

**MINUTES OF THE COMMON COUNCIL
FEBRUARY 2, 2016**

A meeting of the Common Council of the City of Oneida, NY was held on the second 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, James Chamberlain, and Thomas Simchik (arrived at 6:38 pm)

ABSENT: Councilor Helen Acker

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Director of Parks and Recreation Lucas Griff
Director of Planning and Development Cassie Rose
Fire Chief Kevin Salerno
Police Chief David Meeker
Public Safety Commissioner Mike West
Supervisor John Reinhardt
Supervisor Joe Magliocca
Supervisor Lewis Carinci

PUBLIC HEARING – ORDINANCE AMENDMENT – ZONING - CHAPTER 190-§16

RESOLUTION 16-22

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that the Public Hearing on a proposed Zoning Ordinance Amendment Chapter 190-§16 to address outdoor parking or storage of boats and other vehicles used primarily for recreational purposes on corner lots in the City be hereby opened at 6:33 p.m.

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

MOTION CARRIED

APPEARANCES: None

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that the Public Hearing on the proposed Zoning Ordinance Amendment be hereby closed at 6:33 p.m.

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

MOTION CARRIED

PUBLIC HEARING – PROPOSED LOCAL LAW TO AMEND CHAPTER 190 ZONING - ZBA

RESOLUTION 16-23

Moved by Councilor Chamberlain
Seconded by Councilor Smith

RESOLVED, that the Public Hearing on a proposed Local Law to amend the City’s Zoning Code so as to reduce the number of members on the ZBA from seven to five within the City of Oneida be hereby opened at 6:35 p.m.

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

MOTION CARRIED

APPEARANCES: None

Moved by Councilor Smith
Seconded by Councilor Cohen

RESOLVED, that the Public Hearing on the proposed Local Law to amend the City’s Zoning Code be hereby closed at 6:35 p.m.

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

MOTION CARRIED

COUNTY SUPERVISOR’S REPORT

Supervisor Lewis Carinci recommended the supervisor’s reports be given after the second Tuesday of the month, which is after the County’s full board meeting.

Supervisor Carinci said he is working with Wanderer’s Rest and the County DA office on police officer training. There is a training session in Morrisville on February 9th with the agenda being relative to animal cruelty. The County is considering hiring an Animal Cruelty Officer.

Supervisor Carinci said there will be a seminar relating to drugs and alcohol on Monday, March 7th at Colgate University, at 9 to 11 a.m. or 7:30 to 9 p.m. and suggested that the Council and/or any police officers may want to attend.

Supervisor Carinci said with respect to the Purchasing Agent, there is a new State mandate that 30% be from MWBE (minority women-owned business enterprises). He said the County is looking into consolidating purchasing to save money.

Supervisor Carinci said that Madison County is seeking to be named a “host” county of gambling and acquire 25% of the net slot and video machine profits, less 10% of free plays from the Oneida Indian Nation, as Oneida County receives. He explained that the funds may not be a lot, and the Mayor said something is better than nothing. The Mayor asked what the City can do to support this effort. He suggested, as it has to go through the Senate, writing to Senator Joe Griffo, who is the main opponent.

Supervisor Carinci said that he wanted to make it clear that individual Supervisors cannot designate funds to any municipality/organization; this has to be done by the full Board of Supervisors should it come to fruition.

Councilor Smith conveyed to Supervisor Carinci that LeeAnn Fox from Clear Path for Veterans, an organization that pairs a veteran with a dog, was at the Rotary meeting today, and she is very pleased with the service she receives from Wanderers Rest.

OLD BUSINESS - None

Moved by Councilor Bowe
Seconded by Councilor Chamberlain

RESOLVED, that the minutes of the regular meeting of January 19, 2016 and special meeting January 21, 2016 are hereby approved as presented.

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

MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that Warrant No. 3, checks and ACH payments in the amount of \$841,295.86 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 (Acker)

MOTION CARRIED

Councilor Bowe asked why the account numbers being appropriated to pay for the product/service don't appear on the voucher detail report, as he would like to know what departments are making the purchase/receiving the service. Councilor Chamberlain said he would like to see office supplies purchased locally.

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that Check No. 54677 (Oneida Office Supply) in the amount of \$156.73, 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 (Acker)

MOTION CARRIED

MEMORIAL DAY EVENT AGREEMENT

RESOLUTION 16-24

Moved by Councilor Bowe
Seconded by Councilor Chamberlain

RESOLVED, that a letter from the Oneida Memorial Association received January 22, 2016 requesting the City continue its funding for the Memorial Day event be hereby received and placed on file, **and be it further**

RESOLVED, to authorize the Mayor to sign the 2016 Memorial Day Parade Agreement with the City of Oneida and Oneida Memorial Association being the co-sponsors of the Memorial Day event, **and be it further**

RESOLVED, to approve the following budget transfer:

AMOUNT	FROM	TO	AMOUNT
\$1,500.00	001.1990.0400 (Contingency)	001.6511.0400 (Memorial Day Parade)	\$1,500.00

Ayes: 3
Nays: 1 (Simchik)
Absent: 1 (Acker)

MOTION CARRIED

Councilor Simchik said this event costs the City nearly \$3K when factoring in payroll, overtime, and insurance costs, and although he supports honoring our veterans; he would like to see this event not be dependent on taxpayer dollars. He said each year the Council is taking money out of contingency.

Mayor Matzke said the Committee is under new leadership. Lee Manwarren, Oneida Memorial Association Committee, said the Association has reduced parade expenses and they are looking at new avenues, but change happens slowly. Mr. Manwarren said new procedures have been put in place. They are looking at new fundraising ideas, meeting more often, and have tried negotiating with the bands. He said he hears Councilor Simchik's concerns, but with music/bands there is an expense, and donations have not been coming in. Mr. Manwarren said the parade could be reduced to just fire trucks if that is the will.

Councilor Bowe said this event costs 13 cents per person to honor our veterans. Councilor Cohen said this is the largest community event, and he doesn't want to see Oneida's greatest, most valued event reduced or cancelled.

Nancy Ginter, Oneida Memorial Association Committee member, said the first Memorial Day parade was in 1883, and on May 27, 1936 the parade was turned over to volunteers to run. She said this is the longest and one of the biggest events in the City. She said fundraising has always been very trying.

Mike DeBottis, Oneida, said this is a wonderful event and inquired if the City Attorney has rendered an opinion. Attorney Bell replied that she has shared with the Council what is appropriate for a public expenditure. Councilors Chamberlain and Bowe said the City should be referred to as a co-sponsor of this event, and the proposed Resolution and Agreement were modified by the City Clerk.

Councilor Bowe donated \$100 for this event, and Public Safety Commissioner Mike West said he will also donate \$500 to the Memorial Association.

Councilor Smith recused himself.

REVISED AGREEMENT – REM FIRE SYSTEMS, INC.

RESOLUTION 16-25

Moved by Councilor Smith
Seconded by Councilor Chamberlain

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

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

MOTION CARRIED

City Engineer Rauscher said the Time Warner line doesn't comply with current fire codes; so a cellular back up will be installed, rather than installing a new Verizon line.

INTERMUNICIPAL AGREEMENT – VILLAGE OF HAMILTON

RESOLUTION 16-26

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign an Intermunicipal Agreement with the Village of Hamilton, 3 Broad Street, Hamilton NY to provide salt brine for snow removal.

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

MOTION CARRIED

The City Engineer said the Village of Hamilton would be the City's back-up source should there be an issue with the DOT.

VOID PENALTY ON WATER/SEWER BILL

RESOLUTION 16-27

Moved by Councilor Chamberlain
Seconded by Councilor Smith

WHEREAS, the City inadvertently applied a payment of a water/sewer bill to the wrong account resulting in the correct payment for the account being returned to the owner, **and**

WHEREAS, the discovery was not found until after penalties were applied and the misappropriated payment reversed, **now therefore be it**

RESOLVED, that the penalty for Account No. 5122208475 in the amount of \$4.30 be voided.

Ayes: 5

Nays: 0
Absent: 1 (Acker)
MOTION CARRIED

SHARED SERVICES AGREEMENT

RESOLUTION 16-28

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign a one-year Shared Services Agreement with the NYSDOT (New York State Department of Transportation) to provide emergency assistance to the City of Oneida in absence of a Governor's Emergency Declaration.

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

NEW BUSINESS

Designate Madison County as a Host County

Supervisor Magliocca said Madison County should be designated a "host" county, because there are gaming facilities within the County. He cited the slot machines in the SavOn's and the Yellow Brick Road Casino. He said Assemblyman Magee and Senator Valesky tried to get this designation for the County. Supervisor Magliocca said we need to expand our voice, and he would like the City of Oneida, school districts, library and all those communities who have lost revenue to write letters to the Governor, Senator Valesky and Assemblyman Magee.

Nuisance Abatement Law

Chief Meeker reported that there are matters appropriate for action under the Nuisance Abatement Law and asked that the City Attorney be able to proceed in accordance with the law. The Mayor and Council acknowledged his request. Mayor Matzke said the City has to put some teeth behind its codes. The City Attorney said she wants to be sure the Council understands the enforcement of this law and would like to provide the Council with legal advice on this matter. She said this is not for the purposes of any action.

LEGAL ADVICE

RESOLUTION 16-29

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, that the meeting is hereby adjourned to the Mayor's Conference Room at 7:15 p.m. for the purpose of obtaining legal advice from the City Attorney.

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

The Common Council returned to the Chambers at 8:03 p.m. and called for an Executive Session.

EXECUTIVE SESSION

RESOLUTION 16-30

Moved by Councilor Bowe
Seconded by Councilor Chamberlain

RESOLVED, that the meeting is hereby adjourned to Executive Session at 8:03 p.m. for the purpose of discussing the proposed acquisition, sale or lease of real property.

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

MOTION CARRIED

PRESENT: Mayor, Councilors

1. Discussion regarding the proposed acquisition, sale or lease of real property.

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:28 p.m.

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

MOTION CARRIED

Motion to adjourn by Councilor Bowe

The meeting is hereby adjourned at 8:29 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk