

**MINUTES OF THE COMMON COUNCIL
JUNE 7, 2016**

A regular meeting of the Common Council of the City of Oneida, NY was held on the seventh 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: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Comptroller Linda Pease
Director of Planning & Development Cassie Rose
Fire Chief Kevin Salerno
Police Chief David Meeker
Supervisor John Reinhardt
Supervisors Joseph Magliocca

PUBLIC HEARING
PROPOSED LOCAL LAW – CHAPTER 190 ZONING - TO FACILITATE DEVELOPMENT OF
ELECTRIC VEHICLE CHARGING FOR RESIDENTIAL USE

RESOLUTION 16-105

Moved by Councilor Cohen
Seconded by Councilor Smith

RESOLVED, that the Public Hearing to amend the City of Oneida Code Chapter 190 Zoning, to facilitate the development of electric vehicle charging for residential use be hereby opened 6:33 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES: None

Moved by Councilor Smith
Seconded by Councilor Cohen

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

Ayes: 6
Nays: 0

MOTION CARRIED

OLD BUSINESS

Solar Project

Jill Christian-Lynch, Oneida, stated they have learned through the FOIL process that Lowe's has agreed to allow the siting of a solar array on the parcel the City owns behind Lowes. The Mayor said that was a major obstacle to overcome. City Attorney Nadine Bell explained that there was a Declaration of Covenants on the parcel, which limited the allowable uses for the four parcels around Lowes. She said that by letter of consent, Lowes has permitted use for a solar array on the City owned parcel. Mrs. Christian-Lynch thanked the Mayor, Council and City Attorney on behalf of her neighbors for their efforts to move the solar project out of a residential neighborhood.

Legislation naming Madison County as a "Host County" for Gaming Revenues

Supervisor Magliocca said that the County Supervisors passed a Resolution thanking the local legislative leaders for their hard work with introducing, and the eventual enacting, of legislation naming Madison County a "Host County" to benefit from gaming revenues generated in Madison County. He said they are asking the City, towns, villages, library, school districts and any non-for-profits who receive funding from the County to draft similar language urging Governor Cuomo to sign the legislation. Mayor Matzke said he is hoping that the City will see some additional revenue, and Supervisor Reinhardt said that ideally the County will share with the City; however, they do not know what the gaming revenue amount will be.

Moved by Councilor Chamberlain
Seconded by Councilor Bowe

RESOLVED, that the minutes of the regular meeting of May 17, 2016 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that Warrant No. 11, checks and ACH payments in the amount of \$370,989.49, 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 Bowe

RESOLVED, that Check No. 55447 in the amount of \$94.29 (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

SHELTER AGREEMENT

RESOLUTION 16-106

Moved by Councilor Acker
Seconded by Councilor Cohen

RESOLVED, to authorize the Mayor to sign a Shelter Agreement with the American National Red Cross for use of the Recreation Center, 217 Cedar Street, Oneida NY as an emergency shelter during a disaster.

Ayes: 6
Nays: 0
MOTION CARRIED

CAPITAL PROJECT 16-06 – PRE-EMPTIVE DEVICES

RESOLUTION 16-107

Moved by Councilor Smith
Seconded by Councilor Simchik

WHEREAS, a 100% reimbursable grant initiated by Fire Chief Kevin Salerno in conjunction with Assemblyman William Magee and the NYS Department of Homeland Security and Emergency Services was applied for in 2015 and awarded to the City of Oneida Fire Department in 2016, **now therefore be it**

RESOLVED, that the 2016 Budget be hereby amended to include Capital Project 16-06 – 2016 Pre-Emptive Devices, **and be it further**

RESOLVED, to authorize the Fire Chief to proceed with Capital Project 16-06 and expend funds up to the programmed amount of \$20,000.

Ayes: 6
Nays: 0
MOTION CARRIED

Fire Chief Kevin Salerno said the NYS DOT has agreed to install pre-emptive devices on the new poles being installed on Main and Broad saving the City \$15K to \$17K. Chief Salerno said this project's pre-emptive devices will be installed by the City's Traffic Department.

NEW YORK MAIN STREET PROGRAM GRANT

RESOLUTION 16-108

Moved by Councilor Acker
Seconded by Councilor Smith

WHEREAS, the City of Oneida applied for and was awarded a New York Main Street Program Technical Assistance Grant in 2015 to perform a Buildings Re-use Feasibility Study for the City Center; **and**

WHEREAS, that study was designed to be the base for a full New York Main Street Program grant application; **and**

WHEREAS, the City of Oneida has demonstrated a need for and interest in improving the City Center; **now therefore be it**

RESOLVED, to authorize the Mayor to sign an agreement with In Site Architecture for grant writing services in an amount not to exceed \$7,400 for a 2016 New York Main Street Program Grant application; **and be it further**

RESOLVED, the Mayor be and is hereby authorized to execute applications on behalf of the City of Oneida with the Office of Community Renewal; **and be it further**

RESOLVED, the Mayor is hereby authorized and directed to execute any contracts and/or agreements with the Office of Community Renewal in connection with the New York Main Street Program, and is further authorized to request and expend such funds pursuant to said contracts and/or agreements.

Ayes: 6

Nays: 0

MOTION CARRIED

Brahim Zogby, Oneida, questioned the language in the Resolution that authorizes the Mayor to sign the documents in connection with the NYS Main Street Program seemingly bypassing the Council. Director Rose said this grant is for Downtown Rehabilitation. Director Rose said that this is very standard language used not only by the City, but by New York State as well. The City Attorney concurred that this is the common language used.

ADOPT ORDINANCE AMENDMENT – SECTION 190-15 SIGN REQUIREMENTS

RESOLUTION 16-109

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the Common Council of the City of Oneida, Madison County, State of New York, pursuant to the Authority vested in it by law does hereby enact, ordain and hereby adopts an Ordinance amending the City of Oneida Code provisions of Chapter 190 Zoning pertaining to the number of signs allowed per business in Commercial, Downtown Commercial, Manufacturing Industrial and Light Industrial Zones as follows:

ORDINANCE 16-03

190-15. Sign Requirements

D. (4) In C, DC, L-I and M-I Districts, the following shall be permitted:

(a) The signs permitted under Subsection D(1) above.

(b) A maximum of three business signs with a combined area not to exceed two square feet per linear foot of the front of the building, or 130 square feet, whichever is larger.

[Amended 5-5-2009 by Ord. No. 09-03]

(c) One accessory sign for each separate incorporated business or service in a building or complex providing such sign(s) shall not exceed, either singularly or in combination, a maximum of six square feet and they shall be attached to the principal building or sign.

Ayes: 6

Nays: 0

MOTION CARRIED

STANDARD NOTICE FORM FOR LIQUOR LICENSE CLASS CHANGE

RESOLUTION 16-110

Moved by Councilor Smith

Seconded by Councilor Chamberlain

RESOLVED, that the Standardized Notice Form for providing 30 day advance notice to a local municipality from Matteo Donato LLC, DBA Chesterfield's Tuscan Oven, 2184 Glenwood Plaza for a class change to be filed with the NYS Liquor Authority be hereby received and placed on file.

Ayes: 6

Nays: 0

MOTION CARRIED

FACADE LOAN, CITY LOAN AND BUDGET AMENDMENT

RESOLUTION 16-111

Moved by Councilor Acker

Seconded by Councilor Simchik

WHEREAS, the City of Oneida administers a Downtown Façade Improvement Program funded through a 2002 CDBG Comprehensive Grant, which involves a loan component to downtown building owners, **and**

WHEREAS, the City of Oneida Revolving Loan Fund Committee, at their May 31, 2016 meeting, unanimously voted to submit the application to the Common Council for approval, **now therefore be it**

RESOLVED, that the City of Oneida Common Council hereby approves the following loan as recommended by the City of Oneida Revolving Loan Fund Committee:

- Building Owner: Paul D. Marco
- Address: 155 Madison Street, Oneida NY
- Total Project Cost: \$31,108.00
- Loan Amount: \$27,997 at 1% interest for 60 months

BE IT FURTHER RESOLVED, that the Mayor be authorized to sign the necessary documents for said loan, **and be it further**

RESOLVED, that the 2016 Budget is hereby amended to reflect an increase in Revolving Loan Appropriated Fund Balance (009.0009.0599) in the amount of \$27,997.00 and an increase in Façade Improvements (009.8661.0406) in the amount of \$27,997.00.

Ayes: 6

Nays: 0

MOTION CARRIED

Mayor Matzke said that this will be outstanding when completed. He said Mr. Paul Marco is a “mover and shaker,” and he is very pleased to see the improvements being made to the old Lerman’s building on Madison Street. The Mayor said we are trying to improve downtown, noting that the City has closed several buildings downtown through the Nuisance Abatement Policy.

Brahim Zogby, Oneida, said he has questions with the loan for Mr. Marco. Mayor Matzke said the Revolving Loan Committee is its own entity and minutes are not taken. In response to a question from Mr. Zogby, the Comptroller said the budget amendment was taken out of the budget process this year. Mr. Zogby asked if there was a rendering of the project, and Mayor Matzke suggested that Mr. Zogby go look at the façade, as they are working on it now.

Planning Director Cassie Rose said that with this loan, Mr. Marco will be removing the plywood and replacing 33 windows, repointing the bricks on the outside of the building and installing a new door and making it an ADA compliant entrance. Director Rose said the Revolving Loan Committee met with Mr. Marco, reviewed his plans and bids and gave a unanimous decision to approve this application. Mayor Matzke said that Mr. Marco will also be remodeling all the upstairs apartments and first floor business offices.

Councilor Acker said that the Revolving Loan Fund is not made up of City funds, this is funding from the Federal Government that moves through the City. Councilor Acker said that Mr. Marco is using his personal funds as well.

CONTRACT EXTENSION

RESOLUTION 16-112

Moved by Councilor Smith

Seconded by Councilor Bowe

RESOLVED, that authorization be hereby given to extend the chemical contract for caustic soda with Surpass Chemical Co. Inc., PO Box 4165, Albany NY 12204 for an additional six-month term from the date of expiration, in accordance with the existing contract.

Ayes: 6

Nays: 0

MOTION CARRIED

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 16-113

Moved by Councilor Smith
Seconded by Councilor Bowe

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

BUDGET TRANSFER

RESOLUTION 16-114

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, to approve the following budget transfer:

AMOUNT	FROM	TO
\$1,000	001.3310.0300 Traffic-Materials & Supplies	001.7521.0403 Kallet Maintenance

(HVAC maintenance at the Kallet Civic Center)

Ayes: 6
Nays: 0

MOTION CARRIED

City Engineer Jon Rauscher said there is \$5K in this year's line for the chiller/boiler at the Kallet. Additional funding is needed because they had to get the existing chiller up, repaired, and running for use until the new AC system is installed later this month. He said the current chiller, installed in 1963, is way beyond its useful life. Councilor Bowe questioned use of the account where the funds were being transferred from.

NEW BUSINESS

Intersection Broad Street and Rt. 5

Councilor Simchik addressed the article in the newspaper regarding the light at Broad Street and Route 5, as he drives tractor trailers through there on a daily basis. He said the tractor trailers need every inch of road when turning onto Rt. 5, and the purpose of the lines is to keep traffic out. He said people need to respect the lines that are there, as they are there for a reason. He cited an example of a truck turning right from Broad onto Rt. 5 and if a car pulled up on the side, the truck may not see the car, as there are blind spots. He said the back of the tractor trailer would be right over to the curb by the time the turn is

complete. He said a 3,500 pound car is no match for an 80,000 pound tractor trailer; the car would be damaged. Councilor Simchik said to respect the lines that are there. Councilor Chamberlain concurred that the lines are there for a reason, and it is a learning curve where people need to get used to using one lane of traffic each way at that intersection. Councilor Simchik said the NYS DOT is in the driver's seat regarding this issue. Supervisor Reinhardt said there are two lanes at that intersection; one going in and one leaving. Councilor Bowe asked if there were any further marking plans for the intersection, as white lines usually mean you can cross and yellow means you can't.

Town Hall Meeting

The Mayor said he will present his "report card" of the progress in the City on Tuesday, June 14, 2016 6:30 to 7:30 p.m. in the Common Council Chambers.

Climate Smart Webinar

Councilor Cohen said the Climate Smart Webinar on grant funding will be June 10, 2015 from 10:30 a.m. to 12:00 p.m. Councilor Cohen said this can be found on the NYS DEC website, and he will send the Council a link.

Relay for Life

Councilor Cohen said that in honor of the Relay for Life held this past weekend at Oneida High School, he is donating \$20 to the American Cancer Society, and he will match every donation by the Common Council to the cancer society. He said that he has family members and friends who are cancer survivors.

Lawn Mowing

Mayor Matzke said that people who leave their lawns unmowed will have it done by the City, as a part-time employee was hired for lawn mowing. The cost is \$100 for the first fifteen minutes, and the costs will be invoiced to the property owner. Supervisor Magliocca questioned if privatizing the mowing had been looked into, and Mayor Matzke said yes.

Legal Advice from Counsel

Mayor Matzke said the Council will be meeting with the City Attorney after this meeting for legal advice relative to the abatement law on a specific property.

Motion by Councilor Acker

The regular meeting is hereby adjourned at 7:15 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk