

**MINUTES OF THE COMMON COUNCIL  
FEBRUARY 18, 2014**

A meeting of the Common Council of the City of Oneida, NY was held on the eighteenth day of February, 2014 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 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 and Recreation Lucas Griff  
Fire Chief Kevin Salerno  
Public Safety Commissioner Michael Kaiser

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, that the minutes of the meeting of February 4, 2014 are hereby approved as presented.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Moved by Councilor Zogby  
Seconded by Councilor Simchik

**RESOLVED**, that Warrant No. 4, checks and ACH payments in the amount of \$2,816,063.21 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 Simchik  
Seconded by Councilor Bowe

**RESOLVED**, that Check No. 50501 in the amount of \$145.46 (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 14-45**

Moved by Councilor Smith  
Seconded by Councilor Bowe

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

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Councilor Acker commended Planning Director Cassie Rose for her efforts to bring 40 to 50 new jobs into the City over the next two years through economic development. Councilor Acker gave kudos to the DPW for the excellent job the department has done with snow removal. Fire Chief Kevin Salerno said the rescue calls are up 100 from last year with many calls for “falls”. The Chief said with the policies enacted last year, he is working to keep overtime costs down. Councilor Acker commended Police Chief Meeker on keeping his overtime costs down.

**ADVERTISE FOR BIDS**

**RESOLUTION 14-46**

Moved by Councilor Simchik  
Seconded by Councilor Acker

**RESOLVED**, to authorize the Purchasing Agent to advertise for bids for Liquid Cationic Polymer and Liquid Iron Salts for the WWTP.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**APPROVE SALE – TAX MAP NO. 55.-1-52 - 2480 MIDDLE ROAD**

**RESOLUTION 14-47**

Moved by Councilor Chamberlain  
Seconded by Councilor Smith

**WHEREAS**, the City owned parcel SBL# 55.-1-52 located at 2480 Middle Road was declared to be “excess property” thereby eligible for demolition and sale at the October 15, 2013 Common Council meeting by Common Council Resolution 13-267, **and**

**WHEREAS**, a Purchase Offer from Stephen P. Francis, 5579 Middle Rd., Munnsville, NY 13409 for said City owned parcel Tax Map No. 55.-1-52 located 2480 Middle Road in the amount of \$2,500.00, plus demolition costs, was received by the City Assessor on February 5, 2014, **now therefore be it**

**RESOLVED**, that the Purchase Offer from Stephen P. Francis, 5579 Middle Rd., Munnsville, NY 13409, for said City owned parcel Tax Map No. 55.-1-52 located 2480 Middle Road in the

amount of \$2,500.00, plus demolition costs, be hereby received and placed on file, **and be it further**

**RESOLVED**, that the City of Oneida Common Council hereby approves the sale of said City parcel #55.-1-52 located at 2480 Middle Road, Oneida NY 13421 to Stephen P. Francis, 5579 Middle Rd., Munnsville, NY 13409 in the amount of \$2,500.00, **and be it further**

**RESOLVED**, that the existing structure located at parcel #55.-1-52 located at 2480 Middle Road, Oneida NY 13421 be demolished with the entire cost for said demo to be borne by Stephen P. Francis, 5579 Middle Rd., Munnsville, NY 13409, **and be it further**

**RESOLVED**, that the City Attorney is hereby authorized to prepare any and all documents relative to the sale of said property for execution by the Mayor.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Zogby inquired if the adjoining property owners were approached about the purchase of this property. City Assessor Lonnie Stedman said the adjoining property owners were contacted, but did not want to pay for the cost of demolition. Mr. Francis gave the City the best offer, as he will pay for the demolition of the existing structure, give the City \$2,500 and is planning on building a new house on the lot. Mayor Smith said placing this property back on the tax rolls is a positive move for the community.

### **LIQUOR LICENSE APPLICATION**

#### **RESOLUTION 14-48**

Moved by Councilor Smith

Seconded by Councilor Bowe

**RESOLVED**, that the notification of an application for an On-Premises Alcoholic Beverage License to be filed with the NYS Liquor Authority from Kenwood and Vine, LLC, 170 Kenwood Avenue, Oneida NY 13421 be hereby received and placed on file.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **SURPLUS ITEMS**

#### **RESOLUTION 14-49**

Moved by Councilor Zogby

Seconded by Councilor Acker

**RESOLVED**, to approve the sale of the following surplus computers and switches on e-Bay:

<i>Year</i>	<i>Model</i>	<i>Year</i>	<i>Model</i>
2008	Dell Optiplex 755	2008	Dell Optiplex 755
2004	Dell Optiplex GX280	2005	Dell Optiplex GX520
2006	Dell Optiplex GX520	2007	Dell Optiplex GX520
2007	Dell Optiplex GX520	2010	HP Compaq 8100
2004	Dimension 4600	2007	Optiplex 745

2007	Optiplex 745	2003	Power Connect 24-port switch
2003	Dell Latitude D600	2001	Intel Express 410T 24-port switch
2004	Dell Power Connect 2225- network switch		

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **SOFTWARE MAINTENANCE AGREEMENT**

#### **RESOLUTION 14-50**

Moved by Councilor Bowe

Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign the Gasboy PC Software Annual Maintenance Agreement with Gilbarco, Inc. DBA Gasboy, 7300 W. Friendly Avenue, PO Box 22087, Greensboro, NC 27420 in the amount of \$240.00.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **CANVASS BIDS ON CONTRACT NO. 1 – FISH CREEK CROSSING IMPROVEMENTS**

#### **RESOLUTION 14-51**

Moved by Councilor Bowe

Seconded by Councilor Simchik

**RESOLVED**, that the lowest bid meeting specifications for Contract No. 1 Fish Creek Crossing Improvements in the amount of \$2,620,415.01 from Marcellus Construction Company, 11151 U.S. Route 11, Adams, NY 13605 be hereby approved.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Smith said the project came in under the projected costs and commended the Water Superintendent and City Engineer for their efforts. City Engineer Jon Rauscher said they were very happy with the bids.

### **WAIVER OF WATER BILL PENALTY**

#### **RESOLUTION 14-52**

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

**RESOLVED**, that a letter from Diane & Anthony Farina, 195 Willow Meadow Way, Oneida requesting a waiver of the water bill late fee, the account payment history, and the Council's policy on waiver of late fees for water bills be hereby received and placed on file, **and be it further**

**RESOLVED**, that per the recommendation of the Water Board, the Common Council does hereby waive the \$10.80 penalty fee for account No. 51-2110583-0 - Diane & Anthony Farina, 195 Willow Meadow Way, Oneida NY 13421.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Bowe said many people from his Ward did not receive their water bills this past quarter, himself included. He noted that NYCOM said the bills come out every quarter and should be paid. Councilor Bowe said the request from the Farina's seems viable as their payment history shows they have always paid on time. He said the Water Department is looking for the person who is always late.

**REVISED - PROPOSED LOCAL LAW TO AMEND CHAPTER 17 – “ANIMALS”**

**RESOLUTION 14-53**

Moved by Councilor Chamberlain

Seconded by Councilor Acker

**RESOLVED**, the REVISED proposed Local Law to amend Chapter 17, titled “Animals” of the City Code to regulate the keeping of animals within the City of Oneida is hereby received and placed and file, **and be it further**

**RESOLVED**, that a public hearing on said REVISED proposed Local Law be scheduled for March 4, 2014 at 6:30 p.m. in the Common Council Chambers, 109 N. Main St., Oneida NY 13421.

Ayes: 6

Nays: 0

**MOTION CARRIED**

A brief discussion about “dangerous” dogs ensued when Councilor Acker shared an e-mail she received. The City Attorney said this proposed Local Law is specific to the number of animals on residential properties and is not intended to address dangerous dogs. The Mayor said certain breeds of dogs require a higher level of responsibility and enacting legislation specific to breeds is considered by some to be discriminatory to the dog owner. The City Attorney said NYS Agriculture and Markets Article 7 or 13 relates to dangerous dogs. Attorney Bell said the City has no control over and cannot change State law. Joe Magliocca said homeowner insurance covers dogs, but some insurance companies differentiate between breeds.

**CITY OF ONEIDA  
PROPOSED LOCAL LAW**

**A LOCAL LAW TO AMEND CHAPTER 17, TITLED “ANIMALS,”  
OF THE CODE OF THE CITY OF ONEIDA TO REGULATE  
THE KEEPING OF ANIMALS WITHIN THE CITY OF ONEIDA**

Be it enacted by the Common Council of the City of Oneida, that, to eliminate and prevent public health and safety concerns emanating from the keeping of animals, this local law amends Chapter 17 of the Code of the City of Oneida (hereinafter “Code”), titled “Animals,” to regulate the keeping of animals

within the City of Oneida as follows:

**SECTION 1.**

So that the definition of the term “kennel,” set forth in Section 17-1, titled “Definitions,” is hereby amended to read as follows:

“KENNEL – Any premises wherein any person engages in the boarding, breeding, buying, letting for hire, training for a fee or selling of six (6) or more dogs and/or cats, each being over the age of six (6) months.”

**SECTION 2.**

So that Section 17-2, titled “Impounding of animals and enforcing chapter,” is hereby amended to read, in its entirety, as follows:

“A. Except as otherwise provided herein, the Community Service Officer shall be the enforcing officer for carrying out the terms of this chapter. The Community Service Officer shall investigate any complaint lodged by any person against any animal or animal owner for allegedly violating this chapter.

B. The Community Service Officer shall seize any dog found to be in violation of the applicable provisions of this article or in violation of the applicable provisions of Article 7 of the Agriculture and Markets Law of this state, and such dog shall be impounded, redeemed, euthanized or sold in accordance with the provisions of Section 117 of the Agriculture and Markets Law or Title 10, Chapter 1, Part 2, Section 2, of the New York State Sanitary Code, and the owner of such dog shall pay the costs of seizure and impoundment as therein provided. The Community Service Officer shall make a record of the matter. The record shall include date of pickup, breed, general description, sex, identification numbers, time of pickup, location of release and name and address of owner, if any.

C. No person shall hinder, resist or oppose the Community Service Officer or other person authorized to administer and enforce the provisions of this article in the performance of such person’s duties pursuant to this article.

D. After such seizure, the record owner of such dog or an adult member of his family, if the owner is ascertainable from the dog’s license tag or sleeve, shall be notified personally or by regular mail that the dog has been seized and may be destroyed or put up for adoption unless redeemed.

E. No action shall be maintained against the City of Oneida, any duly designated Community Service Officer or any other agent or officer of the City of Oneida, to recover possession or value of any dog or for damages for injury or compensation for the destruction or adoption of any dog seized, destroyed or adopted pursuant to the provisions of this article.”

**SECTION 3.**

So that Subsection B of Section 17-13 is hereby amended to read, in its entirety, as follows:

“B. No person shall keep or harbor such number of dogs or cats as to constitute a nuisance.

(1) Within the inside tax district of the City of Oneida, County of Madison, State of New York, the total number of dogs and cats to be kept or harbored on a premises may not exceed four (4). The keeping or harboring of more than four

(4) such animals shall be presumed to be a public nuisance, in the absence of a permitted kennel use.

(2) Exceptions.

- a. Dogs and cats which are kept or harbored as of the effective date of this local law, upon submission of proof evidencing ownership prior to the effective date of this local law. Provided, however, no additional dogs or cats may be acquired after the effective date of this local law which shall result in the violation of Section 17-13(B)(1).
- b. Puppies and kittens shall not be counted against the number of permitted dogs and cats until such reach six (6) months of age.”

#### **SECTION 4.**

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

#### **AGREEMENT FOR COURT CLEANING SERVICES AT THE JUSTICE CENTER**

##### **RESOLUTION 14-54**

Moved by Councilor Zogby  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign the agreement by and between the New York State Unified Court System, 25 Beaver Street, New York, NY 10004 and the City of Oneida for cleaning services for the interior of the City of Oneida Justice Center, as well as minor and emergency repairs, and preventative building and property maintenance for said facility.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

#### **REVISED - HIGHWAY PERMIT FOR FISH CREEK CROSSING IMPROVEMENTS**

##### **RESOLUTION 14-55**

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign the REVISED Highway Permit for the City of Oneida Fish Creek Crossings Improvements Project in the Town of Annsville.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

The Mayor said this project is continuing to move forward.

#### **NEW BUSINESS**

*Purchasing on eBay*

Councilor Smith referred to a note from the Water Superintendent relative to buying on eBay. Councilor Smith said the City could save a lot of money by purchasing items on eBay and noted that other municipalities purchase off of eBay. The Comptroller said when buying on eBay immediate payment is necessary and she is looking into this. Councilor Bowe said there is a program called “Bill Me Later” with six-months to pay. The City Attorney said pre-approval could be given to purchase items on eBay. A brief discussion ensued and ended with the Mayor asking the Comptroller to present the Council with information to resolve this issue.

*Vacant Properties*

City Assessor Lonnie Stedman said that Dr. Reid has started the demolition of the property at 235 Lexington Avenue.

*Oneida Rail Trail Update*

Recreation Director Luke Griff said the first meeting with respect to the receipt of the Rail Trail Grant funding was held with the NYS DOT, County and City officials. He said this will be a long process with the first year being consumed by the preparation of paperwork. The actual construction will not begin until next year. Director Griff said they will be coming to the Council with further Resolutions for the endorsement of the Rail Trail Project.

*Request to Waive Purchasing Policy*

City Engineer Jon Rauscher said the BobCat jackhammer attachment was taken to Warner Sales & Service, Inc., the vendor where it was originally purchased, for a quote to repair it. The attachment required dismantling to assess the problem and provide the quote. The City Engineer said he called another BobCat dealer in Syracuse and they would need to see the attachment to provide the City with an estimate for the repair. The Council agreed to waive the rule for agenda items and vote on a waiver.

**WAIVE RULE TO ACCEPT AGENDA ITEMS**

**RESOLUTION 14-56**

Moved by Councilor Smith  
Seconded by Councilor Acker

**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: 6  
Nays: 0

**MOTION CARRIED**

**AUTHORIZE WAIVER OF PURCHASING POLICY**

**RESOLUTION 14-57**

Moved by Councilor Acker  
Seconded by Councilor Chamberlain

**WHEREAS**, to receive a quote for the repair of the DPW’s BobCat Jackhammer Attachment, the piece was taken to Warner Sales and Service, Inc., Rome NY and was dismantled to diagnose the problem and determine the cost of said repairs, **and**

**WHEREAS**, to obtain subsequent quotes, the dismantled pieces would have to be delivered to various area BobCat dealers for their review, which is neither cost effective nor timely, **now therefore be it**

**RESOLVED**, to authorize a waiver of the Purchasing Policy to allow for the repair of the DPW's Bobcat Jackhammer Attachment by Warner Sales and Service, Inc., 6470 Greenway New London Road, Rome NY 13440 in the amount of \$3,200.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**EXECUTIVE SESSION**

**RESOLUTION 14-58**

Motioned by Councilor Bowe  
Seconded by Councilor Acker

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 7:07 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

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

Motioned by Councilor Acker  
Seconded by Councilor Bowe

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 7:50 p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Motion to adjourn by Councilor Acker

The meeting was adjourned at 7:51 p.m.

**CITY OF ONEIDA**

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Susan Pulverenti, City Clerk