

**MINUTES OF THE COMMON COUNCIL
OCTOBER 17, 2017**

A regular meeting of the Common Council of the City of Oneida, NY was held on the seventeenth day of October, 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 Mayor Leo Matzke

PRESENT: Councilors Alan Cohen, Mike 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 Lee Ann Wells
Fire Chief Kevin Salerno
Assistant Fire Marshal Dennis Fields
Recreation Director Luke Griff
Supervisor Margaret Milman Barris
Supervisor Joseph Magliocca

PUBLIC HEARING
PROPOSED LOCAL LAW TO AMEND THE CITY CODE TO CREATE A
JOINT ZONING BOARD OF APPEALS / PLANNING COMMISSION

RESOLUTION 17-286

Moved by Councilor Bowe
Seconded by Councilor Chamberlain

RESOLVED, that the Public Hearing regarding the proposed Local Law to amend the City Code to abolish the current Planning Commission and Zoning Board of Appeals and create a Joint City Zoning Board of Appeals / Planning Commission be hereby opened at 6:33 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

APPEARANCES

Jill Christian Lynch, Oneida, asked for clarification as to why these two boards are being combined and also for an explanation of the role of each board.

Director of Planning and Development Cassie Rose said this will make the City more business friendly and improve both staff and applicant time efficiency. She cited an example of having to deal with both boards separately and how it is time consuming for the applicant. She said that joint boards have been done in other communities and seem to work well. Director Rose said that the Planning Commission deals with planning and zoning issues within the City, and the Zoning Board of Appeals rules on area variances and use variances within the Zoning Ordinance.

City Attorney Nadine Bell said the Planning Commission is the one who looks at the municipality and says what the plan for development in the community is. She said an applicant only goes to the Zoning Board of Appeals, if they are appealing something. Attorney Bell said that the ZBA is created by state statute. As an example, she said if the Code Officer tells someone that they are not using their property in the right manner and they don't agree with him, then they would appeal to the ZBA for a ruling. Attorney Bell said that the whole scope of authority of the ZBA is limited to zoning regulations. City Attorney Nadine Bell said the only way to appeal a decision by the Planning Commission or Zoning Board of Appeals is with an Article 78 and going to court. Attorney Bell explained how combining this two boards will streamline the process and increase efficiency.

CLOSE PUBLIC HEARING

RESOLUTION 17-287

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that the Public Hearing regarding the proposed Local Law to create a Joint City Zoning Board of Appeals / Planning Commission be hereby closed at 6:40 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

OLD BUSINESS

FEMA Buyout Program

Randy Jones, A & R Storage, Oneida, said that he has a property in the FEMA Buyout and noted that he has met all the requirements that were asked of him. He said that he was at the point where the City made a purchase offer, and he accepted. He said that he was asked to provide a thirty-day payout for the closing. He said that he is now at a standstill with no income from that property, as his tenants have moved out, and his property is basically off the tax roll, although he is still paying the flood insurance.

Mr. Jones said that just before his closing, he was advised that FEMA was now requiring a Phase I Environmental review. He said that the Phase I was completed, and a 421 page report on his eighth of an acre parcel was submitted by Delta Engineering. He said that now a Phase II Environmental review is being required at a cost of \$13K to \$15K based on one paragraph of the Phase I review. He said the property is only assessed at \$46K. Mr. Jones said that throughout the 421 page document it is referenced several times that no environmental risks were observed. He said that the only apparent reason for a Phase II request is the fact that his property is near another that experienced some type of spill, which posed an environmental risk, and the property is adjacent to another property that at one time performed work that fell under the title of industrial. He said there is no evidence of any contaminants migrating from his property. Mr. Jones said that two different recognized agencies found no evidence of any environmental risks. Mr. Jones asked the Mayor and Council to please use whatever influence they have with FEMA to ask them to use the information supplied by these firms/agencies that there are no findings of environmental risks on his property. He reiterated that there is just an impression in one paragraph of the 421 page report of what possibly might have been there many years ago.

Mr. Jones said that both Councilor Acker and Planning Director Cassie Rose have been very supportive. The Mayor said that the City will weigh in on this with FEMA and try to get some clarification. Councilor Acker said that she has been working diligently with Senator Schumer's office, because there is no common sense involved in all of this. She said that the City is trying to get someone in the Federal government to come onboard and recognize the irrationality of this.

Councilor Acker said that an article in the Utica Observer Dispatch stated that FEMA has rejected appeals worth \$1.2B over the past two decades. She cited examples of how FEMA was arguing about the size of tree stumps and whether they should have been removed or not. She said the article stated that in some cases FEMA has asked communities to give back the funding they received, sometimes many years later, because FEMA concluded the project failed to comply with its requirements or they decided that they shouldn't have approved the funding in the first place. She said that FEMA has no money, and they are a real challenge to work with. Councilor Acker said that the Planning Department is doing a fantastic job and is working meticulously to be sure that all the t's are crossed and i's are dotted in the paperwork for the 154 homes in the Buyout Program. Councilor Acker said that the offices of both Senator Schumer and Senator Valesky are working with the City.

Demolitions of Properties in the Buyout Program

Councilor Acker said that she has received good news that the City can finally start the demolitions. She said the City will begin with the first set of 30 properties and move forward after that. City Engineer Rauscher said that he has been in touch with the contractor to get things rolling. In response to a question from Councilor Bowe, the City Engineer said he is also working with Mr. Zecca at the Madison County Landfill.

SUPERVISORS REPORT

Supervisor Magliocca said the County's sales tax receipts are up 5.1%. He said that the County is still accepting comments, both pro and con, on the plastic ban bag the County is looking into instituting. Supervisor Magliocca said that on Thursday morning at 11:00 a.m. there will be a ribbon cutting ceremony for the new and impressive solar array project at the ARE Park.

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the minutes of the regular meeting minutes of October 3, 2017 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that Warrant No. 22, checks and ACH payments in the amount of \$455,682.75 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 Simchik

RESOLVED, that checks in the amount of \$16,993.01 (City Attorney) as audited by the Voucher Committee are 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 17-288

Moved by Councilor Acker
Seconded by Councilor Cohen

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

Ayes: 6
Nays: 0

MOTION CARRIED

Councilor Cohen gave kudos to the Recreation Department for their very positive activities and programs.

ELECTION DAY COUNCIL MEETING RESCHEDULED

RESOLUTION 17-289

Moved by Councilor Acker
Seconded by Councilor Chamberlain

WHEREAS, the General Election is being held on the first Tuesday in November, which is a regularly scheduled Common Council meeting time, **now therefore be it**

RESOLVED, that the first Council meeting in November shall be scheduled for Wednesday, November 8, 2017 at 6:30 p.m. in the Common Council Chambers.

Ayes: 6
Nays: 0

MOTION CARRIED

UNCOLLECTABLE INVOICE – WATER

RESOLUTION 17-290

Moved by Councilor Chamberlain
Seconded by Councilor Acker

WHEREAS, Progressive Specialty Insurance Company, 6055 Parkland Blvd. EM24, Mayfield Height OH was sent an invoice in the amount of \$420.41 for damage to a hydrant by insured driver William G. Coon III on February 1, 2014 on North Willow Street in the City of Oneida; **and**

WHEREAS, on September 12, 2014 Progressive indicated that they were unable to find valid coverage for the insured and the balance remains unpaid; **and**

WHEREAS, the Common Council at the June 6, 2017 meeting requested that the driver of the vehicle, William G. Coon III, be invoiced for the damages caused to said fire hydrant, **and**

WHEREAS, William G. Coon III was invoiced at his last known address by the Water Department Billing Clerk on June 7, 2017 with said invoice being returned to the City of Oneida Water Department on July 11, 2017 by the US Post Office as unclaimed, **and**

WHEREAS, the Water Department Billing Clerk mailed a second invoice to William G. Coon III at his last known address on July 12, 2017 with said notice also unanswered, **and**

WHEREAS, at the September 5, 2017 Council Meeting, Councilor Helen Acker stated that she had new information on the potential whereabouts of William G. Coon III, however, this information did not come to fruition, **now therefore be it**

RESOLVED, by the Common Council of the City of Oneida, that invoice 2014 50/0017853 in the total amount of \$420.41 be hereby deemed uncollectable, requiring no further action for collection purposes and removed from receivables.

Ayes: 6

Nays: 0

MOTION CARRIED

**APPLICATION AUTHORIZATION – RESTORE NEW YORK COMMUNITIES INITIATIVE
MUNICIPAL GRANT PROGRAM**

RESOLUTION 17-291

Moved by Councilor Acker

Seconded by Councilor Cohen

WHEREAS, the 2017-18 State Budget provided new funding for the Restore New York Communities Initiative and gave Empire State Development the responsibility of implementing this program for the purpose of revitalizing communities and stabilizing neighborhoods; **and**

WHEREAS, Round 5 of the Restore New York Communities Initiative Municipal Grant Program is now available to assist in revitalizing urban centers; **and**

WHEREAS, the City of Oneida of Oneida is interested in assisting rehabilitation projects that will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources, and develop and enhance the downtown housing stock to attract, create and sustain new employment opportunities in its City Center; **now therefore, be it**

RESOLVED, that the Mayor is hereby authorized to submit an application under the Restore New York Communities Initiative Municipal Grant Program for funding to assist in the rehabilitation of 151-155 Madison Street to create eight new upper floor dwelling units, and to accept and receive a grant for such building rehabilitation in the City Center; **and be it further**

RESOLVED, that the Mayor is hereby authorized and directed to execute any contracts and/or agreements with Empire State Development in connection with the grant application, and is further authorized to request and expend funds from New York State pursuant to said contracts and/or agreements.

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Smith asked if this grant is being used for one specific property. Planning Director Rose said yes, noting that the Central New York Regional Planning and Development Board will be writing the grant and if awarded, they will administer the grant for the City. She said this would be at no cost to the City, as any administration fees would come out of the grant. Director Rose said the City should help

support those people who own buildings downtown and want to improve their properties. Mayor Matzke said there are \$27M in grants that are currently being administered by the City.

BUDGET TRANSFER/ BUDGET AMENDMENT

RESOLUTION 17-292

Moved by Councilor Smith
Seconded by Councilor Cohen

RESOLVED, to approve the following budget amendment:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$5,531.65	001.0022.2680 Insurance Recovery	001.3410.0102 Fire Overtime

(To reallocate funds received from Workers Compensation to cover overtime costs)

RESOLVED, to approve the following budget transfer:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$67,850.00	003.0003.0914 Sewer Fund Balance	003.8110.0400 Sewer Contractual Services

(To reallocate funds for DAF Pilot WWTP Expansion Study)

Ayes: 6
Nays: 0

MOTION CARRIED

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 17-293

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

**AMENDMENT NO. 2 TO THE OCTOBER 4, 2016 AGREEMENT WITH
GHD CONSULTING SERVICES, INC. - WWTP**

RESOLUTION 17-294

Moved by Councilor Smith
Seconded by Councilor Cohen

RESOLVED, to authorize the Mayor to sign Amendment No. 2 to the October 4, 2016 Agreement with GHD Consulting Services, Inc. for DAF Pilot Testing Services for the Waste Water Treatment Plant Expansion and Upgrade Engineering Report in an amount not to exceed \$29,000.

Ayes: 6
Nays: 0

MOTION CARRIED

City Engineer Jon Rauscher said they are continuing with the study for the WWTP Expansion. He said that the secondary treatment system is overloaded, and they are looking at alternatives to improve capacity. Engineer Rauscher said that they are hoping to determine cost effectiveness of the operations, and he briefly explained how the process works.

NEW BUSINESS

Councilor Chamberlain said he received a call from a business owner who stated that there are two abandoned cars in the parking lot across from the 31 Express on Cedar Street. He said that one is

unregistered, and the other has no plates on it. Mayor Matzke said that he will pass this on to the CSO in the Police Department to take care of.

Mayor Matzke said that he met with Assistant Fire Marshal Dennis Fields about the properties on Madison Street. The Mayor said that Tim Becker, the owner of Mind Games, said there are children removing bricks from the back walls. The Mayor said that Mr. Becker told him that he has a professional engineer doing an evaluation of his building, and the City will get a copy of the report. Mayor Matzke also said that Mr. Becker told him that he possibly has someone interested in moving into the building next door.

Councilor Cohen said during this budget process, the City should start looking into saving money by changing its fleets to electric vehicles and putting in charging stations. Councilor Cohen said that on October 25, 2017, at Onondaga Community College, there is an informational workshop on vacant and abandoned property that he will be attending.

Kurt Ryan, Oneida, said that there is yard waste in the area around West Railroad and Staudt Streets that he would like removed. The Mayor said he will have the DPW take care of it tomorrow. Mr. Ryan also asked that his road be paved, and Councilor Chamberlain said to Mr. Ryan that he had some information for him after the meeting.

Mayor Matzke said that the Council will be going into executive session relating to a personnel matter after a 10 minute break.

EXECUTIVE SESSION

RESOLUTION 17-295

Motioned by Councilor Bowe
Seconded by Councilor Acker

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:26 p.m. for the purpose of discussing a personnel matter.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Mayor and Councilors

Discussion was held regarding a personnel matter.

Motioned by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:17 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Smith

The regular meeting is hereby adjourned at 8:17 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk