

**MINUTES OF THE COMMON COUNCIL
NOVEMBER 5, 2014**

A meeting of the Common Council of the City of Oneida, NY was held on the fifth day of November, 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 Deputy Mayor Helen Acker

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

ABSENT: Mayor Alden M. Smith

ALSO PRESENT: 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

PRESENTATION OF DESIGNS AND PROPOSALS FOR ONEIDA RAIL TRAIL

Recreation Director Luke Griff introduced several students from SUNY ESF and acknowledged the thirty-nine landscape architect students who worked on this project to provide proposals and designs to enhance the Oneida Rail Trail. The students had a PowerPoint presentation prepared for the Council outlining the various aspects of the project beginning with an analysis and design of the connections and destinations. They looked at ways to connect the trail to the City center and commercial areas, including how to move safely through downtown and incorporate the farmer's market. They did a demographic analysis and designs to attach the trail to the existing City parks. The students said they reached out for community participation and did surveys to see what the interests and the concerns residents had. They outlined goals, use of signage and how to connect to trail heads and street crossings. They displayed design alternatives including those along the Erie Canal, which included signage and a bridge for pedestrian traffic. They studied how the project could have a positive ecological effect, looking at flood issues, levy systems and habitat. They said the gateway to Oneida is where the Duross Conservatory intersects with Rt. 5. They looked at how assets can be utilized and designed language to identify the trail, which loops around the City. They said all the students came up with some playful ideas for the trail to become a community hot spot. They took into consideration how the trail system interacts with the high school and private property, and for neighbors who don't want to see the trail, they displayed designs using vegetative screens, structural screens and created archways and tunnel effects. They said the goal is to make the trail system interact with the City of Oneida in a positive way.

Deputy Mayor Acker asked what concerns the residents had. The students said the concerns were about privacy and the possible use of motorized vehicles, such as snowmobiles on the trail system. The Deputy Mayor thanked the students for an excellent presentation.

PUBLIC HEARING – PROPOSED LOCAL LAW

RESOLUTION 14-240

Moved by Councilor Zogby
Seconded by Councilor Bowe

RESOLVED, that the Public Hearing on the 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 opened at 6:31 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES: None

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that the Public Hearing regarding proposed Local Law repealing Chapter 169, Section 26 be hereby closed at 6:32 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

OLD BUSINESS

Halloween Party at Recreation Center

Deputy Mayor Acker commended Recreation Director Luke Griff for the excellent job on the City's Halloween party. She said the addition of "Trunk or Treat" to the annual event was great.

Referendum Proposals

Deputy Mayor Acker stated that the proposals on the ballot to lengthen the term of office for Mayor from two to four years and the proposal to lengthen the term of office for Councilors from two to four years were voted down. She said the residents would like things to stay as they are.

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that the minutes of the regular meeting October 21, 2014 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Chamberlain
Seconded by Councilor Smith

RESOLVED, that Warrant No. 21, checks and ACH payments in the amount of \$374,833.08, 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 Smith

Seconded by Councilor Chamberlain

RESOLVED, that Check No. 51760 in the amount of \$93.13 (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

MISCELLANEOUS UTILITY BILLING

RESOLUTION 14-241

Moved by Councilor Smith

Seconded by Councilor Bowe

RESOLVED, that the City of Oneida Miscellaneous Utility Billing for unpaid service charges, water rents and sewer taxes be hereby received and placed on file, **and be it further**

RESOLVED, that authorization is hereby given to include said charges in the 2014 assessment roll to be re-levied onto the 2015 tax roll, **and be it further**

RESOLVED, that a Public Hearing will be held on the aforementioned Miscellaneous Utility Billing on November 18, 2014 at 6:30 p.m. in the Council Chambers at the Oneida Municipal Building at 109 N. Main St., Oneida, NY.

Ayes: 6

Nays: 0

MOTION CARRIED

Deputy Mayor Acker said that \$54,874.51 is being relieved this year.

2015 CITY OF ONEIDA MAYOR'S BUDGET

RESOLUTION 14-242

Moved by Councilor Zogby

Seconded by Councilor Smith

RESOLVED, that the 2015 City of Oneida Mayor's Budget be hereby received and placed on file, **and be it further**

RESOLVED, that a Public Hearing on the proposed 2014 City of Oneida Budget shall be held on

November 18, 2014 at 6:30 p.m. in the Council Chambers, Oneida Municipal Building at 109 N. Main St., Oneida, NY.

Ayes: 6

Nays: 0

MOTION CARRIED

ADVERTISE FOR BIDS AND CONTRACT EXTENSIONS

RESOLUTION 14-243

Moved by Councilor Simchik

Seconded by Councilor Bowe

RESOLVED, that the Purchasing Agent be authorized to advertise for bids for Liquid Caustic Soda, **and be it further**

RESOLVED, that authorization be hereby given to extend the chemical contract for chlorine and sodium hypochlorite with Slack Chemical Co., Inc. PO Box 30, Carthage NY 13619 for an additional one-year term from the date of expiration, in accordance with existing contract, **and be it further**

RESOLVED, that authorization be hereby given to extend the chemical contract for zinc orthophosphate and polyphosphate with Shannon Chemical Corporation, PO Box 376, Malvern PA 19355 for an additional one-year term from the date of expiration, in accordance with existing contract, **and be it further**

RESOLVED, that authorization be hereby given to extend the chemical contract for liquid aluminum sulfate with Holland Company, Inc., 153 Howland Ave., Adams, MA 01220-1199 for an additional one-year term from the date of expiration, in accordance with existing contract.

Ayes: 6

Nays: 0

MOTION CARRIED

CLIMATE SMART COMMUNITY – CLIMATE ACTION PLAN

RESOLUTION 14-244

Moved by Councilor Smith

Seconded by Councilor Simchik

RESOLVED, that a Public Hearing on the Climate Action Plan prepared by the CNY Regional Planning and Development Board, SUNY ESF students and the City to create a greenhouse gas emissions inventory shall be held on November 18, 2014 at 6:30 p.m. in the Council Chambers, Oneida Municipal Building at 109 N. Main St., Oneida, NY.

Ayes: 6

Nays: 0

MOTION CARRIED

City Engineer Jon Rauscher said a presentation will be made by the CNY Regional Planning and

Development Board and SUNY ESF students to explain the draft Climate Action Plan, which will include how it was created and the strategies to reduce omissions of greenhouse gases. The City Clerk said copies of the Climate Action Plan are available in the City Clerk's office and on the City website.

**COMMUNITY OPPOSITION TO THE REMOVAL OF THE TRAFFIC SIGNAL AT THE
INTERSECTION OF WALNUT STREET AND RT. 365A**

RESOLUTION 14-245

Moved by Councilor Zogby
Seconded by Councilor Bowe

WHEREAS, the New York State Department of Transportation is undertaking a project in the City of Oneida on State Route 365A between Walnut Street and Willow Street, **and**

WHEREAS, the stated objective of the project, number 203906, is to improve traffic flow, and pedestrian safety and reduce the number of accidents, **and**

WHEREAS, the City of Oneida Common Council held a public hearing on the proposed project on October 21, 2014, which includes the removal of a traffic signal at the intersection of Walnut Street and State Route 365A, **and**

WHEREAS, all residents and other interested parties attending the aforementioned public hearing who spoke stated opposition to the removal of the traffic signal at the intersection of Walnut Street and State Route 365A, **and**

WHEREAS, the City of Oneida Traffic Safety Advisory Board has recommended that the traffic signal at the intersection of Walnut Street and State Route 365A not be removed, **now therefore be it**

RESOLVED, that the City of Oneida Common Council authorizes the Mayor to sign and transmit to the New York State Department of Transportation, Senator David Valesky, and Assemblyman William Magee, a letter stating the opposition of the community to the removal of the traffic signal at the intersection of Walnut Street and State Route 365A.

Ayes: 6
Nays: 0

MOTION TABLED

Councilor Zogby said that some people came to the hearing and complained about the light, but he didn't know if that reflected the entire community's views. He said the City hasn't received the DOT's proposal and added the State has to comply with Federal Regulations. He said he is not sure if this is the best thing to propose at this time, and he is not in favor of this. Councilor Bowe said this should be studied further and the City should meet again with the DOT once the data is available, as well as get more public input. City Engineer Rauscher said that the DOT reached out to him with the idea of a Public Hearing here at City Hall on an off-Council night for the public to attend. They will take care of all the notifications for their meeting. Deputy Mayor Acker questioned if the data would be completed before their Public Hearing. She said since the Mayor is not here tonight, maybe this Resolution should be tabled until the next meeting, and Councilor Zogby made that motion. Councilor Chamberlain originally moved to open the discussion, and Councilor Smith seconded the motion.

BUDGET TRANSFERS

RESOLUTION 14-246

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, to authorize the following budget transfers:

<i>AMOUNT</i>	<i>FROM</i>	<i>BALANCE</i>	<i>TO</i>	<i>BALANCE</i>
\$2,400	001.3650.0400 (Building Demo)	\$6,217.65	001.1620.0403 (Building Contracts)	\$4,175.98
\$2,977	001.3120.0101 (Police Salaries)	\$307,213.61	001.3120.0300 (Police Supplies)	\$7,365.99

Balances are as of October 24, 2014

Purchase new tasers for the police department (Meeker) and move money to contracts for buildings (Rauscher).

Ayes: 6
Nays: 0

MOTION CARRIED

AGREEMENT WITH MADISON COUNTY FOR SNOW AND ICE CONTROL

RESOLUTION 14-247

Moved by Councilor Chamberlain
Seconded by Councilor Zogby

RESOLVED, to authorize the Mayor to sign an agreement by and between the County of Madison and the City of Oneida for the control of snow and ice on specified roads on the County and City road systems.

Ayes: 6
Nays: 0

MOTION CARRIED

The City Engineer said this will encompass the same roads as last year.

CHANGE ORDER NO. 1 - FISH CREEK CROSSING IMPROVEMENTS PROJECT

RESOLUTION 14-248

Moved by Councilor Simchik
Seconded by Councilor Smith

RESOLVED, to authorize the Mayor to sign Change Order No. 1 for modifications, costs and extra work orders related to the Fish Creek Crossing Improvements Project in the amount of \$139,834.37.

Ayes: 6

Nays: 0

MOTION CARRIED

City Engineer Rauscher said the work has been done and stated the \$3.2M project still came in under budget. Councilor Zogby questioned if the extra costs could be negotiated and the City Engineer explained how the process for these types of projects works.

SALE OF REAL PROPERTY AND REHABILITATION AGREEMENT

RESOLUTION 14-249

Moved by Councilor Bowe

Seconded by Councilor Smith

WHEREAS, the City of Oneida is the fee owner of real property situated at 1586 W. Elm Street, Oneida, New York, known as Tax Map No. 37.-1-5 (the "Property"); **and**

WHEREAS, because of the poor, deteriorated condition of the residential structure situated on the Property, the Property's current market value of \$14,700.00 is based exclusively upon the value of the land; **and**

WHEREAS, the demolition and abatement costs for the Property are estimated to be \$19,000.00; in the alternative, the cost to remove trash and debris from the Property is estimated to be \$6,200.00, noting that such cost does not include rehabilitation or renovation expenses to make the aforementioned residential structure habitable, resulting in a market value of \$8,500.00 for the Property; **now therefore, be it**

RESOLVED, that the City of Oneida Common Council does hereby declare real property situated at 1586 West Elm Street, City of Oneida, New York, known as Tax Map No. 37.-1-5, to be "excess property" eligible for sale at fair market value; **and be it further**

RESOLVED, that a purchase offer from Blake Lamb, Jr. of 315 Bennett Street, City of Oneida, New York for said property located at 1586 West Elm Street, City of Oneida, New York, Tax Map No. 37.-1-5, in the amount of the fair market value of \$8,500.00 ("Purchase Offer") has been submitted to the City of Oneida for consideration, **and be it further**

RESOLVED, that the Common Council hereby accepts the aforementioned Purchase Offer and approves the sale of the property situated at 1586 West Elm Street, City of Oneida, New York, known as Tax Map No. 37.-1-5, to Blake Lamb Jr. of 315 Bennett Street, City of Oneida, New York, in consideration for \$8,500, plus closing costs and filing fees, **and be it further**

RESOLVED, that the City Attorney is herein authorized to prepare any and all documents necessary to effectuate such sale, for execution by the Mayor.

Ayes: 6

Nays: 0

MOTION CARRIED

Assessor Lonnie Stedman said this is the third property that Mr. Lamb is purchasing for rehabilitation purposes, and he recommends that when the City sells the property, the title be transferred at the sale. There is no need for a Rehabilitation Agreement, as Mr. Lamb will have to follow the permit process through the Code's office. The City Attorney had no objections, but said that the Resolution would have

to be amended to remove “and further conditioned upon the execution of the attached Rehabilitation and Purchase Agreement” from the Resolution. Councilor Bowe moved the amended Resolution. Councilor Chamberlain originally moved to open the discussion with Councilor Simchik seconding the motion.

NEW BUSINESS

Comments from the Oneida PBA President

Steve Lowell, President of the Oneida PBA addressed the Council with issues pertaining to the working conditions at the City of Oneida Police Department. He provided the Council with a letter from the members of the John R. Deschamps, Sr. PBA outlining their concerns. Mr. Lowell explained their concerns in four areas; replacement of police vehicles, the necessary daily equipment, staffing levels and personnel, and training. He provided the Council with a comparison of similar size cities noting median household income, square miles covered, population, and the number of officers. He asked that all of these items be given serious consideration during all upcoming budget talks. He asked that the City, on behalf of the members of the PBA, continue to examine those conditions that are known, predictable and unsafe, which may cause harm to both members of the department and the citizens they are sworn to protect.

Oneida Rail Trail Committee Grant Award

Joe Magliocca, Oneida, said that the Rail Trail was awarded the Transportation Alternatives Program Grant (TAP) in the amount of \$716,000. He asked that City departments take on a larger work load for this project, as it is beyond the conceptual phase. He said the SUNY ESF students have presented some whimsical and fantastic design ideas that will have a positive effect on the community.

EXECUTIVE SESSION

RESOLUTION 14-250

Motioned by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:28 p.m. for the purpose of discussing proposed, pending or current litigation.

Ayes: 6

Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Attorney, City Clerk, City Engineer, Fire Chief

1. Discussion was held relating to proposed, pending or current litigation.

Motioned by Councilor Zogby
Seconded by Councilor Bowe

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:10 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

SCHEDULE SPECIAL MEETINGS FOR DISCUSSION OF 2015 BUDGET

Deputy Mayor Acker presented the Council with a tentative schedule for the special meetings to go over the Mayor's budget. After a brief discussion, the following dates were set:

- Monday, November 10 at 6:30 p.m. – Assessor, Chamberlain, Clerk, Comptroller, Civil Service, Planning and Police
- Thursday, November 13 at 7:30 p.m. – Recreation and Fire
- Wednesday, November 19 at 6:30 p.m. – Water, Hydrant, DPW, Sewer
- Monday, November 24 at 6:30 p.m. – Council (Dept. Heads maybe requested to return)

The City Clerk will contact the Department Heads to be sure these times fit their schedules and will notify the press of the dates.

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 8:25 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk