

COMMON COUNCIL

March 17, 2009

Mayor Joseph Maiurano presided at a meeting of the Common Council held at 7:00 PM on March 17, 2009, 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

Also:

Clerk/Director of Finance William Roberts
Human Resources Director Deborah DeForest
Police Chief Joseph Angelino
DPW Superintendent Carl Ivarson
Code Enforcement Officer/Fire Marshall Jason Lawrence
City Attorney Patrick Flanagan
Deputy City Clerk Brian Drake
Community Planning Specialist Todd Dreyer
Youth Bureau Director Robert Mason
Jessica Lewis, Media Representative

Absent

Supervisor Linda Natoli

Call to Order

The meeting of the Common Council was called to order by Mayor Maiurano at 7:02 p.m.

Approval of minutes

Ald. Deierlein **moved** to approve the minutes of the regular meeting of February 17, 2009. Seconded by Ald. Carey, duly approved ayes all.

Public Hearing – 49 Front Street Surplus Property Determination

Mayor Maiurano opened a public hearing at 7:03 p.m. to hear comments relative to the determination of 49 Front Street as not required for use by the City. There being no comments, the hearing was closed at 7:04 p.m.

Open Forum

Mary Coe, 5 Waite Street, requested that the City repair the fence along the railroad tracks near City Court. Ms. Coe also raised the issue of trees in an adjoining property next to her residence which are due to be removed. If the trees are not removed soon, she will expect the City to clean out her eave troughs and garage.

Correspondence

Norwich High School – Mock Crash Ald. Schermerhorn **moved** to receive and approve a request from from Kelly Collins-Colosi and the Norwich High School SADD (Students Against Destructive Decisions) to arrange a mock crash with Police and Fire Department assistance on Friday, May 22, 2009 at 1 PM, with a rain date of Tuesday, May 26, 2009. Seconded by Ald. Deierlein and duly approved ayes all.

Norwich-Oxford Little League Parade Ald. Jeffrey **moved** to receive and approve a request from Andrea J. MacIntosh of the Norwich-Oxford Little League for a parade to be held on Saturday, May 2, 2009 from East Main Street to Norwich High School beginning at 9:30 AM through the end of the parade, with police escort. Seconded by Ald. Laughlin and duly approved ayes all.

Liquor License – Elks Lodge Ald. Schermerhorn **moved** to receive and file correspondence from Jeff Cola of Norwich Elks Lodge #1222 with notification of intent to move the liquor license at 14 East Main Street to 16 South Broad Street. Seconded by Ald. Bresina and duly approved ayes all.

Renewal of Liquor License – Ontario Hotel Inc. Ald. Jeffrey **moved** to receive and file correspondence from Cynthia Thompson of the Ontario Hotel with notification of intent to renew the liquor license at 28 Griffin Street. Seconded by Ald. Schermerhorn and duly approved ayes all.

Department, Board and Commission Reports

- ◆ Parks Commission Minutes of February 9 and March 9, 2009
- ◆ Police Department Report for February 2009
- ◆ Traffic Commission Minutes of March 11, 2009
- ◆ WWTP Monthly Operating Report of January 2009
- ◆ Water System Monthly Operating Report of January 2009
- ◆ Youth Board Minutes of March 4, 2009
- ◆ Youth Bureau Monthly Report of February 2009

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

Ward and Committee Reports

Public Safety/Public Works Committee meeting of February 26, 2009

Walt Rogers of Walter O. Rogers Insurance Agency LLC asked the Committee to readdress a request for a curb cut at 26 Fair Street to allow more parking. Ald. Carey asked about parking available behind the building. Mr. Rogers said there's no automobile access to the rear because of a shared driveway that's too narrow, while the driveway on the other side belongs to the adjoining property. The Committee suggested Mr. Rogers try to contact the owner of the adjoining property for access to the rear of the building.

Fire Chief Chawgo reported that the volunteer firefighters have offered to provide \$10,000 toward the purchase of a new brush truck with a crew cab, to replace an older vehicle that only seats two and is also used by the Police Department. Current State bid prices are approximately \$22,000. The Committee discussed the Department's Capital Reserves. Chief Chawgo will investigate other possible funding sources since the City is curtailing any non-essential equipment expenditures at this time.

Carl Ivarson noted that a new guide not yet adopted by the DEC would require seven full-time employees at the WWTP. Ald. Carey suggested that he prepare a projection to demonstrate the budgetary impact of such a requirement.

C. Ivarson reported that following negotiations, the DEC reduced our fine from \$10,000 to \$5,000 and reduced a potential fine from \$50,000 to \$25,000. He also noted that the City will receive a \$500,000 federal appropriations grant from Congressman Arcuri to assist the \$4.5 million project. This is not part of the stimulus program. The City is also working for a low-interest loan from the State Revolving Fund.

C. Ivarson said that the stimulus package has restored available CHIPS funds to 2008 levels and recommended that the original paving schedule be used this year. He will include in the contract a provision stipulating that if the stimulus funds do not materialize, the project will be cut back.

Ald. Carey asked if a plan is in place to restore the City's entire water and wastewater system, asked about stimulus funds for restoring the system, and suggested the City needs to prepare over the next ten years for such a project and its attendant paving, sidewalks, and curbs.

C. Ivarson reported that no outside grant money is available for repairs to City Hall and requested the Council's input on how to proceed.

The Plumbing Board recommended extending the waiver of permit fees for installation of heating units. J. Lawrence said four such permits have been issued so far this year. Ald. Carey emphasized his position that the waiver for new heating units should not be extended past March 31. The Committee agreed.

J. Lawrence proposed revisions to two City ordinances regarding Abandoned Vehicles and Garbage to clarify procedures. We discussed issuing permits for unregistered vehicles but decided against them. J. Lawrence also presented a proposed ordinance regarding the policy of street naming and addressing. He reported that the identical policy was passed by motion of the Common Council on June 20, 2006, but should be adopted as an ordinance to be incorporated into the Code.

Delaware Engineering is developing plans for houses to be built on the three properties in the Restore New York program. Surveys of the properties were required to determine elevations to comply with FEMA requirements. J. Lawrence said property at 91 N. Broad Street will be undergoing improvements as part of the Rental Rehab Program.

Mayor Maiurano commented that the City will be receiving funds for sidewalk improvement under the Safe Routes to Schools program.

Finance/Personnel Committee Meeting of March 3, 2009

Todd Dreyer told the Committee he and the Mayor met with the regional director of the program and agreed that Millie's Diner and the former frame shop on East Main would be good candidates for the third and final round of the Restore New York Program. If the grant is awarded, the City will contribute \$60,000-\$100,000, which will be subsequently recovered from the sale of the property. The former frame shop would be renovated to provide commercial space on the ground floor and two apartments upstairs.

The Committee discussed two economic development loans that will be voted on tonight. One, to Cirello in the amount of \$100,000 over a term of 15 years, is to renovate a restaurant on East Park Place as a mid-price family restaurant. The other is to Norwich Tire in the amount of \$40,000 over a term of 10 years to expand their business on Hale Street.

Ald. Jeffrey asked about plans to pick up litter that has been exposed by the melting snow. The B.I.D. has set its Spring Clean-Up date for May 16. Ald. Jeffrey mentioned large amounts of litter near the school. T. Dreyer suggested that if most of the litter is on school property and it is students who are littering, the school should be responsible for cleaning. Ald. Carey suggested sending a letter to the school.

Director of Human Resources Deborah DeForest announced that the City Assessor, Rochelle Harris, has tendered her resignation effective June 1. This is a mandated position and the recruitment process has started. The candidate must be State certified or, meeting certain qualifications, may be appointed before being certified within one to three years.

Ald. Jeffrey quoted from a news article about State retirement fund losses and how this may lead to rate increases. Mayor Maiurano stated that this was announced at a NYCOM meeting he and W. Roberts attended. W. Roberts said this was of course not surprising, given the fiscal climate, and if this becomes a trend the City may need to find a means to make deposits into the special reserve fund established in 2004 to help absorb such increases in rates.

Ward Reports

Ward 1

Ald. Carey reported that there had been no calls or complaints in Ward 1.

Ward 2

Ald. Bresina reported that there had been no new calls or complaints in Ward 2, and that he had spoken with the Walter O. Rogers Insurance Agency and referred them to the Public Safety/Public Works Committee, as reported above.

Ward 3

Ald. Deierlein reported that he spoke with Mary Coe regarding the removal of trees from an adjoining property. Ald. Jeffrey asked if the stumps would be ground down. Mayor Maiurano commented that the removal is scheduled as part of the Restore New York program.

Ward 4

Ald. Schermerhorn reported that there had been no calls or complaints in Ward 4 except regarding potholes. He then commented that a crossing guard on South Broad Street parks in such a way that it is difficult to see her. Chief Joseph Angelino stated he will resolve that matter.

Ward 5

Ald. Laughlin reported that there had been no calls or complaints in Ward 5. He asked about the status of a property at 45 Gold Street that had suffered a fire some years ago. J. Lawrence responded that the property is occupied but that he would investigate.

Ward 6

Ald. Jeffrey reported that all matters have been referred to the appropriate department heads for resolution. He then asked when ground would be broken on the Brown Avenue Housing Project. J. Lawrence replied that the Norwich Housing Authority will inform the City of the date, expected to be in mid-April if the weather is appropriate.

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

Motions

Approve Sidewalk Program Payment Schedule Ald. Carey **moved** to approve the following annual payment schedule for participants in the Sidewalk Program:

	Number of Years Allowable For <u>Annual Payments:</u>
For Total Amounts Due Up to \$1,500:	Up to 3 Years
For Total Amounts Due Over \$1,500 Up to \$2,000:	Up to 4 Years
For Total Amounts Due Over \$2,000:	Up to 5 Years

Seconded by Ald. Deierlein and duly adopted ayes all.

Discussion: Ald. Laughlin asked if payments for the sidewalk program could be scheduled for midsummer instead of in January, to make payments more convenient for homeowners. W. Roberts stated that yes, the program is set up so that people may pay as early as they wish, and the costs are not added to property taxes unless the owner fails to make payment. Payments are made annually. T. Dreyer said that in 2008 the cost to the home owner was \$18.42/linear foot. In 2009 the cost will be approximately \$20/linear foot. The home owner pays the entire cost. Ald. Jeffrey asked if letters would be sent to solicit participation in the program. T. Dreyer responded that letters were sent in 2007 and that can be done again. He noted that Ald. Laughlin and Ald. Schermerhorn have solicited potential participants in their wards. C. Ivarson reminded the Council that the number of participants is limited.

To Receive a Proposed Ordinance to Establish Policy for Street Naming and Addressing in the City of Norwich

Ald. Carey **moved** to receive proposed Ordinance No. (A) of 2009 to Establish Policy for Street Naming and Addressing in the City of Norwich and set a public hearing for April 21, 2009 at 7:00 p.m. Seconded by Ald. Laughlin and duly adopted ayes all.

ORDINANCE NO. (A) OF 2009

AN ORDINANCE TO ESTABLISH POLICY FOR STREET NAMING AND ADDRESSING IN THE CITY OF NORWICH

BE IT ORDAINED by the Common Council of the City of Norwich, New York, that the following be added to Chapter 82 of the Code of the City of Norwich as §82-18:

§ 82-18 Street Naming and Addressing

The following describes the criteria used to name new streets and assign addresses to properties along those streets.

Street names and addresses should be easy to locate. It is important that street names not be duplicated nor sound similar to any other street within the City of Norwich. Addresses must be consistent to provide easy location of all properties. For the health, safety and welfare of the public, people must be able to describe their location for emergency services, and responding emergency personnel must easily find the location. The City of Norwich Common Council must approve any change in a property address.

A. Renaming of Streets:

1. The general policy is that the names of streets and lanes should not be changed.
2. The renaming of a specific street should only be considered when duplication of the name occurs within the City of Norwich or when renaming would generally improve the City's administration of essential services or would be in the public's best interest.
3. Any street to be renamed shall be by the recommendation of the Planning Commission and resolution of the City Common Council upon approval after a public hearing.

B. Criteria for Name Selection:

The assignment of street names and addresses shall be based on the following criteria:

1. New streets shall be named according to an approved list to be prepared by the Planning Commission and approved by the City Common Council by resolution; provided, City Common Council shall retain the authority to name or rename any street as it may determine appropriate for any special circumstance. The list shall be available in the Planning Department office.
2. The approved name list may contain the names of local people and families, places, events, native flora and fauna and natural and geological features with cultural and historical significance to this area.
3. Only a person's last name should be used as a street name unless additional identification is necessary to prevent duplication with an existing street name.
4. Street names cannot contain any punctuation or special characters. Only alphabetical symbols A through Z and blank spaces may be used in street names.
5. Anytime a street makes a directional change of approximately ninety degrees, the street name shall change. A directional change of approximately ninety degrees shall mean a horizontal curve where a reduction in the design speed is required (i.e. a sharp turn versus a sweeping curve).
6. Street names should be unique and not repeated from this point forward, with the exception of continuation of existing streets.
7. All street names shall be reviewed by the police chief and the fire chief prior to final naming and renaming to ensure that street names are not confusingly similar to other existing street names or would otherwise be unsuitable for public safety reasons.

C. Names to be avoided:

1. Street names being a duplicate of an existing street.
2. Similar sounding names such as Beech Street and Peach Street should be avoided.
3. No curse words or derogatory terms shall be used for street names.
4. Cumbersome, corrupted or modified names, discriminatory or derogatory names, from the point of view of race, sex, color, creed, political affiliation or other social factors shall be avoided.
5. The re-use of former street names should be avoided because of the confusion this causes in property records management.

D. Street Type Designations:

1. Street type designations, depending on roadway function, length and configuration exist to define the character of a street. The following designations should be consulted:
 - a. Street, Avenue, Road, Boulevard – for major thoroughfares or streets of several blocks in length
 - b. Drive, Trail, Way – for streets which are winding or curved
 - c. Terrace, Heights, Gardens, Grove, Pathway – for minor or short streets
 - d. Lanes, Mews, Close – for narrow streets generally used for service
 - e. Crescent – for streets which form a crescent
 - f. Court, Place – for cul-de-sacs
 - g. Circle – for streets that are circular
 - h. Gate – for a short street that provides an entrance to a subdivision
 - i. Square – for streets that form part of a square
2. Qualifying words may be used when a newly created street is in actuality an extension of an existing street which cannot be renumbered or for which no municipal numbers are available. North, South, East, West and Upper and Lower are appropriate qualifying words.

E. Private Streets and Lanes:

The Guidelines and Criteria for Street Name Selection as set out in this policy, shall apply to private streets and lanes in all areas of the City of Norwich.

F. Street Numbering:

This section hereby establishes a system for numbering buildings and structures on all public and private streets in the City of Norwich. This section shall apply to all streets established after the effective date of this chapter. It is not the intent to cause any numbering changes to any street in existence in the City of Norwich prior to the effective date of this chapter.

The numbering process shall follow the base line method. This base line method will have a north-south base line and an east-west base line. The intersection of such base lines shall hereafter be referred to as the Initial Point. The Initial Point for the City of Norwich shall be the intersection of North Broad Street, South Broad Street, East Main Street and West Main Street. The north-south baseline shall run along the center line of both North Broad Street and South Broad Street and the east-west base line shall run along the center line of both east Main Street and West Main Street.

Numbering shall extend all directions from the Initial Point with the even numbers being on the right, and the odd numbers being on the left, when facing away from the Initial Point. Houses and buildings located on streets not extending to a base line shall be numbered as though such street extended to a base line. Numbers shall be assigned beginning with the number 1 (one).

G. Displaying Numbers:

The owner of each house or building within the City of Norwich shall display thereon its correct street number. The numbers shall meet the dimensions as specified by the New York State Fire Code, shall be placed as near the street entrance as is practicable and shall be clearly readable from the street in daylight. Any building which houses more than one family or business shall display on each individual entrance the designation of such unit, example: A, B, C.... or 1, 2, 3....

Should the building official find that a building, structure, or premises is either not provided with an address, is not correctly addressed, or is not using the assigned address, he/she shall inform the owner of the proper address and of the necessity to correct a deficiency through notice of address reassignment. The notice of address reassignment shall have an effective date at least 20 days after the mailing date of the notice. It shall be unlawful for any owner to fail to display the correct address, advertise with a wrong address, or use the wrong address after the effective date of a notice of reassignment.

H. Penalties for Violations:

Except as otherwise provided in specific sections of this Chapter, each day that a violation continues is a separate municipal violation. Sanctions for each violation in this street numbering section shall include a fine which is the maximum allowable by law.

To Receive a Proposed Ordinance to Amend the Garbage Ordinance of the City of Norwich

Ald. Carey **moved** to receive proposed Ordinance No. (B) of 2009 to Amend the Garbage Ordinance of the City of Norwich and set a public hearing for April 21, 2009 at 7:00 p.m. Seconded by Ald. Jeffrey and duly adopted ayes all.

ORDINANCE NO. (B)
OF 2009

AN ORDINANCE TO AMEND THE GARBAGE
ORDINANCE OF THE CITY OF NORWICH

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

ARTICLE II
Garbage

§43-3. Storage requirements.

All garbage and refuse shall be kept in a metal or durable plastic, nonleakable, tightly covered container designed to prevent the attraction of animals.

Every landlord must provide a suitable trash container for each occupied rental unit. The trash container shall be of suitable size to meet the needs of the occupants (i.e., a one-bedroom unit may have a container large enough to hold two bags of garbage per week; a two-bedroom, four bags per week, etc.). For larger occupancies, such as multi-family dwellings or commercial buildings, a “dumpster” may be provided as long as it is readily available to all occupants. Failure to provide such receptacles shall result in a minimum fine of \$50 per unit, per offense.

Garbage and refuse must be stored in areas screened from view of the street.

§43-3.1 General Garbage and Refuse Maintenance

Garbage and refuse containers are to be placed out for collection no earlier than 12 hours before scheduled pick-up and cannot remain there for more than 12 hours after pick-up.

Garbage and refuse cannot be placed on the street or sidewalk where it can interfere with bicyclists, pedestrians and vehicles.

Accumulations of rubbish [**such as**] including , but not limited to, vehicle parts, tires, scrap lumber, construction materials, old appliances, and leaves and branches in property yard are considered garbage. Leaves and branches may be piled temporarily, provided they are being gathered for disposal, but cannot remain in [**your yard**] sight for an indefinite period of time.

Furniture designed for indoor use placed in ~~your~~ a yard or on an unenclosed porch will be considered [**refuse and must be removed within 24 hours**] rubbish .

No person in charge or control of any property within the City, whether as owner, occupant, tenant or otherwise, shall allow any rubbish to remain on such property longer than 24 hours after notice given to such person to remove and dispose of such rubbish.

[§43-3.2 Recyclables.

Recyclable items shall be separated into the following categories:

- 1) **Glass – By Color**
- 2) **Plastic – Numbers 1 and 2 only and separated**
- 3) **Tin**
- 4) **Non-glossy Paper**
- 5) **Glossy Paper**
- 6) **Corrugated Cardboard**
- 7) **Box Board**

For the purposes of this section, the term "recyclable" refers to metal food containers and cans, glass containers, plastic containers, non-glossy newspaper, cardboard and computer paper.]

§43-4. Costs of clearing and cleaning.

- A. The following costs are hereby established to be imposed when the City or its independent contractor clears and cleans a noncomplying premises in accordance with §43-3 herein:
- (1) First occurrence within a three-year period: \$100 plus the actual cost of the work.
 - (2) Second occurrence within a three-year period: \$200 plus the actual cost of the work.
 - (3) Third or more occurrence within a three-year period: \$300 plus the actual cost of the work.
- B. For the purposes of this ordinance, the actual cost of the work is defined as follows: In the case of an independent contractor, the total agreed-upon contract consideration. In the case of the City performing the work, the sum total of man hours expended multiplied by the hourly wage plus fringe benefits paid each City employee utilized plus the sum total of equipment hours utilized multiplied by an hourly rental charge therefor.

§43-5. Payment of costs.

- A. A statement of costs incurred for clearing and cleaning in accordance with §§ 43-3 and 43-4 herein and a demand for payment of same upon completion of work shall be mailed to the addressee, person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises by United States Postal return receipt requested mail. Such statement of costs shall require payment to the Director of Finance not later than 30 days from receipt. Such statement shall say that in the event the costs are not timely paid, the costs will be forwarded without further notice to the addressee, added to the City real property taxes to be levied and collected against the premises and subject to the same penalty and interest charges and enforcement proceedings as applied to unpaid taxes.
- B. In the event the said costs are not timely paid, the Director of Finance shall cause same to be added to the City real property taxes to be levied and collected against the premises and same shall be subject to the same penalty and interest charges and enforcement proceedings, including tax sale as applied to unpaid City real property taxes.
- C. If the addressee from whom payment is demanded and not paid is exempt from the payment of real property taxes, the Common Council of the City of Norwich may direct the City Attorney to bring a proceeding in a court of competent jurisdiction for its collection and thereafter to proceed to enforce such judgment by lawful process.

§43-[4]6. [Criminal proceedings and penalties.] Violations and penalties.

Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof[, **unless some other punishment be hereinbefore provided**], be subject to a penalty of not less than fifty dollars (\$50) **for each [\$25 for the first] offense[and an amount of not less than fifty dollars (\$50.) for a second or subsequent offense]**, or a minimum of 15 days' imprisonment in the Chenango County Jail **[county jail of Chenango County]**.

New Material is Underlined. Deleted Material is **[Bracketed]**

To Receive a Proposed Ordinance to Amend the Abandoned Vehicle Ordinance of the City of Norwich

Ald. Carey **moved** to receive proposed Ordinance No. (C) of 2009 to Amend the Abandoned Vehicle Ordinance of the City of Norwich and set a public hearing for April 21, 2009 at 7:00 p.m. Seconded by Ald. Deierlein and duly adopted ayes all.

ORDINANCE NO. (C)
OF 2009

AN ORDINANCE TO AMEND THE ABANDONED VEHICLE
ORDINANCE OF THE CITY OF NORWICH

BE IT ORDAINED by the Common Council of the City of Norwich, New York, that Chapter 5 of the Charter of the City of Norwich be amended as follows:

§ 5-1 Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

ABANDONED MOTOR VEHICLE

- A. Any junked vehicle, as defined below;
- B. Any vehicle which does not have a current/valid registration; or
- C. Any motor vehicle situated on private property other than of its owner, which has not been moved or used for seven consecutive days or more and is determined to be deserted by the Police Department.

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

PERSON – Any person, firm, partnership, company, corporation or organization of any kind.

PROPERTY – Any real property within the City which is not a street or highway.

STREET or HIGHWAY – The entire width between boundary lines of every thoroughfare or way publicly maintained when any part thereof is open to the use of the public for purposes of pedestrian or vehicular travel.

VEHICLE – A machine propelled by other than human power, designed to travel along the ground by use of wheels, treads or other mechanical means to transport persons or property or pull machinery, and shall include, without limitation, automobile, truck, tractor, trailer, motorcycle and wagon.

§ 5-2 Abandoned or apparently abandoned vehicles.

- A. No person shall abandon any vehicle within the City and no person shall leave any vehicle at any place within the City for such time and under such circumstances as to cause such vehicle to appear to have been abandoned.
- B. It shall be unlawful for any person, either as owner, lessee, occupant or otherwise, to store or deposit or cause or permit to be stored or deposited an abandoned, junked, discarded, dismantled, unlicensed or unregistered vehicle in and upon any real property lying, being and situated in the City of Norwich except as provided in this section.
- C. The parking of unlicensed or unregistered motor vehicle(s) in a fully enclosed private garage is permitted.
- D. Temporary storage of **one** unlicensed or unregistered motor vehicle per property, covered with a fitted cover designed specifically for the vehicle, may be permitted, subject to such conditions as will safeguard the public health, safety, convenience and general welfare as determined by the Code Enforcement Officer.

§ 5-3 Definitions.

No person shall leave any dismantled, partially dismantled, wrecked, junked, nonoperating or discarded vehicle on any street or highway within the City.

§ 5-4 Time limit for disposal after notice; exceptions.

No person in charge or control of any property within the City, whether as owner, occupant, tenant or otherwise, shall allow any dismantled, partially dismantled, wrecked, junked, non-operating or discarded vehicle to remain on such property longer than seven (7) days after notice given to such person to remove and dispose of such vehicle by the Code Enforcement Officer or designee **[of the Chief of the Fire Department]**; except that this ordinance shall not apply with regard to a vehicle in an enclosed building or a vehicle on the premises of a business enterprise operated in a lawful place and manner when the keeping of such vehicle is necessary to the operation of such business enterprise.

§ 5-5 Authorization to remove and dispose of vehicles.

The Code Enforcement Officer or a designee **[of the Chief of the Fire Department]** is hereby authorized to remove and dispose of or have removed and disposed of any such vehicle left at any place within the City which reasonably appears to be in violation of this ordinance, after notice being given as provided in §5-4.

§ 5-6 Violations and penalties.

Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, unless some other punishment be hereinbefore provided, be subject to a penalty of not less than fifty dollars [deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined an amount not less than] (\$50) for each offense, or a minimum of 15 days' imprisonment in the Chenango County Jail. [Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.]

New Material is Underlined. Deleted Material is **[Bracketed]**

To Receive a Proposed Ordinance to Amend the Amusement Games Ordinance of the City of Norwich

Ald. Carey **moved** to receive proposed Ordinance No. (D) of 2009 to Amend the Amusement Games Ordinance of the City of Norwich and set a public hearing for April 21, 2009 at 7:00 p.m. Seconded by Ald. Schermerhorn and duly adopted ayes all.

PROPOSED ORDINANCE NO. (D)
OF 2009

AN ORDINANCE TO AMEND AN ORDINANCE TO LICENSE, REGULATE AND DEFINE AMUSEMENT
CENTERS, AMUSEMENT CENTER GAMES AND OWNERS OR OPERATORS OF AMUSEMENT CENTER
GAMES OF THE CITY OF NORWICH

BE IT ORDAINED by the Common Council of the City of Norwich, New York, that Chapter 9 of the Charter of the City of Norwich be amended to delete § 9-5 in its entirety as follows:

[§ 9-5 Location of amusement centers.

No license shall be granted for any such amusement center if located within 200 feet of the lot lines of a public or private school, Y.M.C.A. or community center where children gather, and no minor under 18 years of age shall be allowed to operate any device covered by this ordinance unless said minor shall be accompanied by his or her parent or guardian.]

New Material is Underlined. Deleted Material is **[Bracketed]**

Resolutions

RESOLUTION #09-2009

AUTHORIZING OF APPLICATION FOR RESTORE NY ROUND 3 GRANT AND SCHEDULING A PUBLIC HEARING

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

WHEREAS, the City of Norwich desires to stabilize and restore vacant commercial and mixed-used properties, it is considered to be in the public interest for the City to acquire ownership or other satisfactory form of site control of severely damaged or otherwise derelict properties for the purpose of restoring the structures to their original architectural character, and

WHEREAS, an opportunity exists for the City to apply for a 90/10 matching grant (90% state funds / 10% local funds) to fund the restoration of such properties; and

WHEREAS, a public hearing is required concerning the grant application; and

WHEREAS, City staff has assembled a list of properties, which are believe to be eligible candidates for redevelopment under the Restore NY program; and

WHEREAS, the proposed project(s) is/are consistent with the Comprehensive Plan; and

WHEREAS, the proposed project(s) will facilitate effective and efficient use of existing and future public resources so as to promoted both economic development and preservation of community resources; and

WHEREAS, appropriate reviews according to the provisions of the New York State Environmental Quality Review Act (SEQRA) and the State Historic Preservation Office (SHPO) will be conducted prior to approval of the grant application by the Empire State Development Corporation; now, therefore be it

RESOLVED, that the Mayor of the City of Norwich be and hereby is authorized to file an application for funds from the Empire State Development Corporation (ESDC) in an amount not to exceed \$300,000, and upon approval of said request to execute, under the direction of the City Attorney, a project agreement and any related documents with the ESDC for such financial assistance for the City of Norwich to proceed with the redevelopment of the properties that are the subject of the grant; and further be it

RESOLVED, that the Community Development staff be and hereby is authorized to negotiate with subject property owners and other parties as may be considered necessary for the City of Norwich to acquire ownership or other satisfactory form of site control of the properties for the purpose of facilitating their redevelopment, and that the Mayor be and hereby is authorized, under the direction of the City Attorney, to execute all agreements and related documents to advance such negotiations; and further be it

RESOLVED, that a public hearing concerning the above-described grant application is hereby scheduled for April 21, 2009, commencing at 7:00 PM in the Common Council chambers at One Court Plaza in the City of Norwich.

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

Discussion: Ald. Jeffrey asked what percentage of the proposed project the City would be providing. T. Dreyer responded that the City will be providing a minimum of 10%, though, as is the case with the current Restore NY project, the City will likely contribute more. Ald. Jeffrey asked if 49 Front Street could be included in the Restore NY Program. T. Dreyer replied that it could, however, the Program requires all properties to be related in treatment, and this property would probably not be appropriate to include in the proposal.

RESOLUTION #10-2009

**AWARDING BIDS FOR CHLORINE SUPPLIES FOR WASTEWATER
TREATMENT PLANT**

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

WHEREAS, bids have been received for Liquid Chlorine and Sodium Hypochlorite; and

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

RESOLVED, that the bid for the Liquid Chlorine & Sodium Hypochlorite be awarded to the lowest qualified bidders meeting specifications who are as follows:

Jones Chemicals, Inc. of Merrimack, NH –

Item I. Liquid Chlorine in 150# cylinders at \$60.00 each,

Slack Chemical Co. of Carthage, NY –

Item II. Sodium Hypochlorite, 55-gal Drums at \$0.986 per gallon

Item III. Sodium Hypochlorite – bulk liquid at \$1.074 per gallon.

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

Discussion: Ald. Schermerhorn asked if this expenditure is budgeted. DPW Superintendent Carl Ivarson replied that it is.

RESOLUTION #11-2009

AWARDING BID FOR FILTER MEDIA

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

WHEREAS, bids have been received for filter media; and

WHEREAS, funds are required to cover the cost of said purchase; and

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

RESOLVED, that the bid for the filter media be awarded to the lowest qualified bidder meeting specifications, Anthrafilter (U.S.) Inc. of Niagara Falls, NY, in the total bid amount of \$13,175.55.

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

RESOLUTION #12-2009

APPROVING ECONOMIC DEVELOPMENT LOAN – CIRELLO, LLC

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

WHEREAS, funds are available for eligible applicants through the City's Economic Development Revolving Loan Program; and

WHEREAS, the Loan Committee and Finance/Personnel Committee have made certain recommendations; now, therefore be it

RESOLVED, that an economic development loan be and hereby is approved in the amount of \$100,000 to Cirello, LLC; and, further be it

RESOLVED, that such loan shall be for a term of fifteen (15) years at a fixed rate of 75% of prime and subject to all terms and conditions as specified by the Loan and Finance Committee.

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

Discussion: Ald. Carey asked if the City would be in a secondary or primary position on this lien. W. Roberts replied that the City will be in a pro-rated shared position. Ald. Deierlein questioned the fixed rate of the loan. W. Roberts explained that the program parameters could be modified, but such loans have always been offered at a fixed rate of 75% of prime, as part of the established loan program parameters and specifications.

RESOLUTION #13-2009

APPROVING ECONOMIC DEVELOPMENT LOAN – NORWICH TIRE CO., INC.

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

WHEREAS, funds are available for eligible applicants through the City's Economic Development Revolving Loan Program; and

WHEREAS, the Loan Committee and Finance/Personnel Committee have made certain recommendations; now, therefore be it

RESOLVED, that an economic development loan be and hereby is approved in the amount of \$40,000 to Norwich Tire Co., Inc.; and, further be it

RESOLVED, that such loan shall be for a term of ten (10) years at a fixed rate of 75% of prime and subject to all terms and conditions as specified by the Loan and Finance Committee.

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

Discussion: Ald. Carey asked the City's position on this loan. W. Roberts replied that this is a single first mortgage. Mayor Maiurano commented that these loans will provide benefit to the community and assist two strong businesses.

RESOLUTION #14-2009

DETERMINING PROPERTY AT 49 FRONT STREET NOT REQUIRED FOR USE BY THE CITY AND AUTHORIZING ITS DISPOSITION

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

WHEREAS, the City owns a certain parcel of real property located at 49 Front Street, tax map number 136.57-1-39, which property may be required for use by the City; and

WHEREAS, a public hearing has been held on March 17, 2009 to determine whether such real property is required for use by the City; and

WHEREAS, the Common Council has determined that said property is not required for use by the City; and

WHEREAS, the City wishes to dispose of said property in accordance with applicable law; now, therefore be it

RESOLVED, that

1. a certain parcel of real property located at 49 Front Street, tax map number 136.57-1-39, in the City of Norwich is not and has not been required for use by the City, and
2. the City be and hereby is authorized to dispose of said property in accordance with the provisions of Section 74 of Title IV of the Charter of the City of Norwich.

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

Payment of Bills

Ald. Laughlin **moved** that the payment of the March 2009 bills be authorized subject to final audit and verification.

March Bills

	<u>Prepaid</u>	<u>3/17/09</u>	<u>Grand Total</u>
General Fund	\$199,798.47	\$483,163.31	\$682,961.78
Sewer Fund	11,774.52	10,571.28	22,345.80
Water Fund	22,499.08	13,026.96	35,526.04
Trust	29,083.69	-	29,083.69
B.I.D.	47,943.01	-	47,943.01
Debt Service	97,478.64	-	97,478.64
Reserves	-	-	-
Unemployment	-	-	-
Community Development	2,259.00	-	2,259.00
Economic Development	-	-	-
Capital Projects	6,913.37	-	6,913.37
TOTALS	\$417,749.78	\$506,761.55	\$924,511.33

Seconded by Ald. Jeffrey, duly approved ayes all.

Adjournment

Ald. Schermerhorn **moved** to adjourn at 7:43 PM. Seconded by Ald. Deierlein, accepted ayes all.