

MINUTES OF THE COMMON COUNCIL
JUNE 6, 2017

A regular meeting of the Common Council of the City of Oneida, NY was held on the sixth day of June, 2017 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 Deputy Mayor James Chamberlain

PRESENT: Councilors Alan Cohen, Michael Bowe, Erwin Smith,
Helen Acker, James Chamberlain, and Thomas Simchik

ABSENT: Mayor Leo Matzke

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Comptroller Lee Ann Wells
Fire Chief Kevin Salerno
Assistant Fire Marshal Dennis Fields
Supervisor Margaret Milman-Barris
Supervisor Joe Magliocca

OLD BUSINESS

216 East Elm Street

Councilor Acker said that there will be a public hearing on the property located at 216 E. Elm Street at the June 20, 2017 Common Council meeting pursuant to Oneida City Code Chapter 34, Article III Unsafe Buildings. She said the memorandum of the code violations from the Assistant Fire Marshal has been received and placed on file, and the next step is the public hearing. The City Attorney explained that an order for corrective action has not been issued as of yet.

Oneida High School Awards for Les Miserables

Councilor Acker said that Oneida High School made headlines in the Syracuse newspaper by winning the top prize for Outstanding Overall Production at the Syracuse High School Theater Awards ceremony for their phenomenal performance of Les Miserables. She said that Brett Bogardus won for Outstanding Director, Kevin Spooner for Outstanding Performance by an Actor in a Lead Role, and they received the Outstanding Production Number award for One Day More. Councilor Acker commended the entire cast on a job well done and a round of applause was given.

American Cancer Society

Councilor Cohen thanked everyone for their donations to the American Cancer Society's Relay for Life.

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that the minutes of the regular meeting of May 16, 2017 and the special minutes of May 24, 2017 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, that Warrant No. 12, checks and ACH payments in the amount of \$801,204.36 as audited by the Voucher Committee is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that Check Nos. 420-422, 439-440, and 461 in the amount of \$7,431.62 (City Attorney) 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
Abstain: 1 (Bowe)

MOTION CARRIED

UNCOLLECTABLE INVOICE

RESOLUTION 17-143

Moved by Councilor Smith
Seconded by Councilor Simchik

WHEREAS, Progressive Specialty Insurance Company, 6055 Parkland Blvd. EM24, Mayfield Height OH was sent an invoice in the amount of \$420.41 for damage to a hydrant by insured driver William G. Coon III on February 1, 2014 on North Willow Street in the City of Oneida;
and

WHEREAS, on September 12, 2014 Progressive indicated that they were unable to find valid coverage for the insured and the balance remains unpaid; **now therefore be it**

RESOLVED, by the Common Council of the City of Oneida, that invoice 2014 50/0017853 in the total amount of \$420.41 be hereby deemed uncollectable, requiring no further action for collection purposes and removed from receivables.

Ayes: 6
Nays: 0

MOTION TABLED

Councilor Smith inquired as to if the driver was billed after the insurance company failed to pay the invoice, and after discussion the Council decided to table this item until the next meeting. The original motion was made by Councilor Smith and seconded by Councilor Simchik.

UNCOLLECTABLE INVOICE AND WATER BILL

RESOLUTION 17-144

Moved by Councilor Simchik
Seconded by Councilor Acker

WHEREAS, Diane Shenandoah was invoiced for turn-off charge \$60.00 on Lot 27 Territory Road for an outstanding balance of \$152.91 for water and sewer bill; **and**

WHEREAS, quarterly past due bills and turn-off notices have been sent for the past five (5) years and no payment has been received; **now therefore be it**

RESOLVED, by the Common Council of the City of Oneida, that invoice 2012 50/0015634 in the amount of \$60.00 and water bill in the amount of \$116.61 and sewer bill in the amount of \$36.30 be hereby deemed uncollectable, requiring no further action for collection purposes and removed from receivables.

Ayes: 6

Nays: 0

MOTION CARRIED

UNCOLLECTABLE INVOICE AND WATER BILL

RESOLUTION 17-145

Moved by Councilor Smith
Seconded by Councilor Simchik

WHEREAS, Thomas Curtis was invoiced for requested turn-off charge of \$35.00 on Lot 13 Territory Road and also has an outstanding balance of \$106.70 for water and sewer bill; **and**

WHEREAS, quarterly past due bills and turn-off notices have been sent for the past three (3) years and no payment has been received; **now therefore be it**

RESOLVED, by the Common Council of the City of Oneida, that invoice 2014 50/0018656 in the amount of \$35.00 and water bill in the amount of \$72.60 and sewer bill in the amount of \$34.10 be hereby deemed uncollectable, requiring no further action for collection purposes and removed from receivables.

Ayes: 6

Nays: 0

MOTION CARRIED

CANVASS AND APPROVE BIDS
CAPITAL PROJECT 17-07 MUNICIPAL BUILDING WALL REPAIR

RESOLUTION 17-146

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that the lowest bid meeting specifications for Municipal Building Wall Repair Capital Project 17-07 received from National Building and Restoration Corp., 1010 Tilden Avenue, Utica NY 13501 in the total amount of \$159,200.00 (General Construction: \$158,000 and Plumbing: \$1,200) be hereby approved.

Ayes: 6

Nays: 0

MOTION CARRIED

City Engineer Jon Rauscher stated that there was only one bid, noting that came in under his \$180K budget.

ONEIDA FARMERS MARKET

RESOLUTION 17-147

Moved by Councilor Simchik
Seconded by Councilor Acker

RESOLVED, that a letter received on May 17, 2017 from Kevin Salm, Ashforth Acres Farm, 6458 Skinner Road, Vernon Center, NY 13477 requesting permission for the Oneida Farmers Market to be held on Oneida Street in the same location as it has been held for the past ten years be hereby received and placed on file; **and be it further**

RESOLVED, that Kevin Salm, Ashforth Acres Farm be hereby authorized to hold the annual Farmer's Market in Clinch Park on Oneida Street behind Thompson's Appliance and Furniture Store on Thursdays beginning July 6, 2017 through October 26, 2017; **and be it further**

RESOLVED, that authorization is contingent upon submission to the Oneida City Clerk of a general liability insurance policy with personal injury coverage limits per occurrence of not less than \$300,000, naming the City of Oneida as an additional insured on a non-contributory primary basis.

Ayes: 6

Nays: 0

MOTION CARRIED

RECEIVE AND PLACE ON FILE – ONEIDA MOLDED PLASTICS REQUEST

RESOLUTION 17-148

Moved by Councilor Simchik
Seconded by Councilor Cohen

RESOLVED, that an email from Rick Harrington asking that the Common Council review his request for modification to the concrete apron at OMP-1, to change elevations of the dock ramp and apron replacement at OMP-2, and to install a storm sewer drain in a low spot on the south side of Farrier Avenue where water accumulates be hereby received and placed on file.

Ayes: 6

Nays: 0

MOTION CARRIED

City Engineer Jon Rauscher said that Oneida Molded Plastics recently purchased the former LoJo Technology property on Farrier Avenue and found that the entrance ramp is too steep for tractor trailer access. He said that per the City Charter, the cost of adjusting this to a new grade is a 100% City expense, and the estimated cost is approximately \$5,000. He said that it will be up to the Council to decide if they want to perform that work. Councilor Bowe said that the Council is only receiving and placing the request on file at this time.

ADVERTISE FOR BIDS – LIQUID CAUSTIC SODA

RESOLUTION 17-149

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, to authorize the Purchasing Agent to advertise for bids for Liquid Caustic Soda.

Ayes: 6

Nays: 0

MOTION CARRIED

POLICE PROTECTIVE EQUIPMENT GRANT ACCEPTANCE

RESOLUTION 17-150

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that a 100% reimbursable grant from the NY State Division of Criminal Justice Services Agency for the purchase of Police Protective Equipment (rifles, vests and helmets) in the amount \$13,064.00 be hereby accepted, **and be it further**

RESOLVED, that the Acting Police Chief be hereby authorized to expend funds up to the amount of \$13,064.00 for said Police Protective Equipment.

Ayes: 6

Nays: 0

MOTION CARRIED

CITY OF ONEIDA POLICIES

RESOLUTION 17-151

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that the following annual policies be affirmed:

- Network & Internet Acceptable Use Policy
- Computer System Security Breach and Notification Policy
- Backup and Recovery Policy
- Cellular Telephone Policy
- Capital Assets and Depreciation Policy
- Reimbursable Expense Policy
- Disposal, Sale and Handling of Abandoned Motor Vehicles
- Municipal Credit Card Policy
- Investment Policy
- Voucher Submittal Policy
- E-mail Policy
- Purchasing Policy

Ayes: 6

Nays: 0

MOTION CARRIED

2016 ANNUAL ONEIDA WATER REPORT

RESOLUTION 17-152

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, that the 2016 Oneida Water 103rd Annual Report be hereby received and placed on file.

Ayes: 6
Nays: 0

MOTION CARRIED

ADVERTISE FOR BIDS

RESOLUTION 17-153

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that the Purchasing Agent be authorized to go to bid for mowing of properties acquired by the City in the Buyout Program.

Ayes: 6
Nays: 0

MOTION CARRIED

The Council briefly discussed the unmowed lawns in the buyout area.

BUDGET AMENDMENTS AND TRANSFERS

RESOLUTION 17-154

Moved by Councilor Smith
Seconded by Councilor Cohen

RESOLVED, that the following budget amendments be hereby approved:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$3,640.50	001.0022.2680 Insurance Recovery	001.3310.0300 Traffic Materials & Supplies

(To reallocate funds received from insurance claim to repair traffic vehicle)

\$13,064.00	001.0001.0912 General Fund Balance	119.3120.0201 Police Protective Equipment
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(To amend budget to lend Police Protective Equipment funds to be reimbursed to General Fund by the grant after purchases)

RESOLVED, that the following budget transfers be hereby approved:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$365.00	001.5010.0403 DPW Contracts	001.7521.0403 Kallet Building Repair

(To allocate funds for the water treatment for the Kallet)

\$1,600.00	001.5010.0403 DPW Contracts	001.5132.0403 Central Garage Contracts
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(To allocate funds for fuel tank repair)

Ayes: 6

Nays: 0

MOTION CARRIED

City Engineer Jon Rauscher said the boiler water needs to be treated at the Kallet. He said this will be listed under maintenance costs in next year's budget.

PROFESSIONAL SERVICES PROPOSAL – BUYOUT PROGRAM

RESOLUTION 17-155

Moved by Councilor Acker

Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign a Professional Services Proposal with GYMO Architecture, Engineering & Land Surveying, DPC, 200 Sterling Street, Watertown, NY 13601 for completion of pre-demolition asbestos surveys for certain properties in the City of Oneida Buyout Program.

Ayes: 6

Nays: 0

MOTION CARRIED

CANVASS AND APPROVE BIDS – FEMA BUILDING DEMOLITION

RESOLUTION 17-156

Moved by Councilor Acker

Seconded by Councilor Simchik

RESOLVED, that the lowest bid meeting specifications for FEMA Building Demolition (Buyout Program – 30 Properties) received from All Around Storage LLC, 4324 Watson Blvd., Johnson City, NY 13790 in the total amount of \$297,234.00 be hereby approved.

Ayes: 6

Nays: 0

MOTION CARRIED

GLENMORE WATER TREATMENT PLANT

RESOLUTION 17-157

Moved by Councilor Smith

Seconded by Councilor Simchik

RESOLVED, that the Common Council hereby accepts a proposal from Henderson Brothers Contracting, Inc., 47 Gildner Road, PO Box 788, Central Square, NY 13036 for the emergency repair of the leak in the CLEARWELL Tank (overflow tank) at the Glenmore Water Treatment Plant.

Ayes: 6

Nays: 0

MOTION CARRIED

The City Engineer said that this may become a Water Department Capital Project next year if the repair doesn't work.

Deputy Mayor Chamberlain asked if anyone with an interest in 181 Main Street was in attendance and received no response.

**CORRECTIVE ACTION ORDERED FOR 181 MAIN STREET IN ACCORDANCE WITH
ARTICLE III CHAPTER 34 OF THE ONEIDA CITY CODE**

RESOLUTION 17-158

Moved by Councilor Acker

Seconded by Councilor Simchik

WHEREAS, in accordance with Article III of Chapter 34 of the Oneida City Code, as amended, a public hearing was conducted on February 21, 2017 and continued on April 4, 2017, May 2, 2017 and May 16, 2017 for purposes of receiving and considering evidence presented by the City of Oneida Assistant Fire Marshal to determine whether real property located at 181 Main Street, Tax Map No. 30.80-1-54, in the City of Oneida ("Property") is a public nuisance; **and**

WHEREAS, although neither the property owner nor anyone with an interest in the Property, or a representative on their behalf, appeared at the due process hearings, the property owner did submit correspondence, dated March 7, 2017, addressing the conclusions drawn by the Assistant Fire Marshal; **and**

WHEREAS, the property owner had a representative present for site inspections on March 9, 2017 and March 16, 2017 and; and a copy of the report prepared by Michael P. Sheridan, P.E. of Sheridan Engineering was provided to the property owner; **and**

WHEREAS, upon presentation of oral testimony and documentary evidence by the Assistant Fire Marshal closed the public hearing and, during its May 16th meeting, unanimously passed a Resolution declaring the Property to be a public nuisance in accordance with Chapter 34 of the Oneida City Code; **and**

WHEREAS, the Common Council further decided to postpone rendering a decision on what, if any, remedial action is to be required of the property owner or persons with interest in the Property until a recommendation from the Assistant Fire Marshal could be received and considered; **and**

WHEREAS, the Assistant Fire Chief subsequently submitted a recommendation, dated June 1, 2017, a copy of which is attached and incorporated herein, whereby specific corrective action addressing the unsafe conditions is undertaken within 60 days; **and**

WHEREAS, the Common Council, having thoroughly considered the testimony and documentation presented by the Assistant Fire Marshal that evidenced the existence of a public

nuisance and his recommendations for repair, wishes to undertake any and all measures permitted in the Oneida City Code and City of Oneida Charter that are appropriate to protect the public's health, safety and welfare.

NOW THEREFORE, BE IT RESOLVED, that the Common Council, having duly declared the property located 181 Main Street, Tax Map No. 30.80-1-54, in the City of Oneida to be a public nuisance, hereby orders the owner or persons with an interest in such Property to undertake the following corrective action in accordance with the recommendations of the Assistant Fire Marshal:

1) On or before August 4, 2017, the owner or persons with an interest in the Property shall repair the veneer exterior of the structure that is failing/loose or missing, and where the paint of such veneer is peeling and flaking in violation of PMC304.6, to prevent further deterioration; and

2) On or before August 4, 2017, the owner or persons with an interest in the Property shall repair the deteriorated roof, roof joists, and exterior wall of the single story porch addition at the rear of the structure, and the sill on the south side of the structure that has holes allowing snow to penetrate the interior of the basement; and

BE IT FURTHER RESOLVED, that in the event corrective action does not occur within the time provided, the Common Council hereby authorizes the Assistant Fire Marshal and the City Engineer to undertake any and all such measures as are necessary to effectuate the remedial action recommended by the Assistant Fire Marshal in the report dated June 1, 2017, and shall assess the cost of same against the Property; **and**

BE IT FURTHER RESOLVED, that the cost of such remedial action, if undertaken by the City, shall thereupon become a lien against the Property and shall be collectible in the same manner as taxes levied thereon; and

BE IT FURTHER RESOLVED, that notice of the Common Council's declaration and order shall either be served personally or by certified mail, to the last known address as shown by the records of the City Assessor's office.

Ayes: 6

Nays: 0

MOTION CARRIED

City Attorney Nadine Bell said that she will prepare the order and send it to the property owner.

NEW BUSINESS

Rain Storm - Monday June 5, 2017

Deputy Mayor Chamberlain thanked the DPW, Police and Fire Departments for their quick action and dedication during the torrential rain storm, which overcame our storm sewers. He said that we received 1½ inches of rain in less than a half hour. He said the DPW steadily worked on the streets, blowing out the lines until the water receded on most streets. He said the Police closed off streets and redirected traffic, while the Fire Department began pumping water from flooded basements. The Deputy Mayor commended all the departments for a job well done.

David Cimpi, Sayles Street, said there is a lot of drainage coming off the hill from behind the hospital. He suggested the Council plan ahead as to how to retain the water from flowing that fast down the hill.

Gary Panther said he lives on the corner of Belmont and Sylvan Street, and he appreciated the fast reaction from the City crews when we received so much rain so fast. He said that this was the largest flooding event in his area since 2010. He said that he spoke with the DPW crew that was working near his home, noting they got the job done, but it could have been worse. He said that something needs to be done with the culvert by his house, which starts where Sayles Street comes to an end. He said it is raised on one side, but not on the other. He mentioned the retention pond at Trestletown and asked what could be done in an attempt to stop the flooding from happening again. City Engineer Jon Rauscher asked Mr. Panther to stay and talk with him after the meeting.

Councilor Bowe said the odd thing about that street is that when we had the big 2013 Flood Event, you could cross that area and not get your ankles wet. He said that behind the hospital there is a valve to control the water, and there is a plate that was put in about 10 years ago behind the high school that seemed to work at that time. He said it's possible that the culvert could have been blocked. In response to a question from Dave Cimpi, Councilor Bowe said that there is a retention pond up behind the hospital, which has been there for thirty years. He said it is possible that the valve was not where it should have been for this type of rain, and reiterated that it was also possible that the culvert was blocked.

Government Class Students

Deputy Mayor Chamberlain acknowledged Adriana, Laura, Markey and Taylor from the Stockbridge Valley High School Government Class, who were in attendance for the meeting and asked if they had any questions or comments after sitting through the meeting. Councilor Simchik signed their participation forms.

EXECUTIVE SESSION

RESOLUTION 17-159

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:09 p.m. for the purpose of discussing the proposed acquisition, sale or lease of real property.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Deputy Mayor, Councilors, City Clerk, City Attorney

PRESENT: Dr. John Nebzydoski entered at 7:35 p.m.

1. Discussion regarding proposed acquisition, sale or lease of real property.

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:00 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

LICENSE, INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

RESOLUTION 17-160

Moved by Councilor Bowe
Seconded by Councilor Smith

WHEREAS, pursuant to City Law, the Common Council of the City of Oneida has the authority to grant permission for the construction, installation, replacement and maintenance of encroachments onto public property; **and**

WHEREAS, the Common Council has received a request from John W. and Janice M. Nebzydoski (hereinafter referred to as the “owners”) owners of real property situated at 463 Foxwood Terrace, City of Oneida, County of Madison, Tax Map No. 38.61-1-8, to allow the encroachment upon adjacent City property known as 1111 Richter Drive, Tax Map No. 37.76-1-1.1, for a distance of 116 feet in width by 25 feet in depth (hereinafter referred to as “Encroachment Area”) for the purpose of planting and maintaining a vegetative buffer consisting of up to 20 Norway Spruce trees; **and**

WHEREAS, the Common Council has reviewed the request and determined that there will be no anticipated adverse impact on the property as a result of the proposed encroachment; **and**

WHEREAS, no other agency has the legal authority of jurisdiction to approve an encroachment onto City property in the City of Oneida, such that there are no other involved agencies within the New York State Environmental Quality Review Act (SEQR) with respect to issuance of the proposed permission; **now therefore be it**

RESOLVED, that there are no other involved agencies, that the Common Council shall act as lead agency with regard to this proposed action, and that the review and potential approval of the permission application is a Type II action, thus concluding environmental review under the SEQR; **and be it further**

RESOLVED, that the Common Council hereby grants permission to the owners of 463 Foxwood Terrace, Tax Map No. 38.61-1-8, to allow the proposed encroachment upon adjacent City-owned property known as 1111 Richter Drive, Tax Map No. 37.76-1-1.1, subject to the City of Oneida receiving a Certificate of Insurance evidencing liability insurance and the execution of a License, Indemnification and Hold Harmless Agreement Relating to Encroachment Upon City Property, as prepared by the City Attorney.

Ayes: 6

Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Smith

The regular meeting is hereby adjourned at 8:10 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk