

**MINUTES OF THE COMMON COUNCIL
AUGUST 15, 2017**

A regular meeting of the Common Council of the City of Oneida, NY was held on the fifteenth day of August, 2017 at 6:37 o'clock P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

Meeting was called to order by Mayor Leo Matzke

PRESENT: Councilors Alan Cohen, Michael Bowe, Erwin Smith,
Helen Acker, and James Chamberlain

ABSENT: Councilor Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Fire Chief Kevin Salerno
Assistant Fire Marshall Dennis Fields
Planning Director Cassie Rose
Supervisor Margaret Milman-Barris
Supervisor John Reinhardt
Supervisor Joe Magliocca

**PUBLIC HEARING
SUCCESSFUL PERFORMANCE OF THE
2013 COMMUNITY DEVELOPMENT BLOCK GRANT**

RESOLUTION 17-222

Moved by Councilor Bowe
Seconded by Councilor Cohen

RESOLVED, that the Public Hearing regarding the successful performance of the 2013 Community Development Block Grant be hereby opened at 6:39 p.m.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

APPEARANCES

Planning Director Cassie Rose said the City applied for and received \$400,000 for the 2013 CDBG Housing Rehabilitation Grant Program, which was closed out in 2015 receiving a successful monitoring report. She stated that tonight's Public Hearing is a new requirement to inform the community of the grant's performance and to allow for comments addressing subsequent applications. Director Rose explained that the City of Oneida is not an entitlement community, which means that the funding is not automatic like it is to larger cities who meet the threshold. She said the City of Oneida must compete for funding, and the grant programs are very competitive. Ms. Rose said that the grant was written for single-family owner-occupied households, as the vast majority of people on the waiting list fall into this category. She said that with this grant they were very successful in reaching out to the neediest people. Director Rose outlined the accomplishments of the 2013 Program, noting that 13 structures were rehabbed. She said that all 13 households met the low-very low income guidelines. She explained that with every house, the work included lead testing, remediation and lead clearance testing, and electrical testing of all structures before rehabilitation. She said that each home must be brought up to meet all building codes, and the projects must address all health and safety issues with the structure. Director Rose said that cosmetic work is not part of the program, using the example that a home may have new windows and a new water service, but might not look better from the outside. She said that the Department is currently administering a Home Program Grant. Director Rose said that given our size, the City has been fortunate with receiving grant funding over the past years. Councilor Bowe said that 70% of the grant funding goes to the entitled communities, with the balance of 30% for other communities to compete for.

Councilor Smith asked the Planning Director about SHPO's involvement in the Buyout Program, and she said that they are currently addressing this matter. Director Rose said they are scheduled to meet tomorrow relating to the demolitions and archaeology matters.

CLOSE PUBLIC HEARING

RESOLUTION 17-223

Moved by Councilor Bowe
Seconded by Councilor Acker

RESOLVED, that the Public Hearing regarding the successful performance of the 2013 Community Development Block Grant be hereby closed at 6:50 p.m.

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

PUBLIC HEARING
PROPOSED LOCAL LAW AUTHORIZING TAX LEVY IN EXCESS OF
LIMIT IN GENERAL MUNICIPAL LAW §3-C

RESOLUTION 17-224

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that the Public Hearing regarding the proposed Local Law authorizing a tax levy in excess of the limit in General Municipal Law §3-c be hereby opened at 6:50 p.m.

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

APPEARANCES

Mayor Matzke said this is needed just in case the 2018 budget requires a tax levy increase above limit, but it doesn't mean that the City will do this. The Mayor said that the 2017 budget came in under 2%, and he is hoping this year will be the same.

CLOSE PUBLIC HEARING

RESOLUTION 17-225

Moved by Councilor Cohen
Seconded by Councilor Acker

RESOLVED, that the Public Hearing regarding the proposed Local Law authorizing a tax levy be hereby closed at 6:51 p.m.

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

PUBLIC HEARING
PROPOSED ORDINANCE AMENDMENTS TO
CHAPTER 190-15 SIGN REQUIREMENTS

RESOLUTION 17-226

Moved by Councilor Smith
Seconded by Councilor Cohen

RESOLVED, that the Public Hearing regarding the proposed Ordinance Amendments to Chapter 190-15 Sign Requirements be hereby opened at 6:51 p.m.

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

APPEARANCES

Jill Christian Lynch, Oneida, questioned the very specific guidelines for signs and asked why no signs are allowed in R1 and R2 zones. City Attorney Nadine Bell said that in R1 and R2 zones you are only allowed to have a house. She said there is no need to have signage like you would for a restaurant or plaza, as those are not permitted uses in residential zones. Attorney Bell said that most residential neighborhoods do not want flashing, pylon or large signs in their neighborhoods. She said that signs that are considered free speech (examples: for/against fracking, current issues where someone wants their position known) and falls within the definition of a temporary sign, may be allowed; but you would have to look closely at what you want to do, the purpose of the sign and how it would be constructed. Councilor Acker said that most municipalities have a Sign Review Board. The Mayor said the Sign Review Board has its own authority.

An unidentified woman asked a question about the LED digital signage, and Councilor Acker said the message can change every 30 seconds. The unidentified woman said that she is with the Presbyterian Church, and they would like to be able to change the message on their sign more often.

The City Clerk said that with regard to #21 in Section C, there is a banner policy currently in place that was approved by the Common Council. She said that National Grid places and removes all banners over the City streets, noting that the City has not done this in many years. She explained that any banner requestors not only have to get approval from the Mayor/City, but also have to go through National Grid, filling out their required forms, providing insurance information and furnishing them with the banner for hanging. She said the Council may want to consider removing #21.

Gary Taylor, Oneida, said that if the City is considering buying the poles from National Grid then this could just stay as part of the Code. The Mayor said that the street light project may take a couple of years, as it is shaping up to be over a million dollar project. The City Clerk said the Code could be amended when the project is completed if need be. The City Engineer said the City would potentially just be purchasing the arms on the poles, as other utilities have their lines on the poles also.

CLOSE PUBLIC HEARING

RESOLUTION 17-227

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that the Public Hearing regarding the proposed amendments to the Sign Ordinance be hereby closed at 7:10 p.m.

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

OLD BUSINESS

Updates on various properties Oneida City Code Chapter 34, Article III, Unsafe Buildings

Mayor Matzke said that the Property Manager/Assessor was off last week, and the estimates of repairs have not been received as yet. Assistant Fire Marshal Dennis Fields said the property at 507 Stone Street looks as if it is still being worked on, and Councilor Bowe said that it hasn't changed much. The Assistant Fire Marshal said that the façade at 112 Madison Street has been covered in concrete stucco, and nothing has been done with the porch repair at 216 E. Elm Street. He said that he has not looked at 181 Main Street yet, and the Mayor said that there has been some foundation work and the bushes have been trimmed. The Mayor said we cannot move forward with these properties until the first meeting in September.

City Attorney Nadine Bell said that the property located at 117 E. Sands Street (potential conveyance of title to City) does not have a clear title. She said that the current owner acquired the property in 1993, and the mortgage has been released by the bank; however, there is a judgement against the property in excess of \$3,000 placed against it in 2012. She suggested the title search be updated to see if any other judgements were also filed against the property. Attorney Bell said that the judgement needs to be addressed if the City is planning on taking title to the property. A brief discussion ensued amongst the Council and City Attorney relative to titles and judgements. Assistant Fire Marshal Fields said the last time he looked at the property the ceiling was falling, pipes appeared to be broken and two outside porches are in need of repair. He said that the foundation looks okay from the exterior. Assistant Fire Marshal Fields said that the current status of the taxes is unknown at this time, noting that after three years of unpaid taxes, the City can take the property. Councilor Bowe questioned if the Council should order a structural engineering report to find out the condition of the property to see if it needs to be torn down. The City Attorney said she will reach out to the property owner's attorney to find out what his clients intentions are.

Supervisor Joe Magliocca reiterated his concerns for the structural integrity of the property at 112 Madison Street. Mayor Matzke said they do not have the report on that property at this time, and a court order may have to be prepared to allow access to that building. Councilor Chamberlain said that the City is making progress with respect to codes issues, and we are moving forward in the right direction.

FEMA Buyout Program Update

Councilor Acker said that the City had a pre-demo meeting on Monday via a phone conference for the demolitions of the first thirty homes in the FEMA Buyout Program. She said the City is ready to start, and the Contractor is ready to go; however, there are many State and Federal governmental layers involved with this project. She said that the City just received notice at the pre-demo meeting from SHPO (State Historic Preservation Office) that before the City can put a shovel in the ground, we must wait up to 30 days to receive the official reports relating to any pre-historic and Indian grounds. She said that SHPO is concerned with the actual ground experience, meaning any concrete and driveway materials that will be taken up, as they are looking for any historical facts. She said that SHPO will be monitoring the area as the houses are torn down.

Oneida Rail Trail Project

Councilor Bowe said that two weeks ago, the Council authorized advertising for the Oneida Rail Trail Project construction phase, but he voted against that Resolution. He said that he applauds everyone who spent a lot of time in support of this project; however, he can only support about 77% of the project. He said that the Council found out half way through the process that a bridge is being rebuilt that hasn't been used in 70 years at a cost of almost \$300K. He said that in the last 25 years three bridges have closed in the City of Oneida; one was Swallows Bridge, one on N. Lake Street heading towards Main Street in Durhamville, and one on South Burdick Street, adding that each closing caused hardships for some folks. He said that he spoke with the Deputy Highway Supervisor who knew nothing about the new bridge, and now the County has another bridge to maintain. Councilor Bowe said that he cannot support the bridge portion of this project and just wanted to qualify his vote.

Solar Panel Construction

Jill Christian-Lynch said that she has concerns about the construction of large unsightly solar panels in residential neighborhoods. She said that the City has a Sign Review Board with its own authority to protect the aesthetics of the downtown area and residential neighborhoods, yet with the Unified Solar Permit someone can put a 14 kilowatt ground-mounted solar panel in their side or back yard. She said that a 10 kilowatt solar array costs about \$20K online and takes up approximately 600 square feet of your side or back yard. She said that she is concerned about the quality of life in the City, and these types of panels should not be allowed in any residential neighborhood. She suggested creating a review board to develop specific guidelines to protect our residents. Mrs. Christian-Lynch said that she is not against solar, but we must be mindful of what regulations we have in place.

SUPERVISORS REPORT

Supervisor John Reinhardt said the County Sales Tax has increased by 3.8%, noting that motor fuel taxes are up 17% since 2016. Councilor Smith commented that the City Sales Tax is up 1.5%.

Supervisor Reinhardt said that the County's shared services initiative is in the final phase, and there will be a public hearing to detail the savings in September. The shared services report will be delivered to NYS after County approval.

Supervisor Reinhardt said the \$20M courthouse renovations project to comply with ADA (Americans with Disabilities Act) requirements is moving forward.

Supervisor Reinhardt said that according to all the comments received on the proposed plastic bag legislation, 140 are in favor, 36 opposed and 9 are undecided. He said that the County will be holding another Public Hearing on the plastic bag issue.

Supervisor Reinhardt said the County has approved authorizing a tax levy in excess of the limit in General Municipal Law §3-c, as did the City. He said this also is done each year at the County level.

Supervisor Magliocca said that the County is in the process of drafting a Success Plan for next year. He said that he is part of the steering committee to define the goals for next year. He said the County obtained resident input from the 610 surveys received countywide, adding that most of the surveys came from City of Oneida residents. He thanked the City Clerk for putting the surveys on the Clerk's Facebook page and website. He said the Success Plan also addresses satisfaction of services, fiscal management and employee success and encouragement.

Supervisor Milman-Barris said that there was an open house at the Madison County Landfill about the ARE Park over the weekend. She said that approximately 70 attendees were introduced to the County staff and the members of the DEC who are involved in the ARE Park projects and landfill operations. She said that the event was overall very positive.

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that the minutes of the regular meeting of July 18, 2017 are hereby approved as presented.

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

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that Warrant No. 17 checks and ACH payments in the amount of \$423,151.15 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
Absent: 1 (Simchik)
MOTION CARRIED

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that Check No. 58180 in the amount of \$8,473.05 (City Attorney) as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

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

TRANSPORTATION LEASE AGREEMENT

RESOLUTION 17-228

Moved by Councilor Chamberlain
Seconded by Councilor Acker

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

Mayor Matzke said the City is teaming with a couple other communities for the bus trip.

ON PREMISES ALCOHOLIC BEVERAGE LICENSE RENEWAL

RESOLUTION 17-229

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that the Standardized Notice Form for an On-Premises Alcoholic Beverage License renewal from the Order of Owls Nest 1606, 130 Vanderbilt Ave., Oneida NY 13421 be hereby received and placed on file.

Ayes: 5

Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 17-230

Moved by Councilor Smith
Seconded by Councilor Acker

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

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

Councilor Cohen said that he wanted to acknowledge the Elks Club for their donations to the City. Mayor Matzke said that the Elks Club applied for and received a grant, which they used to purchase archery equipment for the Recreation Center to start a new community program. They also provided a new mountain bike for the Police Department to use on downtown patrols. The Mayor and Council thanked the Elks Club for their donations.

**FEMA BUYOUT PROGRAM – DEMOLITIONS & ASBESTOS ABATEMENT
UPFRONT FUNDING**

RESOLUTION 17-231

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, to approve the use of \$500,000.00 from the General Fund (fully reimbursable) for upfront expenses associated with the cost of demolition and asbestos abatement for properties in the Buyout Program.

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

The Mayor said that the Council previously approved the use of \$1M for Buyout purposes, adding that the FEMA reimbursement turn-around time has been very good. He said this approval will help to cover the upfront costs with respect to the asbestos abatements and demolitions, as well as allow for the continuation of closings on the properties. Councilor Acker said these funds are fully reimbursable. In response to a question, Councilor Acker said an extension could be applied for should the City not be able to meet the August 2018 deadline.

BUDGET AMENDMENTS AND TRANSFERS

RESOLUTION 17-232

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, to approve the following budget amendment:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$2,014.18	001.0022.2680 Insurance Recovery	001.3120.0411 Police Vehicle Maintenance
	<i>(To reallocate funds received from insurance claim to repair police vehicle)</i>	

RESOLVED, to approve the following budget transfers:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$1,375	001.1990.0400	001.7521.0403

	Contingency	Kallet Building Repair
	<i>(To transfer funds to cover the cost for review of the Kallet transformer)</i>	
\$27,850.00	003.8110.0436	003.8110.0400
	Sewer Contingency	Sewer Contractual Services
	<i>(To cover costs associated with the WWTP Expansion and Upgrade Engineering Report)</i>	

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

AMENDMENT TO AGREEMENT
WWTP EXPANSION AND UPGRADE ENGINEERING REPORT

RESOLUTION 17-233

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, to authorize the Mayor to sign an Amendment to the October 4, 2016 Agreement with GHD Consulting Services, Inc. to complete the Waste Water Treatment Plant Expansion and Upgrade Engineering Report.

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

NEW BUSINESS

Councilor Chamberlain said he wanted to recognize Jim Company of Company Roofing for the continued improvements that he has done on his buildings on W. Elm Street and Main Street. He said that Mr. Company has recently refaced the façade with brick, and he wanted to recognize him for his hard work. He said that Mr. Company is still interested in purchasing Canal Street and has a nice plan for what he would like to do. Councilor Chamberlain said that the City Attorney has looked into this.

David Simmons from Realty USA on Main Street said that the company is changing their sign, and he passed out color photos of the old/new sign. Mayor Matzke said he needs to contact Building Codes Officer Pat Baron for a sign permit application, and the Sign Review Board will review his request.

Motion to adjourn the regular meeting by Councilor Acker

The regular meeting is hereby adjourned at 7:58 p.m.

DUE PROCESS HEARINGS – WATER/SEWER BILLS
COMMON COUNCIL CHAMBERS
109 N. MAIN ST. ONEIDA NY 13421
AUGUST 15, 2017

Mayor Leo Matzke called the Water and Sewer Due Process Hearings to order at 8:05 p.m.

PRESENT: Councilors Alan Cohen, Michael Bowe, Erwin Smith, Helen Acker, and James Chamberlain

ABSENT: Councilor Thomas Simchik

ALSO PRESENT: City Clerk Susan Pulverenti

The witnesses for each hearing were sworn in by the City Clerk.

The Water/Sewer Due Process Hearings requested by the property owners of 534 Sconondoa Street (Dixon) and 534 Lenox Avenue (DeMauro) have been cancelled, as the customers have paid the outstanding bills in full and do not have to appear at the hearings.

WATER/SEWER DUE PROCESS HEARING
542 LENOX AVE – SCRIBNER – 51-07101200

RESOLUTION 17-234

Moved by Councilor Acker
Seconded by Councilor Smith

WHEREAS, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled "Termination of Service," the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a due process hearing prior to terminating a customer's water service; **and**

WHEREAS, David Scribner – 542 Lenox Avenue – Account No. 51-07101200 properly requested a Due Process Hearing before the Common Council to contest the Water Department's decision to terminate their water service; **and**

WHEREAS, a Due Process hearing was thereafter timely held on August 15, 2017 by the City of Oneida Common Council; **and**

WHEREAS, David Scribner – 542 Lenox Avenue appeared before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**

RESOLVED, that David Scribner – 542 Lenox Avenue – Account No. 51-07101200 – outstanding balance of \$808.78 (Dec 2016-\$273.52, March 2017-\$267.63, and June 2017-\$267.63) is hereby **GRANTED AN EXTENSION** to make payments in the amount of \$270.00 due on September 1, 2017, a second payment of \$270.00 due on October 1, 2017 and a third payment of \$268.78 due on November 1, 2017 with cash or other certified funds, **and be it further**

RESOLVED, that if payment is not received on or before the above adjusted due dates, then the Water Department will proceed with the termination of water service.

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

Mr. Scribner said that he is working now and can make payments on the bill; he said that he just needed some extra time so they didn't shut off the water. He said that his wife is disabled and on a fixed income. Mr. Scribner said that he has his two grandchildren living at the residence also. The Council set up a payment plan, and Councilor Acker explained to Mr. Scribner that if he did not make the payments as scheduled, the water would be shut off. The City Clerk said the final date for payments would be on or before November 3, 2017, as that is the date when the delinquent bills will be relieved.

WATER/SEWER DUE PROCESS HEARING
356 N. LAKE STREET – LIGHTHALL – 51-01103200

RESOLUTION 17-235

Moved by Councilor Acker
Seconded by Councilor Chamberlain

WHEREAS, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled "Termination of Service," the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a due process hearing prior to terminating a customer's water service; **and**

WHEREAS, Gail Lighthall – 356 N. Lake Street – Account No. 51-01103200 properly requested a Due Process Hearing before the Common Council to contest the Water Department's decision to terminate their water service; **and**

WHEREAS, a Due Process hearing was thereafter timely held on August 15, 2017 by the City of Oneida Common Council; **and**

WHEREAS, Gail Lighthall – 356 N. Lake Street appeared before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**

RESOLVED, that Gail Lighthall – 356 N. Lake Street – Account No. 51-01103200 outstanding balance of \$622.17 (Bills unpaid from Dec 2016-\$151.25, March 2017-\$183.98, June 2017-\$286.94) is hereby **GRANTED AN EXTENSION** until September 11, 2017 to pay the outstanding balance in the amount of \$622.17, with cash or other certified funds, **and be it further**

RESOLVED, that if payment is not received on or before the above adjusted due date, then the Water Department may proceed with the termination of water service.

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

Ms. Lighthall said that she could pay the bill in full on September 8, 2017 when she receives her check. The Council opted to give her an extension until Monday, September 11, 2017 to make the payment.

WATER/SEWER DUE PROCESS HEARING
421 MCGUIRE STREET – POTTER – 51-05100300

RESOLUTION 17-236

Moved by Councilor Bowe
Seconded by Councilor Smith

WHEREAS, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled “Termination of Service,” the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a due process hearing prior to terminating a customer’s water service; **and**

WHEREAS, Andrea Potter – 421 McGuire Street – Account No. 51-05100300 properly requested a Due Process Hearing before the Common Council to contest the Water Department’s decision to terminate their water service; **and**

WHEREAS, a Due Process hearing was thereafter timely held on August 15, 2017 by the City of Oneida Common Council; **and**

WHEREAS, Andrea Potter – 421 McGuire Street appeared before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**

RESOLVED, that Andrea Potter – 421 McGuire Street – Account No. 51-05100300 outstanding balance of \$119.63 (Bill unpaid from June 2017-\$119.63) is hereby **GRANTED AN EXTENSION** until September 7, 2017 to pay the outstanding balance in the amount of \$119.63, with cash or other certified funds, **and be it further**

RESOLVED, that if payment is not received on or before the above adjusted due date, then the Water Department may proceed with the termination of water service.

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

Ms. Potter said that she could pay the bill in full by September 7, 2017, and the Council agreed to an extension.

WATER/SEWER DUE PROCESS HEARING
211 ALLEN STREET – BORNE, JR. (TENANT) 51-04101800
PROPERTY OWNER – CHARLES TAYLOR

RESOLUTION 17-237

Moved by Councilor Acker
Seconded by Councilor Bowe

WHEREAS, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled “Termination of Service,” the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a due process hearing prior to terminating a customer’s water service; **and**

WHEREAS, Warren Borne Jr., a tenant residing at 211 Allen Street, Account No. 51-04101800 (Property Owner-Charles Taylor) properly requested a Due Process Hearing before the Common Council to contest the Water Department’s decision to terminate their water service; **and**

WHEREAS, a Due Process hearing was thereafter timely held on August 15, 2017 by the City of Oneida Common Council; **and**

WHEREAS, Warren Borne Jr., who resides at 211 Allen Street **FAILED TO APPEAR** before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**

RESOLVED, that the Water Department shall proceed with the termination of water service in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled "Termination of Service", **and**

WHEREAS, the property owner of 211 Allen Street, Mr. Charles Taylor, 4378 Page Road, Canastota appeared at the due process hearing, **now therefore be it**

RESOLVED, that Charles Taylor, 211 Allen Street, Account No. 51-04101800 - \$538.51 (Bill unpaid from Dec. 2016-254.21, Mar 2017-145.37 and June 2017-\$138.93) is hereby granted a plan for payment in the amount of \$180.00 due on or before September 7, 2017, a second payment of \$180.00 due on or before October 7, 2017, and a third payment of \$178.51 due on or before November 3, 2017 with cash or other certified funds.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

Mr. Warren Borne, Jr. failed to appear at the due process hearing, and the Council ordered that the water be turned off.

Mr. Charles Taylor, the property owner, and an unidentified woman attended the hearing. Mr. Taylor, who is very hard of hearing, said that he did not know who Warren Borne Jr. is, as he is not the tenant of record at the house. The woman with Mr. Taylor said that the tenant was supposed to be paying all the water bills and taxes, and Mr. Taylor did not realize all these bills were outstanding. She reiterated that they do not know who Mr. Borne is, and he is not Mr. Taylor's tenant. She said that the power is currently off at the property as well. She said there was a sign on the door stating no one could be there after 5:00 p.m. She said that they have spoken with the Police Department about this matter. Mr. Taylor said that he could start making payments when he gets his checks at the beginning of the month.

WATER/SEWER DUE PROCESS HEARING
205 LEXINGTON AVE – HOWLETT (TENANT) – 51-17101000
PROPERTY OWNER - WILLIAM AND RENEE VINEALL

RESOLUTION 17-238

Moved by Councilor Acker

Seconded by Councilor Bowe

WHEREAS, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled "Termination of Service," the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a due process hearing prior to terminating a customer's water service; **and**

WHEREAS, Brandy Howlett, a tenant residing at 205 Lexington Avenue, (Property Owners-William and Renee Vineall) Account Number 51-17101000 - outstanding water bills total \$700.17 (bills unpaid from Dec 2016-\$189.86, March 2017-\$248.33, June 2017-\$331.98) properly requested a Due Process Hearing before the Common Council to contest the Water Department's decision to terminate their water service; **and**

WHEREAS, a Due Process hearing was thereafter timely held on August 15, 2017 by the City of Oneida Common Council; **and**

WHEREAS, Brandy Howlett, a tenant who resides at 205 Lexington Avenue appeared before the Common Council at the aforementioned Due Process Hearing, **and**

WHEREAS, William and Renee Vineall, 202 Pexton Street, Sherrill NY 13461 are the owners of the property located at 205 Lexington Avenue and said property owners are participating in the FEMA Buyout Program, **now therefore be it**

RESOLVED, that a decision on this matter will be postponed to the September 5, 2017 Common Council meeting to allow time for Councilor Acker to verify that documents have been executed by the property owners for the FEMA Buyout Program.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)
MOTION CARRIED

Ms. Howlett said that she lost her job in January and is struggling to pay all her bills. She said that she could pay \$170.00 today. Ms. Howlett said that the property is part of the Buyout Program, noting that the papers have already been signed. The Council discussed that the City would be made whole at the date of the closing on the property. Councilor Acker suggested that a decision be postponed until the next Council meeting, while she confirms that the Buyout documents have been signed.

WATER/SEWER DUE PROCESS HEARING
580 ELIZABETH STREET – STODDARD – 51-15101600

RESOLUTION 17-239

Moved by Councilor Bowe
Seconded by Councilor Smith

WHEREAS, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled “Termination of Service,” the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a due process hearing prior to terminating a customer’s water service; **and**

WHEREAS, Denise Stoddard – 580 Elizabeth Street – Account No. 51-15101600 – Balance due \$589.99 (Bills unpaid from Dec 2016-\$260.65, March 2017-\$164.67, June 2017-\$164.67) properly requested a Due Process Hearing before the Common Council to contest the Water Department’s decision to terminate their water service; **and**

WHEREAS, a Due Process hearing was thereafter timely held on August 15, 2017 by the City of Oneida Common Council; **and**

WHEREAS, Denise Stoddard, 580 Elizabeth Street appeared before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**

RESOLVED, that a check in the amount of \$164.67 from Denise Stoddard – 580 Elizabeth Street – Account No. 51-15101600 as payment on the outstanding balance of \$589.99 be hereby accepted, **and be it further**

RESOLVED, that the City Attorney be contacted relative to the bankruptcy filing and the balance of the outstanding water bills.

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

Denise Stoddard said that they have filed bankruptcy. She explained about her young daughter’s illness and costs associated with medical treatments. Mrs. Stoddard said they have had to pay multiple fees related with going bankrupt and are struggling with all their bills. She provided the Council with all the paperwork relating to the bankruptcy, noting that Attorney Randy Schaal is handling their case. She said that she was told that because of the bankruptcy, all she currently owes \$164.67 and provided the Common Council with a check for that amount. The Council said that the City Attorney will be contacted about the bankruptcy paperwork.

WATER/SEWER DUE PROCESS HEARING
GLENWOOD PLAZA – PAYLESS SHOESOURCE (TENANT) – 51-22208475
PROPERTY OWNER – GLENWOOD PLAZA LLC

RESOLUTION 17-240

Moved by Councilor
Seconded by Councilor

WHEREAS, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled “Termination of Service,” the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a due process hearing prior to terminating a customer’s water service; **and**

WHEREAS, Payless ShoeSource (a tenant in Glenwood Plaza LCC) Account No. 51-22208475 properly requested a Due Process Hearing before the Common Council to contest the Water Department’s decision to terminate their water service; **and**

WHEREAS, a Due Process hearing was thereafter timely held on August 15, 2017, by the City of Oneida Common Council; **and**

WHEREAS, a representative from Payless ShoeSource **FAILED** to appear before the Common Council at the aforementioned Due Process Hearing, **and**

WHEREAS, Payless ShoeSource has filed for bankruptcy, **now therefore be it**

RESOLVED, that a check in the amount of \$19.93 from Payless ShoeSource, as payment on the outstanding balance of \$48.94, received via the mail by the City Chamberlain on Monday, August 14, 2017, be hereby accepted, **and be it further**

RESOLVED, that the City Attorney be consulted relative to the bankruptcy filing and the balance of the outstanding water bill.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

The City Clerk said that the Chamberlain received a check from Payless ShoeSource in the amount of \$19.93 on Monday that she was holding until after tonight's hearing. The notice from Payless said the payment amount was pro-rated to the time of their filing bankruptcy. The Council briefly discussed and decided to accept the check and consult the City Attorney.

Motion to close the hearings by Councilor Acker

The Due Process Hearings are hereby closed at 8:49 p.m.

CITY OF ONEIDA

Susan Pulverenti
City Clerk