

**MINUTES OF THE COMMON COUNCIL
FEBRUARY 6, 2018**

A meeting of the Common Council of the City of Oneida, NY was held on the sixth day of February, 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 Mayor Leo Matzke

PRESENT: Councilors Alan Cohen, Michael Bowe, James Coulthart, 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
Asst. Fire Chief Dennis Fields
Police Chief Paul Thompson
Water Superintendent Arthur Smolinski
Supervisor Joe Magliocca

PUBLIC HEARING

RESOLUTION 18-24

Moved by Councilor Bowe
Seconded by Councilor Cohen

RESOLVED, that the Public Hearing on a Proposed Local Law to amend the Sustainable Energy Loan Program in the City of Oneida be hereby opened at 6:34 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

APPEARANCES – None

CLOSE PUBLIC HEARING

RESOLUTION 18-25

Moved by Councilor Coulthart
Seconded by Councilor Chamberlain

RESOLVED, that the Public Hearing regarding the proposed Local Law to amend the Sustainable Energy Loan Program in the City of Oneida be hereby closed at 6:35 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

PRESENTATION - TYLER TECHNOLOGIES – COMPUTER SOFTWARE

The City Comptroller introduced Terry Quinn from Tyler Technologies, a software company for city governments. Mr. Quinn said that he was contacted by the Comptroller, as the City is investigating upgrading their 30 year old IT system. He said that the City's current KVS system is outdated and does not have any support, nor is there a path for upgrades. Mr. Quinn said that Tyler Technologies is the largest developer of public sector software, and their support is U.S. based. He said that they have over 170 clients statewide, with Madison County being one of them. He said that recently they were awarded the statewide appraisal system bid. Mr. Quinn said that the City's system will be stored at their data center on Tyler-hosted cloud services, and the data will be very secure. He explained their proposal for the City and all the different options the software can provide the employees. Mr. Quinn said that residents/ratepayers would have online access to the online portal of the utility where they could see their history of payments and consumption analysis, as well as be directed to the link where they could pay their bills online since that is the current trend. He said the software also allows for communication alerts, such as late notices, flushing notices, or water main breaks by text or email. Mr. Quinn said that today's communities must have a healthy digital infrastructure in order to thrive, and Tyler Technologies would love to partner with the City.

Councilor Acker inquired as to how long the transition would be, and Mr. Quinn said about one year, as there would be a phase in schedule. Councilor Cohen inquired about the costs, which would be dependent on what software the City uses. Mr. Quinn said there would be an annual maintenance fee to the City and explained the transaction fees for customers to pay online. Councilor Coulthart said that it would be a voluntary "opt in" system for those who wanted to provide cell numbers and email addresses. Mr. Quinn explained the backup plan and redundancies that are built in, noting that the company has a 99.5% up-time guarantee and credits would go back to the City should they go below that level. Mayor Matzke thanked the Comptroller, Water Superintendent and staffs for all their efforts in assessing many different software companies.

OLD BUSINESS

Rail Trail Bids

Councilor Bowe inquired as to where we are with the bids for the Rail Trail. The Comptroller said that we are waiting on C&S, and the City Clerk concurred stating that Mr. Morrissey provided a timeline and will send the City an award package for Council approval once the NYSDOT approves the bid documents. Supervisor Magliocca said that the Rail Trail Committee is looking for volunteers and will be holding fund raising events for the kiosk and to fund other items.

Properties in Violation of Chapter 34 of the City Code

Councilor Acker asked where we stand on the properties at 507 Stone Street and 112 Madison Street. The City Attorney said that she has not started the court proceedings yet. Mayor Matzke said that the Bates Avenue property has been progressing. Assistant Fire Chief Dennis Fields said that Hotel Oneida (181 Main Street) has made the required corrections.

Moved by Councilor Chamberlain
Seconded by Councilor Bowe

RESOLVED, that the minutes of the regular meeting of January 16, 2018 and special meeting minutes of January 30, 2018 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Acker

Seconded by Councilor Simchik

RESOLVED, that Warrant No. 3, checks and ACH payments in the amount of \$1,416,900.19 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 Cohen

RESOLVED, that checks in the amount of \$551.25 (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 ORDINANCE NO. 1 OF 2018 TO AMEND THE CITY OF ONEIDA CODE
RELATING TO BUILDING PERMITS**

RESOLUTION 18-26

Motioned by Councilor Chamberlain

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 Ordinance 18-01 amending Chapter 33, Article II, § 33-4 B(1) of the City of Oneida Code as follows:

**ORDINANCE AMENDMENT
18-01**

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 floor area is not greater than 120 square feet (11 m²).

Councilor Cohen: Yes

Councilor Bowe: Yes

Councilor Coulthart: Yes
Councilor Acker: Yes
Councilor Chamberlain: Yes
Councilor Simchik: Yes

MOTION CARRIED

SERVICE AGREEMENT – HONEYWELL BUILDING SOLUTIONS

RESOLUTION 18-27

Motioned by Councilor Acker
Seconded by Councilor Cohen

RESOLVED, to authorize the Mayor to sign the one year Service Agreement with Honeywell Building Solutions for preventative maintenance services at the Kallet Civic Center in an amount not to exceed \$7,823.00.

Ayes: 6
Nays: 0

MOTION TABLED

Councilor Acker she would like more time to review this contract, as she has received letters from the Kallet Board stating that Honeywell has not been doing any work there since November.

CONTINUING EDUCATION – WATER TREATMENT PLANT OPERATOR

RESOLUTION 18-28

Motioned by Councilor Acker
Seconded by Councilor Coulthart

RESOLVED, to send a Water Treatment Plant Operator to adult and continuing education learning class for Basic Electricity with tuition and book costs reimbursed by the City.

Ayes: 6
Nays: 0

MOTION CARRIED

WATER FUND TRANSFER

RESOLUTION 18-29

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

WHEREAS, by Resolution duly adopted on April 7, 1992, the City has established a Capital Reserve Fund to finance the cost of construction or reconstruction of water treatment and transmission facilities, pursuant to General Municipal Law, Section 6-c, **and**

WHEREAS, pursuant to said Resolution, the City Comptroller has deposited monies of this reserve fund in a separate bank account known as the Water Reserve Fund, **now therefore be it**

RESOLVED, that the City Comptroller is hereby authorized to transfer \$104,097.46 from the Water Fund to the Water Reserve Fund.

Ayes: 6
Nays: 0

MOTION CARRIED

CELLULAR TELEPHONE ADMINISTRATIVE POLICY

RESOLUTION 18-30

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, that the Employee Acknowledgements of Receipt and Understanding of the Cellular Telephone Administrative Policy from the following City employees be hereby received and placed on file:

- Paul Hummel – Meter Reader (Water Dept)
- Thomas O’Herien – Senior Water Maintenance Worker (Water Dept)
- Brian Wean – Water Treatment Plant Operator (Water Dept)
- Anthony Carinci – Senior Water Maintenance Worker (Water Dept)
- Kyle Colclough – Chief Operator (WWTP)
- Richard Goodwin – Operator (WWTP)
- John Plows – Maintenance (WWTP)
- Chris Carney – Operator (WWTP)
- Jesse Doty – Operator Trainee (WWTP)

BE IT FURTHER RESOLVED, that the Telephone Request Forms from the above mentioned City employees, pursuant to the City of Oneida Cellular Telephone Policy adopted June 15, 2010, Resolution 10-153 and reaffirmed on May 17, 2016, be hereby approved.

Ayes: 6
Nays: 0

MOTION CARRIED

Water Superintendent Art Smolinski said that employees are using their personal phones without being compensated. He said that with this policy there is a savings for the City, along with it being much more convenient than the radios.

BUDGET AMENDMENT

RESOLUTION 18-31

Moved by Councilor Acker
Seconded by Councilor Cohen

RESOLVED, to approve the following 2017 budget amendment:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$43,569.70	003.0003.0912	003.8110.0400
	Sewer Fund Balance	Sewer Contractual Services

(To allocate fund balance to cover contract signed and approved 10/7/14 for Flood Mitigation Study)

Ayes: 6

Nays: 0

MOTION CARRIED

**ENGINEERING PLANNING GRANT PROGRAM FOR THE
WASTEWATER TREATMENT PLANT AERATION PROJECT**

RESOLUTION 18-32

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

RESOLVED, that the Mayor is hereby authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City of Oneida's obligations under the Engineering Planning Grant Agreement, **and be it further**

RESOLVED, that the City of Oneida Common Council hereby authorizes and appropriates a minimum of 20% local match, as required by the Engineering Planning Grant Program for the Wastewater Treatment Plant Aeration Project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the grant award. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$5,010 based upon a total estimated maximum project cost of \$24,910. The Mayor may increase this local match through the use of in kind services without further approval from the City of Oneida Common Council.

Ayes: 6

Nays: 0

MOTION CARRIED

SEQR TYPE II DETERMINATION – WWTP AERATION PROJECT

RESOLUTION 18-33

Moved by Councilor Cohen

Seconded by Councilor Simchik

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; **now therefore be it**

RESOLVED that the City of Oneida Common Council hereby determines that the proposed Wastewater Treatment Plant Aeration Project is a Type II action in accordance with 6 NYCRR Section 617.5(21), which constitutes conducting concurrent environmental engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action and is therefore not subject to review under 6 NYCRR Part 617.

Ayes: 6

Nays: 0

MOTION CARRIED

CANVASS AND APPROVE BIDS – SENSUS WATER METERS

RESOLUTION 18-34

Moved by Councilor Acker
Seconded by Councilor Coulthart

RESOLVED, that the lowest bid meeting specifications for Low Lead Sensus Water Meters in the amount of \$29,539.00 is hereby awarded to CORE & MAIN, 2220 State Route 5, Utica NY 13502.

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

MOTION CARRIED

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 18-35

Moved by Councilor Bowe
Seconded by Councilor Simchik

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

The City Attorney asked Assistant Fire Marshall Dennis Fields if the Public Hearing on this matter could be held at the second meeting in March, so as to allow time for notifications. The Assistant Fire Marshall replied yes.

**SCHEDULE A PUBLIC HEARING PER ONEIDA CITY CODE CHAPTER 34, ARTICLE III,
UNSAFE BULDINGS AND COLLAPSED STRUCTURES – 409 GENESEE STREET**

RESOLUTION 18-36

Moved by Councilor Bowe
Seconded by Councilor Chamberlain

RESOLVED, that the Report of Unsafe Structures, as per Oneida City Code Chapter 34, Article III, Unsafe Buildings and Collapsed Structures, from Dennis J. Fields Jr., City of Oneida Assistant Fire Marshall, for property located at 409 Genesee Street, Tax Map No. 38.69-1-11 be hereby received and placed on file, **and be it further**

RESOLVED, that a Public Hearing be scheduled to be held on March 20, 2018 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY 13421 to afford the Common Council the opportunity to issue an order deeming the property to be a “Public Nuisance” and to order corrective action be taken on the property located at 409 Genesee Street, Tax Map No. 38.69-1-11.

Ayes: 6

Nays: 0

MOTION CARRIED

NEW BUSINESS

New Farmer's Market – "Party in the Park"

Paul Marco and Dr. John Costello Jr. representing the OC3 Committee pitched their idea for a Farmer's Market in the City center this spring/summer/fall. They said they would like to have Farrier Avenue closed off from the bank parking lot to Broad Street for their event, which would run on Thursdays from 4:30 pm to 8:30 pm May to October. Mr. Marco said that their goal is to revitalize the City center by bringing more people to downtown. He said that they envision having food vendors, crafters, bands performing and roping off the park for beer and wine consumption. He said that one week they could have a Fire Truck Day or Police Day, and also look into micro-breweries coming in for the "Party in the Park". He said that they will be working with the Police, Fire Department, Kallet Civic Center, Historical Society and Recreation Center, as well as the downtown restaurants/businesses. He said that they would share some of the revenue with the Historical Society. He said that rather than having a small market there on Tuesdays, the City could have a larger one downtown.

Mr. Marco said that they are asking for approval from the Council before they move forward with their plans and to start their coordination. Councilor Chamberlain said that this is a fantastic idea and asked how it would affect the Post Office, as they don't close until 5:00 pm. Dr. Costello said they would lose a couple of parking spots in front for a short time, but there would be additional parking available at the Dispatch building. The Mayor said the City will be working on renovating all of downtown during the next two years. Supervisor Magliocca said that currently alcohol is not allowed in City parks, but an agreement could be structured to allow for a one-day event. He said that farm breweries and wineries are currently allowed to supply samples at Farmer's Markets. Councilor Acker asked about the Thursday afternoon farmer's market on Oneida Street, and Mr. Marco said they would check with the one or two vendors who are there. He said this event is part of a larger picture for downtown, and he hopes that everyone will work together to make this happen. Margaret Milman Barris, Oneida, said that she has concerns about allowing alcohol in the park and closing off the park to children. She said this would be a great opportunity for young adults/adolescents to have productive, wholesome events in the City. Mr. Marco said that only a portion of the park could be blocked off. Councilor Coulthart said that food trucks are well-liked now, and Mr. Marco said that this will be just a Farmer's Market to start with, but those are part of their larger vision. Councilor Cohen said that he applauds their vision. The Mayor said to let him know what he can do to help bring this to fruition.

Delinquent Alarm Fees

Dave Tudman, Oneida, said that he missed one payment for his alarm fee and was assessed a large late fee. He said that he is asking for consideration and concession for his past due payment. He said that he has always paid on time and only missed one year. Mayor Matzke asked Mr. Tudman to please send him another copy of his letter, and he will discuss this with the Council. Councilor Acker said that the history shows that Mr. Tudman has missed the past two years.

Commendation of Police and Fire Departments

Councilor Acker said that we stand for the pledge allegiance before each meeting, and the Mayor asks us to stand in silence for the heroes that serve. She said that she personally experienced two sets of heroes in our community. She explained that her grandson had just returned home from his job driving a tow truck, parked the truck in the driveway and came into the house. She said that they heard a loud bang and saw that the truck was engulfed in flames. Councilor Acker said that the Fire and Police personnel were superb and saved their house, her daughter's car, the garage, the trees and the neighbor's fence. She thanked the departments very much for their quick action. They received a round of applause.

Deputy Mayor Chamberlain commended the Police Department with respect to the incidents on Rt. 5 and North Broad Street this past week. He said that it was amazing how everyone handled themselves in these situations. He said that the police officer's professionalism was second to none and thanked the Police Chief and his department.

Mayor Matkze said our Police Department will continue to aggressively attack the drug issues in our City to make this community safe.

Discussion/Prioritize Various Items to be Possibly Addressed in 2018

The Council briefly discussed multiple items in a booklet prepared by the City Clerk, which are outstanding from previous years and should possibly be addressed in 2018. The Mayor said that he would like to see a policy developed relating to Chapter 34, Article III, Unsafe Buildings, as there is an income involved in the budget. The Mayor said he would also look at the mowing policy. Councilor Chamberlain said that he has a rough draft of changes he has made to the grass/weeds/mowing policy that he will be presenting to the Codes Committee, as well as the Council. Councilor Cohen said he agrees with the Mayor on developing a policy for unsafe buildings, but also would like to see the position of City Manager or City Administrator discussed. He said that the duties of the Mayor would need to be looked at simultaneously, as well as meeting any time frames needed should it have to go to the voters. He said that he would like to look at the LED lighting. Councilor Bowe said that he feels the first priority should be filling the position of City Engineer, and the chicken issue can go to the bottom of the list. Councilor Coulthart said the change to the Charter for procedures in the event of an extraordinary emergency and all-night parking on City streets seem to just need approval. He said the lighting districts, library taxes and vacant property registry are a higher priority. Councilor Acker said hiring a City Engineer is crucial and listed the other items she felt need attention first. She said many are little things that need addressing. Councilor Simchik said he would like to see the special lighting districts addressed, as well as the chicken issue and all night parking during the summer. The Mayor said that next month he will be receiving the accomplishments of the Department Heads in 2017 and what their goals are for 2018. Councilor Cohen added that planning for what will be done in the buyout area should begin now, as the program is scheduled to end in August. Councilor Chamberlain asked the Mayor to assign two/three Councilors to look at each of items, so we can start moving forward with these items.

Executive Session

Councilor Chamberlain said that he is requesting the Council go into Executive Session for the purpose of discussing personnel issues and collective negotiations pursuant to Article 14 of the Civil Service Law. He said that there will be no action taken following the session.

EXECUTIVE SESSION

RESOLUTION 18-37

Moved by Councilor Chamberlain
Seconded by Councilor Bowe

RESOLVED, that the meeting is hereby adjourned to Executive Session at 8:05 p.m. for the purpose of discussing personnel issues pursuant to Article 14 of the Civil Service Law.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Attorney, Comptroller

1. Discussion was held regarding personnel issues and collective negotiations pursuant to Article 14 of the Civil Service Law.

Moved by Councilor Coulthart
Seconded by Councilor Bowe

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:55 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 8:56 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk