

COMMON COUNCIL

June 20, 2006

Mayor Maiurano presided at the regular meeting of the Common Council held at 7:01 PM on June 20, 2006, at One Court Plaza.

Present:

Mayor Joseph Maiurano
Ald. A. Anthony Abraham
Ald. Terry Bresina
Ald. Suzanne Williams
Ald. Walter Schermerhorn
Ald. Robert Jeffrey

Also:

Clerk/Director of Finance William Roberts
H.R. Director Deborah DeForest
Police Chief Joseph Angelino
DPW Superintendent Carl Ivarson
Assistant Police Chief Dale Smith
City Attorney Patrick Flanagan
Youth Bureau Director Robert Mason
Code Enforcement Officer Jason Lawrence
Media Representative Michael McGuire
Deputy Clerk Darlene Colaso

Absent:

Supervisor James McNeil
Supervisor Linda Natoli

Call to Order: The meeting of the Common Council was called to order by Mayor Maiurano at 7:01 p.m.

Approval of Minutes: Ald. Williams moved to approve the minutes of the regular meeting of the work session of May 9, 2006 and the regular meeting of May 16, 2006. Seconded by Ald. Abraham and duly adopted, ayes all.

Open Forum

Ed Morano, 21 Miller Street, wanted to discuss the proposed garbage ordinance. He encouraged the Council not to lose sight of the goal of the moratorium. He has been advised that Council is aware of the time constraints we are under, as the expiration of the moratorium is approaching. He urged the Council to pay attention to the Task Force and their progress and he complimented the Task Force for doing a great job. He reminded Council members that these measures are being pursued to enhance the health, safety & welfare of all of Norwich, adding that these steps will not hurt the quality landlord or citizen who cares for and maintains their property. These upcoming initiatives are only going to deter landlords who do not care and do not maintain their properties. In the short term, you may take heat for the changes, but these penalties need to be harsh and they need to be enforced. September is coming up fast. Listen to the people who are working at City Hall, they have good ideas. Keep up the good work, he wants to see this happen.

Correspondence

Request for Traffic Control for Relay for Life Event on July 14th, 2006

Ald. Jeffrey **moved** to receive and file a letter regarding a traffic control request under the supervision of the Police Chief for the July 14th Relay for Life event. Seconded by Ald. Schermerhorn and duly adopted, ayes all.

Prior to the vote, Ald. Williams asked if an off-duty police officer would be needed for this event and Police Chief Joseph Angelino responded that it was an event that takes place mostly inside the fairgrounds.

Notice of On Premises Liquor License Application for Broad Street Tavern

Ald. Williams **moved** to receive and file a letter of notice of on-premises liquor license application for the Broad Street Tavern. Seconded by Ald. Schermerhorn and duly adopted, ayes all.

Notice of On Premises Liquor License Application for Pasquale's Pizza

Ald. Jeffrey **moved** to receive and file a letter of notice of on-premises liquor license application for Pasquale's Pizza. Seconded by Ald. Bresina and duly adopted, ayes all.

Department, Board and Commission Reports

- ♦ Fire Department/Codes monthly report for May 2006

- ◆ Police Department monthly report for April 2006
- ◆ Public Works/Water System monthly report for May 2006
- ◆ Youth Bureau monthly report for May 2006
- ◆ Parks Commission minutes of May 8, 2006
- ◆ Planning Commission minutes of May 15, 2006
- ◆ Traffic Commission minutes of May 10, 2006
- ◆ Water Commission minutes of May 17, 2006
- ◆ Youth Board minutes (no meeting in May 2006)

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

Ward and Committee Reports

- ◆ Finance/Personnel Committee meeting of June 6, 2006
- ◆ Public Safety / Public Works Committee meeting of May 25, 2006

Ward One – Ald. Abraham first wanted to compliment Police Chief Joseph Angelino and his staff – particularly police officers Tuminia, Meade, and Burdick – for their professional actions in apprehending the perpetrators of the high school theft (Angelino thanked Ald. Abraham and told him he would pass the information on to the officers). Ald. Abraham also reported that he had recent contact with Todd Dreyer regarding the bridge that is to span the Hosbach Trail, reading a letter Dreyer received from Dave Smith of the Army Corps of Engineers 204th Battalion of Binghamton. Dave Smith will be meeting Dreyer, and any other Aldermen interested, in Norwich on the afternoon of Saturday, July 8th. Ald. Abraham also reported that there have been several garbage violations with ensuing citations at 5 Beebe Avenue. Ald. Abraham read the letter written by Code Enforcement Officer Jason Lawrence and wished to commend Lawrence on his hard work in pursuing violators.

Ward Two – Ald. Bresina reported that he received a complaint on the height of the grass in the (Kurt Beyer) swimming pool area and Superintendent Ivarson responded to that by stating that the grass is regularly cut, unless they are referring to grass on the edge of the river. He stated that the river was flowing too high to send staff down there at this time. Bresina stated that that was likely what the complainant was talking about.

Ward Three – Ald. Williams reported that issues other than potholes and alligator cracks that have been reported to Ivarson, the only other thing she has to report are some high weeds/grass, which she will get to Code Enforcer Jason Lawrence.

Ward Four – Ald. Schermerhorn reported that he had several complaints, which were reported in a letter he recently distributed to Council members and department heads. The letter outlined Weiler Park street parking problems, garbage issues, and some cat problems. He noted that everything has been referred to the pertinent committees for discussion. A brief discussion ensued as to the problems related to trying to control cats and Ald. Williams told Ald. Schermerhorn that she would pass some information she has along to him.

Ward Five – Mayor Maiurano reported that he is very happy with the progress of residents painting and siding the exterior of their homes in Ward 5. There are a few tree issues, but he believes that all the new owner's are really motivated to make their homes look nice.

Ward Six – Ald. Jeffrey reported that the issues he needed addressed have already been reported to the appropriate department heads.

Ald. Williams **moved** to receive and file the ward and committee reports. Seconded by Ald. Schermerhorn and duly adopted, ayes all.

New Business

Mayoral Appointments

B.I.D. (Business Improvement District) Board of Directors

The Mayor announced the following appointments to the B.I.D. Board of Directors:

- ♦ Mike King, 115 North Broad Street, re-appointed as the Mayor's Representative for a one-year-term expiring June 30, 2007; and
- ♦ Mary Davis, re-appointed as the Director of Finance Representative to a one-year-term expiring June 30, 2007.

Planning Commission

Mayor Maiurano announced that the Planning Commission appointment, which is for the remainder of a three-year-term expiring December 31, 2008, will be made at the July Common Council meeting.

Norwich Housing Authority

The Mayor also announced the following appointments to the Norwich housing Authority:

- ♦ Jane Prime, 16 Locust Street, re-appointed to a five-year term expiring June 25, 2011.

Motions

Approving Use of the Fire Station by the Norwich City Band on Rainy Nights - Ald. Williams moved to approve the use of the Fire Station by the Norwich City Band on rainy Friday evenings from July 7 through August 11, 2006. Seconded by Ald. Abraham and duly adopted, ayes all.

Appointing Robert Jeffrey to BID Board of Directors - Ald. Abraham moved to appoint Robert M. Jeffrey as Council Representative to the B.I.D. Board of Directors for a one-year term expiring on June 30, 2006. Seconded by Ald. Schermerhorn and duly adopted, ayes all.

Denial of Appeal of Determination on Private Building on City Property at Chenango Lake

The Mayor noted that the motion denying the appeal of Paul J. Orioli regarding the storage building on City property at Chenango Lake has been postponed until the next full Council meeting totaling 6 members.

Approving the City of Norwich Street Naming Policy - Ald. Schermerhorn moved to approve the Street Naming Policy as recommended by the Planning Commission and reviewed by the Public Safety/Public Works Committee. Seconded by Williams and duly adopted, ayes all.

Receiving Proposed Ordinance No. 1 of 2006 to Amend the Garbage Ordinance and Set Date for Public Hearing - Ald. Schermerhorn moved to receive proposed Ordinance No. 1 of 2006 to amend the Garbage Ordinance and set a date for a public hearing on July 18, 2006.

REVISED
ORDINANCE NO. (1)
OF 2006

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 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 for an indefinite period of time.

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

~~§43-5:~~ 43-3.2 Recyclables.

New Material is Underlined. Deleted Material is [~~Struck~~]

Resolutions

RESOLUTION #49 – 2006 AUTHORIZING HIRING OF CODE ENFORCEMENT TECHNICIAN AND BUDGET TRANSFERS

Ald. Jeffrey introduced the following and moved its adoption:

WHEREAS, extensive code enforcement work exists in the Codes Department due to expanded emphasis on multi-family enforcement and overall public health and safety proactive measures; and

WHEREAS, budgeted funds are available from other lines and departments to cover the cost for the hiring of a part-time Code Enforcement Technician to alleviate the work; and

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

RESOLVED, that the establishment of the part-time position and the hiring of a Code Enforcement Technician in the Codes Department, at an hourly rate of \$11.27 and an average work week of 19 hours, be and hereby is authorized; and, further be it

RESOLVED, that the establishment of and hiring for such a position shall be in compliance with any applicable civil service and other regulatory requirements; and further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfers in the 2006 General Fund Budget up to and not exceeding the amounts indicated:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A8020.1010	Planning – Personal Services	\$ 7,000.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
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Seconded by Ald. Schermerhorn and duly adopted, 5-0, on a roll call vote.

RESOLUTION #50 - 2006 AUTHORIZING BUDGET TRANSFERS FOR RBC REPAIRS

Ald. Schermerhorn introduced the following and moved its adoption:

WHEREAS, funds are required for the repair of Rotating Biological Contactors (“RBC’s”) at the Waste Water Treatment Plant; and

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

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfers from the Capital Reserves into the Wastewater Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR42	Capital Reserves Sewer Equipment	\$14,000.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
G8130.4040	Treatment – Repairs & Maintenance	\$14,000.00

Seconded by Ald. Bresina and duly adopted, 5-0, on a roll call vote:

RESOLUTION #51 - 2006 AUTHORIZING DIRECTOR OF FINANCE TO PROCURE A CREDIT CARD THROUGH NBT BANK

Ald. Abraham introduced the following and moved its adoption:

WHEREAS, the procurement of certain goods and services and also the disposal of surplus equipment at values most favorable to the City are often attainable through means requiring a credit card account, such as through the internet; and

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

RESOLVED, that the Director of Finance be and hereby is authorized to establish a credit card account through NBT Bank with a \$2,000 limit under his direct supervision and control.

Seconded by Ald. Schermerhorn and duly adopted, 5-0, on a roll call vote:

RESOLUTION #52 - 2006 DESIGNATING THE COMMON COUNCIL AS “LEAD AGENCY”
FOR THE CANASAWACTA DAM REMOVAL PROJECT
ENVIRONMENTAL REVIEW PROCESS

Ald. Williams introduced the following and moved its adoption:

WHEREAS , on May 16, 2006, the Common Council of the City of Norwich approved the removal of the Canasawacta Dam which is described in a Full Environmental Assessment Form dated June 2006;

and

WHEREAS, said removal project is subject to an environmental review as outlined in 6 NYCRR Part 617, the Administrative Rules and Regulations of the State of New York (hereinafter “the Rules”), prepared and adopted pursuant to Section 8-0113 of the Environmental Conservation Law and the

regulations adopted pursuant thereto by the Department of Environmental Conservation of the State (SEQR); and

WHEREAS, Part 617.3 of the Rules require the designation of a “Lead Agency” for each project and Part 617.6 of the Rules govern the determination of lead agency status; now, therefore be it

RESOLVED, that the Common Council hereby designates itself “Lead Agency” for approved removal of the Canasawacta Dam.

Seconded by Ald. Abraham and duly adopted, 5-0:

RESOLUTION #53 - 2006 DETERMINATION OF NEGATIVE DECLARATION FOR
CANASAWACTA DAM REMOVAL PROJECT

Ald. Williams introduced the following and moved its adoption:

WHEREAS , the City of Norwich has approved removal of the Canasawacta Dam to comply with regulations established by the U.S. Environmental Protection Agency (EPA); and

WHEREAS, said dam removal project is subject to an environmental review as outlined in 6 NYCRR Part 617, the Administrative Rules and Regulations of the State of New York (hereinafter “the Rules”), prepared and adopted pursuant to Section 8-0113 of the Environmental Conservation Law to implement the provisions of the State Environmental Quality Review Act (SEQR); and

WHEREAS, no negative aspects have been detected regarding said dam removal project; and

WHEREAS, the Common Council of the City of Norwich has been designated as “Lead Agency” pursuant to Part 617.6 of the Rules; now, therefore be it

RESOLVED, that it is hereby determined that no significant impact on the environment will occur as a result of the approved dam removal; and further be it

RESOLVED, that the City Clerk, in consultation with the Superintendent of Public Works be and hereby is authorized to prepare and file as deemed appropriate, necessary documents to evidence this negative declaration.

Seconded by Ald. Bresina and duly adopted, 5-0

Other New Business

Ald. Williams wanted to comment on the memo distributed by Todd Dreyer, Planning and Community Development Specialist, and asked that it be noted it is her opinion that Todd Dreyer is doing a great job and feels that he is gotten up to speed fast. Mayor Maiurano stated that he believes that Dreyer is planting a lot of seeds (more than ever before) that will hopefully grow: If they grow, so grows the City.

Payment of Bills

Ald. Schermerhorn moved to pay the bills after proper audit and certification as follows:

	<u>Prepaid</u>	<u>06/20/06</u>	<u>Grand Total</u>
General Fund	\$ 186,462.01	\$781,039.08	\$967,501.09
Sewer Fund	21,583.00	16,176.05	37,759.05
Water Fund	20,555.33	14,622.39	35,177.72
Trust	28,271.72	0.00	28,271.72
B.I.D.	0.00	0.00	0.00
Debt Service	0.00	0.00	0.00
Reserves	0.00	0.00	0.00
Unemployment	0.00	0.00	0.00
Com. Developmnt.	450.00	0.00	450.00

EDZ/LDC	0.00	0.00	0.00
Capital Projects	4485.00	0.00	4485.00
TOTALS	261,807.06	811,837.52	1,073,644.58

Seconded by Ald. Williams and duly adopted, ayes all.

Executive Session

Ald. Abraham **moved** to go into executive session at 7:28 PM to discuss labor negotiations as well as the employment history of a particular individual. Seconded by Ald. Williams and duly adopted, ayes all.

Ald. Abraham **moved** to go out of executive session at 8:42 PM. Seconded by Ald. Schermerhorn and duly adopted, ayes all.

Adjournment

Ald. Williams **moved** to adjourn the Council meeting at 8:44 PM. Seconded by Ald. Bresina and duly adopted, ayes all.