

**MINUTES OF THE COMMON COUNCIL
OCTOBER 7, 2014**

A meeting of the Common Council of the City of Oneida, NY was held on the seventh 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 Assessor Lonnie Stedman
City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Comptroller Linda Pease
Director of Parks & Recreation Lucas Griff
Fire Chief Kevin Salerno
Police Chief David Meeker
Public Safety Commissioner Michael Kaiser
Supervisor James Rafta

OLD BUSINESS

Sewer Lateral Installation

City Engineer Jon Rauscher said at the last meeting we discussed that new laterals are currently installed by licensed plumbing contractors, but he recommends that the City perform the service and charge back the homeowner. Mayor Smith said he was out of town when this was discussed. He said whatever the Council decides; he wants to be sure that there is legal justification for doing so. Mayor Smith said things have been done in the past with no ordinance to justify that happening. The City Engineer said that in other communities the City installs with 100% of the cost borne by the property owner, and then the City is responsible for maintaining from the manhole to the property line. He said the cost is estimated at \$1,800, but that would vary if they have to dig deeper, etc. The Water Department installs the service with the property owner bearing 100% of the cost, which was \$1,400 for the Valley View Drive property. The Mayor said the City should be consistent with the Water Department. Engineer Rauscher said if the City is putting in a brand new sewer line, then it is a 50/50 cost split according to the City Charter. The City Engineer recommends 100% of the cost being billed to the property owner. Councilor Bowe said 100% is all right if the City is going to maintain it, but raised a couple of issues to be addressed in the adoption of a local law. Councilor Bowe said 70/30 for new and 50/50 for repairs would be his recommendation. Councilor Chamberlain said the cost for new installations should be 100% to the property owner, just like the water, as the water/sewer laterals are pretty much the same. The Mayor asked the City Attorney to provide some input, as there is merit in looking at what other communities of similar size do.

Moved by Councilor Acker
Seconded by Councilor Bowe

RESOLVED, that the minutes of the regular meeting September 16, 2014 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Simchik
Seconded by Councilor Acker

RESOLVED, that Warrant No. 19, checks and ACH payments in the amount of \$1,731,978.86, 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 Simchik
Seconded by Councilor Smith

RESOLVED, that Check No. 51550 in the amount of \$171.82 (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

ADOPT LOCAL LAW NO. 7 AMENDING ARTICLE V., SECTIONS 5.16 AND 5.23 OF THE CITY CHARTER RELATING TO THE DUTIES OF THE COMPTROLLER

RESOLUTION 14-216

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

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. 7 of 2014 to amend the City Charter Article V., Sections 5.16 and 5.23 as follows:

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 an approved request from the head of the office, department, board, bureau, commission, 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 purchasing requests are to be made.

Section 5.23 Purchasing Requests

A.

All purchases made and contracts executed by the City Comptroller shall be pursuant to 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 purchasing requests.

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

PURCHASING POLICY

RESOLUTION 14-217

Moved by Councilor Acker
Seconded by Councilor Brahim

RESOLVED, that the following updated policy be reaffirmed:

- Purchasing Policy
(Policy includes the use of electronic signatures –LL # 7 of 2014)

Ayes: 6

Nays: 0

MOTION CARRIED

The Comptroller said the Purchasing Policy has been updated to include the use of electronic signatures. The departments are currently using that procedure.

W. ELM STREET SEWER LINE PETITION

RESOLUTION 14-218

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, that a petition from West Elm Street residents Brandee DuBois, Scott Jenkins and James Chamberlain requesting a quote for a sewer extension on West Elm Street be hereby received and placed on file.

Ayes: 5

Nays: 0

Abstain: 1 (Chamberlain)

MOTION CARRIED

City Engineer Rauscher said that he will put together an estimate for review. This is an existing sewer, which has the capability to be extended by gravity to accommodate a couple of parcels on W. Elm Street. This sewer extension would be a 100% cost to the property owners. Councilor Bowe said the City would have to decide how many years the term of payment would be for.

ACCEPT PURCHASE OFFER AND EXECUTE REHABILITATION AGREEMENT

RESOLUTION 14-219

Moved by Councilor Smith
Seconded by Councilor Simchik

WHEREAS, on or about August 2, 2013, the City of Oneida acquired a tax deed for real property known and designated as 120 North Main Street, in the City of Oneida, New York, Tax Map No. 30.72-1-5 (“Property”), **and**

WHEREAS, at the October 15, 2013 Common Council meeting, the Property was declared excess property, thereby eligible to be sold for fair market value or demolished, **and**

WHEREAS, the Property is in need of rehabilitation, and the City desires to sell and convey said Property to an eligible buyer and obtain a written guarantee, in the form of a “Rehabilitation and Purchase Agreement,” from any such buyer that he/she will perform and accomplish the necessary rehabilitation within the agreed upon time frame of one year from the date said Rehabilitation Agreement is executed, **and**

WHEREAS, Mohamed Kewitta (“Buyer”) is an eligible buyer, as defined by the Rehabilitation and Purchase Agreement, and he desires to purchase the Property and rehab the Property in accordance with the terms and conditions set forth in such Rehabilitation and Purchase Agreement; **and**

WHEREAS, the City of Oneida Charter, Article III, Section 3.17, states that no sale of real property shall be made or authorized except by a vote of $\frac{3}{4}$ of all members of the members of the Common Council; **now therefore be it**

RESOLVED, that the Common Council of the City of Oneida does hereby desire to sell the real

property located at 120 North Main Street, Oneida NY, known as Tax Map No. 30.72-1-5, to Mohamed Kewitta in consideration of One Dollar (\$1.00) and the execution of a Rehabilitation and Purchase Agreement, in a form approved by the City of Oneida Attorney and subject to the contingencies enumerated herein, which together are considered fair market value for the Property in its current condition, **and be it further**

RESOLVED, that the Mayor of the City of Oneida is hereby authorized to execute the aforesaid Rehabilitation and Purchase Agreement and that such authorization is contingent upon the execution by the Buyer of the Rehabilitation and Purchase Agreement within thirty days (30) days of the adoption of this Resolution, **and be it further**

RESOLVED, that subsequent to the execution of the Rehabilitation and Purchase Agreement, this authorization is further contingent upon the issuance of a written certification by the Housing Inspector for the City of Oneida Fire Department, stating that he has inspected the Property and that the Buyer has satisfactorily completed all necessary rehabilitation in the time period required by the Rehabilitation and Purchase Agreement, **and be it further**

RESOLVED, that upon receipt of the written certification of the Housing Inspection, the Mayor is hereby authorized to execute a deed and any and all documents necessary to complete the transfer of title of said parcel of land, **and be it further**

RESOLVED, that this authorization is contingent upon the Buyer having rendered payment in full to the City of Oneida of any monies due and owing within forty-five (45) days following receipt and review of copies of the proposed transfer documents pursuant to this sale, **and be it further**

RESOLVED, that the property located at 120 North Main Street, Oneida NY, known as Tax Map No. 30.72-1-5 shall at no point in time be sold, transferred, titled or conveyed to any person who was a record owner and/or mortgagor of the properties with the five (5) year period immediately preceding the date on which the Property were taken by the City of Oneida for non-payment of taxes. If such prohibited conveyance shall be made by any party in the succeeding chain of title, then immediately thereon (a) these conveyances shall become null and void to the Buyer, his successors and/or assigns, and (b) the title of the Property shall revert back to the City of Oneida.

Ayes: 6

Nays: 0

MOTION CARRIED

Mayor Smith said in 2013 the City took 20 homes in need of rehabilitation and aggressively moved to either tear them down or sell them under the terms of a rehabilitation agreement. This particular property was to cost the City \$30K to demolish, but will now will be purchased and restored up to code, within one year, to be put back on the tax rolls.

TOW SERVICE AGREEMENT

RESOLUTION 14-220

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, to authorize the Mayor to sign a Tow Service Agreement with Ralph's Collision, Inc., 1673 Genesee Street, Oneida, for addition to the City's towing rotation list.

Ayes: 6

Nays: 0

MOTION CARRIED

Police Chief Meeker said the towing rate sheets are included with the agreement. There are currently two businesses on the rotation list; this would be the third.

PUBLIC HEARING - TRAFFIC LIGHT ON CORNER WALNUT AND LENOX

RESOLUTION 14-221

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that a Public Hearing be hereby scheduled for October 21, 2014 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY, relative to 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.

Ayes: 6

Nays: 0

MOTION CARRIED

Mayor Smith said the City Engineer has requested a representative from the DOT to be at the hearing. Councilor Acker said the light is in her Ward and she has received calls from residents asking for the light to remain in place. City Engineer Rauscher said the DOT representative will share the data they have at the meeting. It was noted that since the light has been flashing, there has already been an accident at the intersection. Councilor Zogby inquired as to what the City can do. The City Clerk said a resolution could be sent to the State, so they would have the Council’s recommendation in writing, for whatever that is worth. The Mayor said that the City can advocate aggressively, but we do not have any veto power to change a decision by the NYS DOT.

Bill Crofton, 242 E. Grove Street, Oneida, said he is extremely upset and concerned about the possible removal of this traffic light. He said he uses that light quite often and stated that there are times because of the sun, it is blinding. Mr. Crofton said there was a fatal accident at that intersection years ago. Mr. Crofton asked the Council several questions. Public Safety Commissioner Mike Kaiser said in two weeks there will be a public hearing with a representative from the NYS DOT in attendance to answer everyone’s questions. City Engineer Jon Rauscher said the State is doing a signalization upgrade through Lenox Avenue, and if they don’t have to replace that light, it costs less for the project. The Mayor suggested Mr. Crofton contact Senator Valesky and Assemblyman Magee and return for the public hearing to express his concerns.

James Rafté, Madison County Supervisor Wards 4, 5, & 6, stated that he lives on the end of Walnut Street, and thirty years ago, they campaigned for a traffic light. It wasn’t until after a fatality that the light was installed. He said there are no crossing guards at the intersection and the sun from the west makes the intersection dangerous. He urged everyone to contact Senator Valesky and Assemblyman Magee to get on board with this. He asked that this be well publicized to get people to the public hearing. Councilor Bowe said there are two schools in close proximity that should be taken into consideration, along with an ambulance service. The Mayor these will all be reviewed at the public hearing.

AGREEMENT FOR A FLOOD MITIGATION ALTERNATIVES STUDY AT THE WWTP

RESOLUTION 14-222

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign an agreement with GHD Consulting Services, Inc., One Remington Park Drive, Cazenovia NY 13035 for the purposes of completing a Flood Mitigation Alternatives Study at the City of Oneida Waste Water Treatment Plant.

Ayes: 5

Nays: 0

Abstain: 1 (Acker)

MOTION CARRIED

The Mayor said there was significant damage to the City’s Waste Water Treatment Plant caused by the flood event and stated it would be irresponsible not to look at how it can be mitigated. The City Engineer said the City will receive FEMA assistance with 75% being paid by federal funds and 25% of the project cost will be City funding. The City Engineer said if the plant is not working, it affects the entire City and the first place to be impacted would be the flats.

BUDGET TRANSFERS AND AMENDMENTS

RESOLUTION 14-223

Moved by Councilor Acker
Seconded by Councilor Zogby

RESOLVED, to approve the following budget transfers:

<i>Amount</i>	<i>From</i>	<i>To</i>
\$25,000	001.7140.0202 (Rec Center Boiler)	001.9060.0805 (Health Insurance)

\$46,219.63	005.7521.0400	005.9901.0900
	(Kallet Roof Cap. Project)	(Transfer to General)

Transfer from unused project money for health insurance shortage and to close out expired capital project.

RESOLVED, to approve the following budget amendment:

<i>Amount</i>	<i>From</i>	<i>To</i>
\$46,219.63	001.9060.0805	001.0024.5031
	(Health Insurance)	(Transfer from Capital)

Amendment to the General Fund Budget for appropriation from the capital fund for health insurance shortage.

Ayes: 6

Nays: 0

MOTION TABLED

Councilor Acker inquired as to what happens if the boiler breaks or asked if this is money left over from the project. The Comptroller said she was looking for funds to be put in the health insurance account and approached the Recreation Director who said he would not be using that money this year, as they have received a grant to replace the boiler. Councilor Smith said when you get a grant, you still have to pay for it upfront and wait for reimbursement. The Comptroller said when the City receives a matching grant, it is a capital project, and the funds are expensed to the project and the Capital Fund Cash. So, it is not coming from the General Fund; it is basically a loan from the capital project and when the money comes back from the grant, it simply replaces the cash in the Capital Fund. Councilor Smith said we still have to pay for it. The Comptroller said she could leave this \$25K alone and at the end of the year, it will expire, and go back into Fund Balance. Then it could be taken from Fund Balance. The Comptroller said it is better to take money that you are not going to use rather than dip into your Fund Balance.

Councilor Acker asked about the \$46K transfer for the Kallet Roof, and the Comptroller said this Capital Project will expire, but she said she was unsure as of the date of expiration. The City Engineer said there is a DASNY Grant that the City is waiting to be finalized, and he has placed the \$100K Kallet roof project in next year's budget. The Comptroller said that would be paid out of Capital Fund Cash. It has nothing to do with appropriating money in the General Fund when it is a matching grant.

Councilor Zogby said he doesn't understand the Resolution as presented and read it aloud. Councilor Smith asked why the City is short \$71K in health insurance, and the Comptroller said she went over this with the Mayor. The Comptroller said she budgeted the exact cost and did not take into consideration any changes that may happen during the year such as buyouts, changes to a policy or new employees. She said the former Comptroller always over-budgeted on health insurance to allow for changes, and she has now changed her budget line to allow for any changes during the year. In response to a question, the Comptroller said these transfers would cover the City through the end of the year on health insurance, but she would have to look up when the monthly payment is due and how much it is. Councilor Zogby said the Council authorizes spending, adding that he needs to understand the flow of money to see where we stand. The Comptroller said a budget amendment increases both accounts. A discussion ensued, because the Comptroller's explanation did not match the resolution the Comptroller presented. The Mayor said this needs to be sorted out. Councilor Acker asked if there was enough money in the health insurance account to pay the bill this month. The City Clerk said there was \$287K in the health insurance account as of today. Councilor Acker asked that the motion be tabled to give the Council time to understand this.

The motion was originally moved by Councilor Bowe and seconded by Councilor Simchik to open the dialogue.

NEW BUSINESS

Expressions of Gratitude

Councilor Zogby thanked Marty Winchell for his dedication to the Oneida Farmer's Market for five years and extended congratulations to Tonya Bailey for taking over the helm.

Councilor Zogby also congratulated the Hick's brothers on their purchase of the former Oneida Limited Sales Office, which is located in Ward 1. He said they are working to receive historical status, as well as improve the property with apartments, offices and retail.

The Mayor commended Marty Winchell for his efforts in not allowing the famers market to go by the wayside, adding that he was very thankful that the City has a market that can continue to grow.

Replacement of National Grid Lights on Poles

Councilor Acker said that there are many street lights out, ten that she counted on Broad and Main alone and asked what the standard procedure was for replacement. The City Engineer said there is a link on the City's webpage for residents to report a light that is out. Mr. Crofton, who worked for National Grid, said anyone can call National Grid at 1-800-642-4272 to report street light outages. Police Chief Meeker said he would advise patrol officers to keep a lookout as well.

Taxicabs in Oneida

Frederick (Rick) Edick, Oneida, said that there is another taxi service in town, and according to the City Charter there should only be one taxi per 1,000 people, and currently there are 15 licensed in the City. He said Oneida Taxi has been in operation since the 1940's, and this has put a large crimp in his income. The Mayor said his reaction would be to amend the Charter, because we don't regulate how many pizza places we can have in town, and he doesn't believe we should regulate taxis. The Mayor said usually government is being yelled at for meddling too much in private enterprise and now we are being asked to meddle. The Mayor said he will look at the code and discuss this with the City Attorney.

Election Day Council Meeting Rescheduled

The City Clerk asked the Mayor if they would like to reschedule the first meeting in November, as it falls on Election Day. After a brief discussion, the Council decided that the meeting will be held on Wednesday, November 5th at the usual time.

Tonya Bailey, Oneida, said that anyone not currently registered to vote will receive a free lunch at her restaurant if they come in and sign up to vote before Friday's deadline.

Motion to adjourn by Councilor Smith

The regular meeting is hereby adjourned at 7:50 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk