

COMMON COUNCIL

June 19, 2012

In the absence of Mayor Joseph Maiurano, Ald. Terry Bresina presided at a meeting of the Common Council held at 7:00 PM on June 19, 2012, in the Common Council Chambers at One Court Plaza.

Present:

Ald. Robert Carey
Ald. Terry Bresina
Ald. John Deierlein
Ald. Walter Schermerhorn
Lawrence
Ald. Paul Laughlin
Ald. Thomas LoPiccolo
Supervisor James McNeil
Supervisor Robert Jeffrey

Also:

Director of Finance/City Clerk William Roberts
Human Resources Director Deborah DeForest
Police Chief Joseph Angelino
Code Enforcement Officer/Fire Marshall Jason

Youth Bureau Director Robert Mason
DPW Superintendent Carl Ivarson
Deputy City Clerk Brian Drake
City Attorney Patrick Flanagan
Community Development Specialist Todd Dreyer
Shawn Magrath, Media Representative

Absent:

Mayor Joseph Maiurano

Call to Order

The meeting of the Common Council was called to order by Ald. Bresina at 7:15 p.m.

Approval of minutes

Ald. Carey **moved** to approve the minutes of the regular meeting of May 15, 2012, and the special meeting of June 5, 2012. Seconded by Ald. Schermerhorn, duly approved ayes all.

Public Hearing - Proposed Ordinance No. (B) of 2012

Code Enforcement Officer Jason Lawrence proposed certain modifications to the proposed ordinance in order to clarify procedures that will be followed by the Codes Office. He explained that State law requires multi-family dwellings with three or more units to have their common areas (basements, exteriors, stairs, hallways, etc.) inspected every three years. The City would only inspect actual apartments when tenants move out.

Rich Barnes, 17 Division Street, stated he has been a landlord for twenty years. While several fires have occurred in certain of his units, they were tenant-caused, not the result of code violations. He said that the rental registry was supposedly devised so that landlords would be contacted if there were problems at their properties, and stated he and several other landlords he has spoken with have never been contacted. He remarked that HUD does inspections of many apartments and asked why the City could not get copies of those inspections rather than duplicating their labor. He said landlords are already paying high property taxes and water bills and asked if a fee were necessary, as this would be an additional burden on landlords. He also said that tenants change every week or so and move out on weekends, with new tenants moving in the same weekend. This would necessitate inspections on the weekends, or he would lose rent money waiting for an inspection before a new tenant could move in. He said landlords should not be penalized for tenants moving out.

Ed Morano, 21 Miller Street, noted that there will always be those who resist change, and that the average citizen does not have the time and energy to attend to public business, therefore only extreme positions will make themselves known. Codes have been developed to help control those who may not live to standards requisite for the public good. He suggested that the City might help landlords screen tenants, and that both landlords and the City need to develop ways to exclude destructive tenants and keep up public standards. He suggested the proposed inspection fee might be passed on to tenants as part of their security deposit.

Police Chief Joseph Angelino noted that those landlords present at the hearing are not those whose properties have issues that require they be contacted by the Police or Codes Officers. The landlords who have deteriorating properties, many of whom reside out of town, have been contacted on many occasions. He reminded people that there cannot be different laws for different people, and that the codes are developed to protect all residents. He stated that he had urged the Council to hire additional Codes officers because much of the rental housing in the City has been deteriorating, leading to neighborhood problems. He reminded the Council of the many residents of Grove Avenue who spoke at a recent meeting about the deteriorating conditions in their neighborhood, and that inspections can be an important method of alleviating some of these problems.

Public Hearing - Proposed Ordinance No. (C) of 2012

There were no comments.

Public Hearing - Proposed Ordinance No. (D) of 2012

There were no comments.

Open Forum There were no comments.

Correspondence

Chenango County Blues Association Ald. Carey **moved** to approve a request from Eric Larsen of the Chenango County Blues Association to hold a Summer Jam in East Park on Sunday, July 29, 2012, with East Park Place closed to traffic from midnight Saturday, July 28, through midnight Sunday, July 29, with special event designation. Seconded by Ald. LoPiccolo and approved ayes all.

Park Place Restaurant Ald. Carey **moved** to approve a request from David J. Cirello of Park Place Restaurant & Lounge to serve alcohol outdoors on July 29, 2012, in connection with the Chenango County Blues Association Summer Jam. Seconded by Ald. Schermerhorn and approved ayes all. Ald. Deierlein asked Police Chief Joseph Angelino about the arrangements. Chief Angelino explained that the restaurant has had to apply for a special permit from the State Liquor Authority (not yet granted), and he has given permission for them to extend into East Park Place, which will be closed to traffic, with appropriate barriers. Ald. Carey suggested they not be allowed to extend the full width of the street, to allow pedestrian traffic to move freely in the closed street. Chief Angelino stated he would so inform them.

Norwich City Band Concerts Ald. Carey **moved** to approve a request from Lee Wilhelm to hold City Band concerts at the bandstand in East Park from 7:00 to 8:00 p.m. on six consecutive Friday evenings beginning July 6 and ending August 10, with chairs, lights, and electricity. Seconded by Ald. Deierlein and approved ayes all.

Department, Board and Commission Reports

- ◆ Civil Service Commission Minutes of April 26, 2012
- ◆ Parks Commission Minutes of May 14, 2012
- ◆ Planning Commission Minutes of March 19, 2012, and May 21, 2012
- ◆ Police Department Monthly Report of May 2012
- ◆ Traffic Commission Minutes of May 9, 2012 and June 13, 2012
- ◆ Water Commission Minutes of May 16, 2012
- ◆ Youth Board Minutes of June 6, 2012
- ◆ Youth Bureau Report of May 2012

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

Ward Reports

Ward 1

Ald. Carey reported he received no communications from constituents during the past month.

Ward 2

Ald. Bresina reported he received no communications from constituents during the past month..

Ward 3

Ald. Deierlein that he received no comments from constituents during the past month.

Ward 4

Ald. Schermerhorn reported that he received no communications from constituents during the past month..

Ward 5

Ald. Laughlin reported he received no communications from constituents during the past month.

Ward 6

Ald. LoPiccolo reported that he received no communications from constituents during the past month.

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

Resolutions

RESOLUTION #46-2012

ADOPTING PROPOSED ORDINANCE NO. (B) OF 2012 - HOUSING STANDARDS

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

WHEREAS, the Common Council received proposed Ordinance No. (B) of 2012 on May 15, 2012, to amend Chapter 310 of the City Code; and

WHEREAS, a public hearing was held on June 19, 2012, in connection with said proposed ordinance now, therefore be it

RESOLVED, that Ordinance No. (B) of 2012 to amend Chapter 310 of the City Code, as presented to the Common Council on May 15, 2012, be and hereby is adopted, and is hereby designated as Ordinance No. 2 of 2012.

Seconded by Ald. Deierlein.

Ald. Carey **moved** to modify the proposed ordinance for clarification purposes only as articulated by J. Lawrence during the public hearing. Seconded by Ald. Deierlein, approved ayes all.

Ald. Carey **moved** to adopt Proposed Ordinance No. (B) as modified by the Common Council. Seconded by Ald. Deierlein, approved, 6-0, on a roll call vote.

ORDINANCE NO. 2 of 2012

HOUSING STANDARDS of the City Code

[§ 310-1. Legislative findings; intent.](#)

[§ 310-2. Definitions; word usage.](#)

[§ 310-3. **Required Inspections and Status Reports.**](#)

[§ 310-4. Enforcement; service of notices and orders.](#)

[§ 310-5. Adoption of rules and regulations by Common Council.](#)

[§ 310-6. Minimum standards for basic equipment and facilities.](#)

[§ 310-7. Minimum standards for light, ventilation and heating.](#)

[§ 310-8. General maintenance requirements.](#)

[§ 310-9. Minimum space, use and location requirements.](#)

[§ 310-10. Responsibilities of owners and occupants.](#)

[§ 310-11. Rooming houses.](#)

[§ 310-12. Designation of unfit dwellings; condemnation.](#)

[§ 310-13. **Inspections and Certificates of for rental occupancy compliance.**](#)

[§ 310-14. Rental dwelling unit registration.](#)

[§ 310-15. Conflict with other provisions; severability.](#)

[§ 310-16. Fees.](#)

[§ 310-17. Penalties for offenses.](#)

Title:

This chapter shall be known as the “Housing Standards” and may be referred to in this chapter as “this Code”.

§ 310-1. Legislative findings; intent.

The Common Council of the City of Norwich hereby finds and declares that **there exist in the City rental housing properties which are, or may become in the future, substandard with respect to structure and maintenance thereof, or, further, that conditions, including but not limited to structural deterioration, lack of maintenance, the appearance of the exterior of the premises, the existence of fire hazards and unsanitary conditions, constitute a menace to the health, safety, welfare and reasonable comfort of the residents and inhabitants of the City. It is further found and declared that, by reason of lack of maintenance and progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not**

curtailed and removed, the aforesaid conditions will grow and spread and will necessitate, in time, the expenditure of large amount of public funds to correct and eliminate same. By reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the immediate neighborhood and property values thereby maintained, the desirability and amenities of rental housing properties and immediate neighborhoods enhanced and the public health, safety and welfare protected and fostered. The City of Norwich further wishes to achieve the following beneficial purposes:

The Common Council of the City of Norwich hereby finds and declares that the rental of dwelling units constitutes a business which impacts upon the public health, safety and general welfare of the people of the City of Norwich. The intent of this chapter is not only to provide minimum standards for housing but also to regulate the offering for rental of dwelling units to protect the public health, safety and general welfare of the people of the City of Norwich and to further achieve the following beneficial purposes:-

- A. The protection of the character and stability of residential areas;
- B. The correction and prevention of housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings;
- C. The enforcement of minimum standards for heating, plumbing and other sanitary equipment necessary for health and safety;
- D. The enforcement of minimum standards for light and ventilation necessary for health and safety;
- E. The enforcement of minimum standards for the maintenance of existing residential buildings and the prevention of slum and blight conditions;
- F. The preservation of the value of land and buildings throughout the City.

§ 310-2. Definitions; word usage.

The following definitions shall apply in the interpretation and enforcement of this chapter.

A. As used in this chapter, the following terms shall have the meanings indicated unless a different meaning is indicated clearly by the context, as used in this Code:

AGENT

A local contact that the owner appoints to act on the owner's behalf if a property maintenance issue arises. The agent must be at least 18 years old, must be a competent representative of the owner with decision-making authority, and reside in or maintain an office in Chenango County, NY.

ACCESSORY STRUCTURE

A structure that the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

BASEMENT

That portion of a building partly or completely below grade. (See "story above grade.")

BUILDING

A combination of materials to form a construction, adapted to permanent or continuous occupancy or use for public, institutional, residence, business or storage purposes.

CELLAR

A portion of a building located partly or wholly underground and having 1/2 or more than 1/2 of its clear floor-to-ceiling height below the average grade of the adjoining ground.

DETERIORATION

The condition or appearance of a building, or any part thereof, characterized by holes, rot, breaks, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.

DWELLING

Any structure designed for use by human occupants for sleeping and living purposes.

Building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

DWELLING UNIT

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

ENFORCEMENT OFFICER

A Building Inspector of the City of Norwich, or his designated qualified representative, any officer of the Norwich Police, any professional firefighter of the Norwich Fire Department, the Electrical Inspector and Health Department when their assistance is requested by the enforcement officer.

EXPOSED TO PUBLIC VIEW

Any premises, or any part thereof, or any building, or any part thereof, which may be lawfully viewed by the public from a sidewalk, street, alleyway, open air parking lot or any adjoining or neighboring premises.

EXTERIOR OF THE PREMISES

Those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.

EXTERMINATION

The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the enforcement officer.

FIRE HAZARD

Any thing or act which increases, or may cause an increase in, the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fires, or which may obstruct, delay or hinder, or may become the cause of an obstruction, delay or hindrance to the prevention, suppression or extinguishment of fires, or any fire hazard identified in these codified ordinances. See also "Nuisance."

GARBAGE

The animal or vegetable waste resulting from handling, preparation, cooking and consumption of food. Accumulations of rubbish, such as vehicle parts, tires, scrap lumber, construction materials, old appliances, and leaves and branches, in property yard are also considered garbage. **See also "Refuse" and "Rubbish."**

HABITABLE ROOM

A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundry, pantries, foyers, or communicating corridors, closets and storage spaces.

INFESTATION

The presence, within or around a dwelling, of any insects, rodents, or other pests.

MULTIPLE DWELLING

Any dwelling containing more than two dwelling units.

NUISANCE

1. **Any public nuisance known as provided by the statutes of the State or Ordinance of the City;**
2. **Conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist and where the condition is made perilous by active and negligent operation thereof;**
3. **Unsanitary conditions or anything dangerous to health, in violation of this Code; and**
4. **Fire hazards.**

OCCUPANT

Any individual over one year of age living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or rooming unit.

OWNER

Any person, agent, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control

of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON

Includes any individual, firm, corporation, association, or partnership.

PLUMBING

Includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

PREMISES

A lot, plot or parcel of land, including the buildings or structures thereon.

PROPERTY AGENT

A local contact that the owner must appoint if the property owner resides outside of Chenango County, NY to act on behalf of the property owner if a property maintenance issue arises. The property agent must be at least 18 years of age, must be a competent representative of the owner with decision making authority and reside in Chenango County, NY. Any person who has charge, care or control of a building, structure, dwelling or premises, or any part thereof, with the knowledge and consent of the owner.

REFUSE

All putrescent and non-putrescent solid wastes, except body wastes, including but not limited to garbage, rubbish, ashes, street cleanings, feces, dead animals and solid market and industrial wastes. See also "Garbage" and "Rubbish."

RESIDENTIAL HEATING FACILITIES

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65° F. (18° C.) in all habitable rooms, bathrooms and toilet rooms based on the winter design dry-bulb temperature for the locality indicated in Table 302.1 of the Energy Conservation Construction Code of New York State. Cooking appliances shall not be used to provide space heating to meet the requirements of this definition.

ROOMING HOUSE

A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT

Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

RUBBISH

Combustible or noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal and other combustible material, paper, rag, cartons, boxes wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.

STORY ABOVE GRADE

Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

- (1) More than six feet (1,829 mm) above grade plane.
- (2) More than six feet (1,829 mm) above the finished ground level for more than 50% of the total building perimeter.
- (3) More than 12 feet (3,658 mm) above the finished ground level at any point.

STRUCTURE

A combination of materials, fixed or portable, forming a construction.

SUPPLIED

Paid for, furnished, or provided by or under the control of the owner or operator.

TEMPORARY HOUSING

Any tent, trailer, or other structure used for human shelter which is designated to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

B. Meaning of certain words. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit" and "premises" are used in this chapter they shall be construed as though they were followed by the words "or any part thereof."

§ 310-3. Required Inspections and Status Reports.

All rental housing properties are subject to inspection by the City of Norwich Codes Department at each change of tenant(s). At the time of such inspection, all interior and exterior parts of the rental housing property must be available and accessible for such inspection, and the owner/property agent/occupant are required to provide the necessary arrangements to facilitate such inspections. Such inspection shall be made between 8:00 a.m. and 4:00 p.m., unless one of the following exists:

- (1) The premises are not available during the foregoing hours for inspection; or
- (2) There is reason to believe that a violation exists of a character which is an immediate threat to health and safety, requiring inspection and abatement without delay.

Where a rental housing property consists of more than one rental housing unit, and an inspection is required due to a change in tenancy rather than the 3-year inspection, those rental housing units in the rental housing property in which no change in tenancy has occurred will not be subject to inspection unless otherwise required under this Code. Rental housing units in which no change in tenancy has occurred remain subject to the 3-year inspection.

Application for Inspection: Whenever an owner/property agent or bona fide occupant shall apply to the City of Norwich Codes Department for an inspection in order to ascertain if any section of this Code has been violated, the Codes Department shall, upon payment of the fee hereunder stated, cause an inspection to be made of the premises and issue an information certificate or report of the inspection to the applicant, indicating therein any violations on the premises. The applicant for such inspection shall state, in writing, his or her full name, residence address and the reasons and basis for which the inspection is requested. The application may be denied for failure to comply with this requirement. Upon a passed inspection the property owner shall be issued a Certificate for Rental Occupancy by the City of Norwich Codes Department. This Certificate is non-transferable, it is only valid for the tenant in which the application was made.

Application for Status Report: Where an owner/property agent/occupant or bona fide prospective occupant, requests a status report as to whether or not there are any known violations presently pending on the premises, upon payment of the fee prescribed herein and a written request, a copy of any notice or order on any violation then pending shall be sent to the applicant.

The enforcement officer is hereby authorized and directed to make inspections to determine whether the condition of dwellings, dwelling units and rooming units and premises located within the City of Norwich are in compliance with the requirements of this chapter. For that purpose and in order that he may perform his duty of safeguarding the health and safety of the occupants of such dwellings and the general public, the enforcement officer is hereby authorized to enter, examine and survey at reasonable times all dwellings, dwelling units and premises with permission of occupant and subsequent notification being given to the owner. However, such inspections shall be made upon request to the occupant of the premises to be inspected and at the convenience of such occupant. In the event that access to such dwelling or premises cannot be obtained upon request to the occupant and after reasonable effort to obtain access by permission, the enforcement officer, if he has reason to believe said dwelling unit for the inspection of which permission has been refused or has not been given after reasonable request is in violation of one or more of the provisions of this chapter, may apply to a court of competent jurisdiction upon affidavit for an order directing that the said enforcement officer have access to said dwelling or premises for the purpose of making his inspection. The court, if satisfied from the papers presented to it that there is reasonable ground to believe that the aforesaid dwelling or premises may be in violation of one or more of the provisions of this chapter, shall grant and issue an order directed to the occupant and owner of said dwelling or premises requiring that the enforcement officer be admitted thereto for the purpose of making the inspection provided for in this chapter. The enforcement officer shall thereupon proceed to make such inspection.

§ 310-4. Enforcement; service of notices and orders.

Refused Access; Search Warrants or Access Warrants:

Refused Access: Where the City of Norwich Codes Department agent is refused access or is otherwise impeded or prevented by the owner/property agent/occupant from conducting an inspection of a rental housing property such person shall be in violation of this Code and subject to the penalties hereunder.

Search Warrants or Access Warrants: In addition to the provision of this section, the City of Norwich Codes Department may, upon affidavit, apply to City of Norwich Court for a search warrant, setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this Code exists on the premises. If the Court is satisfied as to the matter set forth in the affidavit, the Court may authorize the issuance of a search warrant permitting access to the inspection of that part of the premises on which the nuisance or violations exists. A warrant for access may be issued by the Court upon an affidavit of the City of Norwich Codes Department agent establishing grounds therefore.

A. Whenever the enforcement officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter or of any rule or regulation adopted pursuant thereto in any building, dwelling unit or property, there shall be issued a notice of violation pursuant to Criminal Procedure Law § 150.40 and Civil Practice Law and Rules § 308 or other applicable laws.

B. Such notice shall:

- (1) Be put in writing.
- (2) Specifically state the location of the subject property.
- (3) State the specific violation of the chapter.

§ 310-5. Adoption of rules and regulations by Common Council.

The Council of the City of Norwich shall adopt such rules and regulations as may be deemed necessary for the enforcement of the provisions of this chapter.

§ 310-6. Minimum standards for basic equipment and facilities.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

A. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a potable water supply and to a sewer system in a manner to comply with the Plumbing Code and the ordinances of the City of Norwich. *Editor's Note: See Ch. 392, Plumbing and Heating Standards.*

B. Every dwelling unit (except as otherwise permitted under Subsection **D** of this section) shall contain, amongst its rooms which affords privacy, a flush water closet and a lavatory basin in good working condition and properly connected to a potable water supply and to a sewer system in a manner to comply with the Plumbing Code and the ordinances of the City of Norwich.

C. Every dwelling unit (except as otherwise permitted under Subsection **D** of this section) shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a potable water supply and to a sewer system in a manner to comply with the Plumbing Code and the ordinances of the City of Norwich.

D. The occupants of two or more dwelling units may share a single flush water closet, a single lavatory basin and a single bath tub or shower if:

- (1) The total number of rooms of such dwelling units shall not exceed eight and the total number of occupants shall not exceed six.
- (2) Such water closet, lavatory basin and bathtub or shower shall be in good working condition and properly connected to a potable water supply and to a sewer system in a manner to comply with the Plumbing Code and the ordinances in the City of Norwich.

E. Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of Subsections **A**, **B**, **C** and **D** of this section shall be properly connected with both hot and cold water lines.

F. Every dwelling unit shall have adequate rubbish and garbage storage facilities as well as containers, type and location of which are a kind sufficient to meet the requirements of Chapter 474, Article II, Garbage, of the Code of the City of Norwich.

G. Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required by this section, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120° F. Such supplied water-heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities, required under the provisions of § 310-7E of this chapter, are not in operation.

H. Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by the laws of this state and the City of Norwich.

§ 310-7. Minimum standards for light, ventilation and heating.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. Every habitable room shall have at least one window or skylight facing directly to the outdoors. Whenever walls or other portions of structures face a window of any such room and such light obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.

B. Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room.

C. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Subsections A and B, except that no window or skylight shall be required in bathrooms and water closets adequately equipped with a ventilation system approved by the enforcement officer and kept in continuous operation.

D. Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every habitable room of such dwelling shall contain at least one electric convenience for every 20 linear feet (or major fraction) of the total distance around the room as measured horizontally along the wall at the floor line. Such receptacles shall not be a part of a fixture for computation. Every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power in a safe manner.

(1) Overcurrent protection. Fuse holders for plug fuses of 30 amperes or less shall not be installed unless they are of the Type S with the adaptor inserted or of the Type S construction. Fuses or circuit breakers shall not exceed wire (conductor) capacity of the circuit.

(2) There shall be at least one lighting circuit for each 500 square feet of floor space and at least one circuit for appliances which is separate from the lighting circuits, if only one lighting circuit is in existence, all new additional outlets shall be installed on a new circuit (or circuits).

(3) In a multiple occupancy building, each occupant shall have access to his disconnecting means and overcurrent protection at all times, without locks or through other occupancies.

E. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 15 to May 31 to maintain a temperature of not less than 65° F. (18° C.) in all habitable rooms, bathrooms, and toilet rooms.

F. Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling and adequate lighting system which may be turned on when needed, instead of full-time lighting.

G. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

§ 310-8. General maintenance requirements.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight and rodent-proof, shall be capable of affording privacy and shall be kept in good repair.

B. Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodent-proof and shall be kept in sound working condition and good repair.

C. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

D. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

E. Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition. Nothing contained herein shall be deemed to prohibit the maintenance of wooden floors in such rooms, provided such floors are as impervious to water as may reasonably be required to well-maintained wood floors.

F. Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

G. No owner, operator or occupant shall cause any service, facility equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alteration are in process or during temporary emergencies.

H. No owner shall occupy or let to any other occupant any vacant dwelling unit unless it complies with the provisions of this chapter.

§ 310-9. Minimum space, use and location requirements.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

B. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof, except that where the occupants of such room are all less than 15 years of age, a room having at least 120 square feet of floor space may be occupied by additional persons, provided that the floor space per occupant does not become less than 35 square feet.

C. No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment, except that where such a dwelling unit is occupied only by a husband and wife, or a husband and wife and child or children under the age of 13, this section shall not apply.

D. At least 1/2 of the floor area of every habitable room shall have a ceiling height of at least seven feet, and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

E. No cellar space shall be used as a habitable room or dwelling unit.

F. No basement space shall be used as a habitable room or dwelling unit unless:

(1) The floor and walls are impervious to leakage of underground and surface water and are insulated against dampness;

(2) The total of window area in each room is equal to at least the minimum window area sizes as required in § [310-7A](#) of this chapter;

(3) Such required minimum window area is located entirely above the grade of the ground and adjoining such window area; and

(4) The total of openable window area in each room is equal to at least the minimum as required under § [310-7B](#) of this chapter, except where there is supplied some other device affording adequate ventilation and approved by the enforcement officer.

G. The provisions of this section shall only apply to new construction and to existing homes which are to be remodeled.

§ 310-10. Responsibilities of owners and occupants.

A. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

B. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.

C. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by § [310-6F](#) of this chapter.

D. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by § [310-6F](#) of this chapter. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units.

E. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the homeowner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

F. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

§ 310-11. Rooming houses.

No person shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this chapter except the provisions of §§ [310-6](#) and [310-10](#).

A. No person shall operate a rooming house unless he holds a valid rooming house permit issued by the Code Enforcement officer in the name of the operator and for the specific dwelling or dwelling unit. The owner shall apply to the enforcement officer for such permit, which shall be issued by the enforcement officer upon compliance by the owner with the applicable provisions of this chapter. This permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable. Every person holding such a permit shall give notice, in writing, to the enforcement officer within 24 hours after having sold, transferred, given away or otherwise disposed of ownership or interest in or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every such permit shall be renewable annually upon written application to the enforcement officer at least three days before the expiration of one year from its issuance or last renewal, unless such permit is subject to revocation for violation of this chapter or other ordinances or law applicable to said premises.

B. Any person whose application for a permit to operate a rooming house has been denied may require and shall be granted a hearing on the matter before the Mayor or the hearing officer designated by him.

C. Whenever, upon inspection of any rooming house, the enforcement officer finds that conditions or practices exist which are in violation of any provision of this chapter or any other law or any other ordinance of this City, the enforcement officer shall give notice, in writing, to the owner of such rooming house that unless such conditions or practices are corrected within a reasonable period, to be determined by the enforcement officer, the owner's rooming house permit will be suspended. At the end of such period, the enforcement officer shall re-inspect such rooming house, and if he finds such conditions or practices have not been corrected, he shall issue a violation pursuant to § [310-4](#) of this chapter.

D. At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the enforcement officer and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities; provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than 1/2 the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement, except by written approval of the enforcement officer.

E. The owner of every rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to any occupant. The owner shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

F. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof.

G. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open spaces at ground level as required by the laws of this state and the City of Norwich.

H. The owner of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for maintenance of a sanitary condition in every other part of the rooming house, and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the owner.

I. Every provision of this chapter which applies to rooming houses shall also apply to hotels, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.

§ 310-12. Designation of unfit dwellings; condemnation.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure of the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the City of Norwich and New York State codes.

§ 310-13. Inspections and Certificates for of Rental Occupancy compliance.

No person shall occupy, and no owner or property agent shall permit a person to occupy a rental dwelling unit unless a City of Norwich Codes Department agent has issued to the owner or property agent a certificate of rental occupancy for such rental unit.

A. Application for a certificate of rental occupancy shall be made separately for each rental unit by supplying necessary information to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy on forms supplied by the City of Norwich Codes Department. Such information shall include but need not be limited to the following:

- 1. The name, address and telephone number of the owner of the rental housing property;**
- 2. The name, address and telephone number of the property agent of the rental unit if one is required;**
- 3. The address of the rental housing property and the number of the rental unit;**
- 4. The current name, address, business and/or home telephone number of the person(s) who, since the last application, shall be residing/occupying the rental housing unit;**
- 5. Number of people to be residing in the rental unit;**
- 6. Such other information as may be requested on the application.**

B. The City of Norwich Codes Department may revoke a certificate of rental occupancy if any false statement appears in the application or if the information contained in the application is inaccurate.

Upon a passed inspection of the rental housing unit, the City of Norwich Codes Department shall issue a Certificate of Rental Occupancy. In the case of a failed inspection, the property owner shall have a time period not to exceed ten (10) days of the date of inspection to make the necessary corrections unless for good cause shown, the City of Norwich Codes Department has extended the time for completion.

C. Frequency and Schedule of Inspections for Rental Occupancy: The City of Norwich Codes Department agent is hereby directed to conduct an inspection of all rental housing units in single-family, two-family and multi-family dwelling structures, except the interior of an owner-occupied dwelling unit, at each change of tenant. If there has been no change in the tenant in 3 years then there shall only be an inspection performed every 3 years according to a schedule established by the City of Norwich Codes Department per State Of New York Code Title 19 NYCRR Chapter XXXII Part 1203.3H. The City of Norwich Codes Department agent shall require an inspection as a condition to the issuance of a certificate of rental occupancy pursuant to Section § 310-3. Pursuant to such schedule, the City of Norwich Codes Department agent shall notify the owner of any rental unit to be inspected, or his or her property agent, that arrangements must be made with the City of Norwich Codes Department agent to cause the entire structure to be accessible for inspection at the time arranged, which shall be during regular business hours. If the owner/property agent/occupant refuses to consent to an inspection of the subject property, or

if consent is otherwise unobtainable, the City of Norwich Codes Department agent shall not make such inspection without first obtaining a search warrant.

~~A. Upon request of the property owner, the enforcement officer shall issue a certificate of compliance setting forth that on the date of the said certificate the building in question complied with all the terms and requirements of this chapter. In the event that the said premises do not comply with the terms and requirements of this chapter, the enforcement officer shall issue a written statement setting forth in what manner the terms and requirements of this chapter are violated.~~

~~B. The owner shall pay a fee as set forth in the City of Norwich Permit Fee Schedule upon making a request for a certificate of rental occupancy.~~

~~C. A certificate of compliance shall not be issued without an electrical inspection certification supplied by an approved inspector.~~

§ 310-14. Rental dwelling unit registration.

A. Registration required. No person shall allow to be occupied or rent to another for occupancy any dwelling unit unless the owner has first obtained a rental dwelling unit registration certificate as hereafter provided.

B. Exemptions. The provisions of this chapter shall not apply to owner occupied with no more than one rental unit; hotels; motels; hospitals; nursing homes; or other dwelling units which offer or provide medical or nursing services if such units are subject to state or federal licensing or regulations concerning the safety of users and patients.

C. Application for registration.

(1) Within 30 days after the effective date of this amended chapter, the owner of each dwelling unit existing on the effective date of this amended chapter shall **submit a properly completed rental registration form** ~~make written application to the City of Norwich Codes Department for a rental dwelling unit registration certificate. In addition, the owner of each dwelling unit constructed after the effective date of this amended chapter shall make a written application to the building official for a rental dwelling unit registration certificate, as herein provided, prior to any initial occupancy.~~ Furthermore, the owner of any property, whether previously used as a rental or not, whether being a single-family or multifamily dwelling, must submit **a properly completed rental registration form** ~~an application for a rental registration certificate~~ within 30 days of renting any dwelling unit. Such application shall be ~~made on a form~~ **shall** be furnished by the Code Enforcement Office and shall set forth the following information, in addition to the other information reasonably required by the Code Enforcement Office from time to time which may be necessary to administer, enforce, and insure compliance with the provisions of this chapter and the housing code:

(a) Name, principal residence address and telephone number of the owner.

(b) Each and every owner, principal member, or general partner, joint tenancy, tenancy in common or tenancy by entirety shall be indicated on the application and register an address in accordance with the Subsection **C(1)** (a) of this section.

(c) If the owner is a corporation, the principal place of business of the corporation must be provided and the name, title and residence address of all officers, directors, managing or general agents must be included.

(d) If the owner has designated a **property** agent or managing company, then the name, principal residence address and telephone number of such agent or managing company must be included in addition to that of the owner. The managing company must also supply its principal business address and telephone number.

(e) It shall be the responsibility of the owner to properly register any change of address, property agent or any other information which occurs after the filing of the application.

(f) For purposes of this section, a post office box shall not be accepted as the owner's physical address. A post office box may be designated as an address to be provided as required in Subsection **C(1)(g)**. The building intended to be ~~licensed~~ **registered** shall not be accepted as the owner's address unless it is the principal place of business or primary residence of the owner.

(g) The owner shall specify the address to which all notices of violation issued pursuant to § **310-4** of this chapter and other violations of the housing codes are to be forwarded.

(h) If the owner does not reside within the County of Chenango (New York State), the name, address and telephone number of a ~~contact~~ **designated property** agent who resides in the County of Chenango (New York) must be provided.

~~(2) Failure to provide the aforementioned information shall be grounds to deny a rental registration certificate and deemed an offense and shall be penalized upon notice to the owner pursuant to § 310-17 of this chapter.~~

D. Term of rental dwelling unit registration.

~~(1) A rental dwelling unit registration issued pursuant to this chapter shall expire three years after the date of its issuance. Renewal shall be due within 30 days prior to the expiration of the rental registration certificate.~~

~~(2) The rental dwelling unit registration certificate is nontransferable to any subsequent owners of property.~~

E. Revocation of rental dwelling unit registration certificate. A rental dwelling unit registration certificate issued pursuant to this chapter may be revoked by the code enforcement official for any of the following reasons:

(1) Fraud, misrepresentation or a false statement as to material fact in the application;

(2) A finding that a rental dwelling unit registration was issued in error and not in accordance with applicable law;

(3) A violation of any provision of this chapter, including noncompliance with a notice of violation.

§ 310-15. Conflict with other provisions; severability.

A. Except as otherwise specifically provided, in the event any provision of this chapter shall be in conflict with any statute, ordinance, or regulation governing land and property, the provision which establishes the higher standard for promotion and protection of the health and safety of the people of the City shall be controlling.

B. If a term, part or provision, section, subdivision or paragraph of this chapter shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remaining terms, parts, provisions, sections, subdivisions and paragraphs.

§ 310-16. Fees.

A. Fees for Certificate of rental occupancy inspection or status report: The minimum fee for any inspection made under this section shall be twenty-five dollars (\$25.00), there shall be no fee for any initial re-inspection should the unit fail. Any subsequent re-inspections related to the initial failure shall be ten dollars (\$10.00) each visit. A Certificate of Rental Occupancy shall be issued to the property owner upon a passed inspection. This certificate is non-transferable. The fee for any status report under this section shall be ten dollars (\$10.00).

~~A. B.~~ B. Certificate issuance-Rental Registration fee. There shall be no fee for properly completed rental registration forms applications submitted within 30 days of the date of initial registration as set forth in § 310-14 of this chapter and subsequent renewals per § 310-14D of this chapter. The fee for applications received after 30 days of the deadline, **if any**, shall be as set by the Common Council. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

~~B. C.~~ C. No fee for new buildings. There shall be no fee charged for the **initial inspection** issuance of **for a certificate of rental occupancy** registration certificate for new **rental** dwellings at the completion of their construction covered by a building permit.

~~C.~~ Inspection fees. Every property owner shall pay a fee, as set by the Common Council, to be assessed against the property for each inspection after the second inspection, within the three-year registration period, in which violations of a state or local building code are found.

§ 310-17. Penalties for offenses.

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 \$250 and not to exceed \$1,000, 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.

New material is **bold and underlined**.

Deleted material is ~~struck through~~.

RESOLUTION #47-2012

**ADOPTING PROPOSED ORDINANCE NO. (C) OF 2012 AMENDING
ATTACHMENT 2 OF CHAPTER 575 OF THE CITY CODE - ZONING**

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

WHEREAS, the Common Council received proposed Ordinance No. (C) of 2012 on June 5, 2012, to amend Attachment 2 of the Zoning Ordinance; and

WHEREAS, a public hearing was held on June 19, 2012, in connection with said proposed ordinance now, therefore be it

RESOLVED, that Ordinance No. (C) of 2012 to amend Attachment 2 of Chapter 575, Zoning, of the City Code, as presented to the Common Council on June 5, 2012, be and hereby is adopted, and is hereby designated as Ordinance No. 3 of 2012.

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

Discussion: Ald. Carey clarified that this ordinance is being adopted to rectify an oversight from 1998 clarifying the open space requirements.

ORDINANCE NO. 3 OF 2012

AN ORDINANCE TO AMEND ATTACHMENT 2 OF THE ZONING ORDINANCE OF THE CITY OF NORWICH

BE IT ORDAINED by the Common Council of the City of Norwich, New York, that Attachment 2, "Open Space Requirements," of Chapter 575 of the Code of the City of Norwich be amended by the addition of the following note after the Open Space Requirements Table:

NOTE: Street setbacks, lot line setbacks, and maximum % lot cover does not apply to harmless encroachments such as eaves, overhangs, handicapped ramps, and open patios.

New material is underlined.

RESOLUTION #48-2012

DESIGNATING LEAD AGENCY AND SEQRA DETERMINATION OF NON-SIGNIFICANCE (A NEGATIVE DECLARATION) CONCERNING A CITY-SPONSORED PROPOSAL TO REZONE PORTIONS OF MITCHELL AND STATE STREETS

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

WHEREAS, by correspondence dated June 1, 2012, City of Norwich staff contacted potentially involved agencies concerning the Common Council's desire to serve as the lead agency for the environmental review of the above-described proposal; and

WHEREAS, the proposed action involves a Section 239 L & M review by the Chenango County Planning Board; and

WHEREAS, the City of Norwich Common Council believes that is the most involved agency because the rezoning and related zoning map amendment is an action of the Common Council, and

WHEREAS, prior to the lapse of the 30-day consent period, the one potentially involved agency, the Chenango County Planning Board, consented to the Common Council's designation as lead agency for the rezoning and zoning map amendment; and

WHEREAS, the above-described downtown revitalization program is appropriately classified as an Unlisted action because it is not a Type 2 action and it does not exceed any of the thresholds for a Type 1 action; and

WHEREAS, the Common Council has conducted a coordinated review of the above project with the other potentially involved agency; now, therefore be it

RESOLVED, that the City of Norwich Common Council is hereby designated the lead agency for the environmental review of the above-described project in accordance with the requirements of SEQRA; and further be it

RESOLVED, that the Common Council hereby classifies the above project as an Unlisted action in accordance with the requirements of the York State Environmental Quality Review Act (SEQRA); and further be it

RESOLVED, that the accompanying Determination of Non-Significance (a Negative Declaration), found in the accompanying short EAF dated June 19, 2012, is hereby incorporated by reference as part of this resolution; and further be it

RESOLVED, that the Common Council, acting as lead agency pursuant to SEQRA, hereby determines that the proposed action will not result in a significant adverse impact on the environment, and hereby issues a negative declaration; and further be it

RESOLVED, that pursuant to requirements of the New York State Environmental Quality Review Act (SEQRA), the Common Council shall maintain a file of its determination and supporting documents that shall be available for public inspection in the Office of Planning and Community Development, Norwich City Hall, One City Plaza, Norwich, New York 13815.

Seconded by Ald. Schermerhorn and duly adopted ayes all.

RESOLUTION #49-2012 **ADOPTING PROPOSED ORDINANCE NO. (D) OF 2012 AMENDING THE ZONING MAP**

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

WHEREAS, the Common Council received proposed Ordinance No. (D) of 2012 on June 5, 2012, to amend the Zoning Map; and

WHEREAS, a public hearing was held on June 19, 2012, in connection with said proposed ordinance now, therefore be it

RESOLVED, that Ordinance No. (D) of 2012 to amend the Zoning map, as presented to the Common Council on June 5, 2012, be and hereby is adopted, and is hereby designated as Ordinance No. 4 of 2012.

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

ORDINANCE NO. 4 OF 2012

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE MAP
OF THE CITY OF NORWICH**

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

Section 1. The City of Norwich Zoning Ordinance Map is hereby amended to reclassify the following properties known as 19 Mitchell Street (Tax Map # 136.41-1-22), 21-23 Mitchell Street (Tax Map # 136.41-1-21), 25 Mitchell Street (Tax Map # 136.41-1-20), 27 Mitchell Street (Tax Map # 136.41-1-19), 29 Mitchell Street (Tax Map # 136.41-1-18), 31 Mitchell Street (Tax Map # 136.41-1-17), 33 Mitchell Street (Tax Map # 136.41-1-16), 1 State Street (Tax Map # 136.41-1-15), 1A State Street (Tax Map # 136.41-1-14), 3 State Street (Tax Map # 136.41-1-13), 5 State Street (Tax Map # 136.41-1-12), 5A State Street (Tax Map # 136.41-1-11), 7 State Street (Tax Map # 136.41-1-10), 7A State Street (Tax Map # 136.41-1-9), 9 State Street (Tax Map # 136.41-1-8), 11-15 State Street (Tax Map # 136.41-1-7) from IND to R-2 zone.

Section 2. This ordinance shall take effect immediately.

RESOLUTION #50-2012 **AMENDING FEE SCHEDULE - INSPECTIONS**

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

WHEREAS, it is desired to set fees for inspections of rental properties; and

WHEREAS, there is a desire to establish such fees in line with similar fees charged by neighboring communities; and

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

RESOLVED, that the Fees Schedule of the City of Norwich is revised by making the following changes:

~~An inspection of an existing structure shall only be performed upon the receipt of a bona fide complaint. The cost of the inspection will be directed to the owner of the building. Unfounded complaints shall be billed to the complainant.~~

Fire & Property Maintenance Inspections

Fire safety and property maintenance inspections of buildings that contain an area of public assembly shall be inspected at intervals not to exceed one year. (Title 19 NYCRR 1203.3 (H))

Fire safety and property maintenance inspections **of common areas** of all multi unit dwellings and all non-residential occupancies shall be inspected at intervals consistent with local conditions, but in no event shall such intervals exceed one year for dormitory buildings and three years for all other buildings. (Title 19 NYCRR 1203.3 (H))

Fees are based on the square footage of the foot print of the building(s) on the property as follows:

0 – 2,000 sq. ft.	\$30.00
2,001 – 8,000 sq. ft.	\$50.00
8,001 sq. ft. and over	\$100.00

The fees above include the initial inspection and one (1) compliance inspection. Each additional compliance inspection, if required, will be \$20.00.

Residential Rental Inspections for Certificate of Rental Occupancy

<u>Per dwelling unit</u>	<u>\$25.00</u>
<u>Initial re-inspection should unit fail</u>	<u>\$ 0.00</u>
<u>subsequent re-inspection related to initial failure</u>	<u>\$10.00</u>

and, further be it

RESOLVED, that this revision to the fees schedule shall take effect as of April 17, 2012.

New material is **bold and underlined**.

Deleted material is ~~struck through~~.

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

RESOLUTION #51-2012

AUTHORIZING APPROPRIATION OF GRANT FUNDS FROM ARTS COUNCIL, GREATER NORWICH FOUNDATION & R.C. SMITH FOUNDATION FOR CITY BAND, AND B.I.D. LUNCH-IN-THE-PARK PROGRAM

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

WHEREAS, an Arts Council Grant has been received, portions of which are intended to defray costs for the Norwich City Band 2012 season of performances and the Lunch-in-the-Park program of the Business Improvement District (B.I.D.); and

WHEREAS, a grant from the R.C. Smith Foundation has also been received in support of the City Band 2011 season; and

WHEREAS, a grant has also been received from the Greater Norwich Foundation to additionally defray costs for the Norwich City Band 2011 season; and

WHEREAS, corresponding increases are required in budgeted appropriations for the Band and B.I.D. programs; and

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

RESOLVED, that \$1,000.00 of the Arts Council Grant, \$2,000.00 from the RC Smith Grant, and \$1,310.00 from the Greater Norwich Foundation grant be and hereby are appropriated for the use of the Norwich City Band and \$500.00 of the Arts Council grant be and hereby is appropriated for the B.I.D. Lunch-in-the-Park program[]; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following supplemental appropriation in the 2012 General Fund budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A910	General Fund – Appropriated Fund Balance	\$4,810.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A7270.4020	Band Concerts - Contracted Services	\$4,310.00
A7270.4100	Band Concerts - Other	\$ 500.00

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

RESOLUTION #52-2012 AUTHORIZING RENEWAL OF DCMO BOCES PRINT SHOP CONTRACT

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

WHEREAS, the DCMO BOCES Print Shop Service is a plan of a number of public school districts in the Delaware-Chenango-Madison-Otsego BOCES area in New York, to jointly provide duplicating services through a centralized facility; and

WHEREAS, the City of Norwich is desirous of participating with other governmental entities in the Delaware-Chenango-Madison-Otsego BOCES area in the Service mentioned above as authorized by General Municipal Law, Section 119-o; and

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

RESOLVED, that the Common Council of the City of Norwich hereby appoints the Delaware-Chenango-Madison-Otsego BOCES Print Shop Service to represent it in all matters relating above; and, further be it

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to enter into an agreement with DCMO BOCES Print Shop Service for 2012/2013 to assume its share of the costs for duplicating costs; abide by majority decisions of the participating members; and abide by the terms and conditions of the Mutual Sharing Plan of the BOCES Board.

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

RESOLUTION #53-2012 DECLARING SURPLUS AND AUTHORIZING DISPOSAL - EXCHANGE OF CHENANGO LAKE REAL PROPERTY

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

WHEREAS, a proposed exchange of lots at Chenango Lake was discussed at the April 3, 2012, Joint Committees meeting; and

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

RESOLVED, that a City-owned parcel at Chenango Lake, be and hereby is declared surplus and not required for use by the City; and, further be it

RESOLVED, that a transfer of the declared surplus parcel in consideration of and exchange for real property presently owned by a private party and located in the same vicinity as the declared surplus parcel be and hereby is authorized; and, further be it

RESOLVED, that the above declaration of surplus and authorization of transfer and exchange are dependent upon and subject to the appropriate identification and real property descriptions as may be required for proper preparation, execution, and recording of deeds for the affected parcels; and, further be it

RESOLVED, that the Mayor and/or Director of Finance be and hereby are authorized under the direction of the City Attorney to execute corresponding documentation as may be necessary for the completion of the above transactions.

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

RESOLUTION #54-2012 DECLARING SURPLUS AND AUTHORIZING DISPOSAL - PICK-UP TRUCK

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

WHEREAS, a 2000 GMC K2500 pick-up truck, VIN #1GTGK24R3YR202481, has been deemed to be surplus by the Department of Public Works; and

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

RESOLVED, that the 2000 GMC K2500 pick-up truck, VIN #1GTGK24R3YR202481, be and hereby is declared surplus; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to dispose of such vehicle as is provided for by law.

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

RESOLUTION #55-2012 AUTHORIZING 2013 SIDEWALK PROGRAM

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

WHEREAS, the City of Norwich Common Council desires to facilitate the improvement of sidewalk infrastructure in residential neighborhoods throughout the city to enhance safety and accessibility for pedestrians; and

WHEREAS, the City of Norwich has conducted residential sidewalk replacement programs each year since 2007; and

WHEREAS, the sidewalk replacement programs have traditionally worked on a cost share basis, with the homeowner paying the approximate cost of materials and the City providing the labor component, and

WHEREAS, the City's superintendent of public works estimates that materials costs for the upcoming construction season are expected to be about \$22 per linear feet of sidewalk and recommends the warranty period be limited to one year; and

WHEREAS, at the June 5 joint committee meeting, the Public Safety/Public Works and Finance/Personnel Committees considered the proposed program and recommend its approval; and

WHEREAS, this proposed action is appropriately classified as a Type 2 action under the requirements of the State Environmental Quality Review Act (SEQRA); now, therefore be it

RESOLVED, that appropriate City staff is hereby authorized to develop and implement a residential sidewalk replacement program to occur during the spring and early summer of 2013 as work crew staffing may allow; and, further be it

RESOLVED, that the homeowner contribution for the cost of sidewalk work shall be set at \$22 per linear foot for the 2013 program and the warranty period shall be limited to one year.

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

Discussion: Ald. Carey clarified that the City is authorizing the program earlier than usual in order to encourage residents to enter the program, and urged residents to contact City Hall for information and to sign up.

RESOLUTION #56-2012 AUTHORIZING TRANSFER OF FUNDS FOR PURCHASE OF PICK-UP TRUCK – WATER FUND

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

WHEREAS, at its May 15, 2012 meeting, the Common Council moved to reject all bids received for a ¾-ton pick-up truck and purchase a vehicle at the lower state bid contract price; and

WHEREAS, the specified vehicle at state bid price has been procured through Van Bortel Ford of East Rochester, New York; and

WHEREAS, funds are therefore required in connection with the above purchase, now, therefore be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds in the 2012 Water Fund Budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR28-898	Capital Reserves – Water Fund Equipment	\$21,090.89
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
F8340.2100	Water Fund – Distribution – Equipment	\$21,090.89

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

RESOLUTION #57-2012 **AUTHORIZING APPROPRIATION OF FUNDS FROM POLICE FEES & SALE OF SURPLUS EQUIPMENT**

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

WHEREAS, funds have been received from the Rolling Antiquers’ Old Car Club for the Police Department’s assistance during the May car show; and

WHEREAS, funds have also been received from the sale of surplus impounded vehicles; and

WHEREAS, the above funds represent unbudgeted revenues, a portion of which is required for equipping two new patrol vehicles; and

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

RESOLVED, that \$4,900.00 of the above stated funds be and hereby is appropriated for the purpose of equipping two new patrol vehicles; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following supplemental appropriation in the 2012 General Fund budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A910	General Fund – Appropriated Fund Balance	\$4,900.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3120.2100	Police Department - Equipment	\$4,900.00

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

RESOLUTION #58-2012 **AUTHORIZING FOLLOW-UP FUNDS TRANSFERS FOR POOL REPAIR PROJECT**

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

WHEREAS, on May 8, 2012, the Common Council authorized the transfer of funds for an approved change order necessary for the satisfactory completion of the Pool Repair Project; and

WHEREAS, corresponding available Capital Reserve funds were identified as part of the overall project funding sources and are now needed to be also transferred to the project in follow-up; 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 in the 2012 General Fund budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR23-898	Capital Reserves – Parks Maintenance & Development	\$ 12,077.00
HR27-898	Capital Reserves – Pool Maintenance & Repairs	\$ 31,172.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H16-5031	Pool Repairs – Interfund Transfer Revenue	\$ 43,249.00

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

Discussion: Ald. Carey reminded the listeners that the pool renovation went slightly over-budget due to unforeseen necessary repairs. Superintendent of Public Works Carl Ivarson stated the pool had been started and should be open this week.

RESOLUTION #59-2012 **AUTHORIZING TRANSFER OF FUNDS – SCADA SYSTEM MODIFICATIONS**

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

WHEREAS, a modification to the Water System’s computerized Supervisory Control and Data Acquisition (SCADA) system is being installed to change from leased telephone lines to a radio control configuration, providing more secure management; and

WHEREAS, funds are required for this modification; 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 in the 2012 Water Fund budget:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR28-898	Capital Reserves – Water Equipment & Development	\$ 12,000.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
F8340.2100	Water Fund – Distribution - Equipment	\$ 12,000.00

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

RESOLUTION #60-2012 **AUTHORIZING EXPENDITURE FOR CLEANING AND SECURING OF NORTH BROAD STREET PROPERTIES**

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

WHEREAS, tax foreclosure properties under the City’s control and located at 42 and 44-46 North Broad Street required extensive cleaning and the securing of significant safety hazards in an expeditious manner; and

WHEREAS, funds were required for promptly remedying the above issues at a cost of \$8,000.00; and

WHEREAS, such expenditure is a necessary and appropriate component of the objective of downtown development and community rehabilitation in the affected location; and

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

RESOLVED, that the aforementioned expenditure of \$8,000.00 be and hereby is ratified and authorized for payment under the Community Development Small Cities Fund, account number CD52-07-8666.4020.

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

RESOLUTION #61-2012

AUTHORIZING APPLICATION FOR NYS DEC COMMUNITY FORESTRY GRANT FOR PARK AND STREET TREE PLANTINGS

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

WHEREAS, the City of Norwich recognizes the beauty and value of having trees in its municipal parks and along city streets; and

WHEREAS, an inventory of the city's street trees is currently in progress; and

WHEREAS, an opportunity exists for the City of Norwich to receive funding support to plant street trees and trees in city parks through the NYS DEC's Urban and Community Forestry Grant program; and

WHEREAS, a condition of the grant is that the City of Norwich must provide matching funds and/or in-kind contributions valuing at least 50% of the total project cost; and

WHEREAS, the Common Council understands and accepts that this is a reimbursement grant requiring the City to pay project costs initially and to apply for reimbursement from the state upon satisfactory completion of the project; and

WHEREAS, the grant application and the tree planting activities proposed in the application may be appropriately classified as a Type 2 action under the requirements of the State Environmental Quality Review Act (SEQRA), thereby requiring no determination of significance; now, therefore be it

RESOLVED, the City of Norwich Common Council hereby authorizes the Mayor, and/or the Director of Finance, acting under the direction of the City Attorney, to apply for a 2012 Urban and Community Forestry Grant through the New York State Department of Environmental Conservation in the amount of \$5,250 (five thousand, two hundred fifty dollars) for the purpose of planting street trees and trees in city parks during 2013 and 2014; and, further be it

RESOLVED, the Common Council hereby authorizes matching the grant award in the form of in-kind services provided by City staff, use of City equipment, and volunteer services of individuals, to be provided at a value of no less than \$5,250 in satisfaction of the matching requirement of the grant program.

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

RESOLUTION #62-2012

AUTHORIZING APPLICATION TO 2012 NYS OPRHP EPF PARK DEVELOPMENT GRANT PROGRAM

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

WHEREAS, the City of Norwich owns and operates Weiler Park, a public municipal park, located on a 7.24-acre parcel at Borden Avenue in the city of Norwich, NY; and

WHEREAS, Weiler Park contains among its various facilities four public tennis courts; and

WHEREAS, an assessment of the condition of the tennis courts has been conducted and it has been determined that they are in need of resurfacing; and

WHEREAS, resurfacing estimates have been received, indicating a total project cost of \$38,480; and

WHEREAS, a grant funding opportunity exists through the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) 2012 Environmental Protection Fund (EPF) Park Development grant program to undertake the resurfacing of the Weiler Park tennis courts; and

WHEREAS, the Common Council understands and accepts that this is a reimbursement grant requiring City payment of project costs prior to receiving grant disbursement at the completion of the project; and

WHEREAS, the City of Norwich has sufficient cash funds to provide the matching 25% of project costs or \$9,620.00, which is required of applicants located in zip codes with poverty rates of 10% or more; and

WHEREAS, the proposed grant application and the subsequent park rehabilitation activities to be conducted may appropriately be classified as a Type 2 Action in accordance with applicable provisions of the New York State Environmental Quality Review Act (SEQRA); now, therefore be it

RESOLVED, that Joseph P. Maiurano, as Mayor of the City of Norwich, acting under the advice of the City Attorney, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$28,860 (twenty-eight thousand, eight hundred sixty dollars), and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Norwich for the resurfacing of the four Weiler Park tennis courts and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

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

RESOLUTION #63-2012

DESIGNATING LEAD AGENCY AND SEQRA DETERMINATION OF NON-SIGNIFICANCE (A NEGATIVE DECLARATION) CONCERNING A PROPOSAL TO CONSTRUCT A 34-UNIT AFFORDABLE HOUSING DEVELOPMENT AT MITCHELL AND STATE STREETS

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

WHEREAS, by correspondence dated June 4, 2012, City of Norwich staff contacted potentially involved agencies concerning the Common Council's desire to serve as the lead agency for the environmental review of the above-described proposal; and

WHEREAS, the proposed action potentially involves funding from state agencies, including NYS Homes and Community Renewal and Empire State Development Corp.; and

WHEREAS, the proposed action potentially involves permitting or review from the Chenango County Planning Board, the City of Norwich Zoning Board of Appeals, and the City of Norwich Code Enforcement Office; and

WHEREAS, the City of Norwich Common Council believes that the City is the most involved agency because the project is expected to involve the sale of City-owned land; and

WHEREAS, prior to the lapse of the 30-day consent period, the potentially involved agencies consented to the Common Council's designation as lead agency for the proposed action; and

WHEREAS, the above-described action is appropriately classified as an Unlisted action because it is not a Type 2 action and it does not exceed any of the thresholds for a Type 1 action; and

WHEREAS, the Common Council has conducted a coordinated review of the above project with the other potentially involved agencies; now, therefore be it

RESOLVED, that the City of Norwich Common Council is hereby designated the lead agency for the environmental review of the above-described project in accordance with the requirements of SEQRA; and further be it

RESOLVED, that the Common Council hereby classifies the above project as an Unlisted action in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA); and further be it

RESOLVED, that the accompanying Determination of Non-Significance (a Negative Declaration), found in the accompanying short EAF dated June 19, 2012, is hereby incorporated by reference as part of this resolution; and further be it

RESOLVED, that the Common Council, acting as lead agency pursuant to SEQRA, hereby determines that the proposed action will not result in a significant adverse impact on the environment, and hereby issues a negative declaration; and further be it

RESOLVED, that pursuant to requirements of the New York State Environmental Quality Review Act (SEQRA), the Common Council shall maintain a file of its determination and supporting documents that shall be available for public inspection in the Office of Planning and Community Development, Norwich City Hall, One City Plaza, Norwich, New York 13815.

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

RESOLUTION #64-2012

DESIGNATING LEAD AGENCY AND SEQRA DETERMINATION OF NON-SIGNIFICANCE (A NEGATIVE DECLARATION) CONCERNING A CITY-SPONSORED PROPOSAL FOR 2012 NORWICH DOWNTOWN REVITALIZATION PROGRAM

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

WHEREAS, by correspondence dated June 4, 2012, City of Norwich staff contacted potentially involved agencies concerning the Common Council's desire to serve as the lead agency for the environmental review of the above-described project; and

WHEREAS, the above project potentially involves funding from state agencies, including: the New York State Homes and Community Renewal, and the Empire State Development Corp., and

WHEREAS, the project involves a SHPO review by the NYS Office of Parks, Recreation and Historic Preservation, and may require permitting from the City of Norwich Code Enforcement Office; and

WHEREAS, the City of Norwich Common Council believes that is the most involved agency, since the City is likely to serve as the applicant for most of the grant funding associated with the program, and

WHEREAS, prior to the lapse of the 30-day consent period, all of the potentially involved agencies have consented to the Common Council's designation as lead agency for the program; and

WHEREAS, the above-described downtown revitalization program is appropriately classified as a Type 1 action because portions of the affected area include the Broad Street-Main Street Historic District; and

WHEREAS, the Common Council has conducted a coordinated review of the above project with the potentially involved agencies; now, therefore be it

RESOLVED, that the City of Norwich Common Council is hereby designated the lead agency for the environmental review of the above-described project in accordance with the requirements of SEQRA; and further be it

RESOLVED, that the Common Council hereby classifies the above project as a Type 1 action in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA); and further be it

RESOLVED, that the accompanying Determination of Non-Significance (a Negative Declaration), dated June 19, 2012, is hereby incorporated by reference as part of this resolution; and further be it

RESOLVED, that the Common Council, acting as lead agency pursuant to SEQRA, hereby determines that the proposed action will not result in a significant adverse impact on the environment, and hereby issues a negative declaration based on the reasons given in the accompanying Determination of Non-Significance; and further be it

RESOLVED, That based on the determination that the proposed action will not have a significant impact on the environment, the Common Council further determines that an Environmental Impact Statement (EIS) is not required for the proposed action; and further be it

RESOLVED, that pursuant to requirements of the New York State Environmental Quality Review Act (SEQRA), the Common Council shall maintain a file of its determination and supporting documents that shall be available for public inspection in the Office of Planning and Community Development, Norwich City Hall, One City Plaza, Norwich, New York 13815.

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

RESOLUTION #65-2012

**AUTHORIZING APPLICATION TO CFA AND SOUTHERN TIER REGION
COMMUNITY REVITALIZATION PROJECT FOR 2012 NORWICH
DOWNTOWN REVITALIZATION PROGRAM**

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

WHEREAS, the City of Norwich recognizes the need to conduct a downtown revitalization program for the purpose of rehabilitating buildings, improving employment opportunities, creating upper floor residential uses, and enhancing the economic vitality of the city's downtown business district; and

WHEREAS, the City of Norwich desires to apply for funding assistance through the current rounds of the Consolidated Funding Application (CFA) process and the Southern Tier Region Community Revitalization Project to assist with the rehabilitation of buildings in the city's downtown; and

WHEREAS, the City of Norwich is currently soliciting downtown property owners who may be interested in participating in a rehabilitation program utilizing state and regional funding assistance; and

WHEREAS, the City of Norwich has been designated an economically distressed area, having a poverty rate of 14.8%; and

WHEREAS, the City of Norwich has previously participated with the Norwich BID in conducting successful NY Main Street programs; and

WHEREAS, the Common Council finds that the proposed downtown revitalization program is consistent with the City's Comprehensive Plan, which serves as the City's local revitalization plan; and

WHEREAS, the Common Council finds that the proposed financing is appropriate for the downtown revitalization program; that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities; and

WHEREAS, the Common Council understands and accepts that certain forms of state and regional grant funding assistance may be provided on a reimbursement basis, thus requiring the City or participating property owner to pay project costs prior to receiving grant disbursements after the completion of a project; and

WHEREAS, the Common Council understands and accepts that certain forms of state and regional low-interest loan funding assistance may require the City to act as a "pass-through" entity in the administration of loan funds to participating property owners; and

WHEREAS, the downtown revitalization project area is coterminous with the BID District, which contains properties within the Broad Street-Main Street Historic District; and

WHEREAS, the proposed action is classified as a Type 1 action for the purpose of SEQRA review, and a Determination of Non-Significance (a negative declaration) was issued by the Common Council on June 19, 2012, after having conducted a coordinated review with other potentially involved agencies; now, therefore be it

RESOLVED, that Joseph P. Maiurano, as Mayor of the City of Norwich, acting under the advice of the City Attorney, is hereby authorized and directed to file applications for funding assistance through the CFA and the Southern Tier Region Community Revitalization Project for the purpose of supporting the 2012 Norwich Downtown Revitalization Program.

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

RESOLUTION #66-2012

**AUTHORIZING EMERGENCY HOME REPAIR PROGRAM GRANT AND
LOAN ASSISTANCE AT 24 SHELDON STREET**

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

WHEREAS, the City of Norwich administers an Emergency Home Repair Program designed to provide grants and/or loans to income-qualifying homeowners for the purpose of making emergency home repairs; and

WHEREAS, an application for assistance was received from Francis W. Maiurano for the purpose of funding roof replacement at his residence at 24 Sheldon Street; and

WHEREAS, it has been determined that the applicant is income-eligible for fifty percent grant assistance and fifty percent loan assistance; and

WHEREAS, the applicant has solicited and received two price quotations based on a work scope prepared by City staff; and

WHEREAS, an estimated 77.44% of the City funds to be expended on the repair work for this Emergency Home Repair Program project will be reimbursed to the City from the current USDA Rural Development Housing Preservation grant; and

WHEREAS, the proposed action is appropriately classified as a Type 2 action under the requirements of the State Environmental Quality Review Act (SEQRA); now, therefore be it

RESOLVED, that the Director of Finance of the City of Norwich be and hereby is authorized to prepare necessary documents related to the issuance of City Emergency Home Repair Program grant and loan assistance to the applicant; and, be it further

RESOLVED, that the Director of Finance be and hereby is authorized to make payments to the contractor for direct repair costs of up to \$9,000 (nine thousand dollars) and other minor amounts for necessary change orders that may be approved by the City, and payments to the lead testing firm for lead assessment and lead clearance costs.

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

RESOLUTION #67-2012

**SUPPORTING AN APPLICATION OF THE CHENANGO COUNTY ARC
FOR RARP FUNDING TO CONDUCT A 4-UNIT TOWNHOUSE
RECONSTRUCTION PROJECT AT 5, 5A, 7, AND 7A STATE STREET**

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

WHEREAS, the City of Norwich Common Council has been made aware of the desire of Chenango County Chapter NYSARC Inc. to apply for grant funding assistance through the Rural Area Revitalization Program (RARP) to demolish four dilapidated structures and to reconstruct four townhouse units of affordable housing in their place, and

WHEREAS, the City of Norwich confirms the deteriorated condition of the existing structures and recognizes them as a blight on the surrounding neighborhood, and

WHEREAS, the City believes the Chenango County ARC is well suited to undertake the project and has experience in managing residential rehabilitation projects; now, therefore be it

RESOLVED, that the City of Norwich hereby provides its enthusiastic support for the application of the Chenango County Chapter NYSARC Inc. to the 2012 round of RARP funding to conduct the demolition of four dilapidated structures at 5, 5A, 7, and 7A State Street and to reconstruct four townhouse units of affordable housing in their place.

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

RESOLUTION #68-2012

**SUPPORTING ANTICIPATED APPLICATION OF DEVELOPMENT
CHENANGO FOR RARP FUNDING TO REHABILITATE THE FORMER
SALVATION ARMY BUILDING AT 17-19 SOUTH BROAD STREET**

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

WHEREAS, the City of Norwich Common Council is aware that Development Chenango is considering applying for grant funding assistance through the Rural Area Revitalization Program (RARP) to rehabilitate the commercial building at 17-19 South Broad Street commonly known as the former Salvation Army building; and

WHEREAS, the City of Norwich confirms that the building has been vacant for several years and is in need of substantial rehabilitation, and

WHEREAS, the property is located in the heart of the city's downtown business district and has great potential to be returned to commercial viability; and

WHEREAS, the City believes the Development Chenango is well suited to undertake the project, which is consistent with its mission to support local economic development; now, therefore be it

RESOLVED, that the City of Norwich hereby provides enthusiastic support for the anticipated application of Development Chenango to the 2012 round of RARP funding to conduct the rehabilitation of the former Salvation Army building at 17-19 South Broad Street.

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

Payment of June 2012 Bills Ald. Laughlin **moved** to pay the June 2012 bills after proper audit and certification. Seconded by Ald. Schermerhorn and duly adopted, ayes all.

June Bills

	<u>Prepaid</u>	<u>6/19/12</u>	<u>Grand Total</u>
General Fund	\$ 777,258.98	\$ 168,585.27	\$ 945,844.25
Sewer Fund	20,613.36	22,087.61	42,700.97
Water Fund	15,322.95	11,343.91	26,666.86
Trust	23,822.65	15,113.29	38,935.94
Community Dev. Small Cities	22,227.50	-	22,227.50
Community Dev. Special Grants	-	1,000.00	1,000.00
Economic Dev.	-	114.13	114.13
Capital Projects	5,105.00	11,120.75	16,225.75
TOTALS	\$ 864,350.44	\$ 229,364.96	\$1,093,715.40

Executive Session

Ald. Schermerhorn **moved** to enter executive session at 8:15 p.m. to discuss the proposed employment of a particular corporation and to discuss financial and credit history of a particular company and individual. Seconded by Ald. Laughlin, approved ayes all.

Ald. Schermerhorn **moved** to exit executive session at 9:23 p.m. Seconded by Ald. LoPiccolo, approved ayes all.

Resolutions

RESOLUTION #69-2012 AUTHORIZING RETAIL LOAN ASSISTANCE & SIGN GRANT TO JOHN D'ABBRACCIO FOR PIZZERIA / RESTAURANT OPERATION

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

WHEREAS, the City of Norwich administers a Retail Loan Program designed to provide assistance to local businesses for the purpose of undertaking business establishment, expansion, and other types of economic development activities beneficial to the Norwich community; and

WHEREAS, the above program also includes a sign grant option, providing for a grant of 50% of the cost, up to a limit of \$500.00, for a new sign related to the establishment or expansion of a downtown business operation; and

WHEREAS, an application for assistance was received from John A. D'Abbraccio for the purpose of establishing a pizzeria / restaurant operation as a sole proprietorship doing business as "D'Abbraccio's" at 13 South Broad Street, Norwich, NY (the "Project"); and

WHEREAS, the loan application was reviewed favorably by the City's loan committee and has been referred to the Common Council with a favorable recommendation; and

WHEREAS, this loan is conditional on the determination that all other funding needed to complete the Project has been established; and

WHEREAS, this loan shall be secured by a general lien against the assets of the business and a mortgage on real property owned by Pasquale & Catherine D'Abbraccio and located in the Town of Plymouth as Tax Map Parcel #122.-1-31.131; and

WHEREAS, the proposed action is appropriately classified as a Type 2 action under the requirements of the State Environmental Quality Review Act (SEQRA); now therefore be it

RESOLVED, that the Director of Finance of the City of Norwich, under the direction of the City Attorney, be and hereby is authorized to prepare and execute necessary documents related to the issuance of a retail loan to the applicant in an amount not to exceed \$25,000.00 (twenty-five thousand dollars) repayable to the City of Norwich at monthly intervals over a five-year period at an annual interest rate of 3.5% compounded monthly; and be it further

RESOLVED, that in executing the loan agreement with the applicant, the City of Norwich Finance Director be and hereby is authorized to impose terms and conditions that he may find necessary to protect the interests of the City of Norwich; and be it further

RESOLVED, that a grant under the City of Norwich Retail Loan Program's sign grant option be and hereby is authorized in an amount of 50% of the total sign cost not to exceed \$500.00.

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

Adjournment

Ald. Carey **moved** to adjourn at 9:24 p.m. Seconded by Ald. Deierlein, accepted ayes all.