

COMMON COUNCIL

April 16, 2024

Mayor Brian Doliver presided at a meeting of the Common Council held at 6:30 PM on April 16, 2024, in the Common Council Chambers at One Court Plaza.

Present:

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

Also:

Director of Finance/City Clerk Dee DuFour
DPW Superintendent Edward Pepe
Police Chief Reuben Roach
Community Development Director Erik Scrivener
City Attorney Stephanie Hanrahan
Deputy City Clerk Agnes Eaton

Media Representative: Sarah Genter

Supervisor Robert M. Jeffrey

Absent

Ald. Eric Warren
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. Gee **moved** to approve the minutes of the regular meeting of March 19, 2024. Seconded by Ald. Zieno and duly approved ayes all.

Public Hearing – Mayor Doliver opened the Public Hearing at 6:31 p.m. regarding Proposed Local Law No. (B) Of 2024 To Amend Chapter C: Title XII Assessment and Taxation of The City of Norwich. Hearing no comments, the Public Hearing was closed at 6:32 p.m.

Open Forum

Missy Hayes, 6 East Main St., was in support of a City Manager position being created for the City. She said there are currently avenues to support a transition to a Council/City Manager form of government. This would allow the Council to “hire a highly qualified individual to manage department heads and staff, develop budgets, ensure fiscal responsibility, evaluate productivity and efficiency, develop or streamline systems, implement Council policies and facilitate the flow of information between elected officials, employees and citizens” allowing the Council to focus on a vision for the future, reviewing and creating policies, and evaluating the City Manager. NYS offers funding for a transition as well as other organizations to assist.

Marissa Phelps, Hayes St., said there are things that are working well, but also things that we could work on and do better. The problems of the City today are very different than in the past when the structures, ordinances and rules were created. She felt there is a need for increased efficiency, accountability, consistency, and reliability. She felt a City Manager position would free up the Mayor to concentrate on public relations and promoting our City and long-term goals.

Amanda Mills, Guernsey Library employee, came to become more informed about how government works in order to help their customers. She is also in the process of compiling a resource list of food, housing, clothing and more to have available. She thanked those supporting the warming center and gave an example of how that made a difference in someone’s life.

Proclamation – Mayor Doliver read the following Proclamation:

PROCLAMATION

Arbor Day 2024

WHEREAS, the holiday called Arbor Day was first observed in 1872 by the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood, fuel and wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, beautify our community and are a source of joy; and

THEREFORE, I, Brian Doliver, Mayor of the City of Norwich, New York, do hereby proclaim April 26, 2024, as Arbor Day in the City of Norwich.

CDBG Public Hearing will be rescheduled

Correspondence

Norwich-Oxford Little League Parade – Ald. Allaire **moved** to approve a request for Police assistance for the Norwich-Oxford Little League Parade held on May 4, 2024. The parade will begin at 9 a.m. from the back side of Grand Union moving down Griffin St. to Midland Dr. and end at the Little League field behind the Middle School. Seconded by Ald. Jeffrey, approved ayes all.

Rolling Antiquers 57th Annual Car Show – Ald. Gee **moved** to approve a request for Police and Fire/EMS assistance for the Rolling Antiquers 57th Annual car show held at the Fairgrounds on May 25 and 26, 2024 from 8 a.m. to 5 p.m. Seconded by Ald. Zieno, approved ayes all.

Department, Board and Commission Reports

- ◆ Planning Minutes – January, March
- ◆ Traffic Minutes – March
- ◆ Alert Hose Minutes – March
- ◆ Ontario Hose Minutes – March
- ◆ Maydole Hose Minutes – March
- ◆ Youth Board Minutes – April
- ◆ Police Department Report – March
- ◆ Human Resources Report – March
- ◆ Fire Department Report - March

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

Ward Reports

Ward 2

Ald. Gee reported communications regarding a significant amount of graffiti at Kurt Beyer which has been taken care of; 2 constituents' complaints of signage with office language; 3 Code violations which have been resolved; a meter replacement; and communication regarding potholes.

Ward 3

Ald. Allaire reported an email regarding a strange smell.

Ward 4

Ald. Loomis reported questions & concerns a large group of stray cats at the end of Gold St.; a concern that the debris in the river near the Rexford St. bridge has not been removed (E. Pepe will contact the DEC who has jurisdiction); a question about a steel basement door which was referred to Codes and DPW; and questions and concerns of 45 Gold St. He has noticed a number of plastic bags at curbside and wondered if they will be notified that plastic bags can no longer be picked up by the City.

Ward 5

Ald. Zieno reported a couple communications regarding Code violations; a complaint about a parking issue at the corner of Silver and Gold St. which makes visibility an issue and was forwarded to the proper department.

Ward 6

Ald. Jeffrey reported a complaint about garbage; a complaint about a water quality study which was old data; spoke with the Mayor regarding a tree removal on South Broad St. He also observed plastic bags at the curb for pickup. It was suggested to use doorknockers for communication at those addresses.

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

Motions

Reschedule CDBG Public Hearing to May – Ald. Gee **moved** to reschedule the Public Hearing from April 16, 2024 to May 21, 2024 at 6:30 p.m. to hear comment relative to the Community Development Block Grant (CDBG) application. Seconded by Ald. Jeffrey, approved ayes all.

Volunteer Firefighter Policy – Ald. Loomis **moved** to approve the Volunteer Firefighter policy. Seconded by Ald. Jeffrey, approved ayes all.

Resolutions

RESOLUTION #20 - 2024

**ADOPTING PROPOSED LOCAL LAW NO. (B) OF 2024 TO AMEND
CHAPTER C: TITLE XII ASSESSMENT AND 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 March 19, 2024, to amend Chapter C: Title XII Assessment And Taxation Of The City Of Norwich ; and

WHEREAS, a public hearing was held on April 16, 2024, in connection with said proposed local law now, therefore be it

RESOLVED, Local Law No. (B) of 2024 to amend Chapter C: Title XII Assessment and Taxation of The City of Norwich, as presented to the Common Council on March 19, 2024, be and hereby is adopted, and is hereby designated as Local Law No. 2 of 2024.

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

LOCAL LAW NO. (2)
OF 2024

A LOCAL LAW TO AMEND CHAPTER C: TITLE XII ASSESSMENT AND TAXATION
OF THE CITY OF NORWICH

Chapter C: Title XII Assessment and Taxation

Section 217 Disposition of Proceeds of Sale.

The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided and the extinguishment of the tax, penalty or interest for which it was sold, and if there should then be any surplus, the Director of Finance shall hold the surplus until the owner of, or any person interested in or having a lien upon, the parcel at the time of the sale shall redeem it from the sale as herein provided, and the Director of Finance shall pay such owner the said surplus. In all such other cases, the Director of Finance shall hold the surplus until after the period of redemption shall have expired and then he shall pay such surplus, and the person, persons, association or corporation entitled thereto shall be ascertained in the same manner and by the same proceedings as in the case of surplus and statutory foreclosure of a mortgage on real estate. In the case where any subsequent taxes shall be assessed and levied on real estate, which has been previously sold for taxes, and before the redemption of such previous tax sale and where such subsequent taxes remain unpaid, the Director of Finance may deduct the amount thereof from any surplus. If any such subsequent taxes still remain unpaid, the purchaser shall pay the same before he shall receive his conveyance of the real estate.

Section 219 Notice of Redemption

Three (3) months before the expiration of the time for the final redemption of any parcels so sold, or as soon thereafter as is practicable, the Director of Finance shall commence the publication in the official newspaper of the city of a notice of redemption from such sales, which shall show the year when the sale took place and the last day for the redemption of the parcels not already redeemed, without other or further description, except that the notice shall state the office or place within the City of Norwich where the money for such redemption can be paid and the amount necessary to redeem the same, and such notice shall be published at least twice in each of said three (3) months in the official city newspaper. On or before the first day of the publication of the notice above set forth, a copy of such notice shall be served personally by means of sending it by certified mail to the owner of the parcels, and to any other person or entity, whose right, title, or interest was recorded in the Chenango County Clerk's Office as of the date of such notice, which right, title, or interest will be affected by the termination of the redemption period, and whose name and address are reasonably ascertainable from such record. *This notice shall also include the process to obtain any surplus funds from the sale of the property shall the owner fail to redeem the property before the redemption period closes and the City later sells the property.* The failure of an intended recipient to receive any such notice in such manner as above set forth shall not invalidate any tax or related charges or prevent the enforcement of the same or of any provision of this Title. The service of such notice as herein prescribed shall be deemed to be equivalent to the service of a notice of petition pursuant to section four hundred three of the civil practice law and rules of the state of New York. The publication and service of such notice shall bar and preclude any and all persons and entities except the purchaser on such sale, or his assigns, from claiming any interest in or lien upon such parcels or any part thereof in case the said parcels shall not be redeemed from such sale as hereinbefore provided.

Section 220 Conveyances of Real Property Sold for Taxes

A. If any parcel so sold shall not be redeemed as herein provided, the Director of Finance, following the expiration of the said fifteen (15) months, shall cause to be executed and delivered upon request to the purchaser, his heirs or assigns, or to the city or its assigns, as the case may be, a conveyance of the parcel so sold, which conveyance shall vest in the grantee an estate in fee subject only to the liens, if any, unpaid taxes or assessments thereon. The Director of Finance shall be entitled on behalf of the City to demand and receive from the grantee all reasonable costs for the preparation and execution of such conveyance. Every such conveyance shall be executed by the Director of Finance in

the City. In the case of the purchaser being other than the city, the city shall then immediately convey such parcel to said purchaser by quitclaim deed, which shall be executed by the Mayor. The execution of all such conveyances shall be acknowledged before some officer authorized to take and certify acknowledgements of instruments for record in said county, and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular and presumptive evidence that all previous proceedings were regular and according to law. Any such conveyances may be recorded in like manner and with like effect as any other conveyance of real estate. The said grantee or his assigns, or the city or its assigns, as the case may be, shall be entitled to have and to possess the granted parcel from and after the execution of such conveyance, and may cause the occupants of such parcel to be removed therefrom and the possession thereof delivered to them in the same manner and by the same proceedings and by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

B. The proceeds of the sale of each parcel struck off by the City to a purchaser of property the City acquired by tax sale, shall be applied to any taxes owed to the Director of Finance in compliance with Section 217 of this Chapter. Any surplus funds after such payments are made to the Director of Finance shall then be applied to any expenses the City acquired due to the sale of the property, any legal fees and any administrative costs due to the tax foreclosure and sale process and any costs the City acquires due to the upkeep of the property from the time the City acquires the property until it is sold to a subsequent purchaser. These costs shall be documented and itemized by the Director of Finance.

C. Any surplus, after the above-mentioned costs have been deducted from the sale of the property from the city to a subsequent purchaser, must be held in trust for a period of 90 days. During such a period, the individual or entity who was the previous owner of the property before it was sold at tax sale, may apply, in writing, to the Director of Finance to be paid the surplus funds from the final tax sale from the City to the new owner. The Director of Finance will then provide the former owner an itemized list of expenses that were subtracted from the surplus, along with the payment to the former owner.

D. In the event the former owner of the property does not apply to receive the surplus funds from the tax sale within 90 days, the surplus is forfeited and added to the City's general fund.

New Material is in italic and underlined

RESOLUTION #21 - 2024

TRANSFER OF POLICE OFFICER TO DETECTIVE

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

WHEREAS, a vacancy exists in the Norwich Police Department; and

WHEREAS, the Police Chief has made a recommendation to transfer Corey Burnett of Bainbridge, New York from Police Officer to the position of Detective; now therefore be it

RESOLVED, that Corey Burnett of Bainbridge, NY, be and hereby is transferred from Police Officer to a permanent appointment as Detective in the City of Norwich Police Department effective April 17, 2024 at the rate of \$34.75; and further be it

RESOLVED, that the appointment is subject to any action as may be necessary by the Norwich Civil Service Commission.

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

**RESOLUTION #22 - 2024 AUTHORIZING AGREEMENT FOR TREE INVENTORY AND
MANAGEMENT PLAN**

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

WHEREAS, the City of Norwich was awarded \$29,831 by the NYS DEC Urban and Community Forestry grant for an inventory of existing trees in the city’s right-of-way and a management plan; and

WHEREAS, the City of Norwich Street Tree Committee released a Request for Qualifications to contractors; and

WHEREAS, the Street Tree Committee ranked proposals and recommends ArborPro, Inc. of Yorba Linda, CA as the contractor for the Tree Inventory and Management Plan; now therefore be it

RESOLVED, that the Mayor is hereby authorized to enter into an agreement, under the direction of the City Attorney, with ArborPro, Inc. for the purposes of conducting a tree inventory and creating a management plan.

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

**RESOLUTION #23 - 2024 AUTHORIZING CHANGE ORDERS FOR THE 2024 WATER METER
REPLACEMENT PROJECT**

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

WHEREAS, bids for the 2024 Water Meter Replacement Project were opened on March 30, 2023; and

WHEREAS, due to extended labor costs resulting from unforeseen indoor meter fitting and installations; and

WHEREAS, Change Order 1 to the project is necessary to cover the \$8,467.13 in additional costs; now therefore be it

RESOLVED, that Change Order 1 in the amount of \$8,467.13 to the Water Meter Replacement Project 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>
HR30-9950.9	Water System Upgrade Reserve Interfund Transfer	\$8,467.13
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H37-04-8397-2100	Water Meter Replacement Project	\$8,467.13

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

RESOLUTION #24 -2024 AWARDDING BID - 2024 GRINDING & PAVING PROGRAM

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

WHEREAS, bids for the 2024 Street Rehabilitation Program were opened on April 15, 2024; and

WHEREAS, the Department of Public Works has made certain recommendations; now, therefore be it

RESOLVED, that the bid for the 2024 Grinding & Paving Program be awarded to the lowest qualified bidder meeting specifications, Broome Bituminous Products, of Vestal, NY, in the total bid amount of \$797,996.03.

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

Payment of Bills

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

	<u>Prepaid</u>	<u>4/16/2024</u>	<u>Grand Total</u>
General Fund	\$174,864.38	\$588,847.98	\$763,712.36
Water Fund	21,333.59	8,638.82	29,972.41
Sewer Fund	16,575.30	19,424.63	35,999.93
Trust	33,794.18	-	33,794.18
Comm. Dev. - Special Grants	-	-	-
Capital Projects	836,406.03	-	836,406.03
TOTALS	\$1,082,973.48	\$616,911.43	\$1,699,884.91

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

Adjournment

Ald. Jeffrey **moved** to adjourn at 7:07 p.m. Seconded by Ald. Loomis, approved ayes all.