

**MINUTES OF THE COMMON COUNCIL  
DECEMBER 19, 2017**

A regular meeting of the Common Council of the City of Oneida, NY was held on the nineteenth 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 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  
Comptroller Lee Ann Wells  
Fire Chief Kevin Salerno  
Assistant Fire Chief Dennis Fields  
Police Chief Paul Thompson  
Supervisor Joe Magliocca

**OLD BUSINESS** - None

**SUPERVISORS REPORT**

*FEMA Buyout Program*

Supervisor Joe Magliocca said that the County passed two Resolutions today, and the DEC has been very generous to allow the landfill to waive all tonnage with respect to the debris from the FEMA Buyout Program. He said that the County's Resolution requires a 30-day public comment period, so the County Landfill will be ready when the next wave of demolitions begin. In response to a question, City Attorney Nadine Bell said that a negative declaration is part of the SEQRA (State Environmental Quality Review Act) process and means that there are no significant environmental impacts with having the temporary permit. Councilor Acker said that the demolitions of the first 30 homes will be completed by the end of this week. She said that there 29 houses in the next round, and the City Engineer has already sent out the RFP's. She said that asbestos abatement will have to be completed before the houses can be torn down, so she estimates that it will be March or April before the next round of demolitions begin. Councilor Acker said that FEMA has been very good with the reimbursements, and Attorney Bell commented that the City has closed on ten properties in the past two weeks. Councilor Acker said that the FEMA Grant runs out in August 2018, so the City may have to ask for an extension. Councilor Acker said that the first commercial properties have been closed on, noting that some commercial properties will not be participating because of the phase 2 environmental requirements.

*County Purchase of Delphi Falls Property*

Supervisor Magliocca said that Madison County is going to have a new park. He said that a benefactor has provided a \$750K donation to the County towards the \$900K purchase of a Delphi Falls property. He said that the property has a beautiful ranch home situated on 66 acres with a large barn, miles of trails, as well as the water falls. He said it will probably be springtime before the paperwork is all finalized.

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, that the minutes of the regular meeting minutes of December 5, 2017, and the Special Meeting minutes of November 28, 2017 and November 29, 2017 are hereby approved as presented.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Moved by Councilor Smith

Seconded by Councilor Simchik

**RESOLVED**, that Warrant No. 26, checks and ACH payments in the amount of \$2,610,413.61 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 checks in the amount of \$18,982.51 (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**

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

**RESOLUTION 17-338**

Moved by Councilor Acker

Seconded by Councilor Simchik

**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 ordain and enact, this local law, which amends Chapter 190 of the Code of the City of Oneida 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.

Councilor Cohen – Yes  
Councilor Bowe – Yes  
Councilor Smith – Yes  
Councilor Acker – Yes  
Councilor Chamberlain – Yes  
Councilor Simchik – Yes

**AUTHORIZE MEDICARE PART B REIMBURSEMENT PAYMENTS TO RETIREES**

**RESOLUTION 17-339**

Moved by Councilor Cohen  
Seconded by Councilor Simchik

**RESOLVED**, that the City Comptroller be, and hereby is authorized and directed, throughout the period from January 1, 2018 to December 31, 2018, to reimburse the cost of Medicare Part B coverage to all eligible retired City employees and eligible dependents, regardless of union or non-union affiliation, in accordance with the provisions regarding such reimbursement as set forth in the current contracts of CSEA, Inc., Local 1000 AFSCME and Oneida Paid Firefighters Association Local 2692, **and be it further**

**RESOLVED**, that the City Comptroller be, and hereby is authorized and directed, throughout the period from January 1, 2018 to December 31, 2018, to reimburse the cost of Medicare Part B coverage to all eligible retired City employees and eligible dependents, who retired prior to July 1, 2015, regardless of whether said retiree and any eligible dependent is enrolled in the City's Medicare Advantage & Prescription Program.

Ayes: 5

Nays: 0

**MOTION CARRIED**

Councilor Smith recused himself and left the room. Councilor Acker noted that the cost of the reimbursement has gone up, and questioned if this was budgeted for. The Comptroller said that she is not supplied with that information, and the Mayor said that the amount budgeted is what the previous reimbursement amount was.

**MEMORANDUM OF UNDERSTANDING – CITY ATTORNEY**

**RESOLUTION 17-340**

Moved by Councilor Cohen

Seconded by Councilor Chamberlain

**RESOLVED**, to authorize the Mayor to sign a Memorandum of Understanding by and between the City of Oneida and Nadine C. Bell for service and compensation as the Attorney for the City of Oneida.

Ayes: 6

Nays: 0

**MOTION TABLED**

Councilor Acker questioned why this was being tabled. Councilor Cohen said he sent an e-mail to the Council with a couple of minor tweaks, and he was not sure if everyone has had the opportunity to review them.

**AGREEMENT – OPERATION WILD CATS**

**RESOLUTION 17-341**

Moved by Councilor Chamberlain

Seconded by Councilor Cohen

**RESOLVED**, to authorize the Mayor to sign the Agreement with Operation Wild Cats, PO Box 631, Canastota NY 13032 to provide feral cat control services in the City of Oneida for the year 2018 in an amount not to exceed \$1,000.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Smith said last year's contract called for a quarterly report; however, none was ever received. The Mayor said that last year they were working in the flats area on a large feral cat problem. Councilor Smith said that there were many feral cats on Leonard Street last year, and Operation Wild Cats declined to come and take care of them. The Mayor said that this organization was originally set up to protect cats from feline leukemia. The City Clerk explained the proper procedure for processing of the vouchers, and noted that the agreement calls for all invoices to be sent to her. Councilor Smith said that he wants to ensure that the organization responds when called upon. Councilor Bowe said that this was previously discussed at the budget meetings. He said if we receive quarterly reports, we will know how much it costs for each service.

## MONTHLY REPORTS

### **RESOLUTION 17-342**

Motioned by Councilor Simchik  
Seconded by Councilor Acker

**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**

## AMUSEMENT DEVICE LICENSE

### **RESOLUTION 17-343**

Moved by Councilor Chamberlain  
Seconded by Councilor Simchik

**RESOLVED**, that the 2018 Amusement Device License be hereby approved as follows:

- National Entertainment Network, 325 Interlocken Pkwy B, Broomfield CO 80021

Ayes: 6

Nays: 0

**MOTION CARRIED**

## CANVASS & APPROVE CHEMICAL BIDS USED IN WATER TREATMENT

### **RESOLUTION 17-344**

Moved by Councilor Smith  
Seconded by Councilor Chamberlain

**RESOLVED**, that the lowest bid meeting specifications for liquid caustic soda in the amount of \$21,420.00 from JCI Jones Chemical, Inc., 100 Sunny Sol Boulevard, Caledonia, NY 14423 is hereby approved, **and be it further**

**RESOLVED**, that the lowest bid meeting specifications for liquid zinc orthophosphate and liquid polyphosphate in the amount of \$26,418.50 from Coyne Chemical, 3015 State Road, Croydon PA 19021-6997 is hereby approved, **and be it further**

**RESOLVED**, that the lowest bid meeting specifications for aluminum sulfate in the amount of \$43,050.00 from Holland Company Inc., 153 Howland Ave., Adams MA 01220-1199 is hereby approved, **and be it further**

**RESOLVED**, that the lowest bid meeting specifications for liquid chlorine and sodium hypochlorite in the amount of \$20,755.10 from Slack Chemical Co., Inc. 465 S. Clinton Street, PO Box 30, Carthage NY 13619 is hereby approved.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND**

**RESOLUTION 17-345**

Moved by Councilor Acker

Seconded by Councilor Simchik

**WHEREAS**, it is the desire of the City of Oneida to create an Employee Benefit Accrued Liability Reserve Fund to pay for any accrued “employee benefit” due an employee upon retirement or termination of the employee’s service, **now therefore be it**

**RESOLVED**, that pursuant to General Municipal Law Section 6-p, the City of Oneida Common Council does hereby establish an Employee Benefit Accrued Liability Reserve Fund, **and be it further**

**RESOLVED**, that expenditures may be made from said Employee Benefit Accrued Liability Reserve Fund for the payment of all or part of the cost, including interest, of:

- a. The cash paying of the monetary value of accumulated or accrued and unused sick leave, holiday leave, vacation leave, time allowance granted in lieu of overtime compensation and other forms of payment for accrued leave time and benefits due a municipal employee upon termination of municipal employment and separation from service as required by ordinance, local law, collective bargaining agreement or Section 6 of the Civil Service law.
- b. The reasonable costs of the administration of the Reserve Fund.
- c. Expert or professional services rendered in connection with the investigation, adjustment or settlement of claims, actions or judgements relating to claims for accrued employee benefits.

**BE IT FURTHER RESOLVED**, that the City Comptroller, pursuant to General Municipal Law Section 6-p, is hereby directed to deposit and secure moneys of this Reserve Fund into a separate bank account to be known as the “Employee Benefit Accrued Liability Reserve” Fund, **and be it further**

**RESOLVED**, that the City Comptroller is hereby authorized to invest the moneys of this Employee Benefit Accrued Liability Reserve Fund pursuant to the provisions of Section 11 of General Municipal Law, and any interest earned and/or capital gains realized on said investments shall accrue to, and become part of, this Reserve Fund, **and be it further**

**RESOLVED**, that no expenditures shall be made of this Employee Benefit Accrued Liability Reserve Fund, except upon authorization of the Common Council, pursuant to Section 6-p of the General Municipal Law.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**2018 WATER RATES & WATER SERVICE CHARGES**

**RESOLUTION 17-346**

Moved by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, to approve the 2018 City of Oneida Water Rates and Water Service Charges, attached hereto, be hereby approved.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

### MAINTENANCE AGREEMENTS

#### **RESOLUTION 17-347**

Moved by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, to authorize the Mayor to sign the following agreements:

- 2018 Stockbridge Maintenance Agreement
- 2018 Prospect Street Maintenance Agreement

Ayes: 5  
Nays: 0  
Abstain: 1 (Chamberlain)

**MOTION CARRIED**

### BUDGET TRANSFERS

#### **RESOLUTION 17-348**

Moved by Councilor Smith  
Seconded by Councilor Cohen

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

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$3,280.00	001.1315.0101 Comptroller Salaries	001.1315.0403 Audit Contract
	<i>(To reallocate funds for 2017 Audit services)</i>	
\$0.44	002.9040.0804 Workers Compensation	002.9710.0700 Interest on Debt Service
	<i>(To reallocate funds for interest on debt service)</i>	
\$3,245.00	001.4068.0300 Mosquito Materials/Supplies	117.1620.0400 2017 City Hall Security Expense
	<i>(To reallocate funds for change order on City Hall Security Project)</i>	

Ayes: 6  
Nays: 0

**MOTION CARRIED**

## WAIVE RULE TO ACCEPT AGENDA ITEMS

### **RESOLUTION 17-349**

Moved by Councilor Bowe  
Seconded by Councilor Smith

**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**

## CONTRACT - FIREWORKS

### **RESOLUTION 17-350**

Moved by Councilor Smith  
Seconded by Councilor Cohen

**RESOLVED**, to authorize the Mayor to sign a contract with Majestic Fireworks, Inc., 29 College Street, Clinton NY 13323 for a fireworks display at Veteran's Memorial Field on December 31, 2017.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

The Mayor said this contract is being paid for with the generous donations from area businesses and residents. The City Clerk said the contract states the start time is 6 p.m., but she will double check with Majestic.

## NEW BUSINESS

### *Oneida Rail Trail*

Supervisor Magliocca said that at the end of the month we will finally get approval for the construction of the Rail Trail Project once the reduced scope and the monetary amounts for the project are determined. He said that in early 2018, he would like to have the Rail Trail Committee and Department Heads meet with the Council to review every piece of the funded portion of the Rail Trail, as well as the other portions of the trail. He said there are property donations and easements forthcoming. The Mayor said that everyone needs to be on the same page with this project.

### *Kallet Civic Center – Hope Energy Audit – National Grid*

Michele Stewart, Kallet Civic Center, stated that the Kallet Board has received the results of the Hope Energy Audit. She explained that by doing the recommended updates to LED's, the monthly savings would be \$174.94. She said that the updates would include new ballasts and florescent bulbs for the marquee, as well as the use of the lift needed to do the replacements. She said that the rates received from this audit will expire at the end of December. Ms. Stewart asked the Council if the City would be willing to cover half the cost of the \$2,124.21 needed for the updates, which includes a 10% discount. Councilor Bowe said that there is \$20K budgeted for the Kallet next year, and the \$1,062 could come from that account. The City Clerk provided the Comptroller with a copy of the audit. Ms. Stewart said that the

Mayor would have to sign the contract, as the electric bills are in the City's name. Councilor Acker said this audit would only benefit the board, and Ms. Stewart said the Kallet's lease states that the City is responsible for the marquee. She said that after reaching out to other companies, the lift cost alone would be over \$600. She reiterated that this cost includes the ballasts and lift. The Comptroller said that she will review the audit agreement, and it could be on the agenda at the special meeting at 9:30 a.m. on the December 29<sup>th</sup>.

*Honoring Councilor Erwin Smith*

Deputy Mayor Jim Chamberlain said that Councilor Smith's term ends this month, and on behalf of the Mayor and Council, he presented Councilor Smith with a glass plaque in appreciation of his dedication to the City of Oneida for his many years of service on the Common Council. The Deputy Mayor stated that Councilor Smith is "A Bit of America at its Best." The Mayor, Council and Department Heads extended their sincere congratulations, and Councilor Smith received a standing ovation.

Councilor Smith said that it has been his pleasure to serve the Ward 3 residents and that he was thankful for their faith in him. He said he has sat on each side of the table, both as a Department Head and Councilor. He said that he has gained a lot of respect for a lot of people over the years. Councilor Smith said there are a lot a dedicated Council people who give an unbelievable amount of hours for the betterment of this City. Councilor Smith said that although sometimes they disagreed, it was good, as it gets the bugs out and provides new ideas. He said that this City has some the very best Department Heads, with every one of them going above and beyond. He provided examples of the diligence of our City employees during different storms, floods and train derailments.

Councilor Smith said that over the years he has learned that if you are going to be a leader, lead. He said to give your employees a job to do, then get out of the way, and they will make you shine; and Councilor Smith said that a lot people have made him shine. Councilor Smith received another standing ovation.

Motion to adjourn by Councilor Bowe

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

CITY OF ONEIDA, NEW YORK

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Susan Pulverenti, City Clerk