

**MINUTES OF THE COMMON COUNCIL
DECEMBER 18, 2018**

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

Meeting was called to order by Deputy Mayor James Chamberlain

PRESENT: Councilors Alan Cohen, Mike Bowe, James Coulthart,
Helen Acker, James Chamberlain, and Thomas Simchik
(arrived at 6:32 p.m.)

ABSENT: Mayor Leo Matzke

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

CONTINUATION OF HEARING ON 216 EAST ELM STREET FROM DECEMBER 4, 2018

The Hearing on the property located at 216 E. Elm Street per the Oneida City Code Chapter 34, Article III, Unsafe Buildings and Collapsed Structures was opened per Resolution 18-245 at the December 4, 2018 Council Meeting and subsequently left open. The Deputy Mayor asked if anyone with an interest in the property at 216 E. Elm Street was present.

APPEARANCES:

Scott Lewis, 216 E. Elm Street was sworn in by the City Attorney. The City Attorney said that the Common Council is determining whether the condition of the property constitutes a public nuisance under the City Code, and they have authorized an inspection of Mr. Lewis's property to be completed by a structural engineer. She said that Mr. Lewis can allow the structural engineer on his property or a search warrant can be obtained. Mr. Lewis said that he has let things get out of hand because of his health and money issues. He said that after the first of the year he can borrow money from his retirement account. He said that it will take about two weeks for the application, and then he would receive the funds. Councilor Bowe asked if Mr. Lewis had any objections to allowing a structural engineer inspect the property, noting that the Council wants to be sure the structure is safe for the repairs to be made. Mr. Lewis said that he had no objections and would provide his phone number to the City Engineer to arrange a time for the structural engineer and Assistant Fire Marshal to come onto his property. The City Engineer said this would take place around the second week in January. The City Attorney recommended that the Council not issue an order to remedy until after the structural engineering report is received and reviewed. Attorney Bell told Mr. Lewis that this delay would also give him the opportunity to appear before the Council once again at the second meeting in January. Councilor Acker adjourned the Public Hearing, which will remain open until the inspection report from the structural engineer is received.

**PRESENTATION – ENTERPRISE FLEET MANAGEMENT
LEASING OF VEHICLES**

Robert Jaworski, Enterprise Fleet Management Account Executive passed out a Fleet Proposal Synopsis to the Common Council. He said that a resolution passed by Madison County on 12/4/18 to lease County

vehicles included piggy-backing language for shared services with the towns, villages and the City of Oneida. He said that their program would drastically reduce the age of the City's fleet, and there would be a large savings to the City over the next five to ten years. He said the Deputy Mayor, City Engineer, Police Chief and Comptroller provided him with the data used for this proposal. Mr. Jaworski went over his synopsis with the Council outlining the City's current situation. He said our current light and medium non-police fleet cycle is over 14.5 years with an average age of 9 years old, and the current police fleet cycle is over 5 years with an average age of 5.2 years old. He said that the objective is to identify an effective vehicle life cycle that maximizes potential equity at the time of resale, and he explained the benefits of shortening the current general/police vehicle life cycles. He said that they leverage an open-ended lease to maximize cash flow opportunities, noting the City only pays for the portion of the vehicle utilized, and the gain goes back to the City. He explained that they would meet with the City quarterly to provide analysis and make recommendations using their knowledge and expertise of fleet management, adding that Enterprise sold 1.2M vehicles last year. The Council and City Attorney asked questions regarding the time frame for an agreement, the ability to terminate, any limitations on who can drive City vehicles, insurance, upfront costs and preventative maintenance. The Council briefly looked over the multiple pages of charts and graphs presented by Mr. Jaworski. The Deputy Mayor thanked Mr. Jaworski for his time and said the Council would review the paperwork provided.

OLD BUSINESS

City Attorney Nadine Bell said that the second extension for the property located at 1178 Glenwood Avenue expired on December 14, 2018. She said that both the Codes Enforcement Officer and the Housing Inspector have informed her that Mr. Britton has done everything required by the City. Attorney Bell said that she will prepare the conveyance documents. The City Clerk provided to Mr. Britton a copy of the City Code and schedule of uses, which includes what is a permitted use and what is not permitted on this property that is zoned Neighborhood Commercial. Mr. Britton said that he wanted to get the zoning changed, and the City Clerk said that the City cannot spot zone, and referred him to the ZBA/Planning Commission. Mr. Britton said that after the ground settles in the spring, he will smooth out the roughness and plant grass.

Hometown Heroes Banners – Flag of Honor

Deputy Mayor Chamberlain said that because of the length of tonight's meeting, he is giving this group the opportunity to speak about their idea now, rather than at the end of the meeting under new business.

Mary Egger and Robin Redder came forward and displayed a sturdy, colorful banner with a large photo of an active duty member of the armed forces on both sides. She said their committee is in the early stages, but it is their goal to see these banners hanging from the poles throughout the City. She said that the current plan is to support active duty members, but they could possibly extend it to include veterans at some point. She said the funding for this project will all be by donations, fund raising and promotions on a Facebook page. Ms. Redder said that they do not want to post sponsorships on the flags, as they want to highlight the person in the service. John Egger said that they have researched different companies and banner sizes, as well as the numerous brackets available for hanging the banners. Mary Egger said that there wouldn't be a cost to the taxpayers. She said that they are asking for the City to store and hang the banners, which would be up from Memorial Day to Labor Day. She said that everything else would be done by their volunteer organization called the "Flag of Honor". She said that the cost range for the banners is from \$175 to \$225, and the banners have a lifespan of about ten years. Connie Skinner said that they have spoken with the Elks Club, Owl's Nest, and the American Legion, but due to privacy laws the committee can't get information about active duty men and women. She said they are working on establishing the parameters and formatting an application. The Council was very amenable to helping with the project and commended the committee, and Councilor Bowe wrote them a check as a donation to their cause.

Tyler Technology

Councilor Coulthart recommended that the Council watch the Tyler Technology webcast, which provides an update of the switchover from the KVS to the new cloud system the City is implementing.

Fire Department Members and Bill Vineall Honored

Councilor Acker said that her hometown heroes are the Oneida Fire Department, Bill Vineall and Vineall Ambulance. She said that recently one of her co-workers had a massive heart attack, and he is alive because of the efforts of Oneida Fire Department members Scott Jones, Charles Kazlauskas, and Jon Wasicki. Councilor Acker said that it was absolutely amazing to watch them at work. Councilor Acker explained that the members of the Fire Department and Bill Vineall of Vineall Ambulance Service saw the need for an Auto-Pulse machine, and rather than using City funds to purchase the \$14K machine; they used their own funds, splitting the cost 50/50. Councilor Acker said that this machine performs the chest compressions on the whole chest, which is better than standard CPR. She stressed once again how amazing it was to watch these professionals in action, and thanked them for saving her co-worker's life. The Fire Department members and Bill Vineall received a standing ovation from the Council and audience. Councilor Acker said that she knows they are just doing their job, but extended her thanks.

SUPERVISORS REPORT

Supervisor Mary Cavanaugh said that Sheriff Todd Hood and Board of Supervisors Chairman John Becker have developed a plan to have a special patrol of school resource officers in the schools starting in January 2019. She said they are accepting applications at this time.

Supervisor Cavanaugh said that a \$500K grant for trail development was received for Delphi Falls in New Woodstock. She said that former Supervisor James Rafté, outgoing Assemblyman Bill Magee and outgoing Senator David Valesky were honored by the County at their last meeting.

Supervisor Magliocca reiterated what Supervisor Cavanaugh stated, adding that Madison County Planning wrote the grant for the trail development. He also stated that a \$430K Empire State Development Grant was received for All Seasonings to do upgrades at their Oneida Business Park facility.

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, that the minutes of the regular meeting minutes of December 4, 2018 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Bowe
Seconded by Councilor Acker

RESOLVED, that Warrant No. 25, checks and ACH payments in the amount of \$2,220,103.22, 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 Coulthart

RESOLVED, that checks in the amount of \$12,686.25 (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

ONEIDA PAID FIRE FIGHTERS ASSOCIATION MEMORANDUM OF AGREEMENT

RESOLUTION 18-254

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, 2019 through December 31, 2021, as ratified by the Union.

Ayes: 6

Nays: 0

MOTION CARRIED

Deputy Mayor Chamberlain said that the negotiations went well with good communications from both sides. He said that this is a fair contract for both the union and the City.

MONTHLY REPORTS

RESOLUTION 18-255

Moved by Councilor Acker

Seconded by Councilor Simchik

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

Ayes: 6

Nays: 0

MOTION CARRIED

AUTHORIZE MEDICARE PART B REIMBURSEMENT PAYMENTS TO RETIREES

RESOLUTION 18-256

Moved by Councilor Cohen

Seconded by Councilor Coulthart

RESOLVED, that the City Comptroller be, and hereby is authorized and directed, throughout the period from January 1, 2019 to December 31, 2019, to reimburse the cost of Medicare Part B coverage to all eligible retired City employees and eligible dependents, regardless of union or non-union affiliation, in accordance with the provisions regarding such reimbursement as set

forth in the current contracts of CSEA, Inc., Local 1000 AFSCME and Oneida Paid Firefighters Association Local 2692, **and be it further**

RESOLVED, that the City Comptroller be, and hereby is authorized and directed, throughout the period from January 1, 2019 to December 31, 2019, to reimburse the cost of Medicare Part B coverage to all eligible retired City employees and eligible dependents, who retired prior to July 1, 2015, regardless of whether said retiree and any eligible dependent is enrolled in the City's Medicare Advantage & Prescription Program.

Ayes: 5

Nays: 0

Abstain: 1 (Bowe)

MOTION CARRIED

AMUSEMENT DEVICE LICENSE

RESOLUTION 18-257

Moved by Councilor Cohen
Seconded by Councilor Acker

RESOLVED, that the following 2019 Amusement Device License be hereby approved:

- National Entertainment Network, 325 Interlocken Pkwy B, Broomfield CO 80021

Ayes: 6

Nays: 0

MOTION CARRIED

ADVERTISE FOR BIDS

RESOLUTION 18-258

Moved by Councilor Acker
Seconded by Councilor Coulthart

RESOLVED, to authorize the Purchasing Agent to advertise for bids for the following:

- 2019 City-Owned Tree Service Contract
- Municipal Building Sign

Ayes: 6

Nays: 0

MOTION CARRIED

RENEWAL NOTIFICATION

RESOLUTION 18-259

Moved by Councilor Cohen
Seconded by Councilor Coulthart

RESOLVED, that the standardized notice form providing for 30-day advance notice for the renewal of an On-Premises Alcoholic Beverage License from Alexander's Ragtime Inc., 132 Main Street, Oneida NY 13421 be hereby received and placed on file.

Ayes: 6

Nays: 0

MOTION CARRIED

AGREEMENT FOR GIS SOFTWARE AND TECHNICAL SUPPORT RENEWAL

RESOLUTION 18-260

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that the Mayor is hereby authorized to sign an agreement with Cartegraph Systems LLC, 3600 Digital Drive, Dubuque, Iowa 52003 for renewal of the Asset Management GIS software and technical support in the amount of \$34,545.65.

Ayes: 6

Nays: 0

MOTION CARRIED

2019 WATER RATES & WATER SERVICE CHARGES

RESOLUTION 18-261

Moved by Councilor Acker
Seconded by Councilor Coulthart

RESOLVED, that the the 2019 City of Oneida Water Rates and Water Service Charges, attached hereto, be hereby approved.

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Bowe said that water rates will remain the same for retail customers in 2019, and the wholesale rates will decrease by 10 cents a gallon.

CANVASS AND APPROVE BIDS - WATER TREATMENT PLANT

RESOLUTION 18-262

Moved by Councilor Simchik
Seconded by Councilor Coulthart

RESOLVED, that the lowest bid meeting specifications for liquid polymer used in wastewater treatment in the amount of \$55,200.00 from SNF Polydyne Inc., PO Box 279, One Chemical Plant Road, Riceboro GA 31323 is hereby approved, **and be it further**

RESOLVED, that the lowest bid meeting specifications for the 2019 Laboratory Services for Wastewater Treatment in the amount of \$24,972.00 from ALS Environmental, 1565 Jefferson Rd., Building 300, Suite 360, Rochester NY 14623 is hereby approved.

Ayes: 6

Nays: 0

MOTION CARRIED

**LOCAL LAW TO AMEND CHAPTER 180, SECTION 180-32(B) OF THE CITY CODE TO
REGULATE PLACING, PUSHING, SHOVELING OR DEPOSITING OF SNOW**

RESOLUTION 18-263

Moved by Councilor Acker

Seconded by Councilor Coulthart

RESOLVED, that a proposed Local Law to amend Chapter 180, titled Vehicles and Traffic, Section 180-32(B) of the Oneida City Code to regulate the placing, pushing, shoveling or depositing of snow be hereby received and placed on file, **and be it further**

RESOLVED, that a Public Hearing on said proposed Local Law to amend Section 180-32(B) of the Oneida City Code to regulate the placing, pushing, shoveling or depositing of snow be hereby scheduled for 9:00 a.m. on Monday, December 31, 2018 in the Common Council Chambers, 109 N. Main Street, Oneida NY 13421.

Ayes: 6

Nays: 0

MOTION CARRIED

**CITY OF ONEIDA
PROPOSED LOCAL LAW**

**A LOCAL LAW TO AMEND CHAPTER 180, TITLED “VEHICLES AND TRAFFIC,”
OF THE CODE OF THE CITY OF ONEIDA**

Be it enacted by the Common Council of the City of Oneida, that this local law amends Chapter 180 of the Code of the City of Oneida (hereinafter “Code”), titled “Vehicles and Traffic,” to regulate the placing, pushing, shoveling or depositing of snow as follows:

Section 1.

So that Section 180-32(B) of the City of Oneida Code is hereby amended such that it shall read, in its entirety, as follows:

“B. Placing, pushing, shoveling or depositing in any way or causing to be pushed, placed, shoveled or deposited or the suffering to be pushed, placed, shoveled or deposited of any snow, slush or other form of precipitation onto a sidewalk or public street or any part thereof within the City of Oneida by any person, persons, firm, association or corporation, individually or by agents, servants, employees or independent contractors, is hereby prohibited; nor shall any person, persons, firm, association or corporation, individually or by agents, servants, employees or independent contractors, place, push, shovel or deposit snow from their property or a public sidewalk adjacent to their property on to the property of another person. The owner of the property from which the snow is removed may be found liable for the acts of his or her servants, employees, agents or contractors, who violate this section.”

Section 2.

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

AMENDMENT TO AGREEMENT – GHD CONSULTING SERVICES, INC.

RESOLUTION 18-264

Moved by Councilor Coulthart
Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign Amendment No. 1 to the March 2, 2017 Industrial Wastewater Pretreatment Assistance Agreement with GHD Consulting Services, Inc. to cover 2019 Industrial Wastewater User Inspections.

Ayes: 6
Nays: 0

MOTION CARRIED

CELLULAR TELEPHONE ADMINISTRATIVE POLICY

RESOLUTION 18-265

Moved by Councilor Acker
Seconded by Councilor Coulthart

RESOLVED, that the Employee Acknowledgements of Receipt and Understanding of the Cellular Telephone Administrative Policy from George Kalkowsky be hereby received and placed on file, **and be it further**

RESOLVED, that the Telephone Request Form from Water Superintendent George Kalkowsky, pursuant to the City of Oneida Cellular Telephone Policy adopted June 15, 2010, Resolution 10-153 and reaffirmed on June 6, 2017, be hereby approved.

Ayes: 6
Nays: 0

MOTION CARRIED

CHANGE ORDER NO. 2 – STILSING ELECTRIC, INC. – WWTP FLOOD MITIGATION

RESOLUTION 18-266

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, authorize the approval of Change Order No. 2 from Stilsing Electric, Inc., 500 South Street, Rensselaer, NY 12144 at a value of \$1,499.00 for the WWTP Flood Mitigation Project, which includes additional conduit and signal wiring added during construction and will raise the Electrical Contract Price to \$47,765.00.

Ayes: 6
Nays: 0

MOTION CARRIED

BUDGET AMENDMENTS/TRANSFERS

RESOLUTION 18-267

Moved by Councilor Acker
Seconded by Councilor Coulthart

RESOLVED, to approve the following budget amendments/transfers:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$4,300.00	002.8300.0436 Water Contingency	002.8300.0302 Equipment Maintenance/Repair
	<i>(To allocate funds to cover the current bill for Central Garage and anticipated expenses for gas/Central Garage in December)</i>	
\$1,800.00	001.5110.0408 Sidewalk Maintenance	001.1620.0403 Building Contracts
	<i>(To allocate fund for elevator work)</i>	
\$20,000.00	001.5110.0408 Sidewalk Maintenance	001.5142.0315 Salt and Sand
	<i>(To allocate funds for salt and sand)</i>	
\$1,175.00	001.5110.0406 Pavement Maintenance	001.1620.0403 Building Contracts
	<i>(To allocate funds for computer software-autcad)</i>	
\$740.00	001.1210.0400 Mayor Office Supplies	001.1989.0400 Printing
\$600.00	001.1010.0400 Councilor Office Supplies	001.1989.0400 Printing
	<i>(To allocated funds for printing expenses)</i>	

Ayes: 6

Nays: 0

MOTION CARRIED

NEW BUSINESS

Robert Britton, Oneida, asked if Elm Street would now be a truck route with the opening of the new greenhouse business. Deputy Mayor Chamberlain said that he assumes most traffic will be heading west back to the NYS Thruway.

Mr. Britton said that the Oneida Indian Nation is putting slot machines at the former SavOn at the corner of Main and Genesee Streets. He questioned if the City would be receiving any money from that location. Deputy Mayor Chamberlain said that the City will have to verify what's going there first. Supervisor Magliocca said the County will have to wait and see how it is classified before knowing if any funding will be dispersed to the County.

EXECUTIVE SESSION

RESOLUTION 18-268

Moved by Councilor Acker

Seconded by Councilor Coulthart

RESOLVED that the meeting is hereby adjourned to Executive Session at 7:38 p.m. for the purpose of discussing the proposed acquisition, sale or lease of real property.

Ayes: 6

Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Clerk, City Attorney

1. Discussion relating to the proposed acquisition, sale or lease of real property.

Moved by Councilor Cohen

Seconded by Councilor Coulthart

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:20 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

Kallet Civic Center

The members of the Greater Oneida Kallet Civic Center Board of Directors addressed the Council. Councilor Acker asked the Board what their proposal is and what a viable solution would be. Councilor Acker said that the City has not received any notice in writing from the GOCC relative to the terms of the current lease agreement between the City and the Kallet. A very lengthy discussion ensued encompassing all the inner workings of the Kallet and GOCC Board of Directors, including their financial status, bookings and deposits, loss of board members, utility costs past and present, current obligations of the Kallet, Recreation Department involvement, bar revenue/expenses and staffing issues. The Council said that they will discuss the matter of the lease in Executive Session at their December 31, 2018 meeting and will meet with the GOCC Board again in January.

Motion to adjourn by Councilor Coulthart

The regular meeting is hereby adjourned at 10:12 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk