

**MINUTES OF THE COMMON COUNCIL  
JULY 16, 2019**

A meeting of the Common Council of the City of Oneida, NY was held on the sixteenth day of July, 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, and Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
City Engineer Eric Schuler  
Comptroller Lee Ann Wells  
Police Chief Paul Thompson  
Recreation Director Luke Griff  
Supervisor Joe Magliocca  
Supervisor John Reinhardt

Mayor Matzke paid tribute to Michael Healy, who passed away this week. He said that he couldn't think of a man who is more of an inspiration to all of us, especially those who have fought a long illness. Councilor Acker, who was close friends with Mike, said that he was the truest of gentleman and heartbeat of Oneida.

**OLD BUSINESS**

Councilor Acker asked Police Chief Thompson if he has heard any updates from the Commissioner on hiring another police officer. The Chief said that he spoke with Commissioner West after he received the Council's Resolution, and he seemed more amenable, so they are on the right track.

**SUPERVISORS REPORT**

Supervisor Magliocca said that the Madison County sales tax is up 6.2% over June. City Comptroller Lee Ann Wells said that the City sales tax is up as well.

Supervisor Magliocca said that the County is moving forward with some of the recommendations from the consolidation report with Onondaga County to update the 911 Center. The County will be updating the 911 procedures and replacing of the computer age system. He said that the recommendations for the immediate need of staffing additions will also be addressed, which will include establishing a supervisor on every shift.

Moved by Councilor Cohen  
Seconded by Councilor Simchik

**RESOLVED**, that the minutes of the regular meeting of July 2, 2019 are hereby approved as presented.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Moved by Councilor Bowe  
Seconded by Councilor Coulthart

**RESOLVED**, that Warrant No. 14 checks and ACH payments in the amount of \$437,494.07, 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**

**ZONING MAP AMENDMENT – SCHEDULE PUBLIC HEARING**

**RESOLUTION 19-175**

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

**WHEREAS**, a written request from Russell Blanchard, 6470 Creek Road, Oneida, New York 13421 requesting a zone change from R-P (Residential Planned) to C (Commercial) on a portion of the parcel formerly owned by Capozzi's Realty LLC (SBL# 38.69-1-11) located at 409 Genesee Street was received and placed on file and referred to the City of Oneida Planning Commission Zoning Board of Appeals (PCZBA) by the Common Council on May 21, 2019, pursuant to Resolution 19-146, **and**

**WHEREAS**, the PCZBA recommended approval of the proposed zoning map amendment at their June 27, 2019 meeting, **and**

**WHEREAS**, having received a request for such zone change amendment and the recommendation of the PCZBA, the Common Council hereby introduces an Ordinance to amend the Zoning Map of the City of Oneida to change the designation of a portion of certain property, as set forth in the attached legal description, located at 409 Genesee Street (SBL # 38.69-1-11) from R-P (Residential Planned) to C (Commercial); **and**

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of an ordinance 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 (SEQRA) with respect to the proposed enactment of said Ordinance; **now therefore be it**

**RESOLVED**, that there are no other involved agencies, the Common Council shall act as lead agency for the purposes of conducting an environmental review pursuant to SEQRA, and that the enactment of the proposed Ordinance is a Type I Action; **and it is further**

**RESOLVED**, that a Public Hearing on an Ordinance amending the Zoning Map of the City of Oneida to change the Zoning designation for a portion of said property, as set forth in the attached legal description, located at 409 Genesee Street (SBL# 38.69-1-11) being zoned R-P (Residential Planned) to C (Commercial) in the City of Oneida be scheduled for August 6, 2019 at 6:30 p.m. in the Common Council Chambers, 109 North Main Street, Oneida, or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

Ayes: 5

Nays: 1 (Bowe)

**MOTION CARRIED**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ONEIDA TO CHANGE THE ZONING DESIGNATION FOR CERTAIN PROPERTY FROM BEING ZONED R-P (RESIDENTIAL PLANNED) TO C (COMMERCIAL) IN THE CITY OF ONEIDA**

Be it ordained by the City of Oneida Common Council, as follows:

**Section 1.** The Zoning Map of the City of Oneida, as provided for in Section 190-9 of the Code of the City of Oneida, shall be amended to change the zoning use designation of certain lands, consisting of approximately 33.8± acres, situated off Genesee Street (Route 5), identified as Tax Map Parcel No. 38.69-1-11, described herein in Schedule “A” from R-P (Residential Planned) to C (Commercial), as such zoning districts are defined and regulated pursuant to the provisions of Chapter 190 of the Code of the City of Oneida.

(See Schedule “A” attached hereto)

**Section 2.** The City of Oneida Zoning Map shall be amended and shall incorporate the change of zoning classification, as herein provided.

**Section 3.** This Ordinance shall become effective immediately upon publication in the official newspaper.

### **MONTHLY REPORTS**

#### **RESOLUTION 19-176**

Moved by Councilor Acker  
Seconded by Councilor Coulthart

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

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **SCHEDULE A PUBLIC HEARING PER ONEIDA CITY CODE CHAPTER 34, ARTICLE III, UNSAFE BULDINGS AND COLLAPSED STRUCTURES – 311 MAPLE STREET**

#### **RESOLUTION 19-177**

Moved by Councilor Acker  
Seconded by Councilor Coulthart

**RESOLVED**, that the Report of Unsafe Structures, as per Oneida City Code Chapter 34, Article III, Unsafe Buildings and Collapsed Structures, from Fire Marshal Timothy S. Cowan for property located at 311 Maple Street, Tax Map No. 30.81-1-44 be hereby received and placed on file, **and be it further**

**RESOLVED**, that a Public Hearing be scheduled to be held on September 3, 2019 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY 13421 to afford the Common Council the opportunity to issue an order deeming the property to be a “Public Nuisance” and to order corrective action be taken on the property located at 311 Maple Street, Tax Map No. 30.81-1-44, as appropriate.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **GRANT APPLICATION**

#### **RESOLUTION 19-178**

Moved by Councilor Acker

Seconded by Councilor Bowe

**RESOLVED**, that the City Engineer is hereby authorized to submit a grant application for the Water Infrastructure Improvement Act (WIIA) Grant Program. (Schuler).

Ayes: 6

Nays: 0

**MOTION CARRIED**

**1. COMMENCE ACTION PURSUANT TO CHAPTER 122 OF THE ONEIDA CITY CODE**

**RESOLUTION 19-179**

Moved by Councilor Chamberlain

Seconded by Councilor Cohen

**WHEREAS**, the City of Oneida adopted Chapter 122, titled “Public Nuisance Abatement,” to the Oneida City Code on September 2, 2014; **and**

**WHEREAS**, Section 122-2 of the City Code defines what constitutes a “public nuisance” and, pursuant to Section 122-3, owners, operators, manager and/or tenants are prohibited from knowingly conducting, maintaining, permitting or allowing the existence of any such public nuisances to occur on real property within the City limits; **and**

**WHEREAS**, according to Section 122-4 of the City Code, titled “Presumption of public nuisance,” subdivision 3 states, that the “existence of two or more incidents of the following activities at any premises within the one-year period prior to the commencement of a civil action and/or administrative hearing shall be prima facie evidence of the existence of a public nuisance:

- (a) Service of a search warrant on the premises where controlled substances, marihuana and/or weapons are seized.
- (b) Finding of illegal controlled substances or illegal firearms or weapons on the premises.
- (c) Investigative purchases of illegal controlled substances on the premises by law enforcement agencies or their agents;” **and**

**WHEREAS**, the Oneida Police Department has documented that, pursuant to Section 122-4 of the City Code, at least two incidents have occurred on real property located at 414 Lenox Avenue, Oneida, New York, within the past one year period that constitute a prima facie evidence of the existence of a public nuisance; **and**

**WHEREAS**, the incidents documented by the Oneida Police Department resulted from the execution of search warrants on June 14, 2011, July 31, 2018, October 11, 2018 and June 19, 2019, which documented the finding or seizure of methamphetamine that was manufactured, possessed and/or used within at least two of the three apartments located at 414 Lenox Avenue, **and**

**WHEREAS**, it is the desire of the Common Council to commence proceedings against the owners, operators, manager and/or tenants of 414 Lenox Avenue pursuant to Sections 122-4 and 11 of the City Code to eradicate such public nuisance; **now therefore be it**

**RESOLVED**, that the City Attorney is hereby directed to commence any and all actions pursuant to Chapter 122 of the Oneida City Code to abate the occurrence of public nuisance activities on real property located at 414 Lenox Avenue, City of Oneida.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Police Chief Thompson said that the City has served a total of 4 warrants on that property, with only two being required for the Abatement Law. Each warrant was related to manufacturing meth and arrests were made in each case. The Mayor said that the City Attorney will send a letter to the owner, and the Council will make the decision of which way to proceed. Jim Coulthart said that he applauds the police efforts.

**2. BUDGET TRANSFERS/AMENDMENTS**

**RESOLUTION 19-180**

Moved by Councilor Bowe  
Seconded by Councilor Acker

**RESOLVED**, to approve the following 2019 Budgets Amendments/Transfers:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$500.00	001.0001.0912.0000 General Fund Balance	001.3410.0418.0000 Annual Fire Physicals
<i>(To allocate funds to the required annual physicals)</i>		
\$3,000.00	003.0003.0889.0000 Sewer Vehicle Reserve	003.9785.0600.0001 Sewer Vehicle Lease
\$1,000.00	001.0001.0889.0000 General Vehicle Reserve	001.9785.0600.0002 DPW Vehicle Lease
<i>(To allocate funds to new lease vehicle to be shared WWTP &amp; DPW)</i>		
\$20,000.00	003.8110.0401.0000 Utilities	003.8110.0200.0000 Equipment
<i>(To re-allocate funds to equipment purchases)</i>		
\$1,500.00	001.0001.0912.0000 General Fund Balance	0001.1355.0403.0000 Assessor Contracts
<i>(To fund an appraisal request)</i>		
\$3,500.00	003.0003.0889.0000 Sewer Vehicle Reserve	003.9785.0600.0001 Sewer Vehicle Lease
<i>(To allocate funds to fund new lease vehicle WWTP)</i>		

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**NEW BUSINESS**

David Cimpi, Oneida, questioned where the City was with respect to the house at 507 Stone Street. The City Attorney stated we went to court and won, so the City has a court order whereby action can be taken.

Councilor Acker gave kudos to the Fire Department. She said that she had two calls at her home with the Fire Department almost immediately on the scene, and Vineall Ambulance right behind them. She said that both ended up being severely dehydrated and urged everyone to drink plenty of fluids in this hot weather.

Councilor Cohen asked about the pool admission with the hot weather. The Recreation Director said that if the forecasted weather is 90 degrees or higher, the pool admission is free.

Councilor Bowe congratulated the two new firefighters and the new Lieutenant on his promotion.

Councilor Coulthart said that Channel 3 News is focusing on the City of Oneida this week, and they will be at the Center City Market on Thursday night at 6:00 p.m.

Supervisor Magliocca asked if he could be invited into Executive Session, and the Mayor stated he wanted to meet with the City Attorney, Council and Recreation Director.

**EXECUTIVE SESSION**

**RESOLUTION 19-181**

Moved by Councilor Bowe  
Seconded by Councilor Coulthart

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 6:50 p.m. for the purpose of discussing sale or lease of real property and to seek advice of counsel.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**PRESENT:** Mayor, Councilors, City Clerk, City Attorney, Recreation Director (Councilor Simchik left the session at 7:19 pm)

1. Discussion relating to the sale or lease of real property and advice of counsel.

**PRESENT:** Mayor, Councilors, Recreation Director, Supervisor Magliocca

2. Discussion relating to the sale or lease of real property.

Motioned by Councilor Coulthart  
Seconded by Councilor Bowe

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 8:10 p.m.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

**MOTION CARRIED**

Motion to adjourn by Councilor Coulthart

The regular meeting is hereby adjourned at 8:11 p.m.

CITY OF ONEIDA, NEW YORK

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Susan Pulverenti, City Clerk