

**MINUTES OF THE COMMON COUNCIL
FEBRUARY 16, 2016**

A meeting of the Common Council of the City of Oneida, NY was held on the sixteenth day of February, 2016 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, Helen Acker, James Chamberlain, and Thomas Simchik

ALSO PRESENT: City Attorney Terance Walsh
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Comptroller Linda Pease
Fire Chief Kevin Salerno
Police Chief David Meeker
Supervisor John Reinhardt
Supervisor Joseph Magliocca

OLD BUSINESS

Buyout Program

Councilor Helen Acker said the City has received a verbal commitment from U.S. Senator Schumer's office that the City of Oneida has been granted the application for the buyout from FEMA. Councilor Acker said this is great news, but stressed that the City has not received any affirmations in writing from NYS DHSES as of yet.

SUPERVISORS REPORT

Supervisor John Reinhardt said there will be a Planning Committee meeting on Land Banks at the County Office Building, Thursday at 10:30 a.m., with Katelyn Wright as the speaker. Mayor Matzke said land banks operate on Federal and State funding using no local monies and can provide economic development opportunities.

Supervisor Reinhardt said the County has a new Department of Emergency Services with Ted Halpen named as the new Director.

Supervisor Reinhardt said the County is expanding the landfill; details to follow.

Supervisor Reinhardt reported that Madison County and the City of Oneida did better with sales tax revenues than both Oneida County and Onondaga County. He thanked everyone for buying local.

Moved by Councilor Chamberlain

Seconded by Councilor Smith

RESOLVED, that the minutes of the regular meeting of February 2, 2016 are hereby approved as presented.

Ayes: 5
Nays: 0
Abstain: 1 (Acker)
MOTION CARRIED

Councilor Acker said she just returned from vacation and is working to catch up on everything.

Moved by Councilor Cohen
Seconded by Councilor Bowe

RESOLVED, that Warrant No. 4, checks and ACH payments in the amount of \$2,150,192.33 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 Cohen
Seconded by Councilor Bowe

RESOLVED, that Check No. 54765 (Oneida Office Supply) in the amount of \$81.88, 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
Abstain: 1 (Acker)
MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 16-31

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that monthly reports from the Chamberlain, City Clerk, Comptroller, City Engineer, Director of Planning and Development, Fire Chief, Police Chief, and Recreation Director be hereby received and placed on file, **and be it further**

RESOLVED, that the 2015 Fire Department Annual Report be hereby received and placed on file.

Ayes: 6
Nays: 0
MOTION CARRIED

Mayor Matzke and Councilor Smith commended the Fire Chief on his first annual report. Councilor Smith said he was glad to see the department's interest in the active shooter training.

**AN ORDINANCE AMENDING THE ZONING PROVISIONS OF THE CITY OF ONEIDA
CODE PERTAINING TO OUTDOOR PARKING/STORAGE ON CORNER LOTS**

RESOLUTION 16-32

Moved by Councilor Simchik
Seconded by Councilor Smith

RESOLVED, that the Common Council of the City of Oneida, Madison County, State of New York, pursuant to the Authority vested in it by law does hereby enact, ordain and hereby adopts an Ordinance amending the City of Oneida Code provisions of Zoning pertaining to outdoor parking/storage of vehicles on corner lots as follows:

SECTION 1. Zoning – Chapter 190–§16 – Off-street parking and loading. A. (5)

Outdoor parking or storage of boats and other vehicles used primarily for recreational purposes, motor homes, trailers, vehicle transports, construction trailers, utility trailers, and PODS® (portable on-demand storage units), in any residential district or on any lot used for residential purposes, shall be confined to the rear or side yard, and said parking or storage shall not be within 10 feet of any lot line for a period exceeding 14 days in any calendar year. On a corner lot, such outdoor parking is allowed on the front yard not designated as the 911 address, and adequate screening in the form of plantings, fencing or other visual separation must be approved by the Planning Commission.

Ayes: 6
Nays: 0

MOTION CARRIED

ZONING MAP AMENDMENT – 368 LENOX AVENUE

RESOLUTION 16-33

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED AND DETERMINED, that the proposed zone change is consistent with the City of Oneida’s Comprehensive Plan, the present use of the property and the uses and zoning designation of contiguous properties; **and be it further**

RESOLVED AND DETERMINED, that the Common Council does further enact the Proposed Ordinance amendment, as herein set forth:

“An Ordinance Amending the Zoning Map of the City of Oneida to
Change the Zoning Designation for Certain Properties in the City of Oneida”

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

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 a portion of the property located at 368 Lenox Avenue, Tax

Map Parcels No. 30.78-1-53.2 and 38.22-1-44 from Light Industrial to Commercial, as such zoning districts are defined and regulated pursuant to the provisions of Chapter 190 of the Code of the City of Oneida.

Section 2. The portion of land, which shall be the subject of said zone change is situated at 368 Lenox Avenue and totals approximately 6,640 square feet, as shown on the attached map.

Section 3. The City of Oneida Zoning Map shall be amended and shall incorporate the change of zoning classification, as herein provided.

Section 4. This Ordinance shall become effective immediately upon publication in the official newspaper.

Ayes: 6
Nays: 0

MOTION CARRIED

CLOSEOUT CAPITAL PROJECTS

RESOLUTION 16-34

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that the following Capital Projects be closed out:

TRANSFER FROM CAPITAL

300.8110.0400 WWTP Gas Monitoring #15-07 \$198,264.72

TO SEWER FUND 003.0024.2822: \$198,264.72

TRANSFER FROM CAPITAL

112.3650.0400 Phelps Street Demolition #15-06 \$3,265.00

TO GENERAL FUND 001.0024.2822: \$3,265.00

Ayes: 6
Nays: 0

MOTION CARRIED

**ACCEPT BID OFFER FOR FIRE DEPARTMENT'S
OLD SCBA'S – SELF CONTAINED BREATHING APPARATUS**

RESOLUTION 16-35

Moved by Councilor Chamberlain
Seconded by Councilor Smith

WHEREAS, the City of Oneida received a grant for the purchase of new SCBA's (self-contained breathing apparatus) for the Fire Department; **and**

WHEREAS, Fire Chief Kevin Salerno solicited bids for the old SCBA's (self-contained breathing apparatus) from four companies receiving two offers, **and**

WHEREAS, it is the recommendation of Fire Chief Kevin Salerno to sell said firefighting turnout gear to the Dalmatian Fire Equipment, Inc., **now therefore be it**

RESOLVED, that the Common Council hereby accepts the bid from Dalmatian Fire Equipment, Inc. and further authorizes the City of Oneida Fire Department to sell the used Scott 4.5 SCBA equipment (self-contained breathing apparatus) per the bid, hereto attached, to Dalmatian Fire Equipment, Inc., 75 Oak Avenue, Eaton, CO 80615.

Ayes: 6

Nays: 0

MOTION CARRIED

NEGATIVE RECOMMENDATION ON PROPOSED ZONING ORDINANCE LANGUAGE
CHANGE SECTION 190-16(A)

RESOLUTION 16-36

Moved by Councilor Smith

Seconded by Councilor Chamberlain

RESOLVED, that a Negative Recommendation from the City of Oneida Planning Commission concerning a proposed Local Law to amend Chapter 190 titled Zoning, Section 190-16(A) of the City Code to regulate residential parking brought to the Common Council on December 29, 2015 be hereby received and placed on file.

Ayes: 5

Nays: 0

Abstain: 1 (Acker)

MOTION CARRIED

Councilor Bowe questioned seasonal parking permits, and Chief Meeker said the Community Service Officer does the monitoring of those vehicles.

Brahim Zogby, Oneida, former Council member, questioned the next step after receipt of the negative recommendation from the Planning Commission on this proposed local law. The Mayor advised Mr. Zogby that he could go to a Planning Commission meeting if he wanted to revive the proposed Local Law, as the Commission has its own authority separate to the Council.

ADOPT LOCAL LAW NO. 1 OF 2016
TO REDUCE THE NUMBER OF MEMBERS ON THE ZONING BOARD OF APPEALS

RESOLUTION 16-37

Moved by Councilor Chamberlain

Seconded by Councilor Bowe

RESOLVED, that the Common Council of the City of Oneida, Madison County, State of New York, pursuant to the Authority vested in it by law does hereby enact a Local Law amending Chapter 190~Zoning, §190-44 of the Oneida City Code to reduce the number of members on the Zoning Board of Appeals as follows:

**A LOCAL LAW TO AMEND CHAPTER 190, TITLED “ZONING,” OF
THE CODE OF THE CITY OF ONEIDA TO REDUCE THE NUMBER
OF MEMBERS ON THE ZONING BOARD OF APPEALS**

SECTION 1. AUTHORITY.

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

SECTION 2.

So that the introductory paragraph of Section 190-44 of the City of Oneida Zoning Regulations, titled “Zoning Board of Appeals,” is hereby amended so as to read, in its entirety, as follows:

“A Zoning Board of Appeals consisting of five (5) members shall be designated by the Common Council to carry out the duties prescribed for such Board under these regulations[.]”

SECTION 3.

So that Section190-44(A)(2) of the City of Oneida Zoning Regulations is hereby amended so as to read, in its entirety, as follows:

“(2) Membership and terms. The Zoning Board of Appeals shall consist of five members, including the Chairman, the successors to the original appointees shall be appointed for terms of three years from and after the expiration of the terms of the members first appointed. No person who is a member of the Common Council shall be eligible for membership on such Zoning Board of Appeals.”

SECTION 4.

So that Section190-44(B)(1)(c) of the City of Oneida Zoning Regulations is hereby amended so as to read, in its entirety, as follows:

“(c) Voting requirements. The concurring vote of three members of the Zoning Board of Appeals shall be required to constitute an official action by the Board.”

SECTION 5.

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

Councilor Cohen – Yes
Councilor Bowe – Yes
Councilor Smith – Yes
Councilor Acker – Yes
Councilor Chamberlain – Yes
Councilor Simchik – Yes

MOTION CARRIED

AMUSEMENT DEVICE LICENSE

RESOLUTION 16-38

Moved by Councilor Chamberlain
Seconded by Councilor Smith

RESOLVED, that the 2016 Amusement Device License for Nichol’s Vending, RD #1, Box 231 Canastota, NY 13032 be hereby approved.

Ayes: 6

Nays: 0

MOTION CARRIED

BUDGET TRANSFER/AMENDMENT

RESOLUTION 16-39

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, to approve the following budget transfer:

<i>AMOUNT</i>	<i>FROM</i>	<i>TO</i>
\$7,983.00	103.7521.0405 Kallet Roof Project	103.7521.0403 Kallet Boiler Project

To transfer money needed to increase the boiler project portion of fund

RESOLVED, to approve the following budget amendment:

<i>AMOUNT</i>	<i>FROM</i>	<i>TO</i>
\$8,400.00	103.0023.2770 Kallet Share of Boiler	103.7521.0403 Kallet Boiler Project

To account for the Kallet’s share of project

CAPITAL PROJECT 15-1 original budget amended from \$65,948 to \$78,559

Boiler and roof projects complete \$250K grant reimbursement to be submitted to DASNY

Ayes: 6

Nays: 0

MOTION CARRIED

AGREEMENT FOR COURT CLEANING SERVICES AT THE JUSTICE CENTER

RESOLUTION 16-40

Moved by Councilor Smith

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 5th 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

GASBOY SERVICE AGREEMENT

RESOLUTION 16-41

Moved by Councilor Smith

Seconded by Councilor Chamberlain

RESOLVED, to authorize the Mayor to sign the annual Gasboy Service Agreement by and between Gilbarco, Inc., DBA Gasboy, 7300 W. Friendly Avenue, Greensboro, NC 27420 and the City of Oneida to provide telephone support, software connections and upgrades, and fleet head office software service in the amount of \$153.00.

Ayes: 6

Nays: 0

MOTION CARRIED

The City Clerk said there is an additional agenda item to be added before the Council proceeds to agenda item 12. The Resolution was received from the Bonding Attorney for Capital Project 16-01 – Kallet Civic Center HVAC Chiller. She said this way the Council can vote on the bonding Resolution to appropriate the funding before voting on the authorization to proceed with the Capital Project.

The City Clerk said that Nell Zigler from Honeywell International, Inc. is also here to answer any questions the Council may have about the proposal for the Kallet's HVAC chiller replacement.

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 16-42

Moved by Councilor Smith

Seconded by Councilor Bowe

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: 5

Nays: 0

Abstain: 1 (Cohen)

MOTION CARRIED

Councilor Cohen said he is not familiar with the project. Mayor Matzke said this Capital Project was approved in the budget.

Nell Zigler, Honeywell International, Inc. said Honeywell has been providing maintenance services at the Kallet, and they are concerned with the current chiller actually being able to start up. Mayor Matzke said there are time constraints, as it takes about 12 weeks just to get the part. Ms. Zigler said although this is a building improvement project, it will provide some energy savings. The City Engineer said this is the Phase I portion, which they are trying to fast track to get it in place before the cooling season begins, and then they will follow up with Phase II; the less critical items.

BOND RESOLUTION DATED FEBRUARY 16, 2016

A RESOLUTION AUTHORIZING THE REPLACEMENT OF THE HVAC CHILLER AT THE KALLET CIVIC CENTER IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$188,233 AND AUTHORIZING THE ISSUANCE OF \$188,233 BONDS OF SAID CITY TO PAY THE COST THEREOF

RESOLUTION 16-43

Moved by Councilor Smith

Seconded by Councilor Bowe

BE IT RESOLVED by the affirmative vote of not less than two thirds of the total voting strength of the Common Council of the City of Oneida, Madison County, New York, as follows:

Section 1. The replacement of the HVAC chiller at the Kallet Civic Center in and for the City of Oneida, Madison County, New York, including incidental costs related thereto, is hereby authorized at a maximum estimated cost of \$188,233.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$188,233 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 13 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Oneida, Madison County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable

real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if: Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City for such purpose, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Councilor Cohen – Yes
Councilor Bowe – Yes
Councilor Smith – Yes
Councilor Acker – Yes
Councilor Chamberlain – Yes
Councilor Simchik – No

MOTION CARRIED

PROPOSAL FOR KALLET CIVIC CENTER CHILLER REPLACEMENT

RESOLUTION 16-44

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that a proposal from Honeywell International Inc., 14 Columbia Circle Drive, Albany, NY 12203 to provide equipment and services for the Capital Project No. 16-01 Kallet Civic Center HVAC Chiller Replacement (Oneida Municipal Phase 1 Energy Project–Kallet Chiller Replacement) per NYS Contract PT63299 terms and conditions in the amount of \$188,233.00 be hereby accepted and approved, **and be it further**

RESOLVED, to authorize the City Engineer to proceed with Capital Project No. 16-01 Kallet Civic Center HVAC Chiller Replacement and expend funds in the programmed amount of \$188,233.00, **and be it further**

RESOLVED, that the Mayor be hereby authorized to execute any and all documents relative to said Capital Project 16-01 Kallet Civic Center HVAC Chiller Replacement.

Ayes: 5

Nays: 1 (Simchik)

MOTION CARRIED

David Cimpi, Oneida, inquired about the \$250K grant received from the State for the Kallet Civic Center last year. City Engineer Jon Rauscher said that grant was to pay for the new roof and new boiler, and the grant was also to include payment for the boiler at the Recreation Center; however, the roof project was more costly than originally expected. The new roof has been completed, and the boiler project will be finished this week.

NEW BUSINESS

Barbara Beuhner, Oneida, asked if there were any plans for the vacant buildings/storefronts in downtown near the Kallet and banks. Mayor Matzke said he is working to address those concerns, noting that he recently met with Mr. Stickles from Community Bank. Councilor Simchik said there is a group of building owners in the City Center, who have a financial stake in downtown, and are working on these issues,. The Mayor said they are separate to City government.

Darren Lynch, Oneida asked what is being done to promote business downtown and what funds are available to do that, noting the use of the Revolving Loan Fund as an enticing tool. The Mayor said the City is continuing to apply for Main Street Grants. Mayor Matzke stated he has been working with a gentleman who purchased two buildings downtown; one on Madison Street and one on the corner of N. Main and Elm, who is renovating the buildings. The Mayor said the City is using the abatement policy to clean up violations that occur. He said the Recreation Department will be bringing back the flowers to downtown, and he is working with the Memorial Day Parade Committee, adding that this year's parade will be exciting. The Mayor said it is like a puzzle to piece everything together, but we have to make downtown attractive first. The Mayor said there is a lot of history here, and he is always looking for ideas. The Mayor said, with respect to the Revolving Loan Fund, a business has to come in and apply for a loan. Councilor Acker said the Revolving Loan Fund was established to help with the start-up for new businesses and cannot be used to entice new businesses through advertising.

Supervisor Magliocca said conceptual designs of the proposed Rail Trail are on-line, and a link is available on the City website. He said the beautification, landscaping, street lighting and narrowing of Oneida Street will transform the look of the center of downtown and will be paid with \$2M+ in grant funding. He said there will be more meetings scheduled where the committee is looking for public input. Supervisor Magliocca said to watch the newspaper for the dates/times of the meetings.

Jill Christian-Lynch, Evergreen Valley Drive, Oneida, said she commends the City for the idea of promoting Oneida to increase traffic downtown, make neighborhoods people want to live in, and schools people want to send their children to. However, she said she finds it incongruent that the City is looking at panels for screening the view of the condenser at the Kallet, yet they are proposing to place a commercial solar project in a residential neighborhood with no considerations of privacy for the residents.

Motion by Councilor Chamberlain

The regular meeting is hereby adjourned at 7:10 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk