

**MINUTES OF THE COMMON COUNCIL
AUGUST 7, 2018**

A meeting of the Common Council of the City of Oneida, NY was held on the seventh day of August, 2018 at 6:30 o'clock P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

Meeting was called to order by Mayor Leo Matkze

PRESENT: Councilors Alan Cohen, Michael Bowe, James Coulthart, Helen Acker, and James Chamberlain

ABSENT: Councilor Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Eric Schuler
Comptroller Lee Ann Wells
Fire Chief Dennis Fields
Police Chief Paul Thompson

PUBLIC HEARING – HARBORING OF CHICKENS IN THE CITY OF ONEIDA

RESOLUTION 18-162

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that the Public Hearing relating to the harboring of chickens in the City of Oneida be hereby opened at 6:30 p.m.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

APPEARANCES

Heather Ryerson, 333 Stone Street, said that she is pro-chicken. She said that she has read the proposed regulations, but feels that having abutting neighbors give their permission is overly burdensome. She said if you live next to an apartment house, who do you get permission from?

Gary Wurst, 338 Stone Street, said that his neighbor currently has chickens on her property. He said that he has no problem with it. He said there are other bigger problems in the City than to worry about chickens.

Christy Comeau, 218 W. Elm Street said she is sad to see the state of Oneida after just moving back here a year ago from Arizona. She said that it would be wonderful if people would be responsible, but she said responsible adults are an issue around here. She said that this would be just one more thing that she would have to deal with in her neighborhood. She said there are so many rentals around her now with people coming and going, and she is worried what will happen if they get chickens. She said that she is fine with chickens out in the country, but we are a City with a lot of issues, and the police are already overburdened. She said the police force is wonderful, but they don't have the resources, and this would be just one more thing to deal with.

Dennis Comeau, 218 W. Elm Street said that we have a small town feel here in Oneida and that is why he moved back. He said he is sure that those in favor of chickens here tonight are responsible people, but it is very unfortunate that for every responsible adult that wants chickens, there are ten who are not. He said that tenants move in and out of the apartments around them all the time, and when they leave; they don't take their cats with them. He said that his neighborhood is overwhelmed with stray cats. He said that they have lived in a community that allowed chickens, and the City's draft looks good on paper, but it will be very hard to follow-up on all the regulations required. The chickens may attract foxes, coyotes and raccoons, and if there are holes in the coops, the chickens could escape and run. He said that the police officers are on his block almost every day for a lot of different issues and irresponsible adults is one of them. He said that the tenants will just move out and leave the chickens when they go. He reiterated that this all looks good on paper, but there will be unforeseen problems that come along with it.

Melissa Mannix, 341 Stone Street, said that she is primarily the reason for this hearing. She said that she currently has chickens and was issued an appearance ticket by the police. She said if you raise chickens from when they are young, they become family-oriented, very friendly and docile. She said that generally chickens will stay at the coop, noting that they may forage during the day, but they will go back to the coop at dusk. She said that this is a good community bonding experience, noting that she has met more people because of her chickens. She said that she works for a veterinarian's office, and they have never seen chickens with some sort of disease. She said chickens are very clean. She said that she has two children, and she has no problems with them wandering in the back yard. She said that her son can just pick them up, and the chickens don't chase him when he is in the yard.

Jason Ryerson, 333 Stone Street, said they are two doors away from Ms. Mannix, and he has faintly heard the chickens, but his dog hears the noise and it makes him bark.

Lisa McKnight, 349 Stone Street, said that she loves the chickens at Ms. Mannix's home, noting they only squawk once in a great while. She said that Melissa's yard is completely fenced in so the chickens are contained. She said she doesn't see anything wrong with having chickens.

Pat Thorpe, Washington Ave, said that here we are discussing chickens, when the number one focus of the Council should be West Elm Street and what is coming there.

Ron VanDyke, 334 Seneca Street, said that he is pro-chicken. He said he feels the officers should be given whatever they need to pursue any potential problems, as well as be provided with a maintenance crew to go clean up and remove the chickens, if necessary.

Kaitlin George, 502 Lynnburt Street said that she is pro-chicken. She said she plans on getting chickens if this is approved.

Moved by Councilor Coulthart

Seconded by Councilor Acker

RESOLVED, that the Public Hearing on the harboring of chickens be hereby closed at 6:45 p.m.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

Mayor's Comments

The Mayor said to phone the Mayor's office or City Clerk if you have a problem with stray cats, as we have money set aside in the budget for feral cat control. Mayor Matzke said that he is currently working

with Operation Wild Cats down in the flats, because of the overpopulation of strays. The Mayor said that he and the Council are aware of some of the areas in the City that need bolstering. Mayor Matzke said that we are at a moment in history between now and next year with what we're doing, mentioning the Rail Trail, solar project and a new 35-acre greenhouse business that will bring in 200 new jobs to our community. He said that the City is headed in the right direction, adding that he also knows we are behind on things like infrastructure. He said that our limitation right now is funding, but we're not using that as an excuse to stay behind where we need to be. The Mayor said he welcomes phone calls with suggestions, as we want to move the City forward. The Mayor said that we want the City to prosper.

OLD BUSINESS

Easements & Land for Rail Trail Expansion

Councilor Acker inquired about the easements needed for the Rail Trail, as referenced in an email from Supervisor Magliocca. The City Attorney said they will be doing boundary line adjustments and quick claim deeds on the two properties that are being gifted. She said that there are four other easements needed for both utility purposes and the rail trail, and she is working on obtaining single easements for those parcels. Mayor Matzke said that the trail work coming onto Lenox Avenue by Tanner Insurance looks good, noting that the County did an excellent job.

Moved by Councilor Cohen
Seconded by Councilor Coulthart

RESOLVED, that the minutes of the regular meeting of July 17, 2018 are hereby approved as presented.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that Warrant No. 16, checks and ACH payments in the amount of \$1,013,521.15 as audited by the Voucher Committee is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that checks in the amount of \$12,518.94 (City Attorney) as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 4
Nays: 0
Absent: 1 (Simchik)
Abstain: 1 (Bowe)

MOTION CARRIED

SEWER RESERVE FOR THE WASTE WATER TREATMENT PLANT FUND

RESOLUTION 18-163

Moved by Councilor Cohen
Seconded by Councilor Acker

RESOLVED, that pursuant to General Municipal Law Section 6-c, as amended, the City of Oneida Common Council does hereby establish a Sewer Reserve Fund for the Waste Water Treatment Plant to accumulate moneys to finance the cost of capital improvements and equipment, **and be it further**

BE IT FURTHER RESOLVED, that the City Comptroller, pursuant to General Municipal Law Section 10, is hereby directed to deposit and secure moneys of this Reserve Fund into a separate bank account to be known as the “Sewer Reserve for the Waste Water Treatment Plant” Fund, **and be it further**

RESOLVED, that the City Comptroller is hereby authorized to invest the moneys of this Sewer Reserve for the Waste Water Treatment Plant pursuant to the provisions of Section 11 of General Municipal Law, and any interest earned and/or capital gains or losses realized on said investments shall accrue to, and become part of, this Reserve Fund, **and be it further**

RESOLVED, that no expenditures shall be made of this Sewer Reserve for the Waste Water Treatment Plant, except upon authorization of the Common Council, pursuant to Section 6-c of the General Municipal Law.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

The Comptroller said that \$14,315.00 has been budgeted for this account for this year.

SEWER RESERVE FOR DISTRIBUTION FUND

RESOLUTION 18-164

Moved by Councilor Acker
Seconded by Councilor Coulthart

RESOLVED, that pursuant to General Municipal Law Section 6-c, as amended, the City of Oneida Common Council does hereby establish a Sewer Reserve Fund for Distribution to accumulate moneys to finance the costs of capital improvements, rehabilitation of system components, and pump station repairs and replacements, **and be it further**

BE IT FURTHER RESOLVED, that the City Comptroller, pursuant to General Municipal Law Section 10, is hereby directed to deposit and secure moneys of this Reserve Fund into a separate bank account to be known as the “Sewer Reserve for Distribution” Fund, **and be it further**

RESOLVED, that the City Comptroller is hereby authorized to invest the moneys of this Sewer Reserve for Distribution pursuant to the provisions of Section 11 of General Municipal Law, and

any interest earned and/or capital gains or losses realized on said investments shall accrue to, and become part of, this Reserve Fund, **and be it further**

RESOLVED, that no expenditures shall be made of this Sewer Reserve for Distribution, except upon authorization of the Common Council, pursuant to Section 6-c of the General Municipal Law.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

ADVERTISE FOR BIDS

RESOLUTION 18-165

Moved by Councilor Bowe
Seconded by Councilor Acker

RESOLVED, to authorize the Purchasing Agent to advertise for State bids for Capital Project 18-10 DPW Vehicle Replacement for Vehicle #24 Pickup Truck.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

LIQUOR LICENSE APPLICATION NOTICES

RESOLUTION 18-166

Moved by Councilor Coulthart
Seconded by Councilor Acker

RESOLVED, that the Standardized Notice Form for providing 30-Day Advanced Notice to a Local Municipality or Community Board for the filing of a new application for an On-Premises Alcoholic Beverage License by the Oneida Social Club, Inc. DBA Powhatan Club, 1569 Middle Road, Oneida NY 13421 be hereby received and placed on file, **and be it further**

RESOLVED, that the Standardized Notice Form for providing 30-Day Advanced Notice to a Local Municipality or Community Board for the filing of a renewal application for an On-Premises Alcoholic Beverage License by the Oneida Post 169 Memorial Building Corporation, 398 N. Main Street, Oneida NY 13421 be hereby received and placed on file.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

CANVASS AND APPROVE BIDS FOR FEMA DEMOLITIONS AND ASBESTOS ABATEMENT

RESOLUTION 18-167

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that the lowest bid meeting specifications for the FEMA Buildings Demolition & Asbestos Abatement received from All Around Excavating, 4324 Watson Blvd., Johnson City NY 13790 in the amount of \$784,500.00 be hereby approved, **and be it further**

RESOLVED, that the Planning Director is hereby authorized to proceed with the FEMA Building Demolitions & Asbestos Abatements, and further authorize the Mayor to sign any and all documents related to said bid and authorize the Planning Director to expend funds up to the amount of \$784,500.00.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

PROPOSED LOCAL LAW – PROPERTY TAX CAP LEVY

RESOLUTION 18-168

Moved by Councilor Chamberlain
Seconded by Councilor Cohen

RESOLVED, that a proposed Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C be hereby received and placed on file as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Oneida to adopt a budget for the fiscal year commencing January 1, 2019 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Common Council of the City of Oneida, County of Madison, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2019 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to

the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

BE IT FURTHER RESOLVED, that a Public Hearing on the proposed Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C be scheduled for August 21, 2018 at 6:30 pm in the Common Council Chambers, 109 N. Main Street, Oneida NY.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

The Mayor said that this is done yearly, and the County is doing the same thing.

BUDGET TRANSFERS & AMENDMENTS

RESOLUTION 18-169

Moved by Councilor Chamberlain

Seconded by Councilor Acker

RESOLVED, to approve the following budget transfers and amendments:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
\$1,479.00	003.8110.0101 Sewer Salaries	003.8110.0413 Sewer Employee Training	
	<i>(To allocate funds to training for new hire)</i>		
\$3, 137.25	001.0022.2650 Sale of Scrap	001.5132.0405 DPW Building Main/Repair <i>(A/C Repair in DPW Garage)</i>	\$400.00
		001.5010.0413 DPW Training <i>(Conferences/APWA Memberships)</i>	\$639.60
		001.5010.0200 DPW Equipment <i>(Measuring wheel, auto-level surveying, manhole hook, inclinometer)</i>	\$1,197.65
		001.4068.0413 Mosquito – Training <i>(DEC Recertification)</i>	\$800.00
		001.5110.0200 DPW Equipment	<u>\$100.00</u> \$3,137.25 <i>(Total)</i>

(Inspection camera)

(To allocate funds to DPW from proceeds received for sale of a generator)

\$10,099.08	001.0022.2680	001.3410.0102
	Insurance Recovery	Fire Overtime

(To allocated funds received for Workers Compensation to cover overtime expense)

\$764.68	001.0023.2770	001.5110.0300	\$614.68
	Misc. Revenue	DPW Materials & Supplies	
		001.8664.0413	<u>\$150.00</u>
		Code Enforcement Training	\$764.68 (Total)

(To allocate funds to DPW for roadwork apparel and Code Enforcement for membership renewals from revenue received for overpayments to Granger in 2011)

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

TRANSPORTATION AGREEMENT – NYS FAIR SENIOR BUS TRIP

RESOLUTION 18-170

Moved by Councilor Cohen

Seconded by Councilor Chamberlain

RESOLVED, to authorize the Mayor to sign a Transportation Lease Agreement with the Oneida City School District for the New York State Fair Senior Bus Trip on Tuesday, August 28, 2018 in an amount not to exceed \$550.00.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

NEW BUSINESS

Yard Waste

Councilor Coulthart provided the City Engineer with a list of areas where green waste is out by the street, adding that he understands the staff limitations and how busy the DPW is with road work. The City Engineer said that a crew was out today trying to catch up. Councilor Bowe said that all debris should be in brown bags and not left loosely on the side of the road, noting that only for the spring and fall cleanup is when it doesn't need to be contained. Supervisor Magliocca commented that the Bennett Street drop off is closed to the public now, and the City Engineer said that it will remain closed until work can be done at the site. The Mayor said to make sure that you call the DPW to get on the list for debris pickup.

Kudos to Fire Department and Police Department

Councilor Chamberlain said that he has gone to a couple of the recent fires where the Fire and Police Departments have been called to. He said that it is amazing to watch them in action with everyone working together to do their jobs. He said that we are pretty lucky here in the City. Councilor Chamberlain thanked them for their service. Councilor Acker concurred as to how well they act as a team.

Bob Britton, N. Warner Street, Oneida, said that he was at the recent fire on Broad Street, and the Fire and Police do an excellent job, but he is worried that blocking off Broad Street on Thursday nights could cause a delay in getting to a fire. Chief Fields said that it doesn't cause that much of a delay, noting that it's not ideal, but his department is aware of it and adjusts. Councilor Chamberlain said that he would take the advice of the Police and Fire Departments with respect to closing the street for a few hours. Chief Fields said it may take less than a minute longer to go around the block. Christy Comeau said that it has been their experience with the many times that they have come to her neighborhood that the Police and Fire work very well together.

Fire Department Donation

Councilor Acker congratulated the Fire Department on the \$2,500 grant received from the Oneida Elks Lodge for turn-out gear. She said the Elks Club has been very generous with their donations to different groups within the City, and Chief Fields agreed. Councilor Acker said that the Fire Department was recently at her home, because her husband was attacked by yellow jackets, and they did an excellent job; he is okay now.

Madison County Summer Youth Employment Group

Supervisor Magliocca commended the Madison County Summer Youth Employment Group on the excellent job they have done working with the Parks Department on the trails and bridges at Mt. Hope. He said that it is very rewarding seeing the job they have done.

NYS Downtown Revitalization Initiative

Supervisor Magliocca mentioned that several surrounding communities have received \$10M grants through the NYS Downtown Revitalization Initiative. He said that these are zero match grants. Supervisor Magliocca suggested forming a committee with the Madison County Planning Department to assist with the work to do an application. Mayor Matzke said that the City had 22 grants that were being administered going into this year, and he decided not to apply for another this past year. The Mayor said that we have already been working on a grant application to apply for this initiative for the next round.

Fire Department

Chief Fields said that with approval from the Mayor and Commissioner, he has hired two new firefighters to start on August 20, 2018. He said that they were budgeted for and noted that one is fully trained. Chief Fields thanked the Mayor and Councilors for the accolades on behalf of his department and the Police Department.

Motion to adjourn by Councilor Chamberlain

The regular meeting is hereby adjourned at 7:19 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk