

**MINUTES OF THE COMMON COUNCIL
JANUARY 21, 2020**

A meeting of the Common Council of the City of Oneida, NY was held on the twenty-first day of January, 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
Recreation Director Luke Griff
Public Safety Commissioner Kevin Salerno
Supervisor Joe Magliocca

OLD BUSINESS - None

SUPERVISORS REPORT

Supervisor Joe Magliocca said that the County's Public Utilities Committee is working with their consultants on the valuable data generated by the Broadband Survey and Flyer. He said that the County is working with ECC Technologies to develop a USDA grant application for submission in March. Supervisor Magliocca said that Yates County received \$10M, and Madison County hopes to receive that or more. He said this grant will benefit mostly the southern part of Madison County; however, in the long run, the whole County will benefit.

Moved by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED, that the minutes of the regular meeting of January 7, 2020 are hereby approved as presented.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Simchik
Seconded by Councilor Coulthart

RESOLVED, that Warrant No. 2, checks and ACH payments in the amount of \$910,040.49 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 Bowe
Seconded by Councilor Simchik

RESOLVED, that checks in the amount of \$5,203.75 (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 (Bowe)
MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 20-09

Moved by Councilor Simchik
Seconded by Councilor Bowe

RESOLVED, that Monthly Reports from the Chamberlain, City Clerk, City Engineer, Fire Chief, Police Chief and Recreation Director be hereby received and placed on file.

Ayes: 6
Nays: 0
MOTION CARRIED

Councilor Coulthart said that he would like to compliment Police Chief Thompson on having less overtime in his Department, and asked the Sgt. to pass it along.

Councilor Coulthart said that he has asked several times for the rental policies for both the Recreation Center and the Kallet; however, he still hasn't received them. He said that he applauds the Rec Department's movie program, and the history grant for the canal is fabulous. He asked about the proposed full-time maintenance position at the Recreation Department, and the Director said that it is a Civil Service position that has been posted with the City and will go out to the public this week. Councilor Coulthart said that he hopes the individual hired will be experienced in electrical/plumbing/etc. and not promoted just because they are here.

Jill Christian Lynch, Oneida, said she noticed that not all department heads are submitting reports, and she would like to see that change. The Mayor said that she would look into that.

Councilor Earl said that the Police Department received a very nice thank you letter from a resident regarding his Christmas Day panic. The Council concurred and gave kudos to the two officers involved, and Councilor Coulthart noted that most departments do not offer this free service.

CAPITAL PROJECT 20-10 – VEHICLE REPLACEMENT – DUMP TRUCK (WATER FUND)

RESOLUTION 20-10

Moved by Councilor Simchik
Seconded by Councilor Coulthart

RESOLVED, to authorize the City Engineer to proceed with Capital Project 20-10 Vehicle Replacement – Dump Truck (Water Fund), authorize the expenditure of funds up to the programmed amount, and further authorize the Mayor to sign any and all documents related to Capital Project 20-10.

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Bowe said that this was talked about during the budget meetings.
(2021 Freightliner Model 114SD per Onondaga Co. Contract #8996)

CAPITAL PROJECT 20-11 – DOWNTOWN UPGRADES

RESOLUTION 20-11

Moved by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED, to authorize the City Engineer to proceed with Capital Project 20-11 Downtown Upgrades.

Ayes: 6

Nays: 0

MOTION CARRIED

City Engineer Eric Schuler said that this is for the preliminary design to get started with streetscape design, renderings, and preliminary plans for inclusion in this year's \$10M DRI Application.

VEHICLE LEASE APPROVAL – PICKUP TRUCK – (WATER FUND)

RESOLUTION 20-12

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, to authorize the Purchasing Agent to proceed with a Lease through Enterprise Fleet Management for a Pickup Truck Replacement with the payments for said lease to be expended from the Water Fund.

Ayes: 6

Nays: 0

MOTION CARRIED

In response to a question from Councilor Coulthart, the City Engineer said that the Lease Program has been a good thing on their end, and they are seeing a 180° turn with respect to repairs. The Public Safety Commissioner said that every department is different. Comptroller Lee Ann Wells said that the lease program is working well, and she will continue to watch it. She said that they are doing a great job with the selling of scrap metal, and then those funds are placed in the Reserve Fund.

ADVERTISE FOR BIDS – HYDRANTS, PIPES & MATERIALS

RESOLUTION 20-13

Moved by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED, to authorize the Purchasing Agent to advertise for bids for hydrants, pipes and materials for the Water Department.

Ayes: 6
Nays: 0

MOTION CARRIED

ADVERTISE FOR BIDS – WATER METERS

RESOLUTION 20-14

Moved by Councilor Bowe
Seconded by Councilor Earl

RESOLVED, to authorize the Purchasing Agent to advertise for bids for Water Meters for 2020.

Ayes: 6
Nays: 0

MOTION CARRIED

**BRIDGES A/K/A MADISON COUNTY COUNCIL ON ALCOHOLISM AND
SUBSTANCE ABUSE, INC. AGREEMENT**

RESOLUTION 20-15

Moved by Councilor Bowe
Seconded by Councilor Kinville

RESOLVED, that the Mayor is hereby authorized to sign the 2020 annual agreement with BRiDGES a/k/a Madison County Council on Alcoholism and Substance Abuse, Inc. for the Employee Assistance Program in the amount of \$1,904.00.

Ayes: 6
Nays: 0

MOTION CARRIED

Deputy Comptroller Jessica Kaiser said that the level of service has been good, and there was almost a 20% increase in use of the program. She said that BRiDGES representatives will be asked to come to the annual City compliance training.

CONTRACT-INTERPRETIVE SIGN PROJECT

RESOLUTION 20-16

Moved by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED, to authorize the Mayor to sign a contract with the Erie Canalway Heritage Fund, Inc. (Grantor) in the amount of \$12,000 to the City of Oneida (Grantee) for the purpose of supporting the interpretive sign project "The History of the Erie Canal and Oneida."

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor's Coulthart and Earl both said this was a great project.

BUDGET TRANSFER/WATER FUND

RESOLUTION 20-17

Moved by Councilor Bowe

Seconded by Councilor Coulthart

WHEREAS, by Resolution duly adopted on April 7, 1992, the City has established a Capital Reserve Fund to finance the cost of construction or reconstruction of water treatment and transmission facilities, 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 Water Reserve Fund, **now therefore be it**

RESOLVED, that the City Comptroller is hereby authorized to transfer \$108,233.86 from the Water Fund to the Water Reserve Fund.

Ayes: 6

Nays: 0

MOTION CARRIED

AGREEMENT/MATRIX COMMUNICATIONS

RESOLUTION 20-18

Moved by Councilor Bowe

Seconded by Councilor Kinville

RESOLVED, that the Mayor is hereby authorized to sign the Maintenance Service Agreement with Matrix Communications (126 Dwight Park Circle, Syracuse, NY 13209) for the Wastewater Treatment Plant.

Ayes: 6

Nays: 0

MOTION CARRIED

City Engineer Schuler said this is for phone service provider at the WWTP.

INTRODUCE AND SCHEDULING PUBLIC HEARING FOR PROPOSED LOCAL LAW - A LOCAL LAW IMPOSING A SIX (6) MONTH MORATORIUM ON COMMERCIAL FREE-STANDING SOLAR PHOTOVOLTAIC (PV) SYSTEMS WITHIN THE CITY OF ONEIDA

RESOLUTION 20-19

Moved by Councilor Simchik
Seconded by Councilor Earl

WHEREAS, a proposed Local Law titled “A Local Law Imposing a Six (6) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems Within the City of Oneida” has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; **and**

WHEREAS, this proposed moratorium will enable the City to undertake review and comprehensively address the issues involved with commercial free-standing solar photovoltaic systems; **and**

WHEREAS, the City recognizes the potential benefits and desirability of commercial free-standing PV systems, but determines that time and research is necessary to determine how to properly regulate such installations; **and**

WHEREAS, the City Common Council has deemed this moratorium urgent and immediately necessary in order to preserve status quo while this issue is examined by the City; **and**

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of Local Laws in the City of Oneida, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED that there are no other involved agencies, the City Common Council shall act as lead agency, and that the enactment of this proposed local law, is a Type II action under SEQR, thus concluding the environmental review process; **and it is further**

RESOLVED AND DETERMINED that the Common Council shall conduct a public hearing as to the enactment of the proposed Local Law at the Oneida City Hall located at 109 North Main Street, Oneida, New York on February 4, 2020 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; **and it is further**

RESOLVED AND DETERMINED that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the City of Oneida; **and be it further**

RESOLVED that pending action on this local law, the City will neither accept nor process any application pertaining to commercial free-standing solar photovoltaic (PV) systems.

Ayes: 6

Nays: 0

MOTION CARRIED

City Attorney Nadine Bell said that the City has been accused of being in a "reactionary" mode instead of a "proactive" mode. She said that imposing a moratorium is a common tool used by municipalities to address a land use without fear of applications being approved before changes to the City's Code can be made. Attorney Bell said that adopting the moratorium will allow the City to create a committee to analyze how to best address free standing commercial solar systems that are commonly referred to as

"solar farms." She said that this moratorium is not for residential properties that want to put a solar panel on their home. Attorney Bell added that a moratorium can be for up to eighteen months. The Mayor said that she would appoint a committee to look into this, and Jill Christian Lynch, Oneida, said that it would be nice to have someone in the business on the Committee, as they can provide a different perspective.

**GRANT APPLICATIONS-ERIE CANAL NATIONAL HERITAGE CORRIDOR; MADISON
COUNTY YOUTH BUREAU YOUTH DEVELOPMENT FUNDS;
AND MADISON COUNTY YOUTH BUREAU-YOUTH BUREAU FUNDS**

RESOLUTION 20-20

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, to authorize the Recreation Director to apply for the Erie Canal National Heritage Corridor-Event Sponsoring Grant, (maximum \$500) to host an event at the Kallet Civic Center in July 2020 with a historic Erie Canal performer to highlight the impacts of the Erie Canal on the City of Oneida, **and be it further**

RESOLVED, to authorize the Recreation Director to apply for the Madison County Youth Bureau-Youth Development Funds Grant (maximum \$12,000), to be used as a three-date series for a collaborative program for 3rd and 4th graders in the Oneida City School District to learn about the City of Oneida, including the Erie Canal, the O & W Railroad and the current Rail Trail; **and be it further**

RESOLVED, to authorize the Recreation Director to apply for the Madison County Youth Bureau-Youth Bureau Funds Grant (maximum \$20,000), to be used in collaboration with Cornell Cooperative Extension to create an extension of the existing after school/youth drop-in programs to include S.T.E.A.M. components.

Ayes: 6
Nays: 0

MOTION CARRIED

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 20-21

Moved by Councilor Simchik
Seconded by Councilor Coulthart

RESOLVED, to approve the following budget transfers/amendments:

2019 Budget Adjustments

RESOLVED, to approve the following 2019 Budget Amendment/Transfers

\$	755.00	001.9010.0806.0000	001.1420.0411.0000
		ERS Retirement	Law Contracts & Negotiations

To reallocate 2019 additional funds to cover legal expenses related to personnel

\$	950.00	001.9010.0806.0000	001.9050.0803.0000
		ERS Retirement	Unemployment

To reallocate 2019 additional funds to cover unemployment expenses

2020 Budget Adjustments

RESOLVED, to approve the following 2020 Budget Amendment/Transfers

\$	5,980.00	002.0002.0889.0000	002.9785.0600.0001
		Water Vehicle Reserve	Water Vehicle Leases

To fund new Enterprise Lease for Water Pickup Truck

Ayes: 6

Nays: 0

MOTION CARRIED

DECLARE SURPLUS PROPERTY

RESOLUTION 20-22

Moved by Councilor Kinville
Seconded by Councilor Bowe

RESOLVED, to declare replaced office furniture as surplus property and approve the sale of same by means of an online auction website.

Ayes: 6

Nays: 0

MOTION CARRIED

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 20-23

Moved by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED, that per Resolution 08-180 adopted by the Common Council on August 19, 2008, the provisions of the procedure to accept agenda items is hereby waived.

Ayes: 6

Nays: 0

MOTION CARRIED

AMERICANS WITH DISABILITIES ACT (ADA)
APPOINT COORDINATOR & APPROVE GRIEVANCE PROCEDURE

RESOLUTION 20-24

Moved by Councilor Bowe
Seconded by Councilor Coulthart

WHEREAS, under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA), local governments receiving federal assistance are required to make their programs, activities and services accessible to individuals with disabilities; **and**

WHEREAS, the ADA requires the City of Oneida, as a local government receiving federal assistance, to appoint an ADA Coordinator and establish a grievance procedure to be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the City; **and**

WHEREAS, the City of Oneida ADA Grievance Procedure has been reviewed by the City Attorney and compared to the current United States Department of Justice recommended Grievance Procedure to be assured of compliance with the ADA; **now therefore be it**

RESOLVED, that the City of Oneida Common Council hereby appoints the Executive Secretary to the Civil Service Commission as the ADA Coordinator for the City of Oneida; **and be it further**

RESOLVED, that the City of Oneida Americans with Disabilities Act Grievance Procedure, in the form attached and in accordance with the "Notice under the Americans with Disabilities Act," be and hereby is approved.

Ayes: 6

Nays: 0

MOTION CARRIED

The City Clerk said that this policy has not been updated since 2016, noting that the "position," rather than the "person," has been named as the ADA Coordinator.

NEW BUSINESS

Harden Plaza Project

Councilor Coulthart asked about the status of the Harden Plaza Project. Mayor Acker said that there are 27 high-end apartments (nine on each floor) for middle to upper income levels. She said that the property owner has already invested a significant amount of money into this project. She said that his General Contractor referred him to the IDA for additional help with this multi-million-dollar project, and a PILOT program is being worked on through the Madison County IDA. She said that she has photos of the before and after of this facility. Councilor Coulthart expressed several concerns that he had with respect to the PILOT. Mayor Acker briefly explained the ten-year program, noting that the school district and County are already on board. Supervisor Magliocca said that it will be the same tax rate for the City, County and School District and also noted that the Harden Plaza Project was listed in the City's DRI application last year. Mayor Acker said that while this facility was not in the most desirable area; they are making it very desirable. She said that this is the "seed" to make that area grow. She stated that several property owners

around the Harden Project area have already started to clean up their properties. She said that she sent a letter in favor of this project. Mayor Acker said that it is our responsibility to help this City grow.

Wanderer's Rest

Mayor Acker stated that she wrote a letter of support for the Wanderer's Rest Grant Application, which is intended for a facility planned to be located in the City Oneida. She said that she will be attending the Wanderers' Rest Humane Association's Annual Board Meeting on Thursday evening.

Kallet Civic Center Waiver

Connie Skinner, Oneida, said that she filled out a waiver for certain fees at the Kallet Civic Center for their Relay for Life Event. She said that the price has tripled since the first time they rented the Kallet for this event several years ago. Councilor Coulthart said that we have had many requests for waivers, but if we give away use at no cost or extremely low cost, the facility will not be there for anyone to use. Councilor Coulthart said that he is not in favor of a waiver of any kind. The Council briefly discussed the different weekday/weekend rates. Councilor Earl said that she works with a lot of different venues and weekend rates are always higher. Mayor Acker questioned if she was getting a waiver from the GOCC for the bar, and Ms. Skinner replied no. The Mayor asked the Recreation Director if he had the waiver/application forms, and if so, to please send them to the City Clerk for the next Council agenda.

Feral Cats

Brian Bortree and Chuck Lewis both of Leonard Street questioned the City's growing feral cat problem again this meeting. Mr. Lewis said that he spoke with the police, and the Community Service Officer came over and saw the problem first-hand. He said the Rome Humane Society told him that according to NYS Law, which doesn't specify cats or dogs, "if you feed it, it's yours", and the Mayor said that she would look into that law. The City Attorney said that with a loose dog, the owner can be ticketed. However, from a practical standpoint, there is no owner to issue a ticket to for a feral cat at large. Councilor Coulthart said that he met with the Mayor briefly about this issue. Several sections of the City Code (17.2, 17.3, 17.4) were briefly discussed, along with residents feeding feral cats, health issues with feral cats spraying and the aspects of the leash law. The City Attorney explained the repercussions from the new Bail Reform Law and how Codes Enforcement Officers will have to deal with certain situations. Councilor Coulthart said that Mr. Lewis and Mr. Bortree have tried to deal with the neighbors, but unfortunately, they have not stopped feeding these cats. Mr. Lewis said that there is also the problem with skunks, noting that skunks love cat food. Mayor Acker said that she will form a committee to look into this matter and both Councilor Coulthart and Councilor Earl said they would be willing to serve on the Committee.

Mayor Acker said that the Council will be going into Executive Session to seek advice of counsel. She said that there will be no action taken after the meeting.

EXECUTIVE SESSION

RESOLUTION 20-25

Motioned by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:50 p.m. to seek

advice of counsel.

Ayes: 6

Nays: 0

MOTION CARRIED

PRESENT: Councilors, City Attorney, Comptroller, Deputy Comptroller

1. The Council sought advice of Counsel.

Motioned by Councilor Kinville

Seconded by Councilor Bowe

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 9:37 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Earl

The regular meeting is hereby adjourned at 9:37 p.m.

CITY OF ONEIDA

Susan Pulverenti
City Clerk