

**MINUTES OF THE COMMON COUNCIL  
NOVEMBER 8, 2017**

A regular meeting of the Common Council of the City of Oneida, NY was held on the eighth day of November, 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**

**RESOLUTION 17-296**

Moved by Councilor Acker  
Seconded by Councilor Chamberlain

**RESOLVED**, that the Public Hearing regarding the proposed grant application to NYS Office of Homes and Community Renewal (HCR) for an Economic Community Development Block Grant (CDBG) for an economic development activity to assist a local business in retaining 57 jobs and creating 11 additional positions be hereby opened at 6:31 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**APPEARANCES**

Planning Director Cassie Rose said that this is an economic development grant in the amount of \$162K for a company in the City who meets the grant qualifications to expand, creating eleven additional positions. She said that if the City is successful in receiving this grant, the Planning Department will be allotted \$16K from the grant funds to cover the costs of administering the grant. Director Rose said that per the grant objectives, a percentage of the jobs created must be made available to persons from low and moderate income households. Director Rose stated the recipients of these new positions would be paid more than current minimum wage and have full benefits including health insurance, paid vacation and sick days, along with the opportunity to continue to move up in the company. Councilor Cohen said he would like some assurance, and the Mayor said that he would be provided with further information. Councilor Acker commented that this company has grown very quickly, and the Planning Director said that this is the third expansion for All Seasonings Ingredients since relocating to Oneida. Mayor Matzke said that this is a win-win for all of us.

**CLOSE PUBLIC HEARING**

**RESOLUTION 17-297**

Moved by Councilor Smith  
Seconded by Councilor Chamberlain

**RESOLVED**, that the Public Hearing regarding proposed grant application be hereby closed at 6:37 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**OLD BUSINESS** - None

Moved by Councilor Smith

Seconded by Councilor Simchik

**RESOLVED**, that the minutes of the regular meeting minutes of October 17, 2017 are hereby approved as presented.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Moved by Councilor Chamberlain

Seconded by Councilor Acker

**RESOLVED**, that Warrant No. 23, checks and ACH payments in the amount of \$1,049,113.59, 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 Smith

**RESOLVED**, that a check in the amount of \$4,987.50 (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**

**ADOPT LOCAL LAW NO. 5 OF 2017 TO AMEND CHAPTER 190 OF THE CODE OF THE CITY OF ONEIDA TO CREATE A JOINT ZONING BOARD OF APPEALS AND PLANNING COMMISSION AND TO ABOLISH THE CITY'S EXISTING ZONING BOARD OF APPEALS AND PLANNING COMMISSION**

**RESOLUTION 17-298**

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 and ordain Local Law No. 5 of 2017 to amend Chapter 190 of the City Code titled "Zoning" as follows:

**SECTION 1. AUTHORITY**

This Local Law is enacted pursuant to the New York State Constitution, New York Municipal Home Rule Law § 10, and New York General City Law §§ 27 and 81 and General Municipal Law § 234.

**SECTION 2. LEGISLATIVE INTENT**

The purpose of this Local Law is to streamline the administration and increase the efficiency of land use, planning and zoning review in the City of Oneida by consolidating the City's Zoning Board of Appeals and Planning Commission and creating a Joint City Zoning Board of Appeals/Planning Commission.

**SECTION 3. SUPERSESION OF CONFLICTING STATE LAWS**

Pursuant to Municipal Home Rule Law § 10, this Local Law shall supersede General City Law §§ 27 and 81, as well as General Municipal Law § 234 to the extent this Local Law conflicts with said provisions of the General City and General Municipal Laws. This Local Law specifically supersedes General City Law § 81 (1) insofar as it sets the maximum number of Zoning Board of Appeals members at five (5).

**SECTION 4. CONFLICT WITH THE CODE OF THE CITY OF ONEIDA OR THE ONEIDA CITY CHARTER**

- A. To the extent the Code of the City of Oneida or the Oneida City Charter are inconsistent with or conflict with any of the provisions of this Local Law, the terms of this Local Law shall control.
- B. Wherever the terms “Zoning Board of Appeals”, “Zoning Board”, “Planning Commission” or “Planning Board”, other than references to the Madison County Planning Board, appear in the Code of the City of Oneida or the Oneida City Charter, said terms shall hereafter mean and refer to the Joint Zoning Board of Appeals/Planning Commission as established by this Local Law.

**SECTION 5. CREATION OF JOINT ZONING BOARD OF APPEALS/ PLANNING COMMISSION**

Article VI (“Administration and Enforcement”) of Chapter 190 (“Zoning”) of the Code of the City of Oneida is hereby amended by adding a new § 190-45 to read in its entirety as follows:

**“§190-45. Joint Zoning Board of Appeals/Planning Commission.**

- A. Administrative/General Provisions.
  - (1) Establishment of Joint Board. The City of Oneida Joint Zoning Board of Appeals/Planning Commission is hereby established in order that the objectives and competent administration of this Chapter, and Chapters 143 and 155 of the Code of the City of Oneida may be fully and equitably achieved.
  - (2) Appointment of Members. The Mayor shall appoint seven (7) members to the Joint Zoning Board of Appeals/Planning Commission. The initial appointments to the Joint Board shall be such that the term of one (1) member shall expire each consecutive year. Thereafter, members of the Joint Board shall be appointed by the Common Council for a term of seven (7) years from and after the expiration of each initial term of office.
  - (3) Chairperson. The Mayor shall annually appoint one of the members of the Joint Zoning Board of Appeals/Planning Commission to act as Chairperson to preside at all meetings and hearings, to supervise the affairs of the Joint Board and to fulfill the customary functions of that office.
  - (4) Secretary. A secretary of the Joint Zoning Board of Appeals/Planning Commission shall be designated by the Mayor on an annual basis. The secretary shall keep minutes of all of the Joint Board’s proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact and shall also keep records of all of the Joint Board’s official actions.
- B. Powers and Duties.
  - (1) The Joint Zoning Board of Appeals/Planning Commission shall be authorized to hear all land use, planning and zoning matters within the City of Oneida. The Joint Board shall have all of the power and authority of the previously constituted and comprised Zoning Board of Appeals and Planning Commission as set forth in this Chapter, Chapters 143 and 155 of the Code of the City of Oneida, the General City Law and the General Municipal Law when considering all land use, planning and zoning matters.
- C. Conflict with this Chapter.
  - (1) To the extent any parts of this Chapter or any other Chapter of the Code of the City of Oneida are inconsistent with or conflict with any of the provisions of this Section, the terms of this Section shall control.
  - (2) Wherever the terms “Zoning Board of Appeals”, “Zoning Board”, “Planning Commission” or “Planning Board”, other than references to the Madison County Planning Board, appear in the Code of the City of Oneida or the Oneida City Charter, said terms shall hereafter mean and refer to the Joint Zoning Board of Appeals/Planning Commission.”

**SECTION 6. ZONING BOARD OF APPEALS ABOLISHED**

The City of Oneida Zoning Board of Appeals as currently constituted and comprised is hereby abolished and, as set forth in Section 5 above, is consolidated into the new City of Oneida Joint Zoning Board of Appeals/Planning Commission.

**SECTION 7. PLANNING COMMISSION ABOLISHED**

The City of Oneida Planning Commission as currently constituted and comprised is hereby abolished and, as set forth in Section 5 above, is consolidated into the new City of Oneida Joint Zoning Board of Appeals/Planning Commission.

**SECTION 8. SEVERABILITY**

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 9. EFFECTIVE DATE**

This Local Law shall be effective upon filing with the office of the Secretary of State.

Councilor Cohen – Yes  
Councilor Bowe – No  
Councilor Smith – Yes  
Councilor Acker – Yes  
Councilor Chamberlain – Yes  
Councilor Simchik – No

**MOTION CARRIED**

**MISCELLANEOUS UTILITY BILLING**

**RESOLUTION 17-299**

Moved by Councilor Chamberlain  
Seconded by Councilor Acker

**RESOLVED**, that the City of Oneida Miscellaneous Utility Billing for unpaid service charges, water rents and sewer taxes be hereby received and placed on file, **and be it further**

**RESOLVED**, that authorization is hereby given to include said charges in the 2017 assessment roll to be re-levied onto the 2018 tax roll, **and be it further**

**RESOLVED**, that a Public Hearing will be held on the aforementioned Miscellaneous Utility Billing on November 21, 2017 at 6:30 p.m. in the Council Chambers at the Oneida Municipal Building at 109 N. Main St., Oneida, NY.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Councilor Acker said that the total amount of the relevy this year is \$44,295.52.

**2018 CITY OF ONEIDA MAYOR'S BUDGET**

**RESOLUTION 17-300**

Moved by Councilor Acker  
Seconded by Councilor Chamberlain

**RESOLVED**, that the 2018 City of Oneida Mayor's Budget be hereby received and placed on file, **and be it further**

**RESOLVED**, that a Public Hearing on the proposed 2018 City of Oneida Mayor's Budget shall be held on November 21, 2017 at 6:30 p.m. in the Council Chambers, Oneida Municipal Building at 109 N. Main St., Oneida, NY.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

The City Clerk said that copies of the proposed budget are available here tonight, in the City Clerk's office and on the City website. The Mayor said that we are going in the right direction, as the projected sales revenue is greater than the property taxes.

**AGREEMENT FOR COURT CLEANING SERVICES AT THE JUSTICE CENTER**

**RESOLUTION 17-301**

Moved by Councilor Bowe  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign the agreement by and between the New York State Unified Court System, Sixth Judicial District, Kilmer Building, 31 Lewis Street 5<sup>th</sup> Floor, Binghamton, NY 13901 and the City of Oneida for cleaning services for the interior of the City of Oneida Justice Center, as well as minor and emergency repairs, and preventative building and property maintenance for said facility.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**ADVERTISE FOR BIDS**

**RESOLUTION 17-302**

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, to authorize the Purchasing Agent to advertise for bids for Caustic Soda, Chlorine, Aluminum Sulfate, Liquid Zinc Orthophosphate and Liquid Polyphosphate.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

The Mayor said these are chemicals used in water treatment.

**BUDGET AMENDMENTS/TRANSFERS**

**RESOLUTION 17-303**

Moved by Councilor Acker  
Seconded by Councilor Cohen

**RESOLVED**, to approve the following budget amendment:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$795.00	001.0022.2680	001.5132.0300
	Insurance Recovery	Central Garage Repairs

*(To reallocate funds received from insurance for vehicle repair)*

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

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$2,953.65	001.1990.0400	001.7521.0403
	Contingency	Kallet Building Repairs

*(To reallocate funds for Kallet Civic Center repairs)*

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Councilor Chamberlain inquired if the Kallet Civic Center had sought other estimates for the needed repairs, and Councilor Acker said that they did; however, only one written estimate was received. The Council briefly discussed the quote. The Mayor said that moving forward any capital projects have to be provided to the City in advance. The City Clerk said that the Kallet lease was modified by the Mayor and pulled from this agenda, but should be on the agenda for the next meeting. Councilor Acker said the Kallet lease has to be approved by November 30<sup>th</sup>.

**APPOINTMENTS**

**ONEIDA TRAFFIC SAFETY ADVISORY BOARD AND RECREATION COMMISSION**

**RESOLUTION 17-304**

Moved by Councilor Cohen  
Seconded by Councilor Acker

**RESOLVED**, that the Mayor's re-appointment of Bruce Burke to the Oneida Traffic Safety Advisory Board be hereby approved, **and be it further**

**RESOLVED**, that the Mayor's appointments of Douglas Lippert, 450 Elmhurst Avenue, Oneida and Gary Hamer, 571 Broad Street, Oneida to the Oneida Traffic Safety Advisory Board be hereby approved, **and be it further**

**RESOLVED**, that the Mayor's re-appointment of Joseph Magliocca to the Recreation Commission be hereby approved.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$155,500 BONDS OF THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, TO PAY COSTS OF THE CONSTRUCTION OF IMPROVEMENTS TO CITY HALL IN AND FOR SAID CITY**

**RESOLUTION 17-305**

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, that the Capital Project 17-07 Exterior Lateral Support Wall Repairs be hereby amended to include an additional \$155,500 in bonds, **and be it further**

**RESOLVED**, by the affirmative vote of not less than two thirds of the total voting strength of the Common Council of the City of Oneida, Madison County, New York, as follows:

**Section 1.** For the object or purpose of paying additional costs of the construction of improvements to City Hall in and for the City of Oneida, Madison County, New York, including incidental improvements and expenses in connection therewith, there is hereby authorized to be issued an additional \$155,500 bonds of said City pursuant to the provisions of the Local Finance Law.

**Section 2.** The maximum estimated cost of such object or purpose is now determined to be \$354,500, and the plan for the financing thereof is as follows:

- a) By the issuance of the \$199,000 bonds of said City, heretofore authorized to be issued therefor pursuant to a bond resolution dated April 4, 2017; and
- b) By the issuance of the additional \$155,500 bonds of said City herein authorized.

**Section 3.** It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law.

**Section 4.** The faith and credit of said City of Oneida, Madison County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

**Section 5.** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

**Section 6.** All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

**Section 7.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 8.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 9.** This resolution, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City for such purpose, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Councilor Cohen – Yes  
Councilor Bowe – Yes  
Councilor Smith – Yes  
Councilor Acker – Yes  
Councilor Chamberlain – Yes  
Councilor Simchik – Yes  
**MOTION CARRIED**

### **PROFESSIONAL SERVICES PROPOSAL**

#### **RESOLUTION 17-306**

Moved by Councilor Chamberlain  
Seconded by Councilor Acker

**RESOLVED**, that acceptance of a proposal from GHD Consulting Services Inc., One Remington Park Drive, Cazenovia NY 13035 to conduct a Stage 2 Disinfection and Disinfection By-products Rule Operational Evaluation Report in the amount of \$35,000 be hereby approved.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

### **AMENDED MEMORANDUM OF UNDERSTANDING – MADISON COUNTY EMERGENCY MANAGEMENT – CONFINED SPACE RESCUE AND FIRE INVESTIGATION**

#### **RESOLUTION 17-307**

Moved by Councilor Simchik  
Seconded by Councilor Smith

**RESOLVED**, that the Mayor be authorized to sign the amended Memorandum of Understanding by and between the Madison County Emergency Management Office and the City of Oneida Fire Department to facilitate joint training opportunities and share response capabilities and responsibilities between the participants in the specific areas of Confined Space Rescue and Fire Investigation.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Chief Salerno said that fifteen firefighters attended the first training session, along with about seven or eight from other communities.

**NEW BUSINESS**

*Liberty Resources Distinguished Service Award*

Mayor Matzke thanked Deputy Mayor Chamberlain for filling in for him at the Kallet Civic Center on Friday evening, and he congratulated Liberty Resources on receiving the 2017 Distinguished Service Award from the Chamber of Commerce.

*Comments/Concerns of Oneida Towers Residents*

Councilor Chamberlain said that he was unable to go to visit the Towers residents when the Mayor and Supervisor Carinci went. He said that he visited with the residents on another day and listened to their comments and concerns. Councilor Chamberlain said that the lack of transportation and the cost of transportation were their biggest complaints. Councilor Chamberlain said the residents told him that it costs more for the taxi service to take them to pick-up their prescriptions, than it does for the medicine itself. Another complaint was with the diesel generator exhaust coming into the building through the ventilation system. Mayor Matzke said that he would get in touch with the Executive Director of the Towers.

*Drug Awareness Event*

Mayor Matzke said that Oneida Strong held a drug awareness event at the Kallet over the weekend. He said that they are off to a good start, and he is looking for ways to help them.

*Election Results*

Councilor Acker congratulated all those who were victorious in yesterday's election. She said that for those whom the outcome was not as they had hoped; it was a job well done and to please try again. The Mayor said some races will come down to the absentee ballots.

*Special Meetings – 2018 Budget*

Deputy Mayor Chamberlain asked the Council about the scheduling of this year's budget meetings, and the Council briefly discussed the times/dates. The Deputy Mayor and Council scheduled Special Meetings for November 13<sup>th</sup> and 14<sup>th</sup> at 6:30 p.m., November 16<sup>th</sup> at 7:00 p.m., and November 20<sup>th</sup> at 6:30 p.m. The Council agreed to begin the regular Council meeting on Tuesday, November 21<sup>st</sup> at 6:00 p.m., so that the budget could be further discussed after the regular meeting. The City Clerk said she will notify the press.

*Quote from Syracuse Mayor-elect Walsh*

Supervisor Joe Magliocca said that the County budget was presented today, and they will start the tweaking process, just like the City will be. Supervisor Magliocca read aloud a quote from Mayor-elect Ben Walsh of Syracuse who said "It's time to put party allegiances aside. We are about to undertake a grand experiment to test whether or not we can set aside politics and instead work together to make policy that improves the lives of our city's residents, and to test whether we can shed our decades of old pessimism and affinity for the status quo, and instead embrace the innovative, big-thinking, risk-taking and professional approach." Supervisor Magliocca asked the Council to think about this quote when working on next year's budget, as he thinks it is really applicable.

**EXECUTIVE SESSION**

**RESOLUTION 17-308**

Motioned by Councilor Bowe  
Seconded by Councilor Smith

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 7:03 p.m. for the purpose of discussing a personnel matter.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**PRESENT:** Mayor, Councilors

Discussion was held regarding a personnel matter.

Motioned by Councilor Bowe  
Seconded by Councilor Simchik

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 9:05 p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 9:06 p.m.

CITY OF ONEIDA, NEW YORK

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Susan Pulverenti, City Clerk