

**MINUTES OF THE COMMON COUNCIL
OCTOBER 21, 2014**

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

The Meeting was called to order by Mayor Alden M. Smith

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

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Civil Service Officer Peg Margo
Director of Parks & Recreation Lucas Griff
Director of Planning and Development Cassie Rose
Fire Chief Kevin Salerno
Police Chief David Meeker
Public Safety Commissioner Michael Kaiser
Supervisor John Rauscher

**PUBLIC HEARING - POSSIBLE REMOVAL OF TRAFFIC LIGHT
CORNER OF WALNUT AND LENOX BY NYS DOT**

RESOLUTION 14-224

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that the Public Hearing regarding the traffic light at the corner of Walnut Street and Lenox Avenue, which is "under study" for removal by the New York State Department of Transportation be hereby opened at 6:34 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

APPEARANCES

Linda Lubey, NYS DOT Regional Traffic Engineer introduced the DOT's Safety Evaluation Engineer Matt Howard; the Public Information Officer and the Assistant to the Regional Director. Ms. Lubey said this corridor has been on radar for a while with numerous requests for speed and other studies on Rt. 365A. The downtown area traffic signals are over 30 years old and are well beyond their useful service life. There are no sensors to accommodate traffic flow and no pedestrian or countdown signals. In 2012, the accident list showed this segment of Rt. 365A having above the typical amount of accidents for a roadway and a detailed accident investigation was done. At Broad and Main, there have been a cluster of accidents. The DOT has a design in progress for updating this corridor, which will include traffic light installations, paving, sidewalk upgrades and pedestrian accommodations. Traffic signals are looked at to see if they are still warranted. The DOT is required to by law to follow the National Manual of Uniform Traffic Device Standards to determine if a traffic signal is warranted. Based on 2013 data, Ms. Lubey

detailed how the study was conducted for the intersection of Walnut and Lenox, and the determination was made that it no longer meets the standards for a traffic signal.

Kathy Willard, Hill Rd. Oneida, said she takes this road everyday to and from work. Ms. Willard commented on how hard it is to cross the intersection with the “double wood” poles by the Sav-on gas station blocking the view. She said there are children crossing the street to go to get candy at Sav-on and the ice cream parlor a block down. Ms. Willard said safety issues should be looked at. She said that the traffic signal light should stay and those who live here should have a say. She said there is nothing to slow people down coming down the hill from Rt. 365.

Tom Campanie, 407 Prospect Ave., Oneida said that he collected names on a petition for keeping the traffic signal light intact. Mr. Campanie said the high winter snow banks on the side of the road block the view. Mr. Campanie said without that stop light there you don’t have a chance to cross; you have to keep edging into the intersection. Safety Evaluation Engineer Matt Howard said snow removal is an issue at every intersection. Mr. Campanie said the petition didn’t do any good.

Scott Arnold, Sconondoa Street, Oneida said that he has lived in the flats for the past 14 years and he goes through that intersection every day. He said his biggest concern is the sight line in the winter when cars are flying down Prospect Street; it is an issue because a human life is trying to cross there. Mr. Arnold explained about a near accident at the intersection today with someone turning right out of the Sav-on and nearly colliding with him because the driver never saw him.

Vicki Arnold, Sconondoa Street, Oneida said a DOT study was done on the amount of traffic coming down Rt. 365A (Prospect Street), but once the light was put to flashing, the traffic on Sconondoa Street multiplied. People are afraid they are going to get in an accident, so they are bypassing that route and turning down Sconondoa Street from Rt. 365 and heading into town that way. Now people are not slowing down, so lives are at risk on Sconondoa Street. She said she has spoken with Police Chief Meeker about this. Ms. Lubey said a traffic signal isn’t always the safest device for an intersection, and Ms. Arnold responded that it is when you live in the area where it is going to be removed. Ms. Lubey said safety is the number one priority of the DOT, and this is why they are doing this project.

Tonya Bailey, Oneida said that she lived in the trailer park on Prospect Street and there is an emotional connection with that light. Ms. Lubey said the goal is to improve safety and certainly not to diminish it. She said a full speed study will be conducted. She detailed the items that are looked at through the course of the study and what would be upgraded in response to the study. Ms. Lubey reiterated that they are required by NYS Law to follow national standards for traffic signal devices.

Police Chief Meeker inquired if the amount of cars entering and leaving the Sav-on is taken into consideration during the study. Safety Evaluation Engineer Matt Howard said that they will calculate all accidents rates and traffic volume, including traffic from the Sav-on for that segment of the highway. The Chief said as soon as the light was put to flashing they started receiving calls about near misses and then there was an accident there. The Chief said it does seem a lot safer there with a traffic light, rather than a two-way stop. Mr. Howard said this is a highway safety improvement project and the intent is to improve this corridor all the way up to the Lowes area.

Councilor Bowe inquired if the study included how many school buses go by as there are two schools within a half mile of that intersection. There is also no way to regulate the snow, as there are businesses on three of four corners who will be plowing their properties and piling it in the corners. Councilor Bowe said that when drivers come down the Prospect Street hill from Rt. 365, it is a through way. With a traffic light there people had to slow down, because they knew they might have to stop; without a light, they may not slow down. He said he hopes the DOT will take that into consideration.

Dave Brewster, Oneida said he has lived here since 1965. He said pavement markings will not be seen in the winter unless there is something put in the road to melt the snow. Mr. Brewster said the light was put there to control the traffic, because a man was killed on that intersection. Mr. Howard said snow removal is a problem for every municipality at every intersection.

Lorraine Warren said she lives on E. Walnut and it is hard getting traction to get across that intersection in the winter, adding that she has snow tires. She questioned what is different about the amount of traffic from when the light was put in. Her husband, Roger Warren, said there is quite an incline to get onto Rt. 365A and without the light it will be very hard to get out safely.

Ron Preston, Oneida, said he lives near the light and asked if the DOT has met with the Police Department to see how many accidents have occurred at that intersection. Mr. Preston said that there have been three accidents in the past six months. The Police Chief said there has been one that he knows of and Mr. Preston told of another. Chief Meeker said he passed the information about the accident onto the DOT. The Chief said part of this highway is in Oneida County.

The Mayor said in the interest of the long agenda ahead, he wanted to thank everyone for coming to share their concerns and thanked Ms. Lubey and DOT representatives for their informative presentation. Ms. Lubey said the DOT will be finalizing their report and will send a copy to the Mayor with all the data collected.

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that the Public Hearing regarding the traffic light at the corner of Walnut Street and Lenox Avenue be hereby closed at 7:17 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

OLD BUSINESS - None

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that the minutes of the regular meeting October 7, 2014 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that Warrant No. 20, checks and ACH payments in the amount of \$398,406.52, 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 Simchik

RESOLVED, that Check No. 51669 in the amount of \$110.24 (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

MONTHLY REPORTS

RESOLUTION 14-225

Moved by Councilor Chamberlain
Seconded by Councilor Bowe

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

Ayes: 5
Nays: 0
Abstain: 1 (Acker)

MOTION CARRIED

Councilor Acker abstained, stating she has been very busy with the buyout program and hasn't had the opportunity to review all the monthly reports. She said if she has any questions she will ask Department Heads at the next meeting.

HEALTH & DENTAL PLAN RENEWALS

RESOLUTION 14-226

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that the Mayor be authorized to sign the health insurance renewal plans for 2015 with Excellus BluePPO Option I. SimplyBlue HDHP with HAS 0-1,300 and dental plan renewal for 2015 with Excellus Dental Blue Options.

Ayes: 6
Nays: 0
MOTION CARRIED

The Mayor said these are being renewed as a result of contractual obligations.

AGREEMENT FOR SMOKE DETECTORS AT THE RECREATION CENTER

RESOLUTION 14-227

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, that the Mayor be authorized to sign an agreement with Red Hawk Fire & Security, 7020 Fly Road, East Syracuse NY 13057 for Smoke Detector Addition Phase 1 at the Recreation Center in the amount of \$1,507.00.

Ayes: 6
Nays: 0

MOTION CARRIED

The Recreation Director said that he is working with the Fire Department and in Phase 1 three smoke detectors will be installed. The Code calls for ten smoke detectors in the basement and more will be done in Phase II as funds become available.

**PROPOSED LOCAL LAW TO REPEAL CHAPTER 169, SECTION 26 OF THE CITY CODE
RELATING TO THE MAXIMUM NUMBER OF TAXICABS PERMITTED IN THE CITY**

RESOLUTION 14-228

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that a proposed Local Law repealing Chapter 169, Section 26 of the City of Oneida Code to abolish the maximum number of taxicabs permitted in the City of Oneida be hereby received and placed on file, **and be it further**

RESOLVED, that a public hearing be held regarding said proposed Local Law on Wednesday, November 5, 2014 at 6:30 PM in the Common Council Chambers, 109 N. Main St. Oneida NY 13421.

Ayes: 6
Nays: 0

MOTION CARRIED

**PROPOSED LOCAL LAW
A LOCAL LAW REPEALING CHAPTER 169, SECTION 26
OF THE CODE OF THE CITY OF ONEIDA**

Be it enacted by the Common Council of the City of Oneida, that this Local Law amends Chapter 169 of the Code of the City of Oneida (hereinafter "Code"), titled "Taxicabs," to abolish the maximum number of taxicabs permitted in the City of Oneida, as follows:

SECTION 1.

So that Chapter 169, Section 26 of the Code, titled "Maximum Number," which regulated the number of taxicabs to be licensed for operation within the City of Oneida, is hereby repealed in its entirety and the limitation of the number of taxicabs is hereby discontinued.

SECTION 2. EFFECTIVE DATE.

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

The Mayor said he requested this Local Law in response to an individual at the last meeting asking that taxis be disallowed in the City because we were over the limit allowed in the City Code. The Mayor said the market will determine who is successful based on the service provided and just because someone was here first; it shouldn't give them preferential treatment. The City Attorney briefly explained the moratorium process should that ever be a route the Council wanted to take on any conditions they might be looking to regulate.

BUDGET TRANSFERS – TABLED AT THE OCTOBER 7, 2014 MEETING

RESOLUTION 14-229

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, to approve the following budget transfers:

		<i>FROM</i>	<i>TO</i>
Transfer 1:	\$25,000.00	001.7140.0202 (Rec Center Boiler) (\$1,880 balance)	001.9060.0805 (Health Insurance) (\$312,292 balance)

		<i>FROM</i>	<i>TO</i>
Transfer 2:	\$46,219.63	005.7521.0400 (Kallet Roof Capital Project) (0 balance)	005.9901.0900 (Transfer to General) (\$46,219.63 balance)

This transfer abandons the capital project (per the City Charter), and returns the money to where it originally came from (General Fund).

Ayes: 6
Nays: 0

MOTION CARRIED

BUDGET AMENDMENT – TABLED AT OCTOBER 7, 2014 MEETING

RESOLUTION 14-230

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, to approve the following budget amendment:

Amend 1: \$46,219.63 increase in the general fund health insurance appropriation (001.9060.0805) (\$358,611 balance)

\$46,219.63 increase in the General Fund revenue line transfer from capital (001.0024.5031) (\$614.03 balance)

(Amendment to the general fund budget to use the money from the capital fund transfer

towards a shortage in health insurance)

Ayes: 6

Nays: 0

MOTION CARRIED

BUDGET AMENDMENT

RESOLUTION 14-231

Moved by Councilor Smith

Seconded by Councilor Simchik

RESOLVED, to approve the following budget amendments to increase the following appropriation (budgets) and decrease fund balance:

(LINE BALANCES ARE AS OF OCTOBER 10, 2014)

	AMOUNT	INCREASE BUDGET LINE	LINE BALANCES
AMENDMENT 1:	\$84,160	002.9950.0901 (Transfer to Reserve)	\$84,160 (Balance)

This is to balance the budget by adding the appropriations for the reserve revenues in water (The water budget has been presented to the State in the same fashion for the last 30+ years, however, pursuant to the NYS Comptroller's Office correspondence, they have corrected the budget to show the reserves transfer to offset the reserve revenue).

	AMOUNT	INCREASE BUDGET LINE	LINE BALANCES
AMENDMENT 2:	\$1,000	007.8111.0200 (This was a typo in the 2014 budget)	\$9,000 (Balance)

Also to correct a typographical error in hydrant equipment, account for retirement shortage due to 2013 adjustment due to overtime from flood and additional overtime needed in sewer.

	AMOUNT	INCREASE BUDGET LINE	LINE BALANCES
AMENDMENT 3:	9,792.50	002.9010.0806 (Retirement Prior Year Adj for New Hires)	\$139,222.50* (Balance)
	\$15,161.75	003.9010.0806 (Retirement Prior Year Adj for New Hire and flood overtime)	\$93,201.75* (Balance)

These transfers are to chargeback water and sewer for actual retirement costs for April 1, 2013 – March 31, 2014 which bill was paid December 2013.

AMENDMENT 4:	AMOUNT	INCREASE IN BUDGET LINE	LINE BALANCES
	\$12,888	003.8110.0102 (Sewer overtime needed for year)	\$12,888.00 (Balance)

Ayes: 6
Nays: 0

MOTION CARRIED

BUDGET TRANSFERS

RESOLUTION 14-232

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, to approve the following budget transfers:

<i>AMOUNT</i>	<i>FROM</i>	<i>BALANCE</i>	<i>TO</i>	<i>BALANCE</i>
\$25,000	007.8111.0101 (Hydrant Salaries)	\$0	007.9550.0901 (Hydrant Transfer to Water)	\$25,000
\$9,000	007.8111.0200 (Hydrant Equipment)	\$0	007.9550.0901 (Hydrant Transfer to Water)	\$34,000
\$2,800	001.3410.0412 (Alarm Maintenance)	\$932.86	001.3410.0106 (Sick Leave Buyback)	\$6,800
\$932.86	001.3410.0412 (Alarm Maintenance)	\$2,800	001.3410.0105 (Vacation Buyback)	\$2,800
\$1,067.14	001.3410.0318 (Gear Maintenance)	\$1,703.71	001.3410.0105 (Vacation Buyback)	\$4,403.71
\$1,000	001.3410.0438 (Fire Marshal)	\$1,235.06	001.3410.0105 (Vacation Buyback)	\$5,403.71
\$1,162.21	001.3410.0438 (Fire Marshal)	\$72.85	001.3410.0108 (Fire Marshal Overtime)	\$2,139.75

(To fund the contractual sick leave buyback and vacation buyback for fire dept - Salerno).

Ayes: 6
Nays: 0

MOTION CARRIED

WIRELESS NETWORK USAGE POLICY

RESOLUTION 14-233

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that the City of Oneida Wireless Network Usage Policy be hereby approved.

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor said as technology changes, it is important to have rules and regulations to govern new technology.

LEASE AGREEMENT FOR MUNICIPAL BUILDING COPIERS

RESOLUTION 14-234

Moved by Councilor Acker

Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign a Lease Agreement with MAC Copy, 320 Kinsley Street, Sherrill, NY 13461 for the copiers in the Municipal Building mailroom and lobby.

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor commended Val Peterson in Office Technology for getting a better price on this lease.

ELECTION DAY COUNCIL MEETING RESCHEDULED

RESOLUTION 14-235

Moved by Councilor Zogby

Seconded by Councilor Bowe

WHEREAS, the General Election is being held on the first Tuesday in November, which is a regularly scheduled Common Council meeting time, **now therefore be it**

RESOLVED, that the first Council meeting in November shall be scheduled for Wednesday, November 5, 2014 at 6:30 p.m. in the Common Council Chambers.

Ayes: 6

Nays: 0

MOTION CARRIED

HYDRANT AGREEMENTS

RESOLUTION 14-236

Moved by Councilor Smith

Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign the following Hydrant Agreements for the period of five years beginning January, 1 2015 thru December 31, 2019:

- Oneida Healthcare Hydrant Agreement
- Oneida City School District Hydrant Agreement
- Glenwood Plaza Hydrant Agreement
- HP Hood, Inc. Hydrant Agreement
- Nye GMC Hydrant Agreement
- Nye Ford Hydrant Agreement

Ayes: 6

Nays: 0

MOTION CARRIED

REIMBURSEMENT TO TABERG WATER DISTRICT

RESOLUTION 14-237

Moved by Councilor Simchik

Seconded by Councilor Acker

WHEREAS, the Taberg Water District, Account #53-0120010-0, received a water bill in the amount of \$18,071.15, which is an increase of \$7,517.13 over the average bill for the last 5 billing periods, **and**

WHEREAS, the increase is due to the breaks in the water lines that occurred during construction of the Fish Creek Water Crossing Project, **and**

WHEREAS, it is the recommendation of the City of Oneida Water Board to reimburse the Taberg Water District for said increase caused by the breaks in water lines during construction of the Fish Creek Water Crossing Project, **now therefore be it**

RESOLVED, that the Common Council hereby authorizes the reimbursement of \$7,517.13 to the Taberg Water District, Account #53-0120010-0.

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor said after long debate about some recent upgrades, the Taberg Water District was created.

RECOMMENDATION FROM THE WATER BOARD REGARDING FLOURIDE

RESOLUTION 14-238

Moved by Councilor Acker

Seconded by Councilor Simchik

WHEREAS, Dr. Samuel Barr appeared before the Water Board on Tuesday, October 14, 2014 with a presentation requesting the addition of fluoride to the City's water supply, **now therefore be it**

RESOLVED, that following recommendation from the Water Board be hereby received and placed and file:

RESOLVED, to recommend to the Common Council that the fluoride level in the Oneida water supply be adjusted to the optimal level as recommended by the New York State Department of Health.

BE IT FURTHER RESOLVED, that a letter from the Madison County Board of Health in support of the addition of fluoride to the City's water be hereby received and placed on file, **and be it further**

RESOLVED, that the fluoride informational packet from various dentists and physicians presented by Dr. Samuel Barr to the Water Board on Tuesday, October 14, 2014 be hereby received and placed on file.

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor said that if the Council decides to move ahead with this, there will be a public hearing on the matter. Councilor Acker commented that the City needs to help improve the health of young people and this is a step in the right direction. The Mayor said he underscores those comments, adding there is passion on both sides of the issue, but urges folks to look at who is on the side for this.

Dr. Samuel Barr, a local Oneida dentist and member of the Madison County Board of Health, said he is a very strong proponent to have fluoride in the water. Dr. Barr said most surrounding communities have been doing this safely for many years. Over 70% of the municipal water supplies in NYS are fluoridated. He said that he has been in the City since 1979 and is well aware that fluoride is a controversial topic here in Oneida. Dr. Barr provided the Council with another informational packet and said that he would be available to speak with anyone who has any questions, and residents can view more information on his website www.barrdental.com/fluoride.

NEW BUSINESS

Councilor Zogby asked Supervisor Reinhardt if the County's budget is finished and if the City would be receiving money from the County relative to the recent settlement agreement with the Oneida Indian Nation. Supervisor Reinhardt said that it would be discussed in the County's Finance Committee meeting on October 30th and then in November with the full board. Supervisor Reinhardt said the County's budget will be approved in December. He said that he has no figures for the City at this time.

Councilor Acker thanked Chief Meeker for having the night officers report street lights that are out, adding that the lights on her street have been taken care of.

Recreation Director Luke Griff asked the Council if anyone would like to be a judge for this Saturday's Halloween contest at the Recreation Center from 4 p.m. to 6 p.m. He said they are having a "Trunk of Treat" contest this year in the parking lot for kids to trick or treat at parked vehicles. The event is open to children 13 years old and under. The Mayor said that his grandchildren had a great time at the event last year.

Tonya Bailey, Oneida, asked the Council to look at the current Sign Ordinance and asked for consistency between big and small business. The Mayor said the Sign Ordinance will be looked at.

Bill Crofton, Grove Street, Oneida, said he didn't get an opportunity to voice his opposition at the Public Hearing for the traffic light removal because the Mayor abruptly closed the hearing. Mr. Crofton asked that in the future if possibly a time limit could be set. He said if he knew it was going to end, he would

have jumped in earlier to express his opposition. The Mayor gave his apologies for not giving Mr. Crofton the chance to speak and said in the future he would conduct hearings in a better fashion, so those who want to speak will have the opportunity to do so.

EXECUTIVE SESSION

RESOLUTION 14-239

Motioned by Councilor Zogby
Seconded by Councilor Acker

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:59 p.m. for the purpose of discussing collective negotiations pursuant to Article 14 of the Civil Service Law (Taylor Law).

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Mayor, Council, City Attorney, City Clerk, Civil Service Officer, Fire Chief

- Discussion was held relating to collective negotiations pursuant to Article 14.

Motioned by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:41 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 8:41 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk