

DRAFT

**MINUTES OF THE COMMON COUNCIL
JUNE 2, 2020**

A meeting of the Common Council of the City of Oneida, NY was held on the second day of June, 2020 at 6:30 o'clock P.M. via ZOOM Video Voice Conferencing livestreamed through ZOOM via the link on the City website www.oneidacity.com.

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
Fire Chief Dennis Fields
Police Chief Paul Thompson

Mayor Acker said that this meeting is in compliance with the Governor's Executive Order 202.11. She said that this meeting is on a ZOOM Application with public access through our City website, and a verbatim transcript would be available to the public at a later date. The Mayor said that we have a quorum.

OLD BUSINESS

Councilor Coulthart questioned the progress made on collection of the balance of taxes owed the City, noting that at the last meeting 90.27% of the taxes had been collected. City Attorney Nadine Bell stated that although she understood there were five properties, she has received the information on four properties; however, it is her belief that due to the Governor's Executive Orders, the City cannot foreclose on any properties during the pandemic.

Councilor Coulthart said that the property on Maple Street is still wide open and dangerous, and the City Engineer said that they have placed orange fencing around the property. He said that this will be the first property on the demolition list, after the asbestos survey and any abatement, if necessary, is completed.

Moved by Councilor Earl
Seconded by Councilor Bowe

RESOLVED, that the minutes and verbatim transcript of the regular meeting of May 19, 2020 are hereby approved as presented.

Councilor Earl – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes

MOTION CARRIED

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, that Warrant No. 11, checks and ACH payments in the amount of \$430,424.24 as audited by the Voucher Committee is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Councilor Earl – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes

MOTION CARRIED

LEASE AGREEMENT – 2020 ELECTIONS

RESOLUTION 20-83

Moved by Councilor Coulthart
Seconded by Councilor Earl

RESOLVED, to authorize the Mayor to sign a Lease Agreement with the County of Madison 138 N. Court Street, Wampsville NY for conducting the 2020 Elections within the Election District at the Kallet Civic Center, 159 Main Street, Oneida NY.

Councilor Earl – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes

MOTION CARRIED

INTRODUCING A PROPOSED LOCAL LAW AMENDING CHAPTER 33 TITLED
“BUILDING CODE ADMINISTRATION AND ENFORCEMENT”
OF THE CODE OF THE CITY OF ONEIDA

RESOLUTION 20-84

Moved by Councilor Earl
Seconded by Councilor Simchik

WHEREAS, a proposed Local Law titled “A Local Law Amending Chapter 33 Titled “Building Code Administration and Enforcement” of the Code of 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 Local Law will permit the City of Oneida's Fire Marshal's Office to engage with contractors in the tracking of fire protection systems, inspections, electronic reporting systems and assist in the enforcement of the Uniform Fire Prevention and Building Code, and of all local codes and the New York State Fire Prevention and Electrical Code insofar as any of the same apply to fire protection systems; **and**

WHEREAS, in the interest of time and cost efficiency, the City recognizes the potential benefits and desirability of contracting with approved contractors to provide written reports electronically to the City of Oneida's Fire Marshal's Office; **and**

WHEREAS, the City Common Council has deemed this Local Law necessary to allow the City of Oneida's Fire Marshal's Office to engage contractors to assist in the enforcement of the Uniform Fire Prevention and Building Code, and of all local codes and the New York State Fire Prevention and Electrical Code; **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, **and**

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQR; **and**

WHEREAS, the Common Council has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; **and**

WHEREAS, the said EAF has been prepared and has been reviewed by the Common Council; **and**

WHEREAS, the Common Council has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria, **now therefore be it**

RESOLVED, that the enactment of the proposed Local Law is an unlisted action, there are no other involved agencies and the Common Council shall act as lead agency in this matter for purposes of SEQR review; **and be it further**

RESOLVED, the Common Council has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQR; **and be it further**

RESOLVED, 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 as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; **and be it further**

RESOLVED, 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.

Councilor Earl – Yes
Councilor Bowe – No
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes
MOTION CARRIED

Councilor Coulthart thanked the Fire Chief for the background on this Resolution and asked for further explanations. City Attorney Nadine Bell said that the Chief came to her a few months ago with a contract to have a third-party track, not perform, inspections at no cost to the City. She explained steps normally followed when reviewing contracts sent by Department Heads. She said that the Legislative Branch will not receive four or five copies that have not been perfected, they will receive only the final copy. She explained how the law works with respect to enforcement and prosecution should that be necessary, and clarified the purposed of the Local Law was to give clear authority. Attorney Bell used various examples to explain the City Code and also used the City Engineer as another example stating she is currently reviewing contractual language for him. Chief Fields said the inspections are for fire alarms, elevators and sprinklers, which are done by third party companies. He explained the Fire Department does these inspections every three years, and this company will monitor and provide notification if not completed, which then provides the City with the right to pull the Certificate of Occupancy or issue an Order to Vacate. He reiterated that this was at no cost to the City and will provide efficiency in the department.

**PROPOSED LOCAL LAW
A LOCAL LAW AMENDING CHAPTER 33
TITLED "BUILDING CODE ADMINISTRATION AND ENFORCEMENT"
OF THE CODE OF THE CITY OF ONEIDA**

Be it enacted by the Common Council of the City of Oneida, that this local law amends Chapter 33 of the Code of the City of Oneida (hereinafter "Code"), titled "Building Code Administration and Enforcement," as follows:

SECTION 1.

So that Chapter 33, Article III, Section 33-8 of the Code of the City of Oneida, titled "Fire Marshal and inspectors," is hereby amended by adding two (2) new Subsections "F" and "G," which shall read in their entirety, as follows:

- "F. The City of Oneida Fire Marshal's Office may engage a contractor to assist the City's Fire Marshals in the tracking of fire protection systems within the City of Oneida by providing the City's Fire Marshals an online electronic reporting system. Further, the City of Oneida will approve agencies that register as authorized inspection companies with said contractor as duly approved inspectors who are hereby authorized and deputized as agents of the City of Oneida for the limited purpose of making inspections and reinspections of all fire protection systems heretofore and hereafter described, and to approve and disapprove the same. In no event, however, will fees relating to registering with the City's contractor or the cost of such inspections and reinspections be a charge against the City of Oneida.

- G. It shall be the duties of the approved inspectors described in subsection "F" to provide written reports electronically to the City of Oneida's aforementioned contractor so that the contractor can electronically report to the Fire Marshal, whose duty it shall be to enforce, prosecute or cause to be ameliorated all the provisions of this Code, all violations from or omissions of the Uniform Fire Prevention and Building Code, and of all local codes and the New York State Fire Prevention and Electrical Code insofar as any of the same apply to fire protection systems. The inspectors shall make inspections and reinspections of fire protection systems installations or alterations in and on properties in the City of Oneida upon the written (physical or electronic) request of an authorized official of the City of Oneida or as herein provided. The inspectors are authorized to make inspections and reinspections of fire protection system installations or alterations,

devices, appliances and equipment where they deem it necessary for the protection of life and property. In the event of an emergency it is the duty of the inspectors to make fire protection system inspections upon the oral or written request of an official or officer of the City of Oneida. It shall be the duty of the inspectors to furnish electronic written reports to the City's contractor so that the contractor can furnish electronic written reports to the proper officials of the City of Oneida and owners and lessees of property where defective electrical installations, alterations or equipment are in conformity with this Code. The inspectors shall cause an electronic copy of the certificate of compliance to be sent to the City of Oneida to the attention of the Fire Marshal."

SECTION 2. **SEVERABILITY.**

If the provisions of any section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 3. **EFFECTIVE DATE.**

This Local Law shall be effective upon filing with the office of the Secretary of State.

FLOODPLAIN PERMIT FEE

RESOLUTION 20-85

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, that the Flood Plain Development Permit fee in the amount of \$150.00 is hereby approved.

Councilor Earl – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes

MOTION CARRIED

CLOSE CAPITAL PROJECT 18-2 WATER TREATMENT GENERATOR REPLACEMENT

RESOLUTION 20-86

Moved by Councilor Coulthart
Seconded by Councilor Earl

RESOLVED, to authorize the closing of Capital Project 18-2 Water Treatment Generator Replacement, **and be it further**

RESOLVED, that the remaining funds in the amount of \$20,233.76 be transferred to the Water Fund Balance.

Councilor Earl – Yes

Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes
MOTION CARRIED

CANVASS & APPROVE BIDS USED IN WATER TREATMENT

RESOLUTION 20-87

Moved by Councilor Bowe
Seconded by Councilor Earl

RESOLVED, that the lowest bid meeting specifications for liquid caustic soda in the amount of \$18,750.00 from JCI Jones Chemical Inc., 100 Sunny Sol Boulevard, Caledonia, NY 14423 is hereby approved.

Councilor Earl – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes
MOTION CARRIED

CAPITAL PROJECT 20-01 ANNUAL STREET RESURFACING

RESOLUTION 20-88

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, to authorize the City Engineer to proceed with Capital Project 20-01 – Annual Street Resurfacing, **and be it further**

RESOLVED, to authorize the use of Unit Prices established for 2020 by Madison County, and further authorize the Purchasing Agent to advertise for bids for any portions of the project not covered under the County's Unit Pricing, **and be it further**

RESOLVED, to authorize the City Engineer to expend funds up to the programmed amount dispersed by NYSDOT (CHIPS, PAVENY, EWR), **and be it further**

RESOLVED, to authorize the Mayor to sign any/all documents related to Capital Project 20-01 – Annual Street Resurfacing.

Councilor Earl – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes

MOTION CARRIED

Councilor Coulthart asked which streets will be on the paving schedule, and the City Engineer said the list will be prepared with the City’s worst roads being done once the exact amount the City will be receiving from the State has been determined. He said this Resolution is so his department is prepared when the amount is released from the Governor, so they can get started and not have to wait for another Council meeting. He said that the Mayor and Council will be provided with the list once finalized. City Engineer Schuler invited the Council to make an appointment to stop by his office if they would like to see how the computer rating program for paving streets works.

CAPITAL PROJECT 20-08 SCADA SYSTEM PRELIMINARY ENGINEERING

RESOLUTION 20-89

Moved by Councilor Earl
Seconded by Councilor Bowe

RESOLVED, to authorize the City Engineer to proceed with Capital Project 20-08 SCADA System Preliminary Engineering and expend funds up to the amount of \$100,000 for said Capital Project, **and be it further**

RESOLVED, that the Mayor is hereby authorized to sign any/all documents related to Capital Project 20-08 SCADA System Preliminary Engineering.

- Councilor Earl – Yes
- Councilor Bowe – Yes
- Councilor Coulthart – Yes
- Councilor Kinville – Yes
- Councilor DuBois – Yes
- Councilor Simchik – Yes

MOTION CARRIED

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 20-90

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.

- Councilor Earl – Yes
- Councilor Bowe – Yes
- Councilor Coulthart – Yes
- Councilor Kinville – Yes
- Councilor DuBois – Yes
- Councilor Simchik – Yes

MOTION CARRIED

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 20-91

Moved by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED, to approve the following 2020 Budget Amendments/Transfers:

	From	To
\$100,000.00	002.0002.0912.0000 Water Fund Balance	005.8300.0401.0020 SCADA System Preliminary Engineering

(To allocate funds to Capital Project 20-08)

	From	To
\$20,233.76	203.8300.0400.0000 Water Generator Replacement	002.0002.0912.0000 Water Fund Balance

(To close out Capital project 18-2 and transfer remaining funds back to Water Fund Balance)

- Councilor Earl – Yes
- Councilor Bowe – Yes
- Councilor Coulthart – Yes
- Councilor Kinville – Yes
- Councilor DuBois – Yes
- Councilor Simchik – Yes

MOTION CARRIED

GOCC LETTER OF CONTRACT TERMINATION

RESOLUTION 20-92

Moved by Councilor Earl
Seconded by Councilor Bowe

RESOLVED, that a letter dated June 1, 2020 from Morgan Harrington, President of the Greater Oneida Chamber of Commerce (GOCC) terminating the GOCC’s contract with the City of Oneida is hereby received and placed on file.

- Councilor Earl – Yes
- Councilor Bowe – Yes
- Councilor Coulthart – Yes
- Councilor Kinville – Yes
- Councilor DuBois – Yes
- Councilor Simchik – Yes

MOTION CARRIED

Councilor Coulthart asked where this leaves the City now. Mayor Acker said that the Kallet cannot be utilized by more than 10 people possibly until the end of July or into August. She said that every booking has been cancelled, and the GOCC just didn’t have any funding to continue on.

NEW BUSINESS

Mayor Acker said that she and Councilor Coulthart visited the Water Treatment Plant and Glenmore Dam. She said that Travis did an excellent job on the tour. Mayor Acker said that she could tell how much pride he takes in running the dam and the facility, as it is spotless. She said that she commends him very much, noting that the visit was well worth it. Councilor Coulthart said that he mirrors all that the Mayor has said, adding that the dam is a gem that needs to be maintained for the future.

Mayor Acker said that the Oneida High School Honors Convocation Ceremony was held virtually last evening. She said that Councilor Simchik's daughter received a scholarship, her granddaughter received an award from the Police Benevolent Association for her endeavors to get into the police industry, possibly the FBI or CIA, Councilor Earl's son received a scholarship to Clarkson to pursue an engineering degree and Fire Chief Field's daughter received multiple awards and scholarships. Fire Chief Fields said that his daughter's hard work has paid off.

Councilor Earl said that she would like a tour of the dam. She said that she has been walking all of the parks and on the Rail trail, commenting that they look great. She thanked the Recreation Department for keeping up with all of it.

Fire Chief Fields said that the crew at the Recreation Department will be coming back to City Hall on Friday, since at this point there are only two active COVID cases in the City.

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned at 7:17 p.m.

CITY OF ONEIDA

Susan Pulverenti
City Clerk