

**MINUTES OF THE COMMON COUNCIL  
JANUARY 16, 2018**

A meeting of the Common Council of the City of Oneida, NY was held on the sixteenth day of January, 2018 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 Deputy Mayor James Chamberlain

PRESENT: Councilors Alan Cohen, Michael Bowe, James Coulthart, 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  
Fire Chief Kevin Salerno  
Assistant Fire Chief Dennis Fields  
Police Chief Paul Thompson  
Supervisor Joe Magliocca

**PUBLIC HEARING – PROPOSED LOCAL LAW TO AMEND THE CITY CHARTER  
RELATING TO THE ASSESSOR**

**RESOLUTION 18-11**

Moved by Councilor Bowe  
Seconded by Councilor Acker

**RESOLVED**, that the Public Hearing Local Law to amend Article V, §5.24 of the City of Oneida Charter relating to the Assessor be hereby opened at 6:35 p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**APPEARANCES** – None

**CLOSE PUBLIC HEARING**

**RESOLUTION 18-12**

Moved by Councilor Acker  
Seconded by Councilor Bowe

**RESOLVED**, that the Public Hearing regarding the proposed Local Law to amend the City Charter relating to the Assessor be hereby closed at 6:36 p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**PUBLIC HEARING – PROPOSED ORDINANCE TO AMEND THE CITY CODE  
RELATING TO BUILDING PERMITS**

**RESOLUTION 18-13**

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, that the Public Hearing regarding Ordinance amending Article II, Section 33-4 Building Permits, B(1) of City Code be hereby opened at 6:36 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**APPEARANCES** – None

**CLOSE PUBLIC HEARING**

**RESOLUTION 18-14**

Moved by Councilor Acker  
Seconded by Councilor Coulthart

**RESOLVED**, that the Public Hearing regarding an Ordinance to amend the City Code relating to building permits be hereby closed at 6:37 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**OLD BUSINESS** – None

**SUPERVISORS REPORT**

Councilor Magliocca said that the County just had their Organizational Meeting, and the committee members will begin their assignments next week.

Moved by Councilor Cohen  
Seconded by Councilor Simchik

**RESOLVED**, that the minutes of the regular meeting of January 2, 2018 are hereby approved as presented.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Moved by Councilor Acker  
Seconded by Councilor Bowe

**RESOLVED**, that Warrant No. 2, checks and ACH payments in the amount of \$341,652.42 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 Simchik  
Seconded by Councilor Coulthart

**RESOLVED**, that checks in the amount of \$16,148.95 (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**

**BRIDGES A/K/A MADISON COUNTY COUNCIL ON ALCOHOLISM AND  
SUBSTANCE ABUSE, INC. AGREEMENT**

**RESOLUTION 18-15**

Moved by Councilor Bowe  
Seconded by Councilor Simchik

**RESOLVED**, that the Mayor is hereby authorized to sign the 2018 annual agreement with BRiDGES a/k/a Madison County Council on Alcoholism and Substance Abuse, Inc. for the Employee Assistance Program in the amount of \$2,048.00.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Coulthart asked if there were any quarterly utilization reports with demographic information as mentioned under EAP operations portion of the agreement. The City Attorney said the City would have the past reports only if they were requested. The Comptroller said she would look into it.

This is a Federal mandate.

**STANDARD WORKDAY RESOLUTION**

**RESOLUTION 18-16**

Moved by Councilor Cohen  
Seconded by Councilor Bowe

**RESOLVED**, that the Common Council hereby establishes the following as standard work days for elected officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities provided to the City Clerk:

Title	Name	SS# (last 4 digits)	Reg. #	Standard Workday (Hrs/day)	Term Begins/end	Participated in Employers Time Keeping System	Days/Month	Elected or Appointed	Not Submitted (Check if no record of activities completed or time keeping system)
Common Council	Thomas Simchik	5085	41455973		2018-2019	N		E	✓
City Chamberlain	Nancy Andrews	0325	38849931	7	2018-2019	N	20	E	

Ayes: 5  
Nays: 0  
Abstain: 1 (Simchik)  
**MOTION CARRIED**

**ADVERTISE FOR BIDS – WATER METERS**

**RESOLUTION 18-17**

Moved by Councilor Simchik  
Seconded by Councilor Chamberlain

**RESOLVED**, to authorize the Purchasing Agent to advertise for bids for water meters for 2018.

Ayes: 6  
Nays: 0  
**MOTION CARRIED**

**MONTHLY REPORTS**

**RESOLUTION 18-18**

Motioned by Councilor Acker  
Seconded by Councilor Simchik

**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**

The City Clerk said that the monthly reports are posted on the City’s website on the Friday before the Council meetings.

**BUDGET AMENDMENT**

**RESOLUTION 18-19**

Motioned by Councilor Acker  
Seconded by Councilor Cohen

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

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
2,865.29	001.0001.0912 General Fund Balance	001.7521.0402 Kallet Contract Repairs

*(To allocate fund balance to cover 2017 expenses)*

Ayes: 6

Nays: 0

**MOTION CARRIED**

### NEW BUSINESS

#### *Sidewalk Plowing*

Deputy Mayor Chamberlain said that during the deep freeze last week, the DPW had to move the trucks inside as the plows froze, and the sidewalk plows had to be moved outside. After the trucks were moved out, the sidewalk plows had to be put back inside to thaw. He said that a new laborer CDL is starting with the DPW, so all the seats in the plows will be filled when needed. In response to a question from Councilor Acker, the Deputy Mayor said that the DPW will be plowing the sidewalks in the flats.

#### *Snow Removal in Parking Lots*

John Costello, owner of 131 Main Street, said that when he bought the parking lot behind his building, he dealt with Mayor Hudson, Mayor Smith and most recently with Mayor Matzke. He stated that at 3 p.m. he turns his parking lot over to anyone who wants to use it, and he is requesting that the City remove the snowbanks from his lot when they are removing snowbanks from the Kallet Parking lot. He said that each Mayor has told him that this wouldn't be a problem, but it has not been done. He said that this month he will have tenants on the first floor, which will mean about 30 more vehicles per day. Mr. Costello said that they own 63 parking spaces, and if the banks build up, then they will have to move into the City lot for parking.

The Deputy Mayor said that he will defer to the City Attorney for the legalities; however, in his opinion, a Mayor doesn't have the authority to grant this request. The City Attorney said that the NYS Constitution has a prohibition on gifting and cited an example of the potential value of providing that service to a private property owner. Attorney Bell stated that liability is also a concern. Mr. Costello reiterated that he is allowing the City to use his parking lot for functions at the Kallet, and in payment, he would like the snowbanks removed. City Attorney Bell said if the Council is so inclined to place a value on the parking services, a formal agreement should be put in place. City Attorney Bell said that typically with site plan approval, a plan for snow removal is taken into consideration. Councilor Bowe said when he first saw the email, he asked for the history and what is currently in writing. The City Attorney said that an agreement could be written where a value is determined to the parking that balances the snow removal. She said that indemnification and release of liability could also be addressed in an agreement. The City Attorney said that the City has a lease agreement with the Kallet. Councilor Bowe said that a natural overflow exists in both directions, adding that if the chain on Mr. Costello's parking lot is down, people are going to park there because of the convenience. Mr. Costello said that he is officially asking the Council to address this matter and put a value on it. Councilor Cohen said that he is not comfortable with making a decision now, adding that there are questions that need answers. Councilor Acker inquired if Mr. Costello ever had a written agreement with Mayor Hudson, and Mr. Costello said no, just a handshake. Councilor Acker said that this could open the door for problems with other private property owners who own

parking areas. John Costello Sr. said that they are sharing the parking lot with the high school and mentioned North Broad Street School sharing with St. Joseph's church parking lot. He said that sharing is not something different, and Councilor Acker said that it is different, because it's a private entity and municipality. The Council said that they will discuss this with the City Attorney and get back to him.

*Speed Limit on Rt. 5 – Traffic Safety Board*

Councilor Mike Bowe stated that he attended the Traffic Safety Board meeting this afternoon with respect to lowering the speed limit on Rt. 5 near and beyond the new Byrne Dairy development/construction by Sayles Street. He said that most the Board Members felt that regardless of the proposed construction, the State should look into lowering the speed limit along that corridor of Rt. 5 in a concern for safety. The City Clerk said the minutes are completed from today's Board meeting, and she will forward the Traffic Safety Board's recommendation to the Council members tomorrow. Councilor Bowe said that a representative from Valenti Estates was also present at the Traffic Safety Board meeting to express his concerns with safety of the people exiting/entering his apartment complex. A brief discussion was held regarding traffic lights, speed limits and tractor trailers. Councilor Coulthart said that he attended the Planning Commission meeting when this project was approved, and he also feels that a more uniform speed between the Oneida Healthcare Center and Five Corners is needed. The rest of the Council agreed.

Robert Britton, N. Warner Street, said that he has trouble getting out of his driveway, because of the traffic from the apartment complex across the street. He said that when he moved on that street thirty years ago, he was lucky if he saw 10 cars a day. He said that now he sees 100 cars a day go by with nothing being done about the increase in traffic.

*Executive Session*

Deputy Mayor Chamberlain said that the Council will be going into Executive Session to discuss several personnel matters. He stated that action may be taken after the session.

**EXECUTIVE SESSION**

**RESOLUTION 18-20**

Moved by Councilor Bowe  
Seconded by Councilor Acker

**RESOLVED**, that the meeting is hereby adjourned to Executive Session in the Mayor's Conference Room at 7:05 p.m. for the purpose of discussing personnel issues.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

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

1. Discussion was held regarding personnel issues.

Moved by Councilor Bowe  
Seconded by Councilor Acker

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 8:45 p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**BUDGET TRANSFER**

**RESOLUTION 18-21**

Moved by Councilor Bowe

Seconded by Councilor Coulthart

**RESOLVED**, that the Common Council hereby authorizes a budget transfer from Contingency (001.1990.0400) to Fireworks Celebration (001.7550.0400) in an amount not to exceed \$775.00.

Ayes: 6

Nays: 0

**MOTION CARRIED**

The Common Council scheduled a Special Meeting for January 30, 2018 at 6:30 p.m. to discuss the Rail Trail bid.

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 8:58 p.m.

CITY OF ONEIDA, NEW YORK

---

Susan Pulverenti, City Clerk