

**MINUTES OF THE COMMON COUNCIL**  
**April 21, 2015**

A meeting of the Common Council of the City of Oneida, NY was held on the twenty-first day of April, 2015 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, Michael Bowe, Erwin Smith, Helen Acker, James Chamberlain, and Thomas Simchik

**ALSO PRESENT:** City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
City Engineer Jon Rauscher  
Comptroller Linda Pease (arrived at 8:14 pm)  
Fire Chief Kevin Salerno  
Director of Parks and Recreation Lucas Griff  
Police Chief David Meeker  
Supervisor John Reinhardt

**PUBLIC HEARING – PROPOSED LOCAL LAW**  
**FLUORIDATION OF MUNICIPAL WATER SUPPLY**

**RESOLUTION 15-84**

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, that the Public Hearing on the proposed Local Law to amend Chapter 73 of the Code of the City of Oneida to include a new Article III, titled "Fluoridation of Municipal Water Supply is hereby opened at 6:31 p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**APPEARANCES**

Dr. Jayanth Kumar, DDS, MPH, Director of Bureau of Dental Health, NYS Department of Health, and Specialist in Dental Public Health, gave an overview of his credentials and the many expert panels/committees he has served on. He said many unlicensed people offer opinions on public health. Referring to a power point presentation, Dr. Kumar discussed the prevention of tooth decay, while stressing that the prevalence of tooth decay is a health problem. He outlined the NYS Prevention Agenda for 2013-2017 with prevention of tooth decay being one of the priorities. He said tooth decay occurs at a rate five times higher than asthma in children. It accounts for 18% of all health care expenditures in children. Dr. Kumar said decayed teeth cause health problems and can affect employment opportunities. He said 52% of new military recruits are unfit for deployment because of missing teeth and dental problems. He said that fluoridation is not the problem; it is the solution for tooth decay. He provided the statistics of oral health issues and tooth decay in young children and said that if it doesn't get taken care of; it gets worse. He discussed the disparities in treatment due to income and geography in NYS, and how to mitigate these disparities. He said there are expert panels using scientific methods to reach recommendations, and fluoride is recommended. Dr. Kumar said there are 123 fluoridating systems currently in NYS serving 12.9M (71.4%) people, with seventy years of experience in NYS. The Prevention Agenda would like to see fluoridation increased by another 1.3M (78.5%) persons. He spoke of a four-year study, where it was reaffirmed that communal water fluoridation was the most cost effective means of reducing tooth decay in children. He referred to many other scientific reports approving fluoridation and briefly discussed areas around the world where high levels of fluoride occur naturally in the water. He stated that John Doull, a renowned toxicologist and Chairman of the National Research Council said "I do not believe there is any valid scientific reason for fearing adverse health conditions for the consumption of water fluoridated at the optimal level". He said that findings suggest that children's molar teeth with fluorosis are more resistant to cavities than are molar teeth without fluorosis. Dr. Kumar discussed the Medicaid program, noting that if more money was spent on prevention it could potentially save \$24 per child per year allowing the Medicaid money to go farther. He said a fluoridation grant program for the years 2015-16 has been established to provide assistance with the costs of installation, repair, and fluoridation equipment, as well as design and construction. He said the funding will not be available for long, and the City is in a perfect place to act now. Councilor Zogby asked about data specifically for Oneida and Madison counties, and Dr. Kumar replied that statistics are based on a sample, and he can share those statistics with the City.

Katie Falkenmeyer, 618 E. Hamilton Ave., Sherrill, said Sherrill City Manager Mike Sayles informed residents of the Council's consideration to add fluoride to the water. She said that she has gone to great lengths to heal various auto immune diseases that she has and removing environmental stresses has been a huge part of her healing process. She said that Mr. Sayles provided information to Sherrill residents stating that 75% of Americans receive fluoride in their water, and she applauded the City for going against the grain. She said just because someone else is doing it doesn't mean it is healthy, as there are differences in what is safe for some, but harmful to others. She said there are many experts who say this is a safe practice, but there are also many references and experts refuting this. She said, if the Council is considering fluoridation to prevent tooth decay, providing residents with fluoride can be done by other means, such as fluoride treatments to residents who want it. She asked the Council to consider the health implications of weakened or compromised immune systems to which fluoride would be harmful. She respectfully requested that fluoride not be added to the water system.

Dorothy Hotaling, 615 E. Hamilton Ave., Sherrill, said she does not want fluoride in her water. She inquired about the costs in dollars and cents to purchase fluoride, the required machinery and who would be hired to monitor the fluoride levels. She inquired if other cities our size were contacted to see what they paid for fluoride installation. She read a report from the city of Sacramento CA, which stated the chemical is corrosive and replacing their fluoride system's equipment will be very costly and labor intensive.

Kevin Goggins, 446 Cleveland Ave., Oneida, said according to the CDC, 41% of teens have some form of dental fluorosis, which is over exposure to fluoride. He said although 75% of this country fluoridates the water, the majority of the world does not. He said that according to the World Health Organization in 2013, fluoridated countries do not have fewer cavities than non-fluoridated countries. Mr. Goggins said the chlorine in water is a necessary evil, but fluoride is not necessary. According to the National Research Council in 2006, the benefit of fluoride is primarily topical. He spoke about the use of fluoridated water in baby formulas, and the potential changes in the levels of fluoride due to one's water consumption. He said people can go to a pharmacist if they choose fluoride. He said there needs to be major pushes to prevent sugar consumption. Mr. Goggins said that education is a smarter choice than fluoridation.

Dr. Peter Lombardi, DC, 1029 Westwood Trail, Oneida, said he is a local chiropractor who is here on behalf of his practice members suffering from chronic and auto-immune diseases. He said that these diseases have a lot to do with toxicity from our environment. Toxicity and deficiencies damage our bodies and by adding fluoride, we would be adding to that chemical stress. He stated that fluorosis becomes a concern with the differing amounts of water that people consume, and added that fluoride is also in toothpaste. He said in a day and age where government is mandating so many things, he hopes the Council will give people the choice of what they want to do with their own health.

Glenys Grenier, North Court Street, Wampsville, said she is 70 years old, raised five children here and all her grandchildren are being raised here. She said they all have good teeth without fluoride. She said she is against fluoride in the water.

Sandy Lombardi, 1029 Westwood Trail, Oneida, said she agrees with what has been shared against fluoride. She said America was founded on the right to choose, and she is against putting a drug in our water when we don't know the long term effects. She said looking back over the past 100 years, we now see things that were used in good faith, but have been found to cause birth defects and other problems. She said that we think we are smarter than nature, but our creator knew very well what our bodies needed. She said there is fluoride in nature, and we do not need to add it to our water.

Robin Vanderwall, 138 Thurston Terrace, Sherrill, said she is a lifelong resident of Oneida and Sherrill and lives near Sherrill's reservoir, where she drives by daily reading the sign that says it is a federal offense to tamper with a public water supply. She opposed the addition of fluoride. She said Oneida should be proud that decades ago, they did not follow the crowd to fluoridate the water. The public is becoming more and more concerned with what is in our water, and Oneida's proposal to fluoridate water is actually counter to evolving community standards. We now expect tighter control, not the introduction of new chemicals. She said she learned of this proposal just two days ago while looking at the City of Sherrill's website. She said to not assume that a majority of water customers are aware that the City is considering this proposal. Ms. Vanderwall stated that the addition of fluoride to the water supply is not the way to prevent cavities in our children; it should be addressed directly through education, not by another chemical in our water. She asked that the Council keep our water as chemical free as possible.

Jennifer Meyer, MD, 164 Broad Street, Hamilton, said she is here on three capacities. One, is that she is a pediatrician who treats many children from the Oneida, Munnsville and Sherrill areas who access Oneida water. Secondly, as a member of the Madison County Board of Health and thirdly, as a mother of two children, with a third expected. She said she was here for the last hearing; however, she did not comment. Dr. Meyer said she felt compelled to return this evening to speak on behalf of her patients. She said that dental care is the single most common chronic illness in children. She said she is not a dentist, and she is not talking about the most common tooth problem with children. She reiterated that tooth decay is the most common chronic illness in children; it's not cancer, asthma or diabetes. She said the most common reason she sees a child under the age of 6 for a preoperative physical is for the preoperative clearance for

dental work. She said children under the age of six, and particularly under the age of 3, have a mouth full of cavities, because of poor nutrition. She said there has been much talk tonight about personal choice, and she tries to live as clean a life as possible, and she wants her water to be monitored. She said we are talking about adjusting the fluoride to the appropriate amount. She said she is asking the Council to stand up for her patients who don't have a choice, because they don't have the words yet being under three, but they do have the mouth full of cavities to show that they really need the protection fluoride provides. Dr. Meyer said that dental fluorosis is the only proven side effect of fluoride, but teeth with fluorosis are actually stronger not weaker; it is a cosmetic issue. She said she realizes it is difficult to balance all the emotions you are hearing, but she wanted to speak out on behalf of her patients.

Cathlee Opperman, 4493 Sholtz Road, Oneida, said 21 years ago, the residents paid to have the waterlines brought to their homes. She said she doesn't want fluoride in the water and by doing so, the Council would be taking the choice away. If fluoride is needed, you can get prescriptions from the dentist or doctor. She asked how people in the outskirts were being represented and asked how the word is getting out before there is a big decision. She said if the water were fluoridated, it would cost about \$300 for a filtration system to remove the fluoride, plus the maintenance of the system. She said residents should not have to incur those costs. She said to please vote no to fluoridation.

Joseph W. Bernet, 112 E. Sands St, Oneida, urged the Council not to put this in the water. He referred to a booklet he was holding that said it causes brain damage, that it is the only medicine added to the water, and that it is the only chemical added to the water that doesn't treat the water. He said fluoride is a form of poison, and however minuscule the amount, he doesn't want it in his water. He asked if he could bring suit against the City because he doesn't want it. He said the City would have to spend a lot of money in court to prove that the City is right, and he is wrong. He said this is a mixed up country. He asked the Council to please not put fluoride in the water.

Catherine Docous, 4118 Sholtz Road, Oneida, said that tooth decay is multifactorial, there are so many elements. She said in her many years with pediatrics, she wrote many prescriptions for fluoride, as it is inexpensive and easy to use. She said even the CDC says topical fluoride is the way to go; not systemic. She said there are many good studies saying there is more wrong with it than right with it. She said you are treating the public with a drug, and we have a choice. Ms. Docous asked the Council not to approve the addition of fluoride to the water.

Lisa Tiff, 5900 Valley Mills Rd., Munnsville, said if there is even the slightest possibility that fluoride in the water can disrupt the thyroid or any other organs and especially the developing brain, then she has a couple of good reasons why she doesn't want fluoride in the water, and she pointed to her two children.

Joe Magliocca, 429 Grand Street, Oneida, said he will pass on making any comments.

Laura Diddle, 667 E. Hamilton Ave., Sherrill, said there was a time when everyone in the community received the Oneida Dispatch, which now so few people receive. She said she has talked with many people who were unaware of this issue. She said she asked the Sherrill City Manager to put some information out and he put it online, but it wasn't in the Sherrill newsletter. She said with such a large population of people (Oneida, Sherrill, Taberg, Stockbridge, Vernon, and Verona) being affected by the possibility of fluoridation, everyone should receive a letter in the mail to be informed, so a poll can be taken to get everyone's input. She said this is a huge decision for six people, so, when in doubt, leave it out.

Fred Diddle, 667 E. Hamilton Ave., Sherrill, said we have been told that there are serious dental health problems with the children in our community, but all will be fine if we just put the magic elixir in the water. He said he has no titles or degrees after his name, but even he knows if we lack essential nutrients in our bodies and consume too much sugar, we will certainly have bad teeth. He said fluoride is a deadly poison. He said he has heard that there is enough fluoride in a tube of toothpaste to kill a small child, but he doesn't know if it is true. He said if we ingest 5 to 10 grams of fluoride at one time, it will kill us. He said not to think about that, because we have been assured that the stars will align, there will be pie in the sky and all will be fine, especially for the small population known as the poor children, if only we will all agree to drink poison. He said this doesn't make sense to him and hopes the Council leaves it out.

Sue Sykes, 75 E. State Street, Sherrill, said she owns animals and they drink the city's water. She said anyone who has horses or dogs might want to be concerned. She said there was a couple from Colorado who were raising quarter horses. The animals started experiencing many debilitating medical problems with no apparent explanation. They ended up losing six horses and four dogs when a doctor from Cornell University finally diagnosed the problem as fluoride poisoning from drinking fluoridated water. She said she doesn't know what part to what part, and that may make a difference. She said it scares her that her animals could possibly be drinking fluoridated water.

Elaine Przybylski, 1648 Middle Rd., Oneida, said she is a chiropractor here in Oneida. She displayed two samples of toothpaste that have warnings on the back "to keep out of the reach of children, if accidentally swallowed, contact poison control right away and children six and under should not use." She said that kids should never brush with fluoridated toothpaste. The schools have fluoride programs where the kids

rinse with fluoride and spit it out. She said that fluoride has never been proven to help teeth when ingested. It is a poison, however, it may help topically with a rinse. She quoted an article and showed a graph from the World Health Organization where most western industrialized countries have rejected water fluoridation, but have nevertheless experienced a decline in tooth decay, as have fluoridated countries. She said that her daughter has slightly compromised kidneys, and they had to purchase an expensive filtration system to remove fluoride from the water where she goes to college. She said she doesn't want to have to get one for her house, and if she does have to, asked if she can send the bill to the City. She said she doesn't think it is right that six or seven people can make the decision to put poison in the water of tens of thousands of people. This is America, we should have the choice.

Tracie McLain, 330 Washington Ave., Oneida, said if the sole purpose of adding fluoride to the water is for tooth decay, we all know there are other ways of doing this. She said she agrees that education is the way to go, especially if there is a target group of low income children. We have physicals once a year in our schools and inquired why teeth cleaning cannot be added to that. She said there are very few local dentists who accept Medicaid, which makes it hard, as they have to seek dental care out of the area. She said there is a lot to consider and asked that fluoride not be put in the water.

Pat Barr, 124 Willow Tree Terrace, Oneida, said she has an opposing view. She said the scientific facts speak for themselves. She said fluoride added to the water supply does decrease cavities and does no harm when it is delivered in minimal amounts. She referred to a world renowned astrophysicist's quote, "the good thing about science is that it's true whether you believe in it or not" and said she would like to add, "it's true, whether you like it or not". A basic tenant of public health is to make decisions that will benefit the many and not serve the beliefs or fears of a few. Our country has a long history of public health issues that have caused controversy; for example, vaccines, alcohol age restrictions and smoking bans, just to name a few. Public policy looks at what is best for the public, despite whatever opposition may ensue. The opposition to fluoride quotes many studies done in Mexico, China and India. She said she has not heard of any reputable studies done against fluoride from any American organizations. The USA is world renowned for its expertise in knowledge in the health care fields. People from all over the world look to us for healthcare, and they are not flocking to Mexico or China for their healthcare. She suggested it could be because there is no better knowledge base or scientific base than here in the US. She questioned why with the fluoride issue, there are those who negate its value, when every leading reputable American healthcare organization accepts the science behind the benefits of fluoride. She said she works in a dental office, is a Registered Nurse and has a graduate level in research, as well. After weeks of public discussion, the opposition to fluoride has not been able to present one single reputable peer-reviewed piece of information to support their claims. Their data is based on obscure studies and manipulated information to gain the fear factor they are promoting. She said she hopes that the Council is able to see through the ruse and will exhibit the courage to vote on the side of public health and not fear.

Sam Barr, 124 Willow Tree Terrace, Oneida, said this is the third public hearing and he hopes it is the last. He stated "this is the problem" as he held up a plastic bag filled with 21½ teaspoons of sugar, which signifies how much sugar the average American eats every day. As far as education, he said there are limits as to what education can do short term. He said there has been a lot of talk about the toxicity of fluoride, and stated on April 8 there was a woman convicted of killing her child by giving him too much salt. So anything can be toxic at a certain level, and to ignore the dosage, is to ignore the science behind it. He spoke of a child in Oneida who was hospitalized with a brain abscess that came from an infected tooth. He said as far as the size of a tube of toothpaste, the size is limited, so that no one could become ill even if they ate the whole tube. He compared the absorption of fluoride as being similar to the absorption of nitro-glycerin tablets under your tongue and added that if fluoride was that dangerous, they would never add it to toothpaste to begin with. He said there have been a number of expert scientific systemic reviews have been done across the world with the consensus being that fluoride is safe. In terms of the literature that says it is not safe, he said he has seen a number of people holding documents from Paul Connett. He said that Paul Connett stated on a radio station in 2014 that there are untold stories about 9-11, and the news agencies are afraid to look into it. Dr. Barr said that if you accept conspiracy theories, then you do; but he believes the science that says fluoride is safe is not a conspiracy. He said there is a long history of government setting public policy to protect elements of the community and there was public outcry about those also. He cited the examples of folic acid being added to bread to protect unborn children, which decreases the likelihood of spina-bifida, and vitamin D that is added to milk to protect children from getting rickets. The role of government is to protect the community at large, even if some people disagree. Dr. Barr said no one was hurt from folic acid in bread or from vitamin D in milk, and no one will be hurt from fluoride in the water.

Sherry Batchelder, Country Drive, Verona, said that the FDA considers the fluoride added to water as a medication. Chlorine isn't a medication, it is treatment for the water. She cited the inconsistency of dosages between the adult male and young child. She said vitamin D in milk is a choice, and you can choose not to have it, but none of us can live without water. She said it seems wasteful to spend money to put it in, and then some people will then spend money to filter it out. There is also the waste from washing clothes, dishes, cars, etc., and said very little is drinking water. She said she read that the fluoride used in drinking water is not of pharmaceutical grade, so it is a medicine, but yet not up to standards. She said she read scary things including that it is classified as a hazardous waste. She said no wonder the topic keeps coming up, it would be a good deal for some company to get rid of their

hazardous waste. She said topical fluoride is better than ingesting it. She said she tries to look at things naturally and stick with the more natural things. She read that when mothers use fluoridated water to mix formula, the child can get up to 300 times the amount that naturally occurs in mother's milk. The toothpaste tube informs you not to swallow it, so why should you put fluoride in the water where people will be getting inconsistent amounts. It doesn't make common sense. She doesn't feel the government is monitoring the side effects. She said tooth decay is going down in every country, whether they fluoridate or not and that is due to education, not by drinking a hazardous waste. She asked the Council to stick with the safe and natural thing and leave the fluoride out of the water.

Dr. John Enders, Veterinarian, member of the Madison County Board of Health, said his first concern about no fluoride in the water was when his first two foster children needed to have 7 or 8 teeth removed, which was part of the reason why they were put into foster care. They came from a place where the water wasn't fluoridated and fluoride tablets were not provided. He said fluoride tablets are not the best choice, as they can be swallowed. He spoke to the safety of fluoride with respect to animals. He detailed the studies done with dogs and puppies relative to toxicity levels noting that the animals showed no side effects and said the safety factor for animals is pretty high. He said with respect to the case in Colorado referred to earlier, there must have been an incredibly high amount of fluoride present, as horses are more resistant than dogs. Dr. Enders said animals can have thyroid issues also, but iodine is added to salt blocks and feeds, so there is not much thyroid deficiency. Dr. Enders said that the facts presented stand for themselves; not the speculation, the conjecture or distorted data.

Elizabeth Carnevale, Oneida, retired school nurse teacher, said that in our society she sees a lack of knowledge and remarked how things have changed since she was a child. She said she sees the downsizing of parental attention. She said people have to work to supplement their incomes and they do try to have one parent available, but stated that one parent has a difficult job. She said we cannot treat a symptom, we have to treat the cause. She said she does not believe in adding any more chemicals to our drinking water. She is adamant about not having fluoridated water, because there are so many unknown chemicals in our air, ground and water. Farmers use all kinds of chemicals to kill insects. She said we need knowledge and education. It can be approached differently by having a task force assembled without the Council having to make a decision now.

Jessica Keller, Burlison Hill Road, Oneida said she currently has well water, but she has four children who attend the Oneida City School district. She said she is a special education teacher in Oneida and Madison County and has seen a lot of children with missing teeth and metal fillings. She said nutrition has gone downhill in many families. She said that people, in general, do not have healthy gut or mouth bacteria. She said that 90% of adults have gingivitis, which leads to cavities. There are other issues that lead to poor dental hygiene in kids. Mrs. Keller said there are programs like WICK that provide nutritional aspects to young families, so it is a healthier option to reach out to that group; but as a whole, she asked that fluoride not be added to the water.

Dr. Pat Scutari, Oral Surgeon, NYS Dental Association Representative for Dental Health Planning of Upstate NY, said he came to support the scientific evidence on fluoridation. He said that we are here to help people and not hurt them, and the scientific data supports helping people.

Christine LaClaire, Vernon, said she is speaking on behalf of her mother who is strongly opposed to the addition of fluoride to the water supply. She said that they were not told of this proposal, and she wasn't even aware that they received Oneida City water. She said she attended the last meeting also and sees that people are either very strongly for or against it, but she is listening and forming her own opinion. She said she understands this is a very tough decision for the Council, because of all the pros and cons. Ms. LaClaire said using fluoride as a topical treatment is okay, but ingesting fluoride is worrisome to her. She said, as the youngest person here, she wanted to add her viewpoint.

Councilor Bowe said this is a tough decision. He said he thinks the Council needs to vote how the people they represent feel, not how they may personally feel.

Moved by Councilor Bowe  
Seconded by Councilor Smith

**RESOLVED**, that the Public Hearing on the proposed Local Law to amend Chapter 73 of the Code of the City of Oneida to include a new Article III, titled "Fluoridation of Municipal Water Supply is hereby closed at 8:14 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

### **OLD BUSINESS**

*Redistricting of Ward Boundaries*

Mayor Smith said the proposed intermunicipal agreement with Oneida County for redistricting of the City's Ward boundaries has been reviewed by the City Attorney. The requested modifications have been reviewed and approved by Oneida County. The final draft should be forthcoming.

*Updates on Codes & Sign Ordinance Committees and the HP Hood Project*

The Mayor said the Codes and Sign Ordinance committees are moving forward. The City Engineer is working with HP Hood on the fencing alternatives and storm water management for their project.

*Solar Energy Initiative*

Mayor Smith said the Power Purchase and Lease Agreements have been executed with GroSolar. The City is in the final stages of securing easements and finalizing the location site. The Mayor said he hopes this project will be up and running by January 2016.

*Updates on Warner Street and Phelps Street*

Mayor Smith said the site work on N. Warner Street for the Stoneleigh Housing Project is moving forward, and the cleanup on Phelps Street has been initiated. The City will work with the contractor, who is undertaking the debris removal for Mr. Waterman, to remediate this parcel as soon as possible.

*FEMA Buyout Program*

Councilor Acker said that letters have been sent to the residents and business owners involved with the FEMA Buyout Program detailing the process, addressing various rumors that have been circulating, outlining the projected time frames and providing all the information we currently have. She said the anticipated cost will be approximately \$19.9M, if everyone, both residents and business owners, who signed up is accepted into the program and/or doesn't opt out. The Mayor said this factors in every cost that could possibly be incurred, i.e. backfilling, asbestos abatement, landfill fees, etc. Councilor Bowe said back in the 1990's they discussed doing something with the dyke or dam, and it seems to him that with \$20M to relocate people, they could fix the problems instead, so that it wouldn't flood again. Mayor Smith said they do not have the philosophy that streams should be impeded from doing what they do naturally; they do not have the mindset that there is a fix. Councilor Acker said this is for the residents and the final outcome will be when the residents get their letters and make their decision. In response to a question from George Clark, the Mayor said the estimated lost tax revenue would be \$110,000 yearly for the City and \$380,000 combined city, school and county.

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, that the minutes of the regular meeting of April 7, 2015 are hereby approved as presented.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Moved by Councilor Zogby  
Seconded by Councilor Bowe

**RESOLVED**, that Warrant No. 8, checks and ACH payments in the amount of \$305,590.87 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 Simchik  
Seconded by Councilor Chamberlain

**RESOLVED**, that Check No. 52869 in the amount of \$10.76 (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: 5  
Nays: 0  
Abstain: 1 (Acker)

**MOTION CARRIED**

**AUTHORIZATION OF LOCAL IMPROVEMENT ON FITCH STREET**

**RESOLUTION 15-85**

Moved by Councilor Acker  
Seconded by Councilor Smith

**WHEREAS**, the City of Oneida Common Council has heretofore declared its intention to undertake in the year 2015, a capital improvement project consisting of a water main extension from the end of the water main on Fitch Street to the intersection of West Elm Street a distance of approximately 700 feet at a total estimated cost of \$37,327.00, **and**

**WHEREAS**, a public hearing was duly held on said improvement project at 6:30 o'clock p.m. on the seventh day of April, 2015 in Council Chambers, Oneida Municipal building, 109 N. Main Street, **now therefore be it**

**RESOLVED**, that the total estimated cost of said Fitch Street water main extension project shall be paid as follows: 25% to be paid by the City as a whole and 75% to be paid by the benefiting property owners, excluding expenses associated with the installation of new water services, **and be it further**

**RESOLVED**, that the 75% property owners' cost share for the water main extension shall be shared as follows:

DESCRIPTION	UNITS
Undeveloped parcel	One Unit
Single use property	One Unit
Multi-family or multi-use building First apartment or use	One Unit
Each additional apartment or use	One half Unit
<i>Parcel with more than one building served</i>	
First building served	One Unit
Each additional building served	Three-quarter Unit
Commercial/Industrial/Manufacturing Use	One Unit per 2,000 sq. ft. of bldg. serviced
Parcel with water service available prior to subdivision with frontage on water main extension	Zero Unit
Government	Zero Unit

**BE IT FURTHER RESOLVED**, that in the event that a parcel with water service available from an existing main subdivides, the owner of the resulting new parcel will be deemed to be a benefiting property if it fronts upon the new water main, and the remaining balance on the total benefiting property owners cost shares shall be recalculated based upon the above schedule, **and be it further**

**RESOLVED**, that in the event of prepayment of a share by owners of existing benefiting parcels, there shall be no refunds paid to adjust for the share to be charged against the new parcel added to the assessment role, **and be it further**

**RESOLVED**, that the Water Superintendent is authorized to proceed with the Water Main Extension of Fitch Street when time and materials are available.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**BUDGET TRANSFER FOR FITCH STREET WATERMAIN REPLACEMENT PROJECT**

**RESOLUTION 15-86**

Moved by Councilor Zogby  
Seconded by Councilor Smith

**WHEREAS**, as the City has decided to undertake an unbudgeted water main extension on Fitch Street and funds are not available in account 002.8300.0326 (Water Main Replacement) for purchase of materials for the project, **now therefore be it**

**RESOLVED**, that a budget transfer in the amount of \$15,650.00 from 002.8300.0436 (Water Contingency) to 002.8300.0326 (Water Main Replacement) be approved.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **CANVASS AND APPROVE BIDS**

#### **RESOLUTION 15-87**

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, that the lowest bid meeting specifications for hydrants received from Vellano Corporation, 7 Hemlock Street, Latham, NY 12110 in the amount of \$6,698.00 be hereby approved, **and be it further**

**RESOLVED**, that the lowest bid meeting specifications for ductile iron pipe, fittings, valves, and miscellaneous received from Martisco Corporation, 107 Terminal Road East, Liverpool NY 13088 in the amount of \$81,909.65 be hereby approved.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **ANNUAL FINANCIAL REPORT**

#### **RESOLUTION 15-88**

Moved by Councilor Acker  
Seconded by Councilor Chamberlain

**RESOLVED**, that the Annual Financial Report Update Document for the City of Oneida, County of Madison, for the fiscal year ended December 31, 2014 is hereby received and placed on file.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Bowe asked the Comptroller if the end of year Fund Balance of \$4.1M on page 11 was accurate as written, and she replied yes.

### **AGREEMENT**

#### **RESOLUTION 15-89**

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign an agreement with Aquarius Capital, 110 Betsy Brown Road, Port Chester NY 10573 in the amount of \$7,500.00 to develop an Actuarial Valuation under Governmental Accounting Standards Board (GASB) No. 43/45 for fiscal years 2015-2017.

Ayes: 6

Nays: 0

**MOTION CARRIED**

The Comptroller said this is a line item in the budget, as GASB requires accounting in physical numbers for all post-retirement benefits and calculate how much we will be paying them. The Mayor said a special skill set is required to complete this report.

### **SPECIAL EVENT APPLICATIONS**

**RESOLUTION 15-90**

Moved by Councilor Zogby  
Seconded by Councilor Acker

**RESOLVED**, that the following Special Event Applications be hereby approved:

Name of Event:	2015 Wilber Duck Mile
Sponsor:	Oneida Savings Bank / Wilber Duck Chevrolet
Address:	116 Broad Street, Oneida NY 13421
Event Date:	May 15, 2015
Name of Event:	Spring Cleanup
Sponsor:	Oneida American Legion Post 169
Address:	398 N. Main Street, Oneida NY 13421
Event Date:	May 2, 2015 from 9:00 am to 11:00 am

Ayes: 6  
Nays: 0

**MOTION CARRIED**

The "I Love My Park" event through the Recreation Center is also on May 2. Mr. Matzke said they will be doing the entrance ways to the City. He said they have called groups to come help, as well as any volunteers.

**MONTHLY REPORTS**

**RESOLUTION 15-91**

Moved by Councilor Acker  
Seconded by Councilor Zogby

**RESOLVED**, that the monthly reports from the Chamberlain, City Clerk, City Engineer, Comptroller, Director of Planning and Development, Fire Chief, Police Chief, and Recreation Director are hereby received and placed on file.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Councilor Acker complimented the Recreation Director on the good numbers and Chief Salerno for continuing to save money for the City.

Councilor Zogby congratulated Chief Meeker and the efforts of Police Officer Steve Lowell, who was instrumental in the receipt of equipment valued at \$2,000 from the Madison County STOP DWI Program.

Councilor Zogby said he had some questions for the Planning Director about her report.

The Mayor said he appreciates the good words people have to say about our employees, and asked the Police Chief to send along his congrats to the officers.

**DESIGNATE POLLING PLACES**

**RESOLUTION 15-92**

Moved by Councilor Acker  
Seconded by Councilor Chamberlain

**RESOLVED**, that the polling places in the City of Oneida for 2015 are hereby designated as follows:

WARD 1-1	St. Paul's Methodist Church, 551 Sayles St.
WARD 1-2	St. Paul's Methodist Church, 551 Sayles St.
WARD 2-1	St. Paul's Methodist Church, 551 Sayles St.
WARD 2-2	St. Paul's Methodist Church, 551 Sayles St.
WARD 3-1	Kallet Civic Center, 159 Main St.
WARD 4-1	Kallet Civic Center, 159 Main St.
WARD 5-1	Kallet Civic Center, 159 Main St.
WARD 6-1	Kallet Civic Center, 159 Main St.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**PREVENTATIVE MAINTENANCE AGREEMENT**

**RESOLUTION 15-93**

Moved by Councilor Zogby

Seconded by Councilor Smith

**RESOLVED**, to authorize the Mayor to sign a one-year Preventative Maintenance Agreement with Power Generation & Industrial Engines, Inc., 8927 Tyler Rd., Bridgeport NY as follows:

<i>Location</i>	<i>Make &amp; Serial Number</i>	<i>Amount</i>
Fire Dept.	Dayton-serial #3197459	\$ 384.04

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Smith asked if all these agreements could be bulked together, and the City Engineer said a request has been sent to Power Generation to do that next year.

**FLUORIDATION NOTIFICATIONS**

**RESOLUTION 15-94**

Moved by Councilor Acker

Seconded by Councilor Chamberlain

**RESOLVED**, that the following notifications relative to the issue of fluoridation be hereby received and placed on file:

- Peter F. Hedglon, 449 Broad Street, Oneida NY 13421
- Donna A. Westfall, 937 J. Street, Crescent City CA 95531
- Dona Fiedler, 204 Betsinger Road #23, Sherrill NY 13461
- Carol S. Kopf, no address provided
- Nola Monohan, RDH, no address provided
- Andrea Hitchings, no address provided
- Katie Falkenmeyer, 618 E. Hamilton Ave., Sherrill NY 13461
- Julie Titus, 165 Marion Manor, Oneida NY 13421

Ayes: 6

Nays: 0

**MOTION CARRIED**

**AUTHORIZATION OF LOCAL IMPROVEMENT ON  
W. ELM STREET – WATER MAIN EXTENSION - TABLED**

**RESOLUTION 15-95**

Moved by Councilor Zogby

Seconded by Councilor Bowe

**WHEREAS**, the City of Oneida Common Council has heretofore declared its intention to undertake in the year 2015, a capital improvement project consisting of a water main extension from the end of West Elm Street at outside district boundary along West Elm Street to 1,091 feet east of the Village of Wampsville, a distance of approximately 9,235 feet at a total estimated cost of \$610,026, **and**

**WHEREAS**, a public hearing was duly held at 6:30 p.m. on April 7, 2015 in the Common Council Chambers, 109 N. Main Street, Oneida on a Capital Improvement Project consisting of a water main extension for West Elm Street, **now therefore be it**

**RESOLVED**, that the total estimated cost of said Elm Street/West Side Infrastructure project shall be paid as follows: 25% to be paid by the City as a whole and 75% to be paid by the benefiting property owners, excluding expenses associated with the installation of new water

services, with the City paying the difference between the cost of 12” pipe from 8” pipe, **and be it further**

**RESOLVED**, that the 75% property owners’ cost share for the water main extension shall be shared as follows:

DESCRIPTION	UNITS
Undeveloped parcel	One Unit
Single use property	One Unit
Multi-family or multi-use building	One Unit
First apartment or use	
Each additional apartment or use	One half Unit
Parcel with more than one building served	
First building served	One Unit
Each additional building served	Three-quarter Unit
Commercial/Industrial/Manufacturing Use	One Unit per 2,000 sq. ft. of bldg. serviced
Parcel with water service available prior to subdivision with frontage on water main extension	Zero Unit
Government	Zero Unit

**BE IT FURTHER RESOLVED**, that in the event that a parcel with water service available from an existing main subdivides, the owner of the resulting new parcel will be deemed to be a benefiting property if it fronts upon the new water main, and the remaining balance on the total benefiting property owners costs shares shall be recalculated based upon the above schedule, **and be it further**

**RESOLVED**, that in the event of prepayment of a share by owners of existing benefiting parcels, there shall be no refunds paid to adjust for the share to be charged against the new parcel added to the assessment role, **and be it further**

**RESOLVED**, that the project shall be included in the City of Oneida Budget for the year 2015.

Ayes: 6

Nays: 0

**MOTION TABLED**

Councilor Bowe asked Mayor Smith if it means there will be no business park if the Council doesn’t approve doing this project, and the Mayor replied yes. Councilor Bowe asked the City Engineer if the funding (historic) was looked at when we did the business park on Rt. 46 and Walmart was put in. He said he is all for the business park, but asked what the business park would be paying for to get the infrastructure out there. The Mayor said that this is based upon how much property is owned, so the person who owns the proposed business park property would be paying the most, in excess of \$100K. Councilor Zogby asked if there is a time frame with the grant and asked the end point. He questioned if this could be put off for two weeks to get more information. The Mayor said the issue is timing, and the reality is, a company is not going to make a major investment in land that they are not certain all the services they need are going to be available. This is a major impediment to any project or to even attracting someone to come to the area. The Mayor said this project is only feasible because of the \$1M grant that is on the table, making the water costs \$4K rather than \$14K for the property owners. The Council briefly discussed the costs, designs of the project (size and age of pipes), grant and county funds provided for this project, time frames for property owners to hook-up to the lines, the property owner’s payment process, what was done for Rt. 46 Business Park area, and the benefits to the Walmart area. George Clark, West Elm Street, Oneida reiterated his comments from the last meeting that this project is on the backs of the twelve owner occupied residents who live on West Elm Street. Councilor Chamberlain said that there are people on West Elm Street who want the water lines. The Council opted to table both items related to this infrastructure project. The Mayor said a session would be scheduled to answer the Council’s questions.

The original motion to open discussion was moved by Councilor Acker and seconded by Councilor Simchik.

**AUTHORIZATION OF LOCAL IMPROVEMENT ON W. ELM STREET**  
**SANITARY SEWER EXTENSION - TABLED**

**RESOLUTION 15-96**

Moved by Councilor Zogby  
Seconded by Councilor Bowe

**WHEREAS**, the City of Oneida Common Council has heretofore declared its intention to undertake in the year 2015, a capital improvement project consisting of a sewer main extension and associated improvements from the end of the existing sanitary sewer main located on the City-owned abandoned rail bed approximately 2,600 feet west of North Willow Street to the City of Oneida boundary limits on West Elm Street, a distance of approximately 9,500 linear feet at a total estimated cost of \$1,096,891, **and**

**WHEREAS**, a public hearing was duly held at 6:30 p.m. on April 7, 2015 in the Common Council Chambers, 109 N. Main Street, Oneida on a Capital Improvement Project consisting of a sanitary sewer extension for West Elm Street, **now therefore be it**

**RESOLVED**, that the total cost of said infrastructure project shall be paid per the City of Oneida Charter Article VI Assessments for Local Improvements – Section 6.1; County and City funding and allocated grant funding as follows: 100% of the cost of the project shall be borne by local assessment on the bases of the property benefitted, **and be it further**

**RESOLVED**, that the project shall be included in the City of Oneida Budget for the year 2015.

Ayes: 6  
Nays: 0

**MOTION TABLED**

**ONEIDA RAIL TRAIL PROFESSIONAL SERVICES AGREEMENT**

**RESOLUTION 15-97**

Moved by Councilor Simchik  
Seconded by Councilor Smith

**RESOLVED**, to authorize the Mayor to sign the Professional Services Agreement with C & S Engineers, Inc., 499 Col. Eileen Collins Blvd., Syracuse NY 13212 for Capital Project 14-1 Oneida Rail Trail Wampsville/Oneida Connector in the amount of \$243,000, **and be it further**

**RESOLVED**, to authorize the expenditure of grant reimbursable funds for design services related to the NYS DOT Transportation Alternatives Program (TAP) and Transportation Enhancement Program (TEP) funded Oneida Rail Trail Project.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Councilor Bowe inquired if these were anticipated costs, and the City Engineer said that we have to go through the Federal DOT RFP design process, which was started over six months ago with proposals and presentations.

**NYS DOT RT. 365A EAST-WEST ARTERIAL HIGHWAY PROJECT**

**RESOLUTION 15-98**

Moved by Councilor Acker  
Seconded by Councilor Chamberlain

**WHEREAS**, the NYS Department of Transportation is undertaking a project on Rt.365A titled City of Oneida: East-West Arterial Highway F.A.C. 59-10, which includes replacing the traffic signals at Rt. 365A and Route 46 (Main Street) and Rt. 365A and Broad Street, resurfacing the existing highway from Route 5 to Route 365 and new sidewalks on the south side of Rt. 365A from Stevens Street to Walnut Street, and, **and**

**WHEREAS**, the NYS Department of Transportation Office of Right of Way Region 2 has proposed an acquisition/offer of settlement in the amount of \$1,450 for a permanent easement of Map 82 Parcel 91 approximately 200+/- square feet for the purpose of constructing and maintaining a signal pole, **now therefore be it**

**RESOLVED**, that the Common Council hereby authorizes the Mayor to execute the Agreement for Advance Payment in the amount of \$1,450, **and be it further**

**RESOLVED**, that the Common Council further authorizes the Mayor to execute any and all closing documents on behalf of the City.

Ayes: 4

Nays: 2 (Bowe, Smith)

**MOTION CARRIED**

Councilor Smith said he is against this bad project, which is taking 23 parking spots from downtown, and the area up by Walmart is a disaster just waiting to happen. Councilor Bowe said he sent an email to the DOT with no response. He is against this project, because of the loss of parking spots downtown, especially factoring in the Hotel Oneida. Councilor Bowe said the State DOT is going to do this project whether the City objects or not.

**2014-2015 ANNUAL COURT CLEANING AND MINOR REPAIRS CONTRACT**  
**FOR THE JUSTICE CENTER – CONTRACT NO. C300317**

**RESOLUTION 15-99**

Moved by Councilor Simchik

Seconded by Councilor Smith

**RESOLVED**, to authorize the Mayor to sign the annual Contract Renewal and Budget for 2014-2015 by and between the New York State Unified Court System, Sixth Judicial District, The Kilmer Building, 31 Lewis Street, Fifth Floor, Binghamton, NY 13901 and the City of Oneida for cleaning services for the interior of the City of Oneida Justice Center, as well as minor and emergency repairs for said facility.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**REPLACE COUNTERTOPS IN THE CLERK/CHAMBERLAIN AREAS -TABLED**

**RESOLUTION 15-100**

Moved by Councilor Bowe

Seconded by Councilor Zogby

**RESOLVED**, to approve the replacement of the countertops in the City Clerk/Chamberlain work areas and further approve painting of the City Clerk's office in a total amount not to exceed \$6,500.00, **and be it further**

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

<b>AMOUNT</b>	<b>FROM</b>	<b>BALANCE</b>	<b>TO</b>	<b>BALANCE</b>
\$6,500.00	001.1990.0400 (Contingency)	\$20,311.00	001.1620.0405 (Improvements)	\$6,500.00

Ayes: 6

Nays: 0

**MOTION TABLED**

After a discussion, the Council decided to table this Resolution until specific plans and estimates are presented. The original motion to open discussion was moved by Councilor Chamberlain and seconded by Councilor Smith.

**NEW BUSINESS**

*2014 City of Oneida Audit*

Mayor Smith said in the 2014 Audit, the City receives comments under deficiencies and material weaknesses in internal controls of financial reporting. The Mayor noted the various deficiencies and material weaknesses from over the past few years up to the much improved current year and thanked the Comptroller.

*Microgrid Project*

Mayor Smith said he is working on Microgrid Project through a program called NY Prize. Microgrids are a local energy network that can be isolated from the larger electrical grid during extreme weather events or emergencies, providing power to individual customers and crucial public services, such as hospitals and first responders. The Mayor said he is reaching out to the hospital, school district, HP Hood, State Police and GroSolar to see if there is some potential benefit for our community with this type of initiative.

#### *Property Maintenance Ordinance*

The Mayor said he is reviewing our Property Maintenance Ordinance for potential changes. Mayor Smith said the purpose of this Ordinance is to provide a minimum standard of maintenance of the visible facades of all the properties in our City. He said, when he took office, an important part of his focus was to improve our existing housing stock. The Mayor said we really need to examine the Ordinance to speak to what our yards and facades look like and have a minimum standard that a home has to meet. The Mayor said homeownership is not a right; it is a privilege and with that privilege comes a responsibility to your neighbors and your community.

#### *City of Oneida Website*

Mayor Smith said he is very proud to announce that in the SeeThroughNY report of websites, the City of Oneida website ranked 13<sup>th</sup> out of 62 cities reviewed. The report is based the availability of public information, ease of navigation, etc. Mayor Smith said 85% of the city, town and school websites reviewed didn't even get a passing grade. He said that he is optimistic that next year, we can be in the top ten by adding more financial information for people's access and improvement to the ease of use. The Mayor commended Val Peterson on a job well done.

#### *Development of Prime Commercial Properties*

The Mayor said deed has been taken to delinquent tax properties between Walmart and Lowes. The Mayor said he is optimistic that these prime commercial properties can be aggressively marketed and sold with the hope of bringing new businesses to those seven acres of land.

#### *Hotel Oneida*

Nancy Ginter, Sylvan Street, Oneida asked if there was any progress on Hotel Oneida, as the side of the building is deteriorating. The Mayor said he has met with the owner on two occasions, and he has seen the potential plans, which were drawn up by the owner's architectural firm. Mayor Smith said that the biggest challenge will be funding, and hopefully economic development or historical preservation funding can be secured to make the project a reality.

Motion to adjourn by Councilor Simchik

The regular meeting is hereby adjourned at 9:26 p.m.

CITY OF ONEIDA

\_\_\_\_\_  
Susan Pulverenti, City Clerk