

**MINUTES OF THE COMMON COUNCIL
MARCH 19, 2019**

A meeting of the Common Council of the City of Oneida, NY was held on the nineteenth day of March, 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
Fire Chief Dennis Fields
Planning Director Cassie Rose
Police Chief Paul Thompson
Public Safety Commissioner Mike West
Recreation Director Luke Griff
Supervisor Joe Magliocca

PUBLIC HEARING
ORDINANCE TO AMEND CITY CODE CHAPTER 61 – FIRE PROTECTION

RESOLUTION 19-80

Moved by Councilor Acker
Seconded by Councilor Coulthart

RESOLVED, that the Public Hearing to amend the City of Oneida Code Chapter 61, Fire Prevention, Article III, §61-18 Permits required relating to fireworks be hereby opened at 6:33 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES: None

RESOLUTION 19-81

Moved by Councilor Acker
Seconded by Councilor

RESOLVED, that the Public Hearing to amend the City of Oneida Code Chapter 61, Fire Prevention relating to fireworks be hereby closed at 6:33 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

OLD BUSINESS

Center City Market

Paul Marco from the Oneida City Center Committee (OC3) said that the Center City Market is building on last year's momentum. He said the dates and time have been modified for 2019, noting the market will start on June 6th and run through August 29th from 5pm to 8pm each Thursday evening. He said that this year they are planning on sectioning off a restricted area in Higinbotham Park for the sale and consumption of the craft wine and beers that are sold at the Center City Market, allowing only what is sold at the market in that area. Mr. Marco said that they want to continue to build off the success of last year's event and plan to have more vendors, a classic car night, etc.

Long Term Waste Water Treatment Improvement Project

City Engineer Eric Schuler said that Part I of the SEQR was completed at the last Council meeting for the Long Term Waste Water Treatment Improvement Project. He said that SEQRA Parts 2 and 3, as well as a bonding resolution will be forthcoming in April. He said that he is currently working with Energy Performance contractors for potential impacts of the project. Engineer Schuler said that the City is under a consent order from the NYS DEC to complete this project, and they are developing the project for the City's long term needs and will be modifying the existing treatment process.

SUPERVISORS REPORT

Supervisor Joe Magliocca said that the Cornell Cooperative Extension is working with the Oneida High School on a program for healthy eating choices. He said that Madison County Sheriff Todd Hood is also working with schools throughout the County to bring resource officers into the schools. Supervisor Magliocca suggested that the Council may want Madison County Administrator Mark Scimone to come to a meeting to speak about his role and duties as the County's Administrator.

Moved by Councilor Chamberlain

Seconded by Councilor Cohen

RESOLVED, that the minutes of the regular meeting of March 5, 2019 are hereby approved as presented.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Simchik

Seconded by Councilor Bowe

RESOLVED, that Warrant No. 6 checks and ACH payments in the amount of \$299,217.33, 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 Cohen

Seconded by Councilor Simchik

RESOLVED, that checks in the amount of \$9,164.75 (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

CENTER CITY MARKET – USE OF HIGINBOTHAM PARK/CLOSING STREET

RESOLUTION 19-82

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, to authorize the Oneida City Center Committee (“OC3”), a not-for-profit organization to use Higinbotham Park for the “Center City Market” each Thursday commencing June 6, 2019 through August 29, 2019 from 4:30 PM to 8:00 PM, **and be it further**

RESOLVED, that the City of Oneida Common Council hereby agrees to close off the section of Broad Street from Farrier Avenue to Vanderbilt Avenue during said “Center City Market” commencing June 6, 2019 through August 29, 2019 from 4:30 PM to 8:00 PM.

Ayes: 6
Nays: 0
MOTION CARRIED

CENTER CITY MARKET AT HIGINBOTHAM PARK
WINERIES AND MICROBREWERIES

RESOLUTION 19-83

Moved by Councilor Acker
Seconded by Councilor Coulthart

WHEREAS, pursuant to Section 9-1 of the Oneida City Code, the possession or consumption of alcohol is permitted on City owned property if properly authorized by the City of Oneida Common Council; **and**

WHEREAS, the Oneida City Center Committee (“OC3”), a not-for-profit organization whose mission is “to build a strong, vibrant City Center and to stimulate growth and community involvement,” is sponsoring a “City Center Market” to be held in Higinbotham Park every Thursday in conjunction with the City of Oneida Department of Parks and Recreation’s on-going concert series, commencing June 6, 2019 through August 29, 2019 during the hours of 5:00 PM to 8:00 PM; **and**

WHEREAS, the City Center Market is intended and designed to promote the City Center through live entertainment and regional vendors offering various goods for sale; **and**

WHEREAS, as part of the City Center Market, it is anticipated that vendors from regional wineries and microbreweries will participate seeking to offer wines and microbrews available for purchase; **and**

WHEREAS, it is the desire of the Common Council to promote public interest and participation in the City Center Market and to allow such sales by vendors, **now therefore be it**

RESOLVED, that the Common Council hereby authorizes the distribution/consumption of wine and microbrews by vendors of such products in a restricted area of Higinbotham Park during the hours of the City Center Market provided proper insurance riders are in place.

Ayes: 6

Nays: 0

MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 19-84

Moved by Councilor Acker

Seconded by Councilor Cohen

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

Ayes: 6

Nays: 0

MOTION CARRIED

In response to a question from Councilor Coulthart, Recreation Director Luke Griff said that the revenue is down this month, but the usage is up. He said that payments for an event may be made when they are booked, so the revenue will appear to be up and down at times. Director Griff said that they are booked through the month of April.

Councilor Coulthart thanked the City Engineer for taking care of his Ward 3 issues. City Engineer Schuler said that they are working to fill pot holes with cold patch, but with the weather; the snow comes and then the plow takes it back out. He said that once the Governor's budget is in place, he will provide a defined list of the streets to be paved this year.

Councilor Cohen thanked the Police Chief for getting back to him relative to lockouts and also thanked the Police Department for their outreach in the community.

SPECIAL EVENT APPLICATION – LILLY'S DANCE ANGELS WALK

RESOLUTION 19-85

Moved by Councilor Coulthart

Seconded by Councilor Bowe

RESOLVED, that the following Special Event applications be hereby approved:

Event: Lilly's Dance Angels Walk
Sponsor: Colleen Skinner
Date: May 19, 2019
Location: Allen Park (using City sidewalks)

Event: Take Back the Night Walk
Sponsor: Help Restore Hope Center
Date: April 26, 2019
Location: Liberty Resources (using City sidewalks)

Ayes: 6
Nays: 0

MOTION CARRIED

PREVENTATIVE MAINTENANCE AGREEMENTS

RESOLUTION 19-86

Motioned by Councilor Acker
Seconded by Councilor Bowe

RESOLVED, to authorize the Mayor to sign a one-year Preventative Maintenance Agreement with Power Generation & Industrial Engines, Inc., 8927 Tyler Rd., Bridgeport NY as follows:

<u>Department</u>	<u>Make & Serial Number</u>	<u>Amount</u>
WWTP	Katolight (Main Plant) 118726-1205	
WWTP	Katolight (Main St.) 118295-1205	
WWTP	Onan (Kenwood) 1930520997	
WWTP	Portable (Plant) 3055249	Total: \$1,797.61

RESOLVED, to authorize the Mayor to sign a one-year Preventative Maintenance Agreement with Power Generation & Industrial Engines, Inc., 8927 Tyler Rd., Bridgeport NY as follows:

<u>Department</u>	<u>Make & Serial Number</u>	<u>Amount</u>
Justice Center	Onan A100091722	\$405.75

RESOLVED, to authorize the Mayor to sign a one-year Preventative Maintenance Agreement with Power Generation & Industrial Engines, Inc., 8927 Tyler Rd., Bridgeport NY as follows:

<u>Department</u>	<u>Make & Serial Number</u>	<u>Amount</u>
Water	Katolight (Baker) SD30FGJ119361	\$383.78

RESOLVED, to authorize the Mayor to sign a one-year Preventative Maintenance Agreement with Power Generation & Industrial Engines, Inc., 8927 Tyler Rd., Bridgeport NY as follows:

<u>Department</u>	<u>Make & Serial Number</u>	<u>Amount</u>
Recreation	Onan 0968056456	\$388.50

RESOLVED, to authorize the Mayor to sign a one-year Preventative Maintenance Agreement with Power Generation & Industrial Engines, Inc., 8927 Tyler Rd., Bridgeport NY as follows:

<u>Department</u>	<u>Make & Serial Number</u>	<u>Amount</u>
Municipal Building	Blue Star 103886-1-1	\$576.61

Ayes: 6
Nays: 0

MOTION CARRIED

PROPOSED ORDINANCE AMENDMENT CHAPTER 190 ZONING §190-15-SIGN REQUIREMENTS – SCEHDULE PUBLIC HEARING

RESOLUTION 19-87

Moved by Councilor Coulthart
Seconded by Councilor Cohen

WHEREAS, the Common Council, at their February 5, 2019 meeting, received and placed on file a proposed Ordinance to amend Chapter 190 Zoning, Section 190-15 of the City of Oneida Code relating to election signs, and further referred said proposed Ordinance amendment to the Planning Commission Zoning Board of Appeals for their recommendation, **now therefore be it**

RESOLVED, that the positive recommendation of the Planning Commission Zoning Board of Appeals relating to a proposed Ordinance to amend Chapter 190 Zoning, Section 190-15 of the City of Oneida Code relating to election signs be hereby received and placed on file, **and be it further**

RESOLVED, that a Public Hearing on the proposed Ordinance to amend Chapter 190 Zoning, Section 190-15 of the City of Oneida Code relating to election signs be scheduled for Tuesday, April 2, 2019, at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY.

Ayes: 6

Nays: 0

MOTION CARRIED

ORDINANCE AMENDMENT

19-

The Common Council of the City of Oneida, Madison County, State of New York, pursuant to the authority vested in it by law does hereby enact and ordain a Zoning Ordinance amendment relating to election signs as follows:

CHAPTER 190: Zoning

§190-15: Sign Requirements

C. General requirements in all districts

(22) Election signs: ~~August 1 through 15 days after~~ *45 days before election, removed within 15 days after election*; maximum of 32 square feet; placement per §190-15C(3).

LETTER OF REQUEST

RESOLUTION 19-88

Moved by Councilor Chamberlain

Seconded by Councilor Coulthart

RESOLVED, that a letter from George Clark, 1445 West Elm Street, Oneida provided to the Common Council at the March 19, 2019 meeting relating to the West Elm Street Infrastructure Project be hereby received and placed on file.

Ayes: 6

Nays: 0

MOTION CARRIED

POSITIVE RECOMMENDATION – JAMES STREET PEDESTRIAN WALKWAY

RESOLUTION 19-89

Moved by Councilor Acker
Seconded by Councilor Cohen

RESOLVED, that the positive recommendation from the Planning Commission Zoning Board of Appeals to create the James Street Pedestrian Walkway and prohibiting vehicular traffic on James Street between Madison Street and Freighthouse Alley be hereby received and placed on file, **and be it further**

RESOLVED, that a Public Hearing on the proposed creation of the James Street Pedestrian Walkway be scheduled for Tuesday, April 2, 2019, at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY.

Ayes: 6

Nays: 0

MOTION CARRIED

LETTER OF ENGAGEMENT FOR YEAR ENDED 2018 AUDIT SERVICES

RESOLUTION 19-90

Moved by Councilor Acker
Seconded by Councilor Coulthart

RESOLVED, that the Mayor be authorized to sign the Engagement Letter from the Bonadio Group, 432 North Franklin Street, Syracuse NY 13204 for the Audit of the City's financial statements for the year ending December 31, 2018 in an amount not to exceed \$27,000.00.

Ayes: 6

Nays: 0

MOTION CARRIED

FAIR HOUSING PROGRAM

RESOLUTION 19-91

Moved by Councilor Cohen
Seconded by Councilor Coulthart

RESOLVED, that the Common Council hereby adopts the updated City of Oneida Fair Housing Program.

Ayes: 6

Nays: 0

MOTION CARRIED

ZONING MAP AMENDMENT – SCHEDULE PUBLIC HEARING

RESOLUTION 19-92

Moved by Councilor Coulthart
Seconded by Councilor Chamberlain

WHEREAS, a written request from Russell Blanchard, 6470 Creek Rd., Oneida, NY 13421 requesting a zone change from PR (Planned Residential) to C (Commercial) on the parcel formerly known as Capozzi's Realty LLC (SBL# 38.69-1-11) located at 409 Genesee Street was

received and placed on file and referred to the Planning Commission Zoning Board of Appeals by the Common Council on January 15, 2019, **and**

WHEREAS, the City of Oneida Planning Commission unanimously recommended approval of the zoning map amendment at their February 28, 2019 meeting, **and**

WHEREAS, having received a request for such zone change amendment and the recommendation of the Planning Commission Zoning Board of Appeals, the Common Council hereby introduces an Ordinance to amend the Zoning Map of the City of Oneida to change the designation of certain property as being 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, and that the enactment of the proposed Ordinance is an Unlisted Action and will have no adverse effect on the environment, in accordance with 6 NYCRR Part 617, thus concluding the environmental review process; **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 said property located at 409 Genesee Street (SBL# 38.69-1-11) being zoned PR (Planned Residential) to C (Commercial) in the City of Oneida be scheduled for April 2, 2019 at 6:30 p.m. in the Common Council Chambers, 109 N. Main St., Oneida, or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

Ayes: 6

Nays: 0

MOTION CARRIED

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ONEIDA TO CHANGE
THE ZONING DESIGNATION FOR CERTAIN PROPERTY FROM BEING ZONED
PR (PLANNED RESIDENTIAL) 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 situated off Genesee Street (Route 5), identified as Tax Map Parcel No. 38.69-1-11, from PR (Planned Residential) 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.

Section 2. The parcel of land, which shall be the subject of said zone change total approximately 41.66 acres, is designated as Tax Map Parcel No. 38.69-1-11, and is situated on Genesee Street (Route 5).

Section 3. The City of Oneida Zoning Map shall be amended and shall incorporate the change of zoning classification, as herein provided.

Section 4. This Ordinance shall become effective immediately upon publication in the official newspaper.

Russell Blanchard, 409 Genesee Street, Oneida presented the Council with the overall concept drawings of his plans for the property. He said that a lot has to be accomplished, including water and sewer issues and various approvals through the City before his goals of a sporting goods store, lodge and banquet facility can be met. He said that he will be creating a 6-8 feet buffer zone in the back of the property and plans on planting flowers along the side of the property while construction is ongoing. He said that within three days after purchasing the property, the old Moose Club building was torn down as per the City's request.

AMUSMENT DEVICE LICENSE

RESOLUTION 19-93

Moved by Councilor Coulthart
Seconded by Councilor Chamberlain

RESOLVED, that the following 2019 Amusement Device License be hereby approved:

- Nichol's Vending LLC, RD1 Box 231, Canastota NY 13032

Ayes: 6

Nays: 0

MOTION CARRIED

MEMORIAL DAY PARADE AGREEMENT

RESOLUTION 19-94

Moved by Councilor Acker
Seconded by Councilor Cohen

RESOLVED, to authorize the Mayor to sign the 2019 Memorial Day Parade Agreement.

Ayes: 6

Nays: 0

MOTION CARRIED

CANVASS BIDS – MUNICIPAL BUILDING LED SIGN

RESOLUTION 19-95

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that the lowest bid meeting specifications for the City Municipal Building LED Sign in the amount of \$40,000.00 from Victory Sign & Lighting, 8915 Old State Route 13, Canastota NY 13032 is hereby approved.

Ayes: 6

Nays: 0

MOTION CARRIED

VEHICLE RESERVE FUND

RESOLUTION 19-96

Moved by Councilor Acker
Seconded by Councilor Cohen

WHEREAS, it is the desire of the City of Oneida to create a Vehicle Reserve Fund to pay for any vehicle lease or purchase expenses **now therefore be it**

RESOLVED, that pursuant to General Municipal Law Section 6-p, the City of Oneida Common Council does hereby establish a Vehicle Reserve Fund, **and be it further**

RESOLVED, that expenditures may be made from said Vehicle Reserve Fund for the payment of all or part of the cost, including interest, of:

- a. Cost of vehicle lease management program and/or vehicle purchases
- b. The reasonable costs of the administration of the Reserve Fund.
- c. Expert or professional services rendered in connection with the lease management program

BE IT FURTHER RESOLVED, that the City Comptroller, pursuant to General Municipal Law Section 6-p, is hereby directed to deposit and secure moneys of this Reserve Fund into a separate bank account to be known as the "Vehicle Reserve Fund" Fund, **and be it further**

RESOLVED, that the City Comptroller is hereby authorized to invest the moneys of this Vehicle Reserve Fund pursuant to the provisions of Section 11 of General Municipal Law, and any interest earned and/or capital gains realized on said investments shall accrue to, and become part of, this Reserve Fund, **and be it further**

RESOLVED, that no expenditures shall be made of this Vehicle Reserve Fund, except upon authorization of the Common Council, pursuant to Section 6-p of the General Municipal Law.

Ayes: 6
Nays: 0

MOTION CARRIED

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 19-97

Moved by Councilor Chamberlain
Seconded by Councilor Cohen

RESOLVED, to approve the following budget transfers and amendments:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$23,394.06	002.8300.0200 Water Equipment	002.9785.0600.0001 Water Debt Lease Payment

(To re-allocate funds from the purchase of a vehicle to a lease payment)

\$62,809.38	002.8300.0200 Water Equipment	002.0002.0234 Water Vehicle Reserve
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(To restrict funds previously approved in purchase of a Water vehicle for future lease purposes)

\$24,304.82	304.8110.0203	003.9785.0600.0001
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WWTP Pickup Truck Sewer Debt Lease Payment
(To re-allocate funds from the purchase of a vehicle to a lease payment)

\$42,649.14 304.8110.0203 003.0003.0234
 WWTP Pickup Truck Sewer Vehicle Reserve
(To restrict funds previously approved in purchase of a Sewer vehicle for future lease purposes)

\$9,536.60 001.3410.0200 001.9785.0600.0001
 Fire Equipment General Fund Debt Lease Payment
(To re-allocate funds to establish a lease for the Fire Chief's vehicle)

\$3,000.00 001.0001.0912 001.7140.0403.2034
 General Fund Balance Recreation-Zumba
(To allocate funds to pay for Zumba program expenses)

\$4,310.00 003.8110.0436 003.8110.0493
 Contingency Emergency Repairs
(To re-allocate funds to cover emergency repairs to collapsed sewer pipe)

\$13,190.00 003.0003.0912 003.8110.0493
 Sewer Fund Balance Emergency Repairs
(To allocate funds to cover emergency repairs to collapsed sewer pipe)

Ayes: 6
Nays: 0

MOTION CARRIED

ADVERTISE FOR BIDS

RESOLUTION 19-98

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, to authorize the Purchasing Agent to advertise for bids for the Oneida Recreation Center Gym Floor Replacement.

Ayes: 6
Nays: 0

MOTION CARRIED

Councilor Bowe said that the Council will be looking at the costs and determine what Recreation Capital projects will be done this year. Councilor Cohen asked about the roof at the Recreation Center, and Director Griff said that the invitation to bid will be coming before the Council soon.

NEW BUSINESS

Kyle Endemann, 214 Driftwood Drive, addressed the Council with respect to an email he sent them in February regarding his allegations against Councilor Chamberlain and what he perceives as selective enforcement of the City of Oneida Code. The City Attorney outlined how the City's Code of Ethics is

designed, noting that it is not a tool for the public to file complaints against elected officials. Attorney Bell said that correspondence had been provided to Mr. Endemann relating to the codes issue.

Councilor Acker gave kudos to the Rotary Club who is donating 75 trees to the City for Carinci Park. Councilor Acker said that she and Councilor Coulthart attended the Madison County Health Needs Assessment event in Cazenovia put on the by Madison County Health Department. Councilor Coulthart said discussion included health priorities, as well as emergency threats like the opioid crisis. Councilor Acker said that she attended a NYCOM event on March 14, 2109 relating to distressed and abandoned properties and how to deal with the problem.

The Mayor said that the Council will be going into Executive Session to discuss a personnel matter and the proposed acquisition, sale or lease of real property with no actions to be taken after the session.

EXECUTIVE SESSION

RESOLUTION 19-99

Moved by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED that the meeting is hereby adjourned to Executive Session at 7:25 p.m. for the purpose of discussing a personnel issue and the proposed acquisition, sale or lease of real property.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Clerk, City Attorney, Comptroller, Public Safety Commissioner, Fire Chief

1. Discussion relating to a personnel issue.

PRESENT: Mayor, Councilors, City Clerk, City Attorney, Comptroller, City Engineer

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

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:52 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 8:53 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk