

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

A regular meeting of the Common Council of the City of Oneida, NY was held on the seventh day of March, 2017 at 6:30 o'clock P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

Mayor Matzke invited the members of Verona Girl Scout Troop 60511 to come forward and lead the pledge of allegiance. He said the girls are currently working on earning their government badge and came this evening to see how a Council meeting is conducted.

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 Nadine Bell
City Clerk Susan Pulverenti
Director of Parks and Recreation Luke Griff
Fire Chief Kevin Salerno
Assistant Fire Marshal Dennis Fields
Supervisor John Reinhardt
Supervisor Joe Magliocca

**PUBLIC HEARING – PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III,
UNSAFE BUILDINGS – ADJOURNED FROM 2/21/17 MEETING – 507 STONE STREET**

RESOLUTION 17-61

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that the Public Hearing Pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings – adjourned from 2/21/17 meeting – 507 Stone Street be hereby opened at 6:30 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES

Mayor Matzke asked if anyone was here for 507 Stone Street with no response.

City Attorney Nadine Bell stated that since the Council last met the search warrant materials for 507 Stone Street were prepared. The search warrant has been issued by the court and will be executed on Thursday, March 9, 2017, to allow access by the Assistant Fire Marshall and structural engineer to evaluate the interior and structural soundness of the house. The City Attorney recommended keeping the public hearing open until after the report has been prepared and submitted and at that time the Council can take further action if they deem it necessary.

Mr. Randy Kistner and his attorney from Utica entered the Council chambers at this point. The attorney said that Mr. Kistner has not had any success getting someone in to look at the property, noting both of them have made some calls. He said that Mr. Kistner received an estimate for a contractor to come to the

house and do some porch screening, repair of 8 feet of the foundation and some fascia repairs will be done probably sometime in April.

City Attorney Nadine Bell explained to Mr. Kistner and his attorney what she had just told the Council relative to the search warrant being issued and executed on Thursday. The City Attorney said that Mr. Kistner is welcome to be there while the building is entered, but it is not necessary with a search warrant. Attorney Bell said a report will be prepared by the structural engineer and submitted to the Common Council so that the Council will know exactly what the problems are. She said that report may be of assistance to Mr. Kistner as he moves forward with the repairs.

Mayor Matzke asked Mr. Kistner's attorney to put in writing what he just stated to the Council and submit it to the Assistant Fire Marshall. The City Attorney said just to clarify, the Council has declared the property a public nuisance; however, the scope of the work that is going to be required has not been decided pending the determination by a structural engineer. She said that typically what happens under Chapter 34 of the City Code is that once the Common Council has the information before them to determine what is required, and if repair or demolition is needed, an order is issued for the work to be done along with the time frames in which to do it. The Mayor said Mr. Kistner will need to obtain the proper building permits before any work is started. Attorney Bell said that Mr. Kistner's proposal should be with the Council before the next meeting so that it may be taken into consideration when and if an order is issued. The Mayor said that the Council will work with Mr. Kistner to get this done and move forward. In response to a question from Fire Marshal Fields, Mr. Kistner said that he would be there when the search warrant is executed at approximately 11:00 a.m.

ADJOURN PUBLIC HEARING – 507 STONE STREET

RESOLUTION 17-62

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that the Public Hearing on 507 Stone Street be hereby adjourned to the March 21, 2017 Council meeting at 6:40 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

PUBLIC HEARING – PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III, UNSAFE BUILDINGS – ADJOURNED FROM 2/21/17 MEETING – 112 MADISON STREET

RESOLUTION 17-63

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the Public Hearing pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings – adjourned from 2/21/17 meeting – 112 Madison Street be hereby opened at 6:41 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES

Mayor Matzke said the City doesn't have the completed report from the structural engineer to make a full determination on this property, but could make some decisions on the façade of the building. The Mayor said the Council was provided with a sample of a Notice and Order to see how they can be worded. Councilor Cohen said he believes the City should hold off until the complete report is received, and the Mayor said he would like to see the front of the building cleaned up by May.

City Attorney Nadine Bell said that her recommendation, based upon Chapter 34 that regulates this process, that only one order be issued. She said that Council knows that on March 9, 2017, a complete report will be provided from the structural engineer. Mr. Xedis can also provide any further information that he deems necessary. She said that at the next meeting (3/21/17), the Council can issue an order and explained the various ways in which an order can be written. The Mayor said after the order is written, Mr. Xedis must also obtain the necessary building permits before repairs begin. The Mayor said he agreed with the City Attorney that one order should be issued and asked to move the public hearing to adjournment. The Mayor reiterated that he would like to see the front of the building aesthetically pleasing.

ADJOURN PUBLIC HEARING – 112 MADISON STREET

RESOLUTION 17-64

Moved by Councilor Cohen
Seconded by Councilor Chamberlain

RESOLVED, that the Public Hearing on 112 Madison Street be hereby adjourned to the March 21, 2017 Council meeting at 6:46 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

181 MAIN STREET - OLD HOTEL ONEIDA

City Attorney Nadine Bell said that she received correspondence today from Mr. Robert Sullivan, the President of Sullivan Contracting Inc. and owner of the property at 181 Main Street. Mr. Sullivan informed her that he is not able to attend this evening, but confirmed he has received the notices of determination sent by the Fire Marshal's office and wanted to make a few points. Attorney Bell read aloud his points. She said that Mr. Sullivan said the deteriorated bricks noted in the report are a non-structural brick veneer and not a structural component. He said he will remove the loose bricks to satisfy any alleged safety hazard. He said that he has no control over vagrancy in the City of Oneida and does not condone people sleeping in the stairwells. He said that he authorizes the City of Oneida Police Department to remove any individuals found in the stairway structure or around the property. Mr. Sullivan said that the taxes are current on the property, and he has someone visit the property every 7 to 10 days to mow the lawn and trim the hedges. He said during each visit, they inspect the property to be sure that all doors and windows are secure, and repair those that have been broken by vandals. He said that he has installed a new 400 amp 3-phase electrical service, and roofing contractors will be replacing the roof this spring. He said he has retained an architectural firm that he is actively working with for interior and exterior design elements. He said that the building at 181 Main Street is not abandoned and is not structurally unsound. He said he would be happy to meet with City officials. City Attorney Bell said the Mayor has asked her to contact Mr. Sullivan to schedule a meeting for the Mayor and Fire Marshal to meet with him. Councilor Chamberlain said the bricks falling off may not be a structural issue, but they are an aesthetic issue. Councilor Chamberlain said it is untrue that they mow the lawn, as the City was there numerous times last year for that purpose. The Mayor said that he is interested in what Mr. Sullivan's plans are. He said that he will make sure that his plans are in writing, so that everyone will be

on the same page. Assistant Fire Marshall Fields said the search warrant will be executed on March 9, 2017 and asked the City Attorney to contact Mr. Sullivan to see if he would like to be there.

OLD BUSINESS – None

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that the minutes of the regular meeting of February 21, 2017 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Chamberlain
Seconded by Councilor Acker

RESOLVED, that Warrant No. 5, checks and ACH payments in the amount of \$2,694,018.69 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

Mayor Matzke said that the adoption of Local Law No. 2 is being withdrawn from the agenda, because he has some modifications to make. He said he would like to include a property manager definition and outline what the duties of that title will consist of. The Mayor said the changes will be presented at the next meeting, and another public hearing will be scheduled.

RECEIVE AND PLACE ON FILE – REQUEST FOR WAIVER OF LATE FEES
ONEIDA AMERICAN LEGION

RESOLUTION 17-65

Moved by Councilor Chamberlain
Seconded by Councilor Smith

RESOLVED, that a letter from the Oneida American Legion Post 169 requesting a waiver of building permit late fees be hereby received and placed on file.

Ayes: 6
Nays: 0

MOTION CARRIED

Councilor Smith asked the City Attorney if the fees could be waived, and the City Attorney said, yes that the Council can pass a Resolution to do so. Councilor Chamberlain asked why a decision was not being made tonight, and it was briefly discussed. A proposed Resolution will be prepared by the City Clerk for the next agenda at direction from the Council.

BUDGET TRANSFER

RESOLUTION 17-66

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, to approve the following budget transfer:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$3,650	001.1990.0400 Contingency	001.3620.0403 Codes-Structural Engineering Assessments

(To allocate funds to cover cost of 4 (3 interior and 1 exterior only) structural engineering assessments)

Ayes: 6
Nays: 0

MOTION CARRIED

Councilor Bowe suggested increasing the amount of the transfer to \$10K to cover any additional engineering assessments, because the City has further properties they will be addressing. The Mayor stated that we have four more properties to come before the Council already. After a brief discussion, the Council decided to leave the transfer as is for this evening.

SUMMER CONCERT AGREEMENTS

RESOLUTION 17-67

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign various agreements, as they are received, for the 2017 Summer Concerts in the Park in an amount not to exceed \$3,500.

Ayes: 6
Nays: 0

MOTION CARRIED

The Mayor asked the Recreation Director to contact the Planning Director, as she would like to coincide some concerts with events that are being planned for downtown.

AMUSEMENT DEVICE LICENSE

RESOLUTION 17-68

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, to approve the Amusement Device License for Quarter's Only Vending, 385-7 Gaffney Drive, Watertown NY 13601.

Ayes: 6
Nays: 0

MOTION CARRIED

NEW BUSINESS

Councilor Acker reminded the audience that the polls are open until 9 p.m. for those who would like to vote on the budget for Oneida Public Library.

Councilor Cohen said there is a district wide concert at Oneida High School tonight in memory of Ron Fargo, a longtime custodian at the school. He said if anyone would like to attend, there was still time to do so.

Recreation Director Luke Griff stated that Supervisor Joe Magliocca was honored with the Distinguished Citizen Award at the CNYRPS banquet for all the volunteer work he has done over the years with the City parks and trails. He cited Mt. Hope, Duross Conservancy, and the Oneida Rail Trail as examples of his hard work for the Recreation Department. Supervisor Magliocca received a round of applause.

SPECIAL MEETING – ONEIDA RAIL TRAIL COMMITTEE

Mayor Matzke said the Council has requested a work session with the Rail Trail Committee and suggested an hour before the start of the Council meeting on March 21st. Supervisor Magliocca recommended a separate day to go over all three sections, noting that a recent meeting with C&S Engineers was 4½ hours long. After a brief discussion, the Council agreed on scheduling a special meeting for Wednesday, March 15, 2017 from 6:30 p.m. to 8:00 p.m. in the Council chambers.

216 E. ELM STREET

Councilor Acker said she has received complaints about the property at 216 E. Elm Street, which is in very bad shape, and said she would like to see some action taken. Assistant Fire Marshal Dennis Fields said the property has been violated by the housing inspector. He said that they had a meeting, and the property owner says he has no money to put into the house. Fire Marshal Fields said that most of the issue is just removing the porch. Fire Marshal Fields said that he has also sent the property owner a violation notice relating to the same issue and has given the property owner a specific time frame to make the necessary repairs. He said further action cannot be taken until that time period expires.

212 BATES AVENUE

Assistant Fire Marshal Dennis Fields asked where in the process are we with 212 Bates Avenue, noting that the search warrant been sent to court. Mayor Matzke said that he met with John Manaseri, who owns the property at 212 Bates Avenue, and Mr. Manaseri told him the property is in foreclosure. The Fire Marshal said someone is still responsible for that property. The Mayor said Mr. Manaseri will be dropping off some paperwork, and he would like this on the next agenda.

Motion to adjourn by Councilor Chamberlain

The regular meeting is hereby adjourned at 7:12 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk