

**MINUTES OF THE COMMON COUNCIL
SEPTEMBER 1, 2020**

A meeting of the Common Council of the City of Oneida, NY was held on the first day of September, 2020 at 6:30 o'clock P.M. in 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 (arrived at 6:40 pm)

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Eric Schuler
Fire Chief Dennis Fields
Police Chief Paul Thompson
Public Safety Commissioner Kevin Salerno
Supervisor Mary Cavanaugh
Supervisor Matt Roberts

PUBLIC HEARING – ORDINANCE AMENDEMENT CHAPTER 151 – UNSAFE SIDEWALKS

RESOLUTION 20-131

Moved by Councilor Earl
Seconded by Councilor Coulthart

RESOLVED, that the Public Hearing amending Chapter 151 Streets, Sidewalks and Public Places, Article IV Sidewalk Construction, §151-10 Definitions, and to include §151-13 Unsafe Sidewalks, relating to defining unsafe sidewalks in the City of Oneida be hereby opened at 6:33 pm.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

APPEARANCES

In response to a question from former Mayor James Chappell, the City Engineer said that this Ordinance would place a definition for unsafe sidewalks in the City Code.

Moved by Councilor Coulthart
Seconded by Councilor Earl

RESOLVED, that the Public Hearing amending Chapter 151 Streets regarding unsafe sidewalks be hereby closed at 6: 34 pm.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

Mayor Acker welcomed Father Kapral along with the numerous members of the community who came to the meeting to congratulate Father Kapral on his Golden Jubilee honoring his 50 years of priesthood. She read a proclamation and extended her sincere congratulations to Father Kapral. He received a standing ovation from the Council and audience. Father Kapral thanked the City of Oneida for this honor. He said that it has been an honor for him to serve here in Oneida; people here are great, very warm, loving and welcoming. He said that he is saddened to leave, and it has been a great twelve years. He said that it has been a privilege to serve the people of St. Joe's and St. Pat's. Father Kapral received another round of applause.

PROCLAMATION FOR FATHER RICHARD J. KAPRAL

WHEREAS, Father Richard J. Kapral is celebrating his Golden Jubilee honoring his 50 years of priesthood after being ordained on May 16, 1970, **and**

WHEREAS, after graduating from St. John the Evangelist in Syracuse, Father Kapral attended Resurrection College in Kitchener, Ontario, Canada; then completed his seminary work at St. Bernard's Seminary in Rochester, **and**

WHEREAS, Father Kapral, since his ordination, has served in different parishes including those in Syracuse, Waterville, Vernon, and New Hartford, as well as his ministry with the Vietnamese community based in St. Francis de Sales in Utica, **and**

WHEREAS, in 2008, Father Kapral graciously accepted the task to pastor both St. Joseph's Church and St. Patrick's Church in the City of Oneida, including their numerous faith outreaches, and he has been an inspiration to this community for the past 12 years, **and**

WHEREAS, Father Kapral is warm and welcoming to all he meets; is very compassionate, especially to the elderly, disenfranchised and needy; has always advocated for our community by hosting benefit concerts; regularly encourages support for our local food pantries and the Karing Kitchen; and reaches out to those in need with empathy and support, **now therefore it gives me great pleasure that**

I, **Helen B. Acker**, by virtue of the authority vested in me as Mayor of the City of Oneida, do hereby proclaim September 2, 2020 as

"Father Richard J. Kapral Day"

in the City of Oneida and we thank him for his inspiration, abiding devotion and service to the lord, and for touching countless hearts here in our community. Happy 50th Anniversary Father Kapral!

OLD BUSINESS

In response to a question, Mayor Acker said that the policy for background checks of coaches and volunteers is not complete at this time; however, with the start of flag football, anyone working with children through a Recreation Department program will have a background check completed by the Police Department.

Moved by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED, that the minutes of the regular meeting of August 18, 2020 are hereby approved as presented.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Bowe

Seconded by Councilor Coulthart

RESOLVED, that Warrant No. 17, checks and ACH payments in the amount of \$688,894.79 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

ZONING MAP AMENDMENT REQUEST

RESOLUTION 20-132

Moved by Councilor Earl

Seconded by Councilor Simchik

RESOLVED, that a request for a Zoning Map Amendment from Bill Nye, Nye Automotive Group, 1479 Genesee Street, Oneida NY be hereby received and placed on file, **and be it further**

RESOLVED, to refer said Zoning Map Amendment request to the Planning Commission Zoning Board of Appeals.

Ayes: 6

Nays: 0

MOTION CARRIED

Mayor Acker said that Bill Nye would like to bring the Chevrolet dealership up to Rt. 5 next to his GM dealership, and then use the building downtown as a used car facility. Councilor Bowe provided his map to Jill Christian Lynch who inquired as to where the property requesting a zone change was located.

PROPOSED LOCAL LAW – PROPERTY TAX CAP LEVY

RESOLUTION 20-133

Moved by Councilor Coulthart

Seconded by Councilor DuBois

RESOLVED, that a proposed Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C be hereby received and placed on file as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Oneida to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Common Council of the City of Oneida, County of Madison, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

BE IT FURTHER RESOLVED, that a Public Hearing on the proposed Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C be scheduled for September 15, 2020 at 6:30 pm at the Kallet Civic Center, 159 Main Street, Oneida NY.

Ayes: 6

Nays: 0

MOTION CARRIED

Mayor Acker said that this is done each year, just in case it is needed.

BUDGET TRANSFER/AMENDMENT

RESOLUTION 20-134

Motioned by Councilor Earl

Seconded by Councilor Simchik

RESOLVED, to approve the following 2020 Budget Amendment/Transfers

	From	To
\$ 20,000.00	001.7140.0104.0000	001.9050.0803.0000
	Pool Salaries	Unemployment

To reallocate funds to cover 2nd and 3rd quarter unemployment costs

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor said that approximately \$4,000 is normally budgeted for unemployment insurance; however due to COVID-19, the costs for unemployment insurance have risen considerably.

AGREEMENT – BRYCER, LLC – TRACKING OF FIRE PROTECTION SYSTEMS

RESOLUTION 20-135

Motioned by Councilor Earl

Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign an agreement with Brycer, LLC, 4355 Weaver Parkway, Suite 330, Warrenville IL 60555, whereby permitting the City of Oneida's Fire Marshal's Office to engage with Brycer, LLC for assistance in the tracking of fire protection systems, inspections, electronic reporting systems and assist in the enforcement of the Uniform Fire Prevention and Building Code, and of all local codes and the New York State Fire Prevention and Electrical Code insofar as any of the same apply to fire protection systems per Local Law #4 of 2020.

Ayes: 6

Nays: 0

MOTION CARRIED

NEW BUSINESS

Councilor Earl said that policies are needed for both Social Media and Volunteers/Coaches for programs at the Recreation Department.

Neighborhood Watch

Mayor Acker welcomed Robin Bienkowski, Rick Rossi and Randi Hull from the City's newly formed Neighborhood Watch Program, who had a list of items they wanted to go over. A lengthy discussion ensued with the Police Chief and Fire Chief answering questions regarding the City's Nuisance Laws and City Codes. Police Chief Thompson explained loitering and disorderly conduct using multiple examples, noting that loitering is not illegal. They would have to be loitering to engage in an illegal act. The Police Chief emphasized that if there is a problem to call the police; dial 911. The City Attorney said that when calling, please be specific with the complaint so that the officer knows what he is responding to, as we want those to be successful prosecutions.

The Police Chief and City Attorney explained examples of cases regarding endangering the welfare of a

child. The City Attorney said that the legal system is extremely protective of youth. She said that dealing with youth is a very hard area, as mental health and youth services do not have the resources they need. The cooperative program "Cease" (City Police, County Sheriff's and State Police), police staffing levels, resources involved, police officers walking the beat, verbal harassment and public intoxication (penal law) were all briefly discussed. The Mayor stated that there are more officers walking the beat. The Chief reiterated to please call him when you see anything you are concerned with. He said that you can always dial 911 for help, and if it is during regular business hours, just ask the 911 operator to have you patched to a non-emergency line if need be.

Discussion continued with the problem of drug needles found on the ground. The Police Chief said that unless they are there the exact moment that someone discards a needle on the ground, there is nothing that they can do. The Police Chief spoke about "knowing" and "proving" being two different things, and that they have to be able to prove it. Fire Chief Dennis Fields said that the City has no control over needles improperly disposed of; it is the users that drop them anywhere they want, and we can't control that. The Chief said the community is our eyes and ears, and to please call the Fire Department when you see a concern. He said that the Department has many other things to do than just drive around the City looking for code violations. Bail reform was mentioned, with the Police Chief noting that appearance tickets are issued, but they are right back out on the street again. He said that they have had cases where someone is arrested 10-12 times, been given multiple appearance tickets, only to find that when it gets to court, the tickets are all dropped into one, a fine is paid and they are right back out the door. The Mayor said that they will continue to receive appearance tickets. The City Attorney said that criminal law is very frustrating. She cited examples of how, even with photographic evidence, cases can be dismissed. Police Chief Thompson said that multiple drug cases are waiting for the grand jury, and the Mayor said that they are expected to resume in October. The Chief said that once the cold weather comes, these types of activities seem to lessen, but that will not lessen our efforts. He said that they will be having a meeting on foot patrols through the winter months. Chief Thompson explained how extremely frustrating it is for the police, and cited one specific case as an example and noted how the bail reform has affected the department. The Chief reiterated once again, that if you see the same events happening at a specific location to please call the Police Department Drug Investigator. Discussion continued with the idea of additional cameras being placed around the City, costs/funding the cameras, grants and their availability, and the effects of COVID-19 on the City Budget. The Mayor said that she has been in touch with our State legislators to see if there is any funding available and was basically told to get in line, every municipality is looking for additional monies. The Mayor said the whole country is hurting, but she will not stop looking.

In response to a question from Supervisor Cavanaugh, the Police Chief said that the Commissioner has already set up a meeting with all the law enforcement entities. Supervisor Roberts said that law enforcement's hands are tied with the bail reform and COVID, but he is expecting more incarcerations once courts open up across the state. He said that there are many beds open in the jails/prisons across the State. He said to never stop the pressure, and don't stop helping our law enforcement officials. Mayor Acker concurred stating that residents really care about their community. She said that this is not going to happen overnight, but we have already seen the impact with one building closing down, and we are working on others. Mayor Acker added that the Police Department has assigned Lt. Lowell, as the liaison to the Neighborhood Watch group.

Fire Chief Fields explained how the City Code works with respect to unkept/nuisance properties, noting that it can be up to 90 days before an appearance ticket could actually be issued. Once notified of the violation, by law they have 30 days to fix those violations, and as long as they continue working on the problems they don't receive an appearance ticket. The City Attorney explained that Codes is generally looking for compliance, as when cases are prosecuted, they would receive a fine or jail. The judge doesn't have the authority to order the problem fixed, so the violation would still be there. The City Attorney cited several different examples, including fines that could be assessed. The Fire Chief said that property violations are issued to both property owners and tenants. He said that many times the property owner

will bring the property up to the minimum code as required by law, but if they let things slide a couple of months later, the process starts again. He stated that they want compliance, rather than fines. He said that they would rather see that money spent to bring the property up to code. The Vacant Building Registry, Fire Marshal, and establishing a Codes Department were briefly discussed. Chief Fields said that not only does the City have their own Code, but there is also the International Building Code (State Law) and Property Maintenance Code that must be followed; over seven volumes of different codes. City Attorney Bell briefly explained the Public Nuisance Abatement policy adopted by the Council in 2014, and noted that it is convictions, not arrests, that can hasten closure/shut-down of a building. The Mayor said that the City has a loan program through the Community Development office; however, there is currently a long list of people waiting for funding. The Mayor said that this program has been around for forty years and suggested calling the Community Development Assistant in the Planning Department with any questions.

The discussion turned to trash cans, and the Mayor said that the Recreation Director is looking into prices. She said that they can be upwards of \$500 to \$2,500. Councilor Kinville said that she was advocating for orange and blue cans. Councilor Bowe suggested the City possibly have a clean-up day, where the City would pick up items and take them to the landfill at no extra cost. Mayor Acker asked him to please speak with the County Landfill about the possibility. Councilor Simchik answered the question regarding starting a city-wide garbage pickup program stating that it would cost approximately \$1,300,000 just to initiate such a program. The Mayor said that this is cost prohibitive at this point.

NEW BUSINESS

Michelle Farwell inquired as to why all department heads don't come to the Council Meetings, and Mayor Acker said that most do attend the meetings.

Fire Chief Dennis Fields said that the Fire Department won the Battle of the Badges Blood Drive held today at the Recreation Center.

Mayor Acker said that the Council will be going into Executive Session to seek the advice of our City Attorney and asked for a motion.

EXECUTIVE SESSION

RESOLUTION 20-136

Motioned by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED, that the meeting is hereby adjourned to Executive Session at 8:48 p.m. to seek advice of counsel.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Attorney

1. Advice from the City Attorney.

Motioned by Councilor Kinville
Seconded by Councilor DuBois

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 9:07 p.m.

Ayes: 6
Nays: 0
MOTION CARRIED

RESOLUTION 20-137

Moved by Councilor Kinville
Seconded by Councilor DuBois

RESOLVED to authorize the City Attorney to retain a third-party investigator for a personnel matter.

Ayes: 6
Nays: 0
MOTION CARRIED

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned at 9:10 p.m.

CITY OF ONEIDA

Susan Pulverenti
City Clerk