

**MINUTES OF THE COMMON COUNCIL  
JANUARY 15, 2019**

A meeting of the Common Council of the City of Oneida, NY was held on the fifteenth day of January, 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 Deputy Mayor James Chamberlain

PRESENT: Councilors Alan Cohen, Michael Bowe, James Coulthart, Helen Acker, James Chamberlain, and Thomas Simchik (arrived at 6:52 pm)

ABSENT: Mayor Leo Matzke

ALSO PRESENT: City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
Comptroller Lee Ann Wells  
Police Chief Paul Thompson  
Water Superintendent George Kalkowsky  
Supervisor Mary Cavanaugh  
Supervisor John Reinhardt  
Supervisor Joe Magliocca

**OLD BUSINESS**

*Enterprise Leasing Proposal*

The Deputy Mayor asked the Council's wishes with respect to the Enterprise Leasing Program. Councilor Acker said that she would like to wait until the next meeting when the City Engineer is here to discuss the Enterprise Leasing Proposal. The Deputy Mayor said he spoke with the Central Garage Maintenance Supervisor, and he thought this was a good idea. Councilor Cohen said it all looks positive, but wondered if we had to wait for the County to do things. The Comptroller said the County has already approved it, and the City would be separate from them. Councilor Coulthart said that he would like to wait and see what success the County had, as he is concerned about being in on the initial wave. He said he appreciates that the City Engineer contacted other municipalities for their opinions of the program. Councilor Coulthart questioned if we are getting as attractive a rate as the County or are we considered our own little municipality. The Deputy Mayor said he would also like Councilor Simchik to weigh in on this proposal, and he said that the Council will hold off on discussions and revisit this at the next meeting under old business.

*City Manager/Administrator*

Councilor Cohen said that the Council has spoken at length about a City Manager, and this idea hasn't gone anywhere. He said he would like to see discussions on this. The Deputy Mayor said that three Councilors could join a committee and report back to the Council. Supervisor Magliocca said that the City Clerk was on a committee led by Peter Hedglon, and it would be wise to check with her for the notes. The City Clerk said with a City Manager you have to change the charter and the form of City government and with the City Administrator you do not.

**SUPERVISORS REPORT - None**

Moved by Councilor Cohen  
Seconded by Councilor Coulthart

**RESOLVED**, that the regular meeting minutes of December 31, 2018 and special meeting minutes of December 31, 2018 are hereby approved as presented.

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

Moved by Councilor Acker  
Seconded by Councilor Cohen

**RESOLVED**, that Warrant No. 2 checks and ACH payments in the amount of \$421,799.99, 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 (Simchik)  
**MOTION CARRIED**

Moved by Councilor Acker  
Seconded by Councilor Cohen

**RESOLVED**, that checks in the amount of \$7,938.50 (City Attorney) as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 4  
Nays: 0  
Abstain: 1 (Bowe)  
Absent: 1 (Simchik)  
**MOTION CARRIED**

**AMUSEMENT DEVICE LICENSE**

**RESOLUTION 19-13**

Moved by Councilor Coulthart  
Seconded by Councilor Bowe

**RESOLVED**, that the Amusement Device License from Pepi's Pizza Inc., 228 Genesee Street be hereby approved.

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

**AMEND CAPITAL PROJECT 17-04 AERATION SYSTEM IMPROVEMENTS  
CHANGE ORDER NO. 01G**

**RESOLUTION 19-14**

Moved by Councilor Acker

Seconded by Councilor Cohen

**RESOLVED**, that Capital Project 17-04 Aeration System Upgrades and Improvements at the Waste Water Treatment Plant be hereby amended, **and be it further**

**RESOLVED**, to authorize the Mayor to sign a Change Order with Blue Heron Construction, 9289 Bonta Bridge Rd., Jordan NY 13080 for the WWTP Aeration System Upgrades and Improvements Project.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

**MOTION CARRIED**

The Change Order includes an increase of Contract value of \$92,710.90 and extends the Contract time to a substantial completion date of 3/15/2019.

### **ZONING CHANGE REQUEST**

#### **RESOLUTION 19-15**

Moved by Councilor Acker

Seconded by Councilor Cohen

**RESOLVED**, that a zone change request from Russell Blanchard, 6470 Creek Rd., Oneida, NY for the property located at 409 Genesee Street be hereby received and placed on file, **and be it further**

**RESOLVED**, that said request be referred to the Planning Commission Zoning Board of Appeals.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

**MOTION CARRIED**

City Attorney Bell said that changes to zoning require a Local Law, because you are changing the zoning map. She said that according to the map supplied, Mr. Blanchard only wants to rezone a portion of the property. She said that the Planning Commission Zoning Board of Appeals will make a recommendation to the Council, which will clarify and elaborate on Mr. Blanchard's request.

### **MONTHLY REPORTS**

#### **RESOLUTION 19-16**

Moved by Councilor Acker

Seconded by Councilor Cohen

**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: 5

Nays: 0

Absent: 1 (Simchik)

**MOTION CARRIED**

**CLOSE OUT CAPITAL PROJECTS**

**RESOLUTION 19-17**

Moved by Councilor Bowe  
Seconded by Councilor Coulthart

**RESOLVED**, that the following Capital Projects be hereby closed:

- Capital Project 17-05 WWTP Sludge and Dewatering
- Capital Project 17-09 Baker Treatment Plant Roof Replacement
- Capital Project 18-01 Baker Tank Mixers

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

**SCBA BREATHING AIR COMPRESSOR PROJECT**

**RESOLUTION 19-18**

Moved by Councilor Cohen  
Seconded by Councilor Acker

**WHEREAS**, Resolution 18-224 authorized the Fire Chief to expend funds up to the amount of \$34,951.00 for the SCBA Breathing Air Compressor Project, **and**

**WHEREAS**, additional grant funds for said project are approved up to the amount of \$36,500, **now therefore be it**

**RESOLVED**, that the Fire Chief is hereby authorized to expend funds up to the amount of \$36,500 for the SCBA Breathing Air Compressor Project.

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

**RESOLUTION OF INTENTION TO UNDERTAKE THE WEST ELM STREET  
INFRASTRUCTURE PROJECT**

**RESOLUTION 19-19**

Moved by Councilor Acker  
Seconded by Councilor Cohen

**RESOLVED**, that the City of Oneida has been awarded funding from Empire State Development to construct the West Elm Street Infrastructure Project, **and be it further**

**RESOLVED**, that the City of Oneida Common Council passed a Resolution of Support for the West Elm Street Infrastructure Project on January 28, 2014; **and be it**

**RESOLVED**, that the City of Oneida Common Council hereby declares their intention to undertake said infrastructure project consisting of a water main extension and associated improvements from the end of the existing water main in West Elm Street at the outside district boundary to 1,091 feet east of the Village of Wampsville, a distance of approximately 9,200 linear feet, at a total estimated cost of \$1,225,000, **and be it further**

**RESOLVED**, that the City of Oneida Common Council hereby declares their intention to undertake said infrastructure project consisting of a sanitary sewer main extension and associated improvements from the end of the existing sanitary sewer main located on the City-owned abandoned rail bed approximately 2,600 feet west of North Willow Street to the City of Oneida boundary limits on West Elm Street a distance of approximately 9,500 linear feet at a total estimated cost of \$1,181,000, **and be it further**

**RESOLVED**, that the total cost of said infrastructure project shall be paid per City of Oneida Charter Article VI Assessments for Local Improvements - Section 6.1; County and City Funding; and allocated grant funding, **and be it further**

**RESOLVED**, that a public hearing shall be held by the Common Council on the aforementioned improvement project at 6:30 o'clock p.m. on the fifth day of February 2019 in the Council Chambers, 109 N. Main St., Oneida, NY for any person(s) wishing to be heard on said project.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Deputy Mayor Chamberlan said that the sewer line will come down the old railroad bed, and the water line will continue down W. Elm Street connecting four existing dead ends. The City Clerk said that she has prepared letters to be mailed to all those who will be affected by the new water and sewer mains. She said that Water Superintendent and City Engineer are working on all the attachments that will be included for each property owner. She said that she will provide the Council with same packet, so everyone will be on the same page at the Public Hearing. Councilor Bowe raised some concerns about the potential costs to the property owners and said that the Council will need to look at that. Councilor Bowe asked that a map of the properties be placed on the easel during the Public Hearing.

#### **EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND EXPENDITURE**

#### **RESOLUTION 19-20**

Moved by Councilor Bowe

Seconded by Councilor Coulthart

**WHEREAS**, pursuant to General Municipal Law Section 6-p, the City of Oneida Common Council established an Employee Benefit Accrued Liability Reserve Fund on December 19, 2017 per Resolution 17-345, **and**

**WHEREAS**, expenditures may be made from said Employee Benefit Accrued Liability Reserve Fund for the payment of all or part of the cost, including interest, of:

The cash paying of the monetary value of accumulated or accrued and unused sick leave, holiday leave, vacation leave, time allowance granted in lieu of overtime compensation and other forms of payment for accrued leave time and benefits due a municipal employee upon termination of municipal employment and separation from service as required by ordinance, local law, collective bargaining agreement or Section 6 of the Civil Service law.

**NOW THEREFORE BE IT RESOLVED**, that the Common Council of the City of Oneida hereby authorizes the City Comptroller, pursuant to General Municipal Law Section 6-p, to expend funds in the amount of \$92,000.00 from the Employee Benefit Accrued Liability Reserve Fund for the value of accumulated accrued leave time and benefits due employees at their retirement from municipal employment.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**BUDGET TRANSFERS/AMENDMENTS**

**RESOLUTION 19-21**

Moved by Councilor Bowe  
Seconded by Councilor Coulthart

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

| <u>AMOUNT</u> | <u>FROM</u>  | <u>TO</u>                                   |
|---------------|--|---|
| \$143,879.50  | 306.8110.0400<br>WWTP Sludge Expense   | 003.0025.3960<br>Interfund Transfer-Capital |
|               | <i>(To close out Capital Project WWTP Sludge 2017 and transfers funds back to sewer)</i>                           |   |
| \$92,710.90   | 003.9950.0900<br>Transfers to Capital  | 305.8110.0400<br>WWTP Aeration Project      |
|               | <i>(To allocate funds to change order OIG for WWTP Aeration Project)</i>   |   |
| \$11,071.60   | 205.8300.0400<br>Water-Baker Treatment Plant Roof  | 002.0024.5031<br>Interfund Transfer-Capital |
|               | <i>(To close out Capital Project 2017 Baker Treatment Plant Roof Replacement and transfer funds back to water)</i> |   |
| \$7,807.46    | 206.8300.0200<br>Water-Baker Tank Mixers   | 002.0024.5031<br>Interfund Transfer-Capital |
|               | <i>(To close out Capital Project 2018 Baker Tank Mixers and transfer funds back to water)</i>                      |   |
| \$59.45       | 001.3410.0407<br>Fire Chief Expense  | 124.3410.0201<br>Fire Equipment Grant       |
|               | <i>(To increase grant project by the 5% City contribution)</i>   |   |
| \$1,451.35    | 003.0022.2650<br>Sewer-Sale of Scrap   | 003.8110.0413<br>Sewer Training             |
|               | <i>(To allocate funds received from scrap to training)</i>   |   |
| \$70,044.00   | 001.9901.0903<br>Employee Benefit Liability Reserve  | 001.3410.0103<br>Fire Retirement            |
|               | <i>(To allocate funds for the payout of accrued benefits from the reserve account)</i>                             |   |

\$21,956.00

0003.9901.0905

003.8110.0103

Employee Benefit Liability Reserve

Sewer Retirement

*(To allocate funds for the payout of accrued benefits from the reserve account)*

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **WAIVER RECOMMENDATION**

#### **RESOLUTION 19-22**

Moved by Councilor Simchik

Seconded by Councilor Acker

**WHEREAS**, a letter from Mary C. Parker was received requesting that the fee be voided for an inspection at the property located at 349 Leonard Street, **and**

**WHEREAS**, due to extenuating reasons as outlined in the letter from Mary C. Parker, the Fire Chief is recommending that this fee be waived, **now therefore be it**

**RESOLVED**, that a letter from Mary C. Parker be hereby received and place and file, **and be it further**

**RESOLVED**, that per the recommendation of Fire Chief Dennis Fields, the Common Council hereby waives the fee for Invoice No. 0024487 dated December 18, 2018.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **NEW BUSINESS**

#### *Audience Questions*

Robert Britton, Oneida, inquired about the all the costs to the City with taking someone to court and hiring an engineer to assess properties not being repaired by the owners. City Attorney Bell said it is approximately \$6,000 and those costs are levied against the property per the court. Mr. Britton asked what if they don't pay their taxes after those costs have been levied onto the property; what happens then. The Deputy Mayor said the City would take the property for non-payment and resell it. The City Attorney said there a long process of following what is defined in the City Code with respect to declaring a property a public nuisance. She said that Council has tried to make a concerted effort to have people fix up their properties, as the adjoining properties are also affected by the disarray; it is a ripple down effect. The City Attorney said that it has been effective. She said there have been six to eight properties in the last two years and most of them are done, adding that there has been market improvement in those properties. The City Attorney went onto to explain various aspects of the law to Mr. Britton.

#### *Executive Session*

Deputy Mayor Chamberlain said that the Council will be going into Executive Session to discuss the proposed acquisition, sale or lease of real property. The City Attorney said that there may or may not be action after the session.

### **EXECUTIVE SESSION**

**RESOLUTION 19-23**

Moved by Councilor Bowe  
Seconded by Councilor Coulthart

**RESOLVED** that the meeting is hereby adjourned to Executive Session at 7:03 p.m. for the purpose of discussing the proposed acquisition, sale or lease of real property.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

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

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

Moved by Councilor Coulthart  
Seconded by Councilor Cohen

**RESOLVED,** that Executive Session is hereby adjourned to the regular meeting at 8:13 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

City Attorney Nadine Bell explained to the GOCC members in attendance the Council's plans. She said the Council is in agreement that they do not want this to be another Rec Center; they want it to be an Arts and Entertainment venue to host bigger events. Attorney Bell said there are many kinks to work out. She said that the specifics really don't need to be discussed tonight, as they would like Tom from Live Space Entertainment to be part of the discussion. The Deputy Mayor said that a small committee will be formed with Councilors Acker, Cohen and Simchik, Tom from Live Space Entertainment and Morgan representing the GOCC. Councilor Bowe said that the GOCC needs to give the City of list of their assets. He said that the Council's goal financially is to cover the costs with the focus on "Arts".

Motion to adjourn by Councilor Coulthart

The regular meeting is hereby adjourned at 8:45 p.m.

CITY OF ONEIDA, NEW YORK

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Susan Pulverenti, City Clerk