**MINUTES OF THE COMMON COUNCIL**
**FEBRUARY 4, 2020**

A meeting of the Common Council of the City of Oneida, NY was held on the fourth day of February, 2020 at 6:30 o'clock P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

The meeting was called to order by Mayor Helen Acker

PRESENT: Councilors Carrie Earl, Michael Bowe, James Coulthart, Michelle Kinville, Brandee DuBois and Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Eric Schuler
Comptroller Lee Ann Wells
Deputy Comptroller Jessica Kaiser
Deputy Clerk Sandy LaPera
Fire Chief Dennis Fields
Police Chief Paul Thompson
Public Safety Commissioner Kevin Salerno
Recreation Director Luke Griff
Supervisor Joe Magliocca
Supervisor Matt Roberts
Supervisor Mary Cavanaugh

**PUBLIC HEARING**

**RESOLUTION 20-26**

Moved by Councilor Simchik
Seconded by Councilor Coulthart

**RESOLVED**, that the Public Hearing on a proposed Local Law imposing a six (6) month moratorium on commercial free standing solar photovoltaic (PV) systems within the City of Oneida be hereby opened at 6:30 pm.

Ayes: 6
Nays: 0
**MOTION CARRIED**

**APPEARANCES**

Councilor Coulthart said that the Mayor has appointed a committee to look into these types of commercial projects and regulations will be forthcoming in the near future.

Moved by Councilor Bowe
Seconded by Councilor Kinville

**RESOLVED**, that Public Hearing on the proposed Local Law imposing a moratorium be hereby closed at 6:32 pm.

Ayes: 6
Nays: 0
**MOTION CARRIED**

## OLD BUSINESS

*Feral Cats*

Councilor Earl said that the Mayor has formed a committee to try to work out the feral cat issues here in the City. She said that there will be an awareness/informational Public Meeting on Thursday, February 27, 2020 at 7:00 p.m. in the Common Council Chambers in reference to feral cats. She said that they have a few people who are in the field working with the committee. Councilor Coulthart said that the committee is looking at a little change in the leash laws, so people will be in control of their own cats in addition to dogs. He said that citations may be issued to those who cannot leave the feral cats alone. He said this is because the feral cats are drawn to the free food, but so are the skunks. Councilor Coulthart said that this is a remedy they really don't want to have to take.

Moved by Councilor Simchik
Seconded by Councilor Coulthart

> **RESOLVED**, that the minutes of the regular meeting of January 21, 2020 are hereby approved as presented.

Ayes: 6
Nays: 0
**MOTION CARRIED**

Moved by Councilor Bowe
Seconded by Councilor Earl

> **RESOLVED,** that Warrant No. 3, checks and ACH payments in the amount of $1,200,843.05 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 $3,852.75 (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
**MOTION CARRIED**

## MEMORANDUM OF UNDERSTANDING – CITY ATTORNEY

### RESOLUTION 20-27

Moved by Councilor Simchik
Seconded by Councilor DuBois

**RESOLVED,** to authorize the Mayor to sign a Memorandum of Understanding by and between the City of Oneida and Nadine C. Bell for service and compensation as the attorney for the City of Oneida for the term ending December 31, 2021.

Ayes: 6
Nays: 0
**MOTION CARRIED**

Councilor Coulthart said that this agreement is the domain of the Mayor; however, he suggests that the term of the MOU be only for one year, so there is time to give some suggestions in terms of clarification. Councilor Bowe said that this MOU was written years ago for an attorney who was not part of a firm. He said that the City Attorney is the legal advisor of all offices, departments, boards, commissions etc., but it doesn't specifically say Common Council, so he is not sure where the Council falls in. He said that he would like to have Charter Sections 3 and 4 specifically mention the Common Council.

City Attorney Bell said that for clarification, this was written for Attorney James Stokes, and he was a part of a law firm. She said that the City Attorney serves at the pleasure of the Mayor per the City Charter. She said that it is actually a courtesy to have the Council vote on this agreement; as by law, the Council has no say in the matter.

## LEAK ADJUSTMENT RECOMMENDATION BY THE WATER BOARD

### RESOLUTION 20-28

Moved by Councilor Coulthart
Seconded by Councilor Simchik

**WHEREAS**, during the course of reading meters, it was found that a high read had occurred at 405 Elizabeth St., Acct. # 16-057001-00; **and**

**WHEREAS,** high meter readings were recorded for three consecutive quarters, and the owner has provided documentation that repairs were attempted in a timely manner but the leak persisted; **and**

**WHEREAS,** the owner has paid two water/sewer bills that are significantly higher than normal, and this leak is of significance and meets all the threshold requirements for an adjustment; **and**

**WHEREAS,** current Leak Adjustment Policy proscribes that the leak be adjusted by reducing the bill by 50% of the amount above the highest use in the previous eight (8) quarters usage history, but the previous quarter is in fact higher than the current quarter; **and**

**WHEREAS**, the Water Department does not want to impoverish its customers because of a leak, **and**

**WHEREAS**, the Water Board has unanimously recommended to the Common Council that the Leak Adjustment Policy be amended so that threshold considerations require **previous charges be made current**, and bills be adjusted by reducing the bill by a portion of the amount above the highest use in the previous eight (8) quarters usage history **prior to the beginning of the leak**,

and an adjustment be granted to 405 Elizabeth St., Acct. # 16-057001-00 for the December 2019 water/sewer bill by ½ the amount over the highest reading the last 8 quarters before the leak began, in in the amount of $240, as this would be consistent with the intent of the City of Oneida Water Department's Leak Adjustment Policy, **now therefore be it**

**RESOLVED**, that the Common Council hereby accepts the recommendation from the City of Oneida Water Board and accepts the proposed Amended Leak Adjustment Policy to be put on file; **and be it further**

**RESOLVED**, that an adjustment be granted to 405 Elizabeth St., Acct. # 16-057001-00 for the December 2019 water/sewer bill in accordance with the Amended Leak Adjustment Policy.

Ayes: 6
Nays: 0
**MOTION CARRIED**

Water Commissioner Margaret Milman Barris said that she read through the revised policy and didn't see anything that seemed unusual.

## CITY HISTORIAN AGREEMENT

### RESOLUTION 20-29

Moved by Councilor Bowe
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign the Agreement with City Historian Colleen Coulthart, as per the 2020 City of Oneida Budget.

Ayes: 5
Nays: 0
Abstain: 1 (Coulthart)
**MOTION CARRIED**

Mayor Acker stated that she has appointed Colleen (Connie) Coulthart as the City Historian. Mrs. Coulthart was given the oath of office by the City Clerk, with her hand on their family bible. She said that the bible holds special memories, as it belongs to her husband's family and his great grandmother was born on the Erie Canal. She said that the canal is instrumental to our City as well.

## WAIVER OF APPLICATION FEES FOR USE OF THE KALLET CIVIC CENTER

### RESOLUTION 20-30

Moved by Councilor Earl
Seconded by Councilor Simchik

**WHEREAS**, Madison County Relay for Life Team C is 4 Cure has submitted a Facility Use Waiver Application for their Fundraiser/Benefit to be held on March 28, 2020 from 3pm to 11pm to be held at the Kallet Civic Center, **and**

**WHEREAS**, all the proceeds raised from this event will be given to the American Cancer Society for research to find a cure for all forms of cancer, **now therefore be it**

**RESOLVED**, that the Common Council hereby agrees to waive stage fee of $75.00, **and be it further**

**RESOLVED**, that the Common Council hereby agrees to waive 10% of the total fee for the rental of the facility for this fundraiser/benefit.

Ayes: 0
Nays: 6
**MOTION FAILED**

Councilor Coulthart asked if the Relay for Life team is looking for a reduction in the cost for the event or are they only asking to waive the fee for the stage. Recreation Director Griff said that they are just looking to waive the cost of the stage, noting that it takes about 3-4 hours to put the stage up/down. Councilor Earl said that she deals with many non-profits, and this is a very hard decision, as she doesn't want to say that one cause is more important than another. Councilor Earl said that the Council has to properly manage the money for the City, as well.

The Council began to vote on the Resolution, and the City Clerk asked for clarification of whether were voting on the $75 stage waiver or if they were voting on both the stage waiver and 10% off the total fee. A brief discussion ensued. The City Clerk said that on their application, the Relay for Life Team had requested that both fees be waived. She said that the Resolution before the Council has two Resolve's, one for each of the requested waivers. The City Clerk said that the Resolution can be amended to reflect just one, but the Council opted (4 to 2) to leave the Resolution as it stands. The two initial votes were struck, and the voting started again.

## AGREEMENT – NY URGENT CARE PRACTICE P.C.

### RESOLUTION 20-31

Moved by Councilor Bowe
Seconded by Councilor Coulthart

**RESOLVED,** to authorize the Mayor to sign a service agreement with NY Urgent Care Practice P.C., 7375 Oswego Road, Liverpool NY 13090 (WellNow Occupational Medicine) to provide occupational health services for the required DOT testing of CDL drivers.

Ayes: 6
Nays: 0
**MOTION CARRIED**

Councilor Earl thanked the Comptroller for her email and noted that the she was correct in that Oneida Healthcare is unable to do the proper DOT testing for the City.

## COMMENCE ACTION ON THE PROPERTY LOCATED AT 311 MAPLE STREET IN ACCORDANCE WITH ARTICLE III OF CHAPTER 34 OF THE ONEIDA CITY CODE

### RESOLUTION 20-32

Moved by Councilor Simchik
Seconded by Councilor DuBois

**WHEREAS**, in accordance with Article III of Chapter 34 of the Oneida City Code, at the October 15, 2019 meeting, the Common Council, having duly considered the documentary

evidence, as well as, the oral testimony presented by the Assistant Fire Marshal declared the property located at 311 Maple Street, Tax Map No. 30.81-1-44 ("Property") to be a public nuisance; **and**

**WHEREAS,** the Common Council having duly declared the "Property" as a public nuisance issued a Notice and Order on October 15, 2019 requiring corrective action by the owner or persons with an interest in such "Property" to demolish the residential structure, **and**

**WHEREAS**, the Common Council further ordered that that corrective action (demolition) by the owner or persons with an interest in the "Property" must occur within sixty (60) days of receipt of the Notice and Order; **and**

**WHEREAS,** the sixty (60) day time-frame has lapsed, and the owner or persons with an interest in the Property have failed to act on the Order, **now therefore be it**

**RESOLVED,** that per the October 15, 2019 Common Council Resolution No. 19-231, the Common Council hereby authorizes the City Attorney to file a petition with the Madison County Supreme Court to authorize the City of Oneida to take any and all such measures necessary to effectuate the demolition of the property located at 311 Maple Street, Tax Map No. 30.81-1-44 ("Property"), **and be it further**

**RESOLVED**, that the cost of said remedial action (demolition) shall thereupon become a lien against the "Property" and shall be collective in the same manner as taxes levied thereon.

Ayes: 6
Nays: 0
**MOTION CARRIED**

The City Attorney explained the procedures for dealing with unsafe structures in accordance with Article III, Chapter 34 of the City Code. She said that 311 Maple Street has been through the process, and the 60-day time-frame provided by the Council has lapsed, with the property owner failing to act. Attorney Bell said that she will file a petition in Madison County, so the Council will have the right to undertake the measures necessary to proceed with the demolition of the property with all costs to be levied against the property. Mayor Acker said that the foundation on this property is very bad.

## SPECIAL EVENT APPLICATION – KELBERMAN CENTER'S WALK FOR AUTISM

### RESOLUTION 20-33

Moved by Councilor Bowe
Seconded by Councilor Coulthart

**RESOLVED**, that the following special event application be hereby approved:

| | |
|---|---|
| Event: | Walk for Autism |
| Sponsor: | Kelberman Center, Inc. |
| Date: | April 18, 2020 |
| Location: | Oneida High School (using City sidewalks) |

Ayes: 6
Nays: 0
**MOTION CARRIED**

## BUDGET TRANSFER/VEHICLE RESERVE FUND

### RESOLUTION 20-34

Moved by Councilor Simchik
Seconded by Councilor Bowe

**WHEREAS**, by Resolution duly adopted on March 19, 2019, the City has established a Vehicle Reserve Fund to finance the cost of vehicle lease management and/or vehicle purchases pursuant to General Municipal Law, Section 6-c, **and**

**WHEREAS**, pursuant to said Resolution, the City Comptroller has deposited monies of this reserve fund in a separate bank account known as the Vehicle Reserve Fund, **now therefore be it**

**RESOLVED**, that the City Comptroller is hereby authorized to transfer $27,007.00 from the General Fund to the Vehicle Reserve Fund.

Ayes: 6
Nays: 0
**MOTION CARRIED**

## NEW BUSINESS

Councilor Coulthart thanked the Mayor for allowing the placement of a photo in the Council Chambers recognizing the previous Common Council members.

Mayor Acker said that the Council will be going into Executive Session to discuss a personnel matter, adding that no action will be taken after the session.

## EXECUTIVE SESSION

### RESOLUTION 20-35

Motioned by Councilor Coulthart
Seconded by Councilor Bowe

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 7:00 p.m. to discuss a personnel issue.

Ayes: 6
Nays: 0
**MOTION CARRIED**

**PRESENT:** Councilors, City Attorney, Comptroller, Deputy Comptroller

1. The Council discussed a personnel issue.

Motioned by Councilor Simchik
Seconded by Councilor Coulthart

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 8:35 p.m.

Ayes: 6

Nays: 0
**MOTION CARRIED**

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned at 8:40 p.m.

**CITY OF ONEIDA**

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Susan Pulverenti
City Clerk