

**MINUTES OF THE COMMON COUNCIL
AUGUST 4, 2015**

A meeting of the Common Council of the City of Oneida, NY was held on the fourth day of August, 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 Deputy Mayor Helen Acker

PRESENT: Councilors Brahim Zogby, Michael Bowe, Erwin Smith, James Chamberlain, and Councilor Thomas Simchik (arrived at 7:05 p.m.)

ALSO PRESENT: Assessor Lonnie Stedman
City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Comptroller Linda Pease
Director of Parks and Recreation Lucas Griff
Fire Chief Kevin Salerno
Public Safety Commissioner Mike Kaiser
Supervisor John Reinhardt

OLD BUSINESS

Deputy Mayor Acker said that the Mayor cannot be here tonight, and she will be acting as Mayor this evening.

Codes Department and Sign Ordinance Changes

The final revisions and modifications are being made for the recommended changes to the Codes Department. There is nothing new to report at this time relative to the sign ordinance.

Solar Initiative

There is nothing to publicly report due to pending litigation.

Warner Street Housing Development

This project continues to move forward with the construction proceeding on schedule.

Phelps Street Debris Cleanup

The bid has been awarded, and we are anticipating that cleanup will begin by the end of the month.

Upstate Revitalization Initiative

The Mayor continues to work on the Urban Core/Main Streets work group. The Mayor attended a CNY Strategy Summit held at the OnCenter on July 22. Cassie Rose and Kipp Hicks were also present for this very informative session.

CSEA Union Contract

The Mayor met with CSEA on July 27th, and the union will be having the membership vote again.

Redistricting of the City Wards

A request had been made for an evening meeting to be held after the Mayor returns from vacation; however, they are unable to attend a night meeting. A meeting has been scheduled for Monday, August 17 at 10:00 a.m. The Council was in agreeance that they will all attend the special meeting, and the City Clerk will notice the special meeting in the newspaper.

Fire Inspection Fees

Deputy Mayor Acker said that Don Kingsley has requested that he be allowed to speak his views regarding our present building inspection fee schedule. Mr. Kingsley asked the Fire Chief if any of the five or six firemen who came to his building were training, and the Chief said they were not training. Chief Salerno said if they have new people in the department, he likes to get them in to see the layout of buildings they haven't been in; they were not there as part of the inspection. Mr. Kingsley asked, isn't that called training? Mr. Kingsley presented a letter from Kathleen J. Caezza, LCSW, and requested the City Clerk read it aloud. Ms. Caezza wrote that she is a tenant of Mr. Kingsley's property at 248 Main Street. Ms. Caezza commented that she feels Mr. Kingsley was charged a high fee in comparison to other buildings in the City of Oneida. Her other concern is that property taxes are paid to cover the salaries of both firefighters and codes officers. She wrote if these inspections are done during normal workday hours, it does not seem reasonable to invoice for their time performing this task during their paid time on duty. She asked for fair standards and business practices and requested that the Mayor and Council consider, review and adjust the fees. Mr. Kingsley said if the fee is not paid, it will be releived onto the tax roll. He mentioned the amount of monies given to civic organizations in the City by Wal-Mart. Mr. Kingsley passed out a chart that he made listing taxes paid to the City by Lowe's, Wal-Mart, and Glenwood Plaza, as well as the sales tax received by the City and County. He said this was an ill-conceived idea in the first place, and it is biting the hand that feeds you. He asked that the Council think about the whole process and said that when something is wrong, you don't keep it going. He thanked the Council for listening and asked them to consider eliminating the whole inspection fee program.

Moved by Councilor Smith

Seconded by Councilor Chamberlain

RESOLVED, that the minutes of the regular meeting of July 21, 2015 be hereby approved as presented.

Ayes: 4

Nays: 0

Absent: 1 (Simchik)

Abstain: 1 (Bowe)

MOTION CARRIED

Moved by Councilor Zogby

Seconded by Councilor Smith

RESOLVED, that Warrant No. 15 checks and ACH payments in the amount of \$357,183.88, 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 (Simchik)
MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that Check No. 53548 in the amount of \$78.27 (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
Absent: 1 (Simchik)
Abstain: 1 (Acker)
MOTION CARRIED

ASSESSMENT ROLL – FITCH STREET WATER MAIN EXTENSION

RESOLUTION 15-181

Moved by Councilor Chamberlain
Seconded by Councilor Bowe

WHEREAS, an assessment roll has been prepared for the Fitch Street Water Main Extension Project, **and**

WHEREAS, due notice of the completion of said assessment roll and of the filing of same with the City Clerk, and of the time and place when and where this Council would meet to hear and consider any objections to the said assessment roll, and for the purpose of receiving, correcting, or amending same was duly given by the City Clerk to each property owner on the said assessment roll, and by publication of a notice thereof in the official newspaper, **and**

WHEREAS, this Council duly met at the time and date specified in said notice, to wit: in the Common Council Chambers, Oneida Municipal Building, 109 N. Main St. Oneida NY on the 21st day of July, 2015 at 6:30 p.m. and a public hearing was duly held upon said assessment roll, **now therefore be it**

RESOLVED, that the property owners are hereby permitted to pay the said assessment in full, without fee, thirty (30) days from the date of the notification by the City Chamberlain or ten (10) annual installments at a 6% rate of interest, **and be it further**

RESOLVED, that said assessment roll as amended, corrected, or altered by this Common Council is hereby confirmed, and the Mayor and City Clerk are hereby directed to sign said assessment roll and file same with the City Chamberlain for collection.

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

REQUEST FOR WAIVER OF FIRE INSPECTION FEES

RESOLUTION 15-182

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that a letter from Randy Jones, 648 Fitch Street, Oneida NY requesting the waiver of the fee for having missed a scheduled inspection appointment for the property located at 310 E. Walnut Street, Oneida NY be hereby received and placed on file, **and be it further**

RESOLVED, that per the recommendation of the Fire Chief, because of miscommunications within the Fire Department, the Common Council hereby authorizes the waiver of the fees for Invoice #19752, Randy Jones, 648 Fitch Street, Oneida NY in the amount of \$100.00, which includes the fee for having missed a scheduled inspection appointment (\$40.00), and for the second inspection fee (\$60.00) that was inadvertently billed.

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

SPECIAL EVENT APPLICATION

RESOLUTION 15-183

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, to approve the following Special Event Application:

Name of Event: Eat Well Play Hard Family Fun Day
Sponsor: Oneida Healthcare Center
Address: 321 Genesee Street, Oneida NY
Event Date: August 14, 2015

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

This event will be held at Vet’s Field.

BUDGET TRANSFERS AND BUDGET AMENDMENT

RESOLUTION 15-184

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, to approve the following budget transfers:

<i>Amount</i>	<i>From</i>	<i>Balance</i>	<i>To</i>	<i>Balance</i>
\$2,500	001.3410.0408	\$4,554.38	001.3410.0317	\$5,575.03

	(New Hire Expense)		(Clothing)	
\$2,500	001.3410.0408 (New Hire Expense)	\$2,054.38	001.3410.0405 (Building Maintenance Rep.)	\$6,974.85

(To account for increase in clothing allowance per contract and additional repairs to Fire Department)

\$19,459	003.8110.0401 (Sewer Utilities)	\$173,402.41	001.8110.0418 (2015 Energy Efficiency Study)	\$19,459.00
\$9,900	001.1990.0400 (Contingency)	\$11,310.88	001.8389.0400 (City Water Bills)	\$14,132.00

(To pay the water bills on recently acquired property)

RESOLVED, to approve the following budget amendment:

\$891.45	001.3120.0414 (Police Equitable Sharing Exp.)	\$891.45	001.0017.1589 (Police Equitable Sharing Revenue)	\$891.45
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(To transfer money from equitable sharing savings account for equipping lights on police vehicle)

RESOLVED, that payment be made in the amount of \$3,278.37 for water/sewer bills for account numbers 51-01111650; 51-19103500; 51-19103600; 51-19103610; 51-19103611; 51-19103612; 51-19103613; 51-19203299; 51-19203300; 51-19203301; and 51-19203302 for the properties recently acquired by the City for taxes.

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

MOTION CARRIED

The Comptroller said that the water/sewer bills for the recently acquired properties were not included in the voucher run the Council approved this evening. The Council opted to amend this Resolution to include the payment for the water/sewer bills on said acquired properties. The original motion to open discussion was made by Councilor Smith and seconded by Councilor Chamberlain.

TRANSPORTATION LEASE AGREEMENT

RESOLUTION 15-185

Moved by Councilor Zogby
Seconded by Councilor Chamberlain

RESOLVED, to authorize the Mayor to sign a Transportation Lease Agreement with the Oneida City School District for the purpose of transporting senior citizens to the New York State Fair.

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

MOTION CARRIED

LIQUOR LICENSE RENEWAL NOTIFICATION

RESOLUTION 15-186

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that the Liquor License renewal notification from the Order of the Owls Nest 1606, 130 Vanderbilt Avenue, Oneida NY be hereby received and placed on file.

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

The City Clerk said the NYS Liquor Authority renewal application states the municipality is to be notified by certified mail.

AMENDMENTS TO PPA AGREEMENT

RESOLUTION 15-187

Moved by Councilor Zogby
Seconded by Councilor Smith

WHEREAS, by resolution dated January 6, 2015, the City of Oneida Common Council passed a resolution authorizing and directing the Mayor to enter into a Power Purchase Agreement (“PPA”) with groSolar (“GS”), that was substantially consistent with the term sheet of file with the City Clerk, to allow the development of a 2.8 megawatt solar energy project, wherein GS, through a single purpose corporation, would build, finance, own and operate a solar powered photovoltaic array located in or near the City of Oneida; **and**

WHEREAS, such resolution further authorized and directed the Mayor to execute such forms as were required by the New York State Energy Research and Development Authority (“NYSERDA”) to secure the grant monies available; **and**

WHEREAS, the Mayor thereafter duly entered into a PPA with GS and the property identified for the siting of such solar powered photovoltaic array was City-owned land, zoned “Community Service,” located at 1111 Richter Drive, City of Oneida and the Mayor completed such documents and procedures as were required by NYSEDA; **and**

WHEREAS, subsequent to the execution of the PPA and the receipt of NYSEDA approval, residents located near the proposed photovoltaic array appeared before the Common Council to express their opposition and concern; **and**

WHEREAS, in response to concerns expressed by the aforementioned residents, GS agreed to evaluate the viability of locating the proposed photovoltaic array on other City-owned property, as well as the feasibility of amending NYSEDA’s approval; **and**

WHEREAS, it is the wish of the Common Council that any amendment to the PPA with groSolar be subject to Common Council approval, **now therefore be it**

RESOLVED, that the Common Council does hereby declare that any future amendment to the Power Purchase Agreement with groSolar is subject to consideration and approval by the Common Council.

Ayes: 5

Nays: 0

Abstain: 1 (Simchik)

MOTION CARRIED

Mike DeBottis, Oneida, asked that the City Clerk read the proposed Resolution aloud. City Attorney Bell said this Resolution is saying that in the event the Power Purchase Agreement with groSolar changes in any way, it will come back to the Council for approval. The City Attorney said that this is something the City does consistently and cited the amending of the lease agreement with the Kallet.

Mr. DeBottis thanked the Council for listening to the residents' concerns and said it was mentioned that you cannot talk about this because there is pending litigation. He said that is counterproductive; the objective is to try to continue to have open discussions and freeze litigation where it stands. He said the time-frame for an Article 78 is short, and the residents felt the need to file that petition. He said that doesn't mean they wish to continue, they would much rather work in a productive fashion. Mr. DeBottis said that groSolar inspecting another site today was encouraging.

The City Attorney said she has not had any conversations with their attorney stating that this is counterproductive for this Council not to speak on the litigation. Mr. DeBottis said that their attorney proposed freezing the action where it stands, with all time lines frozen, to have discussions. Attorney Bell said it was her advice to the Council that whenever a lawsuit is filed, it is not wise to engage in discussions of the specifics of the matter while there is a pending litigation.

Kelly Lewin asked about the time-line relative to the site visit today. City Engineer Rauscher said environmental engineers from groSolar looked at another site, and the information will come from their review, which includes costs for tree removal, wetlands, vegetation, electrical connections, etc.

NEW BUSINESS

Mosquito Spraying

Councilor Chamberlain said the mosquito count in the City has dropped dramatically. He said the City is spraying, adding that NYS has changed the regulations with respect to notifications. The City Engineer said spraying is done each Wednesday.

RFP's for Retiree Insurance

The Mayor has the proposals for retiree insurance, and he will be discussing how to move forward with that information upon his return from vacation.

Oneida Healthcare Center

Cassie Rose and the Mayor met with Gene Morreale to discuss the services being provided by Oneida Healthcare Center. Mr. Morreale thanked the Mayor for introducing the hospital to Mr. Bill Buchan, as with his guidance, they are now moving forward with a solar initiative of their own.

City Center Study

On Monday, August 3rd, there was an initial meeting with the consultant and advisory group of building owners. This was a very informative and engaging first step.

Big Truck Day at Glenwood Plaza

On July 13, 2015, boys and girls of all ages had the opportunity to “touch a truck” at Glenwood Plaza. There were about 25 trucks and a helicopter for kids to sit in and look at, and this event was very well attended. Mark Buss from the Water Department, and Tom Simchik and Ernie LeRoy from the DPW volunteered their time to take the City’s dump trucks, construction equipment and army surplus vehicle to the event. The on-duty firemen took the ladder truck and another fire truck to the event.

E-mail Sign-up Sheet

Deputy Mayor Acker said that on the Home page of the City website, to the right of the page, the public can “Find and Follow” the City. Just click on the link to subscribe to E-News and follow us on Facebook and Twitter.

Insurance Coverage for Properties Recently Acquired

The Comptroller said the additional insurance for the properties recently acquired will be approximately \$2K and proposed that any properties acquired should be automatically added to the policy. The City Attorney said she reached out to the insurance agent to be sure that the City was adequately covered. She said there is limited insurance at this moment; and just like with any property acquired by the tax sale process; it becomes inventory of the City. Attorney Bell said that in this case, because the properties are occupied, additional insurance is recommended to be secured.

EXECUTIVE SESSION

RESOLUTION 15-188

Moved by Councilor Bowe
Seconded by Councilor Chamberlain

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:13 p.m. for the purpose of discussing the proposed acquisition, sale or lease of real property.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Clerk, City Attorney, City Assessor

Discussion was held relating to the proposed acquisition, sale or lease of real property.

Moved by Councilor Bowe
Seconded by Councilor Zogby

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:03 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 15-189

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, that per Resolution 08-180 adopted by the Common Council on August 19, 2008, the provisions of the procedure to accept agenda items is hereby waived.

Ayes: 6
Nays: 0

MOTION CARRIED

SALE OF REAL PROPERTY

RESOLUTION 15-190

Moved by Councilor Zogby
Seconded by Councilor Smith

WHEREAS, the City of Oneida is the owner of real property situated at 228 Washington Avenue, Oneida, known as Tax Map No. 30.79-1-64; **and**

WHEREAS, the Common Council declared real property situated at 228 Washington Avenue, Oneida, New York, known as Tax Map No. 30.79-1-64, to be “excess property” eligible for sale at fair market value at its July 21, 2015 Common Council meeting, **and**

WHEREAS, because of the poor, deteriorated condition of the property located at 228 Washington Avenue, the property’s current market value is \$8,500.00; **and**

WHEREAS, the City has received a purchase offer from William Butler, 223 Drake Avenue, Oneida NY 13421 in the amount of the property’s current market value of \$8,500; **now therefore be it**

RESOLVED, that a Purchase Offer from William Butler, 223 Drake Avenue, Oneida NY 13421 for said property located at 228 Washington Avenue, City of Oneida, New York, Tax Map No. 30.79-1-64, in the amount of \$8,500.00, the fair market value, be hereby received and placed on file, **and be it further**

RESOLVED, that the Common Council hereby accepts the aforementioned Purchase Offer and approves the sale of the property situated at 228 Washington Avenue, City of Oneida, New York, Tax Map No. 30.79-1-64, to William Butler, 223 Drake Avenue, Oneida NY 13421, in the amount of \$8,500, plus closing costs and filing fees, **and be it further**

RESOLVED, that the City Attorney is herein authorized to prepare any and all documents necessary to effectuate such sale, for execution by the Mayor.

Ayes: 6
Nays: 0

MOTION CARRIED

Properties Acquired by the City for Taxes

Shane McCarthy, Oneida, provided the Council with a proposal that he put together and said he hoped the Council will reconsider and return the properties to him. He said he has been a resident of the City his whole life and has spent 30 years of hard work investing in his properties. He said his business is there, and he is a very reputable contractor in the City, who has employees who depend on him. He said this has been a devastating week for him, and he cannot conduct business, because he can't get in. Mr. McCarthy said he brought a certified check with him tonight to cover all the taxes on the commercial building where his office and shop is located. He said he has secured a line of credit to clear all these actions up in a very timely matter. He said he is truly sorry that he got into this situation. Mr. McCarthy said for thirty years he paid taxes on these properties and this is the first time he has gotten into trouble with taxes. City Attorney Bell said she has previously spoken with Mr. McCarthy, Mr. DeBottis and Attorney Predmore. She said it is her legal opinion that once the properties have been acquired for back taxes, the only way the City can divest themselves of those properties is for fair market value. The City can sell the properties back to you for fair market value; however, the taxes that are owed would not be the fair market value. Attorney Bell said that the process is done once the deeds have been filed; however, if you, or Attorney Predmore can provide a law stating that the property can be returned just by paying the taxes, she will present that to the Common Council. Attorney Bell said that at this time, she cannot find any such law, and the Council doesn't have the authority to give back the properties for the taxes owed. Mr. McCarthy said he has invested a lot of sweat equity into the properties and would like the opportunity to pay the taxes and get his property back.

Mr. DeBottis said he was speaking as Mr. McCarthy's friend. He said he was a supervisor at the County level and explained the processes observed outside the City, which do authorize, up until auction, to buy the properties back for delinquent taxes and all penalties. Mr. DeBottis made a very impassioned plea for his friend, noting that Mr. McCarthy's family of four depends on the Council's decision. He asked the Council to think about what's in your hearts and do the descent thing. Deputy Mayor Acker said that the Council has to follow the rules and guidance of our City Attorney. Deputy Mayor Acker said to Mr. McCarthy that the Council members are not the people who put you in this position, and we cannot accept any money from you tonight. Councilor Zogby said the Council will discuss this and get back to Mr. McCarthy. In response to a question from the City Attorney, Mr. McCarthy said that Mr. Predmore was an attorney he spoke with a couple times. At that point he asked Mr. DeBottis to be his attorney of record, and Mr. DeBottis agreed.

Motion to adjourn by Councilor Simchik

The meeting is hereby adjourned at 8:18 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk