

**MINUTES OF THE COMMON COUNCIL  
OCTOBER 15, 2019**

A meeting of the Common Council of the City of Oneida, NY was held on the fifteenth 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 (left meeting at 8:00pm) 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  
Fire Marshal Tim Cowan  
Police Chief Paul Thompson  
Recreation Director Luke Griff  
Supervisor Mary Cavanaugh  
Supervisor Joe Magliocca  
Supervisor John Reinhardt

**PUBLIC HEARING**

**RESOLUTION 19-227**

Moved by Councilor Acker  
Seconded by Councilor Bowe

**RESOLVED**, that pursuant to City Code Chapter 34, Article III, Unsafe Buildings the Public Hearing regarding 311 Maple Street be hereby opened.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**APPEARANCES**

City Attorney Nadine Bell explained that this hearing is pursuant to City Code Chapter 34, Article III, Unsafe Buildings and Collapsed Structures for the Fire Marshal to present his report. City Attorney Bell inquired if anyone was here who had an interest in the property or was here tonight representing the owner of the property, and no one responded. Fire Marshal Tim Cowan was sworn in by the City Attorney.

The Fire Marshal stated that on May 17, 2019 an Order to Remedy was issued due to the condition of the property at 311 Maple Street. He said that the Order to Remedy was sent, because the east and west foundation walls were missing, and the condition of the property was very poor, noting this house was in the flood and was vacant. He said that on May 27, 2019, a second Order to Remedy was issued and sent to the owner via the US Mail and Certified Mail services requiring immediate corrective action due to the collapsing foundation walls, being cited from the same code sections as previously stated. Fire Marshal Cowan said that on June 7, 2019, a Final Order to Remedy was issued and sent to the owner (Gaucho

Property LLC) via the US Mail and Certified Mail services requiring immediate corrective action due to the collapsing foundation walls, being cited from the same codes as stated earlier. He said that there has been no contact at all from the property owner.

Fire Marshal Cowan said that he is recommending demolition for the building, as it is getting worse the longer it sits there. He said that the Fire Department has placarded the building along and placed yellow caution tape around the building. Fire Marshal Cowan stated that an asbestos survey must be done, and then the City would have to follow the proper procedures. The Mayor asked that the yellow tape around the property be replaced.

City Attorney Bell said that this is not a City owned property, so certain steps have to be followed. She said that Council has to decide if that property is a public nuisance and if a declaration is made, then a determination needs to be made if an order is appropriate. She said this should include the scope of the repair and the time frame to accomplish said repair. She said that the Council must decide whether or not demolition is appropriate and a time frame should be included with that order. City Attorney Bell stated that the Fire Marshal, in his professional opinion, has recommended that demolition is necessary. The City Attorney said that, as Counsel for the City, she did have a title company prepare an abstract of the property to identify all interested parties and the only interested party is Gaucho Property LLC, with no record of anyone else having any interest in the property. Attorney Bell said that notice has been sent to the property owner and it has been posted, as well as, filed with the Madison County Clerk's office as is required.

A discussion ensued regarding the reasonable time frame for demolition. The Fire Marshal stated that usually it takes up to 90 days to get an asbestos survey, asbestos removal if necessary and the demolition completed. After further discussion, the Council agreed to a 60 day time frame, which can be extended to 90 days if need be.

*A copy of the Fire Marshal's June 24, 2019 unsafe structures report for 311 Maple Street will be attached to the official minutes.*

Moved by Councilor Bowe  
Seconded by Councilor Coulthart

**RESOLVED**, that Public Hearing regarding 311 Maple Street be hereby closed.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**OLD BUSINESS** – None

### **SUPERVISORS REPORT**

Supervisor Mary Cavanaugh said that she contacted Verizon regarding the complaint at a previous meeting about the graffiti on the Verizon box at the corner of Cleveland Avenue and Seneca Street. She stated that Verizon came two days later, cleaned the graffiti off the box and put an order in for a \$90 can of spray paint.

Supervisor Cavanaugh said that a Resolution was approved by the Board of Supervisors to distribute the host community money and City will be receiving \$94,000.

Supervisor Magliocca said that the bad news is that the formula for distribution was not changed. He said it is still by total assessed valuation, which is a problem for the City because many homes were demolished during the Buyout process and the Oneida Indian Nation continues to purchase property here,

as they do in Towns of Lenox and Sullivan. He said that the good news is that there was significant discussion on the distribution formula. He said that because the County discussions on this matter were so late this year, his fellow supervisors from towns that are on a much smaller scale than the City would bear a big burden losing this funding so late in the game, as they are currently in the budget process. Supervisor Magliocca said that he anticipates discussing this matter earlier in the next year and hopes to be successful with changing the distribution formula the next time around.

Councilor Coulthart thanked Supervisor Cavanaugh for her efforts with Verizon to have the graffiti removed from the Verizon box. Councilor Coulthart said that the Supervisors who represent Oneida all need to get together, as the City needs a foursome when fighting for our City. Supervisor Cavanaugh said that is a goal. She added that the relationship between the City and County is another goal.

Moved by Councilor Chamberlain  
Seconded by Councilor Simchik

**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 Acker  
Seconded by Councilor Simchik

**RESOLVED**, that Warrant No. 20 checks and ACH payments in the amount of \$223,695.40, 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 \$12,090.30 (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**

**MONTHLY REPORTS**

**RESOLUTION 19-228**

Moved by Councilor Acker  
Seconded by Councilor Cohen

**RESOLVED**, that the monthly reports from the Chamberlain, City Clerk, City Engineer, Comptroller, Fire Department, Police Department and Recreation Department be hereby received and placed on file.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Coulthart questioned City Engineer about the mini-brook engineering project. City Engineer Schuler said that this is a very expensive project that will take additional time and funding. He stated that it will be discussed further in his budget.

Councilor Chamberlain gave kudos to the Oneida Police Department for the latest meth bust. He said that the department is working hard to protect our residents and rid this City of drugs.

The Mayor said that the City is actually doing better than last year with arrests, etc. He asked that the press put the information from the Police Department's report out to the public, and Chief Thompson said that he would sit down with the reporter.

Councilor Acker also thanked the Oneida Police Department. She said that the Department has a good group of people, and she is proud of that.

#### **AMEND SEQRA RESOLUTION**

#### **RESOLUTION 19-229**

Moved by Councilor Acker

Seconded by Councilor Coulthart

**RESOLVED**, that the proposed SEQRA Resolution for a proposed Ordinance to amend the zoning map of the City of Oneida to change the zoning designation for a certain property from R-P (Residential Planned) to C (Commercial) be hereby amended.

Ayes: 6

Nays: 0

**MOTION CARRIED**

#### **SEQRA RESOLUTION AND NEGATIVE DECLARATION FOR ORDINANCE 19-04 AMENDING THE ZONING MAP OF THE CITY OF ONEIDA TO CHANGE THE ZONING DESIGNATION FOR CERTAIN PROPERTY FROM BEING ZONED RP (RESIDENTIAL- PLANNED) TO C (COMMERCIAL) IN THE CITY OF ONEIDA**

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

Moved by Councilor Chamberlain

Seconded by Councilor Coulthart

**WHEREAS**, pursuant to Resolution 19-146, the City of Oneida Common Council received and placed on file a request from Russell Blanchard, a representative of Wolf Oak Acres, Inc., the owner of the parcel formerly owned by Capozzi's Realty, LLC, known as Tax Map No. 38.69-1-11, located at 409 Genesee Street (the "Property"), to change the zoning of a portion of the Property from R-P (Residential Planned) to C (Commercial), and referred Mr. Blanchard's request to the City of Oneida Planning Commission Zoning Board of Appeals (PCZBA) for review and comment; and

**WHEREAS**, during its consideration of the referral at its June 27, 2019 meeting, the PCZBA acknowledged the proposed buffer along the western and southern boundaries of the Property, consisting of approximately 8.5 acres, which would remain zoned R-P, as well as the setback requirements set forth in the Zoning Ordinance and the opportunity to impose additional buffer requirements during the Conditional Use Permit and Site Plan Approval process, and ultimately recommended that the Common Council approve the proposed zoning map amendment; and

**WHEREAS**, the Common Council subsequently introduced an Ordinance titled “An Ordinance 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,” which Ordinance would amend the Zoning Map of the City of Oneida, as provided for in Section 190-9 of the Code of the City of Oneida, to change the zoning designation of a portion of the Property, consisting of approximately 33.8 acres, 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; and

**WHEREAS**, a public hearing on the proposed Ordinance was held before the Common Council on August 6, 2019; and

**WHEREAS**, the owner of the Property subsequently amended its request for a zone change, and presented an amended proposal whereby a change to the zoning designation of 32.3± acres of the Property from R-P (Residential Planned) to C (Commercial) was sought; and

**WHEREAS**, pursuant to Resolution 19-211, the Common Council received and placed on file the amended zone change request, returned the request to the PCZBA for further review and recommendation, and scheduled a public hearing on an amended Ordinance, to be held on October 1, 2019; and

**WHEREAS**, during its consideration of the amended proposal at its September 19, 2019 meeting, the PCZBA again recommended that the Common Council approve the proposed zoning map amendment, as revised; and

**WHEREAS**, the Common Council, as the single agency involved, has determined that there are no interested and/or involved agencies and, as a consequence, assumed Lead Agency status for purposes of a determination of significance under the Law; and

**WHEREAS**, Volume 6 N.Y.C.R.R. Section 617.3 of the Regulations relating to Article 8 of the New York Environmental Conservation Law of New York (SEQRA), requires that as early as possible, the Lead Agency shall make a determination of significance; and

**WHEREAS**, the Lead Agency has completed and submitted a Full Environmental Assessment Form and the same has been carefully reviewed and thoroughly considered by the Council; and

**WHEREAS**, the Council has considered and discussed fully the potential environmental impacts of the proposed action.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Oneida Common Council hereby determines that the proposed action will not have a significant adverse effect on the environment; that accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R., Part 617 et seq. for the reasons contained herein; and

**BE IT FURTHER RESOLVED** that the reasons supporting the foregoing Negative Declaration are as follows:

1. See responses to Full Environmental Assessment Form Part 2 - Identification of Potential Project Impacts;
2. The City of Oneida Common Council received a request to rezone a portion of the property known as 409 Genesee Street, Tax Map No. 38.69-1-11, consisting of approximately 32.3 acres, which is currently zoned Residential-Planned, to Commercial;
3. Pursuant to Section 190-7(8) of the Zoning Ordinance, the "Commercial" Zoning District is designed to provide for a broad range of commercial development. The District allows a full range of retail, office and service uses with a local or regional market. As set forth in the Zoning Ordinance, the District's development standards are intended to promote attractive development, an open and pleasant street appearance, and compatibility with adjacent uses. Because development within the Commercial Zoning District is generally automobile-oriented, development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves;
4. The City of Oneida, New York Comprehensive Plan, adopted in September 2005, was the culmination of effort by City Staff, an independent consultant, a project Steering Committee and various focus groups. As drafted and consistent with statutory objectives, the Comprehensive Plan is intended to present the goals and objectives of the community and to offer guidance and recommendations to enhance the City's growth and preferred development. To date, there has not been any effort by the Common Council to revise or update the Comprehensive Plan. Although a member of the Council has questioned whether the Comprehensive Plan accurately reflects the current interests and development along the Route 5/ Genesee Street corridor, unless and until a new, or revised, Comprehensive Plan is adopted, the current Comprehensive Plan is controlling and relevant;
5. The section titled "Planning Process" in the Comprehensive Plan recognizes the "critical" importance of the City's tax base and the need to attract new businesses that create jobs for Oneida residents. Page 1. Although the tax base may expand if the Property is developed regardless of zoning designation, no new businesses that create employment opportunities will arise if the zoning of the Property remains residential. It is also recognized that commercial development is taxed at a higher rate than residential uses, thus generating greater revenue. It is acknowledged that the Property was for sale and actively marketed for many years and there were no proposals presented for its residential development during such time. It is further noted that there have been no large-scale developments of single-family homes approved for construction within the City of Oneida since 2003. Accordingly, the likelihood of the Property being developed for single-family residential purposes is unlikely;
6. Within the Comprehensive Plan's "Community Profile" section, the Plan acknowledges the loss of business and the impact upon Oneida's workforce. Focus group participants identified the need for more commercial uses, such as "retail stores" and "hospitality businesses." Notably, the Comprehensive Plan does not specify that an increase in such commercial uses is to be exclusively targeted to the "downtown" district. Page 2. To the contrary, it is noted that much of the commercial development over the past two decades has concentrated on the Route 5/ Genesee Street corridor;
7. The interest in economic and commercial development was reiterated in the "Visions and Goals" outlined in the Comprehensive Plan, wherein focus group participants "felt a need

for more economic development in the City” and residents expressed an interest in more services and retail stores. Page 4;

8. Goal 5 of the Comprehensive Plan is to “improve land management by updating the City’s Zoning Ordinance.” To effectuate this goal, the Comprehensive Plan recommended that the Common Council amend the City’s Zoning Ordinance “to reflect and encourage future land uses as proposed in the Comprehensive Plan.” To implement Goal 5, the Plan recommended coordinating the efforts of Planning and Zoning officials and the Planning Commission. Page 19. Consistent with such recommendation, the request to rezone submitted by the owner of the Property was referred to the PCZBA for comment and review. As set forth above, the PCZBA, after due deliberation, recommended that the Common Council approve the requested zone change;
9. Goal 5 further sought to “[p]rotect residential neighborhoods against incompatible uses and inappropriate infill development.” To effectuate this goal, the Comprehensive Plan recommended that residential areas in the City be isolated where there are land use conflicts and a determination be made relative to whether the permitted uses were proper or whether the districts required updating. Page 20. The PCZBA specifically addressed the adequacy of the proposed buffering. The PCZBA previously acknowledged that the proposal to rezone a portion of the Property did not affect approximately 8.5 acres along the western and southern boundary lines (areas that are currently zoned low-density residential); it is noted that pursuant to the amended request, the buffer has increased to approximately 10.1 acres. The PCZBA further previously noted that setback requirements and the opportunity to require buffers as part of the planning process will result in the imposition of additional buffering. It is determined that such buffering will serve to minimize land use conflicts and protect neighboring residential development;
10. The Comprehensive Plan describes the Route 5/Genesee Street corridor as “a wide mixture of uses or zoning districts including R-1, R-3, Commercial, Business, Residential-Planned and Manufacturing-Industrial. There is little continuity along this stretch of Route 5 in terms of uses and zoning districts.” Page 62. Consistent with such description, the Property is immediately surrounded by high-density residential apartments and duplexes to the east, single-family dwellings to the west, residential dwellings to the northeast/northwest, and the following commercial uses to the north: Byrne Dairy convenience store with fueling services; Unisex Salon; Fireside Café; and Tarson Pool and Spa retail store. Within less than one-half of one mile from the Property, there are additional single-family dwellings, high-density residential apartments, the Oneida Hospital healthcare campus and medical offices. A review of land uses within one mile of the Property reflects even more commercial development and less residential development. Given the blended presence of high-density residential and commercial/ community service development within the immediate vicinity (as well as the extended vicinity) of the Property, rezoning the Property “Commercial” is consistent with the existing neighboring land uses and development, and will not adversely impact the character of the surrounding area;
11. As part of the Comprehensive Plan’s “Community Profile,” ensuring the appropriate development of the Route 5/ Genesee Street corridor was identified to address economic development needs. Residents supported changes within the City that would attract “more business” and “tourist-related business that will cater to travelers.” Pages 39-40. Resident support for an increase in business and commercial uses was a recurring theme throughout the Comprehensive Plan;
12. Pursuant to the Comprehensive Plan, housing vacancy rates have risen and owner-occupied housing is losing market value. Approximately 59% of occupied housing units

are owner-occupied, the balance of housing, 41%, comprise of renters. According to local housing service providers, the greatest housing need in the City is for housing rehabilitation services, not new home construction. Pages 42, 44. It is acknowledged that the conclusions rendered in the Comprehensive Plan are consistent with the development experienced in the City over the last several decades. As previously noted, new residential development has overwhelmingly not consisted of single-family homes;

13. The Comprehensive Plan acknowledges the completion of a NYS Route 5 Corridor Management Study to, in part, “determine transportation improvements and land use strategies that will maximize development opportunities.” Recognizing Route 5 as the most traveled roadway in the City and a “gateway” into the community, the Plan recommends that the appearance of the development be improved and the promotion of development of interior or non-frontage properties (similar to the subject parcel). “Out parcel development” along the Corridor is encouraged in the Comprehensive Plan to maximize development space and increase use of shared access drives. Noting the abundance of open space and farmland, the Comprehensive Plan identifies the area of the subject parcel as “suitable for larger-scaled light industrial and/or commercial activity.” Pages 75-77. The Property fronts on Route 5/Genesee Street, which is a NYS Department of Transportation (NYSDOT) roadway. Accordingly, any future development of the Property will likely require the submission of appropriate traffic data to both the NYSDOT and City of Oneida Engineer’s Office. Unless and until a specific proposal for development is presented to the City, no traffic impacts are to be realized by rezoning the Property;
14. The Property has historically been served off a 12” diameter water main that is projected to yield 41 PSI. There are no environmental impacts to provide the Property with public water service if a future developer chooses to do so. Consistent with any proposal for development within the City, any future proposal will require the submission of an application for public water service;
15. The Property is not currently served by public sewers, but is contained within sanitary sewer subarea SA-J and the neighboring sanitary sewer subarea SA-I. Historically, the Property has utilized onsite treatment for wastewater disposal. No environmental impacts are expected if connection to public sewer or new onsite treatment is envisioned by the developer. Consistent with any proposal for development within the City, any future proposal will require the submission of an application for review and approval, regardless of the proposed plan for sanitary sewer discharge;
16. As proposed, the ordinance to amend the zoning designation of a portion of the Property includes a buffer of approximately 10.1 acres. It is therefore determined that the proposed zone change is intended to encourage growth and development along the Route 5/ Genesee Street corridor in a manner that not only recognizes the current mixture of uses and zoning districts along the corridor, but is consistent with the goals and recommendations set forth in the Comprehensive Plan;
17. A public hearing on the proposed Ordinance was duly held on August 6, 2019, and a second hearing, on the revised proposed Ordinance was duly held on October 1, 2019; during which public hearings, comments were received by the Common Council. Comments in opposition focused upon: concern that the commercial use of the Property would be “unrestricted;” the lack of a buffer along the Property’s eastern boundary line; the potential impact of commercial operations on neighboring residential property; traffic on Genesee Street; speculation upon the impact of existing property values; the process of rezoning; the impact upon “downtown” businesses; and the ability of a parcel to have more than one zoning designation;

18. In response to the concerns expressed, it is noted that the proposal to rezone the property was revised to increase the lands to remain residentially zoned. As noted in Comment No. 9 above, the PCZBA specifically considered the impact of a commercial zoning designation upon neighboring residential uses and, as part of its recommendation, determined that setback requirements and the ability to impose buffers as part of the planning process would effectively minimize land use conflicts and protect neighboring residential development. Furthermore, as set forth in Comment No. 10 above, the land uses in the immediate vicinity are a mix of commercial, single-family dwellings, and high-density residential. Contrary to statements questioning the appropriateness of locating commercial enterprises along the Route 5/Genesee Street corridor and the potential impact upon downtown business, the City's Comprehensive specifically identifies the Route 5/Genesee Street corridor as an opportunity to address the City's economic development needs. It is further noted that the City Code contemplates and regulates properties with split zoning. Specific to the current proposal, Section 190-22, titled "Lots in two districts," addresses parcels that are situated in two zoning districts and imposes additional restrictions; and
19. During the public hearing, support for the application was also received. Support for the request focused upon the City's prior condemnation of the commercial structure on the Property, the Property's commercial history, which purportedly commenced in 1947, the opportunity to generate additional tax revenue and create employment opportunities within the City, and the unsuccessful efforts to sell (and develop) the Property for many years. An on-line petition, consisting of approximately 1,100 signatures of people allegedly in support of the proposal was received by the Common Council and placed on file.

**BE IT FURTHER RESOLVED** that the Common Council hereby adopts the findings set forth and the Negative Declaration incorporated herein and further instructs counsel to make the required filing and publication of same.

Ayes: 5

Nays: 1 (Bowe)

**MOTION CARRIED**

The City Attorney said that she would take the opportunity to review the Part 2 and Part 3 of the SEQRA forms, which were prepared with assistance from the Planning Director and City Engineer.

The City Attorney said that in Part 2 of the Full Environmental Assessment Form (EAF) item #1 Impact on Land is a NO, as are #2 Impact on Geological Features; #3 Impacts on Surface Water; #4 Impact on groundwater; #5 Impact on Flooding; #6 Impacts on Air; #7 Impact on Plants and Animals; and #8 Impact on Agricultural Resources. She said that she is not reading all this aloud as it has been circulated. The City Attorney went onto say that #9 Impact on Aesthetic Resources. The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource; #10 Impact on Historic and Archeological Resources; #11 Impact on Open Space and Recreation; #12 Impact on Critical Environmental Areas; #13 Impact on Transportation; #14 Impact on Energy, The proposed action may cause an increase in the use of any form of energy; and #15 Impact on Noise, Odor, and Light are all NO's on the Full Environmental Assessment Form Part 2. She said that item #16 Impact on Human Health; #17 Consistency with Community Plans, which reads: The proposed action is not consistent with adopted land use plans; and #18 Consistency with Community Character, which reads: the proposed project is inconsistent with the existing community character; are each listed as NO's, as well.

The City Attorney said Part 3 of the EAF outlines the detailed findings, and she said she would read these aloud to the Council.

The City Attorney Bell stated:

The City of Oneida Common Council received a request to rezone a portion of the property known as 409 Genesee Street, Tax Map No. 38.69-1-11, consisting of approximately 32.3 acres, which is currently zoned Residential-Planned, to Commercial;

Pursuant to Section 190-7(8) of the Zoning Ordinance, the "Commercial" Zoning District is designed to provide for a broad range of commercial development. The District allows a full range of retail, office and service uses with a local or regional market. As set forth in the Zoning Ordinance, the District's development standards are intended to promote attractive development, an open and pleasant street appearance, and compatibility with adjacent uses. Because development within the Commercial Zoning District is generally automobile-oriented, development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves;

The City of Oneida, New York Comprehensive Plan, adopted in September 2005, was the culmination of effort by City Staff, an independent consultant, a project Steering Committee and various focus groups. As drafted and consistent with statutory objectives, the Comprehensive Plan is intended to present the goals and objectives of the community and to offer guidance and recommendations to enhance the City's growth and preferred development. To date, there has not been any effort by the Common Council to revise or update the Comprehensive Plan. Although a member of the Council has questioned whether the Comprehensive Plan accurately reflects the current interests and development along the Route 5/Genesee Street corridor, unless and until a new, or revised, Comprehensive Plan is adopted, the current Comprehensive Plan is controlling and relevant;

The section titled "Planning Process" in the Comprehensive Plan recognizes the "critical" importance of the City's tax base and the need to attract new businesses that create jobs for Oneida residents, on Page 1. Although the tax base may expand if the Property is developed regardless of zoning designation, no new businesses that create employment opportunities will arise if the zoning of the Property remains residential. It is also recognized that commercial development is taxed at a higher rate than residential uses, thus generating greater revenue. It is acknowledged that the Property was for sale and actively marketed for many years and there were no proposals presented for its residential development during such time. It is further noted that there have been no large-scale developments of single-family homes approved for construction within the City of Oneida since 2003. Accordingly, the likelihood of the Property being developed for single-family residential purposes is unlikely;

Within the Comprehensive Plan's "Community Profile" section, the Plan acknowledges the loss of business and the impact upon Oneida's workforce. Focus group participants identified the need for more commercial uses, such as "retail stores" and "hospitality businesses." Notably, the Comprehensive Plan does not specify that an increase in such commercial uses is to be exclusively targeted to the "downtown" district, on Page 2. To the contrary, it is noted that much of the commercial development over the past two decades has concentrated on the Route 5/ Genesee Street corridor;

The interest in economic and commercial development was reiterated in the "Visions and Goals" outlined in the Comprehensive Plan, wherein focus group participants "felt a need

for more economic development in the City” and residents expressed an interest in more services and retail stores. Page 4;

Goal 5 of the Comprehensive Plan is to “improve land management by updating the City’s Zoning Ordinance.” To effectuate this goal, the Comprehensive Plan recommended that the Common Council amend the City’s Zoning Ordinance “to reflect and encourage future land uses as proposed in the Comprehensive Plan.” To implement Goal 5, the Plan recommended coordinating the efforts of Planning and Zoning officials and the Planning Commission, on Page 19. Consistent with such recommendation, the request to rezone submitted by the owner of the Property was referred to the PCZBA for comment and review. As set forth above, the PCZBA, after due deliberation, recommended that the Common Council approve the requested zone change;

Goal 5 further sought to “[p]rotect residential neighborhoods against incompatible uses and inappropriate infill development.” To effectuate this goal, the Comprehensive Plan recommended that residential areas in the City be isolated where there are land use conflicts and a determination be made relative to whether the permitted uses were proper or whether the districts required updating, on Page 20. The PCZBA specifically addressed the adequacy of the proposed buffering. The PCZBA previously acknowledged that the proposal to rezone a portion of the Property did not affect approximately 8.5 acres along the western and southern boundary lines (areas that are currently zoned low-density residential); it is noted that pursuant to the amended request, the buffer has increased to approximately 10.1 acres. The PCZBA further previously noted that setback requirements and the opportunity to require buffers as part of the planning process will result in the imposition of additional buffering. It is determined that such buffering will serve to minimize land use conflicts and protect neighboring residential development;

The Comprehensive Plan describes the Route 5/Genesee Street corridor as “a wide mixture of uses or zoning districts including R-1, R-3, Commercial, Business, Residential-Planned and Manufacturing-Industrial. There is little continuity along this stretch of Route 5 in terms of uses and zoning districts,” on Page 62. Consistent with such description, the Property is immediately surrounded by high-density residential apartments and duplexes to the east, single-family dwellings to the west, and the following commercial uses to the north: Byrne Dairy convenience store with fueling services; Unisex Salon; Fireside Café; and Tarson Pool and Spa retail store. Within less than one-half of one mile from the Property, there are additional single-family dwellings, high-density residential apartments, the Oneida Hospital healthcare campus and medical offices. A review of land uses within one mile of the Property reflects even more commercial development and less residential development. Given the blended presence of high-density residential and commercial/ community service development within the immediate vicinity (as well as the extended vicinity) of the Property, rezoning the Property “Commercial” is consistent with the existing neighboring land uses and development, and will not adversely impact the character of the surrounding area;

As part of the Comprehensive Plan’s “Community Profile,” ensuring the appropriate development of the Route 5/ Genesee Street corridor was identified to address economic development needs. Residents supported changes within the City that would attract “more business” and “tourist-related business that will cater to travelers,” on Pages 39-40. Resident support for an increase in business and commercial uses was a recurring theme throughout the Comprehensive Plan;

Pursuant to the Comprehensive Plan, housing vacancy rates have risen and owner-occupied housing is losing market value. Approximately 59% of occupied housing units are owner-occupied, the balance of housing, 41%, comprise of renters. According to local

housing service providers, the greatest housing need in the City is for housing rehabilitation services, not new home construction, on Pages 42, 44. It is acknowledged that the conclusions rendered in the Comprehensive Plan are consistent with the development experienced in the City over the last several decades. As previously noted, new residential development has overwhelmingly not consisted of single-family homes;

The Comprehensive Plan acknowledges the completion of a NYS Route 5 Corridor Management Study to, in part, “determine transportation improvements and land use strategies that will maximize development opportunities.” Recognizing Route 5 as the most traveled roadway in the City and a “gateway” into the community, the Plan recommends that the appearance of the development be improved and the promotion of development of interior or non-frontage properties (similar to the subject parcel). “Out parcel development” along the Corridor is encouraged in the Comprehensive Plan to maximize development space and increase use of shared access drives. Noting the abundance of open space and farmland, the Comprehensive Plan identifies the area of the subject parcel as “suitable for larger-scaled light industrial and/or commercial activity,” on Pages 75-77. The Property fronts on Route 5/Genesee Street, which is a NYS Department of Transportation (NYSDOT) roadway. Accordingly, any future development of the Property will likely require the submission of appropriate traffic data to both the NYSDOT and City of Oneida Engineer’s Office. Unless and until a specific proposal for development is presented to the City, no traffic impacts are to be realized by rezoning the Property;

The Property has historically been served off a 12” diameter water main that is projected to yield 41 PSI. There are no environmental impacts to provide the Property with public water service if a future developer chooses to do so. Consistent with any proposal for development within the City, any future proposal will require the submission of an application for public water service;

The Property is not currently served by public sewers, but is contained within sanitary sewer subarea SA-J and the neighboring sanitary sewer subarea SA-I. Historically, the Property has utilized onsite treatment for wastewater disposal. No environmental impacts are expected if connection to public sewer or new onsite treatment is envisioned by the developer. Consistent with any proposal for development within the City, any future proposal will require the submission of an application for review and approval, regardless of the proposed plan for sanitary sewer discharge;

As proposed, the ordinance to amend the zoning designation of a portion of the Property includes a buffer of approximately 10.1 acres. It is therefore determined that the proposed zone change is intended to encourage growth and development along the Route 5/Genesee Street corridor in a manner that not only recognizes the current mixture of uses and zoning districts along the corridor, but is consistent with the goals and recommendations set forth in the Comprehensive Plan;

A public hearing on the proposed Ordinance was duly held on August 6, 2019, and a second hearing, on the revised proposed Ordinance was duly held on October 1, 2019; during which public hearings, comments were received by the Common Council. Comments in opposition focused upon: concern that the commercial use of the Property would be “unrestricted;” the lack of a buffer along the Property’s eastern boundary line; the potential impact of commercial operations on neighboring residential property; traffic on Genesee Street; speculation upon the impact of existing property values; the process of rezoning; the impact upon “downtown” businesses; and the ability of a parcel to have more than one zoning designation;

In response to the concerns expressed, it is noted that the proposal to rezone the property was revised to increase the lands to remain residentially zoned. As noted in Comment No. 9 above, the PCZBA specifically considered the impact of a commercial zoning designation upon neighboring residential uses and, as part of its recommendation, determined that setback requirements and the ability to impose buffers as part of the planning process would effectively minimize land use conflicts and protect neighboring residential development. Furthermore, as set forth in Comment No. 10 above, the land uses in the immediate vicinity are a mix of commercial, single-family dwellings, and high-density residential. Contrary to statements questioning the appropriateness of locating commercial enterprises along the Route 5/Genesee Street corridor and the potential impact upon downtown business, the City's Comprehensive specifically identifies the Route 5/Genesee Street corridor as an opportunity to address the City's economic development needs. It is further noted that the City Code contemplates and regulates properties with split zoning. Specific to the current proposal, Section 190-22, titled "Lots in two districts," addresses parcels that are situated in two zoning districts and imposes additional restrictions; and

During the public hearing, support for the application was also received. Support for the request focused upon the City's prior condemnation of the commercial structure on the Property, the Property's commercial history, which purportedly commenced in 1947, the opportunity to generate additional tax revenue and create employment opportunities within the City, and the unsuccessful efforts to sell (and develop) the Property for many years. An on-line petition, consisting of approximately 1,100 signatures of people allegedly in support of the proposal was received by the Common Council and placed on file.

The City Attorney said that those are the findings as set forth in Part 3 of the EAF. She said that she wanted to go over the full EAF before the Council makes a decision on the Resolution before them. The Mayor asked if the Council had any questions.

Councilor Bowe said that in Part 3 of the EAF No. 16 form it states "a buffer of approximately 8.3 acres;" and stated that should read 10.1 acres. Attorney Bell said that Resolution is correct, but the SEQRA document itself states 8.3 acres and that will be modified. Councilor Bowe also stated that in No. 10, five houses take up to 52% of the frontage of houses in the northwest corner and northeast corner. He asked that both of those requests be modified in the EAF. Councilor Acker questioned number 9, and the City Attorney review it and said that is correct. The City Attorney said the SEQRA documents can be revised/amended.

The original motion to open discussion was moved by Councilor Cohen and seconded by Councilor Coulthart.

**ADOPT ORDINANCE 19-04 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," WHICH ORDINANCE WOULD AMEND THE ZONING MAP OF THE CITY OF ONEIDA, AS PROVIDED FOR IN SECTION 190-9 OF THE CODE OF THE CITY OF ONEIDA**

**RESOLUTION 19-221**

Moved by Councilor Cohen  
Seconded by Councilor Simchik

**WHEREAS**, pursuant to Resolution 19-146, the City of Oneida Common Council received and placed on file a request from Russell Blanchard, a representative of Wolf Oak Acres, Inc., the owner of the parcel formerly owned by Capozzi's Realty, LLC, known as Tax Map No. 38.69-1-

11, located at 409 Genesee Street (Property), to change the zoning of a portion of the Property from R-P (Residential Planned) to C (Commercial), and referred Mr. Blanchard's request to the City of Oneida Planning Commission Zoning Board of Appeals (PCZBA) for review and comment; **and**

**WHEREAS**, the PCZBA considered the referral at its June 27, 2019 meeting, and recommended that the Common Council approve the proposed zoning map amendment, citing to the proposed buffer along the western and southern boundaries of the Property, the applicable setback requirements set forth in the Zoning Ordinance and the ability to impose additional buffer requirements during the Conditional Use Permit and Site Plan Approval process; **and**

**WHEREAS**, the Common Council thereafter introduced Ordinance No. 19-04, titled "An Ordinance 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," which Ordinance would amend the Zoning Map of the City of Oneida, as provided for in Section 190-9 of the Code of the City of Oneida, to change the zoning designation of a portion of the Property, consisting of approximately 33.8 acres, 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; **and**

**WHEREAS**, a public hearing was held on such proposed Ordinance on the 6<sup>th</sup> day of August, 2019 by the City of Oneida Common Council and proof of publication of notice of such public hearing, as required by law, having been filed, and all persons desiring to be heard in connection with said proposed Ordinance having been heard; **and**

**WHEREAS**, the proposed Ordinance was referred to the Madison County Planning Board pursuant to General Municipal Law §239 which determined that said referral will have no significant adverse inter-community or county-wide implications; **and**

**WHEREAS**, after the public hearing was held before the Common Council on August 6, 2019, the owner of the Property subsequently amended his request for a zone change, and presented an amended proposal whereby a change to the zoning designation of 32.3± acres of the Property from R-P (Residential Planned) to C (Commercial) was sought; **and**

**WHEREAS**, pursuant to Resolution 19-211, the Common Council received and placed on file the amended zone change request, returned the request to the PCZBA for further review and recommendation, and scheduled a public hearing on an amended Ordinance, to be held on October 1, 2019; **and**

**WHEREAS**, during its consideration of the amended proposal at its September 19, 2019 meeting, the PCZBA again recommended that the Common Council approve the proposed zoning map amendment, as revised; **and**

**WHEREAS**, a second public hearing having duly been held on October 1, 2019, and proof of publication of notice of such public hearing, as required by law, having been filed, and all persons desiring to be heard in connection with said proposed amended Ordinance having been heard, and said proposed Ordinance having been in the possession of the members of the Common Council in its final form in the manner required by law; **and**

**WHEREAS**, the enactment of Proposed Ordinance No. 19-04 has previously been determined to be a Type I action, an environmental impact statement (EIS) was not required; and a negative declaration was issued on October 1, 2019 pursuant to the State Environmental Quality Review Act (SEQR) determining that this action will have no significant effect on the environment thus concluding the SEQR review process; **and**

**WHEREAS**, it is in the public interest to enact said Proposed Ordinance No. 19-04.

**NOW, THEREFORE**, it is

**RESOLVED, AND DETERMINED**, that the Common Council of the City of Oneida, Madison County, New York, does hereby adopt Ordinance No. 19-04 as follows:

CITY OF ONEIDA  
ORDINANCE NO. 19-04

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, consisting of approximately 32.3± acres, situated off Genesee Street (Route 5), identified as Tax Map Parcel No. 38.69-1-11, described herein in Schedule "A" 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.

(See Schedule "A" attached hereto)

Section 2. The City of Oneida Zoning Map shall be amended and shall incorporate the change of zoning classification, as herein provided.

Section 3. This Ordinance shall become effective immediately upon publication in the official newspaper.

SCHEDULE "A"

32.3± Acres

*Proposed Description PLands of  
Wolf Oak Acres, Inc.*

*New York State Route 5*

*Being Part of Lot 9 of the Second Oneida Purchase of 1829*

*All that tract of Parcel of Land Situate in the City of Oneida, County of Madison and State of New York, Bounded and Described as follows:*

*Beginning at a point standing on the southerly boundary of Keith L. Harden (Now or Formerly) as described in a warranty deed dated: June 14, 2018 and filed in the Madison County Clerk's Office in Instrument No. 2018-6080; said point standing therein distant 104 feet as measured along the southerly boundary of Harden from a point standing at the intersection of the southerly boundary of Harden with the westerly line of Lot 9 of the Second Oneida Purchase of 1829;*

*Thence S88°50'52"E 393 feet along the southerly boundary of Harden, the southerly boundary of Kristina DeFazio (Now or Formerly) and the southerly boundary of Philip Capozzi (Now or Formerly) to an existing iron pipe standing on the easterly boundary of Capozzi;*

*Thence N01°55'23"E 310 feet along the easterly boundary of Capozzi to an existing iron pipe standing on the southerly highway boundary of New York State Route 5;*

*Thence S88°50'52"E 360 feet along the southerly highway boundary of New York State Route 5 to a set 5/8" iron rebar;*

*Thence N83°10'37"E 219.27 feet continuing along the southerly highway boundary of New York State Route 5 to a set Mag Nail standing on the westerly boundary of Jeffrey R. & Erin M. Witherwax (Now or Formerly);*

*Thence S01°35'18"W 120.28 feet along the westerly boundary of Witherwax to an existing capped iron rebar standing on the southerly boundary of Witherwax;*

*Thence N83°10'37"E 165.00 feet along the southerly boundary of Witherwax to an existing capped 5/8" iron rebar standing on the westerly boundary of Witherwax; the westerly boundary of Witherwax being further described as the easterly line of Lot 9 of the Second Oneida Purchase of 1829;*

*Thence S01°36'34"W 1143.48 feet along the westerly boundary of Witherwax; the westerly boundary of Tecstar Corporation of New York, the westerly boundary of other lands of Tecstar Corporation of New York (Now or Formerly) and the westerly boundary of Leslie Geer (Now or Formerly) to a point;*

*Thence southwesterly 710 feet to a point;*

*Thence southerly 200 feet to a point;*

*Thence westerly parallel with the northerly boundary of William Nye (Now or Formerly) 390 feet to a point standing 104 feet from the easterly boundary of Maryanne F. & Kim L. Petrie (Now or Formerly);*

*Thence N01°55'23"E 1225 feet to the point and place of beginning.*

*The above described premises containing 32.3 Acres of land more or less, as surveyed by Moore Land Surveying, P.C..*

*Subject to a telephone easement granted to New York Telephone Company by liber 677 of deeds at page 786, to which deed reference is made for certainty of description, terms and conditions.*

*Also subject to any other easements, covenants or restrictions of record.*

Councilor Cohen – Yes

Councilor Bowe – No

Councilor Coulthart – Yes

Councilor Acker – Yes

Councilor Chamberlain – Yes

Councilor Simchik – Yes

**MOTION CARRIED**

Councilor Acker asked the Mayor if she could make a statement before she casts her vote. She said that most of you know her and appreciate her sincerity and honesty. She said that she doesn't take her job lightly, and said she gives much consideration to votes that she must cast. She said that with this particular issue, she has spoken to a great many of those here tonight and a great many throughout the City. She said that her vote tonight will make some people happy and others not. She said that she just wants all of you to know that she has thought long and hard on this issue.

Councilor Acker went onto say that this property has been vacant and up for sale for 25+ years. She said that in the business that she has been managing for the last 20 years, Smith's Flooring & Paint on Lenox Ave, she deals with many contractors and developers. She said that she has spoken to them over the years and asked if they would purchase and develop that particular piece of land for a housing development. She said that each and every one has said that the cost to this is prohibitive for several reasons. She said that they told her the topography makes this a difficult piece of property to put a housing development on, they couldn't put as many homes as they would like to make a profit, and the cost of the infrastructure for the roadways, utilities and the housing itself would be a great cost. She said they said they would not realize a profit that would be acceptable to them, and the cost to sell each house would be close to

between \$750,000 and \$1,000,000. Councilor Acker said that they all felt that Oneida would not be able to support the cost of the land and the housing itself; so in turn, each one of these developers has passed on it.

She said that as far as large commercial corporations coming in to buy this land and develop it is the same reasoning; money. She said it would cost too much and they look for areas that are much larger than the size of Oneida, adding that our demographics are small. She continued stating that any large corporation looks at demographics first, and then median income, and we are not what they are looking for.

Councilor Acker said that Mr. Blanchard has a proven entity now, producing income, sales tax revenue and property tax revenue. The proposal that he has shared with the Council and other members in our city is commendable. She said that he is the first person in a long time, 25 years+, who has come along and put his money and financial backing on the line to bring in few different types of business' to Oneida on that property. She said that we all had the opportunity to buy this land; all of us, for 25 years+. She stated that Mr. Blanchard was the one who stepped forward, made the offer and purchased the property, and he is the one who has brought forward a few different businesses to put on the property. Councilor Acker said that in turn, this will bring increased sales tax revenue, increased property tax on a commercially zoned property and once built upon, a higher property tax assessment for developed land.

Councilor Acker said that we need our city to grow and prosper, and we need business. She said that we have to stop being known as NO-neida. She said that we need to encourage business to our city, not discourage business. She said that we need to help people invest in our community and not scare them away. Councilor Acker said that Oneida needs positive growth, and with that being said, she stated she is voting yes.

Councilor Chamberlain said that he also had a statement prepared; however, all it would do is pretty much echo all that Councilor Acker has just stated. He said that he has been here all his life and that property has sat empty for a very long time. Councilor Chamberlain said that we need to take this opportunity with someone who is reputable like Mr. Blanchard. He said that he listened and understands everyone's concerns, but we have to look at the whole City, adding this will mean more revenue and more jobs for the City. Councilor Chamberlain said that his decision was very hard, and he compares this to the fluoride issue that went back and forth. He said he votes yes.

**AMEND THE PROPOSED RESOLUTION - APPLICATION FOR WAIVER OF FEES AT  
KALLET CIVIC CENTER**

**RESOLUTION 19-222**

Moved by Councilor Acker  
Seconded by Councilor Coulthart

**RESOLVED**, that the proposed Resolution for the waiver of fees for the Oneida Rotary Club's Annual Thanksgiving Dinner on November 27, 2019 be hereby by amended.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**ONEIDA ROTARY CLUB ANNUAL THANKSGIVING DINNER  
AT THE KALLET CIVIC CENTER**

**RESOLUTION 19-223**

Moved by Councilor Acker

Seconded by Councilor Coulthart

**WHEREAS**, the Rotary Club 4851 of Oneida NY is sponsoring the Annual Thanksgiving Dinner on November 27, 2019 at the Kallet Civic Center, **and**

**WHEREAS**, said Thanksgiving Dinner, provides a traditional hot meal to over 500 residents in the City of Oneida with another 100 dinners delivered to area shut-ins and elderly who are not able to get to the Kallet Civic Center, and many of whom may not otherwise receive a hot meal for Thanksgiving, **and**

**WHEREAS**, this entire event counts on the generosity of its donors to supply 100% of the food and drinks, provide a location for the Rotarian's volunteers to prepare the dinner and deliver it hot to the Kallet, set-up/serve on site, delivery persons for the hot dinners, etc., as well as, the complimentary use of the Kallet Civic Center, which has been the tradition for 25 years, **now therefore be it**

**RESOLVED**, that the Common Council hereby agrees to be one of the co-sponsors for the Rotary Club 4851 of Oneida New York Annual Thanksgiving Dinner to be held on November 27, 2019 from 10am to 2pm, and further agrees to allow the Oneida Rotary Club use of the Kallet Civic Center for said annual event.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Coulthart said that this proposed waiver of fees flies in the face of our own established criteria. He said that for the past year and a half, the Council has met with members of the GOCC to lay out a sustainable plan for effective use of this facility, adding that this included a preferable non-profit and charitable rate for use of the facility. He added that to be sure, this traditional Thanksgiving meal for residents who may not otherwise enjoy a celebratory meal is a valuable and worthwhile project, but reiterated the non-profit and charitable rates were set low enough to provide the use the Kallet, while providing basic fiscal support to keep the facility open for all to use for such causes in the future. Councilor Coulthart said that the Council denied such a waiver for at least one event undertaken to benefit an individual with a life-threatening illness and asked how this type of request be dealt with in the future.

Councilor Cohen said this is a health and wellness issue, and suggested a co-sponsorship with the Rotary rather than a waiver. Jennifer Cossette, the President of the Rotary, said that they have been allowed to use the Kallet at no cost for the past 25 years. She said that there is no financial gain to the Rotary Club. She noted that they did pay a fee to rent the Kallet for their meetings. She said that she thought that all the members of the Club would be agreeable for the City to co-sponsor the event. Councilor Acker said that all requests must be looked at on a case-to-case basis. Councilor Coulthart said that he doesn't want to be cast as the "Grinch who tried to steal Thanksgiving," but we have a problem generating enough revenue to keep the Kallet doors open for everyone. He said that this is certainly a worthwhile cause. Councilor Chamberlain said that he agrees with Councilor Cohen's idea of the City co-sponsoring this event.

The City Attorney said that Chapter 112 of the City Code states that the City can co-sponsor an event and use of structure can be provided, as well as, in-kind services. Mike DeBottis, Oneida, said that he has served at all 25 dinners and noted that as a practical matter, this would be a "shared sponsorship" as many other entities are also sponsoring this event through donations. The Council agreed to amend the Resolution to be one of the co-sponsors for the event. The Mayor said that going forward the Council should decide on a criteria for co-sponsorship.

Original motion to open discussion as moved by Councilor Simchik and seconded by Councilor Acker.

**2020 HEALTH INSURANCE & DENTAL PLAN RENEWALS**

**RESOLUTION 19-224**

Moved by Councilor Acker  
Seconded by Councilor Coulthart

**RESOLVED**, that the Mayor be authorized to sign the health insurance renewal plans for 2020 with Excellus BluePPO Option I. Signature Deductible 3, and the dental plan renewal for 2020 with Excellus Dental Blue Options.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

The Comptroller said that here is an increase in health of 7.49%, but it is still lower than 2018 rates and Excellus originally proposed a 12.5% increase, but our agent talked them down. She said the dental increase is 4.4% up, but the \$1.39 Single & \$4.40 family monthly is still lower than 2018.

**ANIMAL SERVICES AGREEMENT**

**RESOLUTION 19-225**

Moved by Councilor Acker  
Seconded by Councilor Bowe

**RESOLVED**, to authorize the Mayor to sign an agreement with Edward Cutler, owner of Crazy Eddie's Animal Control, 8391 Clock Road, Taberg NY 13471, to provide Animal Control Services in the City of Oneida to set traps and remove nuisance skunks within a four block perimeter for a period of 30 (thirty) days for a fee of \$900.00.

Ayes: 3  
Nays: 3 (Cohen, Coulthart, Simchik)

**MOTION FAILED**

Councilor Coulthart said that last time we were talking about feral cats and if we give \$900 to Crazy Eddie's that depletes our \$1,000 in that budget line. He asked who is determining what four block area in the City we will be providing animal control for. The Mayor said that on the Northside there was an issue with skunks, and it reached a point where some people were afraid to go outside. The Mayor said that he decided to call Rome, and he is following what they did. The Mayor said that there are skunks over in his neighborhood too, but not as bad as the Northside. He said that as far as the feral cat situation, the place we used in the past has folded. He said that we should deal with the skunk problem first. Councilor Cohen said there are skunk problems over in his Ward on Broad and Main that are not being addressed. Barb Buehner, Verona Street, and this is the second year in a row that her dog has been sprayed. She said that skunks come by repeatedly, so she hoped they were going to take care of Verona Street also. Councilor Simchik said that we need to have a better plan to address this issue. Kelly Lewin, Deerfield Drive said that she has had five skunks, noting that they are everywhere and the City does not take care of the problem.

**REFUND OF A PORTION OF WATER/SEWER BILL**

**RESOLUTION 19-226**

Moved by Councilor Coulthart  
Seconded by Councilor Cohen

**WHEREAS**, Mr. and Mrs. Sami Marji, 195 Rosewood Circle, Canastota NY 13032, owner of 309 Lexington Avenue, appeared before the City of Oneida Water Board on August 13, 2019 for a leak adjustment, because of a high water/sewer bill at his tenants residence, **and**

**WHEREAS**, the high water/sewer was found to be that the tenant's son left a garden hose on while filling a pool, and it went unnoticed for a week, **and**

**WHEREAS**, the Water Superintendent denied the leak adjustment request based on the fact that this situation was not covered by the Water Department's Leak Adjustment Policy, **and**

**WHEREAS**, Mr. Marji has paid the September 2019 water/sewer bill in full to avoid a late penalty and has requested that the sewer portion of the bill be refunded, as the sewer was not used, **and**

**WHEREAS**, the City of Oneida Water Board at their August 13, 2019 meeting has recommended to the Common Council that Sami Marji, owner of 309 Lexington Avenue, be refunded \$390.00 for the unused sewage charges, **now therefore be it**

**RESOLVED**, that the Common Council hereby approves a refund for unused sewage to Mr. Sami Marji, 195 Rosewood Circle, Canastota NY 13032, owner of 309 Lexington Avenue, Acct #16-111001-00 in the amount of \$390.00.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

### **DECLARE EXCESS PROPERTIES**

#### **RESOLUTION 19-227**

Moved by Councilor Acker  
Seconded by Councilor Coulthart

**RESOLVED**, that the City of Oneida Common Council does hereby declare the following parcels to be "excess properties" and therefore eligible for sale as rehabilitation or demolition:

- 30.71-1-15            231 Chappell Street
- 30.54-1-32            301 Phillips Street
- 38.22-1-11            526 Lenox Avenue
- 38.41-1-37            117 E. Sands Street

**BE IF FURTHER RESOLVED**, that the City of Oneida Common Council does hereby declare the following parcel to be "excess property" for demolition sale only:

- 30.72-2-18.2        253 Linden Street

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**NO VAPING POLICY**

**RESOLUTION 19-228**

Moved by Councilor Coulthart  
Seconded by Councilor Cohen

**WHEREAS**, the dangers of vaping to children and adults are clearly documented, **and**

**WHEREAS**, vape pens, pods, tanks and other paraphernalia left in indoor and outdoor areas frequented by youth are dangerous to youth and young children who attempt to use or simulate use of same, **and**

**WHEREAS**, removing vaping from indoor and outdoor areas frequented by youth will contribute to improved community wellness of our residents and visitors, **and**

**WHEREAS**, the current New York State Public Health Law §1399-o states there will be no vaping at places of employment and indoor facilities where services are offered for children, **and**

**WHEREAS**, New York State Public Health Law §1399-o-1 prohibits smoking and vaping during the hours between sunrise and sunset, when one or more persons under the age of twelve are present at any playground; the term “playground” includes play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation and related structures, **now therefore be it**

**RESOLVED**, that vaping will be prohibited on any enclosed area of property in the City of Oneida that is open to the public and under the jurisdiction of the Parks & Recreation Department or any other City Department if the property is used for recreational purposes, as well as any “playground” as defined by New York State Public Health Law §1399-o-1(1), **and be it further**

**RESOLVED**, that there will be no vaping allowed on the property of the Recreation Center at 217 Cedar Street, **and be it further**

**RESOLVED**, that this policy shall apply to all employees, residents and visitors. Individuals violating this policy shall be reminded of the policy and asked politely to refrain from vaping.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW TO ESTABLISH RESIDENCY REQUIREMENTS FOR CITY CLERK AND DEPUTY CITY CLERK**

**RESOLUTION 19-229**

Moved by Councilor Acker  
Seconded by Councilor Bowe

**WHEREAS**, a 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 was received and placed on file at the October 1, 2019 Common Council meeting, Resolution 19-225, **now therefore be it**

**RESOLVED**, that a Public Hearing be hereby scheduled for Wednesday, November 6, 2019 on said proposed Local Law to amend the City Charter relative to the residency of the City Clerk and Deputy City Clerk at 6:30 p.m. in the Common Council Chambers at 109 N. Main Street, Oneida.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**BUDGET TRANSFERS/AMENDMENTS**

**RESOLUTION 19-230**

Moved by Councilor Coulthart

Seconded by Councilor Bowe

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

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$30,000	001.1620.0401.0000 Electric & Gas	001.1640.0401.0000 Central Gas

*(To re-allocate funds to cover gas & diesel costs)*

Ayes: 6

Nays: 0

**MOTION CARRIED**

**DECLARE THE PROPERTY LOCATED AT 311 MAPLE STREET AS A PUBLIC NUISANCE  
AND ORDER CORRECTIVE ACTION TO BE TAKEN IN ACCORDANCE WITH ARTICLE III  
OF CHAPTER 34 OF THE ONEIDA CITY CODE**

**RESOLUTION 19-231**

Moved by Councilor Chamberlain

Seconded by Councilor Cohen

**WHEREAS**, in accordance with Article III of Chapter 34 of the Oneida City Code, as amended, a public hearing was conducted on October 15, 2019, for purposes of receiving and considering evidence presented by the City of Oneida Assistant Fire Marshal to determine whether real property located at 311 Maple Street, Tax Map No. 30.81-1-44, in the City of Oneida (“Property”) is a public nuisance; **and**

**WHEREAS**, the City Attorney confirmed issuance of the Notice of Unsafe Building/Collapsed Structure, such Notice having been duly filed in accordance with Section 34-11 of the Oneida City Code with the Madison County Clerk’s Office on September 19, 2019, Index No. 2019-1926; **and**

**WHEREAS**, in addition, notice of the due process hearing was properly served upon all interested parties and posted on the Property and in the Municipal Building, and published in the official newspaper and on the City of Oneida website; **and**

**WHEREAS**, the Assistant Fire Marshal presented his report, dated June 24, 2019, documenting the unsafe condition of the Property and informed the Common Council of the efforts made by the City to obtain voluntary compliance; **and**

**WHEREAS**, the Assistant Fire Marshal testified to having inspected the Property and observed extensive damage to the foundation and exterior walls of the residential building situated upon the Property, such that the residential structure is not structurally sound or safe; **and**

**WHEREAS**, the Assistant Fire Marshal determined that the condition of the Property violated Sections 304.1, 304.1.1, 304.4, 304.5 and 304.6 of the 2015 International Property Maintenance Code and Section 311.1.1 of the 2015 International Fire Code, as well as Sections 34-9 and 34-10 of the Oneida City Code; **and**

**WHEREAS**, the Assistant Fire Marshal opined that the Property, in its current condition, presents a danger to the health, safety and welfare of the public; **and**

**WHEREAS**, the Common Council closed the public hearing on October 15, 2019; **and**

**WHEREAS**, the Assistant Fire Marshal recommended that the Common Council declare the Property to be a public nuisance and order the repair or removal of the residential structure; **and**

**WHEREAS**, it is the desire of the Common Council to undertake any and all measures permitted in the Oneida City Code and City of Oneida Charter that are necessary to protect the public's health, safety and welfare.

**NOW THEREFORE, BE IT RESOLVED** that the Common Council, having duly considered the documentary evidence, as well as the oral testimony presented by the Assistant Fire Marshal, hereby declares the property located at 311 Maple Street, Tax Map No. 30.81-1-44, in the City of Oneida to be a public nuisance; **and**

**BE IT FURTHER RESOLVED**, that the Common Council, having duly declared the Property to be a public nuisance, hereby orders the owner or persons with an interest in such Property to demolish the residential structure within sixty (60) days; **and**

**BE IT FURTHER RESOLVED**, that in the event corrective action does not occur within the time provided, the Common Council hereby authorizes the Assistant Fire Marshal and the City Engineer to undertake any and all such measures as are necessary to effectuate the demolition recommended by the Assistant Fire Marshal in his report, and shall assess the cost of same against the Property; **and**

**BE IT FURTHER RESOLVED**, that the cost of such remedial action, if undertaken by the City, shall thereupon become a lien against the Property and shall be collectible in the same manner as taxes levied thereon; **and**

**BE IT FURTHER RESOLVED**, that notice of the Common Council's declaration and order shall either be served personally or by certified mail, to the last known address as shown by the records of the City Assessor's office.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**WAIVE RULE TO ACCEPT AGENDA ITEMS**

## **RESOLUTION 19-232**

Moved by Councilor Bowe  
Seconded by Councilor Coulthart

**RESOLVED**, that per Resolution 08-180 adopted by the Common Council on August 19, 2008, the provisions of the procedure to accept agenda items is hereby waived.

Ayes:

Nays:

**MOTION CARRIED**

## **AUTHORIZATION TO BID**

### **RESOLUTION 19-233**

Moved by Councilor  
Seconded by Councilor

**RESOLVED**, to authorize the Recreation to advertise for bids for a new roof at the Recreation Center.

Ayes:

Nays:

**MOTION CARRIED**

Recreation Director Luke Griff asked for permission to go to bid for the roof at the Recreation Center, and the Council agreed to waive the rule.

## **NEW BUSINESS**

Councilor Coulthart said that there has been a lack of correcting the registration of who owns what property. When the Fire Dept goes to see who owns the property, the incorrect person is listed. He said that this is the Property Registry. The Mayor said we have 102 zombie properties. He said that we sent the notices out and people said that their houses were not vacant, they were there a month ago. The Mayor said that we have to look at some definitions. The Chief said that Fire Fighter Burkle said that he will sit down with the administration to discuss the fees that can be charged, so the City can make some monies on these. Chief Fields said the problem fell apart when the previous Assessor was handling this matter, and no one was appointed to handle this when he retired.

Kelly Lewin, Deerfield Drive asked about the new Assessor and said she has been fighting her property assessment. The Mayor said that we are not going to do an equalization rate. He said our rate is at 97%, and we are allowed a 5% difference. He said that houses are being sold at \$10K to \$15K more than they are assessed at. The Mayor said to Ms. Lewin that she should give our new Assessor a call, and Ms. Lewin said that she has a court date regarding her assessment. Supervisor Magliocca said that the assessed value of a property is supposed to be based off the current fair market value of the home.

Jill Christian Lynch, Evergreen Valley Drive, questioned why the Public Hearing on the residency requirements for the City Clerk and Deputy Clerk came up. The Mayor said that this was a requirement set by the State of New York, because they are considered Public Officials. Mrs. Lynch said that it is more than just the City and Deputy Clerks. She said they also speak about those who are appointed, and asked if the Mayor has gone through every employee, as this seems like you are pardoning two and not the rest. She said there are others who this would apply to and that is not being addressed. The Mayor said that we are following the law.

She said that she would like to thank all the Councilors for listening, for attending to detail, and for questioning things that came up with regard to 409 Genesee Street. She said that she is not happy about the notion of voting on a project rather than zoning. She said the project was taken into account, as opposed to blanket zoning, which is what the Council did. She said that the City Attorney did a great, but somewhat creative, job on the SEQRA. She said that now the Council has passed the torch to the Planning Board, and she hopes that the future Mayor would make certain that the Planning Board actually does its job and protects the people surrounding that parcel. The Mayor said that we have an excellent Planning Commission ZBA and Planning Director. Mrs. Lynch reiterated that the Planning Commission should protect our interests as they move forward.

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 8:19 p.m.

**CITY OF ONEIDA**

---

Susan Pulverenti  
City Clerk