

**MINUTES OF THE COMMON COUNCIL
MARCH 5, 2019**

A meeting of the Common Council of the City of Oneida, NY was held on the fifth 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 Richard J. Andino
City Clerk Susan Pulverenti
City Engineer Eric Schuler
Comptroller Lee Ann Wells
Fire Chief Dennis Fields
Police Chief Paul Thompson
Recreation Director Lucas Griff
Supervisor Joe Magliocca

OLD BUSINESS

Councilor Acker said that the next Downtown Action Strategy Committee Meeting is on Monday, March 11, 2019 from 5:30 p.m. to 7:00 p.m. at the Kallet Civic Center. She urged the public to attend and share their ideas.

Councilor Cohen said that he would like to see the matter of a City Manager addressed and suggested the Mayor form a committee to look into this. The Mayor said he will be working on a City Administrator position in the month of March.

Councilor Coulthart asked where the City is with respect to the GOCC and Kallet Civic Center. Councilor Acker said it is with the City Attorney for legal advice. She said that it should be very soon, as they will be having a few more meetings.

Supervisor Magliocca questioned the difference between a City Manager and City Administrator. The City Clerk said hiring a City Manager would change the form of government and must go to referendum.

Fire Chief Fields said that he went to Ohio to bring back the new truck, and it should be back in service within a week or so.

Douglas Kraeger, Vernon, asked the Council to consider his memorializing resolution to encourage ministers of all faiths to join together.

George Clark, Oneida, provided the Council with a letter relating to the West Elm Street infrastructure project and asked that it be formally received and placed on file. Councilor Acker asked if this could be done at the next meeting, and Mr. Clark said yes.

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, that the minutes of the regular meeting of February 19, 2019 are hereby approved as presented.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Acker

Seconded by Councilor Simchik

RESOLVED, that Warrant No. 5 checks and ACH payments in the amount of \$945,864.64, 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 Coulthart

RESOLVED, that checks in the amount of \$9,698.50 (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

**ADOPT LOCAL LAW NO. 1 OF 2019 TO AMEND CHAPTER 180 TO REGULATE THE
PLACING, PUSHING, SHOVELING OR DEPOSITING OF SNOW**

RESOLUTION 19-67

Moved by Councilor Acker

Seconded by Councilor Coulthart

RESOLVED, that 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 ordain and enact Local Law No. 1 of 2019 to amend Chapter 180 of the Code of the City of Oneida, titled "Vehicles and Traffic," to regulate the placing, pushing, shoveling or depositing of snow as follows:

**A LOCAL LAW TO AMEND CHAPTER 180, TITLED "VEHICLES AND TRAFFIC"
OF THE CODE OF THE CITY OF ONEIDA**

Section 1.

So that Section 180-32(B) of the City of Oneida Code is hereby amended such that it shall read, in its entirety, as follows:

"B. Placing, pushing, shoveling or depositing in any way or causing to be pushed, placed, shoveled or deposited or the suffering to be pushed, placed, shoveled or deposited of any snow, slush or other form of precipitation onto a sidewalk or public street or any part thereof within the City of Oneida by any person, persons, firm, association or corporation, individually or by agents, servants, employees or independent contractors, is hereby prohibited unless written permission is obtained from the City Engineer; nor shall

any person, persons, firm, association or corporation, individually or by agents, servants, employees or independent contractors, place, push, shovel or deposit any snow, slush or other form of precipitation from their property or a public sidewalk adjacent to their property on to the property of another person. The owner of the property from which the snow, slush or other form of precipitation is removed may be found liable for the acts of his or her servants, employees, agents or contractors, who violate this section.”

Section 2.

This local law shall take effect upon filing with the Secretary of State.

Councilor Cohen – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Acker – Yes
Councilor Chamberlain – Yes
Councilor Simchik – Yes

MOTION CARRIED

A RESOLUTION AUTHORIZING THE PURCHASE OF A 2020 FREIGHTLINER 114SD PLOW TRUCK, IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$242,970.93, AND AUTHORIZING THE ISSUANCE OF \$161,721.93 BONDS OF SAID CITY TO PAY COSTS THEREOF.

RESOLUTION 19-68

Moved by Councilor Acker
Seconded by Councilor Simchik

BE IT RESOLVED, by the affirmative vote of not less than two thirds of the total voting strength of the Common Council of the City of Oneida, Madison County, New York, as follows:

Section 1. The purchase of a 2020 Freightliner 114SD Plow Truck, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$242,970.93.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$161,721.93 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law and trade in value of \$81,249 for the balance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Oneida, Madison County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City for such purpose, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Councilor Cohen – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Acker – Yes
Councilor Chamberlain – Yes
Councilor Simchik – Yes

MOTION CARRIED

CAPITAL PROJECT 19-5 VEHICLE REPLACEMENT PLOW TRUCK

RESOLUTION 19-69

Moved by Councilor Acker
Seconded by Councilor Bowe

RESOLVED, to authorize the City Engineer to proceed with Capital Project 19-5 Vehicle Replacement-Plow Truck, authorize the expenditure of funds in an amount not to exceed \$161,721.93, and further authorize the Mayor to sign any and all documents related to said Capital Project.

Ayes: 6
Nays: 0

MOTION CARRIED

This is a piggyback from Onondaga County contract #8996, and the total cost includes a trade-in credit of half of the purchase price of the 2013 plow truck.

CELLULAR TELEPHONE ADMINISTRATIVE POLICY

RESOLUTION 19-70

Moved by Councilor Simchik
Seconded by Councilor Coulthart

RESOLVED, that the Employee Acknowledgements of Receipt and Understanding of the Cellular Telephone Administrative Policy from City Engineer Eric Schuler and Water Plant Operator Laurence Travis Mehl be hereby received and placed on file, **and be it further**

RESOLVED, that the Telephone Request Form from Eric Schuler and Laurence Travis Mehl, pursuant to the City of Oneida Cellular Telephone Policy adopted June 15, 2010, Resolution 10-153 and reaffirmed on May 17, 2016, be hereby approved.

Ayes: 6
Nays: 0

MOTION CARRIED

SPECIAL EVENT APPLICATION – KELBERMAN CENTER’S WALK FOR AUTISM

RESOLUTION 19-71

Moved by Councilor Bowe
Seconded by Councilor Cohen

RESOLVED, that the following special event application be hereby approved:

Event:	Walk for Autism
Sponsor:	Kelberman Center
Date:	April 27, 2019
Location:	Oneida High School (using City sidewalks)

Ayes: 6
Nays: 0

MOTION CARRIED

CAPITAL PROJECT 19-15 – PROPOSED ACTION: ONEIDA LONG-TERM WASTEWATER TREATMENT (WWTP) IMPROVEMENT PROJECT - RESOLUTION DECLARING THE INTENT OF THE CITY OF ONEIDA TO ACT AS LEAD AGENCY

RESOLUTION 19-72

Moved by Councilor Acker
Seconded by Councilor Simchik

WHEREAS, the City of Oneida (City) is proposing the Oneida Long-Term Wastewater Treatment Plant (WWTP) Improvement (Project), located in the City of Oneida, Madison County, New York; **and**

WHEREAS, the Project will include upgrades to the existing WWTP to become SPDES compliant as well as installation of a new force main to accommodate increased loads from the local dairy industry. Existing digesters will be improved and new housing structures will be installed to handle the additional organic wastes; **and**

WHEREAS, the Project has been classified as an “Unlisted Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.6; **and**

WHEREAS, it is the intent of the City of Oneida’s Common Council to assume the role of “Lead Agency” for purposes of conducting a SEQRA assessment of the Project; **and**

WHEREAS, Part I of a Full Environmental Assessment Form (FEAF) has been completed, reviewed by the City of Oneida’s Common Council, and will be circulated to all Involved and Interested Agencies for purposes of establishing the City of Oneida’s Common Council as “Lead Agency” in accordance with 6 NYCRR Part 617.6., **now therefore be it**

RESOLVED, to authorize the City Engineer to proceed with Capital Project 19-15 Long Term Wastewater Improvement Project, **and be it further**

RESOLVED AND DETERMINED, that the Mayor of the City of Oneida hereby is authorized to sign Part I of the Full Environmental Assessment Form (page 13); **and it is further**

RESOLVED AND DETERMINED, that the Mayor of the City of Oneida will circulate said Part I of the Full Environmental Assessment Form to the attached list of “Interested and Involved Agencies” under cover of a “Notice of Intent to Establish Lead Agency” letter for purposes of establishing Lead Agency status under SEQRA; **and it is further**

RESOLVED, that the Mayor and Attorney of the City of Oneida, are hereby authorized to take all actions, serve all notices, and complete all documents required to give full force and effect to this determination.

Ayes: 6
Nays: 0

MOTION CARRIED

PROFESSIONAL SERVICES PROPOSAL – WEST ELM STREET INFRASTRUCTURE

RESOLUTION 19-73

Moved by Councilor Acker
Seconded by Councilor Coulthart

WHEREAS, the Common Council, on February 20, 2018 Resolution 18-54, authorized the Mayor to sign a Professional Services Proposal with O'Brien & Gere Engineers, LLC for Design and Bid Phase Engineering Services for the West Elm Street Infrastructure Project in an amount not to exceed \$29,500, **and**

WHEREAS, the City has requested substantive changes to said Proposal, which includes replacing the pumping station electrical enclosure, replacing bored creek crossings and other miscellaneous items, **now therefore be it**

RESOLVED, that the Mayor is hereby authorized to sign a Professional Services Proposal with O'Brien & Gere Engineers, LLC for the West Elm Street Infrastructure Project in an amount not to exceed \$6,500 for the additional Design Phase Services.

Ayes: 6

Nays: 0

MOTION CARRIED

WATER TREATMENT PROGRAM AGREEMENT – CHEM-AQUA

RESOLUTION 19-74

Moved by Councilor Cohen

Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign a Water Treatment Program Agreement with Chem-Aqua, PO Box 152170, Irving TX 75015 for Cooling Tower Maintenance in the amount of \$4,500.00

Ayes: 6

Nays: 0

MOTION CARRIED

**PROPOSED ORDINANCE AMENDMENT TO AMEND CHAPTER 61 FIRE PREVENTION,
ARTICLE III ADMINISTRATION AND ENFORCEMENT OF THE NYS UNIFORM FIRE
PREVENTION AND BUILDING CODE, SECTION 61-18 PERMITS REQUIRED**

RESOLUTION 19-75

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

RESOLVED, that a proposed Ordinance amending Chapter 61 Fire Prevention, Article III, §61-18 Permits required, A. (14), be hereby received and placed on file, **and be it further**

RESOLVED, to schedule a Public Hearing on said proposed Ordinance Amendment for March 19, 2019 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida.

Ayes: 6

Nays: 0

MOTION CARRIED

PROPOSED ORDINANCE TO AMEND CHAPTER 61 FIRE PREVENTION,

ARTICLE 111, §61-18 PERMITS REQUIRED, A. (14)

§61-18 Permits required.

A. Permits shall be obtained for the following:

(14) Explosive, ammunition, ~~and~~ blasting agents, *and fireworks.*

- (a) To manufacture, possess, store, sell or otherwise dispose explosives and blasting agents
- (b) To use explosives or blasting agents.
- (c) To operate a terminal for handling explosives or blasting agents.
- (d) *To display fireworks.*

BUDGET AMENDMENTS AND TRANSFERS

RESOLUTION 19-76

Moved by Councilor Coulthart
Seconded by Councilor Acker

RESOLVED, to approve the following 2019 Budget Amendments/Transfers:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$3,250.00	002.8300.0436 Water Contingency	400.0400.0400 West Elm Street Water/Sewer Project
	<i>(To allocate funds for the West Elm Street Sewer Design Project)</i>	
\$3,250.00	003.8110.0436 Sewer Contingency	400.0400.0400 West Elm Street Water/Sewer Project
	<i>(To allocate funds for the West Elm Street Sewer Design Project)</i>	
\$26,109.00	001.1990.0400 Contingency	001.9785.0600.0001 Vehicle Lease-Police
	<i>(To allocate funds for 2019 Police Vehicle Lease Program)</i>	
\$7,135.60	001.0001.0912 General Fund Balance	001.9785.0600.0001 Vehicle Lease-Police
	<i>(To allocate funds for 2019 Police Vehicle Lease Program)</i>	
\$14,163.90	001.0001.0912 General Fund Balance	001.9785.0600.0002 Vehicle Lease-DPW
	<i>(To allocate funds for 2019 DPW Vehicle Lease Program)</i>	

Ayes: 6

Nays: 0

MOTION CARRIED

ADVERTISE FOR BIDS – CHAPMAN POOL RESURFACING

RESOLUTION 19-77

Moved by Councilor Acker

Seconded by Councilor Cohen

RESOLVED, to authorize the Purchasing Agent to advertise for bids for the Howard T. Chapman Pool Resurfacing.

Ayes: 6

Nays: 0

MOTION CARRIED

EQUIPMENT SERVICE AGREEMENT

RESOLUTION 19-78

Moved by Councilor Acker

Seconded by Councilor Cohen

RESOLVED, to authorize the Mayor to sign an Equipment Service Agreement with Mac Copy LLC, PO Box 218, East Syracuse, NY 13057 in the amount of \$926.10 for the copier at the Recreation Center.

Ayes: 6

Nays: 0

MOTION CARRIED

NEW BUSINESS

Councilor Acker reminded everyone that the polls at the Library are open until 9:00 p.m. tonight to vote on the Library Budget and trustee positions.

Executive Session

Mayor Matzke said that the Council will be adjourning to executive session to seek advice of counsel, as well as, to discuss personnel matters. He said that there will not be any action taken after the session.

EXECUTIVE SESSION

RESOLUTION 19-79

Moved by Councilor Coulthart

Seconded by Councilor Bowe

RESOLVED that the meeting is hereby adjourned to Executive Session at 6:57 p.m. to seek advice of counsel and for the purpose of discussing personnel matters.

Ayes: 6

Nays: 0

MOTION CARRIED

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

1. Advice of Counsel was requested.

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

2. Discussion relating to a personnel matter.

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

3. Discussion relating to a personnel matter.

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 7:34 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Simchik

The regular meeting is hereby adjourned at 7:35 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk