

**MINUTES OF THE COMMON COUNCIL
SEPTEMBER 17, 2019**

A meeting of the Common Council of the City of Oneida, NY was held on the seventeenth day of September, 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 (arrived at 6:34 p.m.)

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
Comptroller Lee Ann Wells
Planning Director Cassie Rose
Supervisor Joe Magliocca
Supervisor Max Smith
Supervisor John Reinhardt

PUBLIC HEARING

RESOLUTION 19-207

Moved by Councilor Chamberlain
Seconded by Councilor Acker

RESOLVED, that Public Hearing on a proposed Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C be hereby opened.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

APPEARANCES - None

Moved by Councilor Chamberlain
Seconded by Councilor Coulthart

RESOLVED, that Public Hearing on the Proposed Local Law authorizing a property tax be hereby closed.

Ayes: 6
Nays: 0
MOTION CARRIED

The Mayor this is just a possibility; it doesn't mean that it is going to happen.

OLD BUSINESS

Harboring of Chickens in the Inside District

Mayor Matzke said that the Council has said “no” to the prospect of amending the City Code to allow for the harboring of chickens in the Inside District.

Melissa Mannix, 341 Stone Street, said that she had to have a petition received and filed, but the Council doesn’t have any of the emails they said they received placed on file, and that is not fair. She questioned if they really got any emails, as she doesn’t have any documented proof of the naysayers. Ms. Mannix suggested that the Code could have certain parameters that must be followed to allow for chickens, as it is up to the City to draw up a draft so that any potential issues can be addressed. She said that Johnson City, which is approximately the same size as Oneida, has allowed chickens since 2017. She reiterated that those at the Public Hearing who were in agreeance outnumbered the two who spoke against it. Ms. Mannix discussed several items, including the numerous ways salmonella can be contracted and how to avoid it, the amount of manure generated and odors, along with the number of predators that are already within the City. She said that generally if someone decides they no longer want their chickens, a farmer friend will take them off their hands. She suggested that the City run a pilot program and if there are no problems, then make it into a law.

The Mayor thanked her for all her research, but stated at this point all six Council members have said “no” to a change in the City Code. Councilor Chamberlain said that he is more concerned about the other issues we have now, such as feral cats and skunks. He said that before we address another challenge such as chickens, we need to take care of these matters first. Councilor Coulthart said that there is no question that Ms. Mannix is doing a good job with cleanliness, but it is what others will do that concerns him. He agreed with Councilor Chamberlain that the City has other problems that need to be addressed first. Councilor Acker said that she ran an unofficial poll on Facebook, and it was 3 to 1 against chickens. She noted that everyone who commented was from Oneida, except one person. She said that with those she has spoken with out in the community, it is still the same number, 3 to 1 against, and at this point she said she has to listen to the constituents. Councilor Cohen said that he swears that is telling the truth when he says he spoke with 60-70 residents, and 95% of those residents said “no” to chickens in the Inside District. He said that while he appreciates Ms. Mannix’s passion, he has to listen to his constituents. Mayor Matzke said that there is no reason to move forward with this, as the Council is not in favor; however, he said that he will reach out to the Council one more time, and if anyone is willing to place this on agenda, he will let her know within the week. He said that he will discuss a pilot program with her, as that is another matter.

311 Maple Street – Hearing – Unsafe Structures per City Code Chapter 34, Article III

City Attorney Nadine Bell said that on the agenda from a previous meeting, there was a Hearing scheduled on the property located at 311 Maple Street pursuant to the Report of Unsafe Structures per City Code Chapter 34, Article III. She said that Hearing was cancelled, because she hadn’t heard from the Title Company. She explained that the Title Company had a new employee and that was the hold up in receiving the title search. Attorney Bell said that she has now received the title search, and she is prepared to move forward with the Hearing. She said that scheduling it for October 15th would provide her the opportunity to contact all parties with an interest in the property, as the last known address of the owner is in Los Angeles, CA. The Mayor said that after the Public Hearing, he would like to vote on it that evening, as one of the walls is caving in.

WAIVE THE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 19-208

Moved by Councilor Acker
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: 6
Nays: 0

MOTION CARRIED

SCHEDULE HEARING FOR 311 MAPLE STREET

RESOLUTION 19-209

Moved by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED, that pursuant to the Report of Unsafe Structures per City Code Chapter 34, Article III schedule a Hearing for October 15, 2019 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida on the property located at 311 Maple Street.

Ayes: 6
Nays: 0

MOTION CARRIED

SUPERVISORS REPORT

Supervisor Magliocca discussed at length his conversation with the Board of Supervisors at a meeting before the regular Board meeting regarding changing the distribution formula for the \$2.5M County benefits received from the Oneida Indian Nation. He said that the meeting was very interesting, and incredibly eye-opening, noting that the County has had a historical bias against the City. He said that he couldn't have asked for a better example. He said that the formula the County is using this year is the same as previous years, and his suggestion is to formulate the Oneida Nation distribution by population rather than assessed valuation as is currently done. That would benefit the communities that have Oneida Indian Nation Gaming, since this is essentially Oneida Indian Nation gaming money. He said that some of the Board did not realize the amount of Nation property within the City/County and also, that the City has the authority to pre-empt local sales tax. He stated that Oneida Indian Nation properties are only in ten areas within the County and are covered by eight supervisors, using Town of Lenox/Canastota and Town of Sullivan/Chittenango as examples. He said that there \$52.3M county wide, and Oneida leads the way with \$28.8M, then the Towns of Lenox \$10.3M, Stockbridge \$6M and Sullivan respectively. He said that the County does not make any municipalities whole for post agreement properties put into trust, citing the former Ames Plaza at \$4.2M. He said that the City has 55% of all Nation properties, noting that the shopping centers and convenience stores are an enormous tax loss to the City, whereas properties in Stockbridge is all farm lands.

Supervisor Magliocca said that the County discussed the reasons why the City didn't deserve any more of the funding. The reasons included the fact that the City pre-empts ½ of the local share of sales tax, and the City has an unreasonable amount of City owned property. Supervisor Magliocca explained to the Board that they are including all nine City parks, City buildings such as the Police, DPW, WWTP, Recreation Department, and Municipal Building, which are necessary within a City of this size and of

course, all the properties from the FEMA Buyout. Other reasons stated as to why the City didn't deserve any more funding included that the City has four Supervisors, while the others only have one, and that the City stepped away from the County and signed their own tax agreement with the Oneida Indian Nation back in 2006. He said they said they have colleges, and Councilor Magliocca said that the City has more Nation properties. The Board also said that the City wouldn't accept the sewage from the landfill, and it cost the County \$4M, but Councilor Magliocca said that was for the ARE Park at the County Landfill. He said that another Supervisor even suggested that Supervisor Magliocca give up his pay and benefits so they can pass those funds onto the City, but he later apologized for saying that. Councilor Magliocca said that this year, the City's share of the funding will be going down instead of up according to the current formula because of the lost tax base. He said that it was very difficult to make the other Supervisors understand what the City has endured for a very long time.

Supervisor Magliocca said that at the regular Board meeting, he made the motion to table this item, and Town of Lenox Supervisor Rocky DiVeronica seconded the motion. He said that it will be voted on at the next October Board meeting. He said that at this point, there are not enough votes to amend in the City's favor, but the bias against the City was on display, and this distribution has nothing to do with bias. He said that it was a contentious meeting. He asked that the Mayor and Council reach out to any Supervisors they may know and share the plight that the City is going through. The Mayor said that it is up to our four Supervisors to carry the ball on this. Supervisor Magliocca also said the he is unsure how all four City Supervisors feel other than he and Supervisor Smith, and he suggested that the Mayor and Council reach out to Supervisor's Cavanaugh and Reinhardt to see their positions on this matter, as all of the City Supervisors should be in a block. In response to a question from Councilor Coulthart, Supervisor Reinhardt said that there has not been a discussion between the four City Supervisors.

Moved by Councilor Coulthart
Seconded by Councilor Acker

RESOLVED, that the minutes of the regular meeting of September 3, 2019 are hereby approved as presented.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Cohen
Seconded by Councilor Simchik

RESOLVED, that Warrant No. 18 checks and ACH payments in the amount of \$744,213.60, as audited by the Voucher Committee, is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Acker
Seconded by Councilor Coulthart

RESOLVED, that checks in the amount of \$10,057.14 (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 19-210

Moved by Councilor Acker
Seconded by Councilor Cohen

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

Ayes: 6
Nays: 0
MOTION CARRIED

Councilor Coulthart said that at a previous meeting, the Recreation Director was asked to provide the procedures and policy for rental of the Kallet Civic Center, and that hasn't been received as far as he is aware. He said that the Council should give a higher priority to the activities and shoring up the use of the Kallet, otherwise we are going to be in the same position we were earlier this year. He said there was also supposed to be more done through the GOCC, as far as promoting the activity and usage through social media with the City possibly splitting the cost.

Councilor Chamberlain said that the police calls are up again from last month and from last year at this time.

ZONING MAP AMENDMENT

RESOLUTION 19-211

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, that a Zoning Map Amendment from Russell Blanchard, 6470 Creek Rd., Oneida, NY 13421 requesting a zoning change from R-P (Residential Planned) to C (Commercial) on the parcel formerly known as Capozzi's Realty LLC (SBL# 38.69-1-11) located at 409 Genesee Street be hereby received and place on file; **and be it further**

RESOLVED, that said Zoning Map Amendment shall be hereby referred to the Planning Commission Zoning Board of Appeals; **and be it further**

RESOLVED, that a Public Hearing on a proposed Ordinance amending the Zoning Map of the City of Oneida to change the Zoning designation for said property located at 409 Genesee Street (SBL# 38.69-1-11) being zoned R-P (Residential Planned) to C (Commercial) in the City of Oneida be scheduled for October 1, 2019 at 6:30 p.m. in the Common Council Chambers, 109 N. Main St., Oneida, at which time all persons interested in the subject shall be heard.

Ayes: 6

Nays: 0

MOTION CARRIED

Mayor Matzke said that he would like the Council to vote on this proposed Ordinance amendment the same night as the Public Hearing, October 1st. He said that this has been hashed at length, and many of these folks will be attending the Planning Commission meetings. The Mayor said that he will put it on the agenda.

ELECTION DAY COUNCIL MEETING RESCHEDULED

RESOLUTION 19-212

Moved by Councilor Chamberlain

Seconded by Councilor Coulthart

WHEREAS, the General Election is being held on the first Tuesday in November, which is a regularly scheduled Common Council meeting time, **now therefore be it**

RESOLVED, that the first Council meeting in November shall be scheduled for Wednesday, November 6, 2019 at 6:30 p.m. in the Common Council Chambers.

Ayes: 6

Nays: 0

MOTION CARRIED

BUDGET TRANSFER/AMENDMENT

RESOLUTION 19-213

Moved by Councilor Acker

Seconded by Councilor Cohen

RESOLVED, to approve the following budget amendment/transfer:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$7,600.00	001.3310.0101.000 Traffic Salaries	001.3310.0200.0000 Traffic Equip-Emergency Repair

(To allocate funds for an emergency repair – will be submitted for possible insurance reimbursement)

Ayes: 6

Nays: 0

MOTION CARRIED

The Comptroller said that this is for a City owned traffic signal involved in an accident a while back that has continually given the City an issue.

HUMANA GROUP MEDICARE ADVANTAGE PLAN RENEWAL

RESOLUTION 19-214

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign the Humana Group Medicare Advantage Plan Renewal – Passive LPP0 079-066 with Custom Rx effective January 1, 2020 through December 31, 2020.

Ayes: 5

Nays: 0

Absent: 1 (Bowe)

MOTION CARRIED

The Comptroller said that there is an 8.55% increase; however, this is still lower than it was back in 2018, even with the increase. The Comptroller said that this insurance is adequate, adding that there was a substantial savings when we switched over from where we were before Humana.

NEW BUSINESS

Councilor Chamberlain suggested that because we haven't heard from Operation Wild Cats in a while, he would like to follow Rome's program where a group comes in and targets an area to rid that area of skunks and feral cats. The Mayor said that we can move that money for that purpose. The City Clerk said that the money was dedicated to Operation Wild Cats and that agreement would have to be terminated, and a new agreement would have to be written with the new company. The City Attorney agreed. The City Clerk said she would forward via email a copy of the agreement. Feral cats were discussed at length, including the benefits and concerns, as well as, the agreement with Operation Wild Cats. Councilor Coulthart said that he has filed a complaint with the Fire Chief about a colony of feral cats on the end of Broadway.

Councilor Acker gave a shout out to Anthony Sgarlata, who purchased the old Washington Avenue School (344 Washington Ave), for the makeover of that property. She said that the property is well maintained, the apartments are just beautiful, and the clientele is much nicer.

Mayor Matzke said that the Housing Inspector is looking at the five properties taken for back taxes to see what needs to be done. The Mayor said that he has an interview scheduled for the Assessor's position and this person also brings marketing skills. The Mayor said he would like someone that brings marketing skills to the City to attract businesses and people to come here to live and raise their families. Mayor Matzke said he has a contractor to look at the Elm Street porch and provide an estimate, but he still needs someone for the Kistner property.

Mayor Matzke said that the Council will be going into Executive Session to discuss personnel matters and the proposed acquisition, sale or lease of real property. He said that there may be action taken after the session. The Mayor said that a five minute break will be taken.

EXECUTIVE SESSION

RESOLUTION 19-215

Motioned by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:32 p.m. for the purpose of discussing the proposed acquisition, sale or lease of real property and personnel issues.

Ayes: 6

Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Clerk, City Attorney, Planning Director

1. Discussion relating to the proposed acquisition, sale or lease of real property.

PRESENT: Mayor, Councilors, City Attorney

2. Discussion relating to personnel issues.

Motioned by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:49 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 8:50 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk