

**MINUTES OF THE COMMON COUNCIL  
JUNE 21, 2016**

A regular meeting of the Common Council of the City of Oneida, NY was held on the twenty first day of June, 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, Helen Acker, James Chamberlain and Thomas Simchik

**ALSO PRESENT:** Assessor Lonnie Stedman  
City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
City Engineer Jon Rauscher  
Civil Service Officer Tammy Burkhart  
Fire Chief Kevin Salerno  
Recreation Director Luke Griff  
Supervisor Joseph Magliocca

**OLD BUSINESS**

Councilor Cohen thanked the Mayor and Common Council for stepping up to his challenge from the last meeting, noting that \$250 has been donated to the American Cancer Society.

**SUPERVISORS REPORT** - None

Moved by Councilor Smith  
Seconded by Councilor Bowe

**RESOLVED**, that the minutes of the regular meeting of June 7, 2016 are hereby approved as presented.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, that Warrant No. 12, checks and ACH payments in the amount of \$101,291.11, 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 Smith  
Seconded by Councilor Chamberlain

**RESOLVED**, that Check No. 55534 in the amount of \$283.63 (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**

**ADOPT LOCAL LAW NO. 2 OF 2016 – ELECTRIC VEHICLES**

**RESOLUTION 16-115**

Moved by Councilor Cohen

Seconded by Councilor Smith

**WHEREAS**, emissions from vehicles using fossil fuels contribute a substantial percentage of all air pollution and greenhouse gas emissions in the City of Oneida and elsewhere in the United States; **and**

**WHEREAS**, air pollution, in high levels, has been shown to contribute to premature death and to aggravate lung illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and lung cancer, all of which children and the elderly are more susceptible; **and**

**WHEREAS**, the use of electric vehicles for transportation reduces air pollutants, including greenhouse gases, emitted from said sector and ameliorates the effects of air pollution; **and**

**WHEREAS**, the State is undertaking efforts to reduce air pollution and greenhouse gas emissions by encouraging the transition to electric vehicle use and facilitating the development of a convenient, cost-effective electric vehicle charging infrastructure; **and**

**WHEREAS**, electric vehicles need to be electrically recharged, and the driving distance between battery charges in current electric vehicle models is limited, which limited distance is a fundamental disadvantage to broad consumer adoption of electric vehicles; **and**

**WHEREAS**, because this disadvantage inhibits consumer acceptance and usage of electric vehicles, an infrastructure that allows convenient electric vehicle charging opportunities is essential; **and**

**WHEREAS**, electric charging of private electric vehicles typically takes place in residential settings, allowing and establishing regulations for electric vehicle charging infrastructure in dwelling units and multiple-family dwelling units is in the public interest; **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; **and**

**WHEREAS**, a public hearing was held on such proposed Local Law on the 7<sup>th</sup> day of June, 2016, by the Common Council of the City of Oneida and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed Local Law having been heard; **now therefore be it**

**RESOLVED**, that Chapter 190 of the Code of the City of Oneida, titled “Zoning,” is hereby amended so as to include the following language:

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 purpose. 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 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

**RESOLVED**, that this Local Law shall be effective upon filing with the office of the Secretary of State.

Councilor Cohen – Yes  
Councilor Bowe – Yes  
Councilor Smith – Yes  
Councilor Acker – Yes  
Councilor Chamberlain – Yes  
Councilor Simchik – Yes

**MOTION CARRIED**

Councilor Cohen said this Local Law helps towards the City's Climate Smart certification and also gives the City an advantage over others when applying for grants.

**MONTHLY REPORTS**

**RESOLUTION 16-116**

Moved by Councilor Acker  
Seconded by Councilor Simchik

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

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**RESOLUTION THANKING SENATOR VALESKY, ASSEMBLYMAN MAGEE AND  
LEGISLATIVE LEADERS FOR ENACTING LEGISLATION AND  
URGING GOVERNOR CUOMO TO PROMPTLY SIGN INTO LAW  
(SHARING OF REVENUE FROM GAMING DEVICES LOCATED  
WITHIN THE COUNTY OF MADISON)**

**RESOLUTION 16-117**

Moved by Councilor Smith  
Seconded by Councilor Bowe

**WHEREAS**, legislation was introduced in the New York State Senate by Senator David Valesky and the New York State Assembly by Assemblyman William Magee, respectively Senate S5670-A and Assembly A07844-A, to authorize a twenty-five percent (25%) share in gaming revenue for Madison County from New York State's share of the net drop with respect to gaming devices located within County; **and**

**WHEREAS**, due to the hard work by and commitment to the residents of Madison County of Senator Valesky and Assemblyman Magee, legislation under bill numbers S5670-A was enacted

by the Senate on April 11, 2016 by a vote of 59 – 1 and A07844-A was enacted by the Assembly on April 12, 2016 by a vote of 124 - 4; **and**

**WHEREAS**, this legislation, approved nearly unanimously by both the Senate and the Assembly with the strong support of the legislative leadership, will now go to Governor Cuomo for his action and hopefully signed by him into law; **and**

**WHEREAS**, the prompt signing into law by Governor Cuomo will ensure Madison County, as a newly gaming host county, receives a fair share of revenue consistent with that provided to other gaming localities to the benefit of its residents and region, thereby providing necessary financial assistance for the increased use of infrastructure and services, and is not the only county in New York State denied a host community benefit for in county gaming; **now therefore be it**

**RESOLVED**, that the Common Council of the City of Oneida thanks Senator Valesky, Assemblyman Magee, Senate Majority Leader John Flannigan and Assembly Leader Carl Heastie for recognizing this as an issue of fundamental fairness and for working diligently to get this critical legislation overwhelmingly approved; **and be it further**

**RESOLVED**, that the Common Council of the City of Oneida hereby urges Governor Cuomo to promptly sign this legislation that will provide a significant benefit to the residents of Madison County and ensure our residents are treated equally to those residents in other counties that are provided host community benefits.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Supervisor Magliocca said this is an issue of fairness, as Madison County is the only host county that does not receive a share of the gaming revenue.

### **SPECIAL EVENTS APPLICATION**

#### **RESOLUTION 16-118**

Moved by Councilor Bowe

Seconded by Councilor Cohen

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

*Name of Event:* 26<sup>th</sup> Anniversary Americans with Disabilities Act Celebration

*Sponsor:* Arise Inc.

*Address:* 131 Main Street, Suite 102, Oneida NY 13421

*Event Date:* July 22, 2016

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **CANVASS BIDS FOR CAPITAL PROJECT 16-05**

#### **ANNUAL STREET RECONSTRUCTION, RESURFACING AND MAINTENANCE PROGRAM**

#### **RESOLUTION 16-119**

Moved by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, to accept the lowest bid meeting specifications from CFR Paving, Inc., PO Box 500, Canastota NY 13032 in the amount of \$357,082.00 for Capital Project 16-05 Annual Street Reconstruction, Resurfacing and Maintenance Program; **and be it further**

**RESOLVED**, that the Mayor be authorized to sign any and all documents related to said bid, **and be it further**

**RESOLVED**, to authorize the City Engineer to expend funds up to the programmed amount.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

City Engineer Jon Rauscher said that asphalt prices are lower because of fuel pricing. The City Engineer said there is a mandate to update intersection ramps to be ADA compliant, which will be an additional cost.

**BUDGET TRANSFER**

**RESOLUTION 16-120**

Moved by Councilor Smith  
Seconded by Councilor Chamberlain

**RESOLVED**, to authorize the Mayor to approve the following budget transfer:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$275.00	001.0990.0400	001.1430.0400
	Contingency	Civil Service Other

(To cover test monitors for the rest of the year)

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**PROFESSIONAL SERVICE PROPOSALS – HMGP PROJECT 4031-0035 – FEMA HAZARD  
MITIGATION GRANT PROGRAM (FLOOD BUYOUT)**

**RESOLUTION 16-121**

Moved by Councilor Chamberlain  
Seconded by Councilor Cohen

**RESOLVED**, that the Mayor be hereby authorized to accept and sign the Professional Service Proposals from Delta Engineers, Architects & Land Surveyors, 4873 NYS Rt. 5, Vernon, NY 13476 and Myers and Associates, PC, 127 South Peterboro Street, Canastota NY 13032 for professional surveying services for Flood Buyout Property Surveys in the Flood Buyout-HMGP PROJECT 4031-0035-FEMA Hazard Mitigation Grant Program, **and be it further**

**RESOLVED**, that the Mayor be hereby authorized to accept and sign the Professional Services Proposal with Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C., 217 Montgomery Street, Suite 1000, Syracuse NY 13202 to conduct archaeological monitoring for the demolition of structures in the Flood Buyout-HMGP PROJECT 4031-0035-FEMA Hazard Mitigation Grant Program.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **NEW BUSINESS**

Mayor Matzke said there is new legislation relating to “zombie” properties, and he will be providing the Council with some info relative to that legislation. The Mayor said there is also new legislation from the State regarding the mowing policy that the City will act on in the fall.

Councilor Cohen gave kudo’s to the Public Safety Departments for their efforts with DWI Prevention and Fire Prevention.

The Mayor asked for a motion to go into Executive Session, and the City Attorney said that there may be action taken after the Executive Session.

### **EXECUTIVE SESSION**

#### **RESOLUTION 16-122**

Motioned by Councilor Bowe

Seconded by Councilor Chamberlain

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 6:38 p.m. for the purpose of discussing the proposed sale of real property.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**PRESENT:** Mayor, Councilors, City Attorney, City Clerk, Assessor, Kathryn and Justin Bartholomew

Discussion was held regarding the proposed sale of real property.

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

Discussion was held regarding the proposed sale of real property.

**PRESENT:** Mayor, Councilors, City Attorney, City Clerk, Assessor, James Northrup

Discussion was held regarding the proposed sale of real property.

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

Discussion was held regarding the proposed sale of real property.

Motioned by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 7:21 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**WAIVE RULE TO ACCEPT AGENDA ITEMS**

**RESOLUTION 16-123**

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, that per Resolution 08-180 adopted by the Common Council on August 19, 2008, the provisions of the procedure to accept agenda items is hereby waived.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**PROPERTY SALE AND REHABILITATION AGREEMENT**  
**2120 SCHOOLHEIMER ROAD**

**RESOLUTION 16-124**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**WHEREAS**, the City of Oneida is the owner of real property situated at 2120 Schoolheimer Road in the City Oneida, Tax Map ID# 21.-1-14 ("Property"), **and**

**WHEREAS**, during the May 4, 2016, Common Council meeting, the Property was declared excess property thereby eligible to be sold for fair market value or be demolished, **now therefore be it**

**RESOLVED**, that a Purchase Offer for the property located at 2120 Schoolheimer Road, Tax Map ID# 21.-1-14, submitted by Kathryn A. Bartholomew and Justin B. Bartholomew, 2232 Schoolheimer Rd., Canastota, NY 13032 be hereby received and placed on file, **and be it further**

**RESOLVED**, the Common Council hereby accepts the offer submitted by Kathryn A. Bartholomew and Justin B. Bartholomew, 2232 Schoolheimer Rd., Canastota, NY 13032 in the amount of \$8,000.00 (eight thousand 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 2120 Schoolheimer Road, Tax Map ID# 21.-1-14, to Kathryn A. Bartholomew

and Justin B. Bartholomew, 2232 Schoolheimer Rd., Canastota, NY 13032 in consideration of \$8,000.00 (eight thousand dollars), plus closing costs, and further conditioned upon the execution of the Rehabilitation Agreement by and between the City of Oneida and Kathryn A. Bartholomew and Justin B. Bartholomew, 2232 Schoolheimer Rd., Canastota, NY 13032, **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**

Assessor explained to the Bartholomew's that they will be responsible for mowing of the property. The City Clerk said she will prepare the Rehabilitation Agreement and send it to the City Attorney for review. Once reviewed, the Assessor will have the agreement for their execution.

**PROPERTY SALE AND DEMOLITON AGREEMENT**  
**5907 PETERBORO ROAD**

**RESOLUTION 16-125**

Moved by Councilor Smith  
Seconded by Councilor Acker

**WHEREAS**, the City of Oneida is the owner of real property situated at 5907 Peterboro Road in the City Oneida, Tax Map ID# 55.-1-16 ("Property"), **and**

**WHEREAS**, during the May 4, 2016 Common Council meeting, the Property was declared excess property thereby eligible to be sold for fair market value or be demolished, **now therefore be it**

**RESOLVED**, that a Purchase Offer for the property located at 5901 Peterboro Road, Tax Map ID# 55.-1-16, submitted by James Northrup, 5881 Peterboro Rd., Munnsville, NY 13409 offering the City of Oneida \$3,000.00, plus the cost of demolition and removal of demolition debris, contingent upon the performance of an environmental analysis to be completed at the expense of the purchaser, be hereby received and placed on file, **and be it further**

**RESOLVED**, the Common Council hereby accepts the offer submitted by James Northrup, 5881 Peterboro Rd., Munnsville, NY 13409 in the amount of \$3,000.00, plus the cost of demolition and removal of demolition debris, contingent upon the performance of an environmental analysis to be completed at the expense of the purchaser, **and be it further**

**RESOLVED**, that the Common Council hereby approves the sale of the property situated at 5907 Peterboro Road, Tax Map ID# 55.-1-16, to James Northrup, 5881 Peterboro Rd., Munnsville, NY 13409 in consideration of \$3,000, contingent upon the performance of an environmental analysis, plus the cost of demolition and the removal of demolition debris from the property and payment of recording costs and legal fees, and further conditioned upon the execution of the Demolition Agreement by and between the City of Oneida and James Northrup, 5881 Peterboro Rd., Munnsville, NY, **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**

Mr. Northrup inquired about the time frame required, and the Council stated he would have 120 days. Mayor Matzke said an extension could be granted if need be.

**EXTENSION GRANTED – 1178 GLENWOOD AVE**

**RESOLUTION 16-126**

Moved by Councilor Simchik

Seconded by Councilor Bowe

**WHEREAS**, on April 28, 2016, the City of Oneida received a written purchase offer from Erick Hall and Dominique Carruso (the “Buyers”) to purchase real property located at 1178 Glenwood Avenue, Tax Map No. 38.74-1-6 (the “Property”), in consideration for the environmental analysis and demolition of the commercial structure situated thereon, such offer being contingent upon the cost of demolition not exceeding the Property’s value, a structural analysis of a flood wall, and the Property’s zoning designation to remain commercial; **and**

**WHEREAS**, at the May 3, 2016 meeting of the City of Oneida Common Council per Resolution 16-93 the Common Council approved the sale of 1178 Glenwood Avenue, Tax Map No. 38.74-1-6, to the “Buyers” in consideration for the environmental analysis and demolition of the commercial structure situated thereon, such sale being contingent upon (1) the cost of demolition not exceeding the Property’s assessed value and completion of a structural analysis of the flood wall by the Buyers, documentation of which shall be submitted to the City Assessor within 60 days of the date of this Resolution, (2) Buyers’ execution of a Demolition Agreement, and (3) payment of recording costs and legal fees by Buyers, **and**

**WHEREAS**, the results of the environmental analysis on the property located 1178 Glenwood Avenue have not been received by the “Buyers,” **now therefore be it**

**RESOLVED**, that a 30-day extension, from the date of this Resolution, be granted to the “Buyers”.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Moved by Councilor Bowe

The regular meeting is hereby adjourned at 7:25 p.m.

CITY OF ONEIDA

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Susan Pulverenti, City Clerk