

**MINUTES OF THE COMMON COUNCIL
JULY 7, 2020**

DRAFT

A meeting of the Common Council of the City of Oneida, NY was held on the seventh day of July, 2020 at 6:30 o'clock P.M. in the Kallet Civic Center, 159 Main Street, Oneida, NY.

The meeting was called to order by Mayor Helen Acker

PRESENT: Councilors Carrie Earl, Michael Bowe, James Coulthart,
Michelle Kinville, Brandee DuBois and Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Eric Schuler
Comptroller Lee Ann Wells
Fire Chief Dennis Fields
Police Chief Paul Thompson
Recreation Director Luke Griff
Supervisor Matt Roberts
Supervisor Mary Cavanaugh

OLD BUSINESS

Councilor Bowe questioned the Executive Order of the Governor to wear a mask, and the City Attorney said that she recommends obeying the order, as the law is not clear.

In response to a question, Police Chief Thompson said that a local individual, after testing positive for COVID-19, receiving multiple warnings and continuing to fail to follow a Supreme Court order for mandatory quarantine, has been arrested and charged with Criminal Contempt in 2nd degree. City Attorney Bell said that the Police Department has been issuing the appearance tickets as they are supposed to, but they haven't been able to do anything more. Chief Thompson said that this has been discussed with the District Attorney as well. Supervisor Roberts said that when someone tests positive and are quarantined, they are phoned to be checked on. Councilor DuBois confirmed that you cannot leave your property and are called daily. Supervisor Roberts said that there are currently seven active cases in Madison County with five in the Town of Sullivan.

Councilor Earl asked the about flooring and roof projects at the Recreation Department, and the City Engineer said due to the cost they are on hold.

Councilor Coulthart asked about the collection of the approximately 10% of property taxes still due. The bills are past due now and the Chamberlain sends out notices to the delinquent property owners. She that this is a typical thing every year; we have people who pay their bills and those who don't. The tax bills are releived if they are not paid. Councilor Coulthart said in the past there have been people who go three, four, five years out without paying and that is money on the table. He said that he would like to see something effective put in place to get money back from people who have been taking advantage of the public service while everyone else is carrying the load. The Mayor said she has had discussions with the City Chamberlain, and reminded the Council that the Chamberlain is also an elected official and although the Mayor has some input, she runs her department.

Moved by Councilor Earl
Seconded by Councilor Simchik

RESOLVED, that the minutes of the regular meeting of June 19, 2020 are hereby approved as presented.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Bowe

Seconded by Councilor Earl

RESOLVED, that Warrant No. 13, checks and ACH payments in the amount of \$661,439.58 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

The various payments were outlined.

In response to a comment, City Engineer Schuler said that the City has not paid out \$70K on the preliminary phase of the multi-million-dollar Capital Project for the construction of the new DPW facility yet, but added that we will have spent well over \$100K on engineering services when all is said and done. He added that Capital Projects are not based on each \$10K spent. He said that an agreement with a consultant for the preliminary phase is approved and executed, and as a Department Head, he is trusted to make the correct call; there is no need for micromanaging. Councilor Bowe said that he and Councilor Simchik met with the Assistant City Engineer about the project several weeks ago. Councilor Simchik said it was just a preliminary meeting to determine all the factors involved. Councilor Bowe said that the cost of this facility will include the Water and Sewer Funds, not just the General Fund.

Moved by Councilor Earl

Seconded by Councilor DuBois

RESOLVED, that checks in the amount of \$753.00 (Councilor Michael Bowe) 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

Moved by Councilor Simchik

Seconded by Councilor Bowe

RESOLVED, that checks in the amount of \$125.00 (City Historian Colleen Coulthart) 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 (Coulthart)

MOTION CARRIED

SPECIAL EVENT – CHURCH ON THE ROCK

RESOLUTION 20-100

Moved by Councilor Simchik
Seconded by Councilor Coulthart

RESOLVED, to approve the following Special Events Application:

Event: Church on the Rock with Jon James
Sponsor: Church on the Rock, Pastor Jeff Leahey
Date: July 18, 2020 – 4pm to 9pm
Location: 159 Main Street, Kallet Parking Lot

Ayes: 6
Nays: 0

MOTION CARRIED

Mayor Acker said that this is a drive through event, but the Mayor said that she would send a letter to Pastor Jeff Leahey reminding him about social distancing and limiting to 50 people should anyone get out of their vehicles.

BUDGET TRANSFERS & AMENDMENTS

RESOLUTION 20-101

Moved by Councilor Coulthart
Seconded by Councilor Bowe

2020 Budget Adjustments

RESOLVED, to approve the following 2020 Budget Amendment/Transfers

	From	To
\$ 7,700.00	002.8300.0436.0000 Water Contingency	002.8300.0324.0000 Water Meters & Parts

To purchase meters from sole source Core & Main

\$ 25,842.55	305.8110.0400.0000 WWTP Aeration Expense	003.0003.0912.0000 Sewer Fund Balance
--------------	---	--

To close out Capital Project 2017 WWTP Aeration

\$ 10,000.00	001.7140.0104.0000 Rec Pool Salaries	001.9050.0803.0000 Unemployment
--------------	---	------------------------------------

To reallocate funds to cover 2nd quarter unemployment costs

\$ 2,600.00	003.8110.0436.0000 Sewer Contingency	003.8110.0441.0000 Sewer Insurance
-------------	---	---------------------------------------

\$ 1,000.00	002.8300.0436.0000	002.8300.0441.0000
	Water Contingency	Water Insurance

To allocate funds to add cyber security to insurance package

\$ 500.00	001.0017.1522.0000	001.3120.0102.0000
	Police Madison County Revenue	Police Overtime

To reallocate funds received from BRIDGES to sponsor DWI Prevention Program

Ayes: 6

Nays: 0

MOTION CARRIED

**ADOPT THE RECREATION DEPARTMENT'S RESERVATION
AND PROGRAM PARTICIPATION ADMINISTRATIVE POLICY**

RESOLUTION 20-102

Motioned by Councilor Earl

Seconded by Councilor Simchik

RESOLVED, to approve the Parks and Recreation Department "Reservation and Program Participation Administrative Policy".

Ayes: 6

Nays: 0

MOTION CARRIED

**Reservation and Program Participation
Administrative Policy**

Intent/Purpose

To record, report, and reconcile the Parks and Recreation Department fiscal activities, the current City of Oneida financial software, Incode, needs to be utilized. The revenues should be recognized upon invoice creation and the accounts receivable need to accurately reflect the current position of the City.

Process

The Account Clerk will be responsible for entering in an A/R invoice for each reservation and program participant in which a fee/payment is required. The invoice will be created in the Incode City financial software by the Parks and Recreation Account Clerk.

Payments can be made by credit card, money order or check ONLY:

- **When payment is made online:** The Account Clerk will forward the Incode Invoice#, name and amount to the Comptroller Account Clerk for processing.
- **When payment is made by check:** The payment will be given to the City Chamberlain by either the Recreation Department or the resident with a copy of the corresponding invoice for processing.

A monthly reconciliation will be performed by the City Comptroller. All past due invoices will be addressed by the Recreation Account Clerk and status reported monthly to the City Comptroller. All refunds will need the approval of the Department Head and will be submitted by voucher to the Comptroller Account Clerk.

**INTRODUCE AND SCHEDULING PUBLIC HEARING FOR PROPOSED LOCAL LAW - A
LOCAL LAW EXTENDING A MORATORIUM ON COMMERCIAL FREE-STANDING
SOLAR PHOTOVOLTAIC (PV) SYSTEMS WITHIN THE CITY OF ONEIDA**

RESOLUTION 20-103

Moved by Councilor Earl
Seconded by Councilor DuBois

WHEREAS, a proposed Local Law titled "A Local Law Extending a Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems Within the City of Oneida" has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; **and**

WHEREAS, this proposed moratorium extension will enable the City to further its review and comprehensive analysis of the issues involved with commercial free-standing solar photovoltaic systems; **and**

WHEREAS, the City recognizes the potential benefits and desirability of commercial free-standing PV systems, but determines that time and research is necessary to determine how to properly regulate such installations; **and**

WHEREAS, as result of Covid-19 and the State of Emergency issued by Governor Andrew Cuomo, the ability of committee and City personal to meet and draft comprehensive legislation regulating such uses has been impeded; **and**

WHEREAS, due to the circumstances imposed by the pandemic, the City of Oneida Common Council had not been able to review and enact legislation regulating commercial free-standing solar photovoltaic (PV) systems within the City of Oneida within the time contemplated by Local Law No. 1 of 2020; **and**

WHEREAS, the City Common Council has deemed this moratorium extension urgent and immediately necessary in order to preserve status quo while this issue is examined by the City; **and**

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of Local Laws in the City of Oneida, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, **now therefore it is**

RESOLVED AND DETERMINED that there are no other involved agencies, the City Common Council shall act as lead agency, and that the enactment of this proposed local law, is a Type II action under SEQR, thus concluding the environmental review process; **and it is further**

RESOLVED AND DETERMINED that the Common Council shall conduct a public hearing as to the enactment of the proposed Local Law at the Kallet Civic Center located at 159 Main Street, Oneida, New York on July 21, 2020 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; **and it is further**

RESOLVED AND DETERMINED that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the City of Oneida; **and be it further**

RESOLVED that pending action on this local law, the City will neither accept nor process any application pertaining to commercial free-standing solar photovoltaic (PV) systems.

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Coulthart said that he appreciates that we are extending the moratorium and assumes this extends the committee as well, and the Mayor said the extension is due to COVID-19. The Feral Cat Committee has been meeting as well, and legislation that is with the City Attorney will be provided for review. The City Attorney said that the feral cat legislation will be introduced at the next Council meeting; however, she was unsure if the solar legislation would be issued at that time as it is under review by the committee at this time. Councilor Coulthart said that Planning Director Cassie Rose deserves special recognition for putting together a custom solar PV plan.

**A LOCAL LAW EXTENDING A MORATORIUM
ON COMMERCIAL FREE-STANDING SOLAR PHOTOVOLTAIC (PV)
SYSTEMS WITHIN THE CITY OF ONEIDA**

Be it enacted by the Common Council of the City of Oneida, as follows:

SECTION 1. INTENT.

The purpose of this Local Law is to extend the six (6) month moratorium on commercial free-standing solar photovoltaic ("PV") systems within the City of Oneida by six (6) months to allow time for the drafting, review and adoption of amendments to the Code of the City of Oneida affecting these systems. These amendments, among other things, will set design requirements and such other regulations as may be necessary to promote and preserve the health, safety and welfare of the City of Oneida and its citizens.

SECTION 2. LEGISLATIVE PURPOSE.

The City of Oneida has in effect Chapter 46 of the Code of the City of Oneida (Code), titled "Energize NY Benefit Financing Program" and Chapter 190 of the Code, titled "Zoning" which address "Solar" uses within the City. Pursuant to Local Law No. 1 of 2020, the City Common Council determined that a period of time was necessary to determine whether additional regulation of commercial free-standing photovoltaic ("PV") systems was required to preserve and protect the health, safety and welfare of its residents. Commercial free-standing PV systems are generally larger, more obtrusive and can pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations may pose a risk.

As a result of Covid-19 and the State of Emergency issued by Governor Andrew Cuomo, the ability of committee and City personnel to meet and draft comprehensive legislation regulating such uses has been impeded. Due to the circumstances imposed by the pandemic, the City of Oneida Common Council had not been able to review and enact legislation regulating commercial free-standing solar photovoltaic ("PV") systems within the City of Oneida within the time contemplated by Local Law No. 1 of 2020. Accordingly, an extension of the moratorium will enable the committee and City personnel to complete its comprehensive analysis of the various issues involved with commercial free-standing PV systems and develop appropriate legislation and local regulations governing same.

Therefore, while the City continues to recognize the potential benefits and desirability of solar power and renewable energy sources, the Common Council determines that additional time and study is necessary in order to determine if and how to properly regulate such installations. The City Common Council deems this moratorium extension necessary for the City.

SECTION 3. MORATORIUM IMPOSED, APPLICABILITY AND TERM

For the period commencing on the effective date of this Local Law, and for six (6) months beyond the expiration date of the moratorium as enacted by “A Local Law Imposing a Six (6) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (“PV”) Systems Within the City of Oneida” (Local Law No. 1 for 2020) or until such time as the City of Oneida enacts comprehensive legislation regulating such uses, whichever shall first occur.

SECTION 4. VALIDITY AND SEVERABILITY.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or affect any other section of this local law.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the New York State Department of State and shall remain in force and effect for a period of six (6) months following the expiration of the moratorium enacted in Local Law No. 1-2020.

NEW BUSINESS

Facilitating a Neighborhood Watch Program

Mayor Acker said that she met with Angel Vargas, owner of the Oneida Barber Shop on East Railroad Street, who is planning on opening a barber trade school in Oneida. She said that Mr. Vargas has some issues with some of the downtown buildings and their residents. Mayor Acker said that she met with Assemblyman Salka, Mr. Vargas and other officials regarding these issues. The Mayor said that she is facilitating a Neighborhood Watch Program using suggestions from the National Crime Prevention Council. She said that the City will not run the program; it will be run by the residents. She said that the watch program will need a group of people committed to starting the program, a list of issues to be addressed, a means of communicating with the residents, an agenda to keep things moving and a place to meet. Mayor Acker said that a crime prevention officer will be a part of the neighborhood watch to discuss and train members. The Mayor said that she would like to change the perception of our community, noting that there will always be people who are negative, but there is more positive, and we want to focus on positive change for our City. Mayor Acker said that she will be holding an open house for downtown residents at the Kallet Civic Center on Wednesday, July 15 at 6:30 p.m. She said that anyone interested in being a leader or who has a general interest in participating in the Neighborhood Watch Program is welcome to attend.

Big Brother/Big Sister Program

The Mayor said that she is also currently working with Syracuse on setting up a Big Brother/Big Sister Program for Oneida, which is funded by grants. There is progress being made on establishing a Codes Department. Mayor Acker said that you will see more Police Officers walking the streets in our downtown area at different times during the day conversing with residents, young people and business owners.

Supervisors Report

Supervisor Roberts said that they haven't had their meeting yet. Supervisor Cavanaugh said that they will

be having their meeting in person and with social distancing requirements, but it will also be broadcast via Zoom for the public. Supervisor Roberts said that their sales tax revenue is down by up to 80% in some weeks of April and May. He said that they are starting to pickup and were below predictions by 2% last month, adding that the state is down by 5.5%. He said that some of the non-for-profits are receiving only 50% of what was budgeted, noting that they will do everything they can to make them whole if possible. He said that all of the Department Heads have submitted budget reductions. He said that with many employees working from home, it has been a struggle from the cyber security standpoint. Mayor Acker said the City has insurance to cover that should a problem arise.

Councilor Coulthart said that would like to have the capability to store his emails longer. Mayor Acker said that it was nice to be back having the meetings together. Councilor Earl thanked the Police Chief for having patrols checking on Maxwell Field more often.

Angel Vargas, Oneida, said that he said he met with the Mayor, Assemblyman Salka and other officials regarding downtown issues. He said that his son has created a Facebook page that currently has over 1,700 members called "Downtown Oneida – It's time for a Change". Mr. Vargas read aloud a letter he received from Assemblyman Salka after their meeting, which outlined suggestions for the City in dealing with problematic areas. Mr. Vargas said that he and his family are committed to Oneida and plan to open a new Barber Trade School at 115 E. Railroad Street. He said he feels very strongly that they can make a change if we all communicate together. Mr. Vargas said that people want change and they are going to demand accountability; there has been too much complacency. Mayor Acker said that the formation of a Task Force with our City Police, NYS Police and Madison County Sheriffs is currently underway. Angel Vargas said that there is a clean-up event scheduled for Sunday beginning at noon in downtown Oneida.

Mayor Acker said that the Council will be going into Executive Session to discuss personnel matters. She said that there may be action taken after the meeting.

EXECUTIVE SESSION

RESOLUTION 20-104

Motioned by Councilor Bowe
Seconded by Councilor Ironside

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:46 p.m. for the purpose of discussing personnel matters.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Attorney

1. Discussion with City Attorney relating personnel matters.

Motioned by Councilor Kinville
Seconded by Councilor Bowe

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:14 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

SETTLEMENT AGREEMENT

RESOLUTION 20-105

Motioned by Councilor Kinville
Seconded by Councilor DuBois

RESOLVED, to authorize the Mayor to execute a settlement agreement and release between the City of Oneida, Sarah Paul and the Police Benevolent Association to resolve pending 207C claim.

Ayes: 6
Nays: 0

MOTION CARRIED

RETAIN INVESTIGATOR

Motioned by Councilor Kinville
Seconded by Councilor Bowe

RESOLVED, to authorize the Mayor to retain an investigator for a personnel matter in an amount not to exceed \$3,000.00.

Ayes: 6
Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned at 8:19 p.m.

CITY OF ONEIDA

Susan Pulverenti
City Clerk