

**MINUTES OF THE COMMON COUNCIL  
SEPTEMBER 2, 2014**

A meeting of the Common Council of the City of Oneida, NY was held on the second day of September, 2014 at 6:30 o'clock P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

Meeting was called to order by Mayor Alden M. Smith

**PRESENT:** Councilors Brahim Zogby, Michael Bowe, Erwin Smith, Helen Acker,  
James Chamberlain and Thomas Simchik

**ALSO PRESENT:** City Attorney Nadine Bell  
City Chamberlain Nancy Andrews  
City Clerk Susan Pulverenti  
City Engineer Jon Rauscher  
Civil Service Officer Peg Margo  
Comptroller Linda Pease  
Director of Planning and Development Cassie Rose  
Fire Chief Kevin Salerno  
Police Chief David Meeker  
Public Safety Commissioner Michael Kaiser

**PUBLIC HEARING – PROPOSED LOCAL LAW AMENDING ARTICLE II, SECTION 2.1 (A)  
OF THE CITY CHARTER TO AMEND THE TERM OF THE MAYOR**

**RESOLUTION 14-194**

Moved by Councilor Smith  
Seconded by Councilor Chamberlain

**RESOLVED**, that the Public Hearing on the proposed Local Law to amend the City Charter Article II, Section 2.1(A) to amend the term of the Mayor be hereby opened at 6:32 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**APPEARANCES:** None

Moved by Councilor Zogby  
Seconded by Councilor Smith

**RESOLVED**, that the Public Hearing on the proposed Local Law to amend the Charter relative to the term of the Mayor be hereby closed at 6:33 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**PUBLIC HEARING – PROPOSED LOCAL LAW AMENDING ARTICLE II, SECTION 2.1 (A)  
OF THE CITY CHARTER TO AMEND THE TERM OF THE CITY COUNCILORS**

**RESOLUTION 14-195**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, that the Public Hearing on the proposed Local Law to amend the City Charter Article II, Section 2.1(A) to amend the term of the City Councilors be hereby opened at 6:33 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**APPEARANCES** - None

Councilor Bowe said the Council had a special meeting to discuss these proposed Local Laws and although, this particular Local Law was not a recommendation from the Charter Review Committee, the Council decided to let the people decide at the polls.

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, that the Public Hearing on the proposed Local Law to amend the Charter relative to the terms of the City Councilors be hereby closed at 6:34 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

### **OLD BUSINESS**

#### *Water Bill Payment Extension*

Stephanie Dykeman, 305 N. Main St. Oneida, was granted a payment extension for her water/sewer bill at the due process hearings on August 19, 2014. She was to pay her total bill of \$543.38 by September 3, 2014. The Council also authorized that her water be turned back on, as it had already been turned off for non-payment. Ms. Dykeman stated that she lost her wallet with all her cash and checks in it. She said she had taken the money off of her prepaid card. She had it in a bag she was carrying, and the bag apparently had a hole in it and it must have fallen out. She said she filed a police report, which the Police Chief verified. Ms. Dykeman said she gets paid on the 12<sup>th</sup> and 26<sup>th</sup> of September and said she can absolutely come in on the 12<sup>th</sup> and pay one-half of the bill. The Council briefly discussed and opted to grant another extension until September 12, 2014, to pay \$271.69 by cash or certified funds, which is one-half of the total amount due. The balance of \$271.69 is to be paid on or before September 26<sup>th</sup> by cash or certified funds. The Council said this is the final extension; if payments are not received in the manner granted by this second extension, the water will be turned off until full payment is made.

### **SECOND EXTENSION GRANTED**

#### **RESOLUTION 14-196**

Moved by Councilor Acker  
Seconded by Councilor Smith

**WHEREAS**, Mayor Smith gave special permission for Stephanie Dykeman (the home owner's daughter) – 305 N. Main Street – Account #51-03111000 to request a Due Process Hearing before the Common Council to contest the Water Department's decision to terminate their water

service; **and**

**WHEREAS**, the property at 305 N. Main Street is currently owned by Antoinette Dykeman, 305 N. Main St. Oneida NY 13421 **and**

**WHEREAS**, a Due Process hearing was held on August 19, 2014, by the City of Oneida Common Council and Stephanie Dykeman appeared before the Common Council at said Due Process Hearing, **and**

**WHEREAS**, after said hearing the Common Council instructed the Water Superintendent to turn the water service on at 305 N. Main Street, Account #51-03111000, which was done on August 20, 2014, **and**

**WHEREAS**, at said Due Process Hearing Stephanie Dykeman – 305 N. Main Street – Account #51-03111000 was granted an extension to September 3, 2014 to pay the outstanding water bills of \$463.38, plus the \$80 turn-off fee for a total amount due of \$543.38, and if payment was not received on or before the above adjusted due date, then the Water Department was to proceed with the termination of water service, **and**

**WHEREAS**, Stephanie Dykeman appeared before the Common Council on September 2, 2014 requesting a second extension to pay her delinquent water bills, **now therefore be it**

**RESOLVED**, that Stephanie Dykeman – 305 N. Main Street – Account #51-03111000 is hereby **GRANTED A SECOND EXTENSION** to September 12, 2014 to pay \$271.69, which is one-half of the total amount due, payable by **CASH OR CERTIFIED FUNDS** and if said initial payment is not received on or before the above adjusted due date, the Water Department shall proceed with the termination of water service, **and be it further**

**RESOLVED**, that the balance of \$271.69 for Account #51-03111000 is to be paid on or before September 26, 2014, and if said payment is not received on or before the agreed due date, the Water Department shall proceed with the termination of water service, **and be it further**

**RESOLVED**, that this is the **FINAL** extension.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Moved by Councilor Chamberlain

Seconded by Councilor Smith

**RESOLVED**, that the minutes of the regular meeting August 19, 2014, the special meetings August 12, 2014 and August 21, 2014, and the Water/Sewer Due Process Hearings August 19, 2014 are hereby approved as presented.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Moved by Councilor Chamberlain

Seconded by Councilor Acker

**RESOLVED**, that Warrant No. 17, checks and ACH payments in the amount of \$404,814.99 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the

discretion of the Comptroller.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Moved by Councilor Chamberlain

Seconded by Councilor Bowe

**RESOLVED**, that Check No. 51338 in the amount of \$120.57 (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**

Moved by Councilor Acker

Seconded by Councilor Smith

**RESOLVED**, to waive the Purchasing Policy and authorize payment of the following invoices:

- Certified Environmental Services, Inc. - \$166.40
- CPE Service Systems Solutions - \$1,707.15
- MGM Auto Parts - \$566.44
- Greenwood Products Inc. - \$319.58
- John Sullivan (John's Water Truck Svc.) - \$1,722.50
- Schindler Elevator - \$892.62

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Smith asked why these were being singled out. He questioned the contract with Schindler Elevator, and the City Engineer said the maintenance contract expired in 2002, but he has requested an updated contract for the next Council agenda. The Mayor said the Council is being asked to approve these because they didn't follow the purchasing policy. Councilor Smith asked why only these were singled out and the Comptroller said she didn't have the documentation with her, but they were all sent back for different reasons. The City Clerk said each of these vouchers were returned from the Comptroller with a post-it note to take them to Council, and a reason-why sheet was included in the packet. Councilor Acker said the bills need to be paid and Councilor Chamberlain concurred. He added that we need to just pay the bills and continue to do so until certain departments are straightened out. Councilor Chamberlain said he doesn't agree with this procedure and will not vote for it again.

**ADOPT LOCAL LAW NO. 6 OF 2014 ESTABLISHING  
A PUBLIC NUISANCE ABATEMENT PROGRAM IN THE CITY OF ONEIDA**

**RESOLUTION 14-197**

Moved by Councilor Acker

Seconded by Councilor Chamberlain

**RESOLVED**, that the Common Council of the City of Oneida, Madison County, State of New

York, pursuant to the Authority vested in it by law does hereby enact and ordain Local Law No. 6 of 2014 to establish a Public Nuisance Abatement Program in the City of Oneida as follows:

## **SECTION 1.**

The Code of the City of Oneida is hereby amended to include a new Chapter 122, titled “Public Nuisance Abatement,” which shall read as follows:

### **“CHAPTER 122. PUBLIC NUISANCE ABATEMENT.**

#### **§ 122-1 PURPOSE.**

It is hereby declared to be the policy of the City of Oneida to provide for the proper use of real property to prevent illegal, unhealthful, hazardous or dangerous conditions. By this Chapter, the Common Council of the City of Oneida seeks to establish a procedure for the City of Oneida to effectively abate those dangers which constitute a nuisance to public safety, health, life and property, and to assess the cost of abatement against those individuals who knowingly conduct, maintain, allow or permit the existence of a public nuisance and the real properties on which such activity occurs.

#### **§ 122-2 DEFINITIONS.**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed:

**PREMISES.** Real property or a building or structure, or any part thereof.

**PUBLIC NUISANCE.** Includes, but shall not be limited to:

1. Any building, structure or real property used for the illegal use, possession or distribution of a controlled substance or marijuana, as defined by the State Penal Law.
2. Any building, structure or real property used for prostitution as defined by the State Penal Law.
3. Any building, structure or real property used for indecent or obscene performances and/or promotion of obscene material as defined by the State Penal Law and this Code.
4. Any building, structure or real property used for illegal gambling activity as defined by the State Penal Law.
5. Any building, structure or real property used for the commission of illegal possession, use or sale of firearms or weapons as defined by the State Penal Law.
6. Any building, structure or real property used for the illegal sale, manufacture or consumption of alcohol beverages as defined by the State Alcohol Beverage Control Law.
7. Any building, structure or real property wherein there exists or has occurred a criminal nuisance, as defined by the State Penal Law.

8. Any building, structure or real property used for loitering, as defined by the State Penal Law.
9. Any building, structure or real property wherein an occupant, guest or business invitee commits criminal activities involving assault, gang assault, harassment or disorderly conduct as said criminal activities are defined by the State Penal Law.
10. Any building, structure or real property wherein there exists or has occurred any violation of this Code, including, but not limited to, Chapter 190, zoning, and the New York State Uniform Fire Prevention and Building Code, including the Property Maintenance Code of New York State, and any subsequent amendments or superseding provisions thereto, all of which have been previously adopted and incorporated into this Code by reference.

The above definition of a public nuisance is not intended and shall not be interpreted to cover or include requests for police, medical, fire or ambulance services in the face of a threat or a perceived threat to person or property, or any request for the assistance of the police to enforce a court order, including, but not limited to, circumstances in which the request for police, medical, fire or ambulance services or public service intervention arises from an incident relating to intimate partner violence, sexual assault, child abuse or stalking against any person at or near the premises.

**OWNER.** The owner(s) or landlord(s) of a building, structure or real property, including his or her agent.

**TENANT.** The Lessee or occupant of a building, structure or real property. For purposes of this Chapter, the term "Tenant" shall include an occupant of one (1) or more rooms in a rooming house or a residence, not including a transient occupant, of one (1) or more rooms in a hotel for thirty (30) consecutive days or longer.

**ILLEGAL DRUG ACTIVITY.** The use or possession of a controlled substance or marijuana, as defined by the State Penal Law.

**CRIMINAL CONVICTION.** The entry of a plea of guilty or a verdict of guilty for one (1) or more counts as set forth in an accusatory instrument.

#### § 122-3 NUISANCE FORBIDDEN.

No owner, operator, manager or tenant of premises shall knowingly conduct, maintain, permit or allow the existence of a public nuisance at the premises.

#### § 122-4 PRESUMPTION OF A PUBLIC NUISANCE.

- A. The following shall constitute a presumption of a public nuisance:
  1. Notice by first-class mail or personal service, from the City of Oneida, of the activities entailing a public nuisance to the owner, operator, manager or tenant of premises shall be *prima facie* evidence of knowledge of a public nuisance.
  2. The existence of two (2) or more criminal convictions for any of the activities set forth in the definition of a public nuisance in

§ 122-2 at any premises within the two (2) year period prior to the commencement of a civil action and/or administrative hearing shall be *prima facie* evidence of the existence of a public nuisance.

3. The existence of two (2) or more incidents of the following activities at any premises within the one (1) year period prior to the commencement of a civil action and/or administrative hearing shall be *prima facie* evidence of the existence of a public nuisance:
  - a. Service of a Search Warrant on the premises where controlled substances, marijuana and/or weapons are seized.
  - b. Finding of illegal controlled substances or illegal firearms or weapons on the premises.
  - c. Investigative purchases of illegal controlled substances on the premises by Law Enforcement Agencies or their agents.
- B. Once there exists the presumption of a public nuisance, as set forth in Paragraph A above, the City shall serve, by means of first-class mail or personal service, written notice upon the owner, as set forth in the last filed tax roll, advising of such presumption. Such notice shall set forth the alleged facts constituting the public nuisance and shall inform the owner of the City's intent to pursue action under either § 122-5 or § 122-11.
- C. Upon notification from the City of Oneida of the presumption of a public nuisance, as set forth in Paragraph B above, good faith efforts, commenced by the owner in a timely manner to eradicate such public nuisance, shall preclude further enforcement action by the City of Oneida, unless and until such good faith efforts cease or activities constituting a public nuisance resume. In the event an owner's good faith efforts cease or public nuisance activity resumes, the City of Oneida shall notify the owner, in the manner set forth in Paragraph B above, of its intent to proceed under either § 122-5 or § 122-11.

#### § 122-5 SUMMONS AND COMPLAINT FOR CIVIL ACTION.

- A. At the direction of the Common Council of the City of Oneida, the City Attorney may bring and maintain a civil action in the name of the City to abate a public nuisance and shall commence a civil action by filing a summons and complaint in the manner required by the New York State Civil Practice Laws and Rules.
- B. The summons and complaint shall name as defendant(s) at least one (1) of the owners of some portion of or of some interest in the property, as set forth in the last filed tax roll, and shall describe the owner's premises by tax map number and/or street address.
- C. The summons and complaint may also name as defendant any owner,

operator, manager or tenant of the premises.

- D. The complaint shall allege the facts constituting the public nuisance.
- E. The complaint shall be accompanied by an Affidavit, to affirm that the owner or his agent had notice of the public nuisance and an opportunity to abate the public nuisance.
- F. Because the public nuisance is conducted, maintained, permitted or allowed in the City of Oneida, the venue of such action shall be in Madison County.
- G. In rem jurisdiction over the premises shall be completed by affixing the summons to the premises and by mailing the summons and complaint by certified or registered mail, return receipt requested to the person in whose name the real property is recorded as determined by the last filed tax rolls.
- H. Defendant(s), other than the record property owner of the premises, shall be served with the summons and complaint in the manner required by the New York State Civil Practice Laws and Rules.
- I. With respect to any action commenced or to be commenced, the City Attorney may file a Notice of Pendency pursuant to the New York State Civil Practice Laws and Rules.

#### § 122-6 CIVIL PENALTY.

If, upon the trial of an action for a public nuisance or upon a motion for summary judgment, a finding is made that defendant(s) have conducted, maintained, permitted or allowed a public nuisance, a penalty may be awarded in an amount not to exceed \$1,000.00 for each day it is found that the defendant(s) conducted, maintained, permitted or allowed the public nuisance after notice to abate had been given by the City.

#### § 122-7 PERMANENT INJUNCTION.

- A. If, upon the trial of a civil action for a public nuisance or upon a motion for summary judgment, a finding is made that defendant(s) have conducted, maintained, permitted or allowed a public nuisance, a permanent injunction may be granted.
- B. A permanent injunction may prohibit defendant(s) from conducting, maintaining, permitting or allowing the public nuisance.
- C. A permanent injunction may authorize agents of the City to remove and correct any condition(s) in violation of this Code. The judgment may further order that the cost of removing and correcting the violation(s), plus a charge of 50% as compensation to the City for administration and supervision expenses, be charged against defendant(s) and awarded to the City. The judgment may further order that the cost of removing and correcting the violation(s), plus the charge of 50% as compensation to the City for administration and supervision expenses, shall constitute a lien against the real property and shall be collected in the same manner as provided by law for the collection of real property taxes within the

City.

- D. A judgment ordering a permanent injunction may direct the closing of the premises by the Oneida City Police Department, to the extent necessary to abate the public nuisance.
- E. A judgment awarding a permanent injunction shall provide for all costs and disbursements allowed by the New York State Civil Practice Laws and Rules and for the actual costs, expenses and disbursements of the City in investigating, bringing and maintaining the action.

§ 122-8 CLOSING OF PREMISES.

- A. If the judgment of a civil action directs the closing of the premises, the Oneida City Police Department shall serve the judgment upon defendant(s) in the manner required by New York State Civil Practice Laws and Rules and shall post a copy of the judgment upon one (1) or more of the doors at entrances of the premises or in a conspicuous place on the premises.
- B. In addition, the Oneida City Police Department shall affix upon one (1) or more of the doors at entrances of the premises or in a conspicuous place on the premises, a printed notice stating "Closed by Court Order" in block lettering of sufficient size to be observed by anyone intending to enter the premises.
- C. Mutilation or removal of the posted judgment or notice, while it remains enforced, will be considered a separate violation and shall be punishable pursuant to Section 55.10(3)(a) of the State Penal Law.
- D. The Oneida City Police Department may then command all persons present in the premises to vacate the property. After the premises are vacated, the Oneida City Police Department may secure the premises.
- E. The closing directed by the judgment shall be for a period as the Court may direct but in no event shall the closing period exceed one (1) year from the posting of the judgment.
- F. A closing by the Oneida City Police Department shall not constitute an act of possession, ownership or control by the City.

§ 122-9 PRELIMINARY INJUNCTION.

Upon a motion or order to show cause from the City Attorney and pending an action for a permanent injunction, a preliminary injunction enjoining the public nuisance may be granted for any of the relief obtained by a permanent injunction.

§ 122-10 TEMPORARY RESTRAINING ORDER.

Pending a motion or order to show for a preliminary injunction, a temporary restraining order or temporary closing order may be granted, without notice to defendant(s), for any of the relief obtainable by a permanent injunction.

§ 122-11 ADMINISTRATIVE HEARING.

As an alternative or in addition to commencing a civil action, whenever there exists a presumption of a public nuisance, as set forth in Section 122-4 above, at any premises within the City, the City Attorney may, at the direction of the City of Oneida Common Council, initiate an administrative hearing in accordance with the following procedure:

- A. A notice of the hearing shall be served on all owners of the premises as determined by the last filed tax roll and may also be served on any known operator, manager and/or tenant of the premises. The notice shall be served in the manner required by the New York State Civil Practice Laws and Rules.
- B. The notice shall allege the facts constituting the public nuisance, shall contain a time and place for a hearing to be held before a panel, and shall advise the owner(s), and any known operator, manager and/or tenant, of their right to appear represented by legal counsel.
- C. The hearing panel shall consist of a member to be appointed by the Code Enforcement Officer, a member to be appointed by the Chief of Police and a member to be appointed by the Fire Chief. Each appointing authority shall be authorized to appoint his/herself or any member of his/her staff to the hearing panel.
- D. At the time and place designated in the notice, the City Attorney shall present all relevant evidence and/or witnesses demonstrating the existence of a public nuisance at the premises and as to appropriate remedies. The owner, operator, manager and/or tenant of the premises shall have the right to examine such evidence and shall cross-examine any witnesses presented. The owner, operator, manager and/or tenant of the premises may present any relevant evidence and/or witnesses as a defense. The City Attorney shall have the right to examine such evidence and cross-examine any witnesses presented by the owner, operator, manager and/or tenant of the premises.
- E. Within five (5) business days of the hearing, the panel shall provide a finding of fact to the Mayor. The finding of fact shall state whether there is *prima facie* evidence of the existence of a public nuisance at the premises. The panel shall further provide a written recommendation of remedies to abate the public nuisance.

§ 122-12 ADMINISTRATIVE REMEDIES.

- A. To abate a public nuisance, the Mayor, upon receipt of a finding of fact and recommendation from the panel, shall have the power:
  - 1. To issue a Decision and Order suspending the Certificate of Occupancy for the premises for a period not to exceed one (1) year;
  - 2. To issue a Decision and Order directing the closing of the premises by the Oneida City Police Department, to the extent necessary to abate the public nuisance, pursuant to the procedures set forth in § 122-8.

3. In conjunction with, or in lieu of, the foregoing powers, to issue a Decision and Order for various measures to be taken by the owner, operator, manager and/or tenant of the premises, to the extent necessary to abate the existing public nuisance and to ensure the prevention of future public nuisance actions from occurring at or near the premises, which shall include, but shall not be limited to:
  - a. Requiring the owner, operator, manager and/or tenant to modify and improve the premises to deter further and future public nuisance activity; and/or
  - b. Directing subsequent purchaser(s) to comply with the provisions of any Orders of Suspension for the Certificate of Occupancy, unless or until the subsequent purchaser appears before the hearing panel with an appropriate plan to avoid further incidents of public nuisance for the panel to review and make recommendations.
- B. The Decision and Order shall be served upon the owner, operator, manager and/or tenant of the premises in a manner similar to that described in § 122-11(A) herein.
- C. Nothing within this section shall limit the authority of the Mayor to take such other and further actions deemed necessary to abate any existing public nuisances to the extent necessary to ensure the protection of the health, safety and welfare of the general public.

§ 122-13 SEVERABILITY.

If any clause, sentence, paragraph, word, section or part of this Chapter shall be adjudged by any Court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined to in its operation to the clause, sentence, paragraph, word, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.”

**SECTION 2. EFFECTIVE DATE**

This Local Law shall be effective upon filing with the office of the Secretary of State

Councilor Zogby - Yes  
Councilor Bowe - Yes  
Councilor Smith - Yes  
Councilor Acker - Yes  
Councilor Chamberlain - Yes  
Councilor Simchik - Yes

**MOTION CARRIED**

Councilor Smith thanked the landlords who came forward over the past few months and worked with the Council during the revision process of this Local Law. He said this is a good law and encouraged landlords to include this Local Law in their leases with their tenants.

**SPECIAL EVENTS APPLICATION**

**RESOLUTION 14-198**

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, that the Special Events Application from Holy Cross Academy, 4020 Barrington Rd., Oneida NY for the 1<sup>st</sup> Annual Oneida Catholic Schools 5K Run/Walk to be held on September 13, 2014 be hereby approved.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**BUDGET TRANSFERS**

**RESOLUTION 14-199**

Moved by Councilor Chamberlain  
Seconded by Councilor Acker

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

| <u>Amount</u> | <u>From</u>  | <u>To</u>                               |
|---------------|--|---|
| \$1,856.08    | 001.8020.0403<br>(Planning – Contracts)  | 001.8020.0200<br>(Planning – Equipment) |
|               | <i>To replace two computers in the Planning Department</i>                             |   |
| \$1,000       | 001.3650.0400<br>(Building Demo)   | 001.1680.0444<br>(Technology)           |
|               | <i>To replace computer in Office Technology Dept. (current one cannot be repaired)</i> |   |

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Councilor Acker said the office technology computer crashed and cannot be repaired. The Planning Director stated the computers in their office are both outdated, problematic and continually need fixing. The office has been told by Val Peterson in Office Technology that they should be replaced immediately.

**PROPOSED LOCAL LAW TO AMEND THE CITY CHARTER**  
**ARTICLE V. BUDGET FINANCIAL ADMINISTRATION**  
**§5.16 DUTIES OF THE COMPTROLLER - §5.23 REQUISITIONS**

**RESOLUTION 14-200**

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, to receive and place on file a proposed Local Law to Amend the City of Oneida Charter Article V., Section 5.16 and Section 5.23 relative to the duties of the Comptroller and requisitions, **and be it further**

**RESOLVED**, that a Public Hearing on said proposed Local Law to amend the City Charter be scheduled for September 16, 2014 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY 13421.

Ayes: 6

Nays: 0

**MOTION CARRIED**

The Comptroller said this is to update the Charter to change the word requisitions, due to the use of electronic signatures when the department head or their designee signs into KVS to enter a request for a purchase order. She stated she has explained this process to the 4 or 5 big departments, and they are currently following this procedure. The Comptroller said the smaller departments have not been informed, as they don't do that many purchase orders each year.

**PROPOSED LOCAL LAW TO AMEND CHAPTER C. OF THE CITY CHARTER  
ARTICLE V. BUDGET FINANCIAL ADMINISTRATION  
§5.16 DUTIES OF THE COMPTROLLER - §5.23 REQUISITIONS**

**SECTION 1.** So that §5.16, titled "Duties of the Comptroller," and §5.23 Requisitions of the Oneida City Charter shall be amended, so as to read as follows:

Section 5.16 Duties of City Comptroller.

The City Comptroller shall:

**8.** Serve as purchasing agent for the City, and he shall contract for and purchase all supplies, materials, equipment and services required by any office, department, board, bureau, commission or agency of the City pursuant to rules and regulations established by the Common Council and except for professional and technical services and public works contracts. All purchases made and contracts executed by the City Comptroller shall be pursuant to ~~a signed requisition~~ *an approved request* from the head of the office, department, board, bureau, commission, ~~or~~ agency, *or their designee*, whose appropriation is to be charged; provided, however, that in accordance with the rules and regulations established by the Common Council, the City Comptroller may make purchases in advance of needs or in bulk amounts where such practices would result in economy or improved efficiency.

c. Prescribe the time and period for which ~~requisitions~~ *purchasing requests* are to be made.

Section 5.23 ~~Requisitions~~: *Purchasing Requests*

**A.**

All purchases made and contracts executed by the City Comptroller shall be pursuant to ~~a signed requisition~~ *an approved request* from the head of the department *or their designee*, board, bureau, agency, commission, office, or other administrative unit whose appropriation is to be charged except as otherwise provided in this Charter.

**B.**

The City Comptroller may, under the direction of the Common Council, establish rules and regulations pertaining to the time, mode, form and other related matters for the making of ~~requisitions~~ *purchasing requests*.

**SECTION 2. EFFECTIVE DATE**

This Local Law shall be effective upon filing with the office of the Secretary of State

## NEW BUSINESS

### *Brewer Road Paying Project*

Jamie Foster, Brewer Road, Oneida expressed his dissatisfaction with the road work performed by Suit-Kote on Brewer Road. He showed the Council photos of his concrete driveway where the tar from the road ran down his driveway after a bad rainstorm. He stated he wants his concrete driveway cleaned to what it was or jack-hammer the 60-foot tarred area and replace it. He asked why the City keeps band-aiding the road rather than fixing it properly and questioned the overall cost to the City from Suit-Kote for Brewer Road. Mr. Foster showed the Council photos of the road, which he said looked like “rumble strips” until they came and dragged it today. He asked the Council why the inner City pays 9¢ per thousand for fire hydrants and he pays \$2.96 per thousand to have fire service. Mr. Foster said the road is now raised up about 4” and with no drainage on Brewer Road, it will just wash away. Mr. Foster requested his driveway being taken care of immediately and thanked the Council for their time.

### *Oneida Rail Trail*

Joe Magliocca, Oneida, said there will be a ribbon cutting ceremony on Monday, September 8<sup>th</sup> at 6:00 p.m. on Hubbard Place for the Grand Opening of the 1st official mile of the Oneida Rail Trail. The Mayor is scheduled to speak at the event. There will be a volunteer day this Saturday, September 6 from 9:00 a.m. to noon to finalize work on the rail trail at Hubbard Place. SUNY ESF students have dedicated the fall semester to multiple rail trail projects and recently did a bike tour of the area. Mr. Magliocca said that on Wednesday, September 10<sup>th</sup> from 6 to 8 p.m. SUNY ESF is having a family event at the Recreation Center to promote the Oneida Rail Trail. He asked for volunteers to help hand deliver flyers in areas where the Oneida Rail Trail intersects with the neighborhood for this family event.

### *Public Nuisance Abatement Program*

Joe Magliocca, Oneida, commended the Mayor and Council for the very public process that lead to the adoption of the Public Nuisance Abatement Program. He said he hopes the Council takes the time and money to do it right with the different departments that will be involved, and said the Council cannot “cut” their way through this process. He noted the vacant housing code inspector position, which was to be a crucial part of this process, and said the Council needs to fund that position as full-time.

## EXECUTIVE SESSION

### **RESOLUTION 14-201**

Motioned by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 7:09 p.m. for the purpose of discussing the proposed acquisition, sale or lease of real properties.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**PRESENT:** Mayor, Councilors, City Attorney, City Clerk, City Engineer, and the Director of Planning and Development

1. Discussion was held regarding the proposed acquisition, sale or lease of real properties.

Motioned by Councilor Acker

Seconded by Councilor Smith

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 7:53 p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**SECOND AMENDMENT TO THE AGREEMENT FOR THE PURCHASE AND SALE  
OF REAL PROPERTY WITH STONELEIGH HOUSING INC.**

**RESOLUTION 14-202**

Moved by Councilor Acker

Seconded by Councilor Smith

**WHEREAS**, the City of Oneida, 109 N. Main Street, Oneida and Stoneleigh Housing Inc., 120 East Center Street, Canastota, New York 13032 entered into an “Agreement for the Purchase and Sale of Real Property” dated November 28, 2012, which provided for the sale of real property located at 106 North Warner Street, Oneida, tax map identification number 30.79-1-1, to Stoneleigh Housing Inc., **and**

**WHEREAS**, at the October 1, 2013 Common Council meeting, the Mayor was authorized to sign the First Amendment to the “Agreement for the Purchase and Sale of Real Property” with Stoneleigh Housing Inc., a New York not-for-profit corporation, 120 East Center Street, Canastota, New York 13032, **and**

**WHEREAS**, Stoneleigh Housing Inc., 120 East Center Street, Canastota, New York 13032 is seeking a Second Amendment to the “Agreement for the Purchase and Sale of Real Property” for renewal of the agreement for a period of one year, a reduction in the purchase price to \$1,000, and the cost of environmental remediation of said property located at 106 North Warner Street, Oneida, tax map identification number 30.79-1-1, **now therefore be it**

**RESOLVED**, that the Mayor be hereby authorized to sign the Second Amendment to the “Agreement for the Purchase and Sale of Real Property” with Stoneleigh Housing Inc., a New York not-for-profit corporation, 120 East Center Street, Canastota, New York 13032 authorizing said property located at 106 N. Warner Street be sold for \$1,000.00 and the cost of environmental remediation of the property, **and be it further**

**RESOLVED**, that the Mayor be further authorized to execute any and all documents required to effectuate the conveyance of the property located 106 N. Warner Street to Stoneleigh Housing Inc., a New York not-for-profit corporation, 120 East Center Street, Canastota, New York 13032 including, but not limited to, those that may be required by any NYS funding agencies.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Motion to adjourn by Councilor

The meeting was adjourned at 7:55 p.m.

**CITY OF ONEIDA**

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Susan Pulverenti, City Clerk