

**MINUTES OF THE COMMON COUNCIL  
DECEMBER 3, 2019**

A meeting of the Common Council of the City of Oneida, NY was held on the third day of December, 2019 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, James Coulthart, Helen Acker, James Chamberlain (left at 6:53pm) and Thomas Simchik (arrived at 6:41pm)

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 Mary Cavanaugh  
Supervisor Joe Magliocca

**PUBLIC HEARING**  
**PROPOSED LOCAL LAW SMALL CELL WIRELESS DEPLOYMENT REQUIREMENTS**

**RESOLUTION 19-273**

Moved by Councilor Bowe  
Seconded by Councilor Coulthart

**RESOLVED**, that the Public Hearing on the Proposed Local Law regarding Small Cell Wireless Deployment Requirements be hereby opened at 6:30 pm.

Ayes: 5  
Nays: 0  
Absent: 1 (Simchik)  
**MOTION CARRIED**

**APPEARANCES**

John Nichols, who resides in Ward 2, said that he has been researching the new cell tower protocols on the internet after attending the past meetings where this was discussed. He said that the accessory equipment cabinets have to be with the poles, and they have been known to be situated underground near the sidewalks. He said that this would be more expensive and suggested taking care when plowing the sidewalks, so as to not hit the caps. He said that he found that 5G is a shorter range and doesn't seem to penetrate walls and glass very well, so if you have 5G in front of your house, you may not necessarily receive it inside your house. Mr. Nichols said that he thinks that we will not have to worry about 5G for quite a while, because we are small and not going to be a big priority, as they haven't finished it up in many of the large cities across the country. He said by the time we get 5G, they will be up to 6G. Mr. Nichols said that is all the research that he has.

Moved by Councilor Cohen  
Seconded by Councilor Coulthart

**RESOLVED**, that Public Hearing regarding the proposed Local Law be hereby closed.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

**MOTION CARRIED**

City Attorney Nadine Bell said that surprisingly the 5G equipment is popping up through Madison County, noting that it has been seen in Cazenovia. The City Attorney provided an overview of what is addressed in the proposed Local Law, including, but not limited to, access to public right of way, installation, right of way permits, abandoned equipment, and the various fees for permits, use of right of way and applications, along with traffic control installation, mapping data, insurance obligations and the rules/regulations set in place by the FCC nationwide. She said that the design standard guidelines set forth in the proposed Local Law will also allow for placement of the utility cabinets underground. In response to a question from Jill Christian Lynch, the City Attorney said that the City cannot charge a fee unless a Local Law is passed giving the City authority to do so, noting that the per pole fee is \$270. She said that this would be a good source of revenue for the City. The Mayor said this has been a topic on Channel 9 news.

Mayor Matzke said that we are changing things up a bit tonight and moving the vote on the budget to the first item.

## **2020 CITY OF ONEIDA BUDGET**

### **RESOLUTION 19-274**

Moved by Councilor Chamberlain  
Seconded by Councilor Cohen

**RESOLVED**, that agreeable to the estimates of the expenses and disbursements for the year 2020 constituting the budget, including Capital Plan, for the City of Oneida, the same is hereby approved by the Common Council on the 3<sup>rd</sup> day of December, 2019 as set forth in the minutes of this meeting; there shall be levied and raised on the taxable property of the entire city, not including pension, pastor and over sixty-five (65) exempt property as follows:

Total Gross Budget - \$20,094,978

Less estimated revenues - \$15,363,002

Taxable balance - \$4,731,976

Of which, \$2,516,394 shall be levied on the entire city establishing a tax rate of \$5.32169 per thousand and \$1,714,666 shall be levied on the corporation tax district at a rate of \$5.20420 per thousand; thereby establishing a combined rate of \$10.52589 per thousand inside tax district; **and be it further**

**RESOLVED**, that \$460,135 shall be levied and a rate of \$3.99418 per thousand shall be established for the outside fire district, **and be it further**

**RESOLVED**, that \$40,781 shall be levied and a rate of \$.100241 per thousand shall be established for hydrant tax, **and be it further**

**RESOLVED**, that the total tax levy for the City of Oneida 2020 budget is \$4,731,976.

Councilor Cohen – Yes  
Councilor Bowe – Yes  
Councilor Coulthart – Yes  
Councilor Acker – Yes  
Councilor Chamberlain – Yes  
Councilor Simchik – Yes

**MOTION CARRIED**

Councilor Chamberlain said that this was his 8<sup>th</sup> Budget, with four as the Deputy Mayor. He said that every Council member has done a fantastic job of affording the needed services to our City residents. He thanked the Mayor for providing the budget guidelines that the Council follows.

Mayor Matzke stated that he was not going to veto the Budget Resolution, as the Council has put a lot of effort in it, but stressed that he has some serious concerns about what was approved for 2020. The Mayor said that the Council has planned to hire a Fire Marshall and an additional Firefighter, but recommended this be revisited with the new Council and Mayor. He said that to pay for that position, the Council agreed not to hire anyone until April, but he said that you are locking that cost into the 2021 budget where, with benefits, it will be upwards of \$100K. Mayor Matzke suggested that if the concern is bringing in new business, then hire a part-time person to help with new construction Codes Enforcement Officer Pat Baron, or if the concern is dealing with neighborhood deterioration and slum lords, then hire someone part-time to help the Housing Codes Officer.

The Mayor said that if the Council waited until 2023 to increase the debt, the City would be in a much better position to borrow. He cited an example of repairing the Recreation Center roof only and suggested putting off the \$100K gym floor replacement until 2023. Mayor Matzke said that we were able to deal with the FEMA grant, because we had a Fund Balance that allowed us to do so. He said that if we continue to draw money out of our Fund Balance, in several years we won't have the Fund Balance to do that.

Mayor Matzke said that in the ten years off and on that he has been Mayor, we have the best team of Department Heads and confidential employees that the City has ever had. He said that they deserve to be appropriately compensated for their efforts over and above.

Councilor Bowe said that he had a slight problem with respect to a small portion of the budget, but he has taken care of that with a donation to the United Way and Madison County Children's Camp. He said that he is voting yes, because of all the work the Council did on this.

Councilor Chamberlain said that he will not be here for the next meeting, so this may be his last meeting. He said that he has had a fun ride and received a heartfelt ovation from the Council and audience.

**OLD BUSINESS**

Mayor Matzke said that Wayne Winchell from Wayne's Home Improvement is uncertain if he can repair the stairs at 216 E. Elm Street, because when he went over and pulled the porch away, he found that the sill behind it is rotting away. The Fire Chief said it wasn't in his scope of work, and what he found doesn't change the fact that the porch needs to come off. City Attorney Nadine Bell explained the court order, which allows for repairs to make it safe and secure. We don't have a court order allowing for replacement of the sill, because it was not noticed by the structural engineer's assessment. The City Attorney said that she doesn't know if the position of Mr. Winchell is that you cannot build structurally sound stairs that tie into a damaged sill plate. The Fire Chief said that codes recommend that decks and porches should not to be attached to the building. The Mayor said that he will speak with Mr. Winchell.

Moved by Councilor Bowe  
Seconded by Councilor Coulthart

**RESOLVED**, that the minutes of the regular meeting of November 19, 2019 and special meeting minutes of November 14, 2019, November 18, 2019 and November 20, 2019 are hereby approved as presented.

Ayes: 5

Nays: 0

Absent: 1 (Chamberlain)

**MOTION CARRIED**

Moved by Councilor Acker

Seconded by Councilor Simchik

**RESOLVED**, that Warrant No. 24 checks and ACH payments in the amount of \$1,767,366.74, as audited by the Voucher Committee, is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5

Nays: 0

Absent: 1 (Chamberlain)

**MOTION CARRIED**

#### **MISCELLANEOUS UTILITY BILLING**

##### **RESOLUTION 19-275**

Moved by Councilor Acker

Seconded by Councilor Simchik

**RESOLVED**, that the Miscellaneous Utility Billing for unpaid service charges, water rents and sewer taxes in the amount of \$53,536.93 be hereby inserted into the 2019 assessment roll to be relieved into the 2020 tax roll.

Ayes: 5

Nays: 0

Absent: 1 (Chamberlain)

**MOTION CARRIED**

#### **AUTHORIZE MEDICARE PART B REIMBURSEMENT PAYMENTS TO RETIREES**

##### **RESOLUTION 19-276**

Moved by Councilor Cohen

Seconded by Councilor Simchik

**RESOLVED**, that the City Comptroller be, and hereby is authorized and directed, throughout the period from January 1, 2020 to December 31, 2020, 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, 2020 to December 31, 2020, 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: 4

Nays: 0

Abstain: 1 (Bowe)

Absent: 1 (Chamberlain)

**MOTION CARRIED**

**INVITATION TO BID – KENWOOD SANITARY SEWER FORCE MAIN REPAIR**

**RESOLUTION 19-277**

Moved by Councilor Acker

Seconded by Councilor Coulthart

**RESOLVED**, to authorize the Purchasing Agent to advertise for bids for the Kenwood Sanitary Sewer Force Main Repair.

Ayes: 5

Nays: 0

Absent: 1 (Chamberlain)

**MOTION CARRIED**

**CONTRACT EXTENSION -WWTP POLYMER**

**RESOLUTION 19-278**

Moved by Councilor Acker

Seconded by Councilor Bowe

**RESOLVED**, that authorization be hereby given to extend the WWTP Polymer Contract with SNF Polydyne Inc., 1 Chemical Plant Road, Riceboro GA 31323 through 2020, in accordance with the existing contract.

Ayes: 5

Nays: 0

Absent: 1 (Chamberlain)

**MOTION CARRIED**

**CONTRACT EXTENSION – WWTP LIQUID IRON SALTS**

**RESOLUTION 19-279**

Moved by Councilor Bowe

Seconded by Councilor Simchik

**RESOLVED**, that authorization be hereby given to extend the WWTP Liquid Iron Salts Contract with Kemira Water Solutions, Inc., 4321 W. 6<sup>th</sup> Street, Lawrence KS 66049 through 2020, in accordance with the existing contract.

Ayes: 5

Nays: 0

Absent: 1 (Chamberlain)

**MOTION CARRIED**

**CONTRACT EXTENSION – WWTP LABORATORY SERVICES-ANALYTICAL**

**RESOLUTION 19-280**

Moved by Councilor Bowe

Seconded by Councilor Coulthart

**RESOLVED**, that authorization be hereby given to extend the WWTP Laboratory Services-Analytical Contract with ALS Global, 1565 Jefferson Road, Building 300, Suite 360, Rochester NY 14623 through 2020, in accordance with the existing contract.

Ayes: 5

Nays: 0

Absent: 1 (Chamberlain)

**MOTION CARRIED**

**GRANT APPLICATION – “SAFE ROUTES TO PARKS”**

**RESOLUTION 19-281**

Moved by Councilor Acker

Seconded by Councilor Bowe

**RESOLVED**, to authorize the Recreation Director to apply for the “Safe Routes to Parks” grant in the amount of \$12,500 to begin the implementation of the Safe Routes to Parks action plan.

Ayes: 5

Nays: 0

Absent: 1 (Chamberlain)

**MOTION CARRIED**

The Mayor said this a study of the various parks throughout the City. At the end of the grant period, awarded communities will have a customized action plan to improve safe, equitable local park access that includes ideas for how to fund and sustain their efforts. They will have implemented at least one action from the plan.

**BUDGET TRANSFERS AND AMENDMENTS**

**RESOLUTION 19-282**

Moved by Councilor Acker

Seconded by Councilor Bowe

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

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$3,500.00	001.3120.0101.0000 Police Salaries	001.3120.0413.0000 Police Training
	<i>(to re-allocate funds for contractual tuition reimbursement)</i>	
\$2,750.00	001.7140.0104.0000	001.7140.0418.2025

Pool Salaries                      Pool/Swim Expenses  
*(to re-allocate funds for closing pool expenses)*

Ayes: 5

Nays: 0

Absent: 1 (Chamberlain)

**MOTION CARRIED**

**NEW BUSINESS**

Councilor Acker said that the Special Meeting to close-out the year will be held on December 31, 2019 at 8:00 a.m. to pay the final bills for the year.

Councilor Coulthart thanked the Recreation Department and the volunteers who worked on the weekend's Christmas Story program. He said that this was a valuable service to the community despite the frigid weather.

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 7:06 p.m.

**CITY OF ONEIDA**

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Susan Pulverenti  
City Clerk