

COMMON COUNCIL

September 19, 2023

Mayor Brian Doliver presided at a meeting of the Common Council held at 6:30 PM on September 19, 2023, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Brian Doliver
Ald. Eric Warren
Ald. Fred Gee
Ald. Nancy Allaire
Ald. William Loomis
Ald. Robert D. Jeffrey

Also:

Director of Finance/City Clerk Dee DuFour
Director of Human Resources Lynn Murray
DPW Superintendent Edward Pepe
Youth Bureau Director Anthony Testani
Fire Chief Jan Papelino
EMO Stephen Cady
Community Development Director Erik Scrivener
Deputy City Clerk Agnes Eaton

Supervisor Robert M. Jeffrey

Media Representative: None

Absent

Ald. David Zieno
Supervisor James McNeil

Call to Order

The meeting of the Common Council was called to order by Mayor Doliver at 6:35 p.m.

Approval of Minutes

Ald. Gee **moved** to approve the minutes of the regular meeting of July 18, and the special meeting of August 1, 2023. Seconded by Ald. Jeffrey and duly approved ayes all.

Public Hearing – Proposed Ordinance (D) Regarding Prohibiting Smoking on All City Owned Parks – Mayor Doliver opened the Public Hearing at 6:36 p.m. to hear comment on the No Smoking on all City Owned Parks. Hearing no comment the Public Hearing was closed at 6:36 p.m.

Open Forum – No one spoke.

Update on Water Main Project – E. Pepe gave updates on the Water Main Project, saying the contractor is planning on being 100% done by the end of next week. DOT milling/paving will start Sunday, September 24th on East Main St. with all paving from Pleasant to the end of South Broad will be done by October 16th. Milling and paving will be night work.

Correspondence

Chenango Child Advocacy Walk-a-Thon – Ald. Gee **moved** to approve a request from the Child Advocacy Center for special event designation for their Walk-A-Thon at Weiler Park on Saturday, October 7, 2023 from 9 a.m. to 6 p.m. Seconded by Ald. Allaire, approved ayes all.

Department, Board and Commission Reports

- ◆ Ontario Hose Minutes – August
- ◆ Maydole Hose Minutes – June
- ◆ Youth Board Minutes – September
- ◆ Human Resource Report – August
- ◆ Police Department Report – August
- ◆ Finance Reports – July, August
- ◆ Fire Department Report - August

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

Mayoral Appointments

Planning Commission

- ◆ *Adam Spence, 25 Summit Street, appointed to fill the remainder of a three-year term expiring December 31, 2025.*

Housing Authority

- ◆ *Kimberly Small, 34 Plymouth Street, reappointed to a five-year term expiring June 25, 2028.*

Council Appointment

Assessment Board of Review

- ◆ *Zachary Stratton, 17 Cole Drive, reappointed to a five-year term expiring September 30, 2028.*

Ald. Allaire **moved** to approve the appointment. Seconded by Ald. Jeffrey, approved ayes all.

Ward Reports

Ward 1

Ald. Warren reported complaints of car damage from the construction.

Ward 2

Ald. Gee reported a communication regarding the Fire Department flushing that caused discoloration of a load of laundry.

Ward 3

Ald. Allaire reported several streetlights that need fixing.

Ward 4

Ald. Loomis reported receiving questions on the water main and paving projects and receiving skepticism on completion of the projects by fall.

Ward 6

Ald. Jeffrey reported several questions about the downtown projects; received concerns about some North Broad St. buildings. He welcomed C.S. Books.

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

Budget Presentations

2024 Community Development Budget Presentation – E. Scrivener presented the 2024 Community Development budget. The budget remained mostly the same with increases in Personal Services with an additional \$40,000 added to Contracted Services for three projects coming in 2024.

2024 EMO Budget Presentation – Stephen Cady presented the Emergency Management budget for 2024 saying that the only increase was in Telephone due to a dedicated EMO phone instead of using his personal cell phone.

Motion

NYSEG Easement Agreement - Ald. Loomis **moved** to authorize the Mayor to sign an agreement with NYSEG for an easement of the east side of the Firehouse for the purpose of installing a gas line. NYSEG will be responsible for the maintenance of the new line. Seconded by Ald. Jeffrey, approved ayes all.

Resolutions

RESOLUTION #80 - 2023

ADOPTING PROPOSED ORDINANCE NO. (D) OF 2023 REGARDING PROHIBING SMOKING ON ALL CITY OWNED PARKS

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

WHEREAS, the Common Council received proposed Ordinance No. (D) of 2023 on August 15, 2023, to amend Chapter §376 – Parks and Recreation Areas; and

WHEREAS, a public hearing was held on September 19, 2023, in connection with said proposed ordinance now, therefore be it

RESOLVED, that Ordinance No. (D) of 2023 to amend Chapter §376 – Parks and Recreations Areas, as presented to the Common Council on August 15, 2023, be and hereby is adopted, and is hereby designated as Ordinance No. 4 of 2023.

ORDINANCE NO. 4 OF 2023

AN ORDINANCE AMENDING CHAPTER 376 PARKS AND RECREATION AREAS PROHIBITING SMOKING ON ALL CITY-OWNED PARKS

Be it enacted by the Common Council of the City of Norwich as follows:

Article II Smoking

§376-4 Prohibiting Smoking on all City-Owned Parks

Section 1. Title.

The title of this Ordinance shall be, “A Ordinance Prohibiting Smoking on All City-Owned Parks.”

Section 2. Statutory Authority.

This Ordinance is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York, the Town Law of the State of New York, and Public Health Law Section 1399-O.

Section 3. Purpose.

The purpose of this Ordinance is to protect the health, safety, and general welfare of the inhabitants of the City of Norwich ("City") by establishing regulations on the smoking of any substances on City-owned parks, preserves, and playgrounds.

Section 4. Definitions.

Electronic Cigarette shall have the same meaning as used and defined in Section 1399-aa of the New York State Public Health Law.

Vaping shall have the same meaning as used and defined in Section 1399-n of the New York State Public Health Law.

Smoking means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or cannabis as defined in Section 222.00 of the Penal Law, cannabinoid hemp as defined in Section three of the Cannabis Law and/or any other plant products intended for inhalation, whether natural or synthetic.

Section 5. Prohibited Conduct.

Smoking and/or vaping any substance using any device and/or method including, but not limited to, cigarettes, cigars, Electronic Cigarettes, and pipes is prohibited in and on all City-owned parks, preserves, and playgrounds.

Section 6. Penalties.

Any person violating any of the provisions of this Ordinance shall be punishable for the first offense by a fine not to exceed \$100; for the second offense by a fine not to exceed \$150; and for the third or subsequent offenses by a fine not to exceed \$250. For the purpose of conferring jurisdiction upon courts and judicial officers generally, offenses of this Ordinance shall be deemed violations and for such purpose only all provisions of law relating to violations shall apply.

Section 7. Enforcement.

Any police officer or other person or persons, who are or may be lawfully authorized by the City, shall, or any other peace officer may, administer and enforce the provisions of this Ordinance, and for such purpose shall have the authority to issue appearance tickets.

Section 8. Separability.

The provisions of this Ordinance are separable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word, or part had not been included therein, and as if such person or circumstance, to which this Ordinance or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 9. Repealer.

All Ordinances, Local Laws, and parts thereof inconsistent with this Ordinance are hereby repealed.

Section 10. Effective Date.

This Ordinance shall take effect immediately upon filing with the New York State Secretary of State in accordance with § 27 of the Municipal Home Rule Law

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

RESOLUTION #81 - 2023

DESIGNATING “PREFERRED PURCHASER” OF CITY-OWNED PROPERTY AT 28 SILVER STREET

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

WHEREAS, the City of Norwich acquired the real property at 28 Silver Street through property tax foreclosure; and

WHEREAS, the subject property is considered by the Common Council to be surplus and its continued ownership by the City unnecessary to a useful public purpose; and

WHEREAS, the Common Council has reviewed proposals for the purchase of the property, and considers the proposal from Jacob Perrone of Norwich, NY to be an acceptable offer based on the purchase amount offered, the significant investments to be made in the property’s rehabilitation, and the proposed use; now therefore be it

RESOLVED, that the Common Council hereby designates Jacob Perrone of Norwich, NY as the “preferred purchaser” of the City-owned property at 28 Silver Street; and, be it further

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to negotiate and enter into a contract for the sale of the City-owned property at 28 Silver Street to Jacob Perrone.

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

RESOLUTION #82 - 2023

APPOINTMENT OF MEO I IN THE DPW

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

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

WHEREAS, the Superintendent of DPW has recommended certain appointments to fill such vacancies; now, therefore be it

RESOLVED, that Marc Spier of Norwich, NY, be and hereby is granted a permanent appointment as a full time MEO I to the Norwich DPW Department with a starting salary of \$20.06 per hour effective September 20, 2023; and further be it

RESOLVED, that the appointment is contingent upon successfully passing the required medical examination, background check and any action necessary from the Norwich Civil Service Commission.

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

RESOLUTION #83 - 2023

APPOINTING MOTOR EQUIPMENT MECHANIC IN THE DPW

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

WHEREAS, a vacancy exists in the position of Mechanic; and

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

RESOLVED, that Dylan Stumpf of Norwich, NY, be and hereby is permanently appointed to the full-time position of Motor Equipment Mechanic at the rate of \$26.61/hour, effective September 25, 2023, and further be it

RESOLVED, that such appointment is contingent upon a successful background check and pre-employment physical, and subject to any such action as may be necessary by the Norwich Civil Service Commission.

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

RESOLUTION #84 – 2023

APPOINTMENT OF FIRE ASSISTANT IN THE NORWICH FIRE DEPARTMENT

Ald. Allaire introduced the following and moved its adoption:

WHEREAS, a vacancy exist in the position of Fire Assistant in the Norwich Fire Department, and;

WHEREAS, the Fire Chief has recommendations to fill such vacancy; now, therefore be it

RESOLVED, that Patrick Jeffery of Oneida, NY, be and hereby is granted a permanent appointment as Fire Assistant at the rate of \$15.52 in the Norwich Fire Department, contingent upon successful medical exams, background check, and civil service requirements, effective September 25, 2023.

Seconded by Ald. Jeffrey and duly adopted 5 – 0, on a roll call vote.

RESOLUTION #85 - 2023

AUTHORIZING TRANSFER OF FUNDS FOR FIRE DEPARTMENT OVERTIME

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

WHEREAS, the overtime for the Fire Department will be overbudget and a transfer is needed; and

WHEREAS, funds to cover overtime in the Fire Department to the end of 2023 are estimated to be the \$70,000;
and

WHEREAS, the Fire Chief and Director of Finance have made certain recommendations; now therefore be it

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

<u>From:</u>			
<u>Account Number:</u>	<u>Name:</u>		<u>Amount:</u>
A3410.1010	Fire Department -Personal Services		\$30,000
A9050.8	Unemployment		7,000
A9060.8	Health Insurance		13,000
A1990.4	Contingency		<u>20,000</u>
	Total	\$70,000	

<u>To:</u>			
<u>Account Number:</u>	<u>Name:</u>		<u>Amount:</u>
A3410.1020	Fire Department - Overtime		\$70,000

Seconded by Ald. Loomis and duly adopted, 5 – 0, on a roll call vote.

RESOLUTION #86 - 2023 **AUTHORIZING AGREEMENT WITH BARTON AND LOGUIDICE FOR LOCAL FLOOD ANALYSIS**

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

WHEREAS, the City of Norwich was awarded \$79,800 in Hazard Mitigation Grant Program funding for a Local Flood Hazard Analysis; and

WHEREAS, the City of Norwich Flood Commission released a Request for Qualifications for contractors to complete the program; and

WHEREAS, the Flood Commission ranked proposals and recommends that the City enter into an agreement with Barton and Loguidice for the Local Flood Hazard Analysis; now, therefore be it

RESOLVED, that the City of Norwich enter into an agreement with Barton and Loguidice for the Local Flood Hazard Study that was award to the City of Norwich with Hazard Mitigation Grant Program funding in the amount of \$79,800.

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

RESOLUTION #87 - 2023 **AUTHORIZING DOWNTOWN BUSINESS RELIEF PROGRAM**

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

WHEREAS, the City of Norwich has U.S. HUD Program Income funds from prior Urban Development Action and Small Cities grants to be used for house rehabilitation; and

WHEREAS, construction on East Main Street and South Broad Street has impacted the City's downtown area and downtown businesses; and

WHEREAS, the City of Norwich recognizes it is in the best interest of the downtown and existing businesses to fund a program according to the guidelines in place by U.S. HUD and the City of Norwich; now, therefore be it

RESOLVED, that the City of Norwich authorizes a Downtown Business Relief Program with applications to be reviewed by a Review Committee appointed by the Mayor.

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

RESOLUTION #88 - 2023
MAIN

**AUTHORIZING PURCHASE OF DUCTILE PIPE FOR WATER
REPLACEMENT PROJECT AND TRANSFER OF FUNDS**

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

WHEREAS, there is a need for additional iron ductile pipe to complete the Water Main Replacement Project on South Broad Street, and

WHEREAS, the DPW Superintendent is recommending the additional purchase of 600 feet of 8" iron ductile pipe for the completion of the Water Main Replacement Capital Project; and

WHEREAS, the cost of such additional iron pipe will be \$25,458 and will be transferred to the Water Main Replacement Capital Project from the Water Main Replacement Capital Reserves Fund; now, therefore be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfers in the 2023 Budget:

From:

<u>Account No.</u>	<u>Name</u>	<u>Account</u>
HR31-878	Capital Reserves – Water Main Replacement	\$25,458

To:

<u>Account No.</u>	<u>Name</u>	<u>Account</u>
H37-03-8340-020C1	Capital Projects - Water Main Replacement – Construction	\$25,458

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

RESOLUTION #89 - 2023

**AUTHORIZING AGREEMENTS WITH TOWNS FOR YOUTH
RECREATION SERVICES**

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

WHEREAS, the City has reached agreements with the Towns of North Norwich, Norwich, Plymouth, Preston and Pharsalia to provide youth recreation services to the residents of such towns for a lump sum per town, without individual charges being made to such participants; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to sign agreements with the Towns of North Norwich, Norwich, Plymouth, Preston and Pharsalia to provide youth recreation services to residents of such towns during the 2024 fiscal year.

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

Payment of Bills

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

	<u>Prepaid</u>	<u>9/19/2023</u>	<u>Grand Total</u>
General Fund	\$350,000.57	\$52,972.13	\$402,972.70
Sewer Fund	27,823.68	34,062.54	61,886.22
Water Fund	21,581.04	33,371.11	54,952.15
Trust	42,241.46	-	42,241.46
Comm. Dev. - Special Grants	3,217.29	-	3,217.29
Capital Projects	1,539,737.05	-	1,539,737.05
TOTALS	\$1,984,601.09	\$120,405.78	\$2,105,006.87

Seconded by Ald. Jeffrey and duly adopted 5 - 0.

Executive Session

Ald. Loomis **moved** to enter executive session to discuss the employment history of a particular individual and contract negotiations at 7:11 p.m. Seconded by Ald. Jeffrey, approved ayes all.

Ald. Gee **moved** to exit executive session at 8:04 p.m. Seconded by Ald. Jeffrey, approved ayes all.

Adjournment

Ald. Jeffrey **moved** to adjourn at 8:04 p.m. Seconded by Ald. Allaire, approved ayes all.