

COMMON COUNCIL

June 20, 2000

Mayor Robert Raphael presided at a regular meeting of the Common Council held at 7 PM on June 20, 2000, at One Court Plaza.

Present:

Mayor Robert Raphael
Ald. Gary Clark
Ald. Patrick McNeil
Ald. Robert Rabinowitz
Ald. Jeffrey Thornton
Ald. Sharon Jeffer
Ald. Joseph Biviano

Also:

Attorney Joseph McBride
Community Development/Clerk Joseph Serbin
Director of Finance William Roberts
Human Resources Director Deborah DeForest
Fire Chief John Tighe
Police Chief Joseph Angelino
Public Works Supt. Carl Ivarson
EMO A. Jones
Historian Patricia Scott
Supervisor James McNeil
Deputy Clerk Donna Russell

Absent:

Supervisor L. Natoli

-- Ald. Biviano moved to dispense with the reading and approve the minutes of the regular meeting of May 16, 2000, the special meeting of June 5 and the work session of June 13, 2000. Seconded by Ald. Jeffer and duly adopted, ayes all.

OPEN FORUM:

Nurses from Chenango Memorial Hospital – Nurses from Chenango Memorial Hospital were present to express concern about changes being proposed at the hospital. Nurses Pam Bonacci and Sue Casse of Norwich, NY, said that Chenango Memorial Hospital is looking into becoming a Critical Access Hospital. The nurses explained that as a critical access hospital, CMH would limit the number of patients by reducing the current 30 beds to 15 acute care beds. As a critical access hospital, the length of stay cannot exceed 96 hours and patients would then be transferred to a United Health Services hospital in Binghamton. The nurses feel that such a change would affect local care and would not be in the best interest of the community. It was noted that the proposed changes would result in additional expenses to the patients that are transferred to another hospital. Ms. Bonacci noted that the Emergency Room would probably function as it does currently although it would become a transfer station. The change would not affect the hospital's nursing home.

Ald. Thornton asked if there would be a reduction in staffing. The nurses said that with the reduction in beds, it would seem that there would be a reduction in staff.

Ald. Jeffer asked what would the advantage be as Critical Access Hospital. Ms. Bonacci said the advantage to the hospital would be faster reimbursement.

Richard Utter, Norwich, NY, suggested that the nurses circulate a petition in opposition to the proposal.

"Tools of the Trade" Award – Mayor Raphael informed the Council about an award presented to Historian Patricia Scott from Tools of the Trade Magazine for the David Maydole Hammer collection. Ms. Scott stated that David Maydole has been inducted into the Tool Hall of Fame for his invention of the Aze-eye Hammer.

Recognition to Norwich Fire Police – Mayor Raphael and Fire Chief Tighe, on behalf of the Common Council and the Public Safety Committee, presented certificates of community citizenship to the Norwich Fire Policemen in recognition of their community citizenship and service to the City of Norwich.

BIDS:

No bids were received.

CORRESPONDENCE:

Curb Cut at 16 Northrup Avenue – Ald. Biviano moved to approve a request from Scott Eddy for a curb cut on his property at 16 Northrup Avenue, under the direction of the City Engineer. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 6-0.

Pleasant Street Block Party – Ald. McNeil moved to approve a request to close Pleasant Street from Plymouth Street to Red Mill Hill for a street party on August 12, 2000, from 10 AM to 7 PM, under the

direction of the Police Chief. Seconded by Ald. Rabinowitz and duly adopted, ayes all on a roll call vote, 6-0.

Cable Television Franchise Renewal – Ald. Biviano moved to receive and refer to the Finance Committee, correspondence from Adelphia Cable Company relative to renewal of the cable television franchise agreement, which expires on March 14, 2003. Seconded by Ald. McNeil and duly adopted, ayes all on a roll call vote, 6-0.

Mayor Raphael named CD Director/Clerk Serbin as the contact person regarding the cable franchise renewal issue.

DEPARTMENT, BOARD AND COMMISSION REPORTS

- ◆ Community Development, Planning, Clerk monthly report for May, 2000
- ◆ Emergency Management monthly report for May, 2000
- ◆ Fire Department/Codes monthly report for May, 2000
- ◆ Historian monthly report for May, 2000
- ◆ Police Department monthly report for May, 2000
- ◆ Public Works Department/Water System monthly report for April, 2000
- ◆ Records Management monthly report for May, 2000
- ◆ Youth Bureau monthly report for May, 2000
- ◆ Civil Service Commission minutes of May 18, 2000
- ◆ Parks Commission minutes of May 8, 2000 and the Annual Tour of June 3, 2000
- ◆ Planning Commission minutes of May 12 and June 9, 2000
- ◆ Plumbing Board minutes of May 18, 2000
- ◆ Traffic Commission minutes of May 10, 2000
- ◆ Water Commission minutes of May 17, 2000
- ◆ Youth Board minutes of May 9, 2000
- ◆ Zoning Board of Appeals minutes of May 22, 2000

-- Ald. Biviano moved to receive and file the department, board and commission reports. Seconded by Ald. McNeil and duly adopted, ayes all.

WARD AND COMMITTEE REPORTS

- ◆ Finance Committee meeting of May 2, 2000
- ◆ Personnel Committee meeting of May 1, 2000
- ◆ Public Safety Committee meetings of May 23 and June 5, 2000
- ◆ Public Works Committee meeting of May 25, 2000

Ward One McDonald's Temporary Entrance – Ald. Clark reported the temporary entrance to McDonald's Restaurant on Prentice Street has been installed and should relieve some of the problems. It was noted that there should be more directional signs in place. CD Director/Clerk Serbin would contact the Department of Transportation about additional signage.

Ward Two Tall Grass Concern – Ald. McNeil referred a matter of tall grass at 89 Pleasant Street to the Codes Enforcement Officer.

Ward Three Concerns – Ald. Rabinowitz reported that various concerns in Ward Three have been referred to the appropriate department.

Ward Four Storm Drain – Ald. Thornton reported a storm drain in need of repair in Ward Four. He also reported a request to allow parking on Mechanic Street. Chief Angelino stated the entire street is no parking on both sides and the Traffic Commission recommended that it remain such.

Ward Five Concerns – Ald. Jeffer reported that concerns in Ward Five have been resolved.

Ward Six Concerns – Ald. Biviano reported concern about a building on Ross Avenue and that he is looking into options regarding a building on Delaware Square. Ald. Biviano also reported concern about tall grass on Brown Avenue.

FEMA Application – Ald. Clark asked if there were any options for the City since the request for storm damage reimbursement has been denied by FEMA. EMO Jones said he did not feel the denial could be appealed as FEMA claimed that the damage wasn't extensive enough.

-- Ald. Jeffer moved to receive and file the reports. Seconded by Ald. McNeil and duly adopted, ayes all.

NEW BUSINESS

Appointments – Mayor Raphael reported the appointment of Thomas Merrill, 20 Silver Street, to the Housing Authority for a five year term expiring June 25, 2005.

Award of Bids – Ald. Biviano moved to award the bid for Cold Water Meters to the lowest bidder meeting specifications, EJP of Round Lake, NY, in the amount of \$74,762.75, as recommended by the Public Works Committee. Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 6-0.

ORDINANCE NO. (2) OF 2000

AN ORDINANCE TO AMEND THE MODEL DOG LAW OF THE CITY OF NORWICH

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

Section 1. Chapter 31, Model Dog Law of the City of Norwich, New York, is hereby amended as follows:

Section 31-3. Regulations and Restrictions.

1. It shall be unlawful for any owner of a dog in the City of Norwich to permit or allow such dog to:
 - A. Run at Large.
 - B. To be off the owner's property unless such dog is controlled and restrained by a leash or chain not exceeding eight (8) feet in length.
 - C. Engage in habitual loud howling, barking or whining or to conduct itself in such a manner as to habitually annoy any person other than the owner or harbinger of the dog.
 - D. Cause of damage or destruction to public or private property[, defecate, urinate.] or otherwise commit a nuisance upon the property other than the owner or harbinger of the dog.
 - E. Bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury.
 - F. Chase, leap on or otherwise harass bicycles or motor vehicles.
 - G. Kill or injure any dog, cat, or other household pet.
 - H. Be unlicensed when six months of age or older.
 - I. To NOT have a current and valid New York State Identification tag on its collar while at large, whether or not restrained by an adequate leash.
 - J. Defecate or urinate upon property other than that of the owner, harbinger, person in charge of or person walking a dog within the City shall immediately pick up any feces expelled by such dog on any property, the owner of which has not given permission therefor, and deposit them in a container lawfully used for the disposal of refuse. In no event shall any feces be deposited in sewers or drains, whether storm or sanitary.

Section 31-5 Conditions for Keeping Dogs.

All premises occupied [or used] by dogs shall be kept in a clean, sanitary condition. [Failure to provide adequate food, water or space shall subject dogs to seizure and confinement.] The owner or harbinger of a dog must provide adequate food, water, shelter, and space for each dog under his care. "Adequate" shall mean sufficient for age, size, and number of dogs on the premises. [Upon conviction of the owner or harbinger, the dogs become the property of the City of Norwich to be released to an authorized humane society, veterinarian, or kennel for adoption or euthanasia.]

Section 31-10. Penalties.

A violation of this law [shall constitute a violation in the Penal Law of the State of New York, and] shall be punishable by a fine of not [more than \$10.00 for the first violation, \$20.00 for the second violation and not more than \$40.00 for third violation] less than \$25.00 and of not more than \$100.00. A violation of this law may also result in the Court-ordered seizure and permanent removal of ownership of the dog of any incident.

Section 2. This ordinance shall take effect immediately.

New material is underlined; deleted material is [bracketed].

Proposed Ordinance No. 2 of 2000 – Ald. Biviano moved to receive Proposed Ordinance No. 2 of 2000, an ordinance amending the model dog law and set a public hearing for July 18, 2000. Seconded by Jeffer and duly adopted, ayes all on a roll call vote, 6-0.

ORDINANCE NO. (3)
OF 2000

AN ORDINANCE ESTABLISHING DOG LICENSING FEES

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

Section 1. The following fees for dog licenses are hereby established:

Dog Licensing Fees			
	State Fee	Local Fee	Total
Spayed or neutered	\$ 2.50	\$ 7.50	\$ 10.00
Unspayed or Unneutered	\$ 10.50	\$ 9.50	\$ 20.00
Purebred, 10 or fewer	\$ 25.00	\$ 25.00	\$ 50.00
Purebred, 11 or 25	\$ 50.00	\$ 25.00	\$ 75.00
Purebred, 25 or more	\$ 100.00	\$ 25.00	\$ 125.00

Impoundment Fees

- [1) Ten dollars for the first impoundment of any dog owned by that person.
- 2) Twenty dollars for the first twenty-four hours or part thereof, and three dollars for each additional twenty-four hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person; or
- 3) Thirty dollars for the first twenty-four hours or part thereof and three dollars for each additional twenty-four hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.]

Temporary Police Impoundment: \$ 10.00 per incident.

Shelter Impound at Contracted Facility: \$ 65.00 per incident.

Section 2. This ordinance shall take effect immediately and shall supersede all previous actions of the Common Council relating to dog licensing fees.

New material is underlined; deleted material is [bracketed].

Proposed Ordinance No. 3 of 2000 – Ald. Biviano moved to receive Proposed Ordinance No. 3 of 2000, an ordinance establishing dog licensing fees as it relates to dog impoundment and set a public hearing for July 18, 2000. Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 6-0.

ORDINANCE NO. (4)
OF 2000

AN ORDINANCE TO BE KNOWN AS THE
PROPERTY MAINTENANCE ORDINANCE OF THE CITY OF NORWICH

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

Section 1. A new ordinance to be known as Chapter 22, Property Maintenance Ordinance of the City of Norwich, New York, is hereby established as follows:

§22-1. Title.

This Chapter shall be known as the "Property Maintenance Ordinance of the City of Norwich" and may be referred to in the short form as the "Property Maintenance Ordinance" or in this Chapter as "this ordinance".

§22-2. Common Council Findings.

It is hereby found and declared that there exist, in the City, structures and vacant lots which are or may become in the future substandard with respect to structural integrity, equipment or maintenance, and further that such conditions, including but not limited to structural deterioration, lack of maintenance of exterior premises and vacant lots, pest infestation, lack of maintenance or upkeep of essential facilities and utilities, existence of fire hazards and unsanitary conditions, constitute a threat to the health, safety, welfare, and

reasonable comfort of the citizens and inhabitants of the City. It is further found and declared that by reason of lack of maintenance and ensuing progressive deterioration certain properties have the further effect of creating blighting conditions and that, by reason of timely regulations and restrictions, as herein contained, the growth of this blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of dwellings and neighborhoods enhanced and the public health, safety and welfare protected and fostered as well as community aesthetics.

§22-3. Purpose.

The purpose of this law is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance and condition of the exterior of residential and nonresidential premises; to avoid, prevent and eliminate the maintenance of or creation of hazards to the public health or safety; to avoid, prevent and eliminate conditions which, if permitted to exist or continue, will depreciate or tend to depreciate the value of adjacent or surrounding properties; to prevent the creation, continuation, extension or aggravation of blight; to fix certain responsibilities and duties upon owners, operators and occupants of property; and to provide for administration and enforcement of this provision.

§22-4. Applicability.

Every residential and nonresidential structure and the premises on which they are situated in the City used or intended to be used for dwelling, commercial, business or industrial occupancy shall comply with the provision of this law, whether or not such structure shall have been constructed, altered or repaired before or after the enactment of this law and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the structure or for the installation or repair of equipment or facilities prior to the effective date of this law.

§22-5. Stricter Standards To Prevail.

In any case where the provisions of this law impose a stricter standard than that set forth in any law of the City or under the laws of the State of New York, then the standards as set forth herein shall prevail; but if the provisions of this law impose a less stringent standard than any law of the City or of the laws of the State of New York, then the stricter standard contained in any such other ordinance or law shall prevail.

§22-6. Effect On Existing Remedies.

Nothing in this law shall be deemed to abolish or impair existing legal remedy of the municipality or its officers or agencies relating to the removal or demolition of any buildings or structures which are deemed to be dangerous, unsafe or unsanitary.

§22-7. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, be defined as follows:

APPLIANCE - items also referred to as white goods but not limit to, refrigerators , stoves , fans , washers , dryers or any metal cabinet unit whether using electric , gas or other fuels as the means of operation including those units use for the heating of buildings or water thereto , televisions sets and other major appliances.

DETERIORATION - The condition of a structure or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

ENFORCEMENT OFFICER - The City of Norwich Fire Chief, as the Code Enforcement Officer, or his authorized representative shall be the Enforcement Officer.

EXTERIOR OF PREMISED - Those portions of a building or structure which are exposed to public view or are visible from adjoining or adjacent properties, including all outside surfaces and appurtenances thereto, and the open space on the premises outside any building or structure 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 poison spraying, fumigating, trapping or by any other approve pest elimination methods.

FIRE HAZARD - Any thing or any act which increases or may cause any increase of 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 fire or which may obstruct, delay or hinder or may become the cause of an obstruction, delay, hazard or hindrance to the prevention, suppression or extinguishing of fire.

NUISANCE - Any public or private condition that would constitute a "nuisance" according to the statutes, laws and regulations of the State of New York, any of its agencies or this law; any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental or

hazardous to the health or safety of persons on, near or passing in proximity of the premises where said condition exists.

OCCUPANT - Any occupant, owner, agent, tenant, lessee, caretaker or other person or corporation in charge of residing, living or sleeping in or on the premises of or having actual possession or use of a business, dwelling unit or rooming unit or other premises affected by this chapter.

OPERATOR - Any person, persons or entity not the owner, who has charge, care or control of a structure or a part thereof, with or without the knowledge, consent or authority of the owner.

OWNER - Any person, persons or entity who shall have legal or equitable title in any form whatsoever to any premises or part thereof, with or without accompanying actual possession thereof, of who shall have charge, care or control of any lot, premises, building, structure or part thereof, as owner or agent of the owner, or as fiduciary, trustee, receiver, guardian, lessee or mortgagee in possession, regardless of how such possession was obtained. Any person, group of persons or entity who is a lessee, sub-lessee or assignee of a lessee of any part or all of any building, structure or land shall be deemed to be a co-owner with the lessor for the purposes of this section and shall have responsibility over that portion of the premises so sublet, leased or assigned.

PREMISES - A lot, plot or parcel of land, including the buildings, structures and improvements thereon.

§22-8. Duties of Owners, Operators and Occupants.

Owners, operators and occupants shall have all the duties, obligations and responsibilities prescribed in this chapter, and no such person or entity shall be relieved of any such duty, obligation or responsibility hereunder, nor may any such person or entity assert as a defense against any charge made under this chapter that another owner, operator or occupant or any other third person or entity is also responsible therefor and in violation thereof.

No owner or occupant of a lot or building shall allow a building or structure to be maintained with graffiti or other defacing materials on it and shall promptly remove such graffiti or defacing material from the building or structure.

No owner or occupant of a lot or building shall allow any fence, shed or accessory building or structure to be in a state of disrepair and shall either remove or repair such accessory building or structure within a reasonable time.

No business shall allow any shopping baskets, carts or wagons to be left unattended or standing in open areas of their property or any property in the City of Norwich. All such items shall be collected and returned to the business from which it was removed by either the business owner or user of the shopping basket, cart or wagon.

A. Business Premises, Special Requirements.

1. No shopping baskets, carts or wagons shall be left unattended or standing in open areas. All such items shall be collected at the close of each business day and moved to the interior of the building or arranged neatly against the building and secured against removal by chains or other appropriate devices, this shall also apply to those businesses open 24 hours per day and shall require compliance during the hours of 10:00 PM to 6:00 AM.
2. All food service businesses shall maintain dumpsters or other large receptacles for garbage, recyclables, litter and rubbish in an area shielded from public view by appropriate landscaping or architectural screening.
3. All business dealing with the sale of appliances shall maintain an area shielded from public view by appropriate landscaping or architectural screening for the storage of unusable, junked, un-operable or disabled appliances.
4. Shopping centers, supermarkets and similar businesses shall provide permanent trash receptacles on the premises for public use at 50 foot intervals along the front of the building.

§22-9. Maintenance standards.

A. Exterior of premises.

The exterior of all premises shall be kept free from hazards, which include but are not limited to the following:

1. Garbage, solid waste, hazardous waste, trash as defined in Chapter 50 of the Code of the City of Norwich. Garbage containers shall be permitted adjacent to the roadway no earlier than the night before or the day of pickup only.
2. Unsafe structures: structurally unsafe or unsound buildings, abandoned structures, fences, uncovered or structurally unsound wells, shafts, towers, exterior cellar openings, basement hatchways, foundations or excavations.
3. Discarded appliances: abandoned refrigerators, boilers, hot-water heaters, television sets and other similar major appliances.

4. Natural growth: dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating condition or storm damage, constitute a hazard to persons in the vicinity thereof. Those types of trees shall be kept pruned and trimmed to prevent such condition.
5. Overhangings: loose and overhanging objects, whether natural or man-made, and accumulations of ice and snow which by reason of location above ground level constitute a threat to the health and safety of people if caused to fall.
6. Ground surface hazards: hidden or uncovered ground or surface hazards, such as holes, sudden depressions, excavations, sharp or jagged projections or obstructions.
7. Recurring accumulations of storm water: stagnant surface or ground water accumulations, which create or are likely to create mosquito or other insect breeding areas.
8. Infestation: rodents, vermin pest infestations and conditions causing the same.
9. Nuisances, as defined in this chapter.
10. Inoperable vehicles: vehicles or parts thereof, including boats and trailers, motorized or not, regardless of whether licensed or registered, which vehicles or parts thereof are or have been abandoned, dismantled or are in a state of visible disrepair.

B. Structural soundness.

Every structure and accessory structure and every part thereof shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards, including but not limited to the following:

1. Foundation walls: inadequate or unsafe foundation walls, piers and columns and other similarly unsound, damaged or defective load-bearing components which are incapable of supporting the imposed loads safely at all points.
2. Exterior porches, landings, balconies, stairs and fire escapes: structurally unsound, loose, dangerous, crumbling, missing, broken, rotted or unsafe exterior portions of buildings or structures, including but not limited to porches, landings, balconies, stairways, hand rails, steps, walls, overhangs, roofs, fences, supporting members, timbers, abutments, fire escapes, signs and loose, crumbling or failing bricks, stones, mortar or plaster.
3. Projecting surfaces: exterior surfaces or parts of buildings or structures containing sharp, rough or projecting surfaces or objects which might cause injury to persons coming in contact therewith.
4. Windows, doors, etc.: broken glass or windows, rotten, missing or substantially destroyed window frames and sashes, door frames, exterior doors or other junior exterior component parts of building or structures. All broken window or window glass shall be replaced in kind or of a material approved by the Fire Chief.
5. Exterior walls, sidings and roofs. Exterior walls, sidings, gutters and leaders and roofs shall be kept structurally sound, in good repair and free from defects.
6. Exterior chimneys: Exterior chimneys shall be maintained structurally sound, free from defects and so maintained as to capably perform at all times the functions for which they were designed.

C. Steps, sidewalks, walkways, driveways and parking lots.

Steps, walks, driveways, parking lots, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled, or necessary repairs or replacement shall be performed promptly.

§22-10. Administrative Provision.

A. Code Enforcement Officer.

It shall be the duty and responsibility of the Fire Chief, as the Code Enforcement Officer (CEO) of the City of Norwich, to enforce the provision of this law as herein provided. Code Enforcement Officer throughout this chapter shall also mean subordinates of the City of Norwich Fire Chief.

B. Coordination of Enforcement.

Inspection of premises and the issuing of orders in connection therewith under the provisions of this law shall be the exclusive responsibility of the CEO of the City of Norwich. Wherever in the opinion of the CEO it is necessary or desirable to have inspections of any condition by any other department, he shall arrange for this to be done. No order for correction of any violation under this law shall be issued without the approval of the CEO.

C. Inspections.

The Code Enforcement Officer shall conduct no inspection on any lands, for compliance with this ordinance, where to do so would constitute a trespass upon the premises or the neighboring premises. All inspections shall be conducted from the vantage of a public sidewalk, street or other public lands or shall be with the consent of the person, partnership, corporation or other entity being the owner or in control of or in charge of premises adjoining the subject premises and affording a vantage of the subject premises.

D. Code Enforcement Procedure.

Whenever a Code Enforcement Officer determines that there is or has been a violation of any provision of this chapter, he shall give notice of such violation to the person, persons or entities responsible therefor under this section. Such notice shall be in writing and shall include a concise statement of the reasons for

its issuance. Such notice shall be deemed to be properly and sufficiently served if a copy thereof is sent by certified mail, return receipt requested, to the last known address of the person or entity upon which the same is served, as shown by the most recent tax records of the municipality, or a copy thereof handed to said person or persons, or a copy thereof left at the usual place of abode or office of said person or entities. Notice shall be given as aforesaid within or without the municipality. The notice shall also state that unless the violation is abated, removed, cured, prevented or desisted within thirty (30) days of the date of service of such notice (exclusive of the date of service), a summons shall be issued for such violation. The Code Enforcement Officer may extend the period for compliance with the requirements of this section in regard to the violation stated in the notice for a period in excess of the aforesaid thirty (30) days if, in his judgment, the abatement, removal,

prevention, cessation or cure of the condition violated cannot reasonably be effected within the thirty (30) day period; and in such cases, the Code Enforcement Officer shall state such reasonably required extended period in the notice, which shall then be applicable instead of the aforesaid thirty (30) days. In the event the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within said thirty-day period or within such extended period as set forth in the notice, pursuant to the foregoing, a summons shall be issued against the person, persons, entity or entities so notified. The Common Council and Mayor must approve any extension beyond sixty (60) days.

E. Emergency Conditions.

Whenever the Enforcement Officer finds that an emergency condition in violation of this chapter exists, which condition requires immediate attention in order to protect the public health or safety, he may issue an order by service of notice as set forth in Subsection D above, reciting the existence of such emergency condition and requiring that such action be taken by the violator as soon as is reasonably necessary to meet the emergency. Notwithstanding any other provision of this chapter to the contrary, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon objection in writing to the Enforcement Officer, any such person shall be afforded a hearing before the Mayor or the Hearing Officer designated by him as soon as is reasonably possible. After such hearing and decision by the said Hearing Officer as to the existence or nonexistence of the emergency condition, the Mayor or his designated Hearing Officer may continue such order in effect, or modify or withdraw it, subject to the issuance of a summons for violation thereof if such order is continued.

§22-11. Violations and penalties.

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

- A. For the first offense, by a fine not to exceed one hundred (\$100.00) dollars.
- B. For a second offense, by a fine not to exceed three hundred (\$300.00) dollars.
- C. For a third offense or any subsequent offenses, by a fine not to exceed five hundred (\$500.00) dollars.

§22-12. Severability.

In any case where a provision of this ordinance is found to be in conflict with or inconsistent with a provision of any zoning, building, fire, safety, or health ordinance or the Code of the City of Norwich existing on the effective date of this ordinance, the provisions which establishes the higher standard for the promotion of the health and safety of the people shall prevail; in any case where a provision of this ordinance is found to be in conflict with a provision of an ordinance or the Code of the City of Norwich existing on the effective date of this ordinance which establishes a lower standard for the promotion and protection of the safety, health and welfare of its inhabitants, the provisions of this ordinance shall deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they maybe so found to be in conflict with this ordinance.

§22-13. Removal Charges.

- A. The Common Council, by resolution, may cause any nuisance, hazard or litter as herein defined to be removed from any property within the City of Norwich upon the failure of such owner, tenant or occupant to comply with the written notice aforementioned within the time limit. The Department of Public Works or other designee, including a private contractor may perform said removal. The Common Council shall ascertain the cost of such removal, and such cost shall be charged and assessed against the owner, tenant or occupant of the property. The expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged, and shall be collected in the same manner and at the same time as other City charges.
- B. The removal of any nuisance, hazard or litter by the City of Norwich or its designee shall not operate to excuse such owner, tenant or occupant from properly maintaining their property as here in above set forth, and such owner, tenant or occupant shall, notwithstanding, be subject to the penalties above mentioned.
- C. If such removal work is to be performed by a private contractor it shall be subject to the competitive bidding requirements for all public contracts contained in the laws of the State of New York

§22-14. Effective Date.

This Ordinance shall become effective on August 1, 2000.

Proposed Ordinance No. 4 of 2000 – Ald. Rabinowitz moved to receive Proposed Ordinance No. 4 of 2000, establishing a property maintenance ordinance for the City of Norwich and set a public hearing for July 18, 2000. Seconded by Jeffer and duly adopted, ayes all on a roll call vote, 6-0.

-- Prior to the vote, Ald. Thornton suggested a clarification be made to the ordinance under Section 22-9 A(4). The Common Council concurred.

Authorizing Change Order – Ald. McNeil moved to authorize the Mayor to sign a change order in the amount of \$87,402 to Richard Wakeman Construction for the Police Station project, due to a structural problem resulting from additional fire damage. Seconded by Rabinowitz and duly adopted, ayes all on a roll call vote, 6-0.

Authorizing Payments Using CD Funds -- Ald. Clark moved to authorize the Payment of TEA-21 Grant Preparation Fees to Thoma Development in the amount of \$14,800 and Payment of Merrill Street Surveying Costs to Rhinevault Surveying in the amount of \$1,795 through Community Development Fund CD69, Downtown Revitalization Program funds. Seconded by McNeil and duly adopted, ayes all on a roll call vote, 6-0.

Authorizing Professional Services – Ald. Rabinowitz moved to authorize the professional services of Rochelle Harris for the preparation of a database of City-owned real estate properties at a cost not to exceed \$1,000. Seconded by Ald. Jeffer and duly adopted, ayes all on a roll call vote, 6-0.

Authorizing Demolition And Site Clearance Using CD Funds – Ald. Biviano moved to authorize the payment for demolition and site clearance on delinquent property located at 15-19 Ross Avenue through Community Development funds. Seconded by Ald. Thornton and duly adopted, ayes on a roll call vote, 6-0.

RESOLUTION # 62 - 2000. DEDICATING MERRITT LANE

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, Bernard Merritt, 10 Hayward Avenue, was first appointed to the City of Norwich Traffic Commission on January 3, 1972; and

WHEREAS; as Chairman of the Traffic Commission for the past 27 years, Bernard Merritt has guided many projects to fruition, including the Hayes Street Parking Lot and the Downtown Parking Plan; and

WHEREAS, Mr. Merritt was instrumental in the updating of the City's Vehicle and Traffic Ordinance, a process which took over a year to complete; and

WHEREAS, during his 28 years on the Traffic Commission, Bernard Merritt has missed only one meeting which demonstrates the degree of his dedication and commitment to the City of Norwich; and

WHEREAS, in honor and recognition of the contributions that Bernard Merritt has made to the City of Norwich; now, therefore be it

RESOLVED, that the drive leading from Borden Avenue to the City of Norwich Borden Avenue Skating Facility be and hereby is named Merritt Lane.

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

-- Prior to the vote, Ald. Biviano praised Bernard Merritt and noted some of his accomplishments which include serving six mayors and missing only one meeting during his 28 years on the Traffic Commission in order to receive a service award from his company.

RESOLUTION # 63 - 2000. AUTHORIZING TRANSFER FOR PURCHASE OF FIRE
DEPARTMENT VEHICLES

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, on April 18, 2000, the Common Council awarded bids to PL Custom Emergency Vehicles of Manasquan, NJ, for a Type III Ambulance in the amount of \$91,500.00 and to Bruce's Equipment of Ithaca, NY, for a First Responder Vehicle in the amount of \$29,551.70; and

WHEREAS, funds are required to cover the cost of such equipment and \$6,133 for additional equipment; and

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

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer in the 2000 General Fund Budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR22-878	Ambulance Equipment Capital Reserves	\$127,184.70

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3625.2100	Emergency Squad – Equipment	\$127,184.70

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

RESOLUTION # 64 - 2000. APPOINTMENT OF SECRETARY II IN THE COMMUNITY
DEVELOPMENT OFFICE

Ald. Jeffer introduced the following and moved its adoption:

WHEREAS, a vacancy exists in the position of Secretary II in the Community Development Office;
and

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

RESOLVED, that effective July 17, 2000, Amy Donnison of Sherburne, NY, be and hereby is
appointed to a permanent full-time position as Secretary II for the City of Norwich at a Grade 18, five year
step, such candidate being eligible for a permanent appointment based on the result of her Civil Service
Exam.

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

RESOLUTION # 65 - 2000. CREATING CIVIL SERVICE SHIFT CAPTAIN POSITIONS IN
THE NORWICH FIRE DEPARTMENT

Ald. Biviano introduced the following and moved its adoption:

WHEREAS, the Public Safety Committee has made certain recommendations relative to the creation
of three positions of Civil Service Shift Captain; and

WHEREAS, the Personnel and Finance Committees have reviewed such recommendations and
concur; now, therefore be it

RESOLVED, that three positions of Civil Service Shift Captain in the Norwich Fire Department be
and hereby are created; and, further be it

RESOLVED, the shift captains shall receive an annual stipend of \$1,000 while performing such
duties.

Seconded by Ald. Jeffer and duly adopted, 5-1 (Ald. Thornton) on a roll call vote.

-- Prior to the vote, Ald. Thornton stated the Fire Department has been running for some time without
problems and he does not see the need. He said he feels those responsibilities should be left with the Chief.
Chief Tighe explained that currently trained firefighters are performing the job of shift captain and noted
that during a fire he cannot perform his job and directing from inside at the same time. The Chief noted
that the shift captains would have four weeks of intensive command training. Ald. Biviano noted at the
time the Blue Ribbon Committee was formed, this action was recommended by the Common Council.

RESOLUTION # 66 - 2000. REESTABLISHING POSITION OF ASSISTANT POLICE CHIEF IN
THE NORWICH POLICE DEPARTMENT

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the Public Safety Committee has made certain recommendations relative to
reestablishing the position of Assistant Police Chief in the Norwich Police Department; and

WHEREAS, the Personnel and Finance Committees have reviewed such recommendations and
concur; now, therefore be it

RESOLVED, that the position of Assistant Police Chief in the Norwich Police Department be and
hereby is reestablished at Grade 26 of the City's Non-Unit Compensation Schedule.

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

RESOLUTION # 67 - 2000.

RESTORING TWO POLICE OFFICER POSITIONS IN THE NORWICH POLICE DEPARTMENT

Ald. Rabinowitz introduced the following and moved its adoption:

WHEREAS, the Public Safety Committee, upon review of staffing levels in the Norwich Police Department, has made certain recommendations relative to restoring two positions of police officer; and

WHEREAS, the Personnel and Finance Committees have reviewed such recommendations and concur; now, therefore be it

RESOLVED, that two positions of Police Officer in the Norwich Police Department be and hereby are restored.

Seconded by Ald. McNeil and duly adopted, 5-1, (Ald. Thornton) on a roll call vote.

-- Prior to the vote, Ald. Thornton asked how many police offices there are currently. Chief Angelino said there were 19 officers. Ald. Thornton stated that if positions are going to be added, it should be done during budget time. Ald. Clark asked that the funding be identified in the resolution. HR Director DeForest stated that the positions would cost the City \$70,000.

RESOLUTION # 68 - 2000.

ESTABLISH WORK WEEK FOR ELECTED AND APPOINTED OFFICIALS

Ald. McNeil introduced the following and moved its adoption:

WHEREAS, the City of Norwich is a participant in the New York State and Local Retirement Systems; and

WHEREAS, it is necessary to establish a standard workday for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employee Retirement System; and

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

RESOLVED, that the Common Council does hereby establish the following as a standard workday for elected and appointed officials:

<u>Elected Officials</u>	
Mayor	Five day work week; six hour day
Council Person	Five day work week; six hour day
<u>Appointed Officials</u>	
Assessor	Five day work week; eight hour day
City Attorney	Five day work week; eight hour day
Community Development Director/City Clerk	Five day work week; eight hour day
Director of Finance	Five day work week; eight hour day
Youth Bureau Director	Five day work week; eight hour day
Emergency Management Officer	Five day work week; six hour day
Public Health Officer	Five day work week; six hour day

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

-- Ald. Thornton asked what the financial impact would be from the resolution. HR Director DeForest noted that the benefits are already being received and this provides for a means to track it.

Payment of Bills -- Ald. Biviano moved to pay the bills after proper audit and certification as follows:

	<u>Prepaid</u>	<u>5/23/00</u>	<u>Grand Total</u>
General Fund	244,626.51	529,618.40	774,244.91
Sewer Fund	11,348.02	6,632.73	17,980.75
Water Fund	6,623.28	9,748.33	16,371.61
Trust	51,149.10	0.00	51,149.10
B.I.D.	17,004.53	0.00	17,004.53
Debt Service	0.00	0.00	0.00
Reserves	0.00	0.00	0.00

Unemployment	0.00	0.00	0.00
C.D.	36,598.84	2,570.00	39,168.84
EDZ/LDC	1,221.50	3,834.70	5,056.20
Capital Projects	731,731.12	30,481.00	762,212.12
TOTALS	\$1,100,302.90	\$582,885.16	\$1,683,188.06

Seconded by Ald. Jeffer and duly adopted, ayes all.

Commendation to Joseph Angelino – Mayor Raphael read a letter from the Farmers Museum in Cooperstown commending the efforts of Police Chief Joseph Angelino in coordinating the transport of the house from 33 Mechanic Street to Cooperstown. The Council concurred that a copy of the letter be placed in Chief Angelino’s personnel file.

Executive Session – Ald. Rabinowitz moved to go into executive session at 8:15 PM to discuss the possible sale of property. Seconded by Ald. Thornton and duly adopted, ayes all.

Ald. McNeil moved to go out of executive session at 8:40 PM. Seconded by Ald. Thornton and duly adopted, ayes all.

Adjournment –Ald. McNeil moved to adjourn at 8:40 PM. Seconded by Ald. Jeffer and duly adopted, ayes all.