

COMMON COUNCIL

February 20, 2024

Ald. Robert D. Jeffrey presided at a meeting of the Common Council held at 6:30 PM on February 20, 2024, in the Common Council Chambers at One Court Plaza.

Present:

Ald. Eric Warren
Ald. Fred Gee
Ald. Nancy Allaire
Ald. William Loomis
Ald. David Zieno
Ald. Robert D. Jeffrey

Supervisor Robert M. Jeffrey

Also:

Director of Finance/City Clerk Dee DuFour
Director of Human Resources Lynn Murray
Youth Bureau Director Anthony Testani
Fire Chief Jan Papelino
Police Chief Reuben Roach
EMO Stephen Cady
Community Development Director Erik Scrivener
City Attorney Stephanie Hanrahan
Deputy City Clerk Agnes Eaton

Media Representative: Sarah Genter, The Evening Sun

Absent

Mayor Brian Doliver
Supervisor James McNeil

Call to Order

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

Approval of Minutes

Ald. Gee **moved** to approve the minutes of the regular meeting of January 16, 2024. Seconded by Ald. Zieno and duly approved ayes all.

Public Hearing – Proposed Local Law (A) of 2024 Chapter 494 Taxation – Volunteer Firefighters and Ambulance Workers Property Tax Exemption – Ald. Jeffrey opened the Public Hearing at 6:32 p.m.

Stephen Cady, 5445 St. Hwy 12, Town of Norwich, congratulated the Council on this volunteer tax exemption step, but encouraged them to contact the other taxing entities in the County and urge them to do the same so that more than just the 4-5 volunteers living in the City could also take advantage of tax exemptions.

Hearing no further comment the Public Hearing was closed at 6:37 p.m.

Public Hearing – Proposed Ordinance (A) of 2024 Chapter 421 Public Property by adding Article III Loitering – Ald. Jeffrey opened the Public Hearing at 6:38 p.m. Hearing no comment the Public Hearing was closed at 6:38 p.m.

Public Hearing - Proposed Ordinance (B) of 2024 –Animals § 153-12 Penalties for offenses; Brush, Grass, Weeds § 172-8 Criminal proceedings; penalties for offenses; Buildings, Unsafe § 178-3 Procedures to compel repair or removal; Housing Standard § 310-17 Penalties for offenses; Property Maintenance § 409-12 Penalties for offenses; Camping § 421-4 Penalties for offenses. Ald. Jeffrey opened the Public Hearing at 6:39 p.m.

Robert M. Jeffrey, 17 York St., said the Rental Registry was established around 2007 and is not being kept up-to-date with current owners contact information. He didn't realize that Code Enforcement did not have the authority to revoke a Certificate of Occupancy. He supports these proposed changes saying he feels it will help, but not solve ongoing problems – changes need to be made at the State level.

Hearing no further comment the Public Hearing was closed at 6:42 p.m.

Open Forum

Sal Testani, Commerce Chenango, disagrees with proceeding with the Nuisance Ordinance, saying the people and process are not yet in place to execute it and not understanding the root causes of the issues. Code Enforcement can do the same things mentioned in the Nuisance Ordinance. He questioned why “outside” people are drafting the Ordinance and not the City Attorney.

Jeanne Barnes, 17 Division St., spoke about the state of the sidewalks in the downtown area particularly a large hole in the grate in front of the Live Event location. Persons with children, those with wheelchairs [or other mobility issues] have problems with the uneven level of the sidewalks. She also expressed safety concerns with electric scooters and bikes riding on the sidewalk.

Rich Barnes, 17 Division St., said that landlords can’t be held accountable for [issues] tenants cause when they are damaging a property. The Code and Police Department need to work with the landlords in getting the tenant out of the property. He hopes that these changes will give “teeth” to help Codes, the City Attorney and Judges with enforcement.

Correspondence

- ◆ **2024 YMCA Events** – Ald. Zieno **moved** to approve the following 2024 YMCA events: Gus Macker July 12-14, noting that Gus Macker will be moved back to East Main St. this year; Annual YMCA Halloween Parade October 26, 2024; Annual YMCA Turkey Trot 5K November 24, 2024. Seconded by Ald. Warren, approved ayes all.
- ◆ **Street Tree removal at Fairgrounds** – Ald. Zieno **moved** to approve a request from the Fairgrounds for Street Tree removal. Seconded by Ald. Loomis, approved ayes all.

Mayoral Appointment

Youth Board

- ◆ Jamie Brown, 32 Waite Street, appointment to fill the remainder of a three-year term expiring December 31, 2025.

Department, Board and Commission Reports

- ◆ Human Resources Report – November, December
- ◆ Police Department Report – January
- ◆ Fire Department Report – End of Year 2023, January 2024
- ◆ Traffic Minutes – January, February
- ◆ Park Minutes – November
- ◆ Youth Board Minutes - February
- ◆ Ontario Hose Minutes – January
- ◆ Maydole Hose Minutes – December
- ◆ Alert Hose Minutes - February

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

Ward Reports

Ward 1

Ald. Warren reported discussions about the Nuisance Ordinance; a couple of code complaints on Hale St.; and an inquiry about a curb cut.

Ward 2

Ald. Gee reported several communications, much related to misinformation; comments regarding the Nuisance Ordinance; the fire on Miller St.

Ward 3

Ald. Allaire reported a couple of concerns about the Water Meter Replacement project; questions on the Nuisance Ordinance.

Ward 4

Ald. Loomis reported communications regarding flooding at 102 Creekside Lane in the Town which results from runoff from Sunset/Hillview; the van on Fair St. has been removed; and branches in E Main St. parking lot. He also received the report from the engineer that went through the N. Broad St. buildings.

Ward 5

Ald. Zieno reported a compliment regarding the person who came to replace their water meter; communications regarding the Nuisance Ordinance; a request for tree removal; a code complaint about brush.

Ward 6

Ald. Jeffrey reported communications regarding a gas leak on York St.; a couple of code complaints; questions and feedback regarding proposed changes to Ordinances; received feedback on Nuisance Ordinance with some changes.

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

Motions

- ◆ **Charges for Residents of Non-contract Towns.** Ald. Loomis **moved** to approve the recommended fees for residents of those Towns that have no agreement with the City. Fees per family would be \$50 for the first child, \$75 for 2 children and a cap of \$100 for 3 or more children which would include sign up for as many programs as they wish to participate in. Seconded by Ald. Warren, approved ayes all.
- ◆ **Support for East and West Park project through the DRI** – Ald. Warren **moved** to support the DRI project for East and West Parks as it was presented to the Common Council. Seconded by Ald. Loomis, approved ayes all.

RESOLUTION #6 - 2024 **CHAPTER 494**

ADOPTING PROPOSED LOCAL LAW NO. (A) TO AMEND

TAXATION OF THE CITY OF NORWICH

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

WHEREAS, the Common Council received proposed Local Law No. (A) of 2024 on December 19, 2023, to amend Chapter 494 Taxation of the Code of the City of Norwich; and

WHEREAS, a public hearing was held on February 20, 2024, in connection with said proposed local law now, therefore be it

RESOLVED, Local Law No. (A) of 2024 to amend Chapter 494 Taxation of the Code of the City of Norwich, as presented to the Common Council on December 19, 2023, be and hereby is adopted, and is hereby designated as Local Law No. 1 of 2024.

Seconded by Ald. Loomis and duly adopted, 5 - 1, on a roll call vote with Ald. Gee voting nay.

LOCAL LAW NO. (1) OF 2024

A LOCAL LAW TO AMEND CHAPTER 494 TAXATION OF THE CITY OF NORWICH

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

Section 1. A new Article V of Chapter 494 Taxation of the Code of the City of Norwich entitled Volunteer Firefighters and Ambulance Workers Property Tax Exemption is hereby enacted pursuant to Real Property Tax Law Section 466-a to read as follows:

Article V. Volunteer Firefighters and Ambulance Workers Property Tax Exemption

§494-20 Grant of Exemption

An exemption of 10% of assessed value of property owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the City of Norwich as long as eligibility requirements are met.

§494-21 Eligibility Requirements

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service provided that:

- A. The property is owned by the volunteer firefighter or volunteer ambulance worker;*
- B. The property is the primary residence of the volunteer firefighter or volunteer ambulance worker;*
- C. The property is used exclusively for residential purposes;*
- D. The volunteer firefighter or volunteer ambulance worker resides in the City of Norwich and the City of Norwich is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;*
- E. The volunteer firefighter or volunteer ambulance worker is certified by the authority having jurisdiction as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated volunteer ambulance service; and*
- F. The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by The City of Norwich, which is hereby established as two years.*

§494-22 Application

A volunteer firefighter or volunteer ambulance worker must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the assessor responsible for preparing the assessment roll for the City of Norwich, on a form as prescribed by the New York State Commissioner of Taxation and Finance. The City of Norwich must maintain written guidelines, available upon request, as to the requirements of an enrolled volunteer member relating to this exemption.

§494-23 Certification

The Fire Council must annually file with the assessor, prior to the applicable taxable status date, a list of the active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member's address of residence.

§494-24 No Diminution of Benefits

An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this article shall not have any of those benefits diminished because of this article.

Section 2. If any clause, sentence, paragraph, section or part of the Local Law is declared by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of the Local Law.

Section 3. This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law Section 27.

New Material is in italics.

RESOLUTION #7 - 2024

**ADOPTING PROPOSED ORDINANCE NO. (A) OF 2024 REGARDING
CHAPTER 421 PUBLIC PROPERTY - LOITERING**

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

WHEREAS, the Common Council received proposed Ordinance No. (A) of 2024 on January 16, 2024, to amend Chapter 421 Public Property by adding Article III Loitering; and

WHEREAS, a public hearing was held on February 20, 2024, in connection with said proposed ordinance now, therefore be it

RESOLVED, that Ordinance No. (A) of 2024 to amend Chapter 421 Public Property, as presented to the Common Council on January 16, 2024, be and hereby is adopted, and is hereby designated as Ordinance No. 1 of 2024.

Seconded by Ald. Loomis and duly adopted, 5 - 1, on a roll call vote with Ald. Gee voting nay.

Ordinance No. (1) of 2024
Chapter 421 Public Property

Article III Loitering

§421-5 Loitering

- A. *No person shall obstruct corridors, stairways, or doorways in or around public buildings so as to prevent free access by members of the public, officers, or employees. No person shall by his/her presence or by means either alone or in consort with others interfere with or interrupt the conduct of any business located in any such buildings.*
- B. *No person shall, by his/her presence or by any means, either alone or in consort with others obstruct the free movement and reasonable access by other members of the public along public streets and sidewalks or unnecessarily interfere with public officials or employees in the exercise of their duties.*

New Material is in Italic

RESOLUTION #8 - 2024

**ADOPTING PROPOSED ORDINANCE (B) OF 2024 REGARDING
CHAPTERS ANIMALS § 153-12 PENALTIES FOR OFFENSES; BRUSH,
GRASS, WEEDS § 172-8 CRIMINAL PROCEEDINGS- PENALTIES FOR
OFFENSES; BUILDINGS, UNSAFE § 178-3 PROCEDURES TO COMPEL
REPAIR OR REMOVAL; CONSTRUCTION CODES, UNIFORM CHAPTER
199; HOUSING STANDARD § 310-17 PENALTIES FOR OFFENSES;
PROPERTY MAINTENANCE § 409-12 PENALTIES FOR OFFENSES;
CAMPING § 421-4 PENALTIES FOR OFFENSES**

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

WHEREAS, the Common Council received proposed Ordinance No. (B) of 2024 on February 14, 2024 to amend the following Chapters Animals § 153-12 Penalties for offenses; Brush, Grass, Weeds § 172-8 Criminal proceedings- penalties for offenses; Buildings, Unsafe § 178-3 Procedures to compel repair or removal; Construction Codes, Uniform Chapter 199; Housing Standard § 310-17 Penalties for offenses; Property Maintenance § 409-12 Penalties for offenses; Camping § 421-4 Penalties for offenses.

. ; and

WHEREAS, a public hearing was held on February 20, 2024, in connection with said proposed ordinance now, therefore be it

RESOLVED, that Ordinance No. (B) of 2024 to amend Chapter 421 Public Property, as presented to the Common Council on February 14, 2024, be and hereby is adopted, and is hereby designated as Ordinance No. 2 of 2024.

Be it enacted by the Common Council of the City of Norwich as follows (only those sections of each Code where changes have been made are included here):

Seconded by Ald. Loomis and duly adopted, 4 - 2, on a roll call vote with Aids. Gee and Zieno voting nay.

Ordinance No. 2 of 2024

Animals

§ 153-12 Penalties for offenses.

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be punishable by a fine ~~which is the maximum allowable by law~~ of a minimum of \$50 and maximum of \$1,000 or imprisonment not exceeding 15 days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Brush, Grass, Weeds

§ 172-3 Notice of violation.

- A. Upon a determination by the City Engineer, City Building Inspector or their ~~delegatee~~ qualified designee that a premises is in violation of § **172-1** herein, the City Engineer or Building Inspector or their ~~delegatee~~ designee shall cause a written notice of violation to be given to the person, partnership, corporation or other entity, being the owner or in control of or charged with the control or management of the premises.
- B. Notice shall be given by personal service upon the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises or by return receipt requested United States mail addressed to the owner of said premises at the address listed upon the latest City of Norwich real property tax roll for said premises. If notice cannot be effectuated by personal service or return receipt mail, the City Engineer or City Building Inspector shall make application to the Judge of the City of Norwich Court for an order directing the manner of giving notice most likely to notify the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises of the violation.

§ 172-5 City empowered to clear and clean.

- A. In the event 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 does not comply with this chapter on or before the date so specified in the notice of violation provided for in §§ **172-3** and **172-4** herein, or any extension thereof, the City Engineer or Building Inspector or their ~~delegatee~~ qualified designee shall without further notice to the said addressee, person, partnership, corporation or other entity cause the premises to be cleared and cleaned of the offensive vegetation or materials and the cost thereof charged to the said person, partnership, corporation or other entity. In clearing and cleaning the premises, the City Engineer may cause the work to be performed by City manpower and equipment or may contract for the performance of the work with an independent contractor.
- B. In the event 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 notifies the City Engineer or Building Inspector or their delegatee, in accordance with § **172-4E**, that consent for entering upon the premises is denied, neither the City nor its independent contractor shall enter upon the premises and this chapter may be enforced in accordance with § **172-8** herein.

§ 172-6 Costs of clearing and cleaning.

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 § 172-5A herein and shall be as set by the Common Council:

- A. First occurrence within a three-year period.
- B. Second occurrence within a three-year period.
- C. Third or more occurrence within a three-year period.

§ 172-7 Payment of costs.

- A. A statement of costs incurred for clearing and cleaning in accordance with §§ 172-5A and 172-6 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 contain a statement that in the event the costs are not timely paid, the costs will be, 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. **[Amended 8-20-1996 by Ord. No. 4-1996]**
- 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. **[Amended 8-20-1996 by Ord. No. 4-1996]**
- 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 civil proceeding in a court of competent jurisdiction for its collection and thereafter to proceed to enforce such judgment by lawful process.

§ 172-8 Criminal proceedings; penalties for offenses.

- A. ~~In any instance involving a violation of this chapter and the failure of the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of premises to comply with this chapter before or on the date specified for compliance in the notice provided for herein or any extension thereof and upon such person, partnership, corporation or other entity's denial of consent to the City or its independent contractor for entry upon said premises for the purpose of clearing and cleaning offensive vegetation and materials therefrom as required herein, the City Engineer or City Building Inspector or their delegatee may cause to be issued to said offending person, partnership, corporation or other entity an appearance ticket based upon a misdemeanor information charging a violation of this chapter. Such misdemeanor information shall be returnable in the City Court, City of Norwich, where the matter shall be adjudicated. **[Amended 8-20-1996 by Ord. No. 4-1996]**~~
- B. Any person, partnership, corporation or other entity violating any of the provisions of this chapter shall, upon conviction, be guilty of a violation and shall be liable, upon conviction, to a fine of ~~not more than \$250~~ a minimum of \$50 to a maximum of \$1,000 or imprisonment not exceeding 15 days, or to both fine and imprisonment.

Buildings, Unsafe

§ 178-3 Procedures to compel repair or removal.

~~The following procedures are hereby established to compel the repair or removal of any building or structure within the City which endangers the health, safety or welfare of the public.~~

- A. ~~The City Engineer of the City of Norwich shall inspect and submit a written report for the City building inspection files, setting forth in detail the condition of the building or structure inspected at the time of such inspection and shall submit copies of such inspection report to the Mayor, the Aldermen of the ward within which such building or structure is located, and the City Attorney.~~

- B. ~~If the City Engineer shall find said building or structure endangers the health, safety or welfare of the public, he shall cause to be served upon the owner, and upon all other persons having an interest in such building or structure, either personally or by registered mail with return receipt requested, addressed to his or her last known address as shown by the City of Norwich tax assessment roll, a notice containing a description of the premises and building or structure thereon, a statement of the particulars in which the building or structure is unsafe or dangerous and a hazard to the public health, safety or welfare, together with an order of the City Engineer requiring such building or structure to be repaired or removed and a copy of such notice shall be posted on such building or structure in a conspicuous location.~~
- C. ~~Such notice of repair or removal so served shall require the owner to commence the repair or removal of such building or structure within 30 days after service of notice pursuant to Subsection B has been made.~~
- D. ~~The City Engineer shall file a copy of the notice, provided for under Subsection B, in the office of the Chenango County Clerk within seven days after service under Subsection B is complete. Such notice shall be filed by the County Clerk in the same manner as a notice of pendency of action, pursuant to Article 65 of the Civil Practice Law and Rules, and shall have the same force and effect as a notice of pendency as therein provided, except as otherwise specified in this subsection. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon order of a judge or a justice of a court of record or upon written consent of the City Attorney of the City of Norwich. The Chenango County Clerk shall mark such notice of pendency and any record or docket thereof as cancelled upon presentation and filing of such written consent or certified copy of such judge or court order.~~
- E. ~~There shall be a hearing before a hearing officer appointed by the Mayor, with approval of the Common Council, notice of which and the time and place thereof shall be specified in the notice to repair or demolish, served upon the owner and such persons having an interest in the property or structure as in herein prescribed. [Amended 9-28-1982]~~
- F. ~~In the event that the owner fails or refuses to repair or remove such building or structure within the time specified in Subsection C, the City of Norwich, with the approval of the Common Council of the City of Norwich, may enter upon such property and cause the same to be removed.~~
- G. ~~All costs and expenses incurred by the City of Norwich in connection with the proceedings to repair or remove such building or structure, including the cost of actually removing the same, shall be assessed against the land on which such building or structure is located. Said assessment shall be and constitute a lien upon the land so affected. The City of Norwich may bring and maintain an action as upon contract for such assessment, or to foreclose such lien or liens. As an alternative to the maintenance of any such action, the Common Council of the City of Norwich may annually cause a statement to be prepared setting forth the amount of each lien for any such assessment in arrears, the real property affected thereby and the name of the person in whose name such real property is assessed. Such statement shall be presented to the Common Council of the City of Norwich on or before October 15 of each year. The Common Council of the City of Norwich shall levy the amounts contained in such statement against the real property liability at the same time and in the same manner as the City of Norwich taxes, and such amounts shall be set forth in a separate column in the annual tax rolls of the City of Norwich. The amount so levied shall be collected and enforced in the same manner and at the same time as is provided by law for the collection and enforcement of the City of Norwich taxes.~~
- A. The City Engineer or City Building Inspector or their qualified delegate shall issue a notice of repair or removal so served shall require the owner to commence the repair or removal of such building or structure within 30 days after service of the notice, which shall be served certified mail or by personal service.
- B. If the owner does not commence the repair or removal of such building or structure within 30 days after service of the notice, the City Engineer or City Building Inspector or their qualified delegate may cause to be issued to said offending person, partnership, corporation or other entity an appearance ticket based upon a misdemeanor information charging a violation of this chapter. Such misdemeanor information shall be returnable in the City Court, City of Norwich, where the matter shall be adjudicated.
- C. Any person, partnership, corporation or other entity violating any of the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor level offense and shall be liable, upon conviction, of a fine of a minimum of \$50 and a maximum of \$5,000, imprisonment not exceeding 364 days, or to both fine and imprisonment. A

temporary restraining order or injunction may also be issued with respect to the behavior causing such violation if it is found to be ongoing.

Construction Codes, Uniform

§199-7 Certificates of occupancy/certificates of compliance.

- E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a certificate of occupancy/certificate of compliance or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, or if the conditions of the building/ area covered by the Certificate changes significantly where a certificate of occupancy would not be granted due to the conditions. and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

Housing Standard

§ 310-17 Penalties for offenses.

[Amended 8-21-2018 by L.L. No. 2-2018]

Any violation of any provision of this chapter, or any provision of any rule or regulation adopted by the enforcement officer pursuant to authority granted by this chapter, shall be deemed an offense and any person found guilty thereof shall be liable to a fine ~~which shall not be less than the minimum and not to exceed the maximum as set by Ch. 199,~~ **Construction Codes, Uniform, Article II,** or to imprisonment not to exceed 30 days, or to both such fine and imprisonment, and each day's failure to comply with such provision, rule or regulation shall constitute a separate violation of a minimum of \$50 and a maximum of \$2,000 and/ or be subject to up to 364 days of imprisonment. A temporary restraining order or injunction may also be issued with respect to the behavior causing such violation if it is found to be ongoing.

Property Maintenance

§ 409-12 Penalties for offenses.

~~Any person or entity who shall violate any of the provisions of this chapter or any order promulgated hereunder shall, after a summons is issued under the terms hereof, be punished as follows:-~~

~~A. For the first offense, by a fine not to exceed \$100.~~

~~B. For a second offense, by a fine not to exceed \$300.~~

~~C. For a third offense or any subsequent offenses, by a fine not to exceed \$500.~~

A. The City Engineer or City Building Inspector or their delegate may cause to be issued to said offending person, partnership, corporation or other entity an appearance ticket based upon a misdemeanor information charging a violation of this chapter. Such misdemeanor information shall be returnable in the City Court, City of Norwich, where the matter shall be adjudicated and shall be punished as follows:

1.

For the first offense, by a fine not to exceed \$250.

2.

For a second offense, by a fine not to exceed \$500.

3.

For a third offense or any subsequent offenses, by a fine not to exceed \$1,000.

4.

Any person, partnership, corporation or other entity violating any of the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor level offense and in addition to the fine schedule, be subject to up to 364 days of imprisonment. A temporary restraining order or injunction may also be issued with respect to the behavior causing such violation if it is found to be ongoing.

Article II

Camping

[Adopted 9-18-2018 by L.L. No. 3-2018]

§ 421-3 Camping on City-owned property.

All persons are hereby forbidden from camping on public property. Public property shall include all property owned by the City of Norwich, within or without the City Limits.

§ 421-4 Penalties for offenses.

- A. Every violation of this article shall be punishable by a fine of not more than ~~\$250~~ a minimum of \$50 to a maximum of \$1,000 or imprisonment for not more than 15 days, or both, for each violation thereof.
- B. Exemptions may be granted by the Common Council.

Deletions are struck-through; New material is italicized and underlined

RESOLUTION #9 - 2024 **PARKS AND**

APPOINTMENT OF ANTHONY TESTANI AS DIRECTOR OF RECREATION

Ald. Allaire introduced the following and moved its adoption:

WHEREAS, a Anthony Testani is currently in the position of Youth Bureau Director; and

WHEREAS, due to the performance of additional duties regarding Parks are added; and

WHEREAS, due to the additional duties regarding Parks requires a title change for Mr. Testani; and

WHEREAS, a job description for Director of Parks and Recreation has been reviewed, the weekly are between 19-22 hours, and the position is competitive; and

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

RESOLVED, that Anthony Testani of Norwich, NY, be and hereby is provisionally appointed to the position of Director of Parks and Recreation effective February 21, 2024 and is subject to any such action as may be necessary by the Norwich Civil Service Commission; and further be it

RESOLVED, that Mr. Testani shall continue at the same pay rate which is currently \$19.21 per hour at 19-22 hours per week.

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

RESOLUTION #10 - 2024

TRANSFERS FROM RESERVES FOR WATER METER REPLACEMENT PROJECT

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

WHEREAS, the total cost of the Water Meter Replacement Project is \$1,421,368.38; and

WHEREAS, the City was awarded a \$1 million grant for the project, leaving a balance of \$421,368.38 to taken from Reserve accounts; and; now therefore be it

RESOLVED, that a transfer of \$421,368.38 be authorized for the Water Meter Replacement Project; and further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfers in the 2024 budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR28-9950.9	Reserves - Water Equipment	\$210,684.19
HR42-9950.9	Reserves – Sewer Equipment	<u>\$210,684.19</u>
		\$421,368.38

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H37-04-8397.210	0 Water Meter Replacement Project	\$421,386.38

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

RESOLUTION #11 - 2024 **AWARDING BID – PICKLEBALL COURT STRIPING**

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

WHEREAS, bids for the 2024 Pickleball Court Striping were opened on January 11, 2024; and

WHEREAS, the Department of Public Works, and the Joint Committees have made certain recommendations; now, therefore be it

RESOLVED, that the bid for the 2024 Pickleball Court Striping be awarded to the lowest qualified bidder meeting specifications, Super Seal Sealcoating Co. LLC of Penfield, NY, in the amount of \$40,530.

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

RESOLUTION #12 - 2024 **2023 TRANSFER FOR COMPACTION TESTING DURING WATER MAIN REPLACEMENT PROJECT**

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

WHEREAS, the firm, Keystone, conducted compaction testing during the Water Main Replacement Project; and

WHEREAS, a transfer using 2023 funds of \$16,719.75 to cover the cost of for the compaction testing is necessary; now therefore be it

RESOLVED, that a transfer of \$16,719.75 be authorized for compaction testing during the Water Main Replacement Project; and further be it

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

in the 2023 budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
F8340.1010	Water – Personal Services	\$16,719.75
 <u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
F8310.4020	Water – Contracted Services	\$16,719.75

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

RESOLUTION #13 - 2024 AUTHORIZING ACCEPTANCE OF GRANT AWARD AND AGREEMENT FOR AMERICAN AVENUE DRI PROJECT

Ald. Gee introduced the following and moved its adoption:

WHEREAS, the City was awarded \$470,000 in DRI grant funds for the American Avenue project; and

WHEREAS, the grant award needs to be formally accepted and an agreement with NYS executed; now, therefore be it

RESOLVED, that the \$470,000 in grant funding through the DRI project for American Avenue is hereby accepted; and further be it

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to sign an agreement in relation to the \$470,000 DRI funding for American Avenue.

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

RESOLUTION #14 - 2024 AUTHORIZING AGREEMENT FOR PLACEMAKING ACTION PLAN WITH EDR

Ald. Warren introduced the following and moved its adoption:

WHEREAS, RFPs were requested for the Placemaking action plan; and

WHEREAS, interviews were conducted and a recommendation of an agreement with EDR was made; now, therefore be it

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to sign an agreement with EDR for a Placemaking Action Plan.

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

RESOLUTION #15 - 2024 AUTHORIZING PURCHASE AND TRANSFER OF FUND FOR PAGERS IN THE FIRE DEPARTMENT

Ald. Zieno introduced the following and moved its adoption:

WHEREAS, the current pagers have outlived their usefulness; and

WHEREAS, the purchase of 25 new Motorola 6 pagers has been recommended at a cost of \$10,025; now therefore be it

RESOLVED, the purchase of 25 new Motorola 6 pagers for \$10,025 is hereby authorized; and further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfers in the 2024 budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1990.4	Contingency	\$10,025.00

<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3410.2100	Fire Equipment	\$10,025.00

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

Payment of Bills

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

	<u>Prepaid</u>	<u>2/20/2024</u>	<u>Grand Total</u>
General Fund	\$1,173,841.02	\$625,155.78	\$1,798,996.80
Water Fund	80,352.93	16,343.78	96,696.71
Sewer Fund	82,891.01	16,372.66	99,263.67
Trust	42,832.16	-	42,832.16
BID	46,924.25	-	46,924.25
TOTALS	\$1,426,841.37	\$657,872.22	\$2,084,713.59

Seconded by Ald. Allaire and duly adopted 6 - 0.

Adjournment

Ald. Warren **moved** to adjourn at 7:28 p.m. Seconded by Ald. Loomis, approved ayes all.