

**MINUTES OF THE COMMON COUNCIL
MAY 1, 2018**

A meeting of the Common Council of the City of Oneida, NY was held on the first day of May, 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 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
Fire Chief Kevin Salerno
Assistant Fire Chief Dennis Fields
Police Chief Paul Thompson
Recreation Director Luke Griff
Supervisor Mary Cavanaugh

OLD BUSINESS

Rail Trail

Recreation Director Luke Griff said that the Rail Trail Project is over budget, and he went over all the proposed reductions, which total \$130,901 to bring some of the costs down. The Mayor said that one item for reconsideration is the granite vs. concrete curbing proposed for Oneida Street. The Director asked if the Council wanted to address any of the proposed items for reduction. When asked, the Recreation Director said that he recommends the use of granite curbing. After a lengthy discussion, which included appearance, roughness on tires, angle parking, plowing, allowing concrete to cure, longevity of granite and the cost difference between using granite and concrete (\$13K), the Council took a straw vote. The Mayor broke the three/three tie and chose the use of granite. Director Griff said that he will contact C&S Engineers to prepare the change order without including any reductions for curbing, as the granite curbing that was originally proposed will be used. Recreation Director Griff said that the change order will be on the agenda for approval at the next Council meeting.

Vacant Property Updates

Assistant Fire Chief/Assistant Fire Marshal Dennis Fields stated that 474 Lincoln Avenue has been condemned, as it is in very poor condition. He said the notice of violation has been sent, and someone already approached him about purchasing the property. He said that repairs are currently being made at 114 Madison Street. The Assistant Chief said with respect to the property on East Elm Street, NYS has eliminated some of the Codes and replaced them with supplemental regulations, so he said he will have to re-violate that property, as well as, another property.

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, that the minutes of the regular meeting of April 17, 2018 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Simchik
Seconded by Councilor Cohen

RESOLVED, that Warrant No. 10, checks and ACH payments in the amount of \$405,706.24 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 Chamberlain
Seconded by Councilor Simchik

RESOLVED, that checks in the amount of \$2,617.50 (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

CENTER CITY MARKET AT HIGINBOTHAM PARK

RESOLUTION 18-105

Moved by Councilor Bowe
Seconded by Councilor Cohen

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 May 24, 2018 and continuing through October 25, 2018, during the hours of 4:00 p.m. until 8:00 p.m.; **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 samples of 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 limited sampling by vendors, **now therefore be it**

RESOLVED, that the Common Council hereby authorizes the distribution of wine and microbrew samples by vendors of such products in Higinbotham Park during the hours of the City Center Market provided proper insurance riders are in place.

Ayes: 6
Nays: 0
MOTION CARRIED

Councilor Cohen said there are two other farmer’s markets in the City, which the City is not sponsoring, and he said he did not want any bad feelings between those other groups. He said that he fully supports the City Center Market, but said that we shouldn’t sponsor one if we don’t sponsor the others.

Paul Marco, President of the OC3 Committee, explained that OC3 is hosting the City Center Market downtown in Higinbotham Park. He said that they rebranded the name from “Party in the Park” to “City Center Market,” as they are trying to create a destination. He said that they currently have secured 3 food truck vendors, 7 community events, 12 bands, 10 retailers, 3 crafters, 1 service business, 2 non-profits, 2 farmers and 3 other food vendors, and they are still looking for more people to come join this experience. He said that so far they are partnering with the Kallet, Recreation Department, Police Department, Fire Department, Oneida Printshop and an organization called Destination Downtown. He said they are not looking for money from individuals, and reiterated that they want to create a destination, and they will cover any costs. He displayed a map showing where the vendors, etc. would be.

A lengthy discussion ensued relating to the Post Office’s parking concerns and closing a portion of Farrier Avenue. Mr. Marco proposed examples of how they could make sure that postal customers were not inconvenienced. Councilor Acker said that she spoke with the Postmaster, and they are not in favor of closing Farrier Avenue in front of the Post Office and preventing customers from using this Federal Building. She said that she is 100% for this market, but is also concerned about the Post Office. Mr. Marco said that they will continue to work with the Post Office to quell their concerns. Discussion continued, which included input from the Fire Chief who said he can reroute (if need be) for that short period of time, access to the Post Office dock behind the building, splitting the road until after the Post Office closes at 5:30 p.m., possibly closing Vanderbilt Avenue or Broad Street, possibly moving everything onto the grassy area of the park, and possibly having the event in Clinch Park across from City Hall. Councilor Acker said that the bands are in Higinbotham Park, and Mr. Marco said that the bathrooms are also at Higinbotham. He said that park is central to the City, which is why they chose it. Councilor Chamberlain added that Higinbotham Park is a short walk from the Oneida Towers. Mr. Marco said that the plans to have a secured area for alcohol consumption has been scrapped, and they are limiting the amount of wineries and craft beer vendors to just four (2 and 2). Mr. Marco said that at the next meeting, they would like to have resolutions approved to close the street and to authorize the use of Higinbotham Park, as the Market is proposed to begin on May 24th.

Councilor Bowe suggested modifying the verbiage in the proposed Resolution. City Attorney Nadine Bell said that the “first whereas” establishes the authority to be able to do this. He suggested modifying a portion of the sentence in the “second whereas” with “...the City Center Market sponsored by the OC3 Committee is being held in conjunction with the Recreation Department’s on-going concert series on Thursday evenings...”. He also suggested modifying the very last sentence to add “provided proper insurance riders are in place” at the end of the sentence. The Council agreed to the suggested revisions to the originally proposed Resolution, and Councilor Bowe moved to accept the amended Resolution with Councilor Cohen seconding that motion. The original motion to open discussion was moved by Councilor Acker and seconded by Councilor Chamberlain.

**INTERMUNICIPAL WASTEWATER TREATMENT AGREEMENT
WITH THE VILLAGE OF ONEIDA CASTLE**

RESOLUTION 18-106

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, to authorize the Mayor to sign the revised Intermunicipal Wastewater Treatment Agreement with the Village of Oneida Castle.

Ayes: 6
Nays: 0

MOTION CARRIED

City Attorney Nadine Bell said the two revisions are a result of the financing that Oneida Castle is using.

FIRE ALARM PERMITS

RESOLUTION 18-107

Moved by Councilor Simchik
Seconded by Councilor Coulthart

RESOLVED, that any unpaid Fire Alarm Permit fees shall be invoiced to the property owner, and if said invoice remains unpaid, the total amount due shall be relieved onto the property owner’s taxes at the end of each year.

Ayes: 6
Nays: 0

MOTION CARRIED

PROPOSED LOCAL LAW TO AMEND CHAPTER 73, §73-5 OF THE CITY CODE

RESOLUTION 18-108

Moved by Councilor Chamberlain
Seconded by Councilor Coulthart

RESOLVED, that a proposed Local Law to amend Chapter 73 and Section 73-5 of the City of Oneida Code be hereby received and placed and file, **and be it further**

RESOLVED, that a Public Hearing on said proposed Local Law to amend the City Code be scheduled for May 15, 2018 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY.

Ayes: 6
Nays: 0

MOTION CARRIED

**A LOCAL LAW TO AMEND CHAPTER 73,
TITLED “HEALTH AND SANITATION”
OF THE ONEIDA CITY CODE**

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

Section 1. So that the title of Section 73-5 of the Oneida City Code is hereby amended to read, in its entirety, as “Designated nuisances.”

Section 2. So that Section 73-5(B) of the Oneida City Code is hereby deleted in its entirety.

Section 3. So that a new Article III shall be added to Chapter 73, which shall be titled “Brush, Grass and Weeds,” and shall read, in its entirety, as follows:

ARTICLE III
Brush, Grass and Weeds

§ 73-7 Growth and maintenance restrictions.

It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any owner, lessee or occupant having control over any lot or land adjoining land on which is situated a dwelling house or building to permit or maintain on any such lot or land any growth of weeds, grass, brush or other rank vegetation to a height higher than eight (8) inches, on the average, on such portion of the lot or land, including the public right-of-way, that is bounded by the street or highway abutting the property on the front and the front line of the dwelling house or building, including, as well, any side lawn or lawns abutting upon any lot upon which is situated a dwelling house or building, and to a depth at least equal to fifty feet beyond the rear line of the dwelling house or building or to the rear property line, whichever is lesser. All such grass, brush, weeds, or other rank vegetation shall be maintained and kept uniformly in height so as not to detract or devalue adjoining properties. It shall also be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed, Canada thistle or other poisonous plant or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, ragweed, Canada thistle or other poisonous or harmful weed shall extend upon, overhang or border any public place or allow to seed or allow pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place.

§ 73-8 Duty of owner, lessee or occupant.

It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass, brush or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of § 73-7.

§ 73-9 Exceptions.

The provisions of §§ 73-7 and 73-8, insofar as they relate to cutting weeds, grass, brush and rank vegetation from lots or lands, shall not apply to any lots or lands which are under cultivation in a good manner from which crops are regularly harvested for actual use.

§ 73-10 Notice to correct violations; failure to comply.

A.

If the provisions of the foregoing sections are not complied with, a Code Enforcement Official for the City of Oneida, which may include the Codes Enforcement Officer, Community Service Officer, and/or Housing Inspector, shall serve written notice upon the owner to comply with the provisions of this Article. Such written notice shall be served by certified mail, return receipt requested, or personal service upon the owner, as set forth in the last filed tax roll.

B.

If the person upon whom the notice is served fails, neglects or refuses to cut and remove or to cause to be cut and removed such weeds, grass, brush or vegetation within five (5) days after receipt of such notice or if such notice was served by posting upon the premises, then, within five (5) days after such posting upon the premises, the aforementioned Code Enforcement Official shall cause such weeds, grass, brush or other vegetation on such lot or land to be cut and removed without need of Council resolution, and the actual cost of such cutting and removal, plus 50% for administrative expenses, shall be presented to the City Chamberlain; said costs shall thereupon become a lien upon the property on which such weeds, grass, brush and other vegetation were located and shall be added to become a part of the taxes next to be assessed and levied upon such lot or land, shall bear interest at the same rate as taxes and shall be collected and enforced by the same City official and in the same manner as taxes. In no event shall the special assessment levied under this section be less than \$100.00.

§ 73-11 Storage of compost.

Any and all properties, tracts or parcels having or maintaining any type of material used or kept as or for the purpose of composting, must be contained or stored in compliance with applicable setback requirements and must be contained and kept in a manner as not to spread, leak or scatter from such containment. Contents used for this purpose may not contain sticks, brush, wood, animal feces or other material not meant for normal composting and in a manner which is not unsightly, does not emit any noxious odor, and which does not detract or devalue adjoining properties. Such containment or storage may not exceed five feet (5') by ten feet (10') and shall not exceed a height of four feet (4').

§ 73-12 Multiple violations.

Once the notice has been sent to the property owner in accordance with § 73-10(A) and the City has removed the weeds, grass, brush or other vegetation in accordance with § 73-10(B), then no further notice is required in the same calendar year before the City removes said weeds, grass, brush or vegetation. The City will be entitled to perform said removal once the property is in violation of § 73-7 again. Each separate removal will become an additional lien on the property in accordance with § 73-10(B). The notice required in § 73-10(A) shall recite that no further notice will be given for subsequent violations in the same calendar year.

§ 73-13 Penalties for offenses.

Any person who shall neglect to cut and remove weeds, grass, brush or other vegetation as directed in this Article or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided or who shall violate any of the provisions of this Article or who shall resist or obstruct the Common Council as officers of the City of Oneida or its/their employees or designees in the cutting and removal of weeds, grass, brush and other vegetation shall, upon conviction thereof, be subject to a fine of not less than \$100 nor more than \$250.00. These penalties shall be in addition to the special assessment imposed under § 73-10(B).

Section 4. This local law shall take effect upon filing with the Secretary of State.

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Bowe asked who will enforce this, and the City Attorney said Codes. She explained that in Section 73-10, a Code Enforcement Official, which may include the Codes Enforcement Officer, Community Service Officer, and/or Housing Inspector may serve notice. She said that a Codes Department was specifically not included in the Resolution, because at this time, the City does not have a Codes Department. Attorney Bell said that this Local Law will remove the Section of the current code where legal notices are to be placed in the paper by the City Clerk.

Councilor Cohen questioned, if in §73-11, the storage of compost should include language indicating the minimum allowable distance from a home that it may be placed. City Attorney Bell explained that the current wording of “in compliance with applicable setback requirements” is consistent with what setback regulations are for each zoning district. She said that many inside parcels are not very big lots and each zoning district, as it currently provides, is intended to accommodate those uses and those setback requirements reflect that. Councilor Cohen said that maybe it won’t be a problem, but should it be, it can be readdressed at a later time.

NEW BUSINESS

City Centre Apartments

Bob Britton, N. Warner Street, Oneida said he has complaints about the City Centre Apartments across the street from his house. He said that the police and probation officers have been there on numerous occasions. Councilor Chamberlain said that only one of the police calls was drug related; the other times were for varying reasons at different apartments. Mr. Britton also complained that the water doesn’t drain properly in the street, because the apartments are built up too high. Councilor Chamberlain said that at the intersection of N. Warner and W. Elm, the water pools during storms. Mr. Britton said that the retention pond behind the apartments needs a fence around it, as children sometimes play in it after it rains and could drown. Councilor Chamberlain said that parents have to be responsible for watching their children, and the Mayor concurred. City Attorney Nadine Bell said that the City cannot request a private property owner to put up a fence. The Mayor said that he will look into the flooding issues.

Bicycle Rodeo

Chief Thompson said he is excited to announce that the Police Department, in conjunction with the Recreation Department, is bringing back the Bicycle Rodeo to Vet’s Field on May 19th. The Chief said they will have several stations, including ones to check basic bicycle maintenance, helmet fittings, and for kids to practice skills. He said that hot dogs and ice cream will be provided to the kids at no cost.

Motion to adjourn by Councilor Chamberlain

The regular meeting is hereby adjourned at 7:45 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk