

**MINUTES OF THE COMMON COUNCIL  
APRIL 7, 2015**

A meeting of the Common Council of the City of Oneida, NY was held on the seventh day of April, 2015 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 Alden M. Smith

**PRESENT:** Councilors Brahim Zogby, Michael Bowe, Erwin Smith, Helen Acker, James Chamberlain, and Thomas Simchik

**ALSO PRESENT:** City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
City Engineer Jon Rauscher  
Comptroller Linda Pease  
Fire Chief Kevin Salerno  
Director of Parks and Recreation Lucas Griff  
Director of Planning and Development Cassie Rose  
Police Chief David Meeker  
Public Safety Commissioner Michael Kaiser  
Water Superintendent Art Smolinski

**PUBLIC HEARING –FITCH STREET WATER MAIN EXTENSION**

**RESOLUTION 15-68**

Moved by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, that the Public Hearing on the Fitch Street Water Main Extension is hereby opened at 6:32 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**APPEARANCES**

Water Superintendent Art Smolinski stated that a petition for a water main extension on Fitch Street was received from a property owner. Pointing to the enlarged project map, he explained that the proposed project will include a 700' water main extension from the end of the existing main and a hydrant being installed at the end of the main near West Elm Street. The total project cost is \$37,300 with 25% to be paid out of the water fund and 75% assessed to the benefiting property owners. The City will finance this project with current funds over a 15 year period. It is anticipated that a subdivision will be filed in the near future, and the number of assessable units will increase to 13. Based upon this planned filing, the cost per building lot will be \$2,150. This project does not include the cost for water services that are to be paid in full prior to installation. The current price for a ¾" service is \$1,280, which includes installation from the main to the curb box, the meter and setting up the account. Residents are not required to connect to the public water system, but must pay for the assessment for the extension. The Water Superintendent said this water main project will be completed by City Water Department employees once the pipe has been delivered.

Public - None

Moved by Councilor Bowe  
Seconded by Councilor Chamberlain

**RESOLVED**, that the Public Hearing on the Fitch Street Water Main Extension is hereby closed at 6:35 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

### **PUBLIC HEARING - WEST ELM STREET WATER MAIN EXTENSION**

#### **RESOLUTION 15-69**

Moved by Councilor Zogby  
Seconded by Councilor Smith

**RESOLVED**, that the Public Hearing on the West Elm Street Water Main Extension is hereby opened at 6:35 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

#### **APPEARANCES**

Water Superintendent Art Smolinski, pointing to an enlarged project map, explained that this proposed project is more extensive and will consist of 9,135 feet of 12" water main extension from the end of the existing main on W. Elm Street near the inside district boundary. The main will extend from the current main to Fitch Street, where it will be tied in and proceed to the current 12" main at Hubbard Place where it will also be tied in. The main will be bored under the Cowaselon Creek and proceed to the existing 12" main coming from the Village of Wampsville. Fire flow will be provided by the seventeen new hydrants being installed along the main. This will also allow for increased fire flows at Fitch Street and Five Corners. The estimated total project cost is \$610,000, with \$112K from the water fund to cover the cost difference between the 8" and 12" main, \$355,500 from the grant, \$35,500 from the water fund to cover the City's portion of 25%, and the balance of \$106K, 75% of which will be assessed to the benefiting property owners (26 properties is the assessment district along W. Elm Street). The cost per unit for this project is projected at \$4,100. This does not include the cost of water services (current price \$1,280), which includes installation from the main to the curb box, the meter and setting up the account. This project will be financed with current funds over 15 years at a market rate of around 3%. Residents are not required to connect to the public water system, but will have to pay for the assessment for the extension.

Dan Meyers, 1236 W. Elm Street, asked why the Fitch Street water main extension was being done first, and the Water Superintendent said the project was petitioned, has been designed and is being installed by City employees. Mr. Meyers said that he petitioned for City water on West Elm Street years ago. Superintendent Smolinski said the West Elm Street project has more hurdles to get through and would be done later in the summer after bidding and contracts are awarded. It was noted that it has been a long time from planning to execution with this project, as it was designed back when Wal-Mart was being built. The Superintendent said the project is driven by the \$1M grant and has to be completed in a timely manner, or the grant money will not be available.

George Clark, 1445 W. Elm Street, said that he is opposed to this project because he has infrastructure at his home (septic, well, etc.) that he does maintenance on, and he said this is a huge financial burden on the property owners. He said we are all going to have to pick up the slack when the buyout of the flats

happens. He said he is in the outer tax district, and once this project is completed his tax rate will jump again. He said he will have to pay an average of \$350 a year for the next 15 years and would also have to hire a contractor for three or four thousand to hookup to the water main, where he could potentially be exposed to fluoride, which is bad for the environment. Then on top of all of that, he would receive a quarterly water bill. He said all his neighbors are not in favor of this, because they are retired and this has just doubled their taxes. He said this is two miles of pipe for basically 12 owner occupants. Mr. Clark said you can replace a lot of 120 year-old lead supply lines where a couple of hundred houses would benefit with the \$1.7M being spent on this project. He said this sounds like it was a done deal before the public hearing even started and hopes that the Council is not voting on this tonight, because the taxes will double. He questioned the breakdown of 1.5 units for a duplex saying that a duplex is 2 units. He said a landlord could absorb the \$4K by charging the tenants more rent each month. Mr. Clark said he has spent decades here and now can't afford to be here. He questioned the \$5,800 allocated for paving citing irregularities in the figures.

Terry Karst, 1624 W. Elm Street, said the grant has been awarded since 2013 and now we are rushing around trying to get this through. He said he has good water and doesn't want to pay \$4,100 for the smoke-in-the-sky industrial park that may be built. He said he wants to know if the Curtin brothers are going to sell the land, who is going in there, what will be the economic impact, and the amount of jobs that would be created. He said he needs a lot more information.

Leo Matzke, 213 Park Avenue, former Mayor, asked why the industrial park isn't picking up the lion's share of the cost, and Mayor Smith said that they are. Mr. Matzke said when the sewer line, as controversial as it was, went to Five Corners, Wal-Mart kicked in a pretty penny. Because the parcel has to sell all at once, the person who owns the land hugely benefits, and the City will benefit also if we can make the industrial park work. He asked if formulas could be worked out. Mayor Smith said the formulas are based on how much land you have, and since one person owns a lion's share of that land, his costs are significantly more than anyone else's.

The Mayor said one of the reasons this property could not be sold or attract industry to it is because there is no water or sewer. He said as far as attracting corporations, jobs and tax base, the City is facing a lot of competition, and without water and sewer it would never happen. Mayor Smith said what we have now, which has never happened in the past, is a \$1M grant to make this project viable. He said to imagine what the costs would be without that grant. George Clark said he realizes there are 26 properties, but this project is on the backs of the twelve owner occupants who live there.

Terry Karst said the Curtin brothers have bought land all over the place and asked if there was an arrangement for the Curtin property sale. Mayor Smith said, in speaking with Mr. Curtin, the reason he bought the land was for future resale.

George Hopper, 2096 West Elm Street, Oneida said he lives on the Wampsville end and has water and asked exactly where the current water lines are. Superintendent Smolinski said with respect to the hydrant at Hubbard Place, that water comes from Genesee Street. The water comes from North Court Street onto West Elm heading towards the City going past six houses and to the Curtin property. Mr. Hopper asked why this project is being proposed if the property already has water. Superintendent Smolinski explained in terms of water for an industrial park, they would need significantly more fire flow, and that is currently not available to them. He said this will tie in four dead ends creating an outer loop of twelve inch main, and many locations (Five Corners, Wampsville, Fitch Street and other areas) will benefit from the increased fire flow. The Superintendent explained when the water was put in for those six houses, they didn't need a twelve inch main, but this was part of the overall plan, and the system benefits the City. Mr. Clark reiterated that this project is on the backs of twelve owner occupied homes.

Steve Trotz, 202 Boston Street, Oneida, said the right side of West Elm is all swamp land, and he doesn't understand the purpose of putting water and sewer in swamp land. He said the City doesn't take care of the sewer and storm system it has now and asked why more problems are being created. He said he lives

on the corner of West Elm and Boston Street, and he is watching the development across the street, which is good for the City, but said he sees this creating nothing but problems down the road. He said to fix the streets and systems we have now.

The Water Superintendent said he wants to clarify that the entire water distribution system was built one extension at a time and paid for with the water fund. It has nothing to do with roads, pot holes, sewers, etc.; it was all built with water fund money paid for by the water customers. He said if you have 200 feet of road frontage, it would be \$10K just for the pipe alone. He said things are expensive, but this will be there for a hundred years, long after it is paid for.

Leo Matzke said, with respect to project costs, he wanted to make sure that everyone is paying their fair share and suggested maybe going 20 years, rather than 15. Mr. Matzke said an industrial park would be huge for the City. The Superintendent said that everyone who is on the assessment list was sent a copy of the breakdown.

The City Attorney said if the property is sold after the lines are put in, the costs stay with the property, as it is the property that benefits, not the individual. The Water Superintendent said there are three ways to breakdown the costs; ad valorem, which is assessment based, per unit or per front footage. He said that the breakdown by unit has been traditionally used over the past 25 years, because it seems to be the fairest. The costs are currently based on 26 units; however, the subdivision on the triangle could add 12 units, which would mean 38 benefiting properties, making more people to share the burden. Therefore, the cost of the \$4,100 would drop.

Councilor Chamberlain said that there are four dead end stubs that will be taken out, which will make the water fresher as it moves in a continuous loop. He said that if you sell your home in 10 years, the value will be better if public water is located in front of it. He said it's there if your well goes dry or gets contaminated.

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, that the Public Hearing on the West Elm Street Water Main Extension is hereby closed at 7:10 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

## **PUBLIC HEARING – WEST ELM STREET SEWER MAIN EXTENSION**

### **RESOLUTION 15-70**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, that the Public Hearing on the West Elm Street Sewer Main Extension is hereby opened at 7:10 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

## **APPEARANCES**

City Engineer Jon Rauscher, pointing to an enlarged project map, explained that the proposed project will run along the existing abandoned railroad bed. He said there are not many benefitting property owners, so the majority of the cost is through the Curtin brothers. This project cost is estimated at \$1,096,891 and with the grant allocation, the cost to the seven benefitting property owners will be \$52,415. He said unlike the water, residents are required to tie-in to the sewer main within 365 days once it is in front of their property. He said benefitting property owners were sent a letter, which included the breakdown of the costs. Curtin brothers will be paying 99% of the cost, and easements will be requested from certain property owners. This project will potentially allow for future routing on Hubbard Place and in Wampsville.

Judson Hale, 2074 W. Elm Street, asked the cost of hooking into the line. The City Engineer said that would be by plumbing contractor. Terry Karst asked why the sewer wasn't being run with the water lines, and the City Engineer said it is because of the distance and potential cost. The Mayor said it isn't economical to go down West Elm Street when you look at the cost of the pipe. The City Engineer said there is a possibility that Mr. Karst could have a private sewer line connect to his property.

Elaine Clark, 1445 W. Elm Street, said she wants to know if this is a done deal and asked if there would be further discussion of how the residents feel about this project. Mayor Smith said the Council does their best for everyone in the City and that it is not to say that we will always agree with you, but to suggest that we will not listen is categorically wrong. The Mayor said the Council will listen to what everyone has to say and take it to heart.

Martin Clark, Wampsville, asked if there was a plan of what specific County buildings would be tying into this line and questioned who would own, operate and maintain it. Mayor Smith said the City does not have an intermunicipal agreement in place, but there is a future potential for those areas. The City Engineer said we have designed capacity into the planning of this system, but this is a gravity system and it can't be run much further without adding pump stations, etc. Terry Karst said that is a lot of money for such a small amount of people to tie into it.

Steve Trotz, 202 Boston Street, Oneida asked if someone would elaborate on what the industrial park is. Mayor Smith said there are 850 acres of land in the West Elm Street area. It is a potential spot to attract an industrial or manufacturing business to that area, thereby creating jobs and tax base for the City, but without water and sewer, that will not happen. The Mayor said that we cannot afford to live here without a tax base. He said the Council struggles every year to pay the costs associated with running the City, but without revenue and income; we can't do that. There are only two sources of income, sales tax and property tax. The Mayor said quality of life is also important, we all live here.

Moved by Councilor Smith

Seconded by Councilor Simchik

**RESOLVED**, that the Public Hearing on the West Elm Street Sewer Main Extension is hereby closed at 7:28 p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

## **OLD BUSINESS**

### *NYS DOT Rt.365A (Lenox Avenue) Project*

Councilor Bowe inquired if any further information has been received on the DOT's Rt. 365A project, and the City Engineer said they received a traffic safety report.

*Redistricting of City Wards*

The Mayor said redistricting (redrawing of ward boundary lines) of the City wards has not been done in over thirty years. He said he received notice from Oneida County that the cost of redistricting would be \$5,600, which includes some opportunity for more than one draft if needed. The Mayor said an intermunicipal agreement will be drawn up to complete that effort.

Moved by Councilor Smith  
Seconded by Councilor Bowe

**RESOLVED**, that the minutes of the regular meeting of March 17, 2015 and special meeting of March 23, 2015 are hereby approved as presented.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Moved by Councilor Simchik  
Seconded by Councilor Smith

**RESOLVED**, that Warrant No. 7, checks and ACH payments in the amount of \$435,493.60 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 Simchik  
Seconded by Councilor Smith

**RESOLVED**, that Check No. 52770 in the amount of \$63.52 (Oneida Office Supply) 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 (Acker)

**MOTION CARRIED**

**SUMMER CONCERTS IN THE PARK**

**RESOLUTION 15-71**

Moved by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, to authorize the Mayor to sign various agreements for the 2015 summer concerts in Higinbotham Park, as they are received, in a total amount not to exceed \$3,500.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**WAIVER OF DAILY POOL FEES**

**RESOLUTION 15-72**

Moved by Councilor Smith  
Seconded by Councilor Chamberlain

**RESOLVED**, to authorize the waiver of the daily entry fee at Veteran’s Memorial Pool when the scheduled forecast is 90°F or higher.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**2014 RECREATION DEPARTMENT ANNUAL REPORT**

**RESOLUTION 15-73**

Moved by Councilor Smith  
Seconded by Councilor Bowe

**RESOLVED**, that the City of Oneida Recreation Department’s 2014 Annual Report be hereby received and placed on file.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Councilor Smith stated the Recreation Director did a good job on the report and commended the City Clerk for her annual activities report.

**BUDGET TRANSFERS**

**RESOLUTION 15-74**

Moved by Councilor Smith  
Seconded by Councilor Bowe

**RESOLVED**, to approve the following budget transfers:

	FROM:	BALANCE:	TO:	BALANCE
\$51,700.76	001.3120.0200 (Police Capital - Cars)	\$3,232.24	001.9950.0900 (Transfer to Capital)	\$56,815.76

*(To transfer money from police capital (general fund) line to capital fund to make first payment on cars 2015)*

\$7,200.00	001.3620.0200 (Codes Capital - Car)	\$0.00	001.9950.0900 (Transfer to Capital)	\$64,015.76
\$442.07	001.3620.0300 (Codes Supplies)	\$3,548.93	001.9950.0900 (Transfer to Capital)	\$64,457.83

*(To transfer money from Codes Capital (General Fund) and Supplies to Capital Fund to make first payment on car in 2015. Subsequent years will remain in General Fund budget)*

\$2,000.00	001.1990.0400 (Contingency)	\$30,310.88	001.7140.0202 (Temporary Heat Kallet)	\$2,000.00
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Ayes: 6

Nays: 0

**MOTION CARRIED**

**MEMORIAL DAY PARADE AGREEMENT**

**RESOLUTION 15-75**

Moved by Councilor Smith

Seconded by Councilor Acker

**RESOLVED**, to authorize the Mayor to sign the 2015 Memorial Day Parade agreement, **and be it further**

**RESOLVED**, to approve the following budget transfer:

AMOUNT	FROM	BALANCE	TO	BALANCE
\$1,500.00	001.1990.0400 (Contingency)	\$28,810.88	001.6511.0400 (Memorial Day Parade)	\$1,500.00

Councilor Zogby - No

Councilor Bowe – Yes with \$195 donation

Councilor Acker - Yes

Councilor Chamberlain – Yes with a \$100 donation

Councilor Simchik - Yes with a donation

**MOTION CARRIED**

Mayor Smith said if there is one thing that this City should be supporting, it should be the Memorial Day parade, because it speaks to our whole community. He said he would like to have the Council reconsider this and support the Memorial Day parade. Councilor Smith said when putting the budget together last fall, some members of the Council had questions. He referred to a letter from the committee, adding that most of the questions had been answered in that letter and said that the committee members are here to answer any further questions. Councilor Smith said this is one of the biggest parades in the area. He said it brings people to our community, brings in sales tax revenue and allows us to show our pride and honor for our veterans. Mayor Smith spoke of his relatives who came from out of town last year to the parade, and the comments they made of how great the parade was. They were impressed with the job the Memorial Committee did.

Councilor Chamberlain said during the budget process he was disappointed with the budgets, and he is 100% for the Memorial Day parade. He did not remember that we paid \$3,500 for concerts in the park and cannot justify not paying for the parade when we pay for the concerts.

Sally West, President of the Memorial Association Committee, said in 2012 several messages went back and forth between former Mayor Hudson, the City Attorney and the Committee. It was determined that the City could appropriate funds to their organization. It was also decided that the Memorial Association would become a committee of City, so they could raise funds for the event, and the City would co-

sponsor. She said the Committee has been fortunate with an anonymous donor. She said all the money raised goes for the parade, and the committee usually raises \$4K to \$5K for the Memorial Day event.

Nancy Ginter, Committee member, said that they have to pay for the bands to participate, including high school bands, as they all have costs involved too. She said the Committee likes to put on a beautiful parade to honor our veterans. She said fund raising gets more difficult each year with less industry here in Oneida. Councilor Simchik said the City pays approximately \$1,600 in payroll costs for the parade. Virginia Seminaroti, Committee member, said people need culture here, but this parade does more than just music. It is the one time we all, young and old, come together to respect our veterans.

Lee Meriwether, Committee member said the veterans come out and want to be a part of this parade. We have the younger generation come out and want to be a part of it. He cited the example of a veteran who rode in a convertible during the parade, and said this veteran stated after the parade how moved he was by all the people who came to him and thanked him for his service. Mr. Meriwether said that is why we do it. He said that a donated bus picks up the veterans who reside at the Extended Care Facility and brings them to participate and be honored in the parade. He said for him, this event is priceless for the unforgotten heroes to give them one day in Oneida to say thank you.

Councilor Acker said several years ago, the Council agreed to stop funding not-for-profit organizations. At the time, she said it was her misunderstanding that the City was a co-sponsor of this parade, and she was against doing for one non-profit and not for another. Councilor Acker said this is different, and she can't think of a better cause than for those who protect our country. She said she is in favor of funding the parade and thanked the members of the committee for attending the meeting.

Councilor Zogby said he has a number of questions. He said he has respect for the group, it's a great event, and there is no better way to honor our veterans. He mentioned his father's service, but said that the the size and scope of the parade doesn't matter; it is how we honor the veterans. He said the legislation is faulted, stating that if we vote for this, it will immediately move funds from the contingency account to the General Fund for this donation. He inquired how much money the committee has raised this year. Sally West said that they have not started fund raising yet. Ms. West said the committee sent a request in the fall during budget time, which was not approved. She said at their committee meeting, they decided to reach out to the City once again for reconsideration and that is why they are here tonight. Councilor Zogby said counter tops needing replacement, refurbishing the front of City Hall, and replacing old furniture in the lobby have been removed from the budget each year. He said \$1.2M is being taken from the reserve fund to balance the budget and to hold the tax increase down to 8%. He said that he has difficulty not understanding how they could not raise money for this event.

Councilor Zogby questioned the members of the committee about raising money, how many bands are actually needed, and how the parade would be without a contribution from the City. Mr. Meriwether said that everyone needs to be cost conscience. He said the Committee could decide to have only local high school bands, but feels City residents would be very disappointed. He asked Councilor Zogby if he has ever been down the stretch of the parade where many, many people line both sides of Main Street all the way to the American Legion. He said he agrees with Mayor Smith that this parade means something to this City; people look forward to this parade to honor our veterans. He said that the Committee could reconsider, do a nice ceremony and a very small parade as other communities do. He questioned how the residents would feel about that and wondered what the turn out would be. He said that the only thing this City does to draw people together downtown is the parade; the judging stand is downtown and businesses stay open downtown; it brings that awareness.

Councilor Zogby proposed that for the last time the Council make a contribution. Also, that the Memorial Association Committee becomes part of another larger not-for-profit organization; whether it becomes an arm of the fire organization, Legion or Oneida Improvement Committee, so they can raise funds as a 501C. He strongly encouraged the Committee to figure out a way to raise money. He said that he would be willing to go along with this if the funds were taken from the concert budget or if each of the eight

elected officials donated money from their salaries, not from the contingency account. He said if the committee and Council can agree to those terms, they will have his vote.

Former Mayor Matzke said, as a veteran, comparing honoring our veterans to buying furniture or putting in a lawn is very disrespectful. Barbara Beuhner said she was greatly offended by Councilor Zogby's comments; the military makes a priceless sacrifice. Mrs. West said as President she would not ask the Council to take \$200 from their pay and thanked the Council for their opinion. The Mayor said this is a proposal only. Steve Trotz said the Council just discussed spending a million dollars on piping, and with the Memorial Day parade, which has been a staple in the community for years and years, there is a thirty minute discussion of whether this contribution is right or wrong. He said the City is stepping over dollars to pick up dimes.

Mayor Smith spoke of his father and how the parade meant everything to his father. He said that \$1,500 is not too much to ask to honor our Veterans in a significant and honorable way.

Councilor Smith recused himself from the vote, as he is a member of the Memorial Association's Committee and left the room to avoid the appearance of any conflict of interest.

## ZONING MAP AMENDMENT

### RESOLUTION 15-76

Moved by Councilor Smith  
Seconded by Councilor Simchik

**WHEREAS**, a written request from Stephen R. Pelkey, Director of Operations, on behalf of HP Hood LLC, 252 Genesee Street, Oneida NY 13421 requesting a zone change from R-2 (Residential) to L-I (Light Industrial) on the parcel formerly known as Kime's property (SBL# 38.56-1-36) located off Broad Street along the northern boundary of the HP Hood, LLC property was received and placed on file and referred to the Planning Commission by the Common Council on December 16, 2014; **and**

**WHEREAS**, the requirements of 6 N.Y.C.R.R. Part 617 have heretofore been satisfied by Resolution, dated February 19, 2015, in which the City of Oneida Planning Commission reviewed the Short Environmental Assessment Form, determined that the proposed action, which, in its non-segmented entirety, includes a zone change, site plan review and area variance relief for a proposed fence and silos, was an Unlisted Action and concluded that such action avoids or minimizes adverse environmental impacts to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable; **and**

**WHEREAS**, the City of Oneida Planning Commission having duly considered the applicant's proposal, unanimously recommended approval of the zoning map amendment, noting that (1) said parcel has not been used for residential purposes in the past hundred years, (2) approximately one-third of such parcel is currently zoned L-I (Light Industrial), and (3) that because a district boundary divides the parcel, the Light-Industrial standards already extend 50 feet into the more restricted Residentially zoned portion, in accordance with Article III of the City's Zoning Regulations; **and**

**WHEREAS**, having received a request for such zoning map amendment and the recommendation of the Planning Commission, the Common Council introduced on March 3, 2015 an Ordinance to amend the Zoning Map of the City of Oneida to change the designation of certain property as being L-I (Light Industrial); **and**

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of an ordinance in the City of Oneida, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Ordinance; **and**

**WHEREAS**, a Public Hearing on an Ordinance amending the Zoning Map of the City of Oneida to change the Zoning designation for said property being zoned R-2 (Residential) to L-I (Light Industrial) in the City of Oneida was properly held on March 17, 2015 at 6:30 p.m. in the Common Council Chambers, 109 N. Main St., Oneida; **now therefore be it**

**RESOLVED AND DETERMINED**, that the proposed zone change is consistent with the City of Oneida's Comprehensive Plan, the present use of the property and the uses and zoning designation of contiguous properties; and be it further

**RESOLVED AND DETERMINED**, that the Common Council of the City of Oneida, Madison County, New York, hereby ratifies, reaffirms and re-adopts the SEQRA findings and Negative Declaration rendered by the City of Oneida Planning Commission on February 19, 2015, finding that the proposed zone change amendment will not change or alter those findings and determinations; **and it is further**

**RESOLVED AND DETERMINED**, that the Common Council does further enact the Proposed Ordinance amendment, as herein set forth:

“An Ordinance Amending the Zoning Map of the City of Oneida to Change the Zoning Designation for Certain Property from Being Zoned Residential (R-2) to Light Industrial (L-I) in the City of Oneida”

Be it ordained by the City of Oneida Common Council, as follows:

“Section 1. The Zoning Map of the City of Oneida, as provided for in Section 190-9 of the Code of the City of Oneida, shall be amended to change the zoning use designation of certain lands situated off Broad Street, identified as Tax Map Parcel No. 38.56-1-36, from Residential (R-2) to Light Industrial (L-I), as such zoning districts are defined and regulated pursuant to the provisions of Chapter 190 of the Code of the City of Oneida.

Section 2. The parcel of land, which shall be the subject of said zone change, totals approximately 2.0 acres, is designated as Tax Map Parcel No. 38.56-1-36, and is situated off Broad Street along the northern boundary of the HP Hood, LLC property.

Section 3. The City of Oneida Zoning Map shall be amended and shall incorporate the change of zoning classification, as herein provided.

Section 4. This Ordinance shall become effective immediately upon publication in the official newspaper.”

Councilor Zogby - Yes  
Councilor Bowe - Yes  
Councilor Smith - Yes  
Councilor Acker - Yes  
Councilor Chamberlain - Yes  
Councilor Simchik - Yes

**MOTION CARRIED**

James Coulthart, 544 Broadway, Oneida, said at the meeting on March 17, there was an urging by residents living around Allen Park that there would be a presentation given to the Council before this vote was taken, as that is why the Council waited to vote on it. He asked if there was an explanation of potential plans Hood has for this property. Mayor Smith said a vote is not taken on an item the same evening as the public hearing. The Mayor said that his understanding of the last meeting was that the residents wanted to negotiate this project with HP Hood and bypass all the laws, codes and procedures involved.

Mayor Smith said HP Hood has gone to great lengths to meet all of the concerns that have been expressed. The Mayor said, if you remember way back to the very first meeting regarding this, folks were very concerned and there was a great mistrust whether we, as a City, and those on the Planning Commission would even listen and address those needs. Mayor Smith said look at what has happened. HP Hood has backed off from putting trees on park property, put in additional green space, they have agreed to fencing at a height that the neighbors wanted, and have moved the scales because of concerns. The Mayor said now we are actually allowing some of those changes to be implemented, and the Planning Commission will continue to listen to your needs and address those needs moving forward. The City Attorney said the only action the Council is voting on tonight is the zone change. The Mayor said we will continue to listen to what is said and do our best to find a middle ground between your concerns for quality of life, noise abatement and other issues, which have been articulated very clearly. The Mayor said though we may not have seen eye-to-eye on this at times, he appreciates the resident's passion about the community and where you live. He said he cannot guarantee that everyone will be 100% happy when this is done, because we are balancing conflicting interests. Mayor Smith said he passionately believes that when this is all said and done, the residents will look back and say that they really were listened to and that they addressed our concerns.

Leo Matzke said that the human element in this whole process has been lost when we let codes and rules dictate to the City and residents. He said codes should be supporting the residents. Mayor Smith said he disagrees with that; codes and rules are there to provide a framework for which we can work in a fair and equitable way. The Mayor stressed he wants the residents to be assured that they are listening to their concerns, and the Planning Commission will continue to listen to their concerns to meet the needs of both the residents and HP Hood. Councilor Simchik said if you look at HP Hood's original proposal versus the current proposal, just about every issue has been addressed based on the resident concerns, whether it was placement of the trailers or placement of the fence.

### **SPECIAL EVENTS APPLICATION**

#### **RESOLUTION 15-77**

Moved by Councilor Acker  
Seconded by Councilor Chamberlain

**RESOLVED**, that the following Special Event Application be hereby approved:

Name of Event:	2015 Walk for Autism
Sponsor:	The Kelberman Center
Address:	1601 Armory Drive, Utica NY 13501
Event Date:	April 18, 2015

Ayes: 6  
Nays: 0

**MOTION CARRIED**

This event starts at the Oneida High School and uses city sidewalks.

*Fitch Street Water Main Extension*

The Council said they do not want to vote on a project the same night as the public hearing, as has been their past practice. The Water Superintendent questioned why this was being delayed, as it is petition driven by the benefitting property owner and no one appeared in opposition at the meeting. The Council decided to table the next three items relating to the Fitch Street Water Main Project until the next meeting.

AUTHORIZATION OF LOCAL IMPROVEMENT ON FITCH STREET

RESOLUTION 15-

Moved by Councilor Bowe  
Seconded by Councilor Acker

WHEREAS, the City of Oneida Common Council has heretofore declared its intention to undertake in the year 2015, a capital improvement project consisting of a water main extension from the end of the water main on Fitch Street to the intersection of West Elm Street a distance of approximately 700 feet at a total estimated cost of \$37,327.00, and

WHEREAS, a public hearing was duly held on said improvement project at 6:30 o'clock p.m. on the seventh day of April, 2015 in Council Chambers, Oneida Municipal building, 109 N. Main Street, now therefore be it

RESOLVED, that the total estimated cost of said Fitch Street water main extension project shall be paid as follows: 25% to be paid by the City as a whole and 75% to be paid by the benefitting property owners, excluding expenses associated with the installation of new water services, and be it further

RESOLVED, that the 75% property owners' cost share for the water main extension shall be shared as follows:

DESCRIPTION	UNITS
Undeveloped parcel	One Unit
Single use property	One Unit
Multi-family or multi-use building First apartment or use	One Unit
Each additional apartment or use	One half Unit
Parcel with more than one building served	
First building served	One Unit
Each additional building served	Three-quarter Unit
Commercial/Industrial/Manufacturing Use	One Unit per 2,000 sq. ft. of bldg. serviced
Parcel with water service available prior to subdivision with frontage on water main extension	Zero Unit
Government	Zero Unit

BE IT FURTHER RESOLVED, that in the event that a parcel with water service available from an existing main subdivides, the owner of the resulting new parcel will be deemed to be a benefitting property if it fronts upon the new water main, and the remaining balance on the total

benefiting property owners cost shares shall be recalculated based upon the above schedule, and be it further

RESOLVED, that in the event of prepayment of a share by owners of existing benefiting parcels, there shall be no refunds paid to adjust for the share to be charged against the new parcel added to the assessment role, and be it further

RESOLVED, that the Water Superintendent is authorized to proceed with the Water Main Extension of Fitch Street when time and materials are available.

Ayes: 6

Nays: 0

**MOTION TABLED**

**BUDGET TRANSFER FOR FITCH STREET WATERMAIN REPLACEMENT PROJECT**

**RESOLUTION 15-**

Moved by Councilor Acker

Seconded by Councilor Simchik

WHEREAS, as the City has decided to undertake an unbudgeted water main extension on Fitch Street and funds are not available in account 002.8300.0326 (Water Main Replacement) for purchase of materials for the project, now therefore be it

RESOLVED, that a budget transfer in the amount of \$15,650.00 from 002.8300.0436 (Water Contingency) to 002.8300.0326 (Water Main Replacement) be approved.

Ayes: 6

Nays: 0

**MOTION TABLED**

**CANVASS AND APPROVE BIDS**

**RESOLUTION 15-**

Moved by Councilor Acker

Seconded by Councilor Simchik

RESOLVED, that the lowest bid meeting specifications for hydrants received from Vellano Corporation, 7 Hemlock Street, Latham, NY 12110 in the amount of \$6,698.00 be hereby approved, and be it further

RESOLVED, that the lowest bid meeting specifications for ductile iron pipe, fittings, valves, and miscellaneous received from Martisco Corporation, 107 Terminal Road East, Liverpool NY 13088 in the amount of \$81,909.65 be hereby approved.

Ayes: 6

Nays: 0

**MOTION TABLED**

**LICENSE AGREEMENT**

**RESOLUTION 15-78**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, that the Mayor be authorized to sign the license agreement with Niagara Mohawk Power Corporation to install and maintain certain improvements on Niagara Mohawk's premises to construct the Oneida Community Rail Trail and to use the Oneida Community Rail Trail as a recreational use trail for pedestrians, bicycles and non-motorized recreational vehicles.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

The Recreation Director said the City Attorney made some proposals to this agreement, and Niagara Mohawk agreed to the changes. He said this agreement doesn't make or break the Rail Trail Project, but there is some property that we would like to use. An unidentified resident of Birchwood Drive asked exactly what property is being discussed. Joe Magliocca, Rail Trail Committee member, said this agreement encompasses eight properties owned by National Grid. In response to a question from Mr. Trotz, the Mayor said we are building an investment in our future that will help bring people to Oneida and help the tax base. Joe Magliocca gave an overview of the trail system and the volunteer network involved.

A couple from Birchwood Drive questioned their quality of life with this trail system going through their backyard. They said the proposed trail is 130 feet away from their back deck with no barriers. They said they moved to Birchwood Drive to have privacy, but still be in the City. He said they were told not to worry about it, but they had to prove to the committee that they owned the land. He said he contacted his Councilman, because the brush hog was coming down the trail onto his property. The couple said they were told they would be contacted about this, but have received none. Councilor Bowe said this portion is a dead-end trail right now and until it ties in with Lenox Avenue, there is nowhere for people to go. He said that this section of the trail should not be part of the agreement, because these folks concerns have not been addressed. Joe Magliocca said there are no plans for that portion of the trail. He explained that the Rail Trail Committee focus has been the grant sections. He said the busiest portion of the rail trail is behind the high school and up into the heights. He said that informal discussions have been held about getting easements from those four Birchwood Drive property owners and to formulate a budget for improvements, landscapes and screening. If unsuccessful, then they have a Plan B. The Mayor said that he and the Council will listen to and work with the couple to address their concerns. The Birchwood Drive resident said she has spoken with many people on Birchwood, Willow Meadow Way and other streets and not one person was aware that this trail is there nor have they received any type of notification. She said the trail runs very close to many of the decks on the backs of these houses and would interfere with their quality of life as well. The Mayor spoke of the opposition of the Florence Avenue townhouse project years ago and how time moves on and sometimes things change.

**LOCAL LAW - FLUORIDATION OF THE CITY WATER SUPPLY**

**RESOLUTION 15-79**

Moved by Councilor Acker  
Seconded by Councilor Chamberlain

**RESOLVED**, that a proposed Local Law to amend Chapter 73 of the Code of the City of Oneida to include a new Article III, titled "Fluoridation of Municipal Water Supply," be hereby received and placed on file, **and be it further**

**RESOLVED**, that a Public Hearing on said proposed Local Law be scheduled for April 21, 2015 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**A LOCAL LAW TO AMEND THE CODE OF THE CITY OF ONEIDA  
IN RELATION TO FLUORIDATION OF THE MUNICIPAL WATER SUPPLY**

Be it enacted by the Common Council of the City of Oneida as follows:

**Section 1.** Chapter 73 of the Code of the City of Oneida is hereby amended to include a new Article III, titled "Fluoridation of Municipal Water Supply," to read as follows:

§ 73-7. Purpose.

One of the priorities of government is to promote and protect the health and welfare of its residents. The New York State Department of Health has concluded that adding fluoride to community drinking water to reach a concentration of 0.7 to 1.2 parts per million (0.7 to 1.2 milligrams per liter of water) has repeatedly been shown to be an effective method of preventing tooth decay. Because community water fluoridation benefits everyone in the community, regardless of age and socioeconomic status, fluoridation provides protection against tooth decay in populations with limited access to prevention and treatment services. The Task Force on Community Preventive Services, a national independent, nonfederal, multidisciplinary task force appointed by the Centers for Disease Control and Prevention (CDC), conducted a systematic review of studies of community water fluoridation. They found that, in communities that initiated fluoridation, the decrease in childhood tooth decay was almost 30% over 3–12 years of follow-up. To this end, one of the stated objectives of the New York State Department of Health is to increase the percentage of persons on public water receiving fluoridated water to 75%.

§ 73-8. Definitions.

For purposes of this Article, the following words, terms and phrases shall have the following meanings:

1. "Fluoridation" shall mean treatment of water by the adjustment of fluoride ion concentrations to provide the optimum fluoride concentration in water.
2. "Parts per million (ppm)" shall mean a unit of concentration expressed in parts per million (ppm) and is equivalent to milligrams per liter.
3. "Municipal water supply" shall mean all pipes, mains and structures owned and/or maintained by the City, for the conveyance of drinking water to the public for human consumption or any connection to the municipal water supply system.

§ 73-9. Fluoridation.

The municipal water supply shall be fluoridated in the following manner: a fluoride compound shall be added to the municipal water supply at an optimum concentration of about 0.7 ppm of the fluoride ion, provided, however, the concentration of such ion shall not exceed 1.2 ppm at any time.

**Section 2.** This local law shall take effect upon submission of a written application and approval by the State of New York.

**PREVENTATIVE MAINTENANCE AGREEMENTS**

**RESOLUTION 15-80**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign one-year Preventative Maintenance Agreements with Power Generation & Industrial Engines, Inc., 8927 Tyler Rd., Bridgeport NY as follows:

<i>Location</i>	<i>Make &amp; Serial Number</i>	<i>Amount</i>
Baker Reservoir	Katolight-serial #SD30FGJ4T119361	\$ 383.78
Recreation Center	Onan-serial #0968056456	\$ 388.50
WWTP	Katolight-serial #118726-1205 (Main Plant)	
	Katolight-serial #118295-1205 (Main Street)	
	Onan-serial #1930520997 (Kenwood)	
	Portable-serial #3055249 (Plant)	\$1,797.61

Ayes: 6

Nays: 0

**MOTION CARRIED**

**WAIVE RULE FOR AGENDA ITEMS**

**RESOLUTION 15-81**

Moved by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, that per Resolution 08-180 adopted by the Common Council on August 19, 2008, the provisions of the procedure to accept agenda items is hereby waived.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**WATER FLUORIDATION LETTERS**

**RESOLUTION 15-82**

Moved by Councilor Simchik  
Seconded by Councilor Smith

**RESOLVED**, that letters relative to the issue of fluoridation from the following individuals be hereby received and placed on file:

- Howard A. Zucker, MD, JD, Acting Commissioner of the NYS Department of Health
- Patricia M. Planck, Registered Dental Hygienist, P.O. Box 203 Vernon, NY 13476
- Marie Magliocca, Ward 1
- Marguerite O'Connell, Ward 1
- Margaret Stewart, Ward 2
- Pauline Rice, Ward 5
- Susan M. Vella, Ward 5

- M. Janet LaPlante, Ward 5
- Phyllis Rapasadi, Ward 5
- Janice Roberts, Ward 5
- Rita Behr, Ward 5
- Robert W. Staudt, Ward 5
- Crystal Nodine, Ward 5
- Jeanette Commico, Ward 5 (by P. Rice permission)

Ayes: 6

Nays: 0

**MOTION CARRIED**

The Common Council agreed to amend the Resolution to include twelve letters given to Councilor Chamberlain before the meeting.

**AMEND THE 2015 CAPITAL PLAN TO INCLUDE CAPITAL PROJECT FOR THE PURCHASE OF MISCELLANEOUS POLICE EQUIPMENT, AUTHORIZE PROCEEDING WITH SAID PROJECTS AND APPROVE FINANCING**

**RESOLUTION 15-83**

Moved by Councilor Acker

Seconded by Councilor Chamberlain

**RESOLVED**, to amend the Capital Plan of the 2015 Budget to include Capital Project 15-3 Purchase of Miscellaneous Police Equipment, and further approve financing through First Niagara Leasing in the amount of \$60,373 plus interest, with equal annual installments over a period of five years.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**NEW BUSINESS**

*Solar Power Initiative*

Mayor Smith said the Solar Power Purchase Agreement and Lease Agreement have been executed. The City will save approximately \$100K next year, while spending very little to achieve this savings. He said he is very excited to see this project completed in 2015.

*Fluoridation*

Kevin Goggins, Oneida, said he has several questions and comments relative to fluoridation. Mayor Smith asked Mr. Goggins to save his questions for the public hearing to be held at the next meeting.

Motion to adjourn by Councilor Bowe

The meeting is hereby adjourned at 8:52 p.m.

CITY OF ONEIDA

\_\_\_\_\_  
Susan Pulverenti, City Clerk