

**MINUTES OF THE COMMON COUNCIL  
NOVEMBER 21, 2017**

A regular meeting of the Common Council of the City of Oneida, NY was held on the twenty-first day of November, 2017 at 6:00 o'clock P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

Meeting was called to order by Deputy Mayor James Chamberlain

PRESENT: Councilors Alan Cohen, Mike Bowe, Erwin Smith,  
Helen Acker, and Thomas Simchik

ABSENT: Mayor Leo Matzke

ALSO PRESENT: City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
City Engineer Jon Rauscher  
Comptroller Lee Ann Wells  
Fire Chief Kevin Salerno  
Police Chief Paul Thompson  
Supervisor Joe Magliocca

**APPOINTMENT OF POLICE CHIEF THOMPSON**

Deputy Mayor Jim Chamberlain said that tonight we are honoring the appointment of Paul E. Thompson as the City's new Police Chief. He said that Paul is an Oneida native, born and raised in the City of Oneida and graduated from Oneida High School. The Deputy Mayor said that Chief Thompson began his career with the City on January 30, 1989, and in 1996, he was promoted to Investigator, in 1998 to Sargent, and in 2005, he was promoted to Lieutenant. He said that Chief Thompson was awarded the Officer of the Year at the Oneidas Club Public Safety Dinner. He received the highest of accolades from the Prosecuting Attorney in Lake County Indiana for his outstanding police work in the apprehension of an Indiana murder suspect. The Deputy Mayor said that Chief Thompson received a commendation from District Attorney Donald Cerio for his professionalism throughout an investigation and his grand jury presentation. Former Public Safety Commissioner Mike Kaiser had commended Lt. Thompson on his leadership for the handling of a large funeral detail of an Oneida native and member of a local volunteer fire department. He said that Police Chief Thompson has received multiple commendations from our former Police Chief's Hopkins, McClelland and Meeker. The Deputy Mayor stated that the awards he mentioned are just a sampling of the numerous citations Chief Thompson has received over the years. Deputy Mayor Chamberlain also welcomed Paul's parents, Harold and Louise Thompson, his wife Chrissy along with their oldest son Peter and his wife Elizabeth, their daughter Stephanie and youngest son Zachary to the ceremony tonight, along with the abundance of Police Officers, Fire Fighters, and employees, family and friends who filled the room to capacity.

Police Chief Paul Thompson thanked everyone for coming. He said that over ten years ago, he inherited the reins of second in command and that was the position he thought he would retire from. He said that on June 11<sup>th</sup>, he received a call from Gerry Meeker who said that the Chief had a very serious medical situation. The next day, he said that he received a call from Public Safety Commissioner Mike West, who said "we are putting you in charge of the City, so don't disappoint us". Chief Thompson said that since he had worked in every division of the department over the previous 20 years, he knew he had the experience to handle the assignment. The Chief received a rousing round of applause. City Clerk Sue Pulverenti gave Police Chief Thompson the Oath of Office.

Public Safety Commissioner Mike West said that Chief Meeker had things running smoothly, and then he received that same fateful phone call. He said that Paul has stepped in and done a great job. The Commissioner said when the position of Police Chief was discussed, he knew that they had the right man for the job right here on the City staff. He said that everything he has asked Paul to do, has been done;

crime rates are down, convictions are up, overtime is down, sick time is down, and morale is up. He said that he receives positive feedback every day from the foot and bike patrols. Public Safety Commissioner West said that credit belongs to Chief Paul Thompson and the rest of our Police Department.

Two of Paul's neighbors each stated that Paul is a special person, and they are so very proud of him. Paul introduced the "Captain" in his family; his son Peter. He said that Peter resides in Hawaii where he is a doctor on active duty with the army. Police Chief Paul Thompson thanked everyone once again and received another round of applause.

### **PUBLIC HEARING – MISCELLANEOUS UTILITY BILLING**

#### **RESOLUTION 17-312**

Moved by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, that the Public Hearing for the City of Oneida Miscellaneous Utility Billing for unpaid service charges, water rents and sewer taxes be hereby opened at 6:20 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

### **APPEARANCES**

Councilor Acker said that the relevy amount this year is \$44,295.52, which is down almost \$20K from last year.

### **CLOSE PUBLIC HEARING**

#### **RESOLUTION 17-313**

Moved by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, that the Public Hearing on said miscellaneous utility billings be hereby closed at 6:22 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

### **PUBLIC HEARING – 2018 MAYOR'S BUDGET**

#### **RESOLUTION 17-314**

Moved by Councilor Bowe  
Seconded by Councilor Simchik

**RESOLVED**, that the Public Hearing on the Mayor's 2018 Budget be hereby opened at 6:22 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

## APPEARANCES

Councilor Bowe said that the Council is still of the process of working through the budget.

## CLOSE PUBLIC HEARING

### RESOLUTION 17-315

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, that the Public Hearing on the Mayor's 2018 Budget be hereby closed at 6:24 p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

## OLD BUSINESS

### *Buyout Program*

Councilor Acker said that the demolitions of the first thirty properties in the FEMA Buyout Program will start next week with several properties on Devereaux Street.

### *Oneida Towers Transportation Concerns*

Councilor Simchik said that at the last regular meeting it was discussed that the residents of the Oneida Towers had some concerns about transportation costs to pick up their medicines. Councilor Simchik said that Madison County Transit goes to the Towers five times a day. He said that the senior rate is 75 cents, and it is \$1.50 for everyone else. He said there are schedules posted at the Towers and here at City Hall. The Deputy Mayor said that he will go back to the Towers to be sure they are aware of this. He also mentioned the possibility of having a sign put up depicting the transit schedule.

### *Thanksgiving at the Kallet*

Councilor Smith said that yesterday the Kallet Civic Center hosted a wonderful event. He said that all 350 students and teachers from the North Broad Street School sat down for Thanksgiving dinner at tables that lined the Kallet floors. He said that Napoleon's Café donated and cooked the food. He added that the Rotary will be serving Thanksgiving Dinner at the Kallet tomorrow at noon for anyone who would like to come.

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, that the minutes of the regular meeting minutes of November 8, 2017 and the Special Meeting minutes of November 13, 2017 and November 14, 2017 are hereby approved as presented.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Moved by Councilor Smith  
Seconded by Councilor Bowe

**RESOLVED**, that Warrant No. 24, checks and ACH payments in the amount of \$531,323.25 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 Acker

**RESOLVED**, that checks in the amount of \$14,970.15 (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**

### **LEASE AGREEMENT – KALLET CIVIC CENTER**

#### **RESOLUTION 17-316**

Moved by Councilor Acker

Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign the three-year Lease Agreement by and between the City of Oneida and the Greater Oneida Kallet Civic Center, Inc.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Acker said the Kallet group has done a fantastic job. Patti Meakin from the Kallet Civic Center thanked Mayor Matzke, Councilor Acker and Councilor Simchik for their detailed discussions with the Kallet to design the lease, adding that there was good communication back and forth. She thanked Councilor Acker for being their liaison with the City. She said that the event yesterday with North Broad Street School was the kind of event they want to have. Mrs. Meakin gave a shout out for the free concert to be held at the Kallet on Wednesday night - "25 Years of Classified" - and invited everyone to support the event. Ms. Stewart said that she wants to see the Kallet and their non-profit move forward and become a space that the City can be proud of. She thanked the Mayor and Council. Councilor Bowe said that the Kallet Civic Center has been built into the type of venue that everyone wanted, and it is still under-utilized. He said that we have to support the Kallet.

### **BUDGET AMENDMENT AND BUDGET TRANSFERS**

#### **RESOLUTION 17-317**

Moved by Councilor Acker

Seconded by Councilor Simchik

**RESOLVED**, to authorize approval of the following budget amendment:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$2,495.01	001.0022.2680	001.3410.0101

Insurance Recovery                      Fire Salaries  
*(To reallocate funds received from workers compensation insurance to cover salaries)*

**RESOLVED**, to authorize approval of the following budget transfers:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$6,065.00	001.9011.0807 Police & Fire Retirement	001.9010.0806 ERS Retirement
<i>(To reallocate funds to ERS. Invoice)</i>		
\$10,000.00	001.5110.0402 Tree Contract	001.1620.0401 Buildings Electric & Gas
<i>(To reallocate funds for electric and gas expense for remainder of year)</i>		
\$3,490.00	001.4068.0102 Mosquito Overtime	001.5142.0102 Snow & Ice Overtime
<i>(To reallocate funds for salaries for the snow and ice overtime account)</i>		
\$4,255.00	001.1990.0400 Contingency	001.1989.0400 Printing Expense
<i>(To reallocate funds for estimate received from General Code)</i>		

Ayes: 6

Nays: 0

**MOTION CARRIED**

### ORDINANCE AMENDMENT

#### **RESOLUTION 17-318**

Moved by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, that an Ordinance to amend the City of Oneida Code Chapter 33, Article II, §33-4 Building Permits (1) so as to coincide with the International Building Code be hereby received and placed on file, **and be it further**

**RESOLVED**, that a Public Hearing be scheduled for December 5, 2017 at 6:30 p.m. in the Council Chambers at 109 N. Main St., Oneida.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **PROPOSED ORDINANCE AMENDMENT**

**17-02**

**Chapter 33.** Building Code Administration and Enforcement

**Article II.** Building Code, Energy Code, Fuel Gas Code, Mechanical Code, Plumbing Code and Residential Code

**§ 33-4. Building permits.**

**B. Exemptions.** No building permit shall be required for work in any of the following categories:

(1) Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area is less than 444 120 square feet (43.38 11.15 square meters);

## **PROPOSED LOCAL LAW TO AMEND CHAPTER 190-ZONING**

### **RESOLUTION 17-319**

Moved by Councilor Smith  
Seconded by Councilor Bowe

**RESOLVED**, that a proposed Local Law to amend City Code Chapter 190 – Zoning to regulate hydroponic commercial agricultural business uses be hereby received and placed on file, **and be it further**

**RESOLVED**, that the enactment of the proposed Local Law is a Type I action that will require a long EAF, and as there are no other involved agencies having authority to amend the Zoning Regulations, this Common Council shall act as lead agency in this matter for purposes of SEQRA review; **and it is further**

**RESOLVED**, that a public hearing on said proposed Local Law be hereby scheduled for December 5, 2017 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **A LOCAL LAW TO AMEND CHAPTER 190, TITLED “ZONING,” OF THE CODE OF THE CITY OF ONEIDA TO DEFINE HYDROPONIC COMMERCIAL AGRICULTURAL BUSINESS**

Be it enacted by the Common Council of the City of Oneida, that this local law amends Chapter 190 of the Code of the City of Oneida (hereinafter “Code”), titled “Zoning,” to regulate hydroponic commercial agricultural business uses as follows:

#### **SECTION 1.**

So that Section 190-5 of the City of Oneida Zoning Regulations, titled “Definitions,” is hereby amended by adding two (2) new definitions for “Hydroponic Agricultural Greenhouse Operation” and “Hydroponic Greenhouse,” which shall read, in their entirety, as follows:

“HYDROPONIC AGRICULTURAL GREENHOUSE OPERATION – a Hydroponic Greenhouse with an agricultural growing area of not less than 20,000 square feet that grows plants that are useful to human beings, including, but not limited to, forages, sod, berries, herbs, fruits, vegetables, flowers, seeds, and nursery stock.

HYDROPONIC GREENHOUSE – an indoor agricultural greenhouse operation in which,  
(a) some or all of the nutrients are placed in intimate contact with a plant’s root system, being grown in any or all of, a supportive medium, containerized medium, or nutrient film technique;  
(b) technical control systems are used to monitor, adapt, and optimize the greenhouse growing environment; and  
(c) areas and structures to support the growing may include, without limitation, administration, washroom, irrigation, heating, harvesting, grading, warehousing, distribution, and refrigeration.”

**SECTION 2.**

So that Attachment 1, Table A: Schedule of Uses, as provided for in Section 190-8 of the City of Oneida Zoning Regulations, titled “Standard and conditional uses,” is hereby amended so as to permit hydroponic greenhouse and hydroponic agricultural greenhouse operation land uses in the Agricultural, Commercial, Light Industrial, and Manufacturing Industrial zoning districts upon issuance of a conditional use permit.

**SECTION 3.**

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

**RESOLUTION OPPOSING LIMITATIONS ON THE DEDUCTIBILITY  
OF STATE AND LOCAL TAXES (SALT)**

**RESOLUTION 17-320**

Moved by Councilor Bowe  
Seconded by Councilor Smith

**WHEREAS**, Congress is considering tax reform legislation that would eliminate or severely restrict the federal income tax deduction for State and Local Taxes (SALT); **and**

**WHEREAS**, this deduction, which has been in place for more than 100 years, is heavily utilized by residents of the City of Oneida; **and**

**WHEREAS**, New York residents already send \$41 billion more to the federal treasury than the federal government returns to New York; **and**

**WHEREAS**, the state and local tax deduction is a fundamental principle of federalism and without it our residents would be faced with double taxation as they would be forced to pay federal income taxes on the taxes they must pay to state and local governments; **and**

**WHEREAS**, this federal cost shift onto local governments would place extreme pressure on the City of Oneida budget, including diminished revenue for essential municipal services, including public safety and public infrastructure; **and**

**WHEREAS** increased federal taxation and reduced municipal services will harm local housing markets, decrease home values, erode local tax bases, and accelerate the departure of New York residents to other states, **now therefore be it**

**RESOLVED**, that the City of Oneida expresses its strong opposition to any federal tax reform legislation that would eliminate or limit access to the State and Local Tax Deduction and urges each member of New York’s congressional delegation to vehemently oppose any such bill, and directs that a copy of this Resolution be sent to New York State Senator Charles Shumer and the New York State Conference of Mayors.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**MONTHLY REPORTS**

**RESOLUTION 17-321**

Motioned by Councilor Bowe  
Seconded by Councilor Simchik

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

Ayes: 6

Nays: 0

**MOTION CARRIED**

**NEW BUSINESS** - None

Deputy Mayor Chamberlain said that the Council will take a five minute break to set up the tables for the continuation of the regular meeting to discuss the 2018 Budget.

### **DISCUSSION OF 2018 BUDGET**

#### *Kallet Civic Center*

The City Engineer said that he is trying to move the Kallet to the control of Parks and Recreation, and Councilor Acker said that would make sense. He said that the Kallet expense line submitted was \$7,823, which is for the HVAC preventative maintenance contract. Engineer Rauscher said there are more needs at the Kallet as well, which include the transformer that keeps tripping, because it is undersized for the chiller that was installed. He said that the replacement estimate received from Huen Electric is \$6K for a refurbished transformer. Discussion included the heating system, the size of the building, time required to bring heat to the required levels, raising the set temperature, reprogramming the computer system for the events scheduled, and relocating/replacing the current software system with a user-friendly system to the upstairs rather than in the basement. The City Engineer said the new software would be about \$1,500 to \$2K. He also recommended budgeting for any unexpected additional repairs.

Patti Meakin said that the wooden exterior doors are falling apart, the men's room will need some work, and the marquee is very old and hard to repair. Michele Stewart said that Crane Company is finishing up the plumbing work in the ladies room this week. She said that they would like to have the proper heat when they need heat. The City Engineer said that the furnace at the Kallet is not like a home furnace, it has dampers, inside air coming in, etc., adding that it is not as simple as just putting in the thermostat. Ms. Stewart said that the handicap door doesn't operate properly and doesn't meet ADA standards. Ms. Meakin said they use volunteers to do a lot of the repair work, and Councilor Bowe said that he would help. The City Engineer suggested creating a contracts line and a repairs line specific to the Kallet. He recommended \$20K for the repairs line. The Council decided to add \$823 to the \$7K already in the 403 line of the Kallet budget, and to create a repairs line (404) with \$20K in the budget. Mrs. Meakin said that an energy audit has been done on the Kallet, and they are expecting the results next week or so. The Council thanked Patti Meakin and Michele Stewart.

#### *Engineering and Department of Public Works*

City Engineer Jon Rauscher said the overtime line for Buildings (City Hall and Justice Center) was cut by the Mayor to \$500, which will only cover snow removal if the employees have to come in early. He said that this line also covers the City Hall floor cleaning/waxing, which has to be done when City Hall is closed. He said the Council could leave this at that level, and he may be able to move funds around should he need it. He said the Gas and Electric Line has been cleaned up, as they were getting charged for Parks & Rec building accounts. He said that under the equipment line, he has budgeted for a new floor machine for the Justice Center, as currently they are dragging the City Hall floor machine back and forth. He said this creates a lot of extra wear and tear on the machine. Under the contracts line, he said that he just received the updated contract pricing, so that line will need to be increased by \$12,323. He said that

this line includes the HVAC maintenance contract and the Justice Center contract. The City Engineer said that the only Capital Project for the Buildings Line is to replace the current generators with one unit to be used by both the Fire Department and City Hall. He said that with the age of the generators, it is difficult purchasing repair parts. A discussion ensued with the City Engineer noting that the current generator at City Hall is diesel, and the Fire Department's is natural gas. The City Engineer said that the one City Hall contract expires in 2018, and he will request RFP's with the hope for better pricing for maintenance. The old Police Department side of the building was also briefly discussed.

The City Engineer said that the five-year term for his overall budgets have decreased; in 2014-\$1.6M and in 2018-\$1.49M. He said that his is the only department whose City budget has gone down over the five-year term, and he said that this is due in part to being more efficient. Councilor Smith said that the new leaf picker purchased last year works great, and the City Engineer said it has been very efficient.

Engineer Rauscher said that in the Traffic Equipment Line, he has budgeted for a new sign plotter for making signs. The current one is 10-15 years old and doesn't work properly. He said that he is looking into intermunicipal agreements to make signs for other municipalities. He said that they can buy signs for about \$60, so if we can do it for less, it would be worth it to the other municipalities. The Council briefly discussed the use of brine, and the City Engineer said that we are currently getting brine at no cost from the DOT.

The City Engineer said that the entire salary for the Mosquito Control Technician is now dedicated to the Mosquito Line, although the employee does other jobs (MEO) as well. He said that overtime is allocated for two certified applicators to apply the pesticide (15 week period, 8 hours week). He said that the Mosquito Control Technician takes care of the paperwork involved with the NYSDEC permitting process. Discussion included mosquito counts, larvicide, ground spraying, aerial spraying, catch-basin cleaning crew, the City's wetlands and internal time-tracking of jobs. The City Engineer said that he has had some discussions with Madison County on ground spraying, and he does provide mosquitos to the County for testing.

The Council discussed the GPS tracking system, and the City Engineer said that he added a couple more, noting that they are \$20 per month for one. The City Engineer said they will be switching some around and monitoring the plowing routes to be sure they are split evenly. He said that last year everyone was utilized for plowing, including those in the Central Garage and Traffic Department. The City Engineer said the total salary for the DPW is \$688,952. He said that he is requesting two additional laborer CDL's next year. He said that this year they did not replace a Senior MEO, but did hire two laborers instead. City Engineer Rauscher said that they are still down one person because a retired employee's position was never filled. The tree line was briefly discussed, as an additional \$8K was added to that line by the Mayor. The discussion included fallen City trees, possible ash tree infestation, pruning/trimming and GPS mapping of the City trees.

The City Engineer said that he had put in \$197,741 for Pavement Maintenance Line, but that amount was removed, and a lengthy dialogue began. The City Engineer said that CHIPS money can only be used for road work with a life expectancy of 10 years. He said that the use of slurry/chip sealing is a cost effective way to extend the life of the road another 5-10 years. He said that the Mayor added \$50K to the sidewalk line. The Council briefly discussed sidewalks, including repairing sidewalks where trees have caused damage, the 50/50 split with property owners, church and school areas, and aesthetics. Councilor Cohen said that the Council should relook at the Paving Maintenance Line and recommended adding \$50K back into the budget. The City Engineer said the City should invest in the roads, and the Council agreed to add \$50K into the 5110-0406 line. The City Engineer explained their process for inspecting the roads.

The City Engineer said that he is hoping to fill the position of Civil Tech this year, as he has been interviewing. The City Engineer briefly discussed the duties of his Account Clerk including grant work, noting that half her salary is from the Sewer Fund. He said that he has been working with Civil Service to change his Account Clerk to a Senior Account Clerk job title. The Comptroller explained the lines where the salaries for those two employees come from. Councilor Bowe said that any changes have to come from the CSEA union to be negotiated.

In the Central Garage portion of the budget, the City Engineer said he had allotted \$10k for tires in the 5132-0304 line. He said that he asked for \$22,600, and the Mayor cut it to \$15K. He said that he would like to sandblast/rhinoplasty the 2013 truck, which he feels would add another 7 years to the life of the truck. The Council said they need to take care of their investments and added \$7K to the major repairs line. In the General Repairs line, \$7,600 was cut making the line \$15K, and the City Engineer explained what comes out of that line and how they are tracked/charged back to the various departments. He said that he has reallocated funds for salaries for everyone doing snow and ice, and Councilor Bowe said that it all adds up to the same amount in the end. In the Storm Sewer line, the City Engineer said that the materials line can be dropped down to \$10,993. The Council conversed at length about the streetlight line (5182-0401), and the Comptroller said that she and the City Engineer have been looking into how the credits/accounting from National Grid for groSolar will be apportioned.

Deputy Mayor Chamberlain said that the City Engineer will discuss the Sewer Budget and his proposed Capital Budget at the Special Meeting Monday, November 27, 2017 at 6:30 p.m.

Motion to adjourn by Councilor Acker

The regular meeting is hereby adjourned at 9:15 p.m.

CITY OF ONEIDA, NEW YORK

---

Susan Pulverenti, City Clerk