

COMMON COUNCIL

July 18, 2023

Mayor Brian Doliver presided at a meeting of the Common Council held at 6:30 PM on July 18, 2023, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Brian Doliver
Ald. Fred Gee
Ald. William Loomis
Ald. David Zieno
Ald. Robert D. Jeffrey

Also:

Director of Finance/City Clerk Dee DuFour
Director of Human Resources Lynn Murray
DPW Superintendent Edward Pepe
Fire Chief Jan Pappelino
Community Development Director Erik Scrivener
Deputy City Clerk Agnes Eaton

Supervisor Robert M. Jeffrey

Media Representative: none

Absent

Ald. Eric Warren
Ald. Nancy Allaire
Supervisor James McNeil

Call to Order

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

Approval of Minutes

Ald. Loomis **moved** to approve the minutes of the special meeting of June 6 and the regular minutes of June 20, 2023.
Seconded by Ald. Gee and duly approved ayes all.

Open Forum

Robert M. Jeffrey, 17 York St., said we are about 2 months away from leaf season. He remarked that there are currently properties that have brush and branches on the curb. Clear plastic bags are hard to find in the store and the DPW process with plastic is labor intensive. He felt that the Council should look at the use of paper bags. Regarding the Warming Center, he felt B-1 was okay, but not B-2 as it goes right up to the school which is a big concern. When giving authority to the Zoning Board, they do not have to come back to Council for approvals.

Correspondence

- ◆ **Curb Cut at 15 Diamond St.** – Ald. Zieno **moved** to approve a request for a curb cut at 15 Diamond St.
Seconded by Ald. Jeffrey, approved ayes all.

Department, Board and Commission Reports

- ◆ Ontario Hose Minutes – June and July
- ◆ Traffic Commission Minutes – May and June
- ◆ Civil Service Minutes – June
- ◆ Finance Report – May and June
- ◆ Police Report – June
- ◆ Fire Report – June
- ◆ Combined Plumbing & Electrical Board Meeting Minutes – January, February, March 2022
- ◆ Electrical Board Minutes - January, March, April, May 2023

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

Ald. Zieno asked for the minutes of the Zoning meetings as there was some good discussion about the variance for special use.

Ward Reports

Ward 2

Ald. Gee reported receiving multiple questions regarding the investigation at 89 N. Broad St.

Ward 4

Ald. Loomis reported communications regarding the N. Broad St block from Kozmo's to the old Blue Bird building. Patron's expressed concern over what appeared to be a homeless encampment and felt uncomfortable walking in the alleyway. He has been unsuccessful reaching the church as it is on their property. There have been concerns about the parking around Kozmo's due to the construction project. Kozmo's would like the Traffic Commission to entertain some short-term parking signage in West Park. She also indicated residents of the upper floors use the parking lots on West Park even though signs indicated 2-hour parking. Enforcement of the 2-hour parking should be enforced. J. Papelino reported that Codes had spoken with the church regarding the encampment. The church was uncomfortable confronting anyone. Papelino sent pictures to Asst. Chief Burlison who would address it.

Ward 5

Ald. Zieno reported a complaint about a resident's bushes on the corner of Mitchell and River Sts. impeding view. DPW has resolved it; received another complaint about bushes on Silver St. which Codes have notified the owners; received an inquiry about the Barnes St. property the City will be taking; request for the speed trailer on Silver and E. Main this weekend for the event at the Fairgrounds.

Ward 6

Ald. Jeffrey reported communications regarding grass violations which have been forwarded to Codes. He spoke about the arcing wire that occurred in his ward and the diseased tree across from it saying an ice storm could easily have downed the tree causing power outages if it had not been removed. He asked if the streetsweeper could spray the construction area to keep dust down. He also asked if additional hydrants were added on S. Broad St. to which E. Pepe said three were added. Ald. Jeffrey expressed concern about the zoning change to include the B-2* zone stating that it is close to school zones which could result in school lockdowns.

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

Motions

Set Public Hearing to hear comment regarding proposed changes to Chapter 575 Zoning – Ald. Loomis **moved** to set a Public Hearing for August 15, 2023 at 6:30 p.m. to hear comment on proposed changes to Chapter 575 Zoning in regards to the adding the definition of Warming Center and amending the Zoning Use Table. Seconded by Ald. Zieno.

Ald. Jeffrey has spoken to school board members who had concerns because there is nothing currently drafted for a B-2* zone and [if something has been drafted for B-1* zone], B-2* should not yet be included. If an organization has an interest in the B-2* zone at a later date, that is when it should be changed. Mayor Doliver said if that is the only hurdle, he felt amending the proposed Ordinance would not be a problem.

PROPOSED ORDINANCE NO. (C) OF 2023 REGARDING WARMING CENTER

ORDINANCE NO. (C) OF 2023

AN ORDINANCE AMENDING CHAPTER 575 OF THE CODE OF THE CITY OF NORWICH

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

Section 1. Article II Terminology, section 5, Definitions; word usage of Chapter 575 of the Code of the City of Norwich shall be amended as follows:

WARMING CENTER

A structure or part thereof used for short term non continuous (non 24/7) operation between October 1 and April 1. Hours of operation are 5 p.m. to 9 a.m. Primary purpose is the prevention of death or injury from exposure to the elements. No meals shall be prepared on site. A special permit must be obtained from the Zoning Board of Appeals which may attach specific conditions to the special permit such as but not limited to number of beds, security, and exterior lighting.

Section 2. Use Table, Chapter 575a, Attachment 1, Zoning Ordinance Table of the Code of the City of Norwich shall be amended to reflect Warming Center to be a use permitted by right in zones B-1* and B-2*

[New Material is underlined]

Section 3. This ordinance shall take effect immediately upon adoption.

Ald. Loomis **moved** to amend the proposed ordinance by limiting use B-1* only and set the public hearing. Seconded by Ald. Zieno, approved ayes all.

Rights of Employees to Express Breast Milk Policy – Ald. Gee **moved** to approve the Rights of Employees to Express Breast Milk Policy. Seconded by Ald. Jeffrey, approved ayes all.

Reschedule Public Hearing for Chapter 383 – Peddling and Soliciting – Ald. Loomis **moved** to reschedule the Public Hearing for August 15, 2023 to hear comment on Chapter 383 – Peddling and Soliciting. Seconded by Ald. Jeffrey, approved ayes all.

Resolutions

RESOLUTION #60 - 2023

AUTHORIZING APPALACHIAN REGIONAL COMMISSION (ARC) AREA DEVELOPMENT PROGRAM GRANT

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

WHEREAS, the City of Norwich intends to file an application for grant funding for the Norwich Bike Park through the Appalachian Regional Commission (ARC) Area Development Program; and

WHEREAS, funds for the program will be requested from the ARC that align with the development goals of the ARC and Southern Tier 8, now therefore be it

RESOLVED, that Brian Doliver, as Mayor, is hereby authorized and directed to file an application for funds from the ARC Area Development Program Grant for the Norwich Bike Park and upon approval of said request to enter into and execute a grant agreement with the ARC for financial assistance to the City of Norwich, and, if appropriate, take actions necessary to implement the proposed Program/grant upon approval from the ARC.

Seconded by Ald. Loomis, approved, 4 - 0, on a roll call vote.

RESOLUTION #61 - 2023 FOR

APPLICATION TO NYS HOMES AND COMMUNITY RENEWAL FUNDING UNDER THE NY MAIN STREET PROGRAM BY 1315 SOUTH LLC

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

WHEREAS, 1315 South LLC desires to apply for up to \$20,000 in financial assistance through the 2023 Consolidated Funding Application (CFA) under the NY Main Street program; and

WHEREAS, the application proposes funding to assist property owners to complete building renovations to a downtown “main street” building located at 13-15 South Broad Street; and

WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts; and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located, now, therefore, be it

RESOLVED, that the Common Council of the City of Norwich approves and endorses the 2023 NY Main Street program for assistance prepared and to be submitted by 1315 South LLC.

Seconded by Ald. Loomis, approved, 4 - 0, on a roll call vote.

**RESOLUTION #62 - 2023 SEQRA DETERMINATION OF NON-SIGNIFICANCE CONCERNING
REHABILITATION OF 42-46 NORTH BROAD ST.**

Ald. Zieno introduced the following and moved its adoption:

WHEREAS, 42-46 North Broad St. will be receiving DRI funding for rehabilitation for use as business space, a healthy market and brewery space; and

WHEREAS, the proposed rehabilitation is classified as an “Unlisted Action” pursuant to the State SEQR regulations and is therefore subject to the regulations and requirements of the State Environmental Review Act; and

WHEREAS, the City has completed a SEQR short form for the proposed rehabilitation and examined the potential environmental impacts associated with the rehabilitation; and

RESOLVED, that the City of Norwich has determined that the proposed action of rehabilitation of 42-46 N Broad St. will not result in a significant adverse impact on the environment and issues a negative declaration.

Seconded by Ald. Loomis and duly adopted, 4 - 0, on a roll call vote.

RESOLUTION #63 - 2023 RESCIND AWARD OF ICE RINK RESURFACING BID

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

WHEREAS, the bid for the Ice Rink Resurfacing Project was awarded in Resolution #50 – 2023 on June 6, 2023; and

WHEREAS, a mathematical error was discovered in the submitted bid documents by the awarded contractor; now, therefore be it

RESOLVED, that the award of the Ice Rink Resurfacing Project to the contractor is hereby rescinded; and further be it

RESOLVED, that the Ice Rink Resurfacing Project shall be re-bid.

Seconded by Ald. Gee, approved, 4 - 0 , on a roll call vote.

RESOLUTION #64 - 2023**AUTHORIZING APPROPRIATION OF GRANT FUNDS FROM R.C. SMITH FOUNDATION & THE GREATER NORWICH FOUNDATION FOR CITY BAND SUMMER CONCERT SERIES**

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

WHEREAS, a grant in the amount of \$3,350 has been received from the R.C. Smith Foundation for supporting the Norwich City Band 2023 summer concert series; and

WHEREAS, a grant in the amount of \$3,350 has also been received from The Greater Norwich Foundation for supporting the Norwich City Band 2023 summer concert series; and

WHEREAS, corresponding increases are therefore required in budgeted appropriations for the above designated purpose; and

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

RESOLVED, that \$3,350 from the RC Smith Grant and \$3,350 from The Greater Norwich Foundation Grant be and hereby are appropriated for the Norwich City Band 2023 summer concert series; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following supplemental appropriation in the 2023 General Fund budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A910	General Fund – Appropriated Fund Balance	\$ 6,700

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A7270.4020	Band Concerts - Contracted Services	\$ 6,700

Seconded by Ald. Gee, and duly adopted, 4 - 0, on a roll call vote.

Thanks were expressed to the Foundations for their ongoing support.

Payment of July 2023 Bills

Ald. Jeffrey **moved** to pay the July bills after proper audit and certification.

	<u>Prepaid</u>	<u>7/18/2023</u>	<u>Grand Total</u>
General Fund	\$168,779.37	\$70,883.20	\$239,662.57
Sewer Fund	14,199.69	10,648.28	24,847.97
Water Fund	13,467.52	12,813.24	26,280.76
Trust	26,244.93	-	26,244.93
Comm. Dev. - Special Grants	100,000.00	-	100,000.00
Capital Projects	28,178.47	-	28,178.47
TOTALS	\$350,869.98	\$94,344.72	\$445,214.70

Seconded by Ald. Gee and duly adopted 4 - 0.

Executive Session

Ald. Loomis **moved** to enter executive session to discuss the employment history of a particular individual and contract negotiations at 7:06 p.m. Seconded by Ald. Jeffrey, approved ayes all.

Ald. Jeffrey **moved** to exit executive session at 7:24 p.m. Seconded by Ald. Loomis, approved ayes all.

Motion

Authorize Settlement Agreement - Ald. Jeffrey **moved** to authorize the Mayor to sign a settlement agreement. Seconded by Ald. Gee, approved ayes all.

Resolution

RESOLUTION #65 - 2023

**AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH
THE CITY OF NORWICH DPW CSEA**

Ald. Gee introduced the following and moved its adoption:

WHEREAS, a memorandum of agreement was signed on June 15, 2023 between the City of Norwich and the CSEA Local 1000 AFSCME, AFL-CIO relative to a three year labor contract for the City of Norwich DPW; now, therefore be it

RESOLVED, that the Common Council hereby ratifies the content of such agreement; and, further be it

RESOLVED, that upon review by the Common Council of the final contract document, the Mayor, under the direction of the Labor Attorney, be and hereby is authorized to sign an agreement with the CSEA Local 1000 AFSCME, AFL-CIO, relative to a three year DPW labor contract for the period of January 1, 2023 to December 31, 2025.

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

Adjournment

Ald. Jeffrey **moved** to adjourn at 7:26 p.m. Seconded by Ald. Loomis, approved ayes all.