

**MINUTES OF THE COMMON COUNCIL  
SEPTEMBER 3, 2019**

A meeting of the Common Council of the City of Oneida, NY was held on the third 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

**ALSO PRESENT:** City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
City Engineer Eric Schuler  
Fire Chief Dennis Fields  
Police Chief Paul Thompson  
Recreation Director Luke Griff  
Supervisor John Reinhardt  
Supervisor Mary Cavanaugh  
Supervisor Joe Magliocca

Mayor Matzke explained that the Council will be going to Executive Session to seek advice of Counsel. He stated that they would leave the room for a few minutes, so everyone may remain seated.

**EXECUTIVE SESSION**

**RESOLUTION 19-197**

Motioned by Councilor Chamberlain  
Seconded by Councilor Simchik

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 6:35 p.m. for the purpose of seeking advice of Counsel.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**PRESENT:** Mayor, Councilors, City Attorney

1. Advice of Counsel was requested.

Motioned by Councilor Bowe  
Seconded by Councilor Coulthart

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 6:42 p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**OLD BUSINESS**

Councilor Acker questioned where the City is at with the 216 East Elm Street and 507 Stone Street properties. City Attorney Nadine Bell said that a court date is scheduled for this Friday morning regarding the E. Elm Street property. She said that from a legal prospective she has completed Stone Street. The Mayor said that the City needs a contractor for Stone. The Mayor said that he would like to go back to the Assessor being the property manager, along with being responsible for zombie houses. In response to a question, the City Attorney said with respect to the Wasiluk property, at this point there has been no resolution.

George Clark, W. Elm Street, asked the City Engineer how the water/sewer infrastructure project on West Elm Street is progressing. In response, the City Engineer said that the water lines are close to completion, and the sewer line is being installed now. He said that there have not been any change orders as of yet, and they are hoping for completion by the end of October. Mr. Clark referred to his letter that was received/filed by the Council on July 2, 2019, and the City Engineer said the cost breakdown would not be determined until the project is complete. He stated that at that time the Council will determine the payment schedule.

Jill Christian Lynch, 1083 Evergreen Valley Drive, said that she has asked the Mayor and Council what criteria or City Zoning Code will be used to evaluate future requests for zoning amendments that create piecemeal or split zoning parcels. She passed a letter to the City Clerk, which she said was provided to the Council via e-mail and asked that it be received and placed on file. She said that she included a copy of the GML Recommendation Report from the County, because she wasn't sure if the Council had seen it. She said she included a copy of a letter to the County from the Mayor (regarding 140 Madison Street) where the Mayor asked that any comments on the GML reports from the County be placed on a separate paper.

**RECEIVE AND PLACE ON FILE A LETTER  
TO THE MEMBERS OF THE COMMON COUNCIL**

**RESOLUTION 19-198**

Moved by Councilor Chamberlain  
Seconded by Councilor Acker

**RESOLVED**, that a letter dated August 31, 2019 to the members of the Common Council regarding understanding the City of Oneida Code, a copy of the GML Recommendation Report for 409 Genesee Street and a copy of a letter from the Mayor to the County regarding 140 Madison Street from Jill Christian Lynch, 1083 Evergreen Valley Drive, Oneida be hereby received and placed on file.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Michel DeBottis, 1017 Evergreen Valley Drive, said he had previously asked the Council and City Attorney if this was the only example of split zoning in the City. He said that the Council is being asked to violate the zoning regulations and referred to Mrs. Lynch's letter regarding subdivision regulations. Mayor Matzke said that an email will be sent to both he and Mrs. Lynch addressing his concerns. Mr. DeBottis asked the Council to examine their consciences and figure out if they are comfortable with doing something that skirts the rights of the people sitting here who are saying don't do it. He said that of the 1,100 people on the petition submitted by the Blanchard's, only one-third of them live in Oneida, but the people who care about this are right here.

Moved by Councilor Bowe

Seconded by Councilor Cohen

**RESOLVED**, that the minutes of the regular meeting of Aug 20, 2019 are hereby approved as presented.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Moved by Councilor Simchik

Seconded by Councilor Chamberlain

**RESOLVED**, that Warrant No. 17 checks and ACH payments in the amount of \$976,311.74, 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 Chamberlain

Seconded by Councilor Acker

**RESOLVED**, that checks in the amount of \$13,623.59 (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**

### **ANNUAL COURT CLEANING CONTRACT**

#### **RESOLUTION 19-199**

Moved by Councilor Acker

Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign the agreement by and between the New York State Unified Court System, Sixth Judicial District, Kilmer Building, 31 Lewis Street 5<sup>th</sup> Floor, Binghamton, NY 13901 and the City of Oneida for cleaning services for the interior of the City of Oneida Justice Center, as well as minor and emergency repairs, and preventative building and property maintenance for said facility.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **PROPOSED LOCAL LAW – PROPERTY TAX CAP LEVY**

#### **RESOLUTION 19-200**

Moved by Councilor Chamberlain  
Seconded by Councilor Simchik

**RESOLVED**, that a proposed Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C be hereby received and placed on file as follows:

**Section 1. Legislative Intent**

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

**Section 2. Authority**

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

**Section 3. Tax Levy Limit Override**

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

**Section 4. Severability**

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

**Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.

**BE IT FURTHER RESOLVED**, that a Public Hearing on the proposed Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C be scheduled for September 17, 2019 at 6:30 pm in the Common Council Chambers, 109 N. Main Street, Oneida NY.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**RECEIVE/FILE ZONE CHANGE REQUEST AND REFER TO THE  
PLANNING COMMISSION ZONING BOARD OF APPEALS**

**RESOLUTION 19-201**

Moved by Councilor Chamberlain  
Seconded by Councilor Acker

**RESOLVED**, that a letter from Jill's Property Management, 2998 St. Rt. 31, Canastota NY 13032 requesting a zone change be hereby received and placed on file, **and be it further**

**RESOLVED**, that said letter be referred to the Planning Commission Zoning Board of Appeals.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**ANNUAL REPORT – WATER DEPARTMENT**

**RESOLUTION 19-202**

Moved by Councilor Chamberlain  
Seconded by Councilor Simchik

**RESOLVED**, that the 2018 Oneida Water 105<sup>th</sup> Annual Report be hereby received and placed on file.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**BUDGET TRANSFERS/AMENDMENTS**

**RESOLUTION 19-203**

Moved by Councilor Simchik  
Seconded by Councilor Cohen

**RESOLVED**, that the following budget transfers be hereby approved:

<b><u>AMOUNT</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>
\$8609.50	002.0022.2665.0000 Water Sale of Equipment	002.0002.0889.0000 Water Vehicle Reserve
\$2,080.00	001.0022.2665.0000 General Sale of Equipment	001.0001.0889.0000 General Vehicle Reserve
<i>(To allocate funds received from the sale of equipment to the vehicle reserves)</i>		
1,900.00	002.8300.0436.0000 Water Contingency	002.8300.0416.0000 Water Travel-Meals

*(To allocate funds to AWWA Tift Expenses)*

Ayes: 6  
Nays: 0

## **MOTION CARRIED**

### **NEW BUSINESS**

Supervisor Magliocca said that last week a Google image of all three sections of the Oneida Rail Trail went up on the Rail Trail Facebook page and the Recreation Department Facebook page. He displayed a wayfinding sign that can be found along the trail, noting that approximately 90% of the signs are in place. He said that a link can be found on the City's website to the ORT (Oneida Rail Trail) website where it can also be found. He said that weekly bicycle rides are being scheduled. He said that things are going well, many folks are using the trails, and he personally finds it very rewarding to see that.

Randy Jones, 521 W. Elm Street, questioned if the City has an agreement with Schaller Pool Water, as their trucks are using W. Elm Street to pass through. He said that at different intersections the jake brake is being used excessively creating excess noise, and he explained how those brakes work. Mr. Jones said that he spoke with one of the drivers and/or owner about this matter with no resolution. Mr. Jones said he could understand the use of the jake brake if the truck was loaded, but it is empty one way. He said that signs could be put up not allowing for jake brake use. He also said that no semis should be allowed on Fitch Street, as the pavement is patched in numerous areas. Councilor Chamberlain said that is due to water main breaks, and Mr. Jones said that the water lines should be upgraded before any paving. He said that Fitch Street is zoned MI (Manufacturing Industrial) at his property and across the street, but signs could be placed calling for "local delivery only" in that area. He said that those two roads should not have that kind of traffic on it. In response to a question from Councilor Bowe, the Police Chief said that the truck route is not applicable in the outside district, adding that they can run on the inside district if it is the closest point from point A to point B.

Chuck Fieldson, 523 Broad Street, said that he also had a problem with tractor trailers. He said there are many tractor trailers passing his home and going into Hood. He said that they also turn onto Allen Park Place going onto Broadway to try to get into Hood. He also said that the City had an electronic speed sign at Allen Park, and he can see on the sign that many cars are speeding by the park. Mr. Fieldson said that he would like to see the trucks stop driving on Broad Street and speeding improved on Broad Street. It was commented by Matt Roberts, Oneida, that the truck drivers are probably using GPS, because they are not sure where to enter. Councilor Coulthart said all Hood drivers have been instructed as to what route to use, adding that it is the independent drivers who are relying on GPS. Mr. Fieldson said in Hood's defense, he has never seen a Hood truck on Broad Street. Councilor Coulthart said that he has fought this battle for years, adding that there have been several new signs that have been put up stating no truck traffic.

An unidentified resident, residing on the corner of Cleveland and Seneca, said that she is tired of looking at the graffiti on the Verizon box on the corner. She said that if someone has the green paint; she will paint it. Councilor Coulthart said that he brought this matter to the attention of the City Engineer, but there is a question as to how to deal with the Verizon box. The City Engineer said that he reached out to Verizon, but is waiting on a call back. He added that the City staff cannot paint another corporations property. Several audience members said that they would paint it.

In response to the Mayor, Patricia Baldwin, 506 Grant Avenue, said that she spoke with Councilor Coulthart before the start of the meeting about the problem. She reminisced about years ago asking the City for a light on her street, which was provided, and said that she hoped that next year some of the potholes on the street could be filled.

Mayor Matzke said that the Council will be going into Executive Session for the purpose of discussing the proposed acquisition, sale or lease of real property, a personnel issue and to seek advice of Counsel. The Mayor said that there may be action taken after the session.

**EXECUTIVE SESSION**

**RESOLUTION 19-204**

Motioned by Councilor Chamberlain  
Seconded by Councilor Simchik

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 7:17 p.m. for the purpose of discussing the proposed acquisition, sale or lease of real property, a personnel issue and to seek advice of Counsel.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**PRESENT:** Mayor, Councilors, City Clerk, City Attorney

1. Discussion with the City Attorney.
2. Discussion relating to a personnel issue.
3. Discussion relating to the proposed acquisition, sale or lease of real property.

Motioned by Councilor Bowe  
Seconded by Councilor Simchik

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 7:55 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**NOTICE OF INTENT TO BOND FOR PROJECT COSTS AT THE  
CITY OF ONEIDA WASTE WATER TREATMENT PLANT INCLUDING  
CONTIGENCIES AND PROJECTED INFLATION**

**RESOLUTION 19-205**

Motioned by Councilor Acker  
Seconded by Councilor Coulthart

**WHEREAS**, various improvements at the City of Oneida Wastewater Treatment Plant, including incidental expenses in connection therewith, at a maximum estimated cost of \$34,000,000 and the issuance of \$34,000,000 Bonds of the City of Oneida to pay the costs thereof were authorized and approved by City of Oneida Common Council at the April 4, 2016 Common Council meeting, Resolution 19-125, **and**

**WHEREAS**, the 2020 NYSEFC IUP Project listed at \$44,055,000 includes contingencies and projected inflation, **and**

**WHEREAS**, the City of Oneida Common Council indicated the intent to bond for project costs exceeding said \$34,000,000, not to exceed 2020 NYSEFC IUP Project listing, **now therefore be it**

**RESOLVED**, that the City of Oneida Common Council hereby declares the intent to bond for project costs at the City of Oneida Wastewater Treatment Plant, which may exceed \$34,000,000, but shall not exceed the 2020 NYSEFC IU Project listing.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**MEMO OF UNDERSTANDING WITH THE JOHN R. DESCHAMPS, SR. P.B.A.**

**RESOLUTION 19-206**

Motioned by Councilor Chamberlain

Seconded by Councilor Coulthart

**RESOLVED**, to approve the Mayor's execution of the Memorandum of Understanding with the John R. Deschamps, Sr. P.B.A. with the changes agreed upon by the Common Council in Executive Session.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Motion to adjourn by Councilor Chamberlain

The regular meeting is hereby adjourned at 8:04 p.m.

CITY OF ONEIDA, NEW YORK

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Susan Pulverenti, City Clerk