

**MINUTES OF THE COMMON COUNCIL  
OCTOBER 1, 2019**

A meeting of the Common Council of the City of Oneida, NY was held on the first day of October, 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  
Planning Director Cassie Rose  
Fire Chief Dennis Fields  
Police Chief Paul Thompson  
Supervisor Joseph Magliocca  
Supervisor Mary Cavanaugh  
Supervisor John Reinhardt

**PUBLIC HEARING**

**RESOLUTION 19-216**

Moved by Councilor Chamberlain  
Seconded by Councilor Bowe

**RESOLVED**, that the Public Hearing on a proposed Ordinance to amend the Zoning Map of the City of Oneida to change the Zoning designation for property located at 409 Genesee Street being zoned R-P (Residential Planned) to C (Commercial) be hereby opened.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

The Mayor said the Public Hearing will run the same as the last time, noting that speakers will be given three minutes, and the City Engineer will be timing each person. He said that each person will be allowed to speak once.

**APPEARANCES**

Randy Jones, 521 W. Elm Street, Oneida, said that he is familiar with the situation at 409 Genesee. He said he had 20 acres that he purchased, and the concerns with the neighbors were all resolved. He said that he has many friends here tonight, so this is not personal. He said that this property has been vacant/for sale for thirty years, and these folks got to enjoy it at the cost of either the taxpayers and/or owner with no one stepping in to purchase it over 30 years. He said that if you wanted it forever wild, you should have stepped up, saw the future and purchased it. He said that the Council has been put in a tough spot looking to advance the City, not just the neighborhood. He said that the risk factor of Commercial zoning makes him a little nervous too, but there hasn't been a bold move in this City in over fifty years. He said that the energy being used to fight this could be better spent working with the Council trying to resolve this and make it better for all of us. He said respectively, one person came here from out of state to enjoy this environment, after he and others worked 50 years to make this environment what it

is, and now it is his time to preserve it. He said that this change in zoning has both benefits and risks, and he is unsure how the Council will vote, but he supports this decision.

Jeff Barlow, 402 Fultz Drive, Oneida, said that he has a couple of concerns. He said that when you vote on rezoning, you are not voting on the owner's plans, but to make the parcel Commercial. Mr. Barlow said that if the zoning is changed, later on down the road that property could be sold, and something else could go in there. He said that the other thing is that nothing has been done on his side of the property. He said that it is his understanding that the owner wants to keep that strip of land to put cottages in. He said that the lodge would close at a certain time, but for people staying in the cottages, the party would continue on, and there could be a noise factor.

Russell Blanchard, 6470 Creek Road, Oneida, said that he has been trying to work with the Council for over a year now, noting that this is a bold move. He said that he wants to do something different with this property, which has sat vacant for 20+ years. He said that he has heard a lot of "what ifs". He said "what if" he knew a developer who wanted to buy the old P&C plaza, but needed a Thruway entrance to do so. "What if" that same developer wanted to buy the old Hotel Oneida and that whole triangle with the Elks Lodge, but he can't do it without a Thruway interchange. He said that anything can happen; there are a lot of "what ifs". He said that you can't go on "what ifs", you have to go on what we are trying to do to better a community that he and his family have lived in for generations. He said that he doesn't have to do this; he wants to do this, and he is choosing to do this. He said that he is choosing to make a multimillion investment in an area. He said that he has heard over the years how bad Oneida is with all the things going on, Meth labs and such. He said that we want to do some things to make a change, to bring some jobs in and to better the community. He said that there is not one person on this Council who doesn't want to bring jobs to this area. He said that the Council years ago decided not to bring the Thruway entrance to Oneida, because it would bring drugs to the area. Mr. Blanchard said to look at the Thruway exchanges on either side of us who don't have the problems with crime and drugs that we have right here. He said that he is ready to make some bold changes and to work with the City to do that. He said that he has already proved that to the City by the amount of money he has spent taking down a dilapidated building that no one else wanted to do. He thanked the Council for their time.

Shawn Lynch, 1131 Evergreen Valley, Oneida, said that he has been here since he was 18 years old, and he has spent a lot of money here in the City. He said he did a lot of development of housing on the backside of Deerfield Drive where people enjoy the deer and are enjoying Oneida's finest. He said that everyone worked hard to do Oneida's finest in two things. He said that we are trying to protect, based on the masterplan, and now you are trying to do a big void of that plan and shoehorn a commercial zone between two residential areas. He said that the Council should please remember that you are not voting on his plan, and there have been a lot of changes with his plan. He said we don't know what his plans really are, noting that a big box store could pop up in there in a year and a half. He said that they are concerned for their safety, and this is safety driven. At the \$585K price for the golf course property, it was an unreachable number for any neighborhoods who would have purchased that property. He said there were people who would have bought the property for the amount that Mr. Blanchard paid for it, noting that they checked on it just prior to Mr. Blanchard buying it, and the number was still \$400K something. He said that the number dropped like a rock, and Mr. Blanchard jumped on it. Mr. Lynch said that Mr. Blanchard purchased a property that was not zoned commercial and now he wants to stuff it into a residential neighborhood, which is a problem for all us living in that area. He said to consider if this is changed to a commercial zone, we won't know what his plans are until it goes through Planning. He said that it could be sold and a truck stop would be there tomorrow, with hundreds of trucks going through there. He said that they tried to do the small area up front slowly and carefully, but nope; he wants all 42 acres where there are some nice homes and condos on the side. He said that the Council should strongly consider their vote, and he thanked them for all the time they have put into this.

Dave Valenti, Valenti Country Estates, Oneida, said that he has been coming down from Syracuse for the last 6-8 months to get everyone's thoughts on this proposal. He said that he can't get away from the fact that we are taking away the remaining piece of residential land in this City, and we are proposing taking it away for a Commercial property that he has no idea of the feasibility or if there were any kind of studies

done by the State to show all of the Council if there is a need for more commercial space, which will continue to add to the blight of downtown Oneida. He asked if anyone has thought about having more commercial space on Rt. 5 and what it will do to the blight of downtown. He asked the Council to be very careful about their decision.

Mike DeBottis, 1017 Evergreen Valley Drive, Oneida, said that the owner of the parcel proposed to be changed to commercial talks about investing a few hundred thousand dollars, but the average homeowner up there has invested just as much as this individual. He said that just because someone has invested monies in a property that is not a reason to change the zoning classification. He said that you and your predecessors had a covenant with the homeowners that bought up there and was zoned Residential-Planned. He said that the City Attorney was asked where the City has taken a virgin piece of land that was Residential-Planned and done this, and she failed. He had that she came up with a couple of frankenstein properties that were already zoned commercial/industrial properties and combined them under one big owner, but that is different from taking a piece of land from the covenant of the people and saying this will be Residential-Planned, and we are going to use this as a footprint in our City. He said that people built all around it and depended on that. He said that he agrees we need more business, but the City has zones set up for this. He said that this gentleman created his own hardship, and then he asks you to impose his will on all those people who have made this investment. He said that there are tens of millions of dollars invested on the real property around this parcel, and what if he puts in some big facility that creates the traffic that Councilor Bowe has been concerned with. He asked what if there are accidents there. He said that the Council loses its ability to control if Mr. Blanchard goes bust and someone else with a bigger pocketbook moves in. He said that an experienced County Planner, who has a degree, has recommended that a different approach be taken with this parcel by using a step-plan development process to retain some control over that parcel. He asked why the Council wouldn't listen to that, rather than the sales-pitchery, (instead of the legal advice) from the City Attorney. He said this is no offence to the City Attorney, she is doing a heck of a job as an advocate. He said but make no mistake about this, that's not legal advice. He said that legal advice should be balanced. Mr. DeBottis stated that is advocacy, and you are being sold this outcome. He said for the Council to use their independent minds, think this through and decide what is in the best interests of the City and all concerned. He said that the 350 people who signed that petition that are residents of Oneida are not in this room. Mr. DeBottis said that the people who are most affected are in this room, and they have been in the room, and they want you to vote no.

Jill Christian-Lynch, 1083 Evergreen Valley Drive, Oneida, said she would read her comments as quickly as possible, as her time is limited. She said that we can all agree that we want the Mayor and Councilor members to make informed and thoughtful decisions that are fair, equitable and transparent, which is why she is standing before you at this third public hearing on this matter. She said that you have heard a lot of information, some of it factual and some pure spin. She said that the decision before you is simple. Do you believe that a 33+ acre parcel, sandwiched between the back yards of two neighborhoods, is an appropriate site for a car dealership, truck stop, mall or other major commercial entities, because that is what you are voting on. She said that is what the Council voted down in the first place, and that hasn't changed. Many people have floated the idea of Mr. Blanchard working with the City to rezone each portion of the property, as he wants to move forward. This would minimize the likelihood of negative other commercial entities ending up in our backyards; it could have been a win/win for everybody. She said that Mr. Blanchard, who bought the property knowing that it was zoned Residential Planned, has repeatedly said that he bought the property to make money, and no one should be able to tell him what to do with it. She said that throughout this process, some of the Council have tried to shift the responsibility by saying that the concerns will be addressed by the Planning Board during site-plan review. She said that this is the same Planning Board, led by the City Planning Director, who have already determined that it sees no concern with the property being full commercial and has stated that some people just don't like change. She said that they are the ones:

- who did little to research and correct misconceptions about zoning history of this parcel, **and**
- who tried to circumvent the full environmental assessment process by incorrectly listing the action as Unlisted, when it clearly is not, **and**

- whose actions have resulted in the City Attorney completing a Full EAF and spin it for you at a last minute special meeting, **and**
- who has sent you limited, incorrect and sometimes incomplete information at times, **and**
- who rarely even bothered to inform the Council, the decision makers, on matters that are before the Planning Board.

She said to forgive her if she lacks trust in the Planning Board to take the steps to enact a thoughtful and equitable long-range plan for our community. She said to the Council that they are the checks and balances in this system, and the effects of this decision rest clearly in their laps.

Councilor Bowe said that the estimated area for phase 1 of a 1-3 phase proposed development, scheduled over a period of several years, is less than one acre. He said that the building footprint with approximately 250 parking spaces is 0.60 ± acres. He said that he believes the 32± acres is still too large to be zoned commercial. He said that he admires the determination and patience of Mr. Blanchard; however, the proposed buffers only address 1/2 of the surrounding properties. Councilor Bowe said that for several years traffic has been a concern in this area. He said that with the current situation, safe traffic flow would only be exacerbated by going forward. All along he said that he had hoped for a win/win for all involved, but he doesn't see it. He said that finally an unused area will have a viable function (sales tax revenue, property tax revenue and a mowed lot). Councilor Bowe said that he does not feel that we have protected the neighbors of 409 Genesee St enough, and that is why he cannot give this his full support. He said that by protecting the surrounding affected neighbors, we are also protecting the City. He reiterated that a 32± acres for a required less than one acre project footprint is not necessary.

Councilor Coulthart said that he would like to make a statement on the vote to change the zoning status of the property located at 409 Genesee Street from its present status to be zoned commercial for the purpose of forwarding a bold commercial effort. He said that he appreciates the idea of waiting until the next Council meeting to take such a vote on an important matter; however, in this instance he feels such a waiting period is not needed. He said that the just completed public hearing is in fact the third such hearing regarding this matter over the past few months, and he sees no significant change in the past two proposals. He said that this matter has come to the PCZBA at least the same number of times and has been returned swiftly and with little change. He said that it is also the role of the PCZBA to provide the public with a chance to address concerns they may have in that process. Councilor Coulthart said that there has been ample expression of public sentiment by many of the same people on the matter, and a delay will serve no useful purpose except to delay the matter even further.

Councilor Coulthart said that he will provide this statement to the City Clerk to place it on file, and the statement from Councilor Bowe will be placed on file as well.

Moved by Councilor Cohen  
 Seconded by Councilor Coulthart

**RESOLVED**, that Public Hearing on the proposed Ordinance to amend the City's zoning map be hereby closed.

Ayes: 6  
 Nays: 0

**MOTION CARRIED**

Mayor Matzke said that the residents of the City of Oneida are lucky to have the Department Heads we now have running this City. He said that most people don't have any idea of what they do. Mayor Matzke said that the City has a very good Planning Director and Planning Commission Zoning Board of Appeals. He said that he is thankful every day for our City Attorney. He reiterated that we are very lucky to have the Department Heads that we have here in the City.

Mayor Matzke said that we are going to stay with protocol and vote on the proposed 409 Genesee Street Ordinance amendment at the next Council meeting.

**OLD BUSINESS - None**

Moved by Councilor Chamberlain  
Seconded by Councilor Coulthart

**RESOLVED**, that the minutes of the regular meeting of September 17, 2019 are hereby approved as presented.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Moved by Councilor Simchik  
Seconded by Councilor Bowe

**RESOLVED**, that Warrant No. 20 checks and ACH payments in the amount of \$715,189.99, 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 checks in the amount of \$465.75 (Michael Bowe) 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

Absent: 1 (Bowe)

**MOTION CARRIED**

**ADOPT LOCAL LAW NO. 2 OF 2019 AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

**RESOLUTION 19-217**

Moved by Councilor Acker  
Seconded by Councilor Chamberlain

**RESOLVED**, that the Common Council of the City of Oneida, Madison County, New York does hereby adopt Local Law No. 2 of 2019 as follows:

**Section 1. Legislative Intent**

It is the intent of this local law to allow the City of Oneida to adopt a budget for the fiscal year commencing January 1, 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

### **Section 3. Tax Levy Limit Override**

The Common Council of the City of Oneida, County of Madison, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2020 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

### **Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

### **Section 5. Effective date**

This local law shall take effect immediately 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**

Councilor Bowe said that this Local Law has to be done just in case it is needed. He said that this is only a possibility, and the Council will do our best to keep the tax levy under the limit.

## **SALE OF REAL PROPERTY – 202 NORTH MAIN STREET**

### **RESOLUTION 19-218**

Moved by Councilor Coulthart

Seconded by Councilor Acker

**WHEREAS**, the City of Oneida is the owner of real property situated at 202 N. Main Street, Oneida, known as Tax Map No. 30.63-2-75 (the "Property"), **and**

**WHEREAS**, the Common Council declared the Property to be "excess property" eligible for sale at fair market value at its April 3, 2012 Common Council meeting, by means of Resolution 12-110, **and**

**WHEREAS**, for nearly one year, the City actively marketed the Property, the City Assessor having placed a "Property for Sale" sign on the Property, **and**

**WHEREAS**, despite efforts to market the Property, the City did not receive any viable purchase offers, **and**

**WHEREAS**, for nearly three decades the Property has not been used or maintained; the water was turned off to the structure on said Property over thirty (30) years ago and the structure on the Property was demolished over twenty (20) years ago; since demolition, the Property has remained vacant, **and**

**WHEREAS**, the City has received a Purchase Offer from Paul Marco, of 155 Madison Street, Oneida, New York 13421 for the Property, in the amount of the Property's current market value of \$3,000.00, as determined by the City Assessor, **and**

**WHEREAS**, the City of Oneida Land Committee, which is chaired by the City Assessor, has recommended to the Common Council by unanimous approval, the sale of said Property to Paul Marco as proposed, **now therefore be it**

**RESOLVED**, that the positive recommendation from the City of Oneida Land Committee recommending approval of the said sale of property located at 202 N. Main Street, Oneida, known as Tax Map No. 30.63-2-75, be hereby received and placed on file, **and be it further**

**RESOLVED**, that a Purchase Offer from Paul Marco, of 155 Madison Street, Oneida, New York 13421 for the Property, in the amount of \$3,000.00, which constitutes fair market value as determined by the City Assessor, be hereby received and placed on file, **and be it further**

**RESOLVED**, that the Common Council hereby accepts the aforementioned Purchase Offer and approves the sale of the property situated at 202 N. Main Street, City of Oneida, New York, Tax Map No. 30.63-2-75 to Paul Marco, of 155 Madison Street, Oneida, New York 13421 in the amount of \$3,000.00, plus closing costs and filing fees, **and be it further**

**RESOLVED**, that the City Attorney is herein authorized to prepare any and all documents necessary to effectuate such sale for execution by the Mayor.

Ayes: 6

Nays: 0

**MOTION CARRIED**

The Mayor said this is the property kitty-corner the Red Apple.

### **APPLICATION FOR WAIVER OF FEES**

#### **RESOLUTION 19-219**

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

**WHEREAS**, the Madison County Emergency Management and Communications is sponsoring the New York Citizen Preparedness Training Program on October 17, 2019 at the Kallet Civic Center, **and**

**WHEREAS**, said Training Program, which provides citizens an introduction to responding to a natural or man-made disaster, is in conjunction with Mayor Leo Matzke, Senator Rachel Mae, and Assemblyman John Salka, **now therefore be it**

**RESOLVED**, that the Common Council hereby grants a waiver of the Kallet Civic Center fees for the New York Citizen Preparedness Training Program at the Kallet Civic Center, 159 Main Street, Oneida NY on Thursday, October 17, 2019 at 6:30 p.m.

Ayes: 5

Nays: 1 (Coulthart)

**MOTION CARRIED**

Councilor Coulthart said that the Kallet costs need to be shared evenly by everyone in the community. He said he has serious concerns about allowing this for one group, then another comes and before you know it, we are just letting everyone use the facility for nothing. He said that a counter recommendation would be to charge any entities the charitable or non-profit rate, if they want to use the facility at no cost. In response to a comment by Councilor Coulthart, Mr. DeBottis said that he was looking for feedback from the City as to if they are going to step up and let the Rotary use the Kallet for the annual Thanksgiving dinner, which feeds over 400 people a free dinner and delivers 100 meals that folks might otherwise never have. Councilor Cohen said that this price list is intact, and we should keep it that way. He said that the County and State have deeper pockets than the City. Fire Chief Dennis Fields said that this cost would have to be paid by the County. Councilor Chamberlain said that he agrees with Mr. DeBottis, as he feels the dinner is a tremendous contribution to our City residents, and he would be the first to waive the fees for that event. He said that Emergency Management was so important and such a help to the City during the flood. Councilor Chamberlain said that he is tired of hearing "if we do this one group, we have to do this for another... no we don't." He said that we have to look at each individual circumstance and vote on it. Chief Fields stated that this is in cooperation with the State and County, where they will be providing those who register with backpacks with numerous items needed to be used in the event of an emergency. He said that he doesn't feel we should be charging any fees, but that is the Council's decision. He said that the County is donating the backpacks for this New York Citizen Preparedness Training Program. The Mayor said we would be providing the building, and the County is donating the backpacks. Councilor Acker also agreed that they were a great help during the flood and said that the fees for this event should be waived. Councilor Cohen said that the monies saved by the fees being waived would go towards the materials being handed out to the residents who attend.

### **ZONING MAP AMENDMENT**

#### **RESOLUTION 19-220**

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

**RESOLVED**, that the Positive Recommendation from the Planning Commission Zoning Board of Appeals to rezone approximately 32.3 acres located at 409 Genesee Street from Residential-Planned to Commercial be hereby received and placed on file.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **ZONING ORDINANCE AMENDMENT**

#### **RESOLUTION 19-221**

Moved by Councilor Coulthart

Seconded by Councilor Acker

**RESOLVED**, that the Negative Recommendation from the Planning Commission Zoning Board of Appeals for the proposed change to the City's Zoning Ordinance to allow for self-storage facilities as a permitted use in Commercial Zones be hereby received and placed on file.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**PROFESSIONAL SERVICES AGREEMENT AMENDMENT**

**RESOLUTION 19-222**

Moved by Councilor Acker

Seconded by Councilor Cohen

**RESOLVED**, authorize the Mayor to sign an Amendment to the Professional Services Project Development Agreement with Energy Systems Group, LLC for Capital Project 19-6 Oneida Long Term Waste Water Treatment Improvement Project Design Phase.

Ayes: 6

Nays: 0

**MOTION CARRIED**

The Mayor said that he applauds the City Engineer for the job that he is doing on this.

**CANVASS AND APPROVE BIDS**

**RESOLUTION 19-223**

Moved by Councilor Acker

Seconded by Councilor Coulthart

**RESOLVED**, that the lowest bid meeting specifications for the Oneida Recreation Center Gymnasium Floor Resurfacing, Capital Project 19-11 from Thor Performance Products, 2640 Route 9W, Cornwall NY 12518 in the amount of \$115,923.82 is hereby accepted.

Ayes: 3

Nays: 3 (Cohen, Chamberlain, Simchik)

**MOTION FAILED**

Councilor Cohen said that he doesn't understand the logic of redoing the floor before the roof is fixed. The Mayor said that he was told by the Recreation Director that the floor they are putting in is more of a linoleum base that won't give into the water. The Mayor said that the Recreation Director will be coming before the Council later this year for the roof repair, but he wants to get the floor done before winter. Councilor Bowe questioned how long the roof has been leaking and was told that it has been patched numerous times over the years. Councilor Coulthart said that the bid came in less than expected, and he believes this will be money well spent. Councilor Simchik said that the floor was budgeted for \$100K, and we are \$16K over budget already. In response to a question from Kelly Lewin, Supervisor Magliocca said the floor has been sanded/refinished a couple of times over the period of 18 years and cannot be sanded any further.

The City Clerk said that because this motion failed, the proposed bonding for this Capital Project and the authorization for the Recreation Director to proceed with the Capital Project will have to be pulled from the agenda, and the Comptroller concurred.

**APPROVAL OF APPLICATION SUBMISSION FOR THE ERIE CANALWAY  
NATIONAL HERITAGE IMPACT GRANT**

**RESOLUTION 19-224**

Moved by Councilor Coulthart  
Seconded by Councilor Simchik

**WHEREAS**, it is recognized that the Erie Canalway has played a significant role in the development of the City of Oneida with its proximity to the canal, **and**

**WHEREAS**, the City of Oneida supports the recreational and historical value of the Erie Canalway for its residents and visitors and wishes to take a role in developing a strong connection to the City of Oneida with the development and implementation of historical interpretive signs describing that historical significance of the Erie Canal, **and**

**WHEREAS**, the City of Oneida recognizes that the Impact Grant reimbursement funding is a one-to-one match program, and if awarded, the City of Oneida will administer the program; and all contractors will be hired and paid by the City of Oneida; and reimbursement will be submitted by the City of Oneida and the City of Oneida will be reimbursed, **now therefore be it**

**RESOLVED**, to authorize the City of Oneida Parks and Recreation Department to file a grant application with the Erie Canalway National Heritage Corridor, in the amount not to exceed \$12,000 and if awarded, to enter into an agreement and receive the reimbursement program for the purpose of developing and installing interpretive signs about the Erie Canal and relevant history to the City of Oneida.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**PROPOSED LOCAL LAW – ESTABLISH RESIDENCY REQUIREMENTS FOR  
CITY CLERK AND DEPUTY CITY CLERK**

**RESOLUTION 19-225**

Moved by Councilor Cohen  
Seconded by Councilor Simchik

**WHEREAS**, the Common Council of the City of Oneida introduces this Local Law to establish residency requirements for the position of City Clerk and Deputy City Clerk of the City of Oneida; **and**

**WHEREAS**, this Local Law shall supersede Public Officers Law § (3)(1); **and**

**WHEREAS**, an amendment of Article VII (City Clerk) of the Oneida City Charter to add a new Section 7.5 relative to the residence of the City Clerk and Deputy City Clerk shall read as follows:

**“Section 7.5 Residency of City Clerk and Deputy City Clerk.**

The person(s) holding the position of City Clerk or Deputy City Clerk need not be a resident or elector of the City of Oneida provided, however, that such person(s) shall reside in the County of Madison or in an adjoining county within the State of New York.”; and

**NOW THEREFORE BE IT RESOLVED**, that the proposed Local Law to amend the City Charter relative to the residency of the City Clerk and Deputy City Clerk of the City of Oneida be hereby received and placed on file.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Coulthart said that he has some concerns, and he asked if this is by State Law that affects the Deputy City Clerk, and the Mayor responded yes. Councilor Coulthart said that this is not about the incumbent; this is about the position. He said that after reading the section of the Law pertaining to this, aside from the elected representatives, the public most encounters the Clerk during the course of the day. He said that he feels strongly that the position, as the face of the City, should be someone with a vested interest in the prosperity of the City and should be a City resident. He said that a way to possibly mitigate this is with a nominal relocation bonus, but he feels strongly this position should be a City resident.

The Mayor said that we are just receiving and placing this Local Law on file. The City Clerk explained that a Public Hearing on this proposed Local Law also has to be scheduled, and if the Council is unsure that this is not how they want this proposed Local Law to read, then it needs to be modified before that Public Hearing. The City Clerk said that if it is modified after/during a Public Hearing, then the whole process has to start again, with receiving/filing the new Local Law and scheduling another Public Hearing, and the City Attorney concurred. Councilor Bowe asked if that means the Council still has time to discuss this, and the City Clerk said yes. City Attorney Bell said that this proposed Local Law can just be received/filed without a Public Hearing scheduled.

Councilor Bowe said that he has lived here all his life, worked for the City since 1975 and has been a Council member for six years, and you can't give me five department heads that are on call-out for sewer emergencies, ice and snow, flooding, etc. that are made to live in the City of Oneida, so why is this position? He said that it just doesn't make sense that this position should be held to that level. Councilor Coulthart said that the difference is the title of City Officer, and the Mayor said that is why the State is involved. The Mayor said that tonight we are just going to receive and file this proposed Local Law as per the City Attorney.

**CITY OF ONEIDA  
PROPOSED LOCAL LAW OF 2019**

**A LOCAL LAW TO AMEND THE ONEIDA CITY CHARTER RELATIVE TO THE  
RESIDENCY OF THE CITY CLERK AND DEPUTY CITY CLERK  
OF THE CITY OF ONEIDA**

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

**SECTION 1. LEGISLATIVE PURPOSE AND INTENT.**

The Common Council of the City of Oneida adopts this Local Law to establish residency requirements for the positions of City Clerk and Deputy City Clerk of the City of Oneida.

**SECTION 2. AUTHORITY.**

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law § 10.

**SECTION 3. SUPERCESSION.**

This Local Law shall supersede Public Officers Law § (3)(1).

**SECTION 4. AMENDMENT OF ARTICLE VII (CITY CLERK) OF THE ONEIDA CITY CHARTER TO ADD A NEW SECTION 7.5 RELATIVE TO THE RESIDENCY OF THE CITY CLERK AND DEPUTY CITY CLERK.**

Article VII (City Clerk) of the Oneida City Charter is hereby amended to add a new Section 7.5 titled "Residency" as follows:

**"Section 7.5 Residency of City Clerk and Deputy City Clerk.**

The person(s) holding the position of City Clerk or Deputy City Clerk need not be a resident or elector of the City of Oneida provided, however, that such person(s) shall reside in the County of Madison or in an adjoining county within the State of New York."

**SECTION 5. SEVERABILITY.**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

**SECTION 6. EFFECTIVE DATE.**

This Local Law shall be effective upon filing with the office of the Secretary of State.

**BUDGET AMENDMENTS/TRANSFERS**

**RESOLUTION 19-226**

Moved by Councilor Cohen  
Seconded by Councilor Bowe

**RESOLVED,** to approve the following 2019 Budget Amendment/Transfers:

<b><u>AMOUNT</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>AMOUNT</u></b>
\$1,700.00	002.8300.0436.0000 Water Contingency	002.8300.0403.0000 Contract Agreements	\$1,200.00
		002.8300.0324.0000 Water Meters & Parts	\$ 500.00
<i>(To reallocate funds for meter parts and the Baker generator)</i>			
\$5,000.00	001.0001.0912.0000 General Fund Balance	001.1355.0101.0000 Assessor Salaries	
<i>(To allocate funds to the Assessor Salary)</i>			

Councilor Bowe asked about the Baker generator, and the City Engineer said that it needs general maintenance, but rather than have the repairs done by an outside company, they will be done in-house.

The Mayor said that the City has hired a new Assessor from the Town of Vienna who will be working three days a week. He said that she is likable person and flexible with her time. In response to a question, the Mayor said that she will also take on the role of property manager.

## NEW BUSINESS

Supervisor Magliocca asked why the resolutions for Capital Project Capital Project 19-11 – Gym Floor Replacement failed and the others were pulled from the agenda. Councilor Chamberlain and Councilor Simchik both stated that it was agreed at budget time that the roof had to be fixed first before replacing the gym floor.

Supervisor Magliocca said that the steam engine themed bike rack for the Rail Trail has been placed across from City Hall. He said that the unique bicycle rack was modeled after a suburb of Rochester's bicycle rack. He said that Patti Meakin found this and reached out to the organization to see if we could replicate it. Supervisor Magliocca said that the bike rack was made possible by funding from the Oneida Improvement Committee, CNY Arts and the craftsmanship of Blacksmiths and Bicycles.

Councilor Coulthart said that the City has received an AA- rating from Standard and Poors with a stable outlook. He said that he is tired of hearing about how poor and impoverished this City is. He said that the only rating higher than the City's is AAA, and he doesn't know of any municipality who receives a rating that high. Councilor Coulthart said that the Council and our Comptroller Lee Ann Wells deserve a pat on the back for achieving that AA- rating. The Comptroller received a round of applause.

Carrie Earl, 216 E. Walnut Street said that they raised over \$43,000 with the Jessica's Heroes Walk/Run. She said that all this funding stays in our community for cancer care to help pay for transportation, food, mortgages, etc.; or whatever they may need. She said they will be taking donations until October 31, and residents have to go online to the Jessica Heroes site to make a donation and take a virtual walk.

Carrie Earl stated that this week is Homecoming Week for the Oneida Football team, who are doing fantastic this year. She asked that everyone display "orange and blue" colors this weekend, as many of businesses and residences throughout the City will be doing.

Motion to adjourn by Councilor Cohen

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

CITY OF ONEIDA, NEW YORK

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Susan Pulverenti, City Clerk