

**MINUTES OF THE COMMON COUNCIL
MAY 7, 2019**

A meeting of the Common Council of the City of Oneida, NY was held on the seventh day of May, 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
Supervisor Joe Magliocca
Supervisor Mary Cavanaugh
Supervisor John Reinhardt

PUBLIC HEARING
PROPOSED ORDINANCE TO AMEND CHAPTER 147 SOLID WASTE
§147-3 COLLECTION AND DISPOSAL GENERALLY

RESOLUTION 19-133

Moved by Councilor Bowe
Seconded by Councilor Acker

RESOLVED, that the Public Hearing regarding a proposed Ordinance to amend Chapter 147 Solid Waste §147-3 Collection and Disposal generally be hereby opened at 6:33 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES: None

CLOSE PUBLIC HEARING – SOLID WASTE COLLECTION

RESOLUTION 19-134

Moved by Councilor Bowe
Seconded by Councilor Acker

RESOLVED, that the Public Hearing to amend the City Code relating to Chapter 147 Solid Waste §147-3 Collection and Disposal be hereby closed at 6:34 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

OLD BUSINESS

Oneida Area Public Safety Day

Police Chief Paul Thompson said that they have about 40 public safety agencies and/or ancillary agencies that help support public safety in the community who will be in attendance at the Oneida Area Public Safety Day celebrating the 125th Anniversary of the Oneida Police Department. He said that there will be a Battle of the Badges Blood Drive at City Hall, and the Chief asked that folks donate blood in the name of the Police Department, as the Fire Department edged them out last year. The Chief said that the Bicycle Rodeo will begin at noon on Oneida Street, and Madison County Public Health Department will have a child safety seat check. He said that all City Departments are involved with this public safety focused event. The Chief said that everyone is excited and looking forward to a great day. Police Chief Thompson displayed a photo of the five original members of the Oneida Police Department, noting that there have only been five Chiefs since the 36 years of the Murphy's. He said that these will all be on display at the Public Safety Day.

Flags of Honor

Mary Egger from the Flags of Honor Committee said that they are at a standstill trying to figure out the poles. She said that she ordered some brackets, just because she wants to see how they will fit. She said that they have 14 applications and are waiting on sizes of the flags, brackets, etc. The Mayor said the City has insurance, but the Flags of Honor group must have their own insurance as well. Mrs. Egger said that once the hardware (brackets) comes in, they will schedule another meeting with the City Engineer and Planning Director. She said that they really want to use the decorative poles downtown and will work hard at making that work.

216 E. Elm Street (Lewis)

Councilor Chamberlain said that he would like to see what can be done with the 216 E. Elm Street property; sooner than later, as the neighbors are very frustrated. The Mayor said that we have a court date scheduled. Larry Bavo, the next door neighbor to this property, said that Mr. Lewis had a dumpster at the property for two days, then two weeks and did nothing. He said Mr. Lewis is not going to do anything to clean up the property. Mr. Bavo said this has been going on for nine years, and he is sick and tired of it. The City Attorney, who is out of town, responded to a text from Councilor Chamberlain and said that the City cannot go onto the E. Elm Street property without a court order; it is illegal.

507 Stone Street (Kistner) & 112 Madison Street (Xedis)

The Mayor said that the City hasn't gotten any repair quotes for these parcels as of yet. He said that he is working on a policy for handling these matters formatted after the way the City of Rome does it. Supervisor Magliocca said that this would fall under Codes Enforcement to secure these quotes.

1178 Glenwood Avenue (Britton)

The City Engineer confirmed that the property has been cleaned out, and the mailbox has been removed.

Moved by Councilor Bowe
Seconded by Councilor Coulthart

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

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Acker
Seconded by Councilor Cohen

RESOLVED, that Warrant No. 9 checks and ACH payments in the amount of \$473,917.44, 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 Simchik

RESOLVED, that checks in the amount of \$1,556.25 (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

FIREWORKS DISPLAY FEE

RESOLUTION 19-135

Moved by Councilor Acker
Seconded by Councilor Simchik

WHEREAS, on April 2, 2019 the Common Council adopted Ordinance 19-01 amending the City of Oneida Code provisions of Chapter 61 Fire Prevention, Article III, §61-18 Permits required, A. (14) relating to fireworks, **now therefore be it**

RESOLVED, that the Fireworks Display Fee of \$150.00 per Chapter 61 Fire Prevention, Article III §61-18 be hereby adopted.

Ayes: 6
Nays: 0

MOTION CARRIED

ADVERTISE FOR BIDS

RESOLUTION 19-136

Moved by Councilor Chamberlain
Seconded by Councilor Coulthart

RESOLVED, to authorize the Purchasing Agent to advertise for bids for Caustic Soda for the Water Department.

Ayes: 6

Nays: 0

MOTION CARRIED

ADOPT ORDINANCE 19-03 AMENDING THE ZONING MAP OF THE CITY OF ONEIDA TO CHANGE THE ZONING DESIGNATION FOR CERTAIN PROPERTY FROM BEING ZONED R-P (RESIDENTIAL PLANNED) TO C (COMMERCIAL) IN THE CITY OF ONEIDA

RESOLUTION 19-137

Moved by Councilor Chamberlain

Seconded by Councilor Cohen

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 enact, ordain and adopt Ordinance 19-03 amending the City of Oneida Zoning Map 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 R-P (Residential Planned) 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.

Councilor Cohen – Yes

Councilor Bowe – No

Councilor Coulthart – Yes

Councilor Acker – No

Councilor Chamberlain – No

Councilor Simchik – Yes

MOTION FAILED

Councilor Bowe said that he voted against the negative declaration last evening, because he has issues with several of the numbered determinations. He said that the Comprehensive Plan (CP) referred to in the EAF was drafted and filed in 2005/06, but it is now 14 years old. He said that at the time the CP was adopted, the parcel at 409 Genesee Street was Residential Planned (R-P), adding that he believes items #4 & #5 could justify leaving it R-P. He said that items #6 & #7 refer to more retail sales, loss of business, and more service and hospitality. He said that he thinks the Council should be more concerned with downtown and filling empty storefronts, and not building, or allowing to be built, a new commercial

zone. He said that item #9 is one of his biggest conflicts whereby in the CP it states; “protect residential neighborhoods against incompatible uses and in appropriately infill development.” He said that there is R-1 surrounding and abutting the RP zone. He said that there are four businesses across the street surrounded by R-1 and possibly looking back, the commercial existed before the Oneida Heights subdivision was established. He said that this zone change would be making a commercial zone in a residentially dominant neighborhood. He said that items #10 & #11 would get his same response; commercial zones are up and down Rt. 5, but this is a residentially dominant area. He said that with respect to #13, he doesn’t believe that this zoning change is either compatible or supported. He said that #14 refers to the NYS DOT Corridor Study, adding that he has been pushing for a study for nearly six years. Councilor Bowe said that number 15 refers to water and sewer service availability. He said that he believes it is possible, but it is not in front of the property, as the sewer is 300-500 ft. away. He said that the Comprehensive Plan recognized this an R-P zone, not commercial. Councilor Bowe said that he has issues with 11 of the 16 items in the EAF, and that is mostly why he is voting against this. He said that traffic and traffic safety are environmental concerns, and he feels traffic will continue to be big concerns going forward.

Jill Christian-Lynch, Evergreen Valley Drive, Oneida, said that she sent the Council and Mayor an email relative to the 409 Genesee Street parcel that she would like received and placed on file.

**RECEIVE AND PLACE ON FILE AN EMAIL FROM
JILL CHRISTIAN-LYNCH PERTAINING TO 409 GENESEE STREET**

RESOLUTION 19-138

Moved by Councilor Bowe
Seconded by Councilor Chamberlain

RESOLVED, that an email from Jill Christian-Lynch to the members of the Oneida City Council and Mayor Matzke dated May 7, 2019 be hereby received and placed on file.

Ayes: 6
Nays: 0

MOTION CARRIED

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 19-139

Moved by Councilor Chamberlain
Seconded by Councilor Cohen

RESOLVED, to authorize the following budget transfers/amendments:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$86,000.00	002.0002.0912.0000 Water Fund Balance	203.8300.0400.0000 WTP Generator Expense

(To allocate funds to Capital Project 18-2 Water Treatment Plant Generator Replacement)

Ayes: 6
Nays: 0

MOTION CARRIED

CAPITAL PROJECT 18-2 WATER TREATMENT PLANT GENERATOR

RESOLUTION 19-140

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, to authorize the Water Superintendent to proceed with Capital Project 18-2 Water Treatment Plant Generator Replacement, **and be it further**

RESOLVED, that the lowest bid meeting specifications for the Glenmore Water Treatment Plant Generator Replacement in the amount of \$134,000.00 from O'Connell Electric Company, Hancock Airpark, 7001 Performance Drive, North Syracuse NY 13212 be hereby approved, **and be it further**

RESOLVED, to authorize the Water Superintendent to expend funds up to the amount of \$186,000 for Capital Project 18-2, **and be it further**

RESOLVED, to authorize the Mayor to sign all documents related to Capital Project 18-2 Water Treatment Plant Generator Replacement.

Ayes: 6
Nays: 0

MOTION CARRIED

A RESOLUTION AUTHORIZING WATER AND SEWER IMPROVEMENTS ON WEST ELM STREET IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$2,137,000, AND AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OF SAID CITY TO PAY COSTS THEREOF.

RESOLUTION 19-141

Moved by Councilor Acker
Seconded by Councilor Chamberlain

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. Water and sewer improvements on West Elm Street, including incidental expenses in connection therewith, in and for the City of Oneida, Madison County, New York, are hereby authorized at a maximum estimated cost of \$2,137,000.

Section 2. The plan for the financing of such maximum estimated cost is (i) by the issuance of \$900,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, and (ii) the appropriation and expenditure of \$1,237,000 grants and other available funds; provided, however, the amount of bonds to be issued shall be reduced to the extent of additional grants received in connection therewith.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 102 (subdivisions 1 and 4) 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 City Comptroller is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. 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 9. 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 10. 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 19-6 - WEST ELM STREET INFRASTRUCTURE

RESOLUTION 19-142

Moved by Councilor Acker
Seconded by Councilor Coulthart

RESOLVED, that the lowest bid meeting specifications for Capital Project 19-6 West Elm Street Infrastructure in the amount of \$1,822,222.00 from Manfred Construction, 5094 NYS Route 9N, Westport NY 12993 be hereby approved, **and be it further**

RESOLVED, to authorize the Mayor to sign a Professional Services Agreement with O'Brien & Gere, 333 West Washington Street, PO Box 4873, Syracuse NY for Construction Phase Engineering Services for the West Elm Street Infrastructure Capital Project 19-6 in the amount of \$160,000.00, **and be it further**

RESOLVED, that the City Engineer be authorized to expend funds in an amount not to exceed \$1,982,222.00 for said Capital Project 19-6 West Elm Street Infrastructure, **and be it further**

RESOLVED, that the Mayor be hereby authorized to sign any documents related to said Capital Project.

Ayes: 6
Nays: 0

MOTION CARRIED

The City Engineer said that the bids came in almost \$500K under budget. George Clark, Oneida questioned the amount of funding being received from Madison County, and Supervisor Magliocca said that the County is providing \$500K, the City is adding \$350K and \$1M is coming from the IDA for this infrastructure project.

NYS DOWNTOWN REVITALIZATION INITIATIVE GRANT APPLICATION

RESOLUTION 19-143

Moved by Councilor Acker
Seconded by Councilor Chamberlain

WHEREAS, the Governor of New York State has announced that the enacted 2020 State Budget includes \$100M in funding for the Fourth Round of Downtown Revitalization Initiative (DRI), **and**

WHEREAS, this successful initiative will support ten additional downtown neighborhoods awarding \$10M to one municipality in each region of the state, thereby boosting local economies and fostering vibrant neighborhoods that offer a higher quality of life, **and**

WHEREAS, the Governor's \$100M DRI is a comprehensive, multi-agency approach to transform vulnerable, vacant or forgotten areas of the state into livable, walkable, dynamic neighborhoods, **now therefore be it**

RESOLVED, that the Planning Director be hereby authorized to submit a grant application for the Fourth Round of the NYS Downtown Revitalization Initiative (DRI).

Ayes: 6

Nays: 0

MOTION CARRIED

In response to a question from Councilor Coulthart, the City Clerk said that she has individual letters of support for each of the Councilors to sign. The Planning Director said that all elected officials from the Federal Level on down will also be contacted for letters of support.

NEW BUSINESS

Fire Chief Dennis Fields said that his department has secured two \$500 grants for sprinkler projects. He said that they will be performing a "burn" at the Otto Shortell Middle School on May 22nd and will also do a "burn" for the Oneida Area Public Safety Day event on June 1st.

Chief Fields said that the new fire truck has been sent to Ohio for warranty work and will be out of service for about 2-4 weeks.

Councilor Acker said that the Oneida High School recently had their spring production of Mama Mia and are nominated in 9 categories for awards through the Syracuse High School Theatre Award competition to be held on June 2, 2019. She said that she is planning on having the group come to the meeting on June 4th to perform for the Council.

Motion to adjourn by Councilor Chamberlain

The regular meeting is hereby adjourned at 7:10 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk