

**MINUTES OF THE COMMON COUNCIL
MAY 15, 2018**

A meeting of the Common Council of the City of Oneida, NY was held on the fifteenth 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 (arrived at 6:37 pm), James Coulthart, Helen Acker, James Chamberlain, and Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Eric Schuler
Civil Service Officer Dawn Andrews
Civil Service Commission Chairman Mike Kaiser
Comptroller Lee Ann Wells
Police Chief Paul Thompson
Fire Chief Kevin Salerno
Assistant Fire Chief Dennis Fields

ANNOUNCEMENTS BY THE MAYOR

City Engineer

Mayor Matzke introduced and welcomed the new City Engineer Eric Schuler, adding that he is a Godsend to us. The Mayor said that Eric is a Professional Engineer (PE) who comes to us with a wide range of engineering experience. Eric has Civil Engineering experience, as he was Project Manager for municipal projects throughout Central and Northern NY. Eric also has Design Engineering experience and has been the Lead Engineer on municipal, water, wastewater, transportation and site projects. The Mayor said that one of Eric's goals was to run an Engineering Department for a municipality.

Fire Chief

The Mayor said that this is the last Council meeting for our Fire Chief Kevin Salerno, and the end of an era of Salerno's in the Fire Department. He said that Kevin started his career with the City in September of 1990 as a Fire Fighter. In January of 1999, he was promoted to Lieutenant and moving up through the ranks, in May of 2011 he was promoted to Deputy Chief. In December of 2013, Kevin became our Fire Chief. The Mayor said that Chief Salerno has received numerous commendations throughout his career. Mayor Matzke said that there was only one slight bump in the road for Kevin. The Mayor said that Kevin hasn't let him forget that I was one of those responsible for laying him off from the City's Fire Department early in his career, which garnered laughs from the audience. The Mayor said that, of course, he was rehired and the City is very fortunate that we have had Kevin Salerno serve as our Fire Chief. The Mayor thanked him for his 28 years of dedication to the residents of the City of Oneida.

Assistant Fire Chief

Mayor Matzke said that he is pleased to announce the appointment of Assistant Fire Chief Dennis Fields as the new Fire Chief. He will take over the helm when Kevin retires at the end of the month.

Fire Chief Kevin Salerno said that it has been an honor working with the Council, adding that the City has top notch Department Heads in the City, and he thanked them for all the help he has received over the years. The current Fire Chief and incoming Fire Chief both received a round of applause.

National Police Week

Mayor Matzke said that this is National Police Week, and today is Peace Officers Memorial Day. The Mayor said that on behalf of the City and Council he sincerely thanks Chief Paul Thompson and the Oneida City Police Officers for serving and protecting our residents and City.

PUBLIC HEARING

RESOLUTION 18-109

Moved by Councilor Chamberlain
Seconded by Councilor Coulthart

RESOLVED, that the Public Hearing regarding a proposed Local Law to amend Chapter 73, Section 73-5 of the City Code relating to brush, grass and weeds be hereby opened at 6:37 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

APPEARANCES – None

CLOSE PUBLIC HEARING

RESOLUTION 18-110

Moved by Councilor Acker
Seconded by Councilor Coulthart

RESOLVED, that the Public Hearing regarding the proposed Local Law to amend Chapter 73, Section 73-5 of the City Code be hereby closed at 6:36 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

Mayor Matzke said the proposed Local Law will amend the code relating to grass, brush and weeds, along with the compost pile code. He said that the previous process required notification over and over, however with this Law, once a resident is put on notice a second notice will not be required.

OLD BUSINESS

Updates on Properties in Violation of Article III, Chapter 34 of the City Code

Assistant Chief Dennis Fields said that he has circulated to the Mayor and Council an email from Rand Marshall, the potential buyer of the property located at 409 Genesee Street. The Assistant Chief said that he recommends giving him some leeway, noting that a closing will take between 30 to 90 days. He said that Mr. Marshall told him that he will be in attendance at the next Council meeting. Councilor Coulthart

questioned if there should be a benchmark for repairs, and Attorney Bell said the person who had the structural report prepared is not the property owner, and once he is the owner, the Council could ask for incremental benchmarks.

City Attorney Nadine Bell said that the suits have been filed against the property owners of 112 Madison Street (Xedis) and 507 Stone Street (Kistner). She said that Mr. Xedis has been served and the return date is in June. She said the suit has been filed for 507 Stone Street, but she is waiting for a judge to be assigned to the Kistner case, as this needs to be in place before she serves Mr. Kistner with a return date.

Assistant Fire Chief Dennis Fields said that someone is cleaning up the property at 474 Lincoln Avenue, although they do not own the property. He said this person wants to purchase the house for back taxes. Assistance Chief Fields said that he recommended to this person that he not do any work on the property unless he owns the property; however, there is a dumpster on site which is full of debris.

Assistant Chief Fields said that the owner of Mind Games (114 Madison St.) has made the repairs to the corner of the building. He said he is still in the process of repairing some larger cracks.

Councilor Jim Chamberlain gave kudos to Dennis for all his efforts with these properties on behalf of the City and to the Council for sticking with the order to make repairs.

SUPERVISORS REPORT - None

Moved by Councilor Acker
Seconded by Councilor Coulthart

RESOLVED, that the minutes of the regular meeting of May 1, 2018 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Acker
Seconded by Councilor Coulthart

RESOLVED, that Warrant No. 11, checks and ACH payments in the amount of \$429,889.32 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 \$12,556.93 (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

RESOLUTION 18-111

Moved by Councilor Acker
Seconded by Councilor Coulthart

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 May 24, 2018 through October 25, 2018 from 3:30 PM to 8:30 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 May 24, 2018 through October 25, 2018 from 3:30 PM to 8:30 PM.

Ayes: 5
Nays: 1 (Cohen)
MOTION CARRIED

Paul Marco, John Costello and Sarah Marshall were in attendance representing OC3 and the “Center City Market.” Councilor Acker noted that Frank Duck, who sent an email today opposing closure of the street in front of his business, is not in attendance and a lengthy discussion began. Councilor Chamberlain said that he spoke with both Paul Marco and Frank Duck today. He said that Mr. Duck said that he and Mr. Wilber are 100% against the closure of the street in front of their business on Thursdays, because of the negative impact. Councilor Chamberlain said that he tried to assure Mr. Duck that he felt this event would do just the opposite. Councilor Chamberlain said that he supports the Market, as well as Mr. Duck’s business, but feels there was a lack of communication with Wilber Duck Chevrolet. He said the floor plan OC3 has put forth is very good.

The Mayor said he sees this as the first time the City, north and south, can come together and solidify the City. Councilor Cohen said that Mr. Duck spoke of contractual obligations with Chevrolet to be open. City Attorney Bell said that this is a private contractual relationship between Wilber Duck and Chevrolet, and we do not have any right to intervene in that relationship. She said that this event is not going to stop Wilber Duck from being open.

The discussion continued including the Owls Club’s concerns, parking and signage, the stereotype of downtown, any inconveniences, street closing time and social media feedback. Mr. Marco said both sides of the street are being temporarily closed primarily for safety. Paul Marco said that they don’t want this event to be adversarial; they want to be community partners, and he feels this is a completely positive thing. He said that they have left one spot completely open as the gateway into Wilber Duck Chevrolet. Mr. Marco said they are promoting downtown, and there are going to be inconveniences, but you have to look at the bigger picture of positivity for downtown.

Dr. Costello said that they have 18 vendors per week already scheduled, and this is the first year. He said with the advertising money they are raising, they are securing more popular bands with bigger followings, so more people will come to downtown. He said they have activities for children and families and a different food truck each week, along with the vendors. He said we can’t worry about some minor inconveniences to the public, when this is a much bigger picture of all the positivity that will come back to downtown. He said that you are not going to make everyone happy. Dr. Costello said that the flowers

in downtown were a hit, and this is OC3's next step with others coming down the pike. He said if the Council wants to vote this down, then they are done with everything. He said that in the bigger scope of things, this is going to be a huge plus for downtown. Councilor Chamberlain said that any questions he had were certainly not against the event, but he wished Mr. Wilber or Mr. Duck were in attendance. Councilor Cohen reiterated that Wilber Duck has contractual concerns, and he feels this has to be looked into.

Sarah Marshall said that OC3 is trying to do this to be community partners, and she said that they are not trying to do anything to anyone's detriment. She said that we would encourage Wilber Duck to keep their business open longer, because there will be people right there in front of his business. She added that if something was really bothering her, she would show up to discuss it. Councilor Coulthart said that he has been in marketing for five plus years, and if it was his business, he would be putting out balloons and welcoming people into his business. Councilor Acker concurred saying she would look at this as an opportunity. City Attorney Bell said that in looking on Wilber Duck's website their hours on Thursday are 8 to 5 pm. The Mayor said discussion is closed and said it is time to vote.

SPECIAL EVENTS APPLICATION

RESOLUTION 18-112

Moved by Councilor Cohen
Seconded by Councilor Simchik

RESOLVED, to approve the following Special Events application:

| | |
|-----------|--------------------------------------|
| Event: | Wilber Duck Mile |
| Sponsor: | Wilber Duck Chevrolet |
| Date: | May 18, 2018 |
| Location: | 116 Broad Street (one mile walk/run) |

Ayes: 6
Nays: 0

MOTION CARRIED

ADVERTISE FOR BIDS

RESOLUTION 18-113

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, Authorize the Purchasing Agent to advertise for bids for Capital Project 18-8 – Annual Street Resurfacing.

Ayes: 6
Nays: 0

MOTION CARRIED

The City Engineer said that he is working on the list and a final decision will be made soon.

MONTHLY REPORTS

RESOLUTION 18-114

Moved by Councilor Acker
Seconded by Councilor Simchik

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

Ayes: 6
Nays: 0

MOTION CARRIED

Councilor Acker thanked Fire Chief Salerno for his last annual report, noting that it was a pleasure to read and wished him good luck. She said this is the end of the Salerno dynasty in the Fire Department.

ADVERTISE FOR BIDS

RESOLUTION 18-115

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, to authorize the Purchasing Agent to advertise for bids for Caustic Soda for the Water Department, **and be it further**

RESOLVED, to authorize the Purchasing Agent to advertise for bids for hydrants, pipes and materials for the Water Department.

Ayes: 6
Nays: 0

MOTION CARRIED

PERMANENT WAIVER OF DAILY POOL FEES - 90°F OR HIGHER

RESOLUTION 18-116

Moved by Councilor Chamberlain
Seconded by Councilor Acker

RESOLVED, to authorize the permanent waiver of the daily entry fee at Veteran's Memorial Pool when the scheduled forecast is 90°F or higher.

Ayes: 6
Nays: 0

MOTION CARRIED

Council discussed and opted to amend the Resolution to make this a permanent waiver on those specific days. The original motion to open discussion was moved by Councilor Chamberlain and seconded by Councilor Coulthart.

BACKWATER FLOOD EASEMENT

RESOLUTION 18-117

Moved by Councilor Acker
Seconded by Councilor Simchik

WHEREAS, the City of Oneida is currently working to make stability improvements to Glenmore Dam in the Town of Annsville to prevent possible failure of the Dam in the event of a major flood; **and**

WHEREAS, part of the this stability work, the City is planning to increase the elevation of the Reservoir by two (2) feet, **and**

WHEREAS, when improvements are completed and the elevation of the water has risen, the Reservoir will be completely retained within the City’s current property; **and**

WHEREAS, modeling shows that during a 100 year flood event the flood elevation will be 933.9 USGS and will impact low-laying land of adjoining property owners; **and**

WHEREAS, Thew Associates Land Surveyors have prepared a legal description and map, titled “Flood and Flow Easement – Glenmore Reservoir” dated December 5, 2017 showing the location of the proposed easement below 933.9 on adjoining property owners, **now therefore be it**

RESOLVED, that the City of Oneida:

1. Obtain a backwater flooding easement from adjoining property owner Mr. and Mrs. Randall Napolis for 0.372 acres from lot SBL#112.00-1-30;
2. Pay the sum of six hundred dollars (\$600.00) for said easement; and
3. Pay all filling fees.

Ayes: 6
Nays: 0

MOTION CARRIED

City Attorney Nadine Bell said that the City is working to improve the Glenmore Dam and Reservoir, and the DEC is requiring the City to obtain backwater flooding easements for adjoining low lying properties in the event of a 100 year flood occurrence. Attorney Bell said that there are two properties impacted. She said that the other property owner is an LLC, and she will reach out to them again.

MEMORANDUM OF AGREEMENT

RESOLUTION 18-118

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, to authorize the Mayor to sign the Memorandum of Agreement by and between the City of Oneida and the CSEA Unit 735100 Madison County Local 827.

Ayes: 6
Nays: 0

MOTION CARRIED

MADISON COUNTY FIRE MOBILIZATION AND MUTUAL AID PLAN

RESOLUTION 18-119

Moved by Councilor Simchik
Seconded by Councilor Cohen

RESOLVED, to approve and adopt the Madison County Fire Mobilization and Mutual Aid Plan to serve as the primary guidance document for Madison County Fire Response Agencies for training, inter-agency cooperation, and incident management for all the responses in Madison County, as well as mutual aid to contiguous county fire departments.

Ayes: 6
Nays: 0

MOTION CARRIED

Chief Salerno said that this hadn't been updated since it was written in the sixties.

MEMORIAL DAY PARADE AGREEMENT

RESOLUTION 18-120

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, to authorize the Mayor to sign the 2018 Memorial Day Agreement by and between the City of Oneida and the Oneida Memorial Association.

Ayes: 6
Nays: 0

MOTION CARRIED

BUDGET AMENDMENTS

RESOLUTION 18-121

Moved by Councilor Chamberlain
Seconded by Councilor Acker

RESOLVED, to approve the following budget amendments:

| <u>AMOUNT</u> | <u>FROM</u> | <u>TO</u> |
|---------------|-------------------------------------|--------------------------------|
| \$11,500.00 | 003.0003.0912 Sewer Fund Balance | 003.8110.0492 Pipe Painting |

(To allocate funds for the purpose of painting the influent pipe that is beginning to flake – maintenance item)

| | | |
|------------|---------------|---------------|
| \$2,329.78 | 001.1990.0400 | 001.5132.0304 |
|------------|---------------|---------------|

| | | |
|------------|--|------------------------------|
| | Contingency | Central Garage Major Repairs |
| | <i>(To allocate funds to repair 2011 Sweeper)</i> | |
| \$3,000.00 | 001.0017.1523 | 001.3120.0102 |
| | Police Misc. Revenue | Police Overtime |
| | <i>(To allocate funds to salary line for agreement to provide contracted services)</i> | |
| \$4,172.15 | 001.0022.2680 | 001.3410.0102 |
| | Insurance Recovery | Fire Overtime |
| | <i>(To allocate funds to salary line for workers compensation reimbursement)</i> | |

Ayes: 6

Nays: 0

MOTION CARRIED

NEW BUSINESS

“Makin Bacon Festival” at the Kallet Civic Center

Michelle Stewart, Kallet Civic Center, said that the Kallet would like to sponsor the “Makin Bacon Festival” on Friday and Saturday, September 28 & 29, 2018 and use both the inside of the Kallet and the parking lot behind the Kallet. She said that there will be a stage set up on Friday night in back of the building, and the vendor booths will be located in the parking lot. She said that she spoke with the Fire Chief and the alley will be clear for full access for any type of emergency should the need arise, and the Police Chief concurred that he saw no issues as long as there is access.

Ms. Stewart said that she is here tonight to ask for Council approval to use the parking lot for this event, as there is a lot of planning that goes into this. Councilor Acker said that the event has been successful in the past. The City Attorney said that a Special Event application needs to be completed with the City Clerk and proof supplied that the Kallet’s insurance covers the exterior parking lot. The Council gave verbal approval for the use, and the City Clerk said that a Resolution will be prepared for the next Council meeting. Councilor Bowe asked for a diagram of how the event will be set up, and Councilor Coulthart said that for those unfamiliar with the event, he would like a short presentation of the event details.

OHS Cast of “Footloose”

Councilor Acker said that the cast of Oneida High School’s spring musical production of “Footloose” will be in attendance at the next Council meeting and do a short performance. She said that they are up for 11 awards this year and possibly by that date they will know what awards they won.

EXECUTIVE SESSION

RESOLUTION 18-122

Motioned by Councilor Acker
 Seconded by Councilor Coulthart

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:43 p.m. for the purpose of discussing personnel issues.

Ayes: 6

Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Clerk, City Attorney, Comptroller, Civil Service Officer, Civil Service Commission Chairman, Police Chief and City Engineer

1. Personnel matters were discussed.

Motioned by Councilor Coulthart

Seconded by Councilor Bowe

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 9:01 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Acker

The regular meeting is hereby adjourned at 9:01 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk