Ald. Allaire **moved** to approve a request from the Norwich High School SADD for assistance from the City of Norwich Police and Fire Departments in conducting a mock crash on May 17, 2022 at 12:30 p.m. with a rain date of May 18, 2022. Seconded by Ald. Jeffrey, approved ayes all.

Mayor Appointment – Mayor Doliver announced the following appointment:

Civil Service Commission

- ◆ *Joe Esposito, 65 Hillview Drive, appointed to fill the remainder of a six-year term expiring May 31, 2026.*

Department, Board and Commission Reports

- ◆ Traffic Commission Minutes – February, March and April
- ◆ Flood Mitigation Commission (no quorum) – March
- ◆ Civil Service Minutes – March
- ◆ Water Commission Minutes – February

- ◆ Planning Commission Minutes – March
- ◆ Youth Bureau Minutes – March and April
- ◆ Youth Bureau Report - 1st Quarter
- ◆ Human Resource Report – March
- ◆ Fire Department Report - March

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

Ward Reports

Ward 1

Ald. Caldwell reported communications mostly about the snow storm, electric outages and cleanup. He felt that the communication between the Mayor, Department Heads and the Council during the State of Emergency was fantastic. Particularly, hearing from the Mayor 3-4 times per day for several days made it easy for him to communicate with residents.

Ward 2

Ald. Gee reported too many to touch on each one, many of them were regarding the snow storm. He said he and the new Community Development Director toured his ward in order to give him an idea of the problems and type of support Ward 2 and other wards are looking at, with a focus on sidewalks, parks and the deterioration of buildings. A Neighborhood Watch meeting was held last night and concern about drug problems, homelessness, squatting and general safety continue.

Ward 3

Ald. Allaire reported a communication about a code issue which was referred and now resolved by Codes. She concurred with Ald. Caldwell's statement about communication from the Mayor during the storm.

Ward 4

Ald. Loomis reported a communication regarding the sidewalk replacement program as well as several about downed trees from the storm. A codes issue was referred and has been resolved. Loomis also agreed with the communications during the storm with an awesome job done by everyone.

Ward 5

Ald. Zieno reported pothole complaints, a couple code violation complaints, one of which is resolved and the other in the process of resolution. He echoed his thanks for the storm communication from the Mayor and EMO and DPW for the plowing and tree limb cleanup. He suggested that E. Pepe and Rebecca Hargrave of the Street Tree Committee tour the City to ascertain the damage to trees and whether they may need to be removed.

Ward 6

Ald. Jeffrey thanked the Mayor, Fire Chief, EMO and Melanie Putnam from NYSEG for their efforts, particularly on Columbia St. He thanked DPW for the ongoing cleanup of trees and limbs. He received communications regarding the storm cleanup and positive comments regarding the SRO. He spoke with a resident regarding internet service providers other than Spectrum and Frontier. Another resident asked about the sidewalk replacement program and Jeffrey wondered if additional sidewalks could be added to the schedule for this year.

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

Resolutions

Ald. Caldwell **moved** to remove Resolution #12 – 2022 from the table. Seconded by Ald. Loomis, approved ayes all.

RESOLUTION #12 - 2022

AUTHORIZING CREATION OF ADDITIONAL POLICE OFFICER POSITION

Ald. Caldwell **moved** to amend Resolution #12 – 2022 by removing the effective date and authorize it's approval.

WHEREAS, the Police Chief has recommended the creation of an additional Police Officer position; and

WHEREAS, the Joint Committees have reviewed and concurred with said recommendations; now, therefore be it

RESOLVED, that an additional Police Officer position be and hereby is authorized to be created ~~effective February 16, 2022~~ subject to any action necessary from the Norwich Civil Service Commission.

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

Discussion prior to the vote: With this added position staffing at the P.D. will be 21 and one retirement is expected next year. Also discussed were the repercussions if the SRO position was discontinued. The creation of an additional position could still proceed and then remain an unfilled vacancy if the Council chose not to fill it.

RESOLUTION #23 - 2022 **AUTHORIZING BUDGET TRANSFER FROM RESERVES FOR KURT BEYER POOL PUMPS**

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

WHEREAS, the pool pumps at Kurt Beyer pool need repairs; and

WHEREAS, the cost of repairs is \$14,220; and

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

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfers in the 2022 Budget:

From:

<u>Account No.</u>	<u>Name</u>	<u>Account</u>
HR27-878	Capital Reserves – Pool Repair	\$14,220

To:

<u>Account No.</u>	<u>Name</u>	<u>Account</u>
A7110.2100	Parks – Equipment	\$14,220

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

RESOLUTION #24 - 2022 **AUTHORIZING BUDGET TRANSFER TO COVER OVERTIME COSTS IN THE DPW FOR SNOW REMOVAL**

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

WHEREAS, the overtime costs for snow removal have exceeded the budgeted amount; and

WHEREAS, a transfer from Contingency in the amount of \$15,000 is needed to cover those overtime costs; and

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

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfers in the 2022 Budget:

From:

<u>Account No.</u>	<u>Name</u>	<u>Account</u>
A1990.4	General – Contingency	\$15,000

To:

Account No.
A5142.1020

Name
Snow & Ice - Overtime

Account
\$15,000

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

It was noted that this transfer does not include last week's storm.

**RESOLUTION #25 - 2022 AUTHORIZING AGREEMENT WITH NORWICH CITY SCHOOL DISTRICT
FOR A SCHOOL RESOURCE OFFICER (SRO)**

Ald. Jeffrey introduced the following and moved its adoption:

WHEREAS, Article 5-G of the New York State's General Municipal Law ("GML"), provides the authority for "municipal corporations" to enter into agreements for the performance between themselves, or one for the other, of their respective functions, powers and duties on a cooperative contract basis; and

WHEREAS, the School District and City are both "municipal corporations" as that term is defined by GML §119-n (a); and

WHEREAS, the School District and City have determined that it is in their mutual best interests to enter into this Agreement to provide for the assignment of officers to serve as School Resource Officer(s) and School Security Officer(s) in the Norwich City School District;

WHEREAS, an agreement was authorized in Resolution #2 – 2022 and both parties would like to enter into an additional agreement; now, therefore be it

RESOLVED, that the Mayor is hereby authorized to enter into an agreement under the direction of the City Attorney with the Norwich City School District for the services of the Norwich Police Department to provide for the assignment of officers to serve as School Resource Officer in the Norwich City School District.

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

RESOLUTION #26 - 2022 ADOPTION OF THE NEW YORK STATE UNIFIED SOLAR PERMIT

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

WHEREAS, The City of Norwich duly adopted the "NYS Fire Prevention and Building Construction" code to provide minimum requirements to safeguard the public safety; and

WHEREAS, The City of Norwich Code Enforcement Officer, who administers and enforces all provisions of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, and the City of Norwich Code; and

WHEREAS, The City requires the issuance of a building permit for the construction, enlargement, alteration, repair, removal or demolition of any building or other structure; and

WHEREAS, The New York State Uniform Fire Prevention and Building Code regulates the design, construction, installation, alteration and repair of equipment and systems using solar systems; and

WHEREAS, The New York State Energy Research and Development Authority has developed a New York State Unified Solar Permit that reduces the cost for solar projects by streamlining municipal permitting processes; and

WHEREAS, The City of Norwich desires to promote the streamlining of the application process for small-scale photovoltaic system installations under 25 kW in size by adopting the New York State Unified Solar Permit application form and implementing the new procedures: now, therefore be it

RESOLVED, the City of Norwich hereby adopts the New York State Unified Solar Permit application form and procedures for the installation of small-scale photovoltaic systems; and further be it

RESOLVED, the City of Norwich Code Enforcement Officer is hereby directed to use said New York State Unified Solar Permit application for and procedures in the issuance of building permits for the installation of small-scale photovoltaic systems; and further be it

RESOLVED, any further actions required of the City of Norwich to effect the foregoing are hereby authorized and the Mayor is hereby authorized to execute and deliver any instruments, documents or the like as required to effect the same.

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

RESOLUTION #27 - 2022

ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS

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

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the The City of Norwich is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the City of Norwich desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the [Village/Town/City/County]; and

WHEREAS, the City of Norwich desires to establish procedure or guideline for City staff to conduct such Building Energy Benchmarking; now, therefore be it

RESOLVED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Commissioner" shall mean the head of the Department.

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the [Village/Town/City/County] that is 1,000 square feet or larger in size.

(5) "Department" shall mean the [Department selected to enforce the Benchmarking Policy].

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBTUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

- (1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.
- (2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.
- (3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the [Legislative Body] including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

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

RESOLUTION #28 -2022

AUTHORIZING REBATE INCREASE IN 2022 RESIDENTIAL PAINT REBATE PROGRAM AND USE OF COMMUNITY DEVELOPMENT FUNDS FOR THE PROGRAM

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

WHEREAS, the City of Norwich desires to increase participation in the City's residential paint rebate program; and

WHEREAS, adequate community development funds are available to accommodate an increase in program costs from the current \$10.00 per gallon rebate to the proposed \$15.00 per gallon rebate; and

WHEREAS, this proposed action is appropriately classified as a Type 2 action under the requirements of the State Environmental Quality Review Act (SEQRA); now, therefore be it

RESOLVED, that the City of Norwich Finance Director and relevant City staff be and hereby are authorized to increase the per-gallon rebate for the 2022 residential paint rebate program to \$15.00 per gallon of paint, up to twenty gallons per property, for exterior house painting within the city of Norwich; and, further be it

RESOLVED, that the City of Norwich Finance Director be and hereby is authorized to draw upon appropriate community development funds from the account to pay rebate claims.

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

Ald. Gee suggested looking into ways to help residents with asbestos siding removal.

Ald. Jeffrey **moved** to enter executive session at 7:13 p.m. to discuss the employment history of a particular individual. Seconded by Ald. Caldwell, approved ayes all.

Ald. Jeffrey **moved** to exit executive session at 7:22. Seconded by Ald. Caldwell, approved ayes all.

RESOLUTION #29 - 2022

APPOINTMENT OF POLICE OFFICER

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

WHEREAS, vacancies exist in the Norwich Police Department, and;

WHEREAS, the Police Chief has made a recommendation to appoint Ty Rifanburg of Norwich, New York; now therefore be it

RESOLVED, that Ty Rifanburg of Norwich, NY, be and hereby is granted a permanent appointment as Police Officer in the City of Norwich Police Department effective May 2, 2022 at the rate of \$56,184.40; and further be it

RESOLVED, that the appointment is subject to any action as may be necessary by the Norwich Civil Service Commission.

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

RESOLUTION #30 - 2022

APPOINTMENT OF MEO I

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

WHEREAS, there is a vacancy in the position of MEO I; and

WHEREAS, the DPW Superintendent has recommended the permanent appointment of Steven Caram of Whitney Point, NY to MEO I; now, therefore be it

RESOLVED, that Steven Caram of Whitney Point, NY, be and hereby is granted a permanent appointment to the position of MEO I in the DPW at the rate of \$16.58 per hour effective May 2, 2022, and further be it

RESOLVED, that the appointment is subject to any action as may be necessary by the Norwich Civil Service Commission.

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

After this appointment there is still one MEO I vacancy.

RESOLUTION #31 – 2022

TRANSFER OF FIREFIGHTER TO FIRE ASSISTANT IN THE NORWICH FIRE DEPARTMENT

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

WHEREAS, Firefighter Stephen Winsor has given his notice that his last day as Firefighter in the Norwich Fire Department would be April 30, 2022, and;

WHEREAS, Stephen Winsor would like to continue in the Norwich Fire Department and transfer to Fire Assistant; now, therefore be it

RESOLVED, that the notice of Stephen Winsor, of Nineveh, NY ending his employment as Firefighter effective April 30, 2022 is accepted; and further be it

RESOLVED, that Stephen Winsor of Nineveh, NY, be and hereby is granted a transfer to the permanent part-time appointment as Fire Assistant in the Norwich Fire Department at the pay rate of \$15.44 effective May 1, 2022.

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

Chief Papelino reported that there will be one retirement at the end of the year and will be asking to refill that position when retirement is confirmed. He reported that 5 applications were submitted at the recruitment event and others took applications with them.

Payment of Bills

Ald. Gee **moved** to pay the April 2022 bills after proper audit and certification.

	<u>Prepaid</u>	<u>4/19/2022</u>	<u>Grand Total</u>
General Fund	\$140,936.64	\$613,693.12	\$754,629.76
Sewer Fund	31,907.74	14,155.16	46,062.80
Water Fund	24,268.05	11,693.52	35,961.57
Trust	40,709.79	-	40,709.79
Debt Service		-	
Comm. Dev. - Special Grants	50.00	-	50.00
Capital Projects	18,430.00	-	18,430.00
TOTALS	\$256,302.22	\$639,541.70	\$895,843.92

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

Mayor Doliver took a moment to thank the Council members for being the “eyes and ears” in your neighborhoods, as well as Chief Marsh, Chief Papelino, EMO Steve Cady for their calm guidance during the storm.

Resignation of City Attorney Steven Natoli

Ald. Jeffrey **moved** to accept the resignation of Stephen Natoli as City Attorney with his last day worked as April 27, 2022. Seconded by Ald. Caldwell, approved ayes all.

Mayor Doliver read the following Proclamation for Steven Natoli:

P R O C L A M A T I O N

City Attorney Steven Natoli

WHEREAS, Steven Natoli has served the City of Norwich with exceptional dedication as City Attorney from January 2, 2018 to April 27, 2022; and

WHEREAS, Mr. Natoli has diligently applied his best efforts in serving the City of Norwich; and

WHEREAS, Mr. Natoli has worked closely with the Common Council members, Department Heads, and employees of the City of Norwich in order to provide for the public good and public safety; and

WHEREAS, Mr. Natoli’s steadfast and consistent efforts on behalf of the City of Norwich are sincerely and gratefully acknowledged; now, therefore be it

RESOLVED, that the City of Norwich thanks Steven Natoli and offers its sincere gratitude and appreciation for his guidance.

Executive Session

Ald. Zieno **moved** to enter executive session to discuss the employment history of particular individuals and contract negotiations at 7:33 p.m. Seconded by Ald. Caldwell, approved ayes all.

Ald. Loomis **moved** to exit executive session at 9:35 p.m. Seconded by Ald. Jeffrey, approved ayes all.

Adjournment

Ald. Loomis **moved** to adjourn at 9:37 p.m. Seconded by Ald. Gee, approved ayes all.