

COMMON COUNCIL

January 18, 2011

Mayor Joseph Maiurano presided at a meeting of the Common Council held at 7:00 PM on January 18, 2011, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Joseph Maiurano
Ald. Robert Carey
Ald. Terry Bresina
Ald. John Deierlein
Ald. Walter Schermerhorn
Ald. Paul Laughlin
Ald. Robert Jeffrey
Supervisor James McNeil
Supervisor Linda Natoli

Also:

Clerk/Director of Finance William Roberts
Human Resources Director Deborah DeForest
DPW Superintendent Carl Ivarson
Deputy City Clerk Brian Drake
Code Enforcement Officer/Fire Marshall Jason Lawrence
Police Chief Joseph Angelino
Fire Chief Tracy Chawgo
Community Development Specialist Todd Dreyer
City Attorney Patrick Flanagan
Media Representative Brian Golden

Absent

None

Call to Order

The meeting of the Common Council was called to order by Mayor Maiurano at 7:04 p.m.

Approval of minutes

Ald. Deierlein **moved** to approve the minutes of the regular meeting of December 21, 2010, and the organizational meeting of January 3, 2011. Seconded by Ald. Schermerhorn, duly approved ayes all.

Mayoral Appointment with Council Approval Ald. Schermerhorn **moved** to approve the mayoral appointment of Shawn Sastri, 19 Sunset Drive, to the Parks Commission for a three-year term expiring December 31, 2013. Seconded by Ald. Bresina and duly approved ayes all.

Public Hearings

Mayor Maiurano at 7:06 p.m. opened a public hearing to hear comments relative to Proposed Local Law No. (A) of 2011 to update the Public Market law. There were no comments.

Open Forum

Richard Natoli, 12 Clinton St., asked the status of the property being renovated at 24 E. Main Street. Mayor Maiurano explained that the building is being renovated under Restore New York grant funds and has a preferred purchaser who is involved in the process. The property will be returned to the tax rolls and will once again be productive. Mr. Natoli then asked about the NYSEG property on Front Street. The Mayor explained that it is a brown-fields project being remediated by NYSEG and, following completion of clean-up sometime in June, can be developed for commercial use. Mr. Natoli asked if Tops Market was given any sort of tax incentive for returning to Norwich, as had been done in the past. The Mayor clarified that any tax breaks formerly given were under the Economic Development Zone program managed by New York State, not by the City, and that no such incentives were given at this time.

Jim McNeil, 47 Fair Street, praised the renovation of 24 East Main Street and asked whether the City has contemplated its assessed value once restored for tax purposes. Community Development Specialist Todd Dreyer stated that the assessed value would be somewhere between \$95,000 and \$110,000. Mr. McNeil urged the City to consider a revaluation of properties to bring them in line with current values, which might possibly also assist the elderly with STAR rebates. Ald. Carey questioned whether a revaluation, which could substantially increase the assessments of older properties that have not been revalued in many decades, would offer enough benefit through the STAR program to offset these increased assessments. Mr. McNeil expressed his opinion that a revaluation is necessary so that all are paying fairly. Mayor Maiurano said that he, the City Assessor, and the County Assessor have discussed the possibility.

Correspondence

Ald. Laughlin **moved** to receive and file correspondence from Edith Mirabito et al. of Bohemian Moon, Inc., of renewal of an on-premise liquor license at 103 East Main Street. Seconded by Ald. Schermerhorn and duly approved ayes all.

Department, Board and Commission Reports

- ◆ Parks Commission minutes of December 13, 2010
- ◆ Police Department Report of December 2010
- ◆ Traffic Commission minutes of January 12, 2011
- ◆ Water Department Report for December 2010
- ◆ Youth Bureau Monthly Report of November 2010
- ◆ Youth Board Minutes of January 5, 2011

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

Ward and Committee Reports

Joint Committee Meeting of January 3, 2013

Department Heads have discussed managing dog warden duties since Jeremy Stopford's retirement. Because the required civil service test won't be available until 2012, Police Chief Joseph Angelino believes the position of dog warden should be kept vacant for a year; in the meantime, the Codes Department will assist in dog calls during business hours, with police officers responding after hours and on weekends. He thanked Code Enforcement Officer Jason Lawrence for his offer of assistance.

Ald. Jeffrey asked if it were possible to have prisoners brought in to clean up garbage and litter revealed by melting snow. DPW Superintendent Carl Ivarson said that there were restrictions on what work prisoners could be used for. Chief Angelino said that use of prisoners would require a police officer's time to supervise.

J. Lawrence presented a proposed change to the definition of a junked vehicle in the Code, so that vehicles without a valid inspection would also be considered as junked. Jason described a situation this proposed change would aid the Department in rectifying.

Ald. Jeffrey raised the issue of abandoned shopping carts, noting that they constitute an eyesore and a danger to traffic. Mayor Maiurano replied that Tops Markets sends out people to pick up their carts throughout the City, and he and Jason make regular trips through the City to pick up abandoned carts as well. The Committees proposed impounding such carts.

C. Ivarson reported that the City Hall and Firehouse projects will require three change orders, for expansion of the Mayor's office, lights and replacement of defective wiring on the third floor of the firehouse, and rafter ends on a portion of the City Hall roof, amounting to approximately \$6,400 in total.

C. Ivarson reported that a proposal has been made for a sewer line to be installed at Chenango Lake, and for an agreement between the Town of New Berlin and the City of Norwich for the City to handle that sewage at its WWTP. He believes this a good idea conceptually and a benefit to the City, but cautioned that an appropriate municipal agreement must be entered by the two municipalities.

C. Ivarson suggested that, as the City is borrowing money from the Sewer Fund to pursue the pool project, additional funds be borrowed to renovate the tennis courts, as it would be several years before money for the courts could be replenished. He stated he would have projected costs for the tennis courts project by March.

Community Development Specialist Todd Dreyer proposed that the City's Comprehensive Plan from 2003 be updated. A current Comprehensive Plan helps in being awarded grants, and bringing it up to date will show what projects have been completed and include new projects and initiatives. The process of updating the Plan will take approximately one year and should entail minimal cost, as it will basically provide a revision of the current Plan.

Ald. Carey stressed the need for the Council to create a 10-15 year plan for funding replacement of the City's infrastructure. Current funding is not sufficient for replacement of century-old mains and lines, as well as the concomitant curb and sidewalk replacements. It is vital that the City plan now for this inevitable work.

Ward Reports

Ward 1

Ald. Carey reported that no complaints were received in Ward 1 during the last month.

Ward 2

Ald. Bresina reported that no complaints were received in Ward 1 during the last month.

Ward 3

Ald. Deierlein reported that no complaints were received in Ward 1 during the last month.

Ward 4

Ald. Schermerhorn reported that no complaints were received in Ward 1 during the last month.

Ward 5

Ald. Laughlin reported that no complaints were received in Ward 5 during the last month.

Ward 6

Ald. Jeffrey reported that he has received more comments about poor lighting at downtown crosswalks. DPW Superintendent Carl Ivarson stated that the lights at crosswalks have the maximum wattage, 400W, while side streets have 100W lighting. Lights could be converted to use high-pressure sodium lighting at 1000W, but this would involve an increased cost of \$3 per pole per month plus power usage, and stiff penalties would be incurred if it were decided to convert the lights back. Ald. Jeffrey mentioned several sidewalks that had not been shoveled. Code Enforcement Officer Jason Lawrence stated that those sidewalks had been taken care of.

Ald. Laughlin **moved** to receive and file the Committee and Ward reports. Seconded by Ald. Carey, duly approved ayes all.

Motion

Receive Proposed Ordinance No. (A) and Set Public Hearing - Vehicles, Abandoned

Ald. Carey **moved** to receive Proposed Ordinance No. (A) of 2011 revising the Code as regards abandoned vehicles and set a public hearing for 7:00 p.m. on February 15, 2011. Seconded by Ald. Schermerhorn and duly adopted ayes all.

PROPOSED ORDINANCE NO. (A) OF 2011

BE IT ORDAINED by the Common Council of the City of Norwich, New York, that Section 519-1 of Chapter 519, Vehicles, Abandoned, be amended as follows:

JUNKED VEHICLE

Any motor vehicle which is without a valid registration, inspection, or license plates or is in either a rusted, wrecked, discarded, dismantled, partly dismantled, inoperative or abandoned condition.

New Material is Underlined. Deleted Material is ~~struck through~~.

Resolutions

RESOLUTION #01-2011

AUTHORIZING UPDATE OF CITY'S COMPREHENSIVE PLAN

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

WHEREAS, the City of Norwich's Comprehensive Plan was last updated in December of 2003; and

WHEREAS, the Common Council finds it desirable to update and revise the Comprehensive Plan periodically to assess plan accomplishments, reflect new information, and adjust goals and objectives; and

WHEREAS, the adoption or amendment of a municipality's comprehensive plan is classified as a Type 1 action under applicable provisions of the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Common Council desires to serve as the lead agency in undertaking the environmental review of the City's Comprehensive Plan, and believes that it is the most involved agency in such process; now, therefore be it

RESOLVED, that the Common Council hereby authorizes City planning staff and the Planning Commission, working in cooperation with the Mayor, department heads and staff, other City boards and commissions, outside agencies, organizations, and the public, to develop a draft comprehensive plan for consideration and adoption by the Common Council of the City of Norwich; and be it further

RESOLVED, that the Common Council hereby authorizes City planning staff to notify potentially involved and/or interested agencies, interested organizations, and the general public of the Common Council's desire to update and revise the City's Comprehensive Plan and to serve as the lead agency for the environmental review of the plan.

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

RESOLUTION #02-2011 **ADOPTING PROPOSED LOCAL LAW NO. (A) OF 2011 REGARDING PUBLIC MARKET**

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

WHEREAS, the Common Council received proposed Local Law No. (A) of 2011 on December 21, 2010, regarding the public market; and

WHEREAS, a public hearing was held on January 18, 2011, in connection with said proposed ordinance; now, therefore be it

RESOLVED, that Local Law No. (A) of 2011, regarding the public market, as presented to the Common Council on December 18, 2010, be and hereby is adopted, and is hereby designated as Local Law No. 1 of 2011.

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

LOCAL LAW NO. 1 OF 2011

A LOCAL LAW TO AMEND THE CODE OF THE CITY OF NORWICH AS IT RELATES TO PUBLIC MARKETS

The Code of the City of Norwich is hereby amended by amending Chapter 417 as follows:

Chapter 417

PUBLIC MARKET

§ 417-1 Location.

A public market for the City of Norwich is hereby established, to be located at the following place or places:

- A. Along the north side of East Side Park Place extending from North Broad Street easterly to the east line of East Side Park Place; and
- B. Along the east side of East Side Park Place extending from the north side of East Side Park to the south line of East Side Park.

§ 417-2 Market Board of Directors

A. A Market Board of Directors shall be formed to manage the business and affairs of the market in compliance with federal, state, county, and local regulations.

B. The Market Board shall institute by-laws to regulate the conduct of board members and vendors at the market.

Who may sell at market.

A. ~~Said market shall be open for the purpose of displaying and selling products raised in the County of Chenango.~~

B. ~~"Producers," within the meaning of this chapter, shall mean persons who raise their own products upon land leased or owned by themselves.~~

C. ~~Producers may sell by agent, providing the agent is paid on a flat salary basis and not on commission.~~

D. ~~It shall be unlawful for any producer, by himself or agent, to offer for sale in said market any product not produced upon land either owned or leased by himself.~~

E. ~~It shall be unlawful for any person to display or offer for sale or sell in said public market any product purchased directly or indirectly from any other person.~~

F. ~~It shall be unlawful for any producer's agent to offer for sale or sell in said public market any product which is not grown upon land owned or leased by the producer he represents.~~

G. ~~It shall be unlawful to offer for sale or sell any manufactured or prepared article in said public market unless the main ingredients of said article have been produced upon land owned or leased by the producer offering for sale or selling said article.~~

H. ~~It shall be unlawful for any person to use any deceit, imposition or misrepresentation in selling or attempting to sell any article in said public market.~~

I. ~~Any person desiring to sell produce in said public market shall present to the Market Master of said market an affidavit showing that he is entitled to the privileges of said market as a producer or agent in accordance with the foregoing rules.~~

§ 417-3 What may be sold.

~~Except as otherwise provided, said market is hereby declared to be for the sale of fruit, farm produce and vegetables, but no fresh meat of any kind shall be allowed.~~

§ 417-3 4 —Market hours.

A. Said market shall be open such hours and on such days as are set by the Market Board of Directors.

B. ~~It shall be unlawful for any~~ No vendor person to shall occupy any market space in said market earlier than 1/2 hour before the opening of said market and longer than 1/2 hour after the closing of the same.

§ 417-4 5 Market Manager Master.

A. There shall be a Market Manager ~~Master~~ of said market, whose duty it shall be at all times to ~~be present at the marketplace during the established hours to~~ enforce all by-laws, laws and ordinances regulating said market and sales therein, to preserve order in and about said marketplace during the market hours.

B. The Market Manager shall provide to the City Clerk at the beginning of Market Board of Directors' fiscal year the following documentation:

1. Current by-laws of the Market Board of Directors;

2. Name, address, and telephone number of each member of the Market Board of Directors;

3. Name, address, and telephone number of each vendor to be selling at the Public Market;

4. A plan of vendor spaces.

C. ~~The Market Manager shall be, or shall arrange for a designated representative to be, on site at the market during hours of operation.~~

§ 417-5 6 Sanitation.

- A. It shall be the duty of the Market ~~Manager~~ Master to keep said market at all times clean and in good order.
- B. ~~It shall be unlawful for any~~ No vendor or producer to shall permit his or her stall, ~~or his~~ wagon, or any other equipment or fixture in or about said market to ~~become~~ in an unclean or unsanitary condition.
- C. ~~No person shall throw any~~ All garbage, offal, filth or rubbish in any part of the said marketplace shall be removed by vendors or the Market Manager.

~~§ 417-7 Renting of space.~~

- A. ~~Spaces eight feet wide may be allotted in said market to a producer, and no person or producer may sell or offer for sale any article of produce, allowed to be sold in said market, in any other space than in the space regularly allotted to said person or producer.~~
- B. ~~A rental fee may be set by the Market Board of Directors and collected by the Market Master of said market from each producer to whom such space may be allotted, said funds to be used for the management of said market.~~
- C. ~~Space may be reserved for a period not to exceed the last day of the current month by paying rent in advance for such period.~~

§ 417-6 8 Rules and regulations governing conduct of producers.

- A. No person at said market shall be permitted to solicit trade by outcry or by hawking in a loud or boisterous manner.
- B. No market wagon or other vehicle shall occupy a space in any other position or manner than may be directed by the Market ~~Manager~~ Master of the market.
- C. Every person occupying a stand in said market by vehicle shall have his or her name plainly written thereon in such a position as to be seen and read by purchasers.
- D. No person shall sell or offer for sale any unwholesome, damaged or spoiled produce of any kind in said market.
- E. No person shall represent as "home grown" any article or articles offered for sale in said market which has been raised or produced elsewhere and shipped to said market.
- F. No person shall sell products at wholesale or for the purpose of being resold, except that producers may sell their surplus stock in bulk at any time within 15 minutes before or after the regular closing time.

§ 417-9 Penalties for offenses.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for not more than 15 days, or both.

New material is underlined. Deleted material is ~~struck through~~.

Discussion: Ald. Bresina confirmed that a correction requested by the Joint Committee had been included in the Local Law before receipt by the Council. Ald. Carey asked the City to consider using banners on light poles to publicize the farmers' market, and that the Market Board might help fund such banners.

RESOLUTION #03-2011

UPDATING MUNICIPAL FEES & FINES SCHEDULE

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

WHEREAS, the Common Council adopted Resolution #71-2010 on October 19, 2010, establishing a consolidated Municipal Fees & Fines Schedule of various fees and certain fines into a single document; and

WHEREAS, following a review of a comprehensive NYCOM survey of fees and fines among several New York State cities and villages, it is deemed desirable that certain existing fees which have remained unchanged for many years be updated for the City of Norwich; and

WHEREAS, the Finance/Personnel Committee has reviewed certain recommendations from the Department of Finance; now, therefore be it

RESOLVED, that portions of certain fees of the Municipal Fees & Fines Schedule be and hereby are updated according to the following changes:

**CITY OF NORWICH
UPDATED MUNICIPAL FEES & FINES
Effective Date as of March 1, 2011**

	<u>Current Fee</u>	<u>Revised Fee</u>
<u>TAX RELATED FEES</u>		
Tax Search (Fee per Search)	\$10.00	\$25.00
<u>DOG LICENSING FEES</u>		
Spayed or Neutered	\$10.00*	\$11.00*
*NYS Animal Population Control Fund – Spayed or Neutered	\$1.00 (Included in License Fee)	
Unspayed or Unneutered	\$20.00**	\$23.00**
**NYS Animal Population Control Fund – Unspayed or Unneutered	\$3.00 (Included in License Fee)	
<u>LICENSING FEES</u>		
Garbage License for Trash Haulers	(none)	\$50.00 Annually
Restaurant License	(none)	
Annual License Fee for Occupancy Levels Of:		
25 or fewer:		\$ 30.00
26 - 49		\$ 35.00
50 - 99		\$ 45.00
100 - 199		\$ 60.00
200 - 299		\$ 80.00
300 and over		\$100.00
Peddler’s Permits		
For Designated Areas:		
Annual Space	\$100.00	\$200.00
Seasonal	\$75.00	\$150.00
<u>WATER & SEWER FEES</u>		
Frozen Meter Charge:		
For Plate Replacement:	\$25.00	\$50.00
For Entire Meter Replacement	(Unspecified)	Per Cost Schedule Based on Size As Issued by DPW

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

RESOLUTION #04-2011

**AUTHORIZING PURCHASE AND TRANSFER OF FUNDS AND BUDGET
TRANSFER - POLICE TRUCK**

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

WHEREAS, a new police truck is needed to replace the existing truck, which will be transferred to the Fire Department; and

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

WHEREAS, a budget transfer is required from the Fire Department in exchange for the existing truck, which will thereby provide for equipping the new vehicle for specialized use; and

WHEREAS, the Finance/Personnel Committee has made certain recommendations; now, therefore be it

RESOLVED, that the purchase of a three-quarter ton truck with crew cab and four wheel drive at the price determined by State bid 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 2011 General Fund budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR21-898	Capital Reserves – Police Equipment	\$24,000.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3120.2100	Police Department - Equipment	\$24,000.00

and, be it further

RESOLVED, that the Director of Finance be and hereby is authorized to make the following budget transfer in the 2011 General Fund budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3410.2100	Fire Department - Equipment	\$ 2,000.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3120.2100	Police Department - Equipment	\$2,000.00

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

Payment of January 2011 Bills Ald. Schermerhorn **moved** that the payment of the January 2011 bills be authorized subject to final audit and verification, and subject to subsequent ratification and approval of the detailed bill list at the February 2011 meeting. Seconded by Ald. Laughlin and duly adopted ayes all.

Executive Session

Ald. Laughlin moved to enter executive session at 7:37 p.m. to discuss pending litigation. Seconded by Ald. Schermerhorn, approved ayes all.

Ald. Jeffrey **moved** to exit executive session at 8:14 p.m. Seconded by Ald. Carey, approved ayes all.

Adjournment

Ald. Carey **moved** to adjourn at 8:14 p.m. Seconded by Ald. Laughlin, accepted ayes all.