

MINUTES OF THE COMMON COUNCIL
APRIL 19, 2016

A regular meeting of the Common Council of the City of Oneida, NY was held on the nineteenth day of April, 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 Deputy Mayor James Chamberlain

PRESENT: Councilors Alan Cohen, Michael Bowe, Erwin Smith, James Chamberlain and Thomas Simchik

ABSENT: Mayor Leo Matzke and Councilor Helen Acker

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Civil Service Officer Tammy Burkhart
Deputy Comptroller Lee Ann Wells
Fire Chief Kevin Salerno
Planning Director Cassie Rose
Supervisor Lewis Carinci
Supervisor Joseph Magliocca
Supervisor John Reinhardt

PRESENTATION

Wanderer's Rest Humane Association

Supervisor Lewis Carinci, Board President of Wanderers Rest Humane Association, said that Madison County annually budgets \$1.5M for not-for-profits, and Wanderers Rest, a not-for-profit organization, has a contract with the County. Supervisor Carinci provided a brief overview of the duties of the Board of Directors. He said the next mission for Wanderers Rest will be to move part of the shelter to the City of Oneida into a new state-of-the-art facility with a dog park. He introduced the Linda DeMuro, Executive Director of Wanderers Rest.

Linda DeMuro said she has been Executive Director for two and a half years. She stated when she started there were 10 employees, noting they currently have 17 employees. She said that if you don't have the manpower to take care of the services you are providing, then much of your time is spent dealing with customer service complaints. Director DeMuro outlined the many programs of Wanderers Rest, such as Reading to Rover, which was developed to provide excitement for the kids by reading to dogs, while helping to build literacy skills; Oneida Madison Family Counseling Services, where the dogs are brought into counseling sessions to provide a sense of comfort for people struggling with various issues; dogs are brought to those in adult protective alternative living situations; and to day programs for nursing facilities. She said they have two certified therapy dogs, and one in training.

Director DeMuro said they serve four counties and have two outside adoption centers in Syracuse. She said they have contracts for animal control. She said she feels strongly that there should a fee for when people surrender their animals, because they no longer want them. They have an animal food bank for everyone, with no questions asked and will be having a food drive with Senator Valesky's input. She said that in conjunction with the Madison County Sheriff and DA's office to address animal cruelty, an animal welfare consortium group was formed and 44 people attended the first meeting. Wanderers Rest has a

mobile unit for cruelty calls, but does not have a cruelty investigator on staff. Director DeMuro said they advocate prevention looking for red flags to address an issue before it happens. She said that they need help disseminating information to the public, so she is visiting every town in Madison County and asked that the Wanderers Rest website be linked from city and town websites.

Director DeMuro said 50% of the cost for spaying and neutering services is paid for by a grant, however, there were always excess funds. She worked with ASPCA to fund the grant at 100% level and to cover the \$50 pre-exam fee. She said they are no longer allowed to license dogs, but they send a list of dogs adopted to each municipality. Ms. DeMuro said for military/veterans in need of a service animal, all fees are waived, noting however, that each case is different. She also added that veterans also receive 20% off the fees for adoption. She said they offer an “I Pet Companion” computer program where individuals can log-in from their home computers to play with cats in the cat room at their facility. In response to a question from Councilor Smith, she said they have worked with Clear Path, however, Clear Path normally prefers dogs of a certain breed.

Director DeMuro said Wanderers Rest opened in 1981 and on average, there are 58 adoptions per month. This Reading to Rover program was also introduced in the Oneida School system this week, and at VVS dogs come in and sit by students taking standardized tests. This keeps the students more relaxed and reduces stress with the hope that the students will score higher.

Director DeMuro said they receive a pallet of damaged items four to six times a year from Walmart, noting they use Science Diet food for consistency. She said Wanderers Rest, though not open to the public on certain days/times, is never closed; animals need to be fed 365 days a year. Deputy Mayor Chamberlain thanked the Director for the informative presentation.

OLD BUSINESS

None.

SUPERVISORS REPORT

Madison County Landfill

Supervisor John Reinhardt said the landfill’s sewer line is under construction near Walmart, and as they head up Upper Lenox, one lane of traffic will be closed. He said, concurrently, a water line to the landfill will head up the Oxbow from Canastota giving residents the option to hook in, though it is not mandatory to do so. Supervisor Reinhardt said a new water district will be created. He said there are two additional landfill cells to be opened to accommodate future space needs, and there will be a solar array on the buffer zone across from the ARC recycling center. Supervisor Reinhardt said that Johnson Brothers Lumber Company is the first tenant in the ARE Park, and they have four of five kilns in place. The next phase will be to capture the humid air that is discharged from the kilns for use in the soon to be built, grant funded, greenhouse. He said a meeting will be held soon to set up a plan with regard to all the City debris that will be going to the landfill at one time.

CHIPS Funding - Tax Cap - Unfunded Mandates – County Improvements

Supervisor Reinhardt said the City of Oneida will receive \$259K in CHIPS funding and \$59K from Pave NY for a total of \$319K. He said the County has proposed a resolution overriding the tax cap, if needed, and a public hearing will be held May 10, 2016 at the County Office Building. Supervisor Reinhardt said NYS has mandated that the District Attorney salaries are to be paid by the County, without any funding coming from the State. He said RFP’s for various energy improvements (boilers, AC, windows, lighting, etc.) in the amount of \$2.5M have been noticed.

Department of Motor Vehicles

Supervisor Reinhardt said that 87% of the fees collected by the DMV go to the State. He said there hasn't been an increase since 1999, and they are requesting support from the Senate and Assembly to have the amount the County retains increased to 25%.

Naming Madison County a Host County

Supervisor Reinhardt said the Assembly and Senate have passed bills designating Madison County as a Host County. He thanked Assemblyman Magee and Senator Valesky for their support, noting that it is up to the Governor now. He said that Madison County is the only county with a casino or slot machines that doesn't have Host Community status. Supervisor Magliocca concurred and said that since it is onto the Governor's desk, letters of support and/or a Resolution would be in order to let the Governor know that this affects a great many.

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, that the minutes of the regular meeting of April 5, 2016 are hereby approved as presented.

Ayes: 5
Nays: 0

MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that Warrant No. 8, checks and ACH payments in the amount of \$535,197.96, 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

AMERICANS WITH DISABILITIES ACT (ADA)

RESOLUTION 16-69

Moved by Councilor Smith
Seconded by Councilor Bowe

WHEREAS, under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA), local governments receiving federal assistance are required to make their programs, activities and services accessible to individuals with disabilities; **and**

WHEREAS, the ADA requires the City of Oneida, as a local government receiving federal assistance, to appoint an ADA Coordinator and establish a grievance procedure to be used by

anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the City; **and**

WHEREAS, the City of Oneida ADA Grievance Procedure has been reviewed by the City Attorney and compared to the current United States Department of Justice recommended Grievance Procedure to be assured of compliance with the ADA; **now therefore be it**

RESOLVED, that the City of Oneida Common Council hereby appoints Tammy Burkhart, Personnel Officer, as the ADA Coordinator for the City of Oneida; **and be it further**

RESOLVED, that the City of Oneida Americans with Disabilities Act Grievance Procedure, in the form attached and in accordance with the "Notice under the Americans with Disabilities Act," be and hereby is approved.

Ayes: 5

Nays: 0

Absent: 1 (Acker)

MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 16-70

Moved by Councilor Simchik

Seconded by Councilor Bowe

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.

Ayes: 5

Nays: 0

Absent: 1 (Acker)

MOTION CARRIED

DESIGNATE POLLING PLACES

RESOLUTION 16-71

Moved by Councilor Bowe

Seconded by Councilor Smith

RESOLVED, that the polling places in the City of Oneida for 2016 are hereby designated as follows:

WARD 1-1	St. Paul's United Methodist Church, 551 Sayles St.
WARD 2-1	St. Paul's United Methodist Church, 551 Sayles St.
WARD 3-1	Kallet Civic Center, 159 Main St.
WARD 4-1	Kallet Civic Center, 159 Main St.
WARD 5-1	Kallet Civic Center, 159 Main St.
WARD 6-1	Kallet Civic Center, 159 Main St.

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

SPECIAL EVENTS APPLICATIONS

RESOLUTION 16-72

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, to approve the following Special Events Applications:

Name of Event: Wilber-Duck Mile
Sponsor: Wilber Duck Chevrolet
Address: 116 Broad Street, Oneida NY
Event Date: May 20, 2016

Name of Event: Dr. Brod – Litter Pick Up City Wide
Sponsor: Oneida American Legion
Address: North Main Street, Oneida NY
Event Date: April 30, 2016

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

SCADA & SUPPORTIVE SYSTEMS PROFESSIONAL MAINTENANCE PROPOSAL

RESOLUTION 16-73

Moved by Councilor Simchik
Seconded by Councilor Bowe

RESOLVED, to authorize the Mayor to sign the annual Professional Maintenance Proposal with LSDI, 1900 Empire Blvd., #173, Webster NY 14580 for SCADA (Supervisory Control and Data Acquisition) & Supportive Systems Professional Maintenance Services at the WWTP in the amount of \$13,380.

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

TRANSFER OF VEHICLES TO USE FOR TRAINING PURPOSES

RESOLUTION 16-74

Moved by Councilor Smith
Seconded by Councilor Simchik

WHEREAS, the 2006 Ford Taurus (Vin#1FAFP53U86A225132) formerly used by the Oneida Police Department has a rotted frame, **and**

WHEREAS, the 1998 Ford Expedition (Vin #1FMPU18L3WLB34504) formerly used by the Oneida Police Department needs a new head gasket and will only start in neutral, **and**

WHEREAS, the Fire Department personnel would benefit from the use of these two vehicles for training in vehicle accident rescues, **now therefore be it**

RESOLVED, that the 2006 Ford Taurus (Vin #1FAFP53U86A225132) and the 1998 Ford Expedition (Vin #1FMPU18L3WLB34504) be hereby transferred from the Police Department to the Fire Department for use in training.

Ayes: 5

Nays: 0

Absent: 1 (Acker)

MOTION CARRIED

SEQRA – ONEIDA RAIL TRAIL
WAMPSVILLE/ONEIDA CONNECTOR (PHASE I) AND CITY CENTER (PHASE II)

RESOLUTION 16-75

Moved by Councilor Smith

Seconded by Councilor Cohen

WHEREAS, the Common Council has reviewed Part I of the Short Environmental Assessment Form and completed Part II of the Short Environmental Assessment Form relating to the Oneida Rail Trail: Wampsville/Oneida Connector (Phase I) and City Center (Phase II) determining that the proposed project will not have a significant impact on the environment, **now therefore be it**

RESOLVED, that pursuant to SEQRA, the City of Oneida Common Council hereby declares itself as Lead Agency, classifies the action as an Unlisted Action, and further accepts and authorizes the Mayor to sign the Short Environmental Assessment Form, **and be it further**

RESOLVED, that the Common Council hereby makes a Determination of Non-significance by issuing a Negative Declaration.

Ayes: 5

Nays: 0

Absent: 1 (Acker)

MOTION CARRIED

In response to a question, City Engineer Jon Rauscher said Phases I and II connect in Wampsville at the Erie Canalway near the Courthouse complex and proceed to Hubbard Place onto an existing rail bed into the City of Oneida. Michel DeBottis, questioned if this was the same area that GroSolar is looking at as an alternative solar site, and if that 20 acres area would be free for a solar farm. City Engineer Jon responded yes, adding that the Rail Trail would not impair the possibility of siting future development there. Engineer Rauscher said the City has already gone through the archeological testing and architectural work downtown, and those portions only include the rail trail linear rail parcels. He said the

City could not look at those other parcels even if they wanted to, as they are not included in the scope of this DOT/Federally funded Rail Trail Project.

Jill Christian Lynch, Oneida said that in looking at the Rail Trail map on the Rail Trail website, it shows the Rail Trail coming to a “Y” and looping around the piece of property that GroSolar is looking at, and questioned if access would be a problem, because they would have to go across the Rail Trail. City Engineer Rauscher said, should a solar array be sited on those 20 acres (that the City owns), access would not be a problem, as there is a gate already there, and it would only be accessed by the maintenance person about once every six months.

Joe Magliocca, Oneida Rail Trail committee member said the Rail Trail is for non-motorized use only, but would be available for maintenance vehicles and public safety vehicles. He said with respect to the site GroSolar is looking at, the Rail Trail will not limit access to those parcels, as there is a gate at the end of W. Elm Street now. Mr. Magliocca said the Rail Trail will be a ten-foot wide path with a stone sub-base, and if a solar project were sited in that area, any disruption to the surface of the Rail Trail that might occur would have to be restored by the solar company. Councilor Bowe said based on the map, it doesn't show any loops. Mr. Magliocca said on the Rail Trail website map it shows areas of little red dots, and he explained that those dots are GPS from the phone of the County Planner when the City Engineer, County Planner and he rode bikes out there. Mr. Magliocca said if a solar array were to be put in the area, it would not impact the Rail Trail. City Engineer Rauscher said they are still some additional easements needed for the Rail Trail. With respect to a short environmental assessment form vs. the long form for the Rail Trail Project, the City Engineer said a total of approximately six acres will be disturbed for clearing the top layer of organics, putting down the stone dust trail, sidewalk replacement and paving. He added that any trees needing removal were already cleared.

STANDARDIZED NOTICE FORM
ON-PREMISES ALCOHOLIC BEVERAGE LICENSE - YE OLDE PIZZA PUB, INC.

RESOLUTION 16-76

Moved by Councilor Simchik
Seconded by Councilor Bowe

RESOLVED, that the Standard Notice Form for Providing 30-Day Advanced Notice to a Municipality for a new application to be filed with the NYS Liquor Authority for an On-Premises Alcoholic Beverage License from Ye Olde Pizza Pub, Inc. 403 Lenox Avenue, Oneida NY 13421 be hereby received and placed on file.

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

MOTION CARRIED

BUDGET TRANSFER

RESOLUTION 16-77

Moved by Councilor
Seconded by Councilor

RESOLVED, to approve the following budget transfer:

AMOUNT	FROM	TO
\$150,000	003.9910.0900 Sewer Fund Transfer to Capital	302.8110.0400 Sewer Disinfection Improvements

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

CLOSEOUT CAPITAL PROJECTS

RESOLUTION 16-78

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, to approve the closure of the following Capital Projects:

Capital Project #15-02 2015 Police Cars
Capital Project #15-03 2015 Police Equipment

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

PROPOSED LOCAL LAW TO AMEND CHAPTER 190 ZONING

RESOLUTION 16-79

Moved by Councilor Cohen
Seconded by Councilor Smith

RESOLVED, that a proposed Local Law to amend the City of Oneida Code Chapter 190 Zoning, Section 190.5 Definitions and Schedule of Uses, Section 190-14 Accessory Buildings and Uses and Section 190-TABLE A: Schedule of Uses to facilitate the development of electric vehicle charging for residential use is hereby received and placed on file as follows:

Section 190-5. Definitions

ELECTRIC VEHICLE – Any motor vehicle that is registered with the NYSDMV and authorized to operate on public and private highways, roads, and streets, and uses electrical energy stored on-board for motive purposes. Electric vehicle includes battery electric vehicles and plug-in hybrid electric vehicles.

PLUG-IN HYBRID ELECTRIC VEHICLE (PHEV) – An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain a battery charge using an on-board internal combustion driven generator; and (4) has the ability to travel powered by electricity.

ELECTRIC VEHICLE CHARGING STATION - A private parking space that is served by electric vehicle supply equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery in an electric vehicle.

CHARGING – When an electric vehicle is connected to electric vehicle supply equipment (or standard outlet) for the purpose of recharging batteries on board the electric vehicle.

ELECTRIC VEHICLE INFRASTRUCTURE – The structures, machinery, and equipment necessary and integral to support an electric vehicle, including the electrical conduit and premises wiring requirements for the installation of electric vehicle supply equipment, as well as battery exchange stations.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) – The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle conductors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for purposes of delivering energy from the premises wiring to the electric vehicle, complying and conforming with National Electric Code Article 625 and Society of Automotive Engineers J1772 Standard.

Section 190-14. Accessory Buildings and Uses

M. A private electric vehicle charging station is permitted as an accessory use for all dwellings and multiple-family dwellings. The electric vehicle charging station shall be approved upon submission of a completed electrical inspection to the Code Enforcement Officer.

TABLE A: SCHEDULE OF USES.

Electric vehicle charging station A in all zoning districts

AND WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; **and**

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the City of Oneida; **now be it further**

RESOLVED, that the enactment of the proposed Local Law is a Type I action, there are no other involved agencies and this Common Council shall act as lead agency in this matter for purposes of SEQRA review; **and it is further**

RESOLVED the Common Council, having reviewed the Long Environmental Assessment Form has determined this action, which is intended to reduce air pollution and greenhouse gas emissions, shall have no adverse impact on the environment; and that this Resolution shall constitute a negative declaration under SEQRA and accepts and authorizes the Mayor to sign the Long Environmental Assessment Form; **and it is further**

RESOLVED, that a Public Hearing on said proposed Local Law Zoning to facilitate the development of electric vehicle charging for residential use be held on Tuesday, June 7, 2016 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY 13421, **and it is further**

RESOLVED, that the proposed Local Law to amend Chapter 190 Zoning to facilitate the development of electric vehicle charging for residential use be hereby referred to the Planning Commission for their recommendations.

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

BASIC FINANCIAL STATEMENTS FOR YEAR ENDED 2015

RESOLUTION 16-80

Moved by Councilor Smith
Seconded by Councilor Cohen

RESOLVED, that the Management's Discussion and Analysis and Basic Financial Statements for the year ended December 31, 2015 from D'Arcangelo & Co., LLP, 200 E. Garden St., PO Box 4300, Rome NY 13442 be hereby received and placed on file.

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

SUBSCRIPTION RENEWAL AGREEMENT

RESOLUTION 16-81

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that the Mayor is hereby authorized to sign a five-year Subscription Renewal Agreement with Emergency Services Marketing Corp., Inc. (ESMC) PO Box 93, Dewitt, NY 13214-0093, as the duly licensed provider of IamResponding.com's Emergency Responder Supply System (ERRS) in the amount of \$3,087.

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

PROFESSIONAL SERVICES PROPOSAL

RESOLUTION 16-82

Moved by Councilor Bowe

Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign a Professional Services Proposal with O'Brien & Gere Engineer's, Inc., 333 W. Washington Street, PO Box 4873, Syracuse NY 13221-4873 for the Waste Water Treatment Plant Effluent Disinfection Project (Final Design Change Order Request) in an amount not to exceed \$24,000.

Ayes: 5

Nays: 0

Absent: 1 (Acker)

MOTION CARRIED

NEW BUSINESS

Oneida High School Jazz Band

Councilor Simchik congratulated the Oneida High School Jazz Band who recently competed in the WorldStrides Chicago Heritage Festival against 42 schools. He said they received 1st Place in their division and many other awards.

Apprenticeship Programs

Tom Halstead, Representative for International Union of Operating Engineers, said their membership is comprised of people coming through State run apprenticeship programs at their training site. This training is funded with a small portion of prevailing wages, so there isn't an added cost for the apprenticeship program. He said the City of Oswego applies apprenticeship language to their RFP's for public works projects, which allows for training within the construction trades. Mr. Halstead said that Councilor Cohen has his contact information.

EXECUTIVE SESSION

RESOLUTION 16-83

Moved by Councilor Bowe

Seconded by Councilor Simchik

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:25 p.m. for the purpose of discussing personnel issues in the DPW and Fire Department.

Ayes: 5

Nays: 0

Absent: 1 (Acker)

MOTION CARRIED

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

1. Discussion relating to a personnel issue in the Fire Department.

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

2. Discussion relating to a personnel issue in the Department of Public Works.

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:03 p.m.

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

SETTLEMENT AGREEMENT

RESOLUTION 16-84

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, to authorize the City Attorney to approach a Department of Public Works employee with a proposed settlement offer to resolve a pending arbitration matter, and further authorize the Mayor to sign a Settlement Agreement by and between the City of Oneida, Civil Service Employees Association Local 1000 and said Department of Public Works employee subject to the terms discussed in Executive Session.

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

Motion by Councilor Smith

The regular meeting is hereby adjourned at 8:05 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk