

**MINUTES OF THE COMMON COUNCIL  
REGULAR MEETING  
AUGUST 3, 2021**

A meeting of the Common Council of the City of Oneida, NY was held on the third day of August, 2021 at 6:30 pm at the City of Oneida Common Council Chambers, 109 N. Main Street, Oneida NY 13421.

The meeting was called to order by Mayor Helen Acker

<u>Attendees</u>	<b>Present</b>	<b>Absent</b>	<b>Arrived Late</b>
Mayor Acker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Earl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Laureti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Coulthart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Kinville	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor DuBois	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Simchik	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>6:34</u>

**Also Present**

City Attorney Nadine Bell	<input checked="" type="checkbox"/>	Fire Chief Dennis Fields	<input type="checkbox"/>
City Clerk Sandy LaPera	<input checked="" type="checkbox"/>	Parks & Rec Director Luke Griff	<input type="checkbox"/>
City Engineer Jeff Rowe	<input checked="" type="checkbox"/>	Police Chief John Little	<input checked="" type="checkbox"/>
Codes Director Bob Burnett	<input checked="" type="checkbox"/>	Public Safety Com. Kevin Salerno	<input checked="" type="checkbox"/>
Comptroller Lee Ann Wells	<input type="checkbox"/>	Supervisor Mary Cavanagh	<input checked="" type="checkbox"/>

**PUBLIC COMMENT**

**BRIAN BARRIS-ONEIDA**

Mr. Barris spoke to encourage the Council to join the growing number of communities that were choosing not to allow marijuana sales. He noted samples of other communities that had chosen to opt out. He listed reasons, such as the ongoing drug and opioid epidemic. He stated that based on the law, we can't stop usage, but if it is being sold in the community, more people will have access to it. He also brought up an example of how when the Casinos came in a few years ago, promises were made regarding funds that were to be received that, in his opinion, were grossly exaggerated. He stated that the City only has one opportunity to opt out, which is by the end of the year; however, the City can opt in at any time. He suggested waiting to see how things go with other communities that have opted in first and then decide.

## OLD BUSINESS

The Mayor brought up the Public Hearing that was held at the last Council meeting to change Proposed Local Law No. 8 regarding further regulating solid waste. One of the things that came out of that through public comments, emails and calls to herself and the Council, was the time of 9:00pm not being acceptable, especially for elderly residents. She stated that although many may not be aware that that time has already been on the books for approximately 40 years, most residents want to follow the law, and she asked Council for their thoughts on changing the time to 4 or 5pm. There was discussion about the cost involved with residents having to purchase new cans, recycling bins and whether or not the entire law needed to be looked at and changed, or just the time. Codes Director Burnett spoke, stating that new cans did not need to be purchased as long as there was some way to secure the lids so that trash didn't end up all over the streets. He also stated that there would be a warning system, with a 48- hour notice and that the public would be made aware of the policy through every means possible (Social Media, City Website, etc.), enough in advance before enforcing it. There was also concern over "junk/vendor" type items, such as couches and other furniture that can be reused. All agreed that although they did not want to see these items left out indefinitely, they were not opposed to them being out for a day or two. Codes Director Burnett stated that his department is already addressing this, and it has not been an issue. The decision was made to change the time only to 4:00pm and leave the rest of the law as presented.

Councilor Coulthart stated that after doing some research, the Council does have the right to vote the night of a Public Hearing on matters such as this and that implementation could start sooner if a vote was taken the night of the Public Hearing. City Attorney Bell agreed, confirming that Councilor Coulthart was referring to Local Laws, stating that this has been a matter of precedence set by Council when then Councilor Mike Bove requested that a vote not be taken the night of a Public Hearing, as he needed more time to review the matter before voting on it and that it was the preference of the Council since then to wait until the next meeting. She advised that there is no State obligation that the Council not act the same night. Councilor Simchik stated that there have been times when the Council has voted the night of the Public Hearing, but that it was rare.

The Mayor advised Council that she did reach out to Green Empire Farms to set up tours for the 4 Councilors that expressed an interest at the last meeting to have this. She is waiting to hear back from them with a written invitation and advised that it would most likely be more than one tour, as they do not like to take too many at one time due to regulations.

Councilor Coulthart thanked Mayor Acker for accompanying him to an event held recently where they met a legislative liaison person from Congresswoman Claudia Tenney's office and Lieutenant Governor Kathy Hochul. The idea of having a Thruway interchange was brought up, noting that even though it would take years to happen, it was a start. The Mayor stated that she had a list of eight different things that she asked and noted that she "is never afraid to ask for money." Mayor Acker advised that she will be provided with a list of potential grants that are available.

Moved by Councilor Coulthart  
Seconded by Councilor Simchik

**RESOLVED**, that the minutes of the regular meeting of July 20, 2021 are hereby approved as presented.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Moved by Councilor Coulthart  
Seconded by Councilor Kinville

**RESOLVED**, that Warrant No. 15, checks and ACH payments in the amount of \$2,909,031.14 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

DISCUSSION: Councilor Coulthart questioned the \$2.5M for the Wastewater Treatment Plant. City Engineer Rowe advised that there was a description of the work listed under the payment that was attached to the voucher and stated that the pole barns are nearing completion; the Digester Control building is nearly 30% complete and that there are approximately 5 different tanks that are coming out of the ground-noting that there is quite a bit of work going on at the plant.

### **CLOSE OUT CAPITAL PROJECT 17-10 LED STREET LIGHTING**

#### **RESOLUTION 21-125**

Moved by Councilor Kinville  
Seconded by Councilor Coulthart

**RESOLVED**, that Capital Project 17-10 LED Street Lighting Project be hereby closed and approved unexpended funds of \$48,316.74 to be transferred back to the General Fund.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

DISCUSSION: Councilor Coulthart gave a shout out to former Councilor for Ward 1, Al Cohen who was a “spark plug” when this energy saving project came about, and he wanted to make sure that his largely promoted item finally went through and also came in under budget (approximately \$50,000).

**CAPITAL PROJECT 21-17 REPLACEMENT OF KENWOOD PUMP STATION PIPE BRIDGE**

**RESOLUTION 21-126**

Moved by Councilor Simchik  
Seconded by Councilor Earl

**RESOLVED**, to authorize the City Engineer to proceed with Capital Project 21-17 Replacement of Kenwood Pump Station Pipe Bridge and expend funds up to the budgeted amount of \$150,000 for said Capital Project, **and be it further**

**RESOLVED**, that the Mayor is hereby authorized to sign any and all documents related to Capital Project 21-17 Replacement of Kenwood Pump Station Pipe Bridge.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

DISCUSSION: Councilor Coulthart advised that he did not see this in the initial Capital Project Summary from last fall. Councilor Simchik and Mayor Acker advised that this project has been on the list since 2017 when the Pipe Bridge collapsed in Kenwood. City Engineer Rowe advised that this was a wastewater sewer pipe whereby Oneida is transmitting wastewater to Sherrill.

**EXTEND REHABILITATION AGREEMENT FOR 117 EAST SANDS ST. (Tax ID NO. 38.41-1-37)**

**RESOLUTION 21-127**

Moved by Councilor Simchik  
Seconded by Councilor Kinville

**WHEREAS**, on or about October 26, 2020, Alan DeFazio and Eric Decharo (collectively the "Buyers") executed a Rehabilitation and Purchase Agreement ("Agreement") for property known as 117 East Sands Street, Tax Map No. 38.41-1-37 ("Property") owned by the City of Oneida; **and**

**WHEREAS**, under the terms of the Agreement, the Buyers agreed to rehabilitate the property by performing work identified and recommended ("Rehabilitation Activities") by the Housing Inspector within a time certain, after which title to the Property would be conveyed from the City to the Buyers; **and**

**WHEREAS**, pursuant to Section 1, titled "Performance by Buyers, "of the Agreement, the Buyers agreed to complete rehabilitation within eight (8) months from the date of the execution of the Agreement, unless such time is extended by the City of Oneida Common Council upon application by the Buyers; **and**

**WHEREAS**, the eight (8) month period having expired, the Buyers have requested a six (6) month extension to complete the Rehabilitation Activities; **and**

**WHEREAS**, it is the desire of the City of Oneida Common Council to grant the Buyers' request for an extension; **now, therefore be it**

**RESOLVED**, that the City of Oneida Common Council does hereby grant the request of Alan DeFazio and Eric Decharo to extend the time within which to complete the Rehabilitation Activities as set forth in the Rehabilitation and Purchase Agreement for 117 East Sands Street, Tax Map No. 38.41-1-37 by six (6) months, thereby requiring the completion of Rehabilitation Activities on or before December 31, 2021.

Ayes: 6

Nays: 0

**MOTION CARRIED**

DISCUSSION: The Mayor explained that this extension was requested, as they were waiting for materials and that it pertained to both Agenda Item No. 3 and No. 4. Councilor Earl questioned if they had a plan of action, and referenced the front porch at the Sands St. property. She stated that it was unsafe and should be secured, as it could be a liability. Codes Director Burnett stated that he would talk to the City Assessor and address this from a Codes standpoint.

**EXTEND REHABILITATION AGREEMENT FOR 526 LENOX AVE. (Tax ID NO. 38.22-1-11)**

**RESOLUTION 21-128**

Moved by Councilor Earl

Seconded by Councilor Simchik

**WHEREAS**, on or about October 26, 2020, Alan DeFazio and Eric Decharo (collectively the "Buyers") executed a Rehabilitation and Purchase Agreement ("Agreement") for property known as 526 Lenox Avenue, Tax Map No. 38.22-1-11 ("Property") owned by the City of Oneida; **and**

**WHEREAS**, under the terms of the Agreement, the Buyers agreed to rehabilitate the property by performing work identified and recommended ("Rehabilitation Activities") by the Housing Inspector within a time certain, after which title to the Property would be conveyed from the City to the Buyers; **and**

**WHEREAS**, pursuant to Section 1, titled "Performance by Buyers," of the Agreement, the Buyers agreed to complete rehabilitation within eight (8) months from the date of the execution of the Agreement, unless such time is extended by the City of Oneida Common Council upon application by the Buyers; **and**

**WHEREAS**, the eight (8) month period having expired, the Buyers have requested a six (6) month extension to complete the Rehabilitation Activities; **and**

**WHEREAS**, it is the desire of the City of Oneida Common Council to grant the Buyers' request for an extension; **now, therefore be it**

**RESOLVED**, that the City of Oneida Common Council does hereby grant the request of Alan DeFazio and Eric Decharo to extend the time within which to complete the Rehabilitation Activities as set forth in the Rehabilitation and Purchase Agreement for 526 Lenox Avenue, Tax Map No. 38.22-1-11 by six (6) months, thereby requiring the completion of Rehabilitation Activities on or before December 31, 2021.

Ayes: 6

Nays: 0

**MOTION CARRIED**

DISCUSSION: Councilor Coulthart questioned if it was known for a fact that this request was due to a materials shortage, and the Mayor stated that she believes it was for that reason. Councilor Coulthart then questioned the length of the extension, and the Mayor advised that six months was stated in the Resolution. City Attorney Bell stated that she prepares the Agreements based on the information that is provided to her and that it is based on the scope of work needed to complete the project in response to a question from Councilor Coulthart regarding if there is a standard for time allowed.

### ONLINE AUCTION CONTRACT

#### **RESOLUTION 21-129**

Moved by Councilor Earl

Seconded by Councilor DuBois

**RESOLVED**, to authorize the Mayor to sign an Online Auction Contract—Agreement for Sale of Government Assets by Online Auction with Auctions International, Inc. 11167 Big Tree Road, East Aurora, NY 14052 to sell City Government vehicles, machinery, equipment and all other surplus assets.

Ayes: 6

Nays: 0

**MOTION CARRIED**

DISCUSSION: Councilor Coulthart questioned what we had on the auction block. The Mayor advised that we had the bleachers from Vets Field and that she has called around to get private funding to replace them, noting that they were in very bad shape.

**LEASE AGREEMENT-ENTERPRISE FLEET MANAGEMENT**

**RESOLUTION 21-130**

Moved by Councilor Earl  
Seconded by Councilor DuBois

**RESOLVED**, to authorize the Purchasing Agent to proceed with four leases through Enterprise Fleet Management for (4) 2022 Chevy Tahoes for the Police Department.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**DISCUSSION:** Councilor Coulthart asked Chief Little how things were working with this and if they were on schedule. Chief Little advised that they have received 2 leased vehicles in 2019; did not receive any in 2020; and still not received any this year. He was informed that it may be another 6 weeks before they come in. He advised that this was to get ahead of the curve, as we might not see the vehicles until next year and that the mileage is getting high, with one vehicle having over 100,000 miles and 2 leased vehicles with over 80,000. The Mayor noted that this was due to not being able to get the chips and that this is a nationwide problem and not specific to our agency/City.

**ADVERTISE FOR BIDS-WATER METERS**

**RESOLUTION 21-131**

Moved by Councilor Earl  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Purchasing Agent to advertise for bids for Water Meters for 2021.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**SPECIAL COMMITTEE – DOWNTOWN REVITALIZATION GRANT INITIATIVE**

**RESOLUTION 21-132**

Moved by Councilor Simchik  
Seconded by Councilor Kinville

**WHEREAS**, Governor Cuomo has announced Round 5 of the Downtown Revitalization Initiative (DRI) economic development program; **and**

**WHEREAS**, the City of Oneida will submit a grant application for funding to transform downtown into a vibrant center that offers a high quality of life and is a magnet for redevelopment, business, job creation, and economic and housing diversity; **now therefore be it**

**RESOLVED**, that the Common Council does hereby approve the Mayor's designation and appointment of the following individuals to such special committee: Councilor Michelle Kinville, Supervisor Matt Roberts, Luke Griff, Cassie Rose, Barbara Henderson, Fred Meyers, Jessica Locke, Abbey Woodcock, Scott Ingmire, Stephen Butler, Paul Marco, Steve Thompson, Robert Sullivan, Jennifer DiGiorgio, Brett Bogardus.

Ayes: 5

Nays: 0

Abstain: 1 (Coulthart)

**MOTION CARRIED**

DISCUSSION: The Mayor advised that the State provided the City last week with the paperwork for the DRI (Downtown Revitalization Initiative) and that we have 6 weeks to get it done. She noted that this year, the City would be focusing on Arts and Entertainment and that we have a good shot of getting this. Councilor Earl asked if anyone had reached out to the Nation to help out with this, and the Mayor advised that she would ask Planning Director Rose and get back to her. Councilor Earl stated that because they bring a lot of entertainment to the area, they might be able to help.

Councilor Coulthart asked what the scope of this is and if there was a plan that would include public input and who would be leading this, as it was a large committee. The Mayor advised that this was going through the Planning Department and that she would have Director Rose call him to address his concerns.

There was discussion about the City Mural project, and the Mayor advised that she has met with the Committee on obtaining money for the murals and there is nothing available right now, but that she is looking for private funding to help support this. She stated that she should have an answer this week, and that the Planning Department has been working on this diligently behind the scenes.

Councilor Earl asked if there would be public meetings with the DRI, and the Mayor advised that she did not have an answer right now, as things are constantly changing, especially with COVID, but that she would get back to her.

**BUDGET TRANSFERS/AMENDMENTS**

**RESOLUTION 21-133**

Moved by Councilor Earl

Seconded by Councilor Kinville



## **2021 Budget Adjustments**

**RESOLVED**, to approve the following 2021 Budget Amendment/Transfers

\$ 1,094.00	001.1910.0400.0000	001.0001.0912.0000
	Insurance	General Fund Balance

***To allocate funds to cyber security insurance***

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **NEW BUSINESS**

Councilor Kinville wanted to thank whoever was responsible for painting the signs at the parks and entrances to the City. The Mayor advised that she had these made and that they were brand new and were metal so that they would last a long time. She noted the orange and blue colors and how great they looked.

Councilor Coulthart asked where we were with the Wastewater Treatment Plant in terms of action, if any, with regards to Madison County and Hood, and the Mayor advised that this is currently in discussion with the attorneys and she would get back to him as soon as she had a determination and a figure that they could work with.

Councilor Earl thanked Chief Little for all of his work and quick responses to her calls and inquiries. His attendance to a lemonade stand, along with Assistant Chief Lowell and Lieutenant Colella was also acknowledged. Councilor Coulthart commended Chief Little on his officers stopping trucks that were driving down streets where trucks are not permitted, and he was glad to see this.

The Mayor advised that green waste was not picked up in a timely fashion due to milling and paving, but that the DPW has been working hard to get everything done. City Engineer Rowe advised that they hope to be on a more consistent schedule after the paving is done. It was also noted that the City's tree contractor is currently busy with tree trimming and tree removals within the City. The Mayor stated that many ash trees in the City have been infested with the Emerald Ash Borer, and she is seeking funding that may be available for tree removals.

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned at 7:12 p.m.

**CITY OF ONEIDA**

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Sandra LaPera, City Clerk