

**MINUTES OF THE COMMON COUNCIL
JULY 5, 2017**

A regular meeting of the Common Council of the City of Oneida, NY was held on the fifth day of July, 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 Mayor Leo Matzke

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

ABSENT: Councilor Erwin Smith

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
Deputy Fire Chief Rob Cowles
Recreation Director Luke Griff
Supervisor Margaret Milman-Barris
Supervisor Joseph Magliocca

Mayor Matzke said he wanted to publically thank those who have carried on while he was in the hospital. He commended the Council, Department Heads and in particular, Deputy Mayor Jim Chamberlain, for a job well done. The Deputy Mayor received a round of applause.

OLD BUSINESS

507 Stone Street

Mayor Matzke said Mr. Randy Kistner was present to speak to the Council relative to the order issued for repairs to be made to his home located at 507 Stone Street, which have not been completed. The Mayor said that the lawn has been mowed, but there is a lot of debris and trash out back by the garage/shed. Mr. Kistner said that he would clean up the yard.

Mr. Kistner stated that his brother had started the work on the house, but because of the rainstorm he has to start all over again. Mr. Kistner said that they will pull off the fascia to repair the front of the house and replace it with the texture 111 that he has purchased, noting he has to get a building permit to do the work on the front of the house. He said that he sold a mower for \$1,500 to get some money to help cover the cost of the materials needed to do the repairs. He said that his brother will do the labor for free, but his brother had heatstroke and couldn't work on it today. He said they are trying to work on the foundation. He said that he has applied for a loan for a house in Rome that he owns, which he said is paid for. He said that unbeknownst to him, the lawn mowing that wasn't done went onto his property taxes for that house. In response to a question from the Mayor, he said his long range plan is to move into the house.

Councilor Chamberlain reminded Mr. Kistner that he told the Council months ago that he was applying for the loan for the Rome house. He said that over 16 days ago your brother promised to have that work done by this meeting and it hasn't rained every one of those 16 days. Councilor Chamberlain said we keep giving extensions and only get excuses. Councilor Acker said that it seems to be one excuse after another, noting there have been four public hearings on this matter and two previous extensions given since the original order was not met. Councilor Bowe said that he believes in "three strikes you're out" and is willing to give one more extension to July 18th. The City Attorney read aloud the original order for corrective action given on March 21, 2017, which stated that he had to repair the foundation of the rear porch and cover the front of the structure's exterior with a proper protective covering so as to prevent further decay of the structure by May 15, 2017. Councilor Simchik said that all the work needs to be completed. A brief discussion ensued amongst the Council. The Council decided to give Mr. Kistner a final extension to July 18, 2017 to have all the work originally ordered be completed. The Mayor said to Mr. Kistner, in the event the work has not been completed on July 19, 2017, the City will immediately begin performing the repairs, and he would be billed for the costs.

**GRANT FINAL EXTENSION FOR CORRECTIVE ACTION
TO BE TAKEN FOR THE PROPERTY LOCATED AT 507 STONE STREET**

RESOLUTION 17-187

Moved by Councilor Bowe
Seconded by Councilor Simchik

WHEREAS, at the March 21, 2017 meeting, the Common Council, having duly considered the documentary evidence, as well as the oral testimony presented by the Assistant Fire Marshal and the Property Owner, declared the property located at 507 Stone Street, Tax Map No. 38.30-1-33, to be a public nuisance; **and**

WHEREAS, having declared the Property to be a public nuisance, the Common Council ordered the Property Owner, or persons with an interest in such Property, to repair the foundation of the rear porch and cover the front of the structure's exterior with a proper protective covering so as to prevent further decay of the structure, so as to comply with the New York State Property Maintenance Code, the International Fire Code and Oneida City Code; **and**

WHEREAS, Mr. Kistner agreed to undertake efforts to have the Property improved, but was unable to provide a specific date for completion, noting that efforts to improve the exterior of the Property are necessarily impacted by weather conditions; **and**

WHEREAS, the Common Council ordered that such corrective action must occur on or before May 15, 2017; **and**

WHEREAS, Mr. Kistner appeared before the Common Council at the May 16, 2017 meeting requesting an extension to the May 15, 2017 deadline for corrective action to be taken due to the weather conditions; **and**

WHEREAS, the Common Council granted another extension ordering that corrective action on the property located at 507 Stone Street, Tax Map No. 38.30-1-33 must occur on or before June 19, 2017, **and**

WHEREAS, at the June 20, 2017 Council meeting, the Deputy Mayor stated that Mr. Kistner's brother asked for another extension stating he was doing the repairs at the property located at 507 Stone Street and promised to have the repairs completed in two weeks; **and**

WHEREAS, the Common Council at the June 20, 2017 granted another extension on the property located at 507 Stone Street, Tax Map No. 38.30-1-33 to July 5, 2017 as the deadline for corrective action to be finalized, **and**

WHEREAS, at the July 5, 2017 Council meeting, Mr. Randy Kistner appeared before the Common Council requesting another extension due to the weather conditions for remedial action to be taken; **now therefore be it**

RESOLVED, that the Common Council hereby grants a final extension to July 18, 2017 on the property located at 507 Stone Street, Tax Map No. 38.30-1-33 for corrective action to be completed by repairing the foundation of the rear porch and covering the front of the structure's exterior with a proper protective covering so as to prevent further decay of the structure, **and be it further**

RESOLVED, that in the event that the 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 corrective action contemplated herein and shall assess the cost of same against the Property; **and be it further**

RESOLVED, that the cost of such remediation, 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 be served upon the Property Owner in accordance with the Oneida City Charter.

Ayes: 4

Nays: 1 (Chamberlain)

Absent: 1 (Smith)

MOTION CARRIED

OLD BUSINESS

112 Madison Street

The Mayor said Mr. Xedis, owner of 112 Madison Street, is not present this evening. City Attorney Nadine Bell said the original order for remedial action on the property located at 112 Madison Street required that on or before May 2, 2017, the owner or persons with an interest in the property shall replace the structure's front façade; on or before May 23, 2017, the owner or persons with an interest in the

property shall repair the floor to wall connections on the southern walls where the floor framing is parallel to the masonry walls; and on or before June 20, 2017, the owner or persons with an interest in the property shall repair the building envelope in a manner approved by the Assistant Fire Marshal to address the moisture and water intrusion. The City Clerk said that she called Mr. Xedis four times and sent him a letter requesting that he attend this meeting with no response. In response to a question from Supervisor Magliocca, City Attorney Bell said the structural engineering report was received in March, before the remedial action was ordered. Mr. Magliocca said this building has had deficiencies for twenty years, and the Mayor agreed. Mayor Matzke said that for the next meeting, he will have the City Engineer prepare a plan including prices for the Council. He said the building has common walls with the building attached to it and said we have to do something with the façade. Councilor Simchik said the building needs to be structurally sound. The Council agreed to postpone another two weeks before taking further action.

Moved by Councilor Cohen
Seconded by Councilor Acker

RESOLVED, that the minutes of the regular meeting of June 20, 2017 are hereby approved as presented.

Ayes: 5
Nays: 0
Absent: 1 (Smith)

MOTION CARRIED

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that Warrant No. 14, checks and ACH payments in the amount of \$426,871.50 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 (Smith)

MOTION CARRIED

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that Check No. 483 in the amount of \$1,390.00 (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
Abstain: 1 (Bowe)
Absent: 1 (Smith)

MOTION CARRIED

**2016 MANAGEMENT'S DISCUSSION AND ANALYSIS
AND BASIC FINANCIAL STATEMENTS**

RESOLUTION 17-188

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that the 2016 Management's Discussion and Analysis and Basic Financial Statements for the fiscal year ended December 31, 2016 be hereby received and placed on file.

Ayes: 5
Nays: 0
Absent: 1 (Smith)

MOTION CARRIED

SPECIAL EVENTS APPLICATION

RESOLUTION 17-189

Moved by Councilor Bowe

Seconded by Councilor Acker

RESOLVED, to approve the following Special Events Application:

Name of Event: Americans with Disabilities Act Celebration
Sponsor: Arise Inc.
Address: 131 Main Street, Suite 102, Oneida NY 13421
Event Date: July 27, 2017

Ayes: 5
Nays: 0
Absent: 1 (Smith)

MOTION CARRIED

ONEIDA PAID FIRE FIGHTERS ASSOCIATION AGREEMENT

RESOLUTION 17-190

Moved by Councilor Acker
Seconded by Councilor Cohen

RESOLVED, that Common Council hereby approves the Memorandum of Agreement by and between the City of Oneida and the Oneida Paid Fire Fighters Association Local 2692 IAFF, AFL-CIO for the period from January 1, 2017 through December 31, 2018, as ratified by the Union.

Ayes: 5
Nays: 0
Absent: 1 (Smith)

MOTION CARRIED

Councilor Chamberlain said the negotiations were challenging. He said there were five regular sessions and three mediation meetings before arbitration was called for. He said there was a last minute offer by the union, and the City countered with an offer that was accepted, thereby avoiding the costly arbitration process. Mayor Matzke said the fire union members will be paying a higher percentage for insurance.

CANVASS AND APPROVE BIDS – ASBESTOS ABATEMENT – BUYOUT PROGRAM

RESOLUTION 17-191

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that the lowest bid meeting specifications for the Asbestos Abatement (Buyout Program – 30 Properties) received Sullivan Contracting, Inc., 9362 Paris Hill Road, Sauquoit in the amount of \$306,000.00 be hereby approved.

Ayes: 5
Nays: 0
Absent: 1 (Smith)

MOTION CARRIED

ROW ACQUISITION – ONEIDA RAIL TRAIL CITY CENTER PHASE II

RESOLUTION 17-192

Moved by Councilor Acker
Seconded by Councilor Cohen

WHEREAS, the City of Oneida is undertaking a project within the City called the Oneida Rail Trail City Center Phase II designed to minimize the disruption to the community and specially to minimize the need to acquire private property, **and**

WHEREAS, the sound design and cost efficiency requires the acquisition of some private property to accomplish the project, including a portion of the property located at 252 Liberty Street, **and**

WHEREAS, the property located at 252 Liberty Street was appraised by a New York State Certified General Real Estate Appraiser and reviewed by another certified appraiser to determine the amount of just compensation for a Right-of-Way (R.O.W.) Acquisition, **and**

WHEREAS, this offer constitutes the amount of the City's highest approved appraisal of just compensation for said property, which amount will be paid according to law, **and**

WHEREAS, the property owner, Mr. Frank M. Fiore, Trustee of the Frank M. Fiore Revocable Living Trust, 205 N. Main Street, Canastota has accepted the City's official Summary of Just Compensation in the amount of \$1,800.00 to acquire real property rights at 252 Liberty Street for this project, **now therefore be it**

RESOLVED, that the executed Summary of Just Compensation for the Right-of-Way (R.O.W.) Acquisition, as accepted by Mr. Frank M. Fiore, Trustee of the Frank M. Fiore Revocable Living Trust, 205 N. Main Street, Canastota NY be hereby received and placed on file, **and be it further**

RESOLVED, the Common Council hereby approves the offer of Just Compensation for the Right-of-Way (R.O.W.) Acquisition in the amount of \$1,800.00 for the property interests located at 252 Liberty Street, and further authorize the City Attorney to proceed with the purchase of said easement and prepare any and all documents relative to said acquisition for execution by the Mayor.

Ayes: 5

Nays: 0

Absent: 1 (Smith)

MOTION CARRIED

The City Attorney stated that Supervisor Magliocca has asked that a time-sensitive, Intermunicipal Agreement with Madison County for the use of County property by the Oneida Rail Trail, as well as for some of the services provided by the County be finalized. She said that she has been working with the County Attorney on this agreement. Attorney Bell said he is asking if the Council would consider authorizing approval of the Intermunicipal Agreement with the County, subject to the approval of the City Attorney. Councilor Acker said that she is not voting on something she hasn't seen. Supervisor Magliocca said sections of the Rail Trail are owned by the County, and the County Highway Department will be doing some repair work to save the City money. After a brief discussion, the Council decided that before giving any approvals, they wanted to see the agreement and deferred that item to the next meeting. Mayor Matzke said that he agreed with that decision.

NEW BUSINESS

City Website – Kudos

Councilor Acker said that while working on the new Sign Ordinance Committee, she has had the chance to look at many municipal websites. She said most of those websites are really pretty with lots of pictures, but without a lot of information. Councilor Acker gave kudos to Val Peterson, the City's tech employee, noting that she deserves recognition for the great job she has done on our City website, which has all the facts that can be easily found.

Potential Flooding on July 2, 2017

Councilor Acker said the City dodged a bullet this weekend with the potential for flooding in the flats, noting it was only an inch away from going over the top. She said that she and her co-Council members were onsite trying to keep the calm, while informing residents to have a plan should evacuation be necessary. She said that finally from 3:00 a.m. to 5:30 a.m., the water went down about three feet. Councilor Acker said she has sympathy for those municipalities around us who got hit pretty badly. She thanked the DPW, Fire, Police and Water Departments for their efforts, noting that everyone worked very well together.

Councilor Chamberlain thanked Councilor Acker and Councilor Simchik and especially Councilor Bowe, who stayed with him until about 3:30 a.m. when the water began receding. Councilor Acker said that six tiny baby bunnies were found at the WWTP, and Councilor Simchik took them home in a box to care for them until they are old enough to be released. Councilor Acker explained the challenges with keeping the bridge clear of debris flowing down the fast moving creek. Councilor Bowe said this was the second highest recorded flood level in Oneida's history.

Proposed Byrne Dairy on Rt. 5

Councilor Bowe said an article in Sunday's Dispatch referred to a Byrne Dairy going in on Rt. 5 and Sayles Street where the old Patio Motel once stood. He said it is zoned commercial, and in the article the property owner referred to the City as being difficult to work with. Councilor Bowe said that besides the

residential aspect, that is a terrible corridor now, and he doesn't know how we could put that type of facility there. He said he fought for years to get the speed limit lowered there. He said that if a traffic light is put at the intersection, it would be hard to get up the hill in the winter. Councilor Bowe said he hopes the City really looks at this and that the NYS DOT looks into this as well. Councilor Chamberlain said that if the City had known of his plans, we might have been able to work with him.

19th Annual Cycle the Erie

Supervisor Magliocca said that the 19th Annual "Cycle the Erie" will be bringing 600+ cyclists by our local communities on the Erie Canalway Trail on Thursday, July 13th. This annual Bike Tour from July 9, 2017 to July 16, 2017 starts in Buffalo and ends in Albany. He said the City will have a welcoming table at the Burnet Park Zoo in Syracuse to promote our area, as well as at different locations here in the City. He said they are expecting cyclists' downtown, and several restaurants have specials available for the cyclists.

Red Cross Blood Drives

Councilor Cohen said there will be a Red Cross Blood Drive at the Munnsville Fire Department on Friday, July 7th from 1 to 6 p.m. He said the Gorman Foundation will also be sponsoring a blood drive on Tuesday, July 11th from 7 am to noon.

EXECUTIVE SESSION - ADVICE OF COUNSEL

RESOLUTION 17-193

Moved by Councilor Bowe
Seconded by Councilor Chamberlain

RESOLVED, that the Common Council hereby adjourns to Executive Session to seek advice of counsel on certain City matters and to discuss a personnel issue.

Ayes: 5
Nays: 0
Absent: 1 (Smith)

MOTION CARRIED

PRESENT: Mayor, Councilors, City Clerk, City Attorney

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:54 p.m.

Ayes: 5
Nays: 0
Absent: 1 (Smith)

MOTION CARRIED

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 8:55 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk