

**MINUTES OF THE COMMON COUNCIL
FEBRUARY 7, 2017**

A meeting of the Common Council of the City of Oneida, NY was held on the seventh day of February, 2017 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, Erwin Smith (arrived at 7:29), Helen Acker and James Chamberlain

ABSENT: Councilor Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Comptroller Lee Ann Wells
Director of Parks and Recreation Luke Griff
Fire Chief Kevin Salerno
Assistant Fire Marshall Dennis Fields Jr.
Supervisor Joe Magliocca

**PUBLIC HEARING – PURSUANT ONEIDA CITY CODE CHAPTER 34, ARTICLE III,
UNSAFE BUILDINGS AND COLLAPSED STRUCTURES – 212 BATES AVENUE**

RESOLUTION 17-17

Moved by Councilor Bowe
Seconded by Councilor Chamberlain

RESOLVED, that the Public Hearing for unsafe buildings and collapsed structures pursuant to Oneida City Code Chapter 34, Article III be hereby opened at 6:33 p.m. on the property located at 212 Bates Avenue.

Ayes: 4
Nays: 0
Absent: 2 (Smith, Simchik)

MOTION CARRIED

APPEARANCES

City Attorney Nadine Bell said there are four properties going through the hearing process for unsafe structures pursuant to Oneida City Code Chapter 34 tonight. At the last meeting, Assistant Fire Marshal Dennis Fields presented the Council with a written report on each of those properties. Attorney Bell said that the Assistant Fire Marshal Dennis Fields will testify first and explain how it was determined that the property in question is unsafe. The property owner then has the opportunity to provide their explanation of why the property is not unsafe or if he/she has a schedule for repairs that can be included. Under City Code Chapter 34, the Common Council's consideration is not simply whether to demolish, as under the terms of the Code, it states demolish or repair. The Common Council, after the hearing, has the right to make a determination as to whether the property is or is not unsafe. Once that determination is made, the Common Council can pass a Resolution whether demolition or repairs are appropriate, and if repairs, what the timeline for completion of the repairs would be.

The City Attorney said the property owners at 212 Bates Avenue are John and Marie Manasari and asked if anyone was present to speak on behalf of that property with no response given. Attorney Bell said the property owner was noticed of this hearing in accordance with Chapter 34 of the City Code. She said that the certified mail, which was sent to the property owners, was returned unsigned for and unopened; however, the notice sent by regular mail was not returned undeliverable. Attorney Bell said the Code reads that the notice is to be sent to the address on record with the City. Under the laws of State of NY, property owners have an obligation to notify the municipality of their current address for tax purposes. The address the City has on file for the property owner of 212 Bates Avenue is where the notice was sent.

Assistant Fire Marshal Dennis Fields was sworn in by the City Attorney. He said that this building is believed to be dangerous to the public health and general welfare. Assistant Fire Marshal Fields said the building remains vacant. The front porch is unsecured, due to windows missing or broken and/or open. There is garbage and debris throughout the first floor, as seen through the windows. The Assistant Fire Marshal said this building in violation of the Property Maintenance Code of NYS in three separate sections, as well as the City of Oneida Code Chapter 34.

The City Attorney said the Council has the opportunity to ask questions of the Assistant Fire Marshal. Mayor Matzke asked if there was a collapsed portion. The Assistant Fire Marshal responded that due to the condition of the property; the property is likely to collapse. He said that several letters were sent by certified mail and returned unsigned for and unopened. The Final Order of Remedy, which was sent by certified mail, was received by the property owner and signed for in June. The City Attorney asked if the Final Order of Remedy included the violations set forth in the report provided this evening, and the Assistant Fire Marshall responded yes. The Mayor asked if the building is stable, and the Assistant Fire Marshal said that he could not answer that. Councilor Acker asked if the building was harmful to the neighbors on either side, and the Assistant Fire Marshal said that it could be, as it is unoccupied, unsecured, windows are broken and there is garbage in the building. Councilor Acker asked how long the property has been abandoned, and Assistant Fire Marshal Fields said he couldn't answer that.

The City Attorney said the Council has the choice to make a determination as to whether the property is in fact unsafe. Once that determination is made, then the next consideration would be whether to have the property demolished or repaired. The Council can retain the services of a structural engineer to do a visual inspection from the exterior or if access to the property is required to ensure the safety and welfare of the general public; the Council can make an application to the City Court for a search warrant. The City Attorney said the search warrant would be very narrow in terms; allowing a structural engineer, who would be assisted by a police officer, to access the premises for the purposes of conducting a structural inspection to determine whether a public health and safety risk exists, because of this building. City Attorney Bell said that if a determination is made by the Council that the structure is unsafe and demolition or repairs are required, and the timeline for completion is not accomplished; the City Code allows for any costs that the City incurs to be assessed back to the property owner. Mayor Matzke said the taxes are current on that property. Councilor Chamberlain questioned as to what point the City could take the property since the owners are not responding. The City Attorney said at this point, the Council's authority is to order it repaired or demolished. Councilor Bowe inquired if the costs of the structural engineer and filing for search warrant can be assessed to the property owner. The City Attorney said the demo or repair can be assessed per the City Code, but said she would have look to see how the courts have interpreted it, because this is pretty standard language. Councilor Cohen said he hopes that repairs can be made, as he would like to see the integrity of the neighborhood maintained, and the Mayor concurred. Councilor Bowe said it is almost SHPO with all nice houses adjacent to it on Broad Street.

The City Attorney said the Council has two determinations to make at this time. First is to conclude if the property is unsafe, and then the second part would be to order the property demolished or order that it should be repaired. If you are satisfied that the building is unsafe, based upon the information provided this evening, and it is just the scope of how unsafe the building is, and a report by a structural engineer would determine that scope; then the Council can declare the property unsafe and a public nuisance and order an inspection by a structural engineer. The City Engineer said that for a structural engineer to

compile a report for a residential property, it would cost approximately \$700 to \$1,000. Councilor Bowe said that the Council is accepting what the Fire Marshal's office says, and the next step will be what the structural engineer's report says.

DECLARE THE PROPERTY AT 212 BATES AVENUE A PUBLIC NUISANCE

RESOLUTION 17-18

Moved by Councilor Bowe
Seconded by Councilor Acker

RESOLVED, that the property at 212 Bates Avenue, Oneida is hereby declared Unsafe and a Public Nuisance, **and be it further**

RESOLVED, that it is hereby ordered that a structural engineer shall be retained to complete a report on the property located at 212 Bates Avenue, Oneida.

Ayes: 4
Nays: 0
Absent: 2 (Smith, Simchik)

MOTION CARRIED

The City Attorney said the City is limited in the scope of the search warrant. She said when requesting a search warrant, it has to be kept on point. A court is more willing to issue the search warrant, because there is less chance of rights being impeded upon. Attorney Bell said you have to be respectful.

CLOSE PUBLIC HEARING FOR 212 BATES AVENUE

RESOLUTION 17-19

Moved by Councilor Bowe
Seconded by Councilor Acker

RESOLVED, that the Public Hearing for 212 Bates Avenue be hereby closed at 6:58 p.m.

Ayes: 4
Nays: 0
Absent: 2 (Smith, Simchik)

MOTION CARRIED

**PUBLIC HEARING – PURSUANT ONEIDA CITY CODE CHAPTER 34, ARTICLE III,
UNSAFE BUILDINGS AND COLLAPSED STRUCTURES – 253 LINDEN STREET**

RESOLUTION 17-20

Moved by Councilor Bowe
Seconded by Councilor Acker

RESOLVED, that the Public Hearing for unsafe buildings and collapsed structures pursuant to Oneida City Code Chapter 34, Article III be hereby opened at 6:58 p.m. on the property located at 253 Linden Street.

Ayes: 4
Nays: 0

Absent: 2 (Smith, Simchik)

MOTION CARRIED

APPEARANCES

The City Attorney asked if anyone was here to speak on behalf of the property at 253 Linden Street owned by Suzanne Page with no response given. Attorney Bell said notice was issued in accordance of the City Code, and the certified mail was returned unopened. The City Attorney said that after checking some public records, she found that the property owner is deceased and has been since 2014. However, the property taxes have been paid since Ms. Page has been deceased. She said there have not been any kind of estate proceedings filed with Madison County. Attorney Bell said that whoever is paying the taxes has not notified the City of a new address; therefore, we have to go by the City Code and notice is sent to the address the City has on file. The Assistant Fire Marshal was sworn in the by City Attorney.

Assistant Fire Marshal Dennis Fields said that this property is not in the FEMA Buyout Program. The Assistant Fire Marshal stated that the front and rear porches are dilapidated and failing, the basement crawl space is unsecured in multiple locations, and there is indication of rodents in and out under the foundation. He said that there is an above ground pool that is empty of water and is being used as a landfill for garbage, noting that it is about 1/3 full of trash. Assistant Fire Marshal Fields said that this property is in violation of multiple Property Maintenance Codes, as well as the Fire Code for Unsafe Buildings and City Code Chapter 34 Article II of Unsafe Buildings. The Mayor said because this property is in the flats, he would like to see it put on the demolition list when the properties are done through the buyout. Councilor Acker said she may have some contact information for family members and if so, will provide said information to the City Attorney. The City Assessor said that Suzanne's nephew lives across the street.

The City Attorney said if the Council would like to adjourn this hearing until the next meeting, she will look into those contacts with Councilor Acker and Assessor Stedman. Councilor Chamberlain inquired if a structural engineer should look at this property, and Councilor Acker said the property is in really bad shape. Mayor Matzke reiterated that this building should be demolished.

ADJOURN PUBLIC HEARING FOR 253 LINDEN STREET

RESOLUTION 17-21

Moved by Councilor Bowe

Seconded by Councilor Cohen

RESOLVED, that at 7:05 p.m., the Public Hearing for 253 Linden Street is hereby ADJOURNED to the February 21, 2017 Common Council meeting.

Ayes: 4

Nays: 0

Absent: 2 (Smith, Simchik)

MOTION CARRIED

**PUBLIC HEARING – PURSUANT ONEIDA CITY CODE CHAPTER 34, ARTICLE III,
UNSAFE BUILDINGS AND COLLAPSED STRUCTURES – 507 STONE STREET**

RESOLUTION 17-22

Moved by Councilor Acker

Seconded by Councilor Bowe

RESOLVED, that the Public Hearing for unsafe buildings and collapsed structures pursuant to Oneida City Code Chapter 34, Article III be hereby opened at 7:05 p.m. on the property located at 507 Stone Street.

Ayes: 4

Nays: 0

Absent: 2 (Smith, Simchik)

MOTION CARRIED

APPEARANCES

The City Attorney asked if anyone was here to speak on behalf of the property at 507 Stone Street and Mr. Randy Kistner, owner of said property came forward and was sworn in by the City Attorney. Mr. Kistner said that he would like to have this hearing adjourned, and the City Attorney asked him to explain why. He said that he received some money from selling one property, but that caught him up with paying his taxes. Mr. Kistner said that he has some respiratory problems and cannot work anymore. He said he would like to borrow some money from his attorney, who is a good friend, so that he can work on the house to get it fixed up. Mr. Kistner said that he knows the property is an eyesore, but it is not because he wants it that way. The City Attorney said to Mr. Kistner, just to be clear, are you asking the Council to adjourn the hearing so that you can appear with legal counsel to contest the allegations made that the property is unsafe, or are you asking to adjourn so that you can have time to correct the violations that have been cited? Mr. Kistner said it is not unsafe, and he is trying to do both.

The City Attorney said to Mr. Kistner that the request would be to adjourn this hearing, so that you can appear with legal representation, and Mr. Kistner responded yes. Councilor Bowe said in an effort to prove it is safe, asked Mr. Kistner if he was going to hire some sort of engineer, and Mr. Kistner responded that he would get a building inspector, as it is less expensive. City Attorney Bell said that it would be Mr. Kistner's presentation. The Mayor said that his concern is that there is a plan in place. He said that Mr. Kistner's house, in that condition, impacts the other houses in the neighborhood. The Mayor said the City has an obligation to be as fair as we can. The Mayor asked Mr. Kistner to provide a framework within which improvements will be made. City Attorney Bell asked Mr. Kistner to have his counsel contact her if he has another engagement on February 21, 2017, noting that she will let the Mayor know. The City Attorney then asked the Council if they would authorize adjournment until March 7, 2017 should that be the case. Councilor Cohen said that he wouldn't want to go beyond that date, and Councilor Bowe concurred.

ADJOURN PUBLIC HEARING – 507 STONE STREET

RESOLUTION 17-23

Moved by Councilor Chamberlain

Seconded by Councilor Bowe

RESOLVED, that at 7:10 p.m. the Public Hearing for 507 Stone Street is hereby ADJOURNED to the February 21, 2017 Common Council meeting.

Ayes: 4

Nays: 0

Absent: 2 (Smith, Simchik)

MOTION CARRIED

PUBLIC HEARING – PURSUANT ONEIDA CITY CODE CHAPTER 34, ARTICLE III, UNSAFE BUILDINGS AND COLLAPSED STRUCTURES – 112 MADISON STREET

RESOLUTION 17-24

Moved by Councilor Acker
Seconded by Councilor Bowe

RESOLVED, that the Public Hearing for unsafe buildings and collapsed structures pursuant to Oneida City Code Chapter 34, Article III be hereby opened at 7:10 p.m. on the property located at 112 Madison Street.

Ayes: 4

Nays: 0

Absent: 2 (Smith, Simchik)

MOTION CARRIED

APPEARANCES

The City Attorney asked if anyone was here to speak on behalf of the property at 112 Madison Street and Mr. Gregory Xedis, owner of said property came forward. Assistant Fire Marshal Dennis Fields and property owner Gregory Xedis were both sworn in by the City Attorney.

Assistant Fire Marshal Dennis Fields said that the front of the building has blue metal panels that are decaying, rusted and have holes in them. On the first floor, the flooring and floor joists have been removed, and it is now open to the basement. The structure has been vacant and in a state of disrepair for more than 10 years. He said that Mr. Xedis is in violation of six sections of the Property Maintenance Code, along with violations of the International Fire Code Unsafe Buildings and Chapter 34 Unsafe Buildings of the Oneida City Code.

Mr. Xedis said he has been working on the building since 1989-90, and ten years ago he finally brought it up to be a safe structure. He said that he has a building permit on this property, and the floor has been filled in. He said that at least three times he has asked the barber next door to fix his drain pipe coming off his roof, and he asked the City to say something to him and no one has done anything. He said last week he filled in part of the floor and still has more to do. Councilor Chamberlain asked Mr. Xedis what his plans for the building were and he responded, who knows; I am just working on it and seeing who wants it.

The City Attorney asked if this was single family dwelling or commercial, and Mr. Xedis responded commercial. The Attorney asked if it was occupied, and Mr. Xedis replied yes and no. The City Attorney asked if there were any tenants, and Mr. Xedis said no. The City Attorney said you indicated that there is a barber adjacent to your property who has drainage issues that are affecting your property. Mr. Xedis said the water runs down the side of his building, and the jewelry store building on the other side, and that it has been leaking all these years. The Mayor said this is on the back of building, and Mr. Xedis replied yes. City Attorney Bell asked if he has any type of litigation with the barber, and Mr. Xedis responded, why should I? Mr. Xedis said the father had it, and now the son has it. He said he would like this taken care of after 27 or 30 years. Councilor Bowe said City Engineer Rauscher is the third City Engineer to deal with this property. Mr. Xedis said he can't fix the leak in his roof now, so he put a couple of trash cans there. He said he has the right to fix that drain, because it is falling on his roof.

The Mayor said the issue of the drains is very small in comparison to the rest of the problems with the building. The Mayor said to Mr. Xedis that he had asked him numerous times to get rid of that unsightly blue metal, and said that Mr. Xedis told him that he would. The Mayor said that Mr. Xedis told him numerous times that he would put wood up in place of the blue metal out front. The Mayor said to Mr. Xedis that unless he repaired them recently, there are holes in the floor. The Mayor reiterated the drain is a very small issue compared to the problems with the rest of the building, and Mr. Xedis said that it is still an issue. Mayor Matzke told Mr. Xedis not to deter that issue from the bigger issues. Mayor Matzke said

to Mr. Xedis that he had made umpteen promises to him, and then he does a little bit and doesn't do anything else for a year. The Mayor said that the City is trying to clean up downtown. Councilor Chamberlain said the windows in front of the building are such an eyesore when you drive or walk by. Mr. Xedis said there are a lot of issues that have been solved with that building, but Councilor Chamberlain said we are talking about curb appeal.

Councilor Bowe asked Mr. Xedis if he would object to a structural engineer looking at his building, and Mr. Xedis responded they have looked at it thousands of times. Mr. Xedis said it is not needed. Councilor Bowe said although you feel it is not necessary, would you allow it, and Mr. Xedis said not on my dollar. Councilor Acker inquired about the holes in the floor/joists and said there is nothing structurally holding the walls up. She said this could affect all the buildings next door. Mr. Xedis said he replaced quite a few floor joists. The Assistant Fire Marshal asked if the floors that have been repaired were inspected by the Code's Enforcement officer, and Mr. Xedis said not yet. Assistant Fire Marshal Cowan said the building was last inspected in August. Councilor Acker asked Mr. Xedis exactly what he has done in the property, and he responded that he has filled in the floor in one section. Councilor Bowe said the Fire Marshal's office should re-inspect the property, and an inspection by a structural engineer should be scheduled; that way the Council will have the most up-to-date information. Councilor Acker asked Mr. Xedis if would allow a structural engineer to look at the property, and Mr. Xedis said yes. The Mayor requested the façade be repaired where the blue metal is before the next meeting.

The City Attorney said the original Resolution would need to be amended to declare the property a public nuisance, to adjourn to the next Council meeting, to allow for a re-inspection by the Assistant Fire Marshal, to allow for the hiring of a Structural Engineer, and to allow the property owner to commence cosmetic repairs. Councilor Bowe said that if Mr. Xedis can get some things done before the next meeting, it would show good intention on his part. Mr. Xedis said he can use metal to try to make it look better where the blue rusted metal is located now. He said he cannot put brick out there in the winter.

The original motion to open discussion was moved by Councilor Bowe with Councilor Acker seconding the motion.

ADJOURN PUBLIC HEARING – 112 MADISON STREET

RESOLUTION 17-25

Moved by Councilor Chamberlain

Seconded by Councilor Acker

RESOLVED, that the property at 112 Madison Street is hereby declared Public Nuisance, **and be it further**

RESOLVED, that the Assistant Fire Marshall is hereby authorized to re-inspect the property, **and be it further**

RESOLVED, that Structural Engineer shall be retained to complete a report on the property at 112 Madison Street, **and be it further**

RESOLVED, that the property owner is directed to commence cosmetic repairs on the property at 112 Madison Street, **and be it further**

RESOLVED, that at 7:29 p.m., the Public Hearing for 112 Madison Street be hereby ADJOURNED to the February 21, 2017 Common Council meeting.

Ayes: 4

Nays: 0

Absent: 2 (Smith, Simchik)

MOTION CARRIED

OLD BUSINESS

Jill Christian Lynch, Oneida, thanked the Mayor, Common Council and associates for being transparent with the solar project, noting that she regularly receives updates through the FOIL process. She commended the Mayor and Council on demanding or encouraging a much more in depth study of the property under consideration. She said this process has been done in line with the Charter, and her neighborhood appreciates the time, energy and transparency that has been put forth.

Councilor Acker asked where we are in the process of repairing the leaking roof. City Engineer Jon Rauscher said that the masonry in the lateral wing walls were never maintained, and they are leaking. He said that he will be asking to go to bid for this Capital Project at the next Council meeting.

Moved by Councilor Bowe

Seconded by Councilor Chamberlain

RESOLVED, that the minutes of the regular meeting of January 17, 2017 are hereby approved as presented.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

Moved by Councilor Smith

Seconded by Councilor Chamberlain

RESOLVED, that Warrant No. 3, checks and ACH payments in the amount of \$780,274.45 as audited by the Voucher Committee is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

**ADOPT THE MADISON COUNTY NY
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

RESOLUTION 17-26

Moved by Councilor Acker

Seconded by Councilor Smith

RESOLVED, that the City of Oneida Common Council hereby adopts the Multi-Jurisdictional Hazardous Mitigation Plan of Madison County, New York.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

The Mayor said this is required for the FEMA Buyout Program, and Councilor Smith said there are still updates that need to be made.

WATER FUND TRANSFER

RESOLUTION 17-27

Moved by Councilor Chamberlain

Seconded by Councilor Acker

WHEREAS, by Resolution duly adopted on April 7, 1992, the City has established a Capital Reserve Fund to finance the cost of construction or reconstruction of water treatment and transmission facilities, pursuant to General Municipal Law, Section 6-c, **and**

WHEREAS, pursuant to said Resolution, the City Comptroller has deposited monies of this reserve fund in a separate bank account known as the Water Reserve Fund, **now therefore be it**

RESOLVED, that the City Comptroller is hereby authorized to transfer \$102,526.30 from the Water Fund to the Water Reserve Fund.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

PROPOSED LOCAL LAW INTRODUCTION TO AMEND CHAPTER 34
TO ESTABLISH A VACANT BUILDING REGISTRY
AND MAINTENANCE PROGRAM
IN THE CITY OF ONEIDA

RESOLUTION 17-28

Moved by Councilor Acker

Seconded by Councilor Bowe

RESOLVED, that a proposed Local Law to amend Chapter 34 of the City of Oneida Code, which establishes a vacant building registry and maintenance program be hereby received and placed on file, **and be it further**

RESOLVED, that the City of Oneida Common Council hereby declares Lead Agency Status and classifies the action as Unlisted, **and be it further**

RESOLVED, that the City of Oneida Common Council, after careful consideration of Part 1 of the Short Environmental Assessment Form and completion of Part 2 of the Short Environmental Assessment Form, hereby makes a determination of Non-Significance and issues a Negative Declaration under SEQR as there is no adverse impact on the environment, **and be it further**

RESOLVED, that a Public Hearing on said proposed Local Law to establish a vacant building registry and maintenance program be scheduled for 6:30 p.m. on February 21, 2017 in the Common Council Chambers, 109 N. Main Street, Oneida NY.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

The Mayor said that a list of vacant properties is being prepared and updated by the City Assessor's office. The City Clerk read aloud each of the 11 items of Part 2 – Impact Assessment of the Short Environmental Form for the Council's completion.

The Mayor said he has formed a Codes Committee, and he will keep the Council abreast quarterly.

Mayor Matzke asked about a fee. He said the City will be keeping track to watch if the properties start to deteriorate, as we don't want them to go as far as the ones discussed here tonight. The City Attorney stated the fees are normally done by Resolution, so the Local Law does not have to be amended each time the amount of the fee changes. Councilor Cohen asked if there is a standard fee to go by, and the City Attorney said that fees can be all over the board.

The Assessor said he will get with the Mayor to discuss the zombie properties.

**FCC NOTIFICATION FOR SPECTRUM MANAGER LEASE OWNERSHIP
DISCLOSURE INFORMATION AND SPECTRUM LEASE AGREEMENT**

RESOLUTION 17-29

Moved by Councilor Chamberlain
Seconded by Councilor Cohen

WHEREAS, the City of Oneida Common Council has received, reviewed, and completed the entire FCC Notification for Spectrum Manager Lease Ownership Disclosure Information and Spectrum Lease Agreement, **now therefore be it**

RESOLVED, that the Mayor be hereby authorized to sign the FCC Notification for Spectrum Manager Lease Ownership Disclosure Information and Spectrum Lease Agreement.

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

**PROPOSED LOCAL LAWS TO AMEND CHAPTER 190-ZONING
TO REGULATE DIGITAL SIGNAGE AND FEATHER FLUTTER SIGNAGE**

RESOLUTION 17-30

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that a proposed Local Laws to amend Chapter 190-Zoning of the City of Oneida Code to regulate digital signage and to regulate feather flutter signage be hereby received and placed on file, **and be it further**

RESOLVED, that said Local Laws to regulate signage be referred to the Planning Commission for their recommendations.

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

MOTION CARRIED

Councilor Acker said, as a business owner, some of this does not make sense. The Mayor said these regulations were taken from other communities. Councilor Acker said she will provide the Mayor and Planning Commission with her comments. Councilor Cohen said he likes the part about placing emergency notices on signs.

PROPOSED LOCAL LAW INTRODUCTION TO CREATE A NEW CHAPTER OF THE CITY CODE TITLED “ENERGY EFFICIENCY AND GREENHOUSE GAS REDUCTION”

RESOLUTION 17-31

Moved by Councilor Cohen
Seconded by Councilor Acker

RESOLVED, that a proposed Local Law, which creates a new chapter in the City Code titled “Energy Efficiency and Greenhouse Gas Reduction” be hereby received and placed on file, **and be it further**

RESOLVED, that the City of Oneida Common Council hereby declares Lead Agency Status and classifies the action as Unlisted, **and be it further**

RESOLVED, that the City of Oneida Common Council, after careful consideration of Part 1 of the Short Environmental Assessment Form and completion of Part 2 of the Short Environmental Assessment Form, hereby makes a determination of Non-Significance and issues a Negative Declaration under SEQR as there is no adverse impact on the environment, **and be it further**

RESOLVED, that a Public Hearing on said proposed Local Law titled “Energy Efficiency and Greenhouse Gas Reduction” be scheduled for 6:30 p.m. on February 21, 2017 in the Common Council Chambers, 109 N. Main Street, Oneida NY.

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

The Mayor said this is necessary as we move along with our green energy plans. Councilor Smith inquired about the CCA Administrator, and the City Attorney said that is the company the City appoints. Councilor Smith said when the presentation was given by Good Energy last week, there was no mention of administration fees, but it is now in the Local Law. Councilor Smith inquired as to who establishes those fees, the City or the company, and what the percentage is. Mayor Matzke said he spoke with some students from Binghamton who will be helping with this. The Mayor said the students are putting together a comparison of several companies for the Council’s review. The City Clerk read aloud each of the 11 items of Part 2–Impact Assessment of the Short Environmental Form for the Council’s completion.

SERVICE AGREEMENT - TRACMANAGER

RESOLUTION 17-32

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, to authorize the Mayor to sign a one-year Service Agreement with TracManager, 117 Highbridge Street, Fayetteville, NY 13066 to provide trackers and /or tracking and locating services to the City in the amount of \$984.

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

CANVASS AND APPROVE BIDS – SENSUS WATER METERS

RESOLUTION 17-33

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the lowest bid meeting specifications for Low Lead Sensus Water Meters in the amount of \$40,604.00 is hereby awarded to HD Supply Waterworks, 2220 State Route 5, Utica NY 13502.

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

BUDGET TRANSFERS

RESOLUTION 17-34

Moved by Councilor Cohen
Seconded by Councilor Bowe

RESOLVED, to approve the following budget transfers:

<u>AMOUNT</u>	<u>FROM:</u>	<u>TO:</u>
\$45,000.00	001.3410.0101 Fire Salary	001.3410.0114 Short Shift Staffing OT
\$8,000.00	001.3410.0102 Fire Overtime Salary	001.3410.0114 Short Shift Staffing OT

(To reallocate funds to short shift staffing overtime to cover open firefighter position)

<u>AMOUNT</u>	<u>FROM:</u>	<u>TO:</u>
\$129,000	003.0003.0912 Sewer Fund Balance	305.8110.0400 Sewer Aeration Design Phase I

(To fund design phase on Aeration Capital Project 17-4)

\$170,220	003.0003.0912 Sewer Fund Balance	306.8110.0400 Sewer Dewatering Design Phase I
-----------	-------------------------------------	--

(To fund design phase on Dewatering Capital Project 17-5)

Ayes: 4
Nays: 1 (Smith)
Absent: 1 (Simchik)
MOTION CARRIED

Councilor Smith questioned the budget transfer relating to the open firefighter position. Councilor Bowe said that during the budget process the open firefighter position was discussed. The Mayor said this is to show how much overtime is actually used in each account, so the overtime isn't skewed. Councilor Smith said it is more expensive to do it this way. Councilor Cohen said this may be something that we should explore further at a later time.

AGREEMENT – GHD CONSULTING SERVICES, INC. – CAPITAL PROJECT 17-04

RESOLUTION 17-35

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the City Engineer be authorized to proceed with Capital Project 17-04 – Aeration Upgrade Improvements (WWTP), **and be it further**

RESOLVED, to authorize the Mayor sign a professional services agreement with GHD Consulting Services, Inc. for engineering services for the design phase of Capital Project 17-04 in the amount of \$129,200.00, **and be it further**

RESOLVED, that the City Engineer be authorized to expend funds up to the programmed amount for Capital Project 17-04 – Aeration Upgrade Improvements (WWTP).

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

AGREEMENT – GHD CONSULTING SERVICES – CAPITAL PROJECT 17-05

RESOLUTION 17-36

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the City Engineer be authorized to proceed with Capital Project 17-05 – Solids Dewatering Equipment Replacement (WWTP), **and be it further**

RESOLVED, to authorize the Mayor to sign a professional services agreement with GHD Consulting Services, Inc. for engineering services for the design phase of Capital Project 17-05 in the amount of \$170,220, **and be it further**

RESOLVED, that the City Engineer be authorized to expend funds up to the programmed amount for Capital Project 17-05 – Solids Dewatering Equipment Replacement.

Ayes: 5
Nays: 0

Absent: 1 (Simchik)
MOTION CARRIED

ANNUAL REPORT

RESOLUTION 17-37

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that the Oneida City Fire Department's 2016 Annual Report be hereby received and placed on file.

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

Councilor Smith said this report is well put together with an abundance of information. He thanked the Fire Department for improving the ISO rating, which should help all the residential and commercial properties on their insurance costs.

NEW BUSINESS

Councilor Chamberlain stated that the OC3 Committee is having a public meeting on Saturday, February 11, 2017 here at City Hall in the Council Chambers. The meeting is to gather and share information to develop ideas for Oneida's future. In response to a question, the Mayor said this has nothing to do with the grant that the Planning Director received for downtown for the City.

Jill Christian Lynch asked where the information about the proposed Local Laws can be found. The City Clerk said they are on the website on the agenda link. The City Clerk said she would e-mail the link to her in the morning. Mrs. Lynch suggested that the Planning Board be required or strongly encouraged to to put their agenda and minutes on line in a timely way, and the Mayor said yes.

Councilor Cohen said that on Monday's and Wednesday's from 9 AM to 12 PM senior citizens can get their taxes prepared for free by volunteers at the Oneida Public Library.

EXECUTIVE SESSION

RESOLUTION 17-38

Moved by Councilor Bowe
Seconded by Councilor Chamberlain

RESOLVED, that the meeting is hereby adjourned to Executive Session at 8:09 p.m. for the purpose of discussing the proposed acquisition, sale or lease of real property and a personnel issue in the Fire Department.

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

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

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

PRESENT: Mayor, Councilors

2. Discussion was held relating to a personnel issue in the Fire Department.

Moved by Councilor
Seconded by Councilor

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:55 p.m.

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

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 8:56 p.m.

City of Oneida

Susan Pulverenti, City Clerk