

**MINUTES OF THE COMMON COUNCIL
OCTOBER 3, 2017**

A regular meeting of the Common Council of the City of Oneida, NY was held on the third day of October, 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, Mike Bowe, Erwin Smith,
Helen Acker, James Chamberlain, and Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Fire Chief Kevin Salerno
Assistant Fire Marshal Dennis Fields
Recreation Director Luke Griff
Supervisor Margaret Milman-Barris
Supervisor Joe Magliocca
Supervisor John Reinhardt

OLD BUSINESS - None

Moved by Councilor Smith
Seconded by Councilor Cohen

RESOLVED, that the minutes of the regular meeting minutes of September 19, 2017 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Cohen
Seconded by Councilor Bowe

RESOLVED, that Warrant No. 21, checks and ACH payments in the amount of \$605,417.69 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 (Smith)

MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that checks in the amount of \$3,482.50 (City Attorney) as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5

Nays: 0
Abstain: 1 (Bowe)
MOTION CARRIED

**ONEIDA HOUSING AUTHORITY – RENEWAL OF PILOT
UNDER NEW FEDERAL FUNDING PROGRAM**

RESOLUTION 17-277

Moved by Councilor Cohen
Seconded by Councilor Bowe

WHEREAS, the Oneida Housing Authority is converting its Public Housing Units to Section 8 Project Based on Vouchers, **and**

WHEREAS, the US Department of Housing and Urban Development (HUD) will replace the Annual Contributions Contract with a Rental Assistance Demonstration (RAD) Use Agreement, **and now therefore be it**

RESOLVED, that a letter regarding the PILOT after Conversion to Rental Assistance Demonstration (RAD) from Robert Walters, Executive Director of the Oneida Housing Authority be hereby received and placed on file, **and be it further**

RESOLVED, that the Common Council hereby agrees to keep the terms of the PILOT by and between the City of Oneida and the City of Oneida Housing Authority, as cited in the Cooperation Agreement dated August 11, 1970, **and be it further**

RESOLVED, that the City will honor the current Cooperation Agreement based on the Rental Assistance Demonstration (RAD) Use Agreement, which replaces the Annual Contributions Contract (ACC).

Ayes: 6
Nays: 0
MOTION CARRIED

Robert Walters, Executive Director of the Oneida Housing Authority said that there is no change to their mission, the existing Cooperation Agreement or existing PILOT arrangements. He said that the Housing Authority is just renewing the PILOT under a new federal funding program that changes where the funding stream comes from. He said that they have been relying on discretionary funds that continue to dwindle each year. Mr. Walters said that by going with RAD, it will solidify their funding mechanism from year to year, and they will be locked into a specific funding amount. He said that RAD affects Towers I and the Brewer Apartments, as Towers II has a different HUD funding stream. He also added that this doesn't affect the new housing project in Verona Beach.

Councilor Chamberlain asked that this Resolution be tabled because of the ongoing issue with the responsibility of the waterlines and sewer lines at the Towers. He said that the condition of the water main is very poor, and it is very dangerous for the City water employees who repair the breaks. He said there has been no response from the Housing Authority's attorney, and a discussion ensued. Mr. Walters said that going under RAD actually privatizes the federal dollars, and it is their intention to replace those mains. Mr. Walters said that the City Attorney has been in negotiations with their attorney. He reiterated that it is their responsibility, and their intention is to replace the mains. City Attorney Bell said that they don't have the RAD designation yet. She said that she met with the Mayor and Attorney Mike St. Ledger, and the resolution of the water main issue was discussed along with the Authority seeking the RAD designation. The City Attorney said that the Water Superintendent was not part of that meeting.

The Mayor said that the Housing Authority needs to go this route to get the money to solve this. The City Attorney said the Water Superintendent is aware that the bill had been paid. The Mayor said that Councilor Chamberlain would like something in writing with respect to the water issues. Mr. Walters said that once the RAD conversion is complete, HUD cannot dictate how they use their funding for various projects. He said they have \$870K in an excess reserve for Tower I/Brewer that HUD will not allow the Authority to use without special waivers from Washington. Councilor Chamberlain said the water main will cost over \$100K to the water users, not the taxpayers, if the City ends up accountable for the maintenance. Mr. Walters responded that it is the Authority's responsibility going forward. City Attorney Bell asked about the timeline for the finalization of RAD, and Mr. Walters said it could be weeks or months with approval coming through the government in Washington DC. He said that they currently have tentative approval, subject to filing all the proper paperwork.

Bob Guardila, Consultant for the Housing Authority and an ex-HUD official, said that they cannot give a definitive time frame, but the Oneida Housing Authority is on the list for the money. He said that it is important to get the documentation in as soon as possible. Mr. Guardila said that with the RAD program, which started in 2012, the Authority will not have to wait for the federal budget to find out their amount of funding. The funding will be locked in from year to year, so it will make preparing the Authority's budget an easier process as well. Mr. Guardila said that this approval by the Council is the final piece. He said that RAD will put the Housing Authority in a position to run as a private entity like Towers II. The Mayor said that moving forward, the attorneys will meet to come up with an agreement for the water issues.

ALCOHOLIC BEVERAGE LICENSE RENEWAL NOTIFICATION

RESOLUTION 17-278

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that the Standardized Notice Form providing a 30-day advanced renewal notification to the local municipality for an On-Premises Alcoholic Beverage License from the Greater Oneida Civic Center, (Kallet Civic Center) 159 Main Street, Oneida NY 13421 be hereby received and placed on file.

Ayes: 6
Nays: 0

MOTION CARRIED

Mayor Matzke said the Lease Agreement with the Kallet Civic Center will need a few changes before coming to the Council.

MEMORANDUM OF UNDERSTANDING – FIRE DEPT AND MADISON COUNTY EMERGENCY MANAGEMENT – CONFINED SPACE RESCUE AND FIRE INVESTIGATION

RESOLUTION 17-279

Moved by Councilor Smith
Seconded by Councilor Cohen

RESOLVED, that the Mayor be authorized to sign the Memorandum of Understanding by and between the Madison County Emergency Management Office and the City of Oneida Fire Department to facilitate joint training opportunities and share response capabilities and responsibilities between the participants in the specific areas of Confined Space Rescue and Fire Investigation.

Ayes: 6

Nays: 0

MOTION CARRIED

Fire Chief Kevin Salerno said that the City has quite a few confined spaces, including areas in the WWTP, inside manholes, and inside the tanks at HP Hood and private industries where a permit is needed to enter a confined space to do any type of work. He said that years ago, the City had a confined space team under Chief Smith, but it was very expensive. He said that the cost of a confined space call is in the training and equipment for doing those types of rescues. City Engineer Jon Rauscher said that the DPW and WWTP employees are trained through PESH on an annual basis to use gas monitors, harnesses, etc. He said, for example, that at the WWTP, entering the digesters would require a permit, and a rescue team would have to be on hand, as his employees are not trained to that level.

Chief Salerno said they have some equipment, but with this agreement, the County would pick up the cost of equipment and training. He said it is a win-win for the City. Chief Salerno said that currently the closest confined space team is in Syracuse. The Council and Chief discussed the specifics of the contract, including any potential costs to the City and reimbursements from the County. Councilor Cohen said there are a lot more positives than negatives. Councilor Smith said this is another opportunity for the City and County to work together. City Attorney Bell said that the Fire Chief has addressed any concerns that she had. Supervisor Magliocca said that the Madison County Fire Training Center facility located on Timmerman Road will be a great resource for all police and fire agencies.

AGREEMENT - ACTUARIAL VALUATION UNDER GASB

RESOLUTION 17-280

Moved by Councilor Cohen

Seconded by Councilor Bowe

RESOLVED, to authorize the Mayor to sign an agreement with Aquarius Capital, 110 Betsy Brown Road, Port Chester NY 10573 in the amount of \$7,500.00 to develop an Actuarial Valuation under Governmental Accounting Standards Board (GASB) No. 45 & 75 for fiscal years 2018-2020.

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Acker inquired about a fee reduction, and the Mayor said that we can be a training site for them. Councilor Cohen said the fee for this is pretty reasonable.

HUMANA MEDICARE EMPLOYER PLAN RENEWAL

RESOLUTION 17-281

Moved by Councilor Simchik

Seconded by Councilor Cohen

RESOLVED, to authorize the Mayor to sign the Humana Medicare Employer Plan Renewal – Passive LPPO 079 066 with Custom Rx and Passive Waiver 079 066 with Custom Rx effective January 1, 2018 through December 31, 2018.

Ayes: 5

Nays: 0
Abstain: 1 (Smith)
MOTION CARRIED

2018 HEALTH & DENTAL PLAN RENEWALS

RESOLUTION 17-282

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, that the Mayor be authorized to sign the health insurance renewal plans for 2018 with Excellus BluePPO Option I. Signature Deductible 3, and the dental plan renewal for 2018 with Excellus Dental Blue Options.

Ayes: 6
Nays: 0
MOTION CARRIED

Councilor Bowe said the Excellus health insurance plan came in at a 5.5% decrease.

PROPOSED LOCAL LAW – CREATE JOINT ZBA / PLANNING COMMISSION

RESOLUTION 17-283

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that a proposed Local Law to amend the City of Oneida Code to abolish the current Planning Commission and Zoning Board of Appeals and create a Joint City Zoning Board of Appeals/Planning Commission be hereby received and placed on file, **and be it further**

RESOLVED, that a Public Hearing on said proposed Local Law be scheduled for Tuesday, October 17, 2017 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY 13421.

Ayes: 6
Nays: 0
MOTION CARRIED

Mayor Matzke said a joint board will be much more efficient and business friendly.

NEW BUSINESS

EIC Membership Approved

Mayor Matzke said that he received a letter from the Energy Improvement Corporation LLC (EIC) stating that the Board members had unanimously voted to accept the City's request for membership. The Mayor said that the City is now eligible to apply for the \$50K grant. The Mayor thanked Councilor Cohen for initiating this two years ago.

Properties in Violation of Chapter 34 of the City Code

The Mayor said that there has been no response from any contractors to provide quotes for the repairs on the properties the City has been after. Councilor Acker said that this is one of the busiest times of the year for contractors. The Mayor said that he called New Hartford, and they said that they have had to take property owners to court to get them to repair their properties. The Mayor suggested the City could do the same. City Attorney Bell said the lawsuits would be filed in the Supreme Court in Madison County, and there is a cost involved. Discussion ensued that included the possibility of pulling the C of O's on the properties. City Attorney Nadine Bell stated that the City's Public Nuisance Abatement Program could address these problems, as an alternative to commencing civil action. She said the Council could initiate an administrative hearing, noting that penalties could be assessed in an amount not to exceed \$1,000 a day for each day the property is not abated. Councilor Cohen said his concerns are with the inability to find contractors to address these needs, and Councilor Smith asked if we can just hire a contractor, because we haven't been able to secure a quote. Supervisor Magliocca said the biggest impediment to a contractor is not being able to enter the property to get the work done without a court order. The Mayor said that he would look into the different options and bring them to the Council at the next meeting.

*Commendations for Police Officer Tom Lenning,
Acting Police Chief Paul Thompson and the Police Department*

Councilor Acker said that a ten-year old girl wrote a letter to Police Officer Tom Lenning thanking him for helping her mother kick her drug addiction. She said it was a very touching letter, and she congratulated Officer Lenning. Councilor Acker gave accolades to the entire Police Department for Jordan's Honorary Police Officer Day. Mayor Matkze said the Acting Chief Thompson did a wonderful job at the Drug Addiction Awareness Gathering at Higinbotham Park on Saturday. Councilor Acker said that she is very proud of our Police Department.

EXECUTIVE SESSION

RESOLUTION 17-284

Motioned by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:28 p.m. for the purpose of discussing the proposed sale or lease of real property.

Ayes: 6
Nays: 0

MOTION CARRIED

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

Discussion was held regarding the proposed sale or lease of real property.

Motioned by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 7:45 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

PROPERTY SALE – CITY OWNED PARCEL ON MIDDLE ROAD #47.14-1-3

RESOLUTION 17-285

Moved by Councilor Acker
Seconded by Councilor Smith

WHEREAS, the City of Oneida is the owner of real property situated at Middle Road in the City Oneida, Tax Map ID# 47.14-1-3, **now therefore be it**

RESOLVED, that the property situated at Middle Road in the City Oneida, Tax Map ID# 47.14-1-3 be hereby declared as excess property thereby eligible to be sold for fair market value, **and be it further**

RESOLVED, that a Purchase Offer for the property located at Middle Road in the City Oneida, Tax Map ID# 47.14-1-3, submitted by Jeff Baker, 1651 Union Street, Oneida NY 13421 be hereby received and placed on file, **and be it further**

RESOLVED, the Common Council hereby accepts the offer submitted by Jeff Baker, 1651 Union Street, Oneida NY 13421 in the amount of \$2,050.00 (two thousand and fifty dollars), which is considered fair market value for the property in its current condition, **and be it further**

RESOLVED, that the Common Council hereby approves the sale of the property situated at Middle Road in the City Oneida, Tax Map ID# 47.14-1-3, to Jeff Baker, 1651 Union Street, Oneida NY 13421 in the amount of \$2,050.00 (two thousand and fifty dollars), plus closing costs and fees, **and be it further**

RESOLVED, that the City Attorney is herein authorized to prepare any and all documents necessary to effectuate such sale, for execution by the Mayor.

Ayes: 6
Nays: 0

MOTION CARRIED

The City Clerk said that this property was taken by the City in 2010 and has been listed for sale on the City's website.

Motion to adjourn by Councilor Simchik

The regular meeting is hereby adjourned at 7:48 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk