

**MINUTES OF THE COMMON COUNCIL
OCTOBER 6, 2015**

A meeting of the Common Council of the City of Oneida, NY was held on the sixth day of October, 2015 at 6:30 o'clock P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

Meeting was called to order by Mayor Alden Smith

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

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Civil Service Officer Peg Margo
Comptroller Linda Pease
Deputy Comptroller Leeann Wells
Director of Parks and Recreation Luke Griff
Director of Planning and Development Cassie Rose
Fire Chief Kevin Salerno
Police Chief David Meeker
Public Safety Commissioner Mike Kaiser
Madison County Supervisor John Reinhardt

OLD BUSINESS

Councilor Bowe requested that the City's current ward map be also placed with the ward redistricting information on the website.

Councilor Zogby inquired if there is any new information regarding the City's solar initiative. The Mayor said there is nothing new, we go to court on the ninth.

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that the regular meeting minutes of September 15, 2015 be hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Zogby
Seconded by Councilor Acker

RESOLVED, that the regular meeting minutes of September 23, 2015 be hereby approved as presented.

Ayes: 6
Nays: 0

TABLED TO EXECUTIVE SESSION

City Attorney Nadine Bell said the Resolution passed at the September 23rd special meeting after exiting Executive Session needs amending to reflect several changes requested by the purchaser's attorney. Attorney Bell said, as this involves the sale of real property, it would be appropriate for discussion in Executive Session.

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that Warrant No. 19 checks and ACH payments in the amount of \$588,200.18, as audited by the Voucher Committee, is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that Check No. 53926 (Oneida Office Supply) in the amount of \$192.79, 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

LETTER OF AGREEMENT FOR YEAR ENDED 2015 AUDIT SERVICES

RESOLUTION 15-223

Moved by Councilor Smith

Seconded by Councilor Chamberlain

RESOLVED to authorize the Mayor to sign the Engagement Letter from D’Arcangelo & Co., LLP, 200 E. Garden St. PO Box 4300, Rome NY 13442-4300 for the year ended December 31, 2015 Audit of the City’s financial statements in an amount not to exceed \$19,900.

Ayes: 6

Nays: 0

MOTION CARRIED

The Comptroller said this is projected in the budget.

GRANT APPLICATION FOR 2015 HOME PROGRAM FOR HOUSING REHABILITATION

RESOLUTION 15-224

Moved by Councilor Chamberlain

Seconded by Councilor Acker

WHEREAS, the U.S. Housing and Urban Development Act of 1974 (P.L. 93-383), as amended, provides for the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income, **and**

WHEREAS, said act authorizes the Secretary of Housing and Urban Development (HUD), through the Office of Community Renewal, to make grants to units of general local government to help finance Community Development Programs under Section 103 (a) (1) of Title 1; **and**

WHEREAS, the City of Oneida has demonstrated a need for housing stock improvements and community development needs in the City; **now therefore be it**

RESOLVED, to authorize the Mayor to file an application under the New York State Division of Housing and Community Renewal HOME Program and to accept and receive a grant for community development purposes; **and be it further**

RESOLVED, the Mayor be and hereby is authorized to execute applications on behalf of the City of Oneida with the Office of Community Renewal for grants pursuant to Title 1 of the Housing and Community Development Act of 1974, as amended; **and be it further**

RESOLVED, the Mayor is hereby authorized and directed to execute any contracts and/or agreements with the Office of Community Renewal in connection with the Application, and is further authorized to request and expend funds from the U.S. Government pursuant to said contracts and/or agreements.

Ayes: 6

Nays: 0

MOTION CARRIED

The Planning Director said that this \$400K grant, if awarded, would be for single family owner occupied housing rehabilitation, and it is a scattered site program. Anyone can apply; however, they have to meet the income guidelines set by the State. Director Rose said there is always a waiting list with 30 to 50 households at any given time. The Planning Department puts an article in the newspaper updating residents if the grant is awarded. When asked if there are other countywide housing programs that Oneida could utilize, she stated that Stoneleigh Housing has a weatherization assistance program for low to moderate income households.

AUTHORIZE THE SALE OF USED FIREFIGHTING TURNOUT GEAR

RESOLUTION 15-225

Moved by Councilor Zogby
Seconded by Councilor Smith

WHEREAS, the Fire Department has a set of firefighting turnout gear that was originally purchased in 2013 for a former female City firefighter, **and**

WHEREAS, said firefighting turnout gear will only fit a smaller female and is of no use to the City of Oneida Fire Department, **and**

WHEREAS, the Wampsville Volunteer Fire Department is in need of firefighting turnout gear for a smaller female who a resident of the City of Oneida and has joined the their fire department, **and**

WHEREAS, it is the recommendation of Fire Chief Kevin Salerno to sell said firefighting turnout gear to the Wampsville Fire Volunteer Fire Department, **now therefore be it**

RESOLVED, that the Common Council hereby authorizes the City of Oneida Fire Department to sell the set of small-sized female firefighting turnout gear to the Wampsville Volunteer Fire Department, 118 N. Court Street, Wampsville NY 13163 in the amount of \$500.00.

Ayes: 6
Nays: 0

MOTION CARRIED

**AUTHORIZE REIMBURSEMENT FOR THE MONTHLY BUSINESS USE
OF AN EMPLOYEE'S PERSONAL SMART PHONE PER THE
CITY OF ONEIDA CELLULAR TELEPHONE POLICY**

RESOLUTION 15-226

Moved by Councilor Chamberlain
Seconded by Councilor Zogby

RESOLVED, that per the City of Oneida Cellular Telephone Policy, the Common Council hereby authorizes reimbursement to Fire Chief Kevin Salerno the taxable allowance of \$50.00 per month for the monthly business use of his personal smart phone.

Ayes: 6
Nays: 0

MOTION CARRIED

Chief Salerno said this allowance is per the policy approved by Council. He said reimbursement is less expensive than issuing him a new phone.

HEALTH & DENTAL PLAN RENEWALS

RESOLUTION 15-227

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that the Mayor be authorized to sign the health insurance renewal plans for 2016 with Excellus BluePPO Option I. SimplyBlue HDHP with HAS 0-1,300 and dental plan renewal for 2016 with Excellus Dental Blue Options.

Ayes: 6
Nays: 0

MOTION CARRIED

Civil Service Officer Peg Margo said health insurance is up 9% and dental is up 2% from last year.

BUDGET TRANSFERS

RESOLUTION 15-228

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED to approve the following budget transfers:

	FROM	BALANCE	TO	BALANCE
\$9,622	001.3410.0403 (Fire Contracts)	\$2,216.75	001.9785.0600.3410 (Lease Debt Service Principal Fire)	\$8,719
			001.9785.0700.3410 (Lease Debt Service Interest Fire)	\$903

(To correctly post debt service)

\$17,384.54	001.1990.0400 (Contingency)	0	001.1420.0410 (Attorney Solar Litigation)	\$10,837.92
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(To add money to attorney budget due to new litigation)

\$17,292	001.9010.0806 (Liability Insurance)	\$273,325	001.9950.0900 (Police Cap. Project Equipment)	\$22,407
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(Because the second round of equipment only came to \$22,193, the Comptroller does not believe it is worth financing through a lease. There is additional money left in retirement due to retirement and a slight rate drop.)

\$100.00	001.3410.0400 (Fire SCBA)	\$5,420.07	001.3410.0105 (Fire Vacation Buyback)	\$3,100
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\$850.00	001.3410.0400 (Fire SCBA)	\$4,570.70	001.3410.0106 (Fire Sick Buyback)	\$7,650
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(Transfer to vacation buyback and sick leave buyback for Chief. There was not enough budgeted after increases.)

Ayes: 6

Nays: 0

MOTION CARRIED

NEW BUSINESS

Update on Various Projects in the City

Mayor Smith said the condemned house on Liberty Street is down, and the property is being graded, making a significant improvement. The cleanup on the Phelps Street property is moving along, and the Kallet is receiving a new roof. The City recently sold a property to Mr. Kewitta, and he has had an engineer on site. Mr. Kewitta will be fixing the foundation and wall, and this property should soon be back on the tax rolls.

New Department of Public Works Garage

The Mayor commended Planning Director Cassie Rose and City Engineer Jon Rauscher for their successful efforts in securing funding to relocate the DPW/Water Department garage. The new \$1.9M grant funded facility will be located on Harden Street and out of the flood zone. The Mayor said this grant is in addition to the over \$6M in grants that have been secured for the City in the last thirty six months. The Mayor said he is quite proud of that accomplishment.

Election Day Council Meeting

As the first meeting in November falls on Election Day, the Council agreed to move the meeting to Wednesday, November 4. The City Clerk will prepare a resolution for the next meeting.

Fire Department Inspections

Donald Kingsley, Oneida, expressed his concerns and opinions with the building inspection and billing processes of the Fire Department.

Emergency Management Meeting

Madison County Supervisor John Reinhardt said a County Emergency Management Conference was held with approximately sixty people in attendance. He noted that the City had good representation with Fire Chief Salerno, Police Chief Meeker, Lt. Thompson, Commissioner Kaiser and Supervisor Carinci present. The discussion included the coordination with the various communities and what has been done in the past at different emergencies, such as the flood event in the City and the Smithfield tornado.

EXECUTIVE SESSION

RESOLUTION 15-229

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:10 p.m. for the purpose of discussing collective negotiations pursuant to Article 14 of the Civil Service Law and for the proposed sale of real property.

Ayes: 6

Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Clerk, City Attorney, Civil Service Officer, Deputy Comptroller

1. Discussion regarding collective negotiations pursuant to Article 14 of the Civil Service Law.

PRESENT: Mayor, Councilors, City Clerk, City Attorney

2. Discussion relating to the proposed sale of real property.

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:47 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that the special meeting minutes of September 23, 2015 be hereby approved as **AMENDED**.

Ayes: 6

Nays: 0

MOTION CARRIED

City Attorney Nadine Bell said the Resolution passed at the special meeting on September 23, 2015 relating to the sale of real property is amended by the Common Council, as written below.

SALE OF REAL PROPERTY
RESOLUTION 15-222 DATED SEPTEMBER 23, 2015
AS AMENDED BY THE COMMON COUNCIL OCTOBER 6, 2015

Moved by Councilor Zogby
Seconded by Councilor Smith

WHEREAS, pursuant to Article V, titled "Budget and Financial Administration," of the Oneida City Charter, whenever any such tax, penalty and interest remains unpaid the City of Oneida has the authority acquire the lands upon which such tax, penalty and interest was imposed for the payment of same; **and**

WHEREAS, in accordance with such authority, the Common Council acquired title to real property known 199 Madison Street, Tax Map No. 30.72-1-49, from Shane McCarthy, the reputed owner, as well as the following real property from 230 East Railroad LLC, the reputed owner: 197 Madison Street, Tax Map No. 30.72-1-47.2; 230 East Railroad Street, Tax Map No. 30.64-1-72.12; and 101 Lake Street, Tax Map No. 30.72-1-48 (collectively referred to as the "Properties"); **and**

WHEREAS, the Properties consist of a commercial warehouse, a single family dwelling, and two (2) multi-family dwellings; **and**

WHEREAS, as owner of the Properties, the City of Oneida received rental monies while incurring significant liability and expense; **and**

WHEREAS, relative to its ownership of the Properties, the expenses incurred include, but are in no way limited to, past due water bills, current water bills, current school and county taxes, and repairs to correct existing code violations, totaling \$91,087.00, which sum includes the taxes, penalties and interest unpaid at the time of acquisition; **and**

WHEREAS, the Common Council received a purchase offer for the Properties, submitted on behalf of Vicki Hopsicker (referred to as the “Purchaser”), wherein the Purchaser has agreed to reimburse the City for the unpaid taxes, penalties and interest, and any expenses relative to such Properties; **and**

WHEREAS, the Common Council passed a resolution at a special meeting held on September 23, 2015, whereby such Properties were to be conveyed to a legal corporate entity, the members of which it was believed to include “Victoria McCarthy, Connor McCarthy and Rory McCarthy,” in consideration of the aforementioned sum; **and**

WHEREAS, legal counsel for the Purchaser subsequently requested that the Common Council’s resolution be amended to reflect transference to a “limited liability company” with “Vicki Hopsicker” serving as the sole member; **and**

WHEREAS, the Common Council, upon consideration of the request to amend its prior resolution, was made aware of a number of code violations present in the Properties and, consistent with past conveyances, determined that transferring the Properties subject to the Purchaser’s execution of a Rehabilitation Agreement was appropriate; **and**

WHEREAS, it is the desire of the Common Council to amend its prior resolution and convey the Properties to a limited liability company to be created, the sole member of which shall be Vicki Hopsicker, subject to the aforementioned condition.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council does hereby amend its prior resolution so as to approve the sale of real property located at 199 Madison Street, Tax Map No. 30.72-1-49, 197 Madison Street, Tax Map No. 30.72-1-47.2, 230 East Railroad Street, Tax Map No. 30.64-1-72.12, and 101 Lake Street, Tax Map No. 30.72-1-48, to a limited liability company, which shall include Vicki Hopsicker as the sole member thereof, in consideration of \$91,087, plus recording costs, conditioned further upon the retention of rental monies received to date; **and be it further**

RESOLVED, that the Common Council does hereby further condition the sale of said real property located at 199 Madison Street, Tax Map No. 30.72-1-49, 197 Madison Street, Tax Map No. 30.72-1-47.2, 230 East Railroad Street, Tax Map No. 30.64-1-72.12, and 101 Lake Street, Tax Map No. 30.72-1-48 upon the execution of the Rehabilitation Agreement by and between the City of Oneida and the aforementioned limited liability company whereby the limited liability company, as owner, will have sixty (60) days to undertake the necessary action to correct the identified code violations in accordance with the terms set forth in such Rehabilitation Agreement, **and be it further**

RESOLVED, that the Common Council does hereby authorize the Mayor to execute any and all documents necessary to effectuate such conveyances.

Ayes: 6

Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Acker

The meeting is hereby adjourned at 8:52 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk