

**MINUTES OF THE COMMON COUNCIL
JUNE 19, 2018**

A meeting of the Common Council of the City of Oneida, NY was held on the nineteenth day of June, 2018 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 Matkze

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
Fire Chief Dennis Fields
Recreation Director Luke Griff

PUBLIC HEARING
PROPOSED ORDINANCE TO AMEND SECTION 180-21 OF THE CITY CODE

RESOLUTION 18-133

Moved by Councilor Chamberlain
Seconded by Councilor Coulthart

RESOLVED, that the Public Hearing on the proposed Ordinance to amend Chapter 180-Vehicles and Traffic, Article II, Section 180-21 All-night parking, D. Specific Locations hereby opened at 6:31 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES: None

CLOSE PUBLIC HEARING

RESOLUTION 18-134

Moved by Councilor Chamberlain
Seconded by Councilor Coulthart

RESOLVED, that the Public Hearing on the proposed Ordinance to amend Section 180-21 of the City Code be hereby closed at 6:31 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

Councilor Coulthart complimented Councilor Chamberlain for his efforts with this Ordinance, and Councilor Chamberlain thanked the City Clerk and Mayor, as well.

OLD BUSINESS

Clinch Park Loitering

Gary Taylor, Oneida, stated that there are people lingering in Clinch Park from morning till night at the two picnic tables put there by the Mayor. He said that a "no loitering" sign is posted there, but people still congregate at those tables, and these gatherings escalate into bigger problems like the recent fight and arrest at N. Main and Railroad Street. Mr. Taylor requested that the picnic tables be removed, as they are not serving the purpose they were intended for and also asked if the police could enforce the loitering problem. The Mayor said that he will speak with the Police Chief and bicycle patrols could increase in that area. Councilor Chamberlain said that we should take care of the law and not remove the picnic tables from those who enjoy them. Mr. Taylor said that perception is huge, and the perception of downtown is bad. He said that loitering was talked about during the Rail Trail discussions, and he is concerned with more benches being brought in for that project.

SUPERVISORS REPORT – None

Moved by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED, that the minutes of the regular meeting of June 5, 2018 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Chamberlain
Seconded by Councilor Cohen

RESOLVED, that Warrant No. 13, checks and ACH payments in the amount of \$718,794.64 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 Acker
Seconded by Councilor Chamberlain

RESOLVED, that checks in the amount of \$2,297.50 (City Attorney) as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5
Nays: 0
Abstain: 1 (Bowe)

MOTION CARRIED

GRANT OF EASEMENT

RESOLUTION 18-135

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign the Grant of Easement to be conveyed to Niagara Mohawk Power Corporation on Elizabeth Street.

Ayes: 6
Nays: 0

MOTION CARRIED

Councilor Cohen asked that this easement request be tabled. He said that the City needs to secure an easement from National Grid on East Sands Street to place sidewalks that lead down to Maxwell Field, and he would like to tie these two easements together. A lengthy discussion ensued, which included the potential time frame for preparing the easement documents for a sidewalk and if the City already has an easement because of the water/sewer lines through the area. The Mayor said that he was concerned about tying this easement request up in negotiations for separate easement. The City Attorney said that her communications indicate that National Grid wanted to start this project in early June. Councilor Simchik said that the crews are ready to do the work on Elizabeth Street, and the Recreation Director concurred, stating that he spoke with National Grid, and they are looking to get this done as soon as possible. Councilor Cohen said that the since sidewalk issue wasn't an emergency, he did not want to hold up the project.

SPECIAL EVENTS APPLICATION

RESOLUTION 18-136

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, to approve the following Special Events application:

Event: Make'n Bacon
Sponsor: Kallet Civic Center
Date: September 28 and 29, 2018
Location: 159 Main Street

Ayes: 6
Nays: 0

MOTION CARRIED

AGREEMENTS – ALARM AND SPRINKLER INSPECTION SERVICES

RESOLUTION 18-137

Moved by Councilor Simchik
Seconded by Councilor Coulthart

RESOLVED, that the Mayor be hereby authorized to sign three-year agreements with Davis-Ulmer Sprinkler Company, Inc., 7633 Edgecomb Drive, Liverpool, NY 13088 to perform alarm and sprinkler system inspection services at the Municipal Building and Justice Center.

Ayes: 6
Nays: 0

MOTION CARRIED

CANVASS & APPROVE CHEMICAL BIDS USED IN WATER TREATMENT

RESOLUTION 18-138

Moved by Councilor Chamberlain
Seconded by Councilor Coulthart

RESOLVED, that the lowest bid meeting specifications for liquid caustic soda in the amount of \$23,250.00 from JCI Jones Chemical, Inc., 100 Sunny Sol Boulevard, Caledonia, NY 14423 is hereby approved.

Ayes: 6
Nays: 0

MOTION CARRIED

CAPITAL PROJECT 18-7 – LED STREETLIGHT CONVERSION PROJECT

RESOLUTION 18-139

Moved by Councilor Cohen
Seconded by Councilor Chamberlain

RESOLVED, to authorize the City Engineer to proceed with Capital Project 18-7 LED Street Light Conversion/Construction as a single phase project in order to ensure payback through performance guarantee, **and be it further**

RESOLVED, that the Common Council will authorize payment through the execution of a lease purchase agreement.

Ayes:
Nays:

MOTION CARRIED

The Comptroller said that she provided the Council with an equitable suggestion and fees. The City Engineer said that we are reaching a point where cost impacts will affect the overall project costs. He said that we can lock in a rate for the street light units at a very, very reasonable cost, and the longer the City stretches the project out into multiple phases, we will not get a guarantee through the contract and it will be dragged out further. He said the City's biggest benefit is to get the payback guarantee and locking this into one phase allows for the best costs for installation and the best products. The Comptroller said that we need to move forward with this so the design can be finished.

The Council discussed and decided the City should go ahead with a lease, rather than a bond in order to ensure project payback through savings generated by the LED street lights. The Mayor said that he is for the lease, but he added that there won't be a public referendum and wanted to be up front with the public. He said that we need to get the project moving forward, and the cost savings alone will cover the

payment. The original motion to open discussion on the proposed resolution was moved by Councilor Chamberlain and seconded by Councilor Simchik. The Council agreed to amend the Resolution, as above, to include language for a lease.

MONTHLY REPORTS

RESOLUTION 18-140

Moved by Councilor Chamberlain
Seconded by Councilor Acker

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

Ayes: 6
Nays: 0

MOTION CARRIED

FIREWORKS AT VET'S FIELD

RESOLUTION 18-141

Moved by Councilor Acker
Seconded by Councilor Coulthart

WHEREAS, the Oneida American Legion Post 169 has offered to organize, conduct and be in charge of a Fireworks Display at Veterans Memorial Field to be held on Saturday, September 8, 2018 at dusk, **and**

WHEREAS, the City of Oneida is desirous of having a Fireworks display in the City for its residents to enjoy, **now therefore be it**

RESOLVED, that the Oneida American Legion Post 169 will organize, conduct, and be in charge of the Fireworks display, and the City of Oneida shall authorize the use of Veterans Memorial Field on Saturday, September 8, 2018 for a Fireworks display, **and be it further**

RESOLVED, that the Oneida American Legion Post 169 shall provide the City of Oneida with insurance documents naming the City as an additional insured for said Fireworks display on September 8, 2018, and further obtain any permits as required by the City of Oneida Fire Department and/or Recreation Department, **and be it further**

RESOLVED, that the City of Oneida will provide services of the Fire Department and Police Department, as needed, during said Fireworks event on September 8, 2018.

Ayes: 6
Nays: 0

MOTION CARRIED

In response to a question by the Council, the City Clerk checked her records and stated the date was incorrect in the proposed Resolution. The Resolution was amended, as above, with the correct date, and the City Clerk thanked the Council for spotting her error. The original motion to open discussion was moved by Councilor Simchik and seconded by Councilor Chamberlain.

NEW BUSINESS

Fire Chief Fields said that as the contractual issues have been met, he has made the appointment for someone to take over the Assistant Fire Marshal's position, and they will get back to handling the properties in the next couple of weeks.

Fire Chief Fields said that the Fire Department was notified that they will receive a \$2,500 grant from the National Elks Club for new gear.

Charles Pritchard, Oneida, told the Council about his relative who recently rented a house in the flats only to find out that the house was in the buyout, and a closing had been scheduled. City Attorney Nadine Bell explained that the elderly owner lives out of state, and her son, also out of state, is handling her financial affairs. She said that apparently unbeknownst to the owner and her son, one of the owner's nephews rented the property and was pocketing the cash. The City, finding the property was occupied before the closing, notified the owner's son who then notified Mr. Pritchard's relatives and they had to vacate the

property. The City Attorney said that issue was a private matter with the property owner. Councilor Acker said that the properties are being sold “as is” through FEMA.

City Attorney Bell said Mr. James Griffing, after purchasing, signed a Demolition Agreement for the property located at 518 West Elm Street, which was taken by the City for back taxes. Mr. Griffing said that he invested a lot of money already removing the trash from the yard and house. He said that he couldn’t afford another \$3,000 for inspections and still have the costs involved with the demolition. Attorney Bell said that under the terms of the agreement, if those terms are not met, the property comes back to the City. Attorney Bell said it is the Council’s decision as to how they want to handle this matter. Mr. Griffing said that he has someone who is interested in buying the property and rehabilitating it. A lengthy discussion ensued. The City Attorney explained the options, and the Council said they would like to work with Mr. Griffing towards an equitable solution.

Councilor Coulthart asked about the old Moose Club at 409 Genesee Street, and the Fire Chief said that he hasn’t heard anything further. The Mayor said he has another person interested in that property and asked the Fire Chief to give the potential buyer a phone call asking for a time frame.

Mayor Matzke said that he sent the Council the vacant property changes and asked that they please look at them. The Mayor said that he will also be providing the harboring of the chickens regulations.

EXECUTIVE SESSION

RESOLUTION 18-142

Motioned by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:47 p.m. for the purpose of discussing personnel issues.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Clerk, City Attorney, Comptroller, Fire Chief

- Discussion was pertaining to personnel matters.

The Fire Chief left the session.

- Discussion continued pertaining to personnel matters.

Councilor Bowe left the session.

Motioned by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:22 p.m.

Ayes: 5
Nays:
Absent: 1 (Bowe)

MOTION CARRIED

FIRE CHIEF BENEFIT

RESOLUTION 18-143

Motioned by Councilor Chamberlain
Seconded by Councilor Acker

WHEREAS, per Resolution 15-253 former Fire Chief Kevin Salerno was afforded the same benefit he would have received as per Section 6 of the Oneida Paid Firefighters Association Local 2692 contract for January 1, 2014 through December 31, 2016 should he have remained a Deputy Chief, **and**

WHEREAS, it is the intent of the Common Council to afford Fire Chief Dennis Fields the same benefit as per Section 6 of the current contract that he would have received should he have remained as Deputy Chief, **now therefore be it**

RESOLVED, that Fire Chief Dennis Fields shall be afforded the following benefit as per Section 6 of the Oneida Paid Firefighters Association Local 2692 contract that is in effect at the time of his retirement from the City:

An employee who retires after April 30, 2012 may, at the time of retirement from the City, convert sixty percent 60% (effective 1/1/2015, 70%) of his unused accumulated sick leave into earned vacation time up to 1,000 hours, not to exceed 600 (700 effective 1/1/2015) converted hours of vacation time. Any unused sick leave in excess of 1,000 hours shall be placed in a sick leave bank, not to exceed 1200 hours (800 hours for new employees hired after April 30, 2012) at the employee's hourly rate at the time of retirement to be credited against the employee's monthly health insurance premium costs and/or used toward the retired employee's Medicare Part B premium payment during the period of the employee's retirement.

An employee who elects not to receive payment for sick leave conversion into vacation time may place a maximum of 1300 hours into the sick leave bank (1100 hours for new employees hired after the date of complete execution of this agreement), to be credited against the employee's health insurance premiums during the period of the employee's retirement.

The value of the bank and monthly record of deductions shall be maintained by the personnel and/or finance offices. Once the bank is exhausted, the retiree shall be notified of any future payments due.

Ayes: 4

Nays: 0

Abstain: 1 (Coulthart)

Absent: 1 (Bowe)

MOTION CARRIED

The Mayor said that this same benefit was afforded to the previous Fire Chief by the Council. Comptroller Lee Ann Wells said that this is effective at his retirement. Councilor Simchik explained some of the benefits that the Fire Chief loses when he leaves the union and becomes a Management Confidential employee, including overtime, which in turn means a lower salary. He said that the Chief has been working over the years towards this benefit through the Union.

COMMUNITY SERVICE OFFICER

RESOLUTION 18-144

Motioned by Councilor Acker

Seconded by Councilor Chamberlain

WHEREAS, the Community Service Officer's duties have changed considerably over the years, and the job description for said position had not been reviewed since it was revised and adopted on October 29, 1998, **and**

WHEREAS, the Community Service Officer's job description was updated by the Police Chief to reflect said changes in duties and presented to the Civil Service Commission for their review and assessment, **and**

WHEREAS, after review and assessment by the Oneida Civil Service Commission, as required by NYS Department of Civil Service, the job description for the position of Community Service Officer was updated by the Civil Service Commission to reflect the multiple changes, **and**

WHEREAS, the Community Service Officer has completed all the necessary documents as required by the Civil Service Commission, **and**

WHEREAS, it is the intention of the Common Council to adjust the salary for the position of Community Service Officer to reflect the multiple additional duties in the job description as updated by the Civil Service Commission on April 21, 2018, **now therefore be it**

RESOLVED, that the salary for the position Community Service Officer be raised from \$12.86 per hour to \$16.86 per hour effective January 1, 2018.

Ayes: 5

Nays: 0

Absent: 1 (Bowe)

MOTION CARRIED

BUILDING MAINTENANCE MECHANIC

RESOLUTION 18-145

Motioned by Councilor Acker

Seconded by Councilor Chamberlain

WHEREAS, the job duties for the position of Building Maintenance Mechanic include the care and maintenance of two City owned properties, the Municipal Building and the Justice Center, and the job description for said position had not been reviewed since it was revised and adopted on July 29, 2004, **and**

WHEREAS, the Mayor requested that the Building Maintenance Mechanic's job duties be modified to include the care and maintenance of an additional third City owned property, the Kallet Civic, and be reflected in the job description for said Building Maintenance Mechanic position, **and**

WHEREAS, the position of Building Maintenance Mechanic's current job description was updated by the Mayor to reflect said changes and presented to the Civil Service Commission for their review and assessment, **and**

WHEREAS, after review and assessment by the Oneida Civil Service Commission, as required by NYS Department of Civil Service, the job description for the position of Building Maintenance Mechanic was updated by the Civil Service Commission to reflect said care and maintenance of an additional third City owned building, **and**

WHEREAS, the Building Maintenance Mechanic has completed all the necessary documents as required by the Civil Service Commission, **and**

WHEREAS, it is the intention of the Common Council to adjust the salary for the position of Building Maintenance Mechanic to reflect said changes in the job description as updated by the Civil Service Commission on April 21, 2018, **now therefore be it**

RESOLVED, that the salary for the position Building Maintenance Mechanic be increased from \$20.55 per hour to \$21.80 per hour effective January 1, 2018.

Ayes: 3

Nays: 1 (Cohen)

Abstain: 1 (Coulthart)

Absent: 1 (Bowe)

MOTION CARRIED

Motion to adjourn by Councilor Coulthart

The regular meeting is hereby adjourned at 8:30 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk