

**MINUTES OF THE COMMON COUNCIL
MAY 19, 2015**

A meeting of the Common Council of the City of Oneida, NY was held on the nineteenth day of May, 2015 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 Alden M. Smith

PRESENT: Councilors Brahim Zogby, Michael Bowe, Erwin Smith, Helen Acker, James Chamberlain, and Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
Comptroller Linda Pease
Fire Chief Kevin Salerno
Director of Parks and Recreation Lucas Griff
Police Chief David Meeker
Public Safety Commissioner Mike Kaiser
Supervisor John Reinhardt

PUBLIC HEARING – ORDINANCE TO AMEND ZONING MAP

RESOLUTION 15-115

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that the Public Hearing on an Ordinance amending the Zoning Map of the City of Oneida to change the Zoning designation for property zoned NC (Neighborhood Commercial) to C (Commercial) on the parcel (SBL# 37.-3-61) located on Route 5 adjacent to on the eastern boundary of the Nye Automotive Group property in the City of Oneida be hereby opened at 6:30 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES

Donald Skinner, 613 Deerfield Drive, Oneida questioned as to how large the property to be re-zoned is and how far east of the Nye property would it extend. City Attorney Nadine Bell said that it is .93 acres; less than an acre. Mayor Smith said this request by Mr. Nye is so he can park additional vehicles on the road frontage of Rt. 5, and it is currently not zoned properly for him to do so. Mr. Skinner said that in 1966, Oneida Heights Corporation went to court when this property was originally being re-zoned commercial, however, he said they lost their suit in court. He said the judge approved the rezoning, but stated that the zoning shouldn't be extended any further, and the property should be retained for residential use. He asked the Council to research and review what the judge said when he made his decision in 1966.

John Reinhardt, 528 Deerfield Drive, Oneida asked if there was a detention basin in that area, and if so, would it have to be moved. City Attorney Bell said that any alterations with respect to storm water management would be addressed and/or revised and approved with the site plan application.

Mayor Smith moved to close the Public Hearing on the Ordinance to amend the zoning map at 6:40 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

OLD BUSINESS

Redistricting of City Ward Boundaries

Mayor Smith said that Oneida County has started the redistricting project; however, they did not provide a time-frame for how long the first effort would take. The Mayor said he would continue to apprise the Council on their progress.

Hotel Oneida

In response to a question from Councilor Smith, the Mayor said he has no new updates on the old Hotel Oneida building. He said the main issue is securing financing and said this could possibly be part of the grant application for our City Center in the coming year.

*Upstate Revitalization Initiative Urban Core/Main Street Work Group
(Through Governor Cuomo's Office)*

Mayor Smith said the Upstate Revitalization Initiative spearheaded by key components of the Regional Economic Council had a second public input session in Syracuse. The first was attended by Mayor Smith, Councilor Zogby and several members of the community. Mayor Smith said that he and Fred Myers, Planning Commission Chairman, attended the second forum where they are continuing to focus on identifying the strengths of the central region. Mayor Smith said they are looking at what kind of initiatives we can put forward to put us on the cutting edge of emerging technology that will serve those who live and work here. Discussions included security; keyless entries for everything and increased internet technologies. The dialogue also included the opportunities for use of unmanned vehicles used to determine the safety of bridges, high power lines, and pesticides. The Mayor said another public session will be held in two weeks, and then they will be leaving the Syracuse area and heading to outlying areas of the Central Region. Madison County will be part of that. He urged everyone's attendance for Oneida's voice to be heard. Mayor Smith said a website is being developed by the Regional Economic Council for the Upstate Revitalization Initiative and once completed, a link will be posted on our City website, whereby our community members may provide some input. Mayor Smith said the Hotel Oneida project could fall into this.

Moved by Councilor Acker
Seconded by Councilor Chamberlain

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

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, that Warrant No. 10, checks and ACH payments in the amount of \$229,514.45 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 Simchik
Seconded by Councilor Zogby

RESOLVED, that Check No. 53027 in the amount of \$109.08 (Oneida Office Supply) 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 15-116

Moved by Councilor Acker
Seconded by Councilor Simchik

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

Ayes: 6
Nays: 0

MOTION CARRIED

Councilor Smith said it was nice to see the sales tax revenue is up, and the Mayor asked everyone to buy local.

Councilor Chamberlain noted an e-mail from the Public Safety Commissioner about last weekend's hectic police activity having 82 calls and 17 arrests. He gave kudos to Chief Meeker and the department for their diligence making Oneida safer and cleaner. Mayor Smith said it was nice to see a letter from a resident expressing positive feelings about our police officers, especially in light of what is happening in our nation, and asked Chief Meeker to convey his sentiments to the officers.

Councilor Acker thanked the Fire Department for their immediate response to a medical situation with one of her family members.

Councilor Acker said she was impressed with the numbers from the Recreation Department.

SUBSCRIPTION AGREEMENT

RESOLUTION 15-117

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, to authorize the Mayor to sign a one-year Subscription Agreement by and between the City of Oneida and Emergency Services Marketing Corp., Inc., the duly licensed provider of Emergency Responder Reply System (ERRS), in the amount of \$800, plus a one-time set up fee of \$50, to provide the City of Oneida Fire Department with access to the ERRS for emergency paging services.

Ayes: 6
Nays: 0

MOTION CARRIED

Councilor Smith said this is very important to the officers in charge of situations in the Fire Department. He said with a push of a button, a flat screen outside the Fire Chief's office door allows for the quick and easy viewing of who is responding to the scene.

ADVERTISE FOR BIDS – TREE AND STUMP REMOVAL AND TREE TRIMMING

RESOLUTION 15-118

Moved by Councilor Zogby
Seconded by Councilor Simchik

RESOLVED, that the Purchasing Agent is hereby authorized to advertise for bids for the 2015-2016 Tree and Stump Removal and Tree Trimming.

Ayes: 6
Nays: 0

MOTION CARRIED

AMEND CAPITAL PLAN TO INLCUDE CAPITAL PROJECT 15-9
ADVERTISE FOR BIDS – DEBRIS CLEAN UP 120-126 PHELPS STREET

RESOLUTION 15-119

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, to amend the Capital Plan of the 2015 Budget to include Capital Project 15-9 Debris Removal at 120-126 Phelps Street, and further approve financing in an amount not to exceed \$210,000, **and be it further**

RESOLVED, that the Purchasing Agent is hereby authorized to advertise for bids for Capital Project 15-9 Debris Removal at 120-126 Phelps Street, Oneida, NY.

Ayes: 6
Nays: 0

MOTION CARRIED

The Comptroller said the Capital Plan will have to be amended to include this project. Mayor Smith explained the process the City has dealt with for the cleanup; i.e. declaring a public nuisance, notifications, etc. He said that Mr. Waterman has done the right thing and has cleaned up his portion of the refuse. However, the experience with Mr. Karst has been somewhat different, and he is not removing any debris from his property. Mayor Smith said the debris has sat long enough. The Mayor said that he had hoped to save some money by having Abscope clean up the area since they were onsite cleaning Mr. Waterman's property. However, saving money is not an option, and stated we have to go through the bidding process. He said this was not a budgeted item, because we didn't plan on spending City funds on this. The Mayor said the funding will be redirected to this task from the Fire Department's Scott Air Pack account, as a grant was received for the air packs.

The original motion to open discussion was made by Councilor Acker and seconded by Councilor Simchik.

LIQUOR LICENSE RENEWAL NOTIFICATION

RESOLUTION 15-120

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, that the 30-Day Advanced Notice to a Local Municipality of a renewal application to be filed with the NYS Liquor Authority for an On-Premises Alcoholic Beverage License from Suite 1 Glenwood Plaza, Inc., DBA El Canelo, 2192 Glenwood Plaza, Oneida NY, be hereby received and placed on file.

Ayes: 6
Nays: 0

MOTION CARRIED

AMENDMENT NO. 1 - GHD CONSULTING SERVICES, INC. AGREEMENT

RESOLUTION 15-121

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

WHEREAS, a proposal from GHD Consulting Services, Inc. to develop a calibrated hydraulic model of the City's Water System was accepted on December 10, 2014 - Resolution 15-04, **and**

WHEREAS, it is requested that GHD Consulting Services, Inc. purchase the modeling software for the project to take advantage of GHD Consulting Service's discount with the vendor (Bentley Systems, Inc.) and transfer said license to the City, **now therefore be it**

RESOLVED, that a budget amendment in the amount of \$520.00 from the Water Fund Balance (002.0002.0599) to Water Contracts (002.8300.0403) be hereby authorized, **and be it further**

RESOLVED, that Amendment No. 1 from GHD Consulting Services, Inc., One Remington Drive, Cazenovia NY be hereby accepted, and the Mayor is further authorized to execute said Amendment No. 1 in the amount of \$3,918.50 for the software purchase and license transfer, **and be it further**

RESOLVED, that the Water Superintendent is hereby authorized to expend funds for said project.

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

MOTION CARRIED

The City originally budgeted for 500 pipe-model; however, due to the number of pipe sections, it is necessary to purchase 1000 pipe-model. GHD Consulting Services, Inc. is able to purchase the necessary pipe-model at a discount from the list price from Bentley Systems Inc. and transfer the license to the City.

**AGREEMENT WITH NYS DOT AUTHORIZING THE IMPLEMENTATION AND FUNDING
IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI"
PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT
AND APPROPRIATING FUNDS THEREFORE – ONEIDA RAIL TRAIL: CENTER CITY**

RESOLUTION 15-122

Moved by Councilor Zogby
Seconded by Councilor Smith

WHEREAS, a Project for the Oneida Rail Trail, City Center, City of Oneida, P.I.N. 2650.48 (the Project) is eligible for funding until Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% non-federal funds, **and**

WHEREAS, the City of Oneida desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Project, **now therefore be it**

RESOLVED, that the duly convened Common Council hereby approves the above-subject Project, **and it is further**

RESOLVED, that the Common Council hereby authorizes the City of Oneida to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof, **and it is further**

RESOLVED, that the sum of \$895,000 is hereby appropriated from the funds allocated to Capital Project 14-01 and made available to cover the cost of participation in the above phase of the Project, **and it is further**

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Common Council of the City of Oneida shall convene, as soon as possible, to appropriate said excess amount immediately upon notification by the NYS DOT thereof, **and it is further**

RESOLVED, that the Mayor of the City of Oneida be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Oneida with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are no so eligible, **and it is further**

RESOLVED, that a certified copy of this Resolution be filed with the NYS Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, **and it is further**

RESOLVED, that this Resolution shall take effect immediately.

Ayes: 6
Nays: 0

MOTION CARRIED

Joe Magliocca, Oneida, said there were two federal grants, TEP and TAP, and this is the second phase. He said this 100% reimbursable.

**REVISE CAPITAL PROJECT 14-01 – ONEIDA RAIL TRAIL
TO INCLUDE PHASE II TAP GRANT FUNDING**

RESOLUTION 15-123

Moved by Councilor Zogby
Seconded by Councilor Acker

RESOLVED, to hereby authorize Capital Project No. 14-01 – Oneida Rail Trail Wampsville/Oneida Connector in the amount of \$771,640.00 be revised to reflect the total costs of the Capital Project as follows: Capital Project No. 14-01 – Oneida Rail Trail: Wampsville to Oneida

Connector Enhancement Project in the amount of \$1,666,640 which shall include the aforementioned amount awarded by the State of \$716,000.00, **and be it further**

RESOLVED, the remaining funds of \$179,000, which shall be the obligation of the City of Oneida, shall be rendered in the form of in-kind services, as well as monetary funds, **and be it further**

RESOLVED, that the Common Council further appoints and authorizes the City Engineer as the individual responsible for documenting and recording the in-kind services that are provided to fulfill the City's contribution obligation, **and be it further**

RESOLVED, to authorize the City Engineer to proceed with the Revised Capital Project No. 14-01 – Oneida Rail Trail Wampsville to Oneida Connector Enhancement Project and to expend funds up to the revised programmed amount of \$243,000 for design services.

Ayes: 6

Nays: 0

MOTION CARRIED

Joe Magliocca, Oneida, said this is the TEP and TAP grants combined per the NYS DOT. He reiterated that the design services are 100% reimbursable.

BUDGET TRANSFERS AND BUDGET AMENDMENT

RESOLUTION 15-124

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, to approve the following budget transfers:

		BALANCE:			BALANCE:
\$5,600	001.1990.0400 (Contingency)	\$21,210.88	001.1210.0403 (Mayor Contracts)	\$5,600	

(Mayor-Redistricting Contract approved May 5, 2015)

\$5,000	001.3650.0400 (Building Demo)	\$16,210.88	001.7521.0403 (Kallet Repairs)	\$5,000
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(Mayor – Repair to Kallet Chiller air-conditioning unit)

RESOLVED, to approve the following budget amendment:

		BALANCE:			BALANCE:
\$3,430.23	001.0023.2770 (Miscellaneous revenue)	\$5,649.39	001.3410.413 (Fire – New Hire)	\$8,203.45	

(Fire Chief -To increase the revenue and the expenditure for reimbursement for new hire-Phelan)

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Zogby asked if the Kallet's chiller would be paid for with grant funding, and Councilor Simchik said that the air conditioning chiller is not in the scope of the grant received.

ADVERTISE FOR BIDS – ANNUAL STREET PAVING

RESOLUTION 15-125

Moved by Councilor Chamberlain
Seconded by Councilor Bowe

RESOLVED, that the Purchasing Agent is hereby authorized to advertise for bids for the Annual Street Paving Program.

Ayes: 6
Nays: 0

MOTION CARRIED

Councilor Bowe said they will be using hot mix this time. He said that last year the City piggybacked on the County, and this year we are going out to bid on our own.

SPECIAL EVENT APPLICATION

RESOLUTION 15-126

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the following special event application be hereby approved:

Sponsoring Organization:	YMCA of the Greater Tri Valley
Address:	701 Seneca Street, Oneida NY 13421
Name of Event:	2015 Frank DiChristina Memorial Walk
Date of Event:	July 18, 2015

Ayes: 6
Nays: 0

MOTION CARRIED

NEW BUSINESS

Kudos to Property Owners

Councilor Chamberlain noted that the homes located at 211-213 West Elm Street and 101 N. Broad Street (directly across from the Fire Department's driveway) have recently improved the exteriors of their homes with new siding, windows, etc. and both deserve acknowledgement, as the properties look really nice.

West Elm Street Road Work

Councilor Chamberlain said he spoke with a Madison County employee who was installing a sign on West Elm Street for road work, which will include resurfacing the street towards Hubbard Place. He suggested reaching out to the County to make them aware of the City's upcoming West Elm Street Infrastructure Project.

Memorial Day Parade

Councilor Smith said the Memorial Day Parade is this Friday. The Mayor will be giving a welcoming address at the service beginning at 6:30 p.m. in Triangle Park. The parade will follow at about 7:00 p.m. with over 60 units marching and eight bands. Chief Salerno said the Fire Department's 1917 American LaFrance will be also in the parade.

Walnut Street Paving

Shirley Lomery, Oneida, questioned who is doing the strip paving repairs on Walnut Street. The Mayor said the company who put it down last year has returned, at their own expense, to correct the areas of the City where the pavement was not properly done.

Debris Removal on Phelps Street

Donald Skinner, Oneida, said that when he was on the Council, the City did internal work itself. The City tore down houses, etc. with our own workforce and suggested the City should have the DPW do the cleanup on Phelps Street. Councilor Simchik said the property was deemed hazardous with asbestos in it, and it has to be hauled to Seneca Meadows, a location several hours away. Madison County landfill will not accept this debris. Councilor Bowe said on previous occasions when standing buildings were torn down by City employees, asbestos abatement had already been completed. He said that this particular building on Phelps Street is already on the ground, and the City can't touch the debris. Mayor Smith said the City continues to use its own workforce whenever we possibly can.

EXECUTIVE SESSION

RESOLUTION 15-127

Motioned by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:12 p.m. for the purpose of discussing a personnel issue.

Ayes: 6

Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Attorney, City Clerk, Police Chief, Public Safety Commissioner

Discussion was held regarding personnel issue within the Police Department.

Motioned by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 7:35 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

AGREEMENT

RESOLUTION 15-128

Motioned by Councilor Acker
Seconded by Councilor Zogby

RESOLVED, to authorize the Mayor to execute an agreement, subject to approval by the City Attorney, with respect to a personnel retirement issue.

Ayes: 6

Nays: 0

MOTION CARRIED

The regular meeting is hereby adjourned at 7:37 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk