

**MINUTES OF THE COMMON COUNCIL
JULY 18, 2017**

A regular meeting of the Common Council of the City of Oneida, NY was held on the eighteenth 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, Erwin Smith,
Helen Acker, James Chamberlain, and Thomas Simchik

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

PRESENTATIONS

ONEIDA HOUSING AUTHORITY - JASON GWILT MEMORIAL SENIOR APARTMENTS

Mr. Terry Karst introduced himself as one of the Mayoral appointed members of the City of Oneida Housing Authority. He said that he is here tonight in a public relations capacity to familiarize the Council and public with a senior housing project being undertaken. Mr. Karst said that he is pleased to announce that the Jason Gwilt Memorial Senior Apartments will be located in the former Oneida City School site located at 6734 Route 13 in Verona Beach. He said this project will put this property back on the tax rolls, even though the Housing Authority is a not-for-profit organization. He said this facility is being named after a student who went to the elementary school and passed away from cancer at a very young age. Mr. Karst said that the Oneida Housing Authority, Municipal Housing Authority of the City of Utica and Norstar Development USA have entered into an agreement to rehabilitate the vacant school into quality, affordable housing for senior citizens. He said that the project, which is reserved for the senior population, will have a total of 50 units consisting of 47 single units and 3 double or multiple-occupant units. He said they have found that a huge percentage of those who take advantage of this type of housing are single seniors who have lost their spouses/significant others and can no longer maintain their own property.

Mr. Karst said that applications will be available in early 2018. He described the activities planned for the facility which will include a VA liaison in the facility to meet with the veterans, nursing staff, and library services with computer skills being taught, a fitness center, resident lounges, and computer banks. He said the facility will have a full cafeteria, noting that they are partnering with the Madison County Snack Program. Mr. Karst said that any programs available through the Office of Aging will also be available to the residents of the facility. He said busing will be available to get to Walmart, medical facilities, etc. He said that he is not sure of all of the exact details at this time, but more specifics of the project will be provided as the development moves forward. Mr. Karst said that residents will be eligible to apply for any Federal Programs such as HEAP. He reiterated that this will not be low income housing; it is affordable senior housing for seniors 55 or older. Mr. Karst said that he would leave extra pamphlets highlighting the project on the table, noting that the Council had already been provided with copies. Mayor Matzke said for those who are unaware, the Oneida Housing Authority owns Towers I and Towers II on Farrier Avenue. The Council thanked Mr. Karst for the informative presentation.

MUTUAL AID AGREEMENTS

Madison County Fire Coordinator Doug Shattuck said that he is in the process of updating the County's Mutual Aid Agreement Plan, which he will have for all the fire departments and municipalities within the County. He said that communities receive/provide mutual assistance with other fire companies. He said the agreements address the needs of the 23 Madison County Fire Departments, along with those counties contiguous to Madison County. He said that every County Mutual Aid Plan is a component of the NYS Mobilization and Mutual Aid Plan. The Fire Coordinator said that there is a process for the plan to be approved. He said it has to be supported and signed authorization received from each fire department. There also has to be a signed agreement from the authority having jurisdiction; such as city councils, village or town boards. He said the plan also allows for withdrawal with a 90-day written notice from the Fire Department and in the City's case, the Common Council. He said that if you do withdraw, County resources are lost, such as equipment, radio system and radios, software and training support, and the jurisdiction would have to create their own mutual aid agreement with each of neighboring fire departments that would assist you. He said that each participating fire department will be provided

training of the plan components and their responsibilities within the plan. He said that the departments who participate will have an obligation to go when called with the requested apparatus and personnel. They will also need to keep their equipment maintained and train their personnel. He said that here in Oneida, the City is already budgeting for training and equipment maintenance.

Fire Coordinator Doug Shattuck said that the County is building a fire training facility, where firefighters, Chiefs, Fire Coordinators, etc. will all be trained to their respective levels. He explained his duties, as well as, all the lines of authority/responsibility and their duties. He provided an outline of the various calls answered by fire departments. He said each fire department shall maintain individuality and internal command, and the chain of command remains with the requesting fire department. He outlined the Emergency Communications System, noting they are setting up a backup plan at Troop D Headquarters, as well as outlining the training plan to be provided and the accountability system. He said one of the main goals is Public Fire Education, which will save lives. He reiterated the process, which includes an affirmative vote by the participating fire department, affirmative vote by the jurisdiction having authority, approval and written recommendation by Fire Advisory Board, approval by the County Board of Supervisors, and acceptance by the NYS DHSES/OFPC. He said his goal is to take ownership of problems and assist the communities with the resources to handle them, citing the example of researching stream gauges for monitoring of the Oneida and Chittenango creeks in an effort to be better prepared. Councilor Erwin Smith, a former Oneida Fire Chief, thanked the Fire Coordinator for his expertise, stating that that cooperation between the fire departments is long overdue.

OLD BUSINESS

NYS DOT Lenox Avenue Project

Councilor Smith asked about the time frames for the NYS DOT project on Lenox Avenue, and the City Engineer said they just finished the ADA compliant ramps at the intersections. He said they are starting the sidewalk up by Walmart and will be working in sections to bring it down Lenox Ave.

507 Stone Street – Corrective action by July 18, 2017

Mr. Kistner, owner 507 Stone Street, said his brother was working on the property today and he has someone coming to do the brush work tomorrow. Mayor Matzke said that he spoke with Mr. Kistner's brother on Sunday, who thought he would have the work all done by today. The Mayor said that the two things the Council is requiring is repairing the rear foundation and a protective covering on the front of the house. He said that the Council has given Mr. Kistner a lot of time to make these repairs. The Mayor said if the City does the work, it would be assessed onto his taxes. Mr. Kistner said it is hard for him to secure a loan to fix the house, because of his poor credit rating. Mr. Kistner said that he sold an old mower for \$1,500, but he only has a couple hundred left. The Mayor said that the DPW is currently overwhelmed, and we would have to farm out any repairs to a contractor. The Mayor said that the disrepair at his property impacts the entire neighborhood. Councilor Bowe said that even if the Council decides to turn it over to a contractor for estimate of the repairs, it won't happen overnight. He said this will still give Mr. Kistner additional time to get the work done himself before the City actually sends in a contractor. The City Engineer said if the repair cost is over \$3,000, per the purchasing policy, quotes would need to be received. The City Attorney said quotes should be recommended no matter what the cost. She suggested that Council authorization be given to the City Engineer to obtain quotes for each individual address. It was suggested that the Property Manager secure the quotes, as the City Engineer is extremely busy with many capital projects. City Attorney Bell said that if a quote cannot be obtained without going onto the property, the owner should be contacted and if they will not allow access to the property, a warrant will have to be obtained. She added it would be to the benefit of the property owner, if the work is completed, to allow access to the property.

507 STONE STREET – QUOTE FOR REPAIRS

RESOLUTION 17-194

Moved by Councilor Bowe
Seconded by Councilor Acker

RESOLVED, to authorize the Property Manager to obtain for quotes for repairs to the property at 507 Stone Street, as per the recommendations of the Assistant Fire Marshal.

Ayes: 6
Nays: 0

MOTION CARRIED

The resolution was amended to authorize the Property Manager to obtain the quotes, rather than the City Engineer. The original motion to open discussion was moved by Councilor Bowe and seconded by Councilor Cohen.

112 Madison Street – Corrective action by May 2, May 23, June 20, 2017

Assistant Fire Marshal Dennis Fields said that nothing had been done to the property at 112 Madison Street, and he asked Mr. Xedis for confirmation of what has been done inside. Mr. Xedis said that he tried to get some things done, but he didn't have any power. He said that he was working on the front today. The Mayor suggested that the Council follow suit with what was done with 507 Stone Street. The Mayor said the building looks terrible. He said to Mr. Xedis that he cannot understand why he will not fix it. The Council said this building has been like this for way too long. Mr. Xedis said the Council should back up the businessman and see what they need. The Mayor said to Mr. Xedis that his building is his problem and should not be put on others. Councilor Chamberlain told Mr. Xedis that the Council has given him several extensions, but he just doesn't put forth any effort, so the Council has to move forward. Supervisor Magliocca outlined the time frames for repairs that were given to Mr. Xedis. He said that property ownership is a privilege, not a right, and the community has the right to expect the maintenance of the property to keep it up from unsightly conditions and structural issues that can affect the properties on both sides. Supervisor Magliocca said that when the property affects the health and safety of others, it is time to act.

Mr. Xedis began complaining about a tree and sidewalk in the front of his building. The City Attorney said there were multiple public hearings on this property, and Mr. Xedis had ample opportunities to provide any complaints that he had about the property, but failed to do so. She said that at this point the Council has the right to order action be taken.

112 MADISON STREET – QUOTE FOR REPAIRS

RESOLUTION 17-195

Moved by Councilor Chamberlain
Seconded by Councilor Acker

RESOLVED, to authorize the Property Manager to obtain for quotes for repairs to the property at 112 Madison Street, as per the recommendations of the Assistant Fire Marshal.

Ayes: 6
Nays: 0

MOTION CARRIED

216 E. Elm Street – Corrective action by July 20, 2017

Assistant Fire Marshal Dennis Fields said that nothing has been done with the porch at this property.

216 E. ELM STREET – QUOTE FOR REPAIRS

RESOLUTION 17-196

Moved by Councilor Cohen
Seconded by Councilor Bowe

RESOLVED, that the Assistant Fire Marshall shall inspect the property located at 216 E. Elm Street on July 21, 2017 and based on said inspection, **be it further**

RESOLVED, to authorize the Property Manager to obtain for quotes for repairs to the property at 216 E. Elm Street, as per the recommendations of the Assistant Fire Marshal.

Ayes: 6
Nays: 0

MOTION CARRIED

212 Bates Avenue – Corrective action by July 1, 2017

Assistant Fire Marshal Dennis Fields said the property at 212 Bates Avenue is in foreclosure. He said that upon checking the property today, there is a dumpster full of trash in the driveway, paint work has been done and the lawn has been mowed. Councilor Smith asked if the sewer problem in the basement had been taken care of. Assistant Fire Marshall Fields said that he will contact the bank on Thursday to see if all the required repair orders have been completed and report to the Council. Councilor Bowe said if the work is not being completed to the Council's satisfaction, then the Council can proceed in the same manner as the previous properties.

212 BATES AVENUE

RESOLUTION 17-197

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that any further action on the property located at 212 Bates Avenue will be postponed until the August 1, 2017 Common Council meeting.

Ayes: 6
Nays: 0

MOTION CARRIED

253 Linden Street – Demo/above ground pool full of trash 6/20/17

The Council discussed removing the pool filled with trash and taking it to the landfill, as well as, demolition of the property. City Engineer Jon Rauscher said that he will have the DPW employees look at it.

253 LINDEN STREET

RESOLUTION 17-198

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the City Engineer is hereby authorized to remove the trash/debris filled pool from the property located at 253 Linden Street, **and be it further**

RESOLVED, that the City Engineer is hereby authorized to solicit bids for the demolition of the structure at 253 Linden Street.

Ayes: 6
Nays: 0

MOTION CARRIED

117 E. Sands Street – Potential conveyance of title to City 6/20/17

City Attorney Nadine Bell said that she has not heard from Attorney Harold Bennett, the property owner's attorney. She said that with respect to conveyance of the property at 117 E. Sands Street to the City, she is uncertain of the status of the title. The City Attorney said that she would reach out to the property owner's attorney.

City Chamberlain Position

Brahim Zogby, Oneida, said he is following up with the Council on his question from a month ago relative to the City Chamberlain position. He asked if the Council had made a decision to place on the ballot of this election whether the position of City Chamberlain should remain elected or not. Councilor Chamberlain said that it was discussed in Executive Session at length, however, a decision has not been made. The Councilors said they are conversing to determine a potential job title, job description, if it will be a tested position, and along with other particulars. Mr. Zogby said that the Council would have two years to decide on the specifics of the position, if it were approved by the voters. The City Attorney said that if the voters vote it down, then it is dead on arrival anyway. Attorney Bell referred to the failed referendum to make the Council and Mayor's terms longer a few years ago. She advised that the question to the voters should be general, such as "should the position of City Chamberlain remain an elected position." The City Clerk said to make it on the ballot of this year's election, the Local Law should be received by the Common Council no later than the August 15, 2017 Council meeting. The public hearing would then be held at the first meeting in September, and it would be voted on at the September 19, 2017 meeting. If adopted, the Council's Resolution would have to be to Madison County on or before Friday, September 22, 2017. The Council said they would discuss this matter again in executive session after the next meeting.

SUPERVISORS REPORT

Supervisor Magliocca said there will be another Public Hearing regarding the proposed plastic bag ban on Tuesday, July 25, 2017 at 7:00 p.m. in the Madison County Supervisors Meeting Room.

Supervisor Magliocca said that there was a change to the Public Health Law for e-cigarettes, whereby they are not allowed in certain areas. He suggested that language for e-cigarettes be incorporated into the no smoking policy for the City's parks.

Moved by Councilor Bowe

Seconded by Councilor Simchik

RESOLVED, that the minutes of the regular meeting of July 5, 2017 are hereby approved as presented.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Smith

Seconded by Councilor Bowe

RESOLVED, that Warrant No. 15, checks and ACH payments in the amount of \$212,638.88 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 Simchik

RESOLVED, that Check Nos. 484 and 58038 in the amount of \$12,080.31.00 (City Attorney) as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5

Nays: 0

Abstain: 1 (Bowe)

MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 17-199

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

RESOLVED, that monthly reports from the Chamberlain, City Clerk, Comptroller, City Engineer, Director of Planning and Development, Fire Department, Housing Codes Enforcement, Recreation Department and Police Department be hereby received and placed on file.

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor said these mid-year reports are a good benchmarking point for where we are headed. Councilor Cohen gave kudos to the Police Department for their walking police patrols.

ORDINANCE AMENDMENTS – CHAPTER 190-15 SIGN REQUIREMENTS

RESOLUTION 17-200

Moved by Councilor Acker

Seconded by Councilor Simchik

RESOLVED, that the proposed Ordinance Amendments to Chapter 190-15 - Sign Requirements be hereby received and placed on file, **and be it further**

RESOLVED, to refer said Sign Ordinance Amendments to the Planning Commission.

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Chamberlain said that when Mayor Matzke was out, he appointed Councilors Acker and Simchik, along with Mike Kaiser to the committee to review the signs. He gave them kudos for their fast review and response package. Councilor Acker said that they wanted to bring the sign codes up to the twentieth century to include LED lighting, along with flutter and feather signage.

ADVERTISE FOR BIDS

RESOLUTION 17-201

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, to authorize the Purchasing Agent to advertise for bids for Capital Project 17-04 Sewer Aeration Upgrade Improvements at the Waste Water Treatment Plant.

Ayes: 6
Nays: 0

MOTION CARRIED

The bonding for this project was approved at the June 20, 2017 Council meeting.

FEMA BUYOUT PROGRAM AGREEMENTS

RESOLUTION 17-202

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign the agreements with GYMO Architecture, Engineering & Land Surveying, D.P.C., 18969 US Rt. 11, Watertown, NY 13601 for Pre-demolition Asbestos Surveys for the remaining Buyout Program properties and for Project Monitoring, Air Sampling and Analysis Services for all Buyout Program properties.

Ayes: 6
Nays: 0

MOTION CARRIED

INTERMUNICIPAL AGREEMENT – CITY OF ONEIDA/MADISON COUNTY – RAIL TRAIL

RESOLUTION 17-203

Moved by Councilor Chamberlain
Seconded by Councilor Cohen

RESOLVED, to authorize the Mayor to sign the Intermunicipal Agreement by and between the City of Oneida, 109 N. Main Street, Oneida NY and the County of Madison, 138 N. Court Street, Wampsville, NY to perform contract work on public land for the Oneida Rail Trail – Wampsville/Oneida Connector, Project ID No. 26.

Ayes: 6
Nays: 0

MOTION CARRIED

Supervisor Magliocca thanked the City Attorney for her efforts on this agreement.

NEW BUSINESS

Lawn Mowing in the Buyout Area

The Mayor said that a policy needs to be developed for mowing the parcels in the Buyout. He asked that Councilor Chamberlain chair that committee with Councilor Acker as a member of the committee. The Mayor said a policy needs to incorporate allowing adjoining parcels to use the land. He said there is a 4H group that wants to have a community garden. A brief discussion ensued which included individuals mowing lawns on City property, the City mowing both the back and front yards of the properties and trash being left on the properties. Councilor Bowe suggested placing a ground cover rather than grass, and the City Engineer said that per FEMA, grass must be planted. The City Attorney recommended that the policy also incorporate leasing of the property and equity opportunities.

Unlicensed/Vacant Cars

Mayor Matzke said in a continual effort to clean up the City, there were letters sent to 102 property owners with unlicensed/vacant cars on their properties. He said that 32 property owners did not comply with the City Code and will receive appearance tickets to appear in court.

Cats

Gary Wurst, 338 Stone Street, said that he has had an ongoing problem with approximately 10 cats using his children’s sandbox as a litter box and spraying all over his belonging. He said that he has spoken with the Community Service Officer several times. Mayor Matzke said that the City is contracted with Operation Wild Cats and asked for Mr. Wurst’s phone number, stating he would take care of this tomorrow.

Chickens

Melissa Mannix, Oneida, asked that the City allow chickens in the inside district. She said that other communities are allowing chickens. She said she knows that the Code would have to be changed. The Mayor asked for her phone number and said he would get back to her after looking into this further.

EXECUTIVE SESSION

RESOLUTION 17-204

Motioned by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, that the meeting is hereby adjourned to Executive Session at 8:27 p.m. for the purpose of discussing personnel issues.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Attorney

Discussion was held regarding personnel issues.

Motioned by Councilor Bowe
Seconded by Councilor Chamberlain

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 9:14 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

INCREASE IN WORK HOURS

RESOLUTION 17-205

Motioned by Councilor Chamberlain
Seconded by Councilor Acker

RESOLVED, that the City Clerk hourly work week increase from 35 hours per week to 40 hours per week.

Ayes: 6
Nays: 0

MOTION CARRIED

INCREASE IN WORK HOURS - RETROACTIVE

RESOLUTION 17-206

Motioned by Councilor Simchik
Seconded by Councilor Acker

RESOLVED, that the 40 hour work week for the City Clerk be hereby retroactive to January 1, 2017.

Ayes: 5
Nays: 1 (Cohen)

MOTION CARRIED

SECURE PROPERTIES IN THE BUYOUT PROGRAM

RESOLUTION 17-207

Motioned by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that the Property Manager is hereby authorized to hire someone to secure the properties in the Buyout Program in an amount not to exceed \$500.00.

Ayes: 6
Nays: 0

MOTION CARRIED

BUDGET TRANSFERS AND AMENDMENTS

RESOLUTION 17-208

Moved by Councilor Cohen
Seconded by Councilor Smith

RESOLVED, to approve the following budget transfers:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$3,000.00	001.8020.0101 Planning Salaries	001.8020.0400 Planning Expenses
<i>(To allocate funds to contracts – the greenhouse will be doing the maintenance again this year)</i>		
\$7,574.76	001.1990.0400 General Fund Contingency	001.1410.0101 Clerk Salaries
<i>(To allocate funds for increase in work hours)</i>		
\$1,450.00	002.8300.0436 Water Contingency	002.8300.0324 Water Meters & Parts
<i>(To allocate funds to replace failed district meter)</i>		
\$1,375.00	001.0022.2650 Sale of Scrap	001.5132.0304 Central Garage – Major Repairs
<i>(To allocate funds received from the sale of a bulldozer to provide funding for the sandblasting of a truck dump body)</i>		

RESOLVED, to approve the following budget amendments:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
\$38,751.20	001.0001.0912 General Fund Balance	001.3410.0101 Fire Salaries	\$35,966.00
		001.3410.0401 Fire 207A	\$2,785.20
<i>(To allocate funds for approved contractual agreement)</i>			

Ayes: 6
Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Smith

The regular meeting is hereby adjourned at 9:24 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk