

**MINUTES OF THE COMMON COUNCIL  
DECEMBER 5, 2017**

A regular meeting of the Common Council of the City of Oneida, NY was held on the fifth day of December, 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, James Chamberlain and Thomas Simchik

ABSENT: Mayor Leo Matzke

ALSO PRESENT: City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
Comptroller Lee Ann Wells  
Councilor-Elect Jim Coulthart  
Fire Chief Kevin Salerno  
Police Chief Paul Thompson  
Supervisor Margaret Milman Barris  
Supervisor John Reinhardt  
Supervisor Joe Magliocca

**PUBLIC HEARING – ORDINANCE TO AMEND CHAPTER 33**

**RESOLUTION 17-322**

Moved by Councilor Bowe  
Seconded by Councilor Acker

**RESOLVED**, that the Public Hearing on a proposed Ordinance to amend Code Chapter 33, Article II, §33-4 Building Permits (1) so as to coincide with the International Building Code be hereby opened at 6:32 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**APPEARANCES** - None

**CLOSE PUBLIC HEARING**

**RESOLUTION 17-323**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, that the Public Hearing on said Ordinance Amendment be hereby closed at 6:32 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**PUBLIC HEARING – PROPOSED LOCAL LAW TO DEFINE  
HYDROPONIC COMMERCIAL AGRICULTURAL BUSINESS**

**RESOLUTION 17-324**

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, that the Public Hearing on a proposed Local Law to regulate hydroponic commercial agricultural business uses be hereby opened at 6:32 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**APPEARANCES** - None

**CLOSE PUBLIC HEARING**

**RESOLUTION 17-325**

Moved by Councilor Smith  
Seconded by Councilor Bowe

**RESOLVED**, that the Public Hearing on the proposed Local Law be hereby closed at 6:33 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**OLD BUSINESS**

*Demolitions - FEMA Buyout Program*

Councilor Acker said that there have been some concerns with the Madison County Landfill. She said that they have changed the tonnage that they would accept from 250 to 100 and now down to 60 for the demolition debris from the Buyout Program because of a large demolition project taking place in Canastota. She said that she went to the Madison County Solid Waste Committee meeting today, and they are looking at a temporary permit through the DEC. Councilor Acker said that Mr. Zecca said the permit will be specifically for the FEMA project. She said it will take at least six weeks to come to fruition. She thanked the Supervisors who were present at the committee meeting, along with City Engineer Jon Rauscher for their efforts and involvement. She said that the City has until August 10, 2018 to complete this project; however, she noted that we may have to apply for an extension. Supervisor Milman Barris said that the County passed a Resolution today starting the SEQRA process by declaring lead agency. Supervisor Magliocca said that he was surprised today when he heard that the County knew of the project in Canastota, but it was never mentioned to the City. Councilor Acker said that there has been a lack of communication, which is crucial. She said that she will be talking with the contractor about possibly working Tuesday to Saturday, as the landfill has said that Saturdays are the best days. Councilor Acker said that any additional costs to the FEMA project must be looked at, as working on Saturdays generally requires overtime pay. Councilor Acker added that the demolition company employees work like a well-oiled machine and are doing a great job.

Moved by Councilor Cohen  
Seconded by Councilor Acker

**RESOLVED**, that the minutes of the regular meeting minutes of November 21, 2017 and the Special Meeting minutes of November 16, 2017, November 20, 2017 and November 27, 2017 are hereby approved as presented.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, that Warrant No. 25, checks and ACH payments in the amount of \$863,758.91 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 Simchik

**RESOLVED**, that check No. 635 in the amount of \$1,465.00 (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**

**MISCELLANEOUS UTILITY BILLING**

**RESOLUTION 17-326**

Moved by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, that the Miscellaneous Utility Billing for unpaid service charges, water rents and sewer taxes in the amount of \$44,295.52 be hereby inserted into the 2017 assessment roll to be relieved into the 2018 tax roll.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**GRANT AN EXTENSION OF CORRECTIVE ACTION TO BE TAKEN  
FOR THE PROPERTY LOCATED AT 212 BATES STREET**

**RESOLUTION 17-327**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**WHEREAS**, at the September 5, 2017 Regular Meeting, the Common Council granted an extension (Resolution 17-247) of 45 days for the repairs (corrective action) to be completed at the property located at 212 Bates Avenue, **and**

**WHEREAS**, the bank has contacted the Assistant Fire Marshall to advise that they have sold the mortgage to another entity who requires more time to complete the corrective action on the property at 212 Bates Avenue, **now therefore be it**

**RESOLVED**, that per the recommendation of Assistant Fire Marshall Dennis Fields, an extension of 60 days for the repairs (corrective action) to be completed at the property located at 212 Bates Avenue is hereby granted by the Common Council pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings and Collapsed Structures.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Councilor Bowe said that the Assistant Fire Marshal said that there has been progress with this property.

**ADVERTISE FOR BIDS**

**RESOLUTION 17-328**

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, to authorize the Purchasing Agent to advertise for bids for a generator to replace the existing generators at the Fire Department and City Hall with a single unit.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Councilor Smith said that the Fire Chief will be handling this project for the City Engineer.

**SEORA RESOLUTION AND NEGATIVE DECLARATION RELATING TO PROPOSED  
LOCAL LAW TO AMEND CHAPTER 190 OF THE CITY CODE TO REGULATE  
HYDROPONIC COMMERCIAL AGRICULTURAL BUSINESS**

**RESOLUTION 17-329**

Moved by Councilor Smith  
Seconded by Councilor Cohen

**WHEREAS**, the Common Council of the City of Oneida, on November 21, 2017, introduced Local Law 2017 titled "A Local Law to Amend Chapter 190 of the Code of the City of Oneida to Define Hydroponic Commercial Agricultural Business," which Local Law would amend the Code of the City of Oneida at Chapter 190 (Zoning) in order to define "Hydroponic Agricultural Greenhouse Operation" and "Hydroponic Greenhouse" and allow the operation of such uses in the Agricultural, Commercial, Light Industrial, and Manufacturing Industrial zoning districts upon issuance of a conditional use permit; **and**

**WHEREAS**, on November 21, 2017 the Common Council, by resolution, determined that:

1. The proposed action was a Type I action;
2. The Common Council of the City of Oneida would act as Lead Agency;
3. The action will require the submission of a Full Environmental Assessment Form to provide information with regard to the environmental issues pertinent therein; **and**

**WHEREAS**, the Common Council is the single agency involved and there are no interested and/or involved agencies, such that the City may assume Lead Agency status for purposes of a determination of significance under the Law; **and**

**WHEREAS**, Volume 6 N.Y.C.R.R. Section 617.3 of the Regulations relating to Article 8 of the New York Environmental Conservation Law of New York (SEQRA), requires that as early as possible, the Lead Agency shall make a determination of significance; **and**

**WHEREAS**, the Lead Agency has completed and submitted a Long Form Environmental Assessment Form and the same has been carefully reviewed and thoroughly considered by the Council; **and**

**WHEREAS**, the Council has considered and discussed fully the potential environmental impacts of the proposed action, **now therefore be it**

**RESOLVED** that the City of Oneida Common Council hereby determines that the proposed action will not have a significant adverse effect on the environment and this resolution hereby adopts the Negative Declaration attached hereto for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R., Part 617 et seq. for the reasons contained herein and in the appended Attachment "A"; **and be it further**

**RESOLVED** that the City Attorney shall distribute and publish the attached Negative Declaration pursuant to the requirements of 6 N.Y.C.R.R., Part 617.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**COMMENCE LEGAL ACTION IN SUPREME COURT  
ON THE PROPERTY LOCATED AT 507 STONE STREET**

**RESOLUTION 17-330**

Moved by Councilor Bowe

Seconded by Councilor Simchik

**WHEREAS**, in accordance with Article III of Chapter 34 of the Oneida City Code, at the March 21, 2017 meeting, the Common Council, having duly considered the documentary evidence, as well as the oral testimony presented by the Assistant Fire Marshal and the Property Owner, declared the property located at 507 Stone Street, Tax Map No. 38.30-1-33 ("Property"), to be a public nuisance; **and**

**WHEREAS**, having declared the Property to be a public nuisance, the Common Council ordered the Property Owner, or persons with an interest in such Property, to undertake corrective action in accordance with the recommendations of the Assistant Fire Marshal; **and**

**WHEREAS**, the Common Council ordered that the owner or persons with an interest in the Property that corrective action must occur on or before May 15, 2017; **and**

**WHEREAS**, the Common Council has since granted extensions to the property owner to complete the required corrective actions and property owner has failed to act on the orders, **now therefore be it**

**RESOLVED**, that the Common Council hereby authorizes the commencement of legal action in Supreme Court on the property located at 507 Stone Street, Tax Map No. 38.30-1-33, to facilitate the initial order of the Common Council on March 21, 2017 and extensions granted on May 16, 2017 and June 20, 2017.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**COMMENCE LEGAL ACTION IN SUPREME COURT  
ON THE PROPERTY LOCATED AT 112 MADISON STREET**

**RESOLUTION 17-331**

Moved by Councilor Acker

Seconded by Councilor Simchik

**WHEREAS**, in accordance with Article III of Chapter 34 of the Oneida City Code, a public hearing was conducted on February 7, 2017 and continued on February 22, 2017, March 7, 2017 and March 21, 2017, for purposes of receiving and considering evidence presented by the City of Oneida Assistant Fire Marshal to determine whether real property located at 112 Madison Street, Tax Map No. 30.72-1-58, in the City of Oneida (“Property”) is a public nuisance; **and**

**WHEREAS**, upon presentation of oral testimony and documentary evidence by the Assistant Fire Marshal and Gregory Xedis, the owner of the Property, the City of Oneida Common Council closed the public hearing and during its March 21, 2017 meeting, unanimously passed a Resolution declaring the Property to be a public nuisance; **and**

**WHEREAS**, at the April 18, 2017 meeting, the Common Council ordered the owner or persons with an interest in such Property to undertake the corrective action in accordance with the recommendations of the Assistant Fire Marshal; **and**

**WHEREAS**, the property owner has failed to act on the Common Council’s order; **now therefore be it**

**RESOLVED**, that the Common Council hereby authorizes the commencement of legal action in Supreme Court on the property located at 112 Madison Street, Tax Map No. 30.72-1-58, to facilitate the initial order of the Common Council on April 18, 2017.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**LETTER OF ENGAGEMENT FOR YEAR ENDED 2017 AUDIT SERVICES**

**RESOLUTION 17-332**

Moved by Councilor Acker

Seconded by Councilor Simchik

**RESOLVED** to authorize the Mayor to sign the Engagement Letter from the Bonadio Group, 432 North Franklin Street, Syracuse NY 13204 for the Audit of the City’s financial statements for the year ending December 31, 2017 in an amount not to exceed \$29,000.00.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**NEW BUSINESS** - None

Deputy Mayor Chamberlain said there will be a five minute break before going into Executive Session to discuss personnel matters and the sale or lease of real property. Councilor Bowe said there will be no action taken after the meeting.

**EXECUTIVE SESSION**

**RESOLUTION 17-333**

Moved by Councilor Acker

Seconded by Councilor Bowe

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 6:48 p.m. for the purpose of discussing the proposed sale or lease of real property and personnel matters.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**PRESENT:** Mayor, Councilors, City Clerk, City Attorney, Police Chief

1. Discussion relating to a personnel matter in the Police Department.

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

1. Discussion relating to the proposed sale or lease of real property.

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

1. Discussion relating to personnel matter.

Moved by Councilor Bowe  
Seconded by Councilor Simchik

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 8:00 p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Motion to adjourn by Councilor Smith

The regular meeting is hereby adjourned at 8:01 p.m.

CITY OF ONEIDA, NEW YORK

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Susan Pulverenti, City Clerk