

**MINUTES OF THE COMMON COUNCIL  
JULY 1, 2014**

A meeting of the Common Council of the City of Oneida, NY was held on the first day of July, 2014 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 Alden M. Smith

**PRESENT:** Councilors Brahim Zogby (arrived at 6:40 p.m.), Erwin Smith, Helen Acker, James Chamberlain and Thomas Simchik

**ABSENT:** Councilor Mike Bowe

**ALSO PRESENT:** City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
City Engineer Jon Rauscher  
Comptroller Linda Pease  
Fire Chief Kevin Salerno  
Police Chief Meeker  
Public Safety Commissioner Michael Kaiser

**PUBLIC HEARINGS ON PROPOSED CHANGES TO THE CITY CHARTER**  
**SUBJECT TO PERMISSIVE REFERENDUM**

**RESOLUTION 14-153**

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, that the Public Hearings on the proposed change to amend Article V. Section 5.31 the City of Oneida Charter be hereby OPENED at 6:37 p.m.

Ayes: 4  
Nays: 0  
Absent: 2 (Zogby, Bowe)

**MOTION CARRIED**

**PROPOSED LOCAL LAW TO AMEND ARTICLE V. SECTION 5.31**

The relevy document is received and placed on file at the first council meeting in November and the public hearing is at the second meeting. The relevy report has been run at the end of October for years. This change would update the Charter with the current and long standing practice. This Local Law would be subject to a permissive referendum.

**APPREARANCES:** None

Moved by Councilor Chamberlain  
Seconded by Councilor Acker

**RESOLVED**, that the Public Hearing on the proposed Local Law to change the City Charter is hereby CLOSED at 6:38 p.m.

Ayes: 4  
Nays: 0  
Absent: 2 (Zogby, Bowe)

**MOTION CARRIED**

**RESOLUTION 14-153**

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, that the Public Hearings on the proposed change to amend Article III, Section 3.15 the City of Oneida Charter be hereby OPENED at 6:40 p.m.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)

**MOTION CARRIED**

**PROPOSED LOCAL LAW TO AMEND ARTICLE III, SECTION 3.15**

Hydrant taxes have not been used for purchases and replacement of firefighting equipment or for the construction and repair of municipal buildings in over 24 years. Hydrant taxes are currently only used for hydrant expenses. The dates are also being changed to update with the current and long standing practice of when the relevy report is run and received by the Council. This Local Law would be subject to a permissive referendum.

**APPEARANCES:** None

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, that the Public Hearing on the proposed Local Laws to change the City Charter is hereby CLOSED at 6:40 p.m.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)

**MOTION CARRIED**

**OLD BUSINESS**

*Proposed Local Law to establish a Public Nuisance Abatement Program*

Joe Magliocca, Grand Street, Oneida inquired as to when the proposed Local Law to establish a Public Nuisance Abatement Program would be back on the agenda. The Mayor said the Council has once again entertained several changes, specifically adding what Thomas Buckle from the Legal Aid Society recommended relative to battered women and children at risk. The clarification of a formal notification process was added, as well as language relative to working with the City in good faith. The Mayor said he is hopeful it will be on the agenda for the next meeting.

*Sprinkler Court Case*

George Clark, 757 W. Elm Street, Oneida, said he is being sued by the City because he cannot afford to do the sprinklers in his building. Mr. Clark expressed his anger and aggravation with the ongoing court case against him and his wife concerning his property downtown on Madison Street.

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, that the minutes of the regular meeting of June 17, 2014 are hereby approved as presented.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)

**MOTION CARRIED**

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, that Warrant No. 13, checks and ACH payments in the amount of \$801,862.00 as audited by the Voucher Committee is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 4  
Nays: 0  
Absent: 1 (Bowe)  
Abstain: 1 (Zogby)

**MOTION CARRIED**

Moved by Councilor Smith  
Seconded by Councilor Chamberlain

**RESOLVED**, that Check No. 50985 in the amount of \$65.85 (Oneida Office Supply) as audited

by the Voucher Committee is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 4  
Nays: 0  
Abstain: 1 (Acker)  
Absent: 1 (Bowe)  
**MOTION CARRIED**

**CANVASS & APPROVE BIDS**

**RESOLUTION 14-154**

Moved by Councilor Acker  
Seconded by Councilor Chamberlain

**RESOLVED**, that the lowest bid meeting specifications for Liquid Iron Salts from PVS Technologies, Inc. 10900 Harper Avenue, Detroit, Michigan 48213 in the amount of \$49,000.00 be hereby approved, **and be it further**

**RESOLVED**, that the lowest bid meeting specifications for Liquid Cationic Polymer from SNF Polydyne, Inc., One Chemical Plant Rd., Po Box 250, Riceboro, GA 31323 in the amount of \$39,376.00 be hereby approved.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)  
**MOTION CARRIED**

**WAIVER OF DAILY POOL FEES**

**RESOLUTION 14-155**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the waiver of the daily entry fee at Veteran's Memorial Pool for the 2014 season when the scheduled forecast is 90°F or higher.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)  
**MOTION CARRIED**

Councilor Chamberlain said last year the Council discussed having this be automatic for each year and the Mayor concurred. Councilor Zogby asked why taxpayer money from all taxpayers is utilized to offset the cost for the people who use the pool. Councilor Chamberlain said this is an incentive to offer kids out of school some recreation. The Mayor said it is a municipal pool and municipal pools by reason of their design are an underwritten enterprise. The reason for the 90 degree issue is to show compassion to those using the pool, as it is the resource of choice on a hot day. A nominal entry fee is normally charged to help offset some the costs, not to make it a break even situation. Councilor Simchik said heatstroke is a concern above 90 degrees, and this gives everyone the opportunity to go to the pool to cool off.

**SPECIAL EVENT APPLICATION**

**RESOLUTION 14-156**

Moved by Councilor Simchik  
Seconded by Councilor Acker

**RESOLVED**, that the following Special Event Application is hereby approved:

<i>Event Title</i>	<i>Date of Event</i>
Americans with Disabilities Act Celebration ARISE, Inc.	July 25, 2104

Ayes: 5

Nays: 0  
Absent: 1 (Bowe)  
**MOTION CARRIED**

**BUDGET AMENDMENTS**

**RESOLUTION 14-157**

Moved by Councilor Chamberlain  
Seconded by Councilor Smith

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

<u>Amount</u>	<u>From</u>	<u>To</u>
\$7,000	017.0024.5031 (Transfer from other Funds)	017.8685.0443 (Radon Mitigation)
\$7,000	004.0004.0599 (Rev. Loan Fund Bal)	004.9550.0900 (Rev. Loan. Transfer to Other Funds)
\$7,100	001.0022.2680 (Insurance Rec)	001.3410.0200 (Fire Equipment- Hose)
\$2,400	001.0022.2680 (Insurance Rec)	001.3410.0317 (Clothing –Boots)

*(Transfer from Revolving Loan to 2010 Home Program Grant SHARS ID# 20103204-  
Revolving Loan Transfer is coming from fund balance and to replace boots and hose lost  
in the flood by Worker's Compensation Insurance Recovery received for fire for 2014)*

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)  
**MOTION CARRIED**

**NEW BUSINESS**

*Kudos to Fire and DPW*

Councilor Simchik commended the Fire Department and Department of Public Works for the fantastic job they did in removing a large maple tree that had fallen at the end of Tanner Road during the storm last week.

*Discussion of City Finances*

Councilor Zogby said the Council should have a lengthy discussion as to where we are year to date, as the Council will probably not be discussing next year's budget until October. Councilor Zogby said last year possible changes to some of the compensations and positions were discussed, and the comment was made that we couldn't notify people during the holidays about changes in their employment. He requested looking at these things now to possibly change the governmental structure, and let people know that on January 1, 2015, because of our financial situation, things will be looking different here at City Hall. He would like this done in public session, so that our constituents will know what kind of financial situation we are in. He said we have a reserve fund that is dwindling, and we have to look further down the road than four or five years. Councilor Zogby said he would like to know where, as a City, we have overspent and under spent so far this year to get prepared for next year. He would like to see our expenses with respect to employees, noting that we are currently negotiating with three unions. He said he is very concerned about hiring someone for the opening in the Police Department and then if negotiations force the City to lay them off, it won't be beneficial for them. Councilor Zogby said the governing board of the City of Oneida has gone six months without discussing one of their charges.

Councilor Smith said that he is checking on the City finances; he has had discussions with the Police Chief about overtime and has had conversations with the Comptroller. Councilor Acker said the Comptroller provides a monthly report and it can be discussed then. She said she does not understand why Councilor Zogby is so upset about this, to which he replied the Council needs to dialogue about these issues with each other. Councilor Smith reiterated that he keeps in touch about the City finances and inquired as to what the partial payment policy is. Councilor Zogby said he didn't know that Councilor Smith spoke to the Police Chief about some issue. Councilor Smith said, respectfully, each Councilor has to be assertive and responsible to keep up with the finances, noting that he spoke with the Comptroller

about the sales tax money and asked her to call NYS. He recalled a discrepancy several years ago where \$25K of our City sales tax went to Oneonta and Oneida County by mistake, and the former Comptroller had to look into that. Councilor Zogby said working together is better than working individually.

#### *Partial Payment Policy*

Councilor Zogby said that at the last meeting, the Council was presented with a water/sewer payment extension that the Council had to vote on. Councilor Zogby stated that he voted against this because in his way of thinking, if the City is owed \$1,400 and received 1/6 of that monthly, the City would be further ahead rather than waiting six months to find out we were getting nothing. Councilor Zogby said the Water Superintendent informed him that there is a Partial Payment Policy that was adopted by the Common Council in 2002, and the Superintendent said we couldn't have separate payment plans for people. He held up the Partial Payment Policy and inquired if any of the Council had ever seen it. Councilor Zogby said he spoke to the City Chamberlain about partial payment of taxes, who suggested it would not be a good idea, but he spoke with someone else who said it would, but said that is another issue.

Councilor Zogby said he hoped the Water Commission, under the direction of the Water Superintendent, would have created the payments they expected the Council to approve, rather than having the Council try to figure it out, since the woman appeared before them. He said he was told that the policy was in his binder, rather than being explained this procedure. Councilor Zogby said it is not the best use of his time to research this, when the Department Head or Water Superintendent has in their area of expertise, the ability to explain this. Councilor Zogby said the Council is continually having the onus put on them. We have department heads who say if you have any questions, give me a call or stop by the office, and he doesn't think that is the best way to do it.

Councilor Acker said it is helpful to have all the information in front of them to make an educated decision. Councilor Smith said that was a recommendation from the Water Board for us to make a decision, and they had to have some type of guidelines to come up with their recommendation.

The City Clerk said there is a partial payment plan for water bills; however, the property owner could not afford the payments that are required by that Partial Payment Plan. She was requesting additional time to pay her bill and that is why she had to appear before the Water Board. The Water Board listens and in turn makes a recommendation to the Common Council, because the Water Board does not have the authority to grant a different type of payment plan. The Water Department provides every Councilor with a notebook that houses information on the Water Department, the Rules and Regulations and every policy that has ever been approved. The City Clerk added that the property owner has made her first payment of \$250, just as she told the Council she would.

The Mayor said there have been a number of occasions when someone has a large water bill, and as Mayor, he tends to take direction from the volunteer boards that we have put in place. The Mayor said the issue was that the Council did not understand the process or the reasons that led to them being asked to approve the extension. It was more of an issue of communication rather than whether or not we have a Partial Payment Policy in place.

#### *Discussion regarding Term of Office and Term Limits for Elected City Officials*

Councilor Zogby said there are some Charter issues that would need to get to the County soon to be put on the ballot in the fall. One would be extended terms of office for the Mayor and Council and perhaps term limits. Councilor Zogby said in the first year as a Councilor, you have to memorize the Water Department binder, the Fire Department binder, and the Public Safety binder, understand public works, handle charter revision, handle citizen complaints and by then it is almost time to run again, so a four year term would be important. If one thinks about continuity, perhaps electing three Councilors with the Mayor for 4 years and two years later electing the other three for four years, that way there are always three Council members with some institutional memory who could help with long term planning. Councilor Zogby said four year terms would allow for contacts to be made with various State and Federal officials. There would be public hearings and then the Charter change would go to referendum in the fall.

Councilor Smith said he likes the idea of four years and inquired about the Charter Committee's recommendations. Mayor Smith said they did a good job, noting that he agreed with some of the recommendations and not with others. The Mayor said, as a Councilor for over 14 years, he feels a two year term was not long enough to know the job. He believes a two year term is certainly not sufficient for the Mayor. The Mayor said he is strongly against term limits and does not see the need for it. Councilor Acker agreed that two years is not enough time; four years would be good. She likes the idea of staggering the terms and does not feel local term limits are needed. Councilor Chamberlain agreed that four year terms would be good.

Fire Chief Kevin Salerno said as far as the binder issue, it is difficult for a Department Head to get their

point across with a piece a paper. He cited the example of his department's alarm issue and how he showed various Councilors how it functioned. Chief Salerno said he cannot give that in a report. It does not hurt for the Council to stop in and see what each department does and why they do it that way; there are plenty of reasons. Chief Salerno also reminded the Council that when you are asking for a mid-year report on the budget, a lot of big ticket items do not come due until late in the year; it may look like we are doing good/bad early on, but there is other income/expenses still coming. Chief Salerno said stopping in the offices and asking when you have a question is a good thing.

Public Safety Commissioner Mike Kaiser said that he was on the Charter Committee and his recollection was the Committee agreed on a four-year term for the Mayor, but they did not come to a consensus on the Council's term; many scenarios were discussed. He said there are term limits for every election; the people decide if someone is returned to office with their votes. The City Clerk was on the committee and has extensive notes that can be reviewed.

#### *Aerial Spraying of Mosquitoes*

Councilor Chamberlain said although we have to watch our spending, there is a quality of life issue in Central New York. The mosquitoes are horrid every year. He said he has done some research on aerial spraying of larva. Councilor Chamberlain said what we do is about 5% effective and aerial spraying is 80%-90% effective. For an approximate cost of \$6,000 per year, he believes the City needs to look into spraying, so residents can enjoy what little time we have to spend outdoors. The Mayor said this makes sense, and if we are able to up from 5%-10% effective to 75-80% effective at a reasonable cost, he would embrace that. Councilor Chamberlain said he doesn't think that the City should stop what they are currently doing, but consider adding aerial spraying. City Engineer Jon Rauscher said there is a company that does aerial spraying and handles all the DEC permits, and he will check on the particulars/costs.

#### *Happy Birthday Wishes*

Mayor Smith waved to the camera and wished his mother a very Happy Birthday as she turned 91 years old today. He said she was out pulling weeds in his yard today and he is delighted to have her with him.

Motion to adjourn by Councilor Acker

The meeting is hereby adjourned at 7:40 p.m.

CITY OF ONEIDA

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Susan Pulverenti, City Clerk