

**MINUTES OF THE COMMON COUNCIL
NOVEMBER 5, 2018**

A regular meeting of the Common Council of the City of Oneida, NY was held on the fifth day of November, 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 Deputy Mayor James Chamberlain

PRESENT: Councilors Alan Cohen, Mike Bowe, James Coulthart,
Helen Acker, James Chamberlain, and Thomas Simchik

ABSENT: Mayor Leo Matzke

ALSO PRESENT: City Clerk Susan Pulverenti
City Engineer Eric Schuler
Comptroller Lee Ann Wells
Fire Chief Dennis Fields
Supervisor Joseph Magliocca

RULES OF ORDER AT COUNCIL MEETING

Deputy Mayor Chamberlain said that they have always been very lenient with allowing comments from the audience; however, during the past couple of meetings the guidelines have not been followed. He asked that audience members not speak out without raising their hands to be acknowledged by the Mayor or himself. He said that they may or may not be allowed to speak at that time, but if they are not called on at that time, they may be given the opportunity later in the meeting. He said that if an audience member is acknowledged and called on to speak, to please stand up, identify yourself (name and where you live) before speaking.

PRESENTATION – 2019 CENTER CITY MARKET

Paul Marco, OC3 Committee, said he has received great feedback on the success of the 15 weeks of the Center City Market. He said they had a total of 22 different vendors, 5 non-profit organizations, 16 different bands and 3,750 visitors throughout the event. He expressed his thanks for the efforts of the Police, Fire, and Recreation Departments, Council and Mayor. He said that next year they will be shortening the event from 15 to 13 weeks; starting June 6th and ending August 29th and to minimize the impact on Broad Street, they prefer to start at 5 pm rather than 4 pm. He said that they will still partner with non-profits and community groups and will schedule specific community weekly events, such as a classic car night and motorcycle night. Mr. Marco said that they would also like to designate a closed off portion of Higinbotham Park where Market patrons can enjoy the beer or wine that they purchased at the market; it cannot be carried in in coolers, etc.. He said that this would be highly regulated, noting they would partner with the police department again this year, and again it would only be for purchases made from microbreweries or wineries at the market.

Deputy Mayor Chamberlain said he was interested in how the patrons would be monitored going from the market into this area. Councilor Bowe said, with the police presence, outside the marked area could be considered “open container” and inside would not. Mr. Marco said they want this to remain an enjoyable community event. Dr. John Costello Jr., OC3 Committee, said that they would have different microbreweries/wineries on alternate weeks at the market, and they would like to have a confined area where visitors to the market can sit at a picnic table, enjoy their drink purchase and listen to the music. Councilor Acker congratulated OC3 on the fabulous job they did this past year, and the Council

applauded them. Councilor Coulthart said he likes the idea of theme nights, noting that the beach has their cruise-in night on Thursdays, and Councilor Bowe said that maybe they could partner with the local dealership to get involved with a car show night. Councilor Coulthart suggested community outreach by the Police and Fire Departments, and Mr. Marco said both Departments were involved last year, and they will be participating in the City's Public Safety Day in the spring. Mr. Marco said that they will take care of all the required permits for the alcohol in the park and otherwise. Councilor Cohen said he applauded their efforts, stating that the Council may not be able to answer all their questions tonight, as they will need to consult with City Attorney Nadine Bell. Councilor Bowe concurred and asked Mr. Marco to please put his proposals in writing for review by the Attorney and the Council.

OLD BUSINESS

1178 Glenwood Avenue – Extension Expired

Deputy Mayor Chamberlain stated that the extension for Robert Britton to complete the demolition work at 1178 Glenwood Avenue expired on November 1, 2018. He said that Codes Enforcement Officer Pat Baron recommended that this work be completed/inspected before winter. Councilor Simchik said that Mr. Britton had a year to complete this before the last extension was given. Councilor Cohen said that he had a problem with permitting. Councilor Coulthart said there are also tax responsibilities to consider. The Council briefly discussed this further and decided to allow another extension to December 14, 2018 for the work to be completed.

GRANT A SECOND EXTENSION TO THE SEPTEMBER 21, 2017 REHABILITATION, DEMOLITION AND PURCHASE AGREEMENT FOR THE PROPERTY LOCATED AT 1178 GLENWOOD AVENUE

RESOLUTION 18-225

Moved by Councilor Cohen
Seconded by Councilor Bowe

WHEREAS, on or about April 28, 2016, the City of Oneida acquired a tax deed for real property known and designated as 1178 Glenwood Avenue, in the City of Oneida, New York, Tax Map No. 38.74-1-6 ("Property"), **and**

WHEREAS, at the May 3, 2016 Common Council meeting, the Property was declared excess property, thereby eligible to be sold for fair market value, **and**

WHEREAS, a Purchase Offer for the property located at 1178 Glenwood Avenue, Oneida NY, Tax Map No. 38.74-1-6 was submitted by Robert Britton, PO Box 426, Oneida NY 13421 offering the City of Oneida \$100.00, plus the cost of demolition and removal of demolition debris, contingent upon the performance of an environmental analysis to be completed at the expense of the purchaser was accepted by the Common Council at the September 19, 2017 meeting Resolution 17-276, **and**

WHEREAS, the Property was also in need of rehabilitation, and the City chose to sell and convey said Property to Robert Britton, PO Box 426, Oneida NY 13421 and obtain a written guarantee, in the form of a "Rehabilitation, Demolition and Purchase Agreement," that he will perform and accomplish the necessary demolition and rehabilitation within the agreed upon time frame of one-year from the date said Agreement is executed, **and**

WHEREAS, Robert Britton appealed to the Mayor before the August 21, 2018 Common Council meeting to request an extension to the September 21, 2018 deadline of the Rehabilitation, Demolition and Purchase Agreement executed by the Mayor and Robert Britton on September 21, 2017, as an asbestos survey must be obtained before preceding further; **and**

WHEREAS, the Common Council granted an extension to November 1, 2018 to the deadline of the original Rehabilitation, Demolition and Purchase Agreement dated September 21, 2017 for property located at 1178 Glenwood Avenue, Oneida NY, Tax Map No. 38.74-1-6., **and**

WHEREAS, Robert Britton failed to meet the extension deadline of November 1, 2018 granted by the Common Council on September 4, 2018 to the original Rehabilitation, Demolition and Purchase Agreement; **now therefore be it**

RESOLVED, that the Common Council hereby grants a second extension to December 14, 2018 to the deadline of the original Rehabilitation, Demolition and Purchase Agreement dated September 21, 2017 for property located at 1178 Glenwood Avenue, Oneida NY, Tax Map No. 38.74-1-6.

Ayes: 5

Nays: 1 (Simchik)

MOTION CARRIED

518 W. Elm St. - Demolition not completed per 05/27/17 Agreement

Deputy Mayor Chamberlain said that Mr. Griffing has not been able to fulfil the May 27, 2017 agreement to demolish the property at 518 W. Elm Street and said the Council should consider taking the property back so that we can move ahead with the demo next year. He said that the City is not doing the neighborhood any favors leaving that property in such disarray. After a brief discussion, the Council agreed to take the property back and have the City Attorney draw up the necessary paperwork.

**APPROVING THE TERMINATION OF THE SALE
OF THE PROPERTY LOCATED AT
518 WEST ELM STREET, ONEIDA, NEW YORK**

RESOLUTION 18-226

Moved by Councilor Acker

Seconded by Councilor Cohen

WHEREAS, the City of Oneida was the owner of real property situated at 518 West Elm Street, in the City Oneida, Tax Map No. 30.69-1-7.1 (“Property”); **and**

WHEREAS, because the Property was in need of extensive rehabilitation and/or demolition, the City of Oneida (hereinafter “Seller”) chose to sell and convey said Property subject to the execution of an agreement wherein the buyer agreed to demolish the residential structure situated upon the Property; **and**

WHEREAS, a Purchase Offer for the Property located at 518 West Elm Street, in the City Oneida, Tax Map No. 30.69-1-7.1, was submitted by James A. Griffing, 508 West Elm Street, Oneida NY (hereinafter “Buyer”) and received and placed on file; **and**

WHEREAS, the Common Council approved the sale of the real property located at 518 West Elm Street, Oneida, New York known as Tax Map No. 30.69-1-7.1, in consideration of Two Thousand Five Hundred Dollars (\$2,500.00) and the execution of a Demolition Agreement, plus closing costs and fees, at the May 16, 2017 Common Council Meeting, Resolution 17-142; **and**

WHEREAS, a Demolition Agreement was executed by James A. Griffing and Deputy Mayor James Chamberlain on May 25, 2017, wherein the Buyer agreed to complete the demolition of the existing residential structure on the Premises located at 518 W. Elm Street within one-hundred twenty (120) days after the execution of the said Agreement; **and**

WHEREAS, the Buyer has failed to meet the deadlines as outlined and agreed upon in the May 25, 2017 Demolition Agreement; **and**

WHEREAS, Section V of the Demolition Agreement states that should the Buyer be in violation of any the provisions of the agreement, the Seller shall have the sole right to terminate the Agreement upon thirty (30) days written notice to the Buyer, subject to the Buyer's right to cure any such defaults within that period; **and**

WHEREAS, as further stated in Section V of the Demolition Agreement, in the event of such termination, the Buyer shall forfeit any and all monies paid to the Seller, title to the premises shall revert back to the Seller, and the Seller shall have all such other rights as reserved in the Demolition Agreement; **now therefore be it**

RESOLVED, that the City Attorney is herein authorized to prepare any and all documents necessary to effectuate the termination of said Agreement for execution by the Mayor or Deputy Mayor of the City of Oneida.

Ayes: 6

Nays: 0

MOTION CARRIED

Snow Removal in the Parking Lots - Kallet Civic Center and Cosbros Properties LLC

Deputy Mayor Chamberlain said that a letter was received from John Costello Sr. on September 7, 2018 asking for the City to remove any snow piles from their parking lot in exchange for allowing Kallet patrons to use their parking spaces on nights and weekends. The Deputy Mayor said he knows that the Costello's currently allow parking in their lot at night, and we pick up snow piles right next to theirs. He said that he also is aware that some have said we would be opening up a can of worms.

John Costello Sr. asked the Council if they could remove the snow pile buildup in their parking lot adjacent to the Kallet Civic Center's lot, noting that the only division between the City's snow pile and theirs is the guard rail. He said that they have a person who does the plowing; they just need the big piles of snow removed should it accumulate. John Sr. said that they remove the chains on their lot at 5:00 p.m. and allow Kallet patrons to park in their 65-space lot on nights and weekends.

A discussion ensued. Councilor Simchik suggested that maybe the City's pay loader could come in from the back gate. John Costello Jr. said they are trying to be a good neighbor to the Kallet. Councilor Cohen said the Council will have to seek legal advice from the City Attorney. John Sr. said an insurance certificate would be provided to the City. He said that they share services with the high school, as well, and they provide the school with proof of insurance. John Sr. suggested that possibly a mutual agreement could be drawn up with the City charging for snow removal, and they will in turn charge the City for use of the parking spaces. Councilor Acker stated that the "fair market value" of the services has to be

determined. Councilor Bowe questioned why an agreement wasn't addressed six years ago with the initial sale. He said that the Council has to confer with our attorney, but agrees this could mutually benefit all of us. John Sr. said that he knows other municipalities that have working agreements and said he would share copies. John Jr. said relating to the issue with the dumpsters, the City had a 1982 agreement with Zeller and the dumpsters have been located in the same spot for 36 years, but all of the sudden it seems to be a problem. He noted there is enough space on the pad for the Kallet's dumpster also. Deputy Mayor Chamberlain said that the Council will confer with the City Attorney to get these matters resolved shortly.

Harboring Chickens in the Inside District

Deputy Mayor Chamberlain suggested the Council formalize their decisions with respect to harboring chickens in the inside district. Councilor Acker said that she heard from several people before the last meeting relating to chickens, but hasn't heard from anyone since that meeting and suggested the Council just drop it at this point. Councilor Bowe concurred.

HARBORING CHICKENS IN INSIDE DISTRICT - MATTER CLOSED

RESOLUTION 18-227

Moved by Councilor Bowe
Seconded by Councilor Acker

RESOLVED, that the Common Council agrees that the issue of any changes to the City Code or Local Laws relating to the harboring of chickens in the inside district will not be further addressed and the matter is hereby closed.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, that the minutes of the regular meeting minutes of October 16, 2018 and special meeting minutes of October 22, 2018 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Simchik
Seconded by Councilor Bowe

RESOLVED, that Warrant No. 22, checks and ACH payments in the amount of \$1,381,748.85, 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 Cohen

RESOLVED, that a check in the amount of \$3,162.50 (City Attorney) as audited by the Voucher Committee is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5
Nays: 0
Abstain: 1 (Bowe)
MOTION CARRIED

MISCELLANEOUS UTILITY BILLING

RESOLUTION 18-228

Moved by Councilor Acker
Seconded by Councilor Bowe

RESOLVED, that the City of Oneida Miscellaneous Utility Billing for unpaid service charges, water rents and sewer taxes be hereby received and placed on file, **and be it further**

RESOLVED, that authorization is hereby given to include said charges in the 2018 assessment roll to be re-levied onto the 2019 tax roll, **and be it further**

RESOLVED, that a Public Hearing will be held on the aforementioned Miscellaneous Utility Billing on November 20, 2018 at 6:30 p.m. in the Council Chambers at the Oneida Municipal Building at 109 N. Main St., Oneida, NY.

Ayes: 6
Nays: 0
MOTION CARRIED

Councilor Acker said that the amount of relevy is \$49,269.37.

2019 CITY OF ONEIDA MAYOR'S BUDGET

RESOLUTION 18-229

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, that the 2019 City of Oneida Mayor's Budget be hereby received and placed on file, **and be it further**

RESOLVED, that a Public Hearing on the proposed 2019 City of Oneida Mayor's Budget shall be held on November 20, 2018 at 6:30 p.m. in the Council Chambers at the Oneida Municipal Building at 109 N. Main St., Oneida, NY.

Ayes: 6
Nays: 0
MOTION CARRIED

Councilor Coulthart commended the Mayor on his addressing the issue with the mini-brook around Broad and Sylvan Streets in his budget.

BUDGET AMENDMENTS/TRANSFERS

RESOLUTION 18-230

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, to approve the following budget amendments/transfers:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$4,587.00	001.0001.0912 General Fund Balance	001.9010.0806 ERS Retirement
\$4,204.00	002.9060.0805 Water Health Insurance	002.9010.0806 ERS Retirement
	<i>(To reallocate funds for payment of ERS Retirement)</i>	
\$10,480.00	003.0003.0912 Sewer Fund Balance	003.8110.0404 Sewer Fiscal Bonding Fees
	<i>(To reallocate funds to cover bond fees for Sewer Fund Projects)</i>	
\$441.96	001.0023.2770 General Fund Misc.	001.5110.0403 DPW Contracts
	<i>(To reallocate refund received to cover DPW expense)</i>	
\$7,500.00	001.0001.0912 General Fund Balance	001.3120.0306 Police-Gasoline
\$8,000.00	001.0001.0912 General Fund Balance	001.5110.0305 DPW-Gas/Diesel
	<i>(To allocate funds to cover gasoline usage through 2018)</i>	

Ayes: 6

Nays: 0

MOTION CARRIED

The Comptroller said that she hopes the amount funded for gas will be enough for the rest of the year. The City Engineer said that gas costs are estimated each year and use can depend on the number of storms. He also said that the DPW used their trucks to haul paving this year, and although the gas costs may be higher, the savings from using a contractor is significant.

**ONEIDA TRAFFIC SAFETY ADVISORY BOARD
& RECREATION COMMISSION APPOINTMENTS**

RESOLUTION 18-231

Moved by Councilor Cohen
Seconded by Councilor Bowe

RESOLVED, that the Mayor's re-appointments of Kathy Malinowski, Donald White and James Dalzell to the Oneida Traffic Safety Advisory Board be hereby approved, **and be it further**

RESOLVED, that the Mayor's appointment of Thomas Carolla and re-appointment Brendan Farnach to the Recreation Commission be hereby approved.

Ayes: 6
Nays: 0

MOTION CARRIED

Councilor Cohen said thanked those on Traffic Safety for the feedback received relating to the safety issues on Middle Road.

PROFESSIONAL SERVICES AGREEMENT

RESOLUTION 18-232

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that the appropriation of funds in the amount of \$20,000 for Capital Project 16-09, WTP Generator Replacement be hereby authorized, **and be it further**

RESOLVED, to authorize the Mayor to sign a Professional Services Proposal with GHD, One Remington Park Drive, Cazenovia NY 13035 to provide engineering services for Glenmore Treatment Plant Generator Replacement, in an amount not to exceed \$32,300.

Ayes: 6
Nays: 0

MOTION CARRIED

ADVERTISE FOR BIDS – WATER TREATMENT CHEMICALS, WWTP CHEMICALS AND WWTP LAB SERVICES

RESOLUTION 18-233

Moved by Councilor Acker
Seconded by Councilor Coulthart

RESOLVED, to authorize the Purchasing Agent to advertise for bids for chlorine, sodium hypochlorite, and aluminum sulfate, zinc orthophosphate and liquid polyphosphate used in Water Treatment, **and be it further**

RESOLVED, to authorize the Purchasing Agent to advertise for bids Liquid Cationic Polymer used in Waste Water Treatment, **and be it further**

RESOLVED, to authorize the Purchasing Agent to advertise for bids for 2019 Waste Water Treatment Plant Lab Services.

Ayes: 6

Nays: 0

MOTION CARRIED

CONTRACT EXTENSION

RESOLUTION 18-234

Moved by Councilor Simchik

Seconded by Councilor Coulthart

RESOLVED, that authorization be hereby given to extend the chemical contract for Caustic Soda with JCI Jones Chemical Inc., 100 Sunny Sol Blvd., Caledonia, NY 14423 for an additional six month term from the date of expiration, in accordance with the existing contract.

Ayes: 6

Nays: 0

MOTION CARRIED

**SCHEDULE A PUBLIC HEARING PER ONEIDA CITY CODE CHAPTER 34, ARTICLE III,
UNSAFE BULDINGS AND COLLAPSED STRUCTURES – 216 E. ELM STREET**

RESOLUTION 18-235

Moved by Councilor Acker

Seconded by Councilor Cohen

WHEREAS, the City of Oneida Common Council has received an updated report dated October 27, 2018 on the property owned by Scott Lewis located at 216 East Elm Street, Tax Map. No. 30.64-1-53, prepared by the new Assistant Fire Marshal Reay W. Walker, **now therefore be it**

RESOLVED, that the October 27, 2018 Report of Unsafe Structures, as per Oneida City Code Chapter 34, Article III, Unsafe Buildings and Collapsed Structures from Assistant Fire Marshall Reay W. Walker for property located at 216 East Elm Street, Tax Map. No. 30.64-1-53, be hereby received and placed on file, **and be it further**

RESOLVED, that a Public Hearing be scheduled, and notice provided to the property owner and interested parties in accordance with Chapter 34, for December 4, 2018 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY 13421 to afford the Common Council the opportunity to issue an order deeming the property to be a “Public Nuisance” and to order corrective action be taken on the following property located at 216 East Elm Street.

Ayes: 6

Nays: 0

MOTION CARRIED

The Fire Chief said that this is the property Mr. Bavo was complaining about at a recent Council meeting. The Chief said the Council is receiving a new report issued by the Assistant Fire Marshal Reay W. Walker tonight.

PROFESSIONAL SERVICES AGREEMENT

ASBESTOS MONITORING INSPECTIONS FEMA BUYOUT

RESOLUTION 18-236

Moved by Councilor Cohen
Seconded by Councilor Acker

RESOLVED, to authorize the Mayor to sign a Professional Services Agreement with AECC Environmental Consulting, 6308 Fly Road, East Syracuse, NY 13057 to conduct asbestos-related monitoring and inspections for the FEMA Buyout Capital Project.

Ayes: 6

Nays: 0

MOTION CARRIED

NEW BUSINESS

Councilor Bowe reminded everyone to get out and vote tomorrow, and he also stated that Thursday is National Recycling Day.

City Engineer Eric Schuler said that the DPW's fall cleanup has started. He said that once the fall cleanup is finished, there will not be any more yard waste picked up until spring.

Motion to adjourn by Councilor Coulthart

The regular meeting is hereby adjourned at 7:22 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk