

**MINUTES OF THE COMMON COUNCIL
DECEMBER 1, 2015**

A meeting of the Common Council of the City of Oneida, NY was held on the first day of December, 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, and James Chamberlain

ABSENT: Councilor Thomas Simchik

ALSO PRESENT: City Assessor Lonnie Stedman
City Attorney Nadine Bell
City Clerk Susan Pulverenti
Comptroller Linda Pease
Director of Parks and Recreation Luke Griff
Fire Chief Kevin Salerno
Police Chief David Meeker
Supervisor John Reinhardt

OLD BUSINESS

Councilor Zogby asked if there were any new developments with the City's solar initiative, and Mayor Smith said no.

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that the regular meeting minutes of November 17, 2015, and special meetings November 9, 2015 and November 10, 2015 be hereby approved as presented.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that Warrant No. 23 checks and ACH payments in the amount of \$401,038.15, 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
Absent: 1 (Simchik)
MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that Check No. 54267 (Oneida Office Supply) in the amount of \$368.13, as audited by the Voucher Committee, is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 4
Nays: 0
Absent: 1 (Simchik)
Abstain: 1 (Acker)
MOTION CARRIED

Councilor Chamberlain asked why Quill is used for various office products, when those products could be purchased locally, and Mayor Smith said he will look into it.

MISCELLANEOUS UTILITY BILLING

RESOLUTION 15-270

Moved by Councilor Acker

Seconded by Councilor Smith

RESOLVED, that Miscellaneous Utility Billing for unpaid service charges, water rents and sewer taxes in the amount of \$62,196.86 be hereby inserted into the 2015 assessment roll to be relieved into the 2016 tax roll.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

AGREEMENT

RESOLUTION 15-271

Moved by Councilor Bowe

Seconded by Councilor Chamberlain

RESOLVED, to authorize the Mayor to sign a five-year agreement with Red Hawk Fire & Security, 7020 Fly Road, East Syracuse NY 13057 for inspection and service of the Fire Alarm system at the Recreation Department in the annual amount of \$560.00.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

Recreation Director Griff said the Department has been using Red Hawk for 4 or 5 years, and they are reasonably priced and do a good job.

CONTRACT

RESOLUTION 15-272

Moved by Councilor Acker

Seconded by Councilor Smith

RESOLVED, to authorize the Mayor to sign a four-year contract with Taser International, Inc., 17800 N. 85th Street, Scottsdale, AZ 85255 for providing tasers, warranties, and replacement tasers over the four year period at a cost savings to the City.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

Chief Meeker said this contract will save money the City money, provide warranties without any cost, and at the end of the contract period will provide for new or updated tasers at no cost.

ADOPT LOCAL LAW NO. 4 OF 2015 – BOARD OF ASSESSMENT REVIEW

RESOLUTION 15-273

Moved by Councilor Zogby

Seconded by Councilor Acker

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 adopt and enact Local Law No. 4 of 2015 as follows:

LOCAL LAW TO AMEND CHAPTER C. CHARTER
ARTICLE V. BUDGET FINANCIAL ADMINISTRATION
§5.26 BOARD OF ASSESSMENT REVIEW

SECTION 1. So that §5.26 titled “Board of Assessment Review” shall be amended so as to read as follows:

Section 5.26 Board of Assessment Review

A. There shall be a Board of Assessment Review appointed by the Common Council to consist of three members who shall be appointed in accordance with the Real Property Tax Law and shall have all the powers and

duties prescribed therein. Compensation for each member of the Board of Assessment Review shall be established by resolution of the Common Council.

SECTION 2. EFFECTIVE DATE

This Local Law shall be effective on January 1, 2016 and 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 – Absent
MOTION CARRIED

APPOINTMENT TO SIGN BOARD

RESOLUTION 15-274

Moved by Councilor Chamberlain
Seconded by Councilor Acker

RESOLVED, that the Common Council hereby approves the appointment of Donald Thorna Sr., 447 Stone Street, Oneida to the Sign Review Board for a three-year term.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

RECEIVE AND PLACE ON FILE – TRESTLE TOWN SUBDIVISION REQUEST

RESOLUTION 15-275

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that an e-mail from Rob Kinsella (robkinsella8@gmail.com), 629 Florence Ave., Oneida NY regarding the Trestle Town Subdivision Letter of Map Revision (LOMR) request for the 2016 City of Oneida Budget be hereby received and placed on file.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

City Engineer Jon Rauscher said he has reached out to the DEC and received their feedback. The next step is to reach out to FEMA, as the information received from the DEC changes the strategy on removing the structures from the floodplain. He said the structures in the Trestle Town Subdivision have basements, and he explained how the process would normally work if a LOMR were filed, adding that in this case the LOMR wasn't filed. He said the process wasn't done according to FEMA requirements, and this creates an issue trying to get these structures out of the floodplain. The City Engineer said if they do the study, FEMA may not accept it, because the original process wasn't done to their requirements. However, this needs to be confirmed with FEMA. Rob Kinsella, Oneida, said he contacted FEMA today, and FEMA said that just the letter of map revision needs to be submitted. Mr. Kinsella said this differs from what the DEC is saying. He said 99.9% of the time, the developer is supposed to do the LOMR, but his argument is that the City is responsible for approving the subdivision, and therefore it would be the City's responsibility to pay for the LOMR. City Engineer Rauscher said this is not something that could be done in house; a licensed land surveyor would need to conduct the study. The City Engineer said he will be getting something in writing from FEMA, as to exactly what they will require.

BUDGET TRANSFERS

RESOLUTION 15-276

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, to approve the following budget transfers:

FROM BALANCE TO BALANCE

| | | | | |
|-------------|---|--------------|---|-------------|
| \$5,000 | 003.8110.0308 (Sewer Chlorine) | \$1,076.18 | 003.8110.0415 (Sewer Lab Testing) | \$5,000.00 |
| \$6,000 | 003.8110.0329 (Liquid Iron Salts) | \$26,638.56 | 003.8110.0415 (Sewer Lab Testing) | \$11,000.00 |
| \$2,000 | 001.3310.0300 (Traffic Materials and Supplies) | \$2,366.50 | 001.1620.0300 (Building Material and Supplies) | \$2,022.43 |
| \$59,989.86 | 001.3120.0101 (Police Salaries) | \$240,564.67 | 001.3120.0201 (2015 Additional Cars) | \$59,989.86 |
| \$17,600 | 003.8110.0329 (Liquid Iron Salts) | \$9,038.56 | 003.8110.0217 (Dechlorination & Disinfection Alt. Study) | \$85,795.00 |

(For lab testing in the sewer fund, materials shortage in the building line, to purchase a marked police car and an unmarked car December 2015, and for the WWTP Disinfection Study)

Ayes: 5
Nays: 0
Absent: 1 (Simchik)

MOTION CARRIED

Councilor Zogby thanked Chief Meeker for shopping locally to purchase the police vehicles, and Councilor Smith said the Fire Chief purchased his vehicle locally as well.

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 15-277

Moved by Councilor Zogby
Seconded by Councilor Chamberlain

RESOLVED, that per Resolution 08-180 adopted by the Common Council on August 19, 2008, the provisions of the procedure to accept agenda items is hereby waived.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)

MOTION CARRIED

PROFESSIONAL ENGINEERING SERVICES PROPOSAL

RESOLUTION 15-278

Moved by Councilor Chamberlain
Seconded by Councilor Acker

RESOLVED, to authorize the Mayor to sign a Professional Engineering Services Proposal with O'Brien & Gere Engineers, Inc., 333 West Washington Street, PO Box 4873, Syracuse NY 13221-4873 for additional piloting services for the City of Oneida Waste Water Treatment Plant Effluent Disinfection Project in an amount not to exceed \$17,600.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)

MOTION CARRIED

Mayor Smith said there have been some challenges at the WWTP with effluents coming into the plant. There has also been some challenges with the HP Hood Expansion. The Mayor said the City Engineer is working diligently to address these issues.

CAPITAL PROJECT 15-11 – POLICE VEHICLE REPLACEMENT

RESOLUTION 15-279

Moved by Councilor Zogby
Seconded by Councilor Smith

RESOLVED, to approve Capital Project 15-11 – Police Vehicle Replacement in the amount of \$59,989.86 for the purchase of one marked police vehicle and one unmarked police vehicle, **and be it further**

RESOVLED, to authorize the Police Chief to proceed with Capital Project 15-11, and further authorize the Mayor to sign any and all documents relative to said Capital Project.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

NEW BUSINESS

Councilor Acker relayed a conversation she had with a constituent and passed along his thanks to the DPW for the great job they do keeping the City going.

Chief Salerno said Engine 293 (the main fire engine) is in Syracuse for emergency service due to a burned out turbo charger. He said a budget transfer is needed to pay for the repair.

BUDGET TRANSFER – EMERGENCY REPAIRS

RESOLUTION 15-280

Moved by Councilor Acker

Seconded by Councilor Smith

RESOLVED, to approve a transfer for emergency repairs to Engine 293 as follows:

| <u>AMOUNT</u> | <u>FROM</u> | <u>TO</u> |
|---------------|----------------|---------------------------------------|
| \$5,000.00 | 001.3410.0104 | 001.3410.0409 |
| | Fire - Holiday | Fire – Equipment Repair & Maintenance |

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

NEW BUSINESS

Recreation Director Luke Griff said the annual tree lighting begins at 5:30 p.m. Friday night in Higinbotham Park. Santa Claus will arrive courtesy of the Fire Department, and there will be caroling, hot chocolate and cookies.

EXECUTIVE SESSION

RESOLUTION 15-281

Moved by Councilor Acker

Seconded by Councilor Bowe

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:05 p.m. for the purpose of discussing the proposed sale or lease of real property.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

PRESENT: Mayor, Councilors. City Clerk, City Attorney, City Assessor

1. Discussion relating to the proposed sale or lease of real property.

Moved by Councilor Bowe

Seconded by Councilor Acker

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 7:27 p.m.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

AGREEMENT – PYRAMID BROKERAGE COMPANY, INC.

RESOLUTION 15-282

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, to authorize the Mayor to sign a Contract with Pyramid Brokerage Company, Inc. for exclusive authorization to lease/sell the real property situated in the City of Oneida, Madison County, described as Lowe’s Drive – Tax ID No. 37.-1-62.23, consisting of a 4.95+/- acre vacant parcel of land at the sale price of \$437,100.00, subject to the approval of any and all contract documents by the City Attorney.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)

MOTION CARRIED

The Council moved from the dais to the tables to begin the 2016 budget discussion. Councilor Acker said the Council should retire to Executive Session to discuss a personnel issue, and the Council agreed.

EXECUTIVE SESSION

RESOLUTION 15-283

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:35 p.m. for the purpose of discussing a personnel issue.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)

MOTION CARRIED

PRESENT: Mayor, Councilors

1. Discussion relating to a personnel issue.

Moved by Councilor Bowe
Seconded by Councilor Smith

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

Ayes: 5
Nays: 0
Absent: 1 (Simchik)

MOTION CARRIED

The Council discussed the Housing Codes position going from part-time to full-time next year. The current Housing Codes Officer spoke to the Council about the duties of the job. Deputy Mayor Acker said the City needs to invest in our community, and the Council will have to discuss this further.

The Council discussed the sales tax percentage the City collects. Mayor Smith said in order to raise the 2% the City currently receives, the request has to go the State legislature for approval. He said that previously Magee and Valesky would not consider bringing it to the floor. Councilor Zogby spoke of the 2012 meeting, where he, along with former Mayor Hudson and former Councilor Mike Kaiser were ultimately told that the City should take this request to the Governor on their own, and no response was ever received from the Governor’s office. Councilor Zogby suggested this issue be brought to the Governor’s attention once again, because of the City’s loss of revenues due to the flood event and the State/County agreement with the OIN. The Council discussed the potential impact on the budget by raising the sales tax by ¼% or ½%, noting that ¼% would balance the budget. The Comptroller said she has a call into the State Comptroller’s office to find out how this has to be done. The Council briefly discussed Oneida County’s sales tax rates over the years.

Deputy Mayor Acker said the Council received the response from Civil Service Officer Margo about the formula used to charge the school district. The City Clerk said the law allows for the City to charge the school system for Civil Service duties, but the Housing Authority or Library cannot be assessed a fee.

The Comptroller passed out sheets listing the projected property tax rates if the taxes were raised 5%, 8% or 10%. Councilor Acker said last year’s budget discussion included 8% and 8% again this year. She

said the costs keep going up, and we can't provide the quality of services to our residents staying at the same rate every year.

Councilor Chamberlain asked the Comptroller if there is any effect on the Water Fund with the Fish Creek Improvement Project being lumped together with the bonding for the Municipal roof. The Comptroller said they have separate debt schedules, and it wouldn't affect the Water Fund. She said when the City goes to bond for multiple projects, we receive a multiple bonding sheet, but the sheet is broken down showing the Fish Creek amortization, which would be charged to the Water Fund and the Municipal roof project to the General Fund. She said the interest rate is 2.33%. Ms. Pease said that she paid off the \$55K for the dump truck, since it was a small amount and paying off the BAN over a period of five years was better than bonding.

Councilor Zogby said he spoke with NYCOM about the pending medical reimbursement legislation. He said it is for volunteer fire departments and does not impact paid departments, but questioned why this legislation only affects volunteer departments. A City ambulance service was briefly discussed noting that Amsterdam, who has a paid Fire Dept, is currently looking into it, Saratoga Springs currently has an ambulance service and a paid fire department, and Lockport is going back to public service, as the paid ambulance service did not work for them.

EXECUTIVE SESSION

RESOLUTION 15-284

Moved by Councilor Zogby
Seconded by Councilor Chamberlain

RESOLVED, that the meeting is hereby adjourned to Executive Session at 9:00 p.m. for the purpose of discussing a personnel issue.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

PRESENT: Mayor, Councilors

1. Discussion relating to a personnel issue.

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 9:45 p.m.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

The Council scheduled a special meeting for 6:00 p.m. on Monday, December 7, 2015.

Motion by Councilor Chamberlain

The meeting is hereby adjourned 9:46 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk