

**MINUTES OF THE COMMON COUNCIL
JANUARY 19, 2016**

A meeting of the Common Council of the City of Oneida, NY was held on the nineteenth day of January, 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 Nadine Bell
City Chamberlain Nancy Andrews
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Comptroller Linda Pease
Director of Parks and Recreation Lucas Griff
Fire Chief Kevin Salerno
Police Chief David Meeker
Supervisor Joseph Magliocca

PUBLIC HEARING – ZONING MAP AMENDMENT 368 LENOX AVENUE

RESOLUTION 16-08

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the Public Hearing on a Zoning Map Amendment on a portion of the property at 368 Lenox Ave. from LI (Light Industrial) to C (Commercial) be hereby opened at 6:32 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES: None

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that the Public Hearing on the proposed Zoning Map Amendment be hereby closed at 6:32 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

OLD BUSINESS

None

Moved by Councilor Chamberlain
Seconded by Councilor Acker

RESOLVED, that the minutes of the regular meeting of January 5, 2015 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Cohen
Seconded by Councilor Bowe

RESOLVED, that Warrant No. 2, checks and ACH payments in the amount of \$633,492.37 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. 54602 (Oneida Office Supply) in the amount of \$47.12, 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 16-09

Moved by Councilor Smith
Seconded by Councilor Bowe

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

Ayes: 6
Nays: 0

MOTION CARRIED

AGREEMENT

RESOLUTION 16-10

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, to authorize the Mayor to sign a three year agreement with REM Fire Systems, Inc., 206 S. George Street, Rome NY 13440 for fire alarm monitoring at the Oneida Justice Center and Kallet Civic Center.

Ayes: 6
Nays: 0

MOTION CARRIED

TASK AUTHORIZATION

RESOLUTION 16-11

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign the 2016 Task Authorization – Task 001 – Laboratory & Process Control and Industrial Pretreatment Assistance with O’Brien and Gere Operations, LLC to assist the City of Oneida Waste Water Treatment Plant operators with laboratory and process control support at the Waste Water Treatment Plant on an as needed basis, as requested by the City.

Ayes: 6
Nays: 0

MOTION CARRIED

City Engineer Rauscher said the City has been with this company for the last ten years, and they are very familiar with the WWTP processes.

AMEND 2016 BUDGET – POSITION OF HOUSING CODE INSPECTOR

RESOLUTION 16-12

Moved by Councilor Chamberlain
Seconded by Councilor Smith

WHEREAS, in the 2016 City of Oneida Budget, the Common Council allotted \$35,000 (\$16.82 per hour-40 hours per week), as the base rate amount for the position of a full-time Housing Codes Inspector, **and**

WHEREAS, the Common Council would like to increase the base rate amount for said full-time Housing Codes Inspector position by an additional \$2.41 per hour (\$16.82+\$2.41=\$19.23), with the required additional funding for said base rate increase to come from the Fire Department overtime account, **now therefore be it**

RESOLVED, that the 2016 City of Oneida Budget is hereby amended to reflect an increase of \$4,998.00 in Fire Salaries (001.3410.0101) to be funded from Fire Overtime (001.3410.0102) in

the amount of \$4,998.00 for the full-time position of Housing Code Inspector at the base rate of \$19.23 per hour.

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Chamberlain stated that he chaired a committee on Codes where they looked at options (PT, 2-PT, FT) for a housing codes officer. He said full-time is very much needed. Councilor Chamberlain said the salary proposed is a lower than the average of cities our size, noting that the current part-time codes officer does an excellent job. Mayor Matzke said he wants to strengthen our code offices in order to help clean up downtown.

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

RESOLUTION 16-13

Moved by Councilor Smith

Seconded by Councilor Chamberlain

WHEREAS, the Common Council, at the January 5, 2016, received and placed on file a Positive Recommendation from the Planning Commission for a proposed Zoning Ordinance Amendment to address outdoor parking or storage of boats and other vehicles used primarily for recreational purposes, motor homes, trailers, etc. on corner lots in the City, **now therefore be it**

RESOLVED, that a Public Hearing be hereby scheduled for February 2, 2016 at 6:30 p.m. in the Common Council Chambers, 109 N. Main St., Oneida on the proposed Zoning Ordinance Amendment 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

WATER FUND TRANSFER

RESOLUTION 16-14

Moved by Councilor Simchik

Seconded by Councilor Chamberlain

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 \$102,338.02 from the Water Fund to the Water Reserve Fund.

Ayes: 6

Nays: 0

MOTION CARRIED

SUBSTANCE ABUSE TESTING AGREEMENT

RESOLUTION 16-15

Moved by Councilor Smith

Seconded by Councilor Bowe

RESOLVED, that the Mayor be authorized to sign the annual agreement with Industrial Medical Associates, P.C., 961 Canal Street, Syracuse, NY for substance abuse testing.

Ayes: 6

Nays: 0

MOTION CARRIED

This is for a controlled substance abuse testing agreement for employees per Federal regulations.

**BRIDGES A/K/A MADISON COUNTY COUNCIL ON ALCOHOLISM AND
SUBSTANCE ABUSE, INC. AGREEMENT**

RESOLUTION 16-16

Moved by Councilor Smith

Seconded by Councilor Bowe

RESOLVED, that the Mayor is hereby authorized to sign the annual agreement in the amount of \$2,048.00 with BRiDGES a/k/a Madison County Council on Alcoholism and Substance Abuse, Inc. for the Employee Assistance Program.

Ayes: 6

Nays: 0

MOTION CARRIED

This is a Federal mandate.

PROPOSED LOCAL LAW TO AMEND ZONING CODE TO REDUCE THE NUMBER

OF MEMBERS ON THE ZONING BOARD OF APPEALS

RESOLUTION 16-17

Moved by Councilor Chamberlain
Seconded by Councilor Bowe

WHEREAS, Section 190-44 of the City of Oneida Zoning Regulations establishes a Zoning Board of Appeals with seven (7) members to be designated by the City of Oneida Common Council; **and**

WHEREAS, it is increasingly difficult to find citizens in the community willing to fill the various vacant positions on the many boards, commissions and committees maintained by the City of Oneida; **and**

WHEREAS, the presence of vacant positions on a board has the unintended consequence of impacting voting and the ability of a board to perform its statutory duties; **and**

WHEREAS, pursuant to Section 81(6) of the General City Law, the Common Council may, by local law, reduce the membership of its seven (7) member Zoning Board of Appeals to three (3) or five (5) members, so long as no incumbent member is removed from office except upon the expiration of his or her term of office; **and**

WHEREAS, the proposed Local Law reduces the membership of the Zoning Board of Appeals to five (5) members to be designated by the Common Council; **and**

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQR; **and**

WHEREAS, the Common Council has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; **and**

WHEREAS, the said EAF has been prepared and has been reviewed by the Common Council; **and**

WHEREAS, the Common Council has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria; **and**

NOW THEREFORE, BE IT RESOLVED, that the enactment of the proposed Local Law is an unlisted action, there are no other involved agencies and the Common Council shall act as lead agency in this matter for purposes of SEQR review; **and**

BE IT FURTHER RESOLVED, the Common Council has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this Resolution shall constitute a negative declaration under SEQR; **and**

BE IT FURTHER RESOLVED, that the Common Council shall conduct a public hearing as to the enactment of the proposed Local Law at the Oneida City Hall located at 109 N. Main St.

Oneida, New York on February 2, 2016 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

Ayes: 6

Nays: 0

MOTION CARRIED

**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**

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

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 Section190-44 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.

The City Attorney said that State Law allows for 3 or 5 Zoning Board members and with this change the City will be consistent with State Law. Attorney Bell said this is similar to what was done with the Board of Assessment Review.

CANVASS AND APPROVE BIDS FOR SENSUS LOW LEAD WATER METERS

RESOLUTION 16-18

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that the lowest bid meeting specifications for Low Lead Sensus Water Meters in the amount of \$24,413.32 is hereby awarded to HD Supply Waterworks, 2220 State Route 5, Utica NY 13502.

Ayes: 6
Nays: 0

MOTION CARRIED

TRESTLETOWN SUBDIVISION LOMR REQUEST

RESOLUTION 16-19

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that an e-mail dated January 12, 2016 from Rob Kinsella requesting that the Common Council reconsider the Trestle Town Subdivision LOMR request be hereby received and placed on file.

Ayes: 6
Nays: 0

MOTION CARRIED

Mayor Matzke said the City will make every effort to make this work. City Engineer Jon Rauscher said he has spoken with C & S Consultants and they will put together a formal proposal.

John Shannon, 430 Florence Avenue, said that he is the last home before Trestletown and asked if this will include his property. He said that he had a TOPO study done by Perry Tooker, which was sent to FEMA a couple months ago.

Rob Kinsella said that FEMA won't change boundaries without an analysis.

Mayor Matzke said he appreciated Mr. Kinsella's research on this.

**APPROVING THE RELEASE OF PREMISES SITUATED AT 1064 / 1076 NORTHSIDE
SHOPPING CENTER, CITY OF ONEIDA, COUNTY OF MADISON, STATE OF NEW YORK,
FROM A MORTGAGE HELD BY THE CITY OF ONEIDA**

RESOLUTION 16-20

Moved by Councilor Smith
Seconded by Councilor Bowe

WHEREAS, on November 22, 1995, the City of Oneida, with the approval of the Public Health Council of the State of New York, executed certain documents which, effective January 1, 1996, transferred the assets, liabilities and the operations of Oneida City Hospital to Oneida Health Systems, Inc., a private, not-for-profit hospital organized under Section 501(c)(3) of the Internal Revenue Code; **and**

WHEREAS, although the City of Oneida's ownership of the Hospital was terminated, the City continues to be the mortgagee of a mortgage from Oneida Health Systems, Inc. to the City of Oneida, dated December 29, 1995, recorded in the Madison County Clerk's Office in Liber 1080 of Mortgages at Page 308 ("Mortgage"); **and**

WHEREAS, Oneida Health Systems, Inc., as mortgagor, has requested that the City, as mortgagee, release from the lien of the aforementioned Mortgage a part of the premises covered by the Mortgage to allow for the sale of same to the Gorman Foundation, a local foundation focused upon supporting non-for-profit organizations within Madison County and the following areas of interest: community education and enhancement through outreach programs, musical performances and historical preservation efforts; social welfare programs and services designed to help people in need gain access to healthcare, education, food and shelter; and environmental efforts in support of local farming, the preservation of wildlife and the rehabilitation of animals; **and**

WHEREAS, the premises requested to be released from the Mortgage are lands situated at 1064/ 1076 Northside Shopping Center, City of Oneida, County of Madison, State of New York, Tax Map No. 30.46-1-5, consisting of approximately .23 acres and improved with a professional building; **and**

WHEREAS, in the interest of supporting the Gorman Foundation's commitment to community education and enhancement, social welfare programs and services, and environmental efforts within Madison County, the Common Council wishes to release from the Mortgage certain real property, known as Tax Parcel 30.46-1-5, situated at 1064/ 1076 Northside Shopping Center in the City of Oneida, County of Madison, State of New York, consisting of approximately .23 acres and improved with a professional building.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that there are no other involved agencies, the Common Council will act as lead agency, that this is an unlisted action and, after reviewing the short EAF submitted in support of this proposition, the Common Council hereby determines that the proposed release of a part of the premises covered by the aforementioned Mortgage will result in no adverse environmental impacts and therefore this Common Council renders a negative declaration for purposes of SEQR; **and it is further**

RESOLVED, that the Common Council hereby approves the release of aforementioned real property owned by Oneida Health Systems, Inc. located at 1064/ 1076 Northside Shopping

Center, City of Oneida, County of Madison, State of New York, Tax Map No. 30.46-1-5 from the mortgage from Oneida Health Systems, Inc. to the City of Oneida, dated December 29, 1995, recorded in the Madison County Clerk's Office in Liber 1080 of Mortgages at Page 308; **and it is further**

RESOLVED, that the Mayor is hereby authorized to execute any and all documents necessary to complete the release of such parcel from the aforementioned Mortgage.

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Bowe said with this Resolution, the City is releasing the lien.

1. ZONING MAP AMENDMENT REQUEST

RESOLUTION 16-21

Moved by Councilor Chamberlain

Seconded by Councilor Cohen

RESOLVED, that a letter dated January 14, 2016 from Attorneys at Law Levene, Couldin & Thompson LLP, 450 Plaza Drive, Vestal NY 13850, representing the Weitsman Family of Companies, requesting a zoning map amendment from Commercial to Manufacturing/Industrial on Tax Map Parcel 37.-1-62.23 (Lowe's Drive vacant lot) be hereby received and placed on file, **and be it further**

RESOLVED, that said request be referred to the Planning Commission for recommendation.

Ayes: 6

Nays: 0

MOTION CARRIED

Mayor Matzke said this land is behind Hershey on Lenox Avenue. He said there are two small companies looking at Oneida, which will create about 40 jobs.

NEW BUSINESS

Communication

Mayor Matzke said he would like to address the communication issue. He said New Hartford takes out a full page ad in the newspaper once a month to let residents know what is happening.

Kelly Lewin, Oneida, asked the Councilors what they were doing to get information out to their constituents. Councilor Chamberlain said

Mayor Matzke said

Joseph Magliocca, Madison County Supervisor, asked everyone to check the City website for the link to the Rail Trail update. He said the

Motion to adjourn by Councilor Acker

The regular meeting is hereby adjourned at 7:08 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk