

**MINUTES OF THE COMMON COUNCIL  
MAY 16, 2017**

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

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

ABSENT: Mayor Leo Matzke

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

**OATH OF OFFICE – MADISON COUNTY SUPERVISOR**

Deputy Mayor Jim Chamberlain introduced Margaret Milman-Barris. The Deputy Mayor said that Mayor Matzke informed the Democratic committee that he was appointing Mrs. Milman-Barris to fill the Madison County Supervisor vacancy in Wards 1, 2, and 3 before he was taken ill. Deputy Mayor Chamberlain, Acting as Mayor, said that he is officially appointing Margaret Milman-Barris to fill out the term vacated by Scott Henderson. The City Clerk gave her the Oath of Office.

**PUBLIC HEARING – PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III,  
UNSAFE BUILDINGS – ADJOURNED FROM 3/7/17, 4/4/17 MEETINGS – 181 MAIN STREET**

**RESOLUTION 17-130**

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 4/4/17 meeting – 181 Main Street be hereby opened at 6:33 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**APPEARANCES**

Deputy Mayor Chamberlain asked if anyone was present representing property at 181 Main Street and received no response. City Attorney Nadine Bell said that she reached out via email, and a letter to the property owner; however, she has not received a response. Assistant Fire Marshal Dennis Fields said that

he has not had any contact with Mr. Sullivan either. Attorney Bell detailed the options available to the Council at this point, and the Council briefly discussed the choices they could make. The Council agreed that this has dragged on for too long; the building is structurally sound, but the code violations need to be addressed.

**CLOSE PUBLIC HEARING – 181 MAIN STREET**

**RESOLUTION 17-131**

Seconded by Councilor Acker  
Moved by Councilor Cohen

**RESOLVED**, that the Public Hearing on 181 Main Street be hereby closed at meeting at 6:38 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**DECLARE THE PROPERTY AT 181 MAIN STREET A PUBLIC NUISANCE  
IN ACCORDANCE WITH ONEIDA CITY CODE CHAPTER 34**

**RESOLUTION 17-132**

Seconded by Councilor Acker  
Moved by Councilor Cohen

**WHEREAS**, in accordance with Article III of Chapter 34 of the Oneida City Code, as amended, a public hearing was conducted commencing on February 21, 2017 and continuing on April 4, 2017, May 2, 2017 and May 16, 2017, for purposes of receiving and considering evidence presented by the City of Oneida Assistant Fire Marshal to determine whether real property located at 181 Main Street, Tax Map No. 30.80-1-54, in the City of Oneida (“Property”) is a public nuisance; and

**WHEREAS**, the City Attorney confirmed issuance of the Notice of Unsafe Building/Collapsed Structure, dated February 27, 2017, such Notice having been duly filed in accordance with Section 34-11 of the Oneida City Code with the Madison County Clerk’s Office on March 3, 2017, Index No. 2017-1169, and served upon all interested parties in accordance with Chapter 34; and

**WHEREAS**, in addition, notice of the due process hearing was posted in the Municipal Building, published in the official newspaper and on the City of Oneida website; and

**WHEREAS**, the Assistant Fire Marshal presented his report, dated January 5, 2017, documenting the unsafe condition of the Property and informed the Common Council of the efforts made by the City to obtain voluntary compliance; and

**WHEREAS**, the Assistant Fire Marshal testified to having inspected the Property and observed extensive damage and decay to the commercial building situated upon the Property; and

**WHEREAS**, the Assistant Fire Marshal determined that the condition of the Property violated Sections 108.1.5(3), 108.1.5(7), 302.1, 302.3, 304.1 and 304.1.1(7) of the New York State Property Maintenance Code, as well as Section 110 of the International Fire Code and Sections 34-9 and 34-10 of the Oneida City Code; and

**WHEREAS**, the Assistant Fire Marshal opined that the Property, in its current condition, presents a danger to the health, safety and welfare of the public; and

**WHEREAS**, a search warrant was obtained and a site visit of the Property was performed on March 9, 2017, and March 16, 2017, by Michael P. Sheridan, P.E. of Sheridan Engineering, for purposes of inspecting and evaluating the structural integrity of the commercial building; and

**WHEREAS**, the property owner was made aware of the site inspection and had a representative present; and

**WHEREAS**, a report, dated March 27, 2017, was generated by Michael P. Sheridan wherein he opined that the building was in “stable condition” with the exception of the rear porch and recommended repairing the plastic and veneer façade; and

**WHEREAS**, a copy of the aforementioned report prepared by Michael P. Sheridan was provided to the property owner; and

**WHEREAS**, although neither the property owner nor anyone with an interest in the Property, or a representative on their behalf, appeared at the due process hearing, the property owner did submit correspondence, dated March 7, 2017, addressing the conclusions drawn by the Assistant Fire Marshal; and

**WHEREAS**, the Common Council closed the public hearing on May 16, 2017; and

**WHEREAS**, it is the desire of the Common Council to undertake any and all measures permitted in the Oneida City Code and City of Oneida Charter that are necessary to protect the public’s health, safety and welfare.

**NOW THEREFORE, BE IT RESOLVED** that the Common Council, having duly considered the documentary evidence, as well as the oral testimony presented by the Assistant Fire Marshal, hereby declares the property located at 181 Main Street, Tax Map No. 30.80-1-54, to be a public nuisance, in accordance with Chapter 34 of the Oneida City Code; and

**BE IT FURTHER RESOLVED**, that, having declared the Property to be a public nuisance, the Common Council elects to postpone rendering a decision on what, if any, remedial action is to be required of the property owner, or persons with an interest in such Property, upon receipt of a recommendation from the Assistant Fire Marshal of an appropriate schedule of compliance to be provided to the Common Council at its next regularly scheduled meeting on June 6, 2017.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **OLD BUSINESS**

#### *140 Madison Street – Request for Easement*

City Attorney Nadine Bell said the property at 140 Madison Street was taken for back taxes, and the Council recently accepted a purchase offer from Responsive to the Community. Attorney Bell said that the Executive Director for Responsive to the Community has asked that the City provide him with an easement for parking. She said that in close proximity to 140 Madison Street there is a parcel owned by the City, which is used for parking purposes but not in good repair. Discussion ensued, which included

surveying, parking spaces needed and the property owners adjoining the City parcel. The Common Council asked the City Attorney to contact the purchaser to obtain additional information on their plans.

*507 Stone Street*

Mr. Randy Kistner, owner of the property located at 507 Stone Street, said that due to the rainy weather, he has not been able to complete the corrective action on his property as ordered by the Common Council. He asked that the Council provide him with an extension to make the required repairs. The Council decided it was a reasonable request and opted to give him an extension.

**GRANT AN EXTENSION OF CORRECTIVE ACTION TO BE TAKEN FOR THE PROPERTY  
LOCATED AT 507 STONE STREET**

**RESOLUTION 17-133**

Moved by Councilor Acker  
Seconded by Councilor Bowe

**WHEREAS**, at the March 21, 2017 meeting, the Common Council, having duly considered the documentary evidence, as well as the oral testimony presented by the Assistant Fire Marshal and the Property Owner, declared the property located at 507 Stone Street, Tax Map No. 38.30-1-33 (“Property”), to be a public nuisance; and

**WHEREAS**, having declared the Property to be a public nuisance, the Common Council ordered the Property Owner, or persons with an interest in such Property, to repair the foundation of the rear porch and cover the front of the structure’s exterior with a proper protective covering so as to prevent further decay of the structure, so as to comply with the New York State Property Maintenance Code, the International Fire Code and Oneida City Code; and

**WHEREAS**, Mr. Kistner agreed to undertake efforts to have the Property improved, but was unable to provide a specific date for completion, noting that efforts to improve the exterior of the Property are necessarily impacted by weather conditions; and

**WHEREAS**, the Common Council ordered that such corrective action must occur on or before May 15, 2017; and

**WHEREAS**, Mr. Kistner appeared before the Common Council at the May 16, 2017 meeting requesting an extension of the May 15, 2017 deadline for corrective action to be taken, citing weather conditions as the cause for delay; now therefore be it

**RESOLVED**, that the Common Council hereby orders that corrective action on the property located at 507 Stone Street, Tax Map No. 38.30-1-33 must occur on or before June 19, 2017; and

**BE IT FURTHER RESOLVED**, that in the event that the corrective action does not occur within the time provided, the Common Council hereby authorizes the Assistant Fire Marshal and the City Engineer to undertake any and all such measures as are necessary to effectuate the corrective action contemplated herein and shall assess the cost of same against the Property; and

**BE IT FURTHER RESOLVED**, that the cost of such remediation, if undertaken by the City, shall thereupon become a lien against the Property and shall be collectible in the same manner as taxes levied thereon; and

**BE IT FURTHER RESOLVED** that notice of the Common Council's declaration and order shall be served upon the Property Owner in accordance with the Oneida City Charter.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **SUPERVISORS REPORT**

Supervisor John Reinhardt said that a Resolution was passed by the County to continue the sales tax at 4%, with half going to the County and the other half going directly to the City.

Supervisor Reinhardt said that workers comp premiums are set to decrease, as the rate has been decreased by 4.5%. He said this has to be approved by the Department of Financial Services and will take effect October 1, 2017 if they sign off on it.

Supervisor Reinhardt said there are seven major mandates coming from the State, with Medicare as the most costly. He said the tax levy would be 4.8% without New York City, and the State is trying to work that out. Governor Cuomo has requested as part of his Executive Budget that a Shared Services Proposal be submitted. The County is working with a panel of representatives from each town and/or City at the local level, noting the Mayor is the representative of the City. He said that the proposal must contain new and recurring property tax savings through shared services locally, and the County Administrators plan must be submitted to the County's Legislative body no later than August of this year. Supervisor Reinhardt said the County may be eligible for one-time funding to match savings plans.

Supervisor Reinhardt said that he read an article where the President is considering ending the land tax exemption on tax returns, which is substantial in New York. He said NY and California have the highest property tax rates in the country. He said the biggest economic drive is home ownership, and this would hurt that. Supervisor Reinhardt said there has been strong opposition to this proposal, and it is yet to be determined.

Deputy Mayor Chamberlain commended Supervisor Reinhardt for the great job he did as MC for the Public Safety Dinner. Supervisor Reinhardt said that it was great to see Chief Meeker, noting that he still has that firm handshake and spunk.

Supervisor Reinhardt said the County's Public Hearing on banning plastic bags was recently held. He said the majority of those in attendance seemed in favor of the ban; however, many emails have been received since the hearing that are against the proposed law and tipping the scales the other way. Supervisor Reinhardt said this changes the way of life, and it is still an open dialogue. He said the representatives from various supermarkets and convenience stores have presented some interesting observations, and more discussion is needed.

Moved by Councilor Smith

Seconded by Councilor Acker

**RESOLVED**, that the minutes of the regular meeting of May 2, 2017 and the special minutes of May 9, 2017 are hereby approved as presented.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Moved by Councilor Cohen

Seconded by Councilor Simchik

**RESOLVED**, that Warrant No. 11, checks and ACH payments in the amount of \$338,183.89 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 Acker  
Seconded by Councilor Simchik

**RESOLVED**, that Check Nos. 405, 410, and 57639 in the amount of \$16,156.50 (City Attorney) 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) Bowe

**MOTION CARRIED**

## **MONTHLY REPORTS**

### **RESOLUTION 17-134**

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, that monthly reports from the Chamberlain, City Clerk, Comptroller, Fire Department, Housing Codes Enforcement, Recreation Department and Police Department be hereby received and placed on file.

Ayes: 6

Nays: 0

**MOTION CARRIED**

## **SPECIAL EVENTS APPLICATION**

### **RESOLUTION 17-135**

Moved by Councilor Acker  
Seconded by Councilor Cohen

**RESOLVED**, to approve the following Special Events application:

Event:	Wilber Duck Mile
Sponsor:	Wilber Duck Chevrolet
Date:	May 19, 2017
Location:	116 Broad Street (one mile walk/run)

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Smith said that the Oneida Castle Volunteer Fire Department is challenging the undefeated Oneida Fire Department in the car push this year.

**WAIVER OF FIRE INSPECTION FEE**

**RESOLUTION 17-136**

Moved by Councilor Simchik  
Seconded by Councilor Acker

**RESOLVED**, that the letter dated April 27, 2017 from Natalie Belewich, 1392 W. Elm Street, Oneida NY requesting a waiver of a Fire Inspection No Show Fee be hereby received and placed on file, **and be it further**

**RESOLVED**, that per the recommendation of the Fire Chief, the Common Council hereby authorizes the waiver of Invoice No. 2017/21/0022635 dated 4/19/17 for a Fire Inspection No Show Fee in the amount of \$40.00 for the property located 1390-1392 W. Elm Street, Oneida due to a family medical emergency.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**SCHEDULE PUBLIC HEARINGS PER ONEIDA CITY CODE CHAPTER 34, ARTICLE III,  
UNSAFE BULDINGS AND COLLAPSED STRUCTURES**

**RESOLUTION 17-137**

Moved by Councilor Smith  
Seconded by Councilor Bowe

**RESOLVED**, that the Report of Unsafe Structures, as per Oneida City Code Chapter 34, Article III, Unsafe Buildings and Collapsed Structures from Dennis J. Fields Jr., City of Oneida Assistant Fire Chief/Assistant Fire Marshal for properties located at 216 East Elm Street, 522 Sconondoa Street, and 117 East Sands Street, be hereby received and placed on file, **and be it further**

**RESOLVED**, that Public Hearings be scheduled for June 20, 2017 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY 13421 to afford the Common Council the opportunity to issue an order deeming the property to be a "Public Nuisance" and to order corrective action be taken on the following three properties:

- 216 East Elm Street, Oneida
- 522 Sconondoa Street, Oneida
- 117 East Sands Street, Oneida

Ayes: 6  
Nays: 0

**MOTION CARRIED**

City Attorney Nadine Bell said that she would like to change the proposed Public Hearing date from June 7, 2017 to June 20, 2017 to allot for enough time to provide the proper notice to all interested parties as per the City's Code, and the Council agreed to amend the Resolution. The original motion was made by Councilor Acker and seconded by Councilor Bowe.

**CANVASS AND APPROVE BIDS**

**RESOLUTION 17-138**

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, that the lowest bid meeting specifications for hydrants received from Ferguson Waterworks, 612 Pierce Road, Clifton Park NY in the amount of \$12,623.20 be hereby approved, **and be it further**

**RESOLVED**, that the lowest bid meeting specifications for ductile iron pipe, fittings, valves, and miscellaneous received from Martisco Corporation, PO Box 2067, Syracuse NY in the amount of \$63,016.75 be hereby approved.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**REFUND FOR SOLAR PERMIT FEE**

**RESOLUTION 17-139**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**WHEREAS**, NYS Unified Solar Permit No. 17-3328 was issued on March 16, 2017 for the property located at 555 Main Street, Oneida with the \$100.00 fee being paid by SolarCity, PO Box 670, Amsterdam, NY 12010, **and**

**WHEREAS**, Solar City Corporation and Jeff Harrington, owner of the property located at 555 Main Street, Oneida will not be moving forward with the proposed installation, which has moved to cancellation status, **now therefore be it**

**RESOLVED**, that the Common Council hereby authorizes a refund in the amount of \$100.00 for NYS Unified Solar Permit No. 17-3328 issued on March 16, 2017 to SolarCity, PO Box 670, Amsterdam, NY 12010.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Cohen suggested looking at some of the fees at budget time.

**CAPITAL PROJECT 17-09 – BAKER TREATMENT PLANT ROOF REPLACEMENT**

**RESOLUTION 17-140**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Water Superintendent to proceed with Capital Project 17-09 Baker Treatment Plant Roof Replacement, **and be it further**

**RESOLVED**, that the Water Superintendent is hereby authorized to expend funds in the amount of \$35,000 for Capital Project 17-09 Baker Treatment Plant Roof Replacement.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **NEW BUSINESS**

#### *National Police Week*

Deputy Mayor Chamberlain stated that this is National Police Week and asked everyone to please give a thumbs up to the Oneida Police Department for the excellent work they do each day.

#### *Public Works Week*

Deputy Mayor Chamberlain said that the week of May 21 through May 27 is Public Works Week, and he said that he would like to commend all our Public Works Departments. Councilor Bowe said the City's public works includes the Water, Sewer, DPW and Recreation employees as well. Kudos were given to everyone for a job well done.

#### *Fireworks at Vet's Field*

Councilor Smith said that there will be fireworks at Vet's Field on Saturday night sponsored by the American Legion for Armed Forces Day.

#### *Memorial Day Parade*

Councilor Smith said the Memorial Day Parade will be held on Friday, May 26, 2017. The services begin in Triangle Park at 6:30 p.m. with the parade immediately following at 7:00 p.m.

#### *Relay for Life*

Councilor Cohen said the Relay for Life is on Saturday, May 20, 2017 at Oneida High School. He said that again this year, he is donating \$20 to this cause and will match anyone else's donation of \$20. Councilor Cohen said that last year over \$200 was contributed and hopes to do better this year.

#### *National Grid – Union Street*

Councilor Cohen stated that National Grid was "pigging" the line on Union Street, and the "pig" got caught in the pipe line. He said National Grid upped the pressure in the gas lines to release the pig, which in turn created a continuous deafening noise and sent a blue flame up in the air. The DEC, Madison County Health Department, and Public Service Commission were notified and are investigating the matter. He said that he is hopeful for a good resolution and that National Grid will dismantle the pipes to dislodge the "pig". Supervisor Milman-Barris said she was in contact with the NYS Department of Transportation Gas Pipeline Safety representative with respect to National Grid following the correct notification procedures, and Councilor Cohen said he received confirmation from the PSC that National Grid did follow the right procedures.

#### *Oneida City School Budget Vote*

Councilor Acker said there is still time to vote for the Oneida City School Budget. Polls are open until 9:00 p.m. at the Oneida High School and Durhamville Elementary School. She said there are also two people running for the school board.

*Oneida High School Production of Les Miserables*

Councilor Acker said that the Oneida High School production of Les Miserables received eight nominations for the Syracuse High School Theatre Awards. The award ceremony will be held on June 4, 2017 in Syracuse. She said that the school's Saturday night performance of Les Miserables was filmed and will be replayed at the Kallet Theatre at a date to be announced. Councilor Acker said that the production and its actors were phenomenal and wished them good luck.

*Baker Reservoir Dam – Tree Removal*

Leslie Alvarez, Oneida, inquired about planting grass where the trees were removed at Baker Reservoir. The City Engineer said that portions of the area have already been hydro seeded. He said the City is waiting for the engineering site soil boring data, and once received, the data will be reviewed and the tree stumps that are left will be addressed. Engineer Rauscher, in response to a question, said he is not sure what seed mix is being used.

**EXECUTIVE SESSION**

**RESOLUTION 17-141**

Moved by Councilor Smith  
Seconded by Councilor Bowe

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

Ayes: 6  
Nays: 0

**MOTION CARRIED**

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

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

Moved by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 8:19 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**APPROVING THE SALE OF CITY OWNED PROPERTY CONTINGENT UPON A  
DEMOLITION AGREEMENT RELATIVE TO PROPERTY LOCATED AT  
518 WEST ELM STREET, ONEIDA, NEW YORK**

**RESOLUTION 17-142**

Moved by Councilor Acker  
Seconded by Councilor Smith

**WHEREAS**, the City of Oneida is the owner of real property situated at 518 West Elm Street, in the City Oneida, Tax Map No. 30.69-1-7.1 (“Property”); **and**

**WHEREAS**, during the May 2, 2017, Common Council meeting, the Property was declared excess property thereby eligible to be sold for fair market value; **and**

**WHEREAS**, because the Property is in need of extensive rehabilitation and/or demolition, the City desires to sell and convey said Property subject to the execution of an agreement wherein the buyer agrees to either rehabilitate or demolish the residential structure situated upon the Property; **now therefore be it**

**RESOLVED**, that a Purchase Offer for the property located at 518 West Elm Street, in the City Oneida, Tax Map No. 30.69-1-7.1, submitted by James A. Griffing, 508 West Elm Street, Oneida NY (hereinafter “Buyer”) be hereby received and placed on file; **and be it further**

**BE IT FURTHER RESOLVED**, the Common Council hereby approves the sale of the real property located at 518 West Elm Street, Oneida, New York known as Tax Map No. 30.69-1-7.1, in consideration of Two Thousand Five Hundred dollars (\$2,500.00), as well as the execution of a Demolition Agreement, plus closing costs and fees, all of which is considered fair market value for the Property in its current condition; **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 Acting Mayor of the City of Oneida.

Ayes: 6

Nays: 0

**MOTION CARRIED**

#### *Oneida Rail Trail Project*

The Council briefly talked about the Oneida Rail Trail project. Councilor Bowe distributed some updated sketches of the Oneida Street portion in downtown. Discussion included the costs involved with the bridge that is being refurbished on a portion of the trail towards Wampsville. Deputy Mayor Chamberlain said he and Councilor Bowe will meet with the City Engineer for further revisions to the sketches. The Council discussed setting a tentative date of May 24, 2017 for another special meeting on the Rail Trail.

Motion to adjourn by Councilor Simchik

The regular meeting is hereby adjourned at 8:50 p.m.

CITY OF ONEIDA, NEW YORK

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Susan Pulverenti, City Clerk