

**MINUTES OF THE COMMON COUNCIL
AUGUST 12, 2014**

A special meeting of the Common Council of the City of Oneida, NY was held on the twelfth day of August, 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, Mike Bowe Erwin Smith, Helen Acker,
James Chamberlain and Thomas Simchik

ALSO PRESENT: City Clerk Susan Pulverenti

DISCUSSION OF TERMS OF OFFICE

The Mayor said this meeting is to discuss terms of office and to have any decisions prepared for public referendum at the next election cycle. The Mayor said he strongly suggests limiting the amount of referendums for the ballot for this year. Councilor Bowe questioned the costs involved with an item to be placed on the ballot for referendum, and the City Clerk said if there is an election scheduled the cost is borne by the County and public hearing costs, etc. by the City. Councilor Zogby presented a proposal to the Council relative to Article 2 §2.1A of the City Charter. His proposal included staggering the terms of office for the Council, making four years terms of office for the Mayor and Councilors, and removing the City Chamberlain as an elected office.

Mayor Smith asked the Council if they were supportive of a four-year term for Mayor, and the Council agreed to recommend a four-year term. Mayor Smith said a mayor comes to this office for two years to get things done and then someone else new comes along and they have a whole new set of priorities. He said in the past 12 years there have been five different Mayors, and in his view, that doesn't get the job done. The Mayor said the Charter Committee, which was created by former Mayor Hudson and approved by the Council, had a number of recommendations, many of which have already been addressed, and a four-year term for Mayor was one of their recommendations.

A discussion of staggering the terms of office for the Common Council members ensued. Councilor Zogby said his proposal is to have Wards 1, 3 and 5 on the ballot for four years, and then two years later, Wards 2, 4, and 6 would be on the ballot for four years. The Mayor's four-year term would run with Ward's 1, 3, and 5. The City Clerk said the Charter Committee voted 5-1 to leave the term of office for the Council and Supervisors at two years. Mayor Smith said his concern is that if three of the elected City Councilors never run for office with the Mayor, it becomes much easier to change those positions, and the elections are a much less true reflection of the electorate. Past history shows that election turnout is significantly lower without a Mayor running. Mayor Smith said you have to weigh that against the possibility of the entire Council and Mayor being voted out in the same year. The Mayor said that since 1901 that has not been even close to happening; it is a reality in theory, but with a very small probability. Councilor Bowe said he doesn't think the terms should be staggered, and there was discussion about voter turnout. Councilor Chamberlain said voter turnout is based on how people feel things are going. Councilor Zogby said he hasn't completely thought this part of it out but, but the Council needs to be careful to discuss what is good for our government and not to think about the political ramifications. The goal is to get as many people as possible to turn out to vote. He said it may benefit the Council not to run with a Mayor, so there can be more campaigning and issues brought to the public. Councilor Zogby said that staggering is important, because it allows continuity in government. Councilor Simchik said while campaigning last fall, his constituents overwhelming said they didn't like having to do this every two

years. Councilor Smith said having four year terms without staggering, the Council could project the budget for four years. The Council decided to let the people decide on four-year terms for the Council members, with Councilor Acker opting to keep the two-year term for Council. The Mayor said that he is not convinced that the lack of continuity in government is an issue. Councilor Zogby suggested a three year term for Mayor, so that every once in a while the Mayor would be running with the Councilors on that four-year cycle. Councilor Bowe said technically four-year terms would not be given to all Councilor's at first if the terms are staggered; 50% would be at 2 years and 50% at four years and he questioned how it would be equitable to choose 1, 3, 5, or 2, 4, 6 for the two-year term or four-year term. Joseph Magliocca, 429 Grand St. Oneida, said it may be confusing for voters, who cast their ballots at different polling places to know who was running what year. He said it could affect the voter turnout. Councilor Acker said the six Councilors should be together on the ballot, so it is not confusing to the public. The Council eventually decided against the staggering of terms of office for Common Council members.

The City Clerk, as a resident of the City and member of the Charter Committee, said that before the term of office for Councilors is changed, the ward boundaries need to be addressed. Ward 2 represents more than twice the registered voters than Ward 4. A Councilor could be elected for a four year term and then in the next year if redistricting is completed, it is possible that a Councilor might not live in the Ward he was elected to serve anymore. She said the focus should be on redistricting since it hasn't been done in over thirty years, since 1979, and the numbers are distorted. The Mayor said this needs to be done, but it is not a small undertaking, and there is a cost to this process.

Councilor Smith asked about the City Chamberlain, City Supervisors and City Judge's terms of office. The City Judge's term is six years and the Supervisors terms are two years, and the Mayor said those would stay as is. Mayor Smith said the next item to discuss is term limits, and after a discussion, the consensus of the Council was that term limits on a local level are not necessary.

The Mayor said the next item for discussion is making the City Chamberlain's position an appointed position rather than elected. Mayor Smith said, as an elected position, the Mayor has no authority to set hours or provide supervision. The Mayor said he spoke with current City Chamberlain, Nancy Andrews, who said she was trained by a part-time person in the department. The Mayor said if the City Chamberlain was an appointed position, like the City Attorney, it could turn over from Mayor to Mayor. The discussion continued about making the position have a civil service component to it and appointed like other department heads. The City Clerk said most all employees, with the exception of a couple of exempt employees, have protection under civil service law. Patricia Thorpe, 432 Washington Ave, Oneida, said she researched five townships of similar size to Oneida, and they have a "tax receiver" or "clerk/treasurer" rather than a Chamberlain.

Richard Simberg, 433 Florence Ave., Oneida stated that back in March of 2012, he was appointed to the Mayor's Special Committee, which was approved by the Council, to look at the City Charter in detail. Mr. Simberg said the committee did what the Council is doing now, but the Committee met over 20 times for 1½ hours each time every two weeks. Peter Hedglon, Attorney and former Mayor, was elected the Committee Chairman. In December of 2012, a report was given to the Council with the Committee's recommendations. Mr. Simberg said he is disappointed that the Council is paying serious attention to one of the important items the Committee looked at in detail and recommended against doing. Mr. Simberg said he is referring to the term of office for Councilors; the Committee recommended leaving it at two years. He said it is not a burden to go door to door to talk to the citizens; it is a privilege to ask how you are doing. He said the Committee wanted a stronger Mayor with a City Administrator and said this has not been addressed. Mr. Simberg said he hopes that you never ask the citizens to volunteer for anything, as they will know it doesn't count. The City Clerk said the committee worked long and hard reviewing the entire Charter and it seems the Council is trying to push through a really important decision. The

Mayor said the Council has looked at everything that was recommended, and most every recommendation the Committee made was passed by the Council. The only ones that were held up were those that had to go to mandatory public referendum. The Mayor said hiring a City Administrator was not looked at. The Mayor said he will provide Mr. Simberg with a report of all the recommendations that have already been approved. Mayor Smith said there was a value placed on the time and effort the Committee spent. Councilor Bowe said the Council is letting the people decide on the terms, whether they agree with a change or not.

Mayor Smith said he would check with Civil Service relative to the City Chamberlain's position. Councilor Zogby said he disagrees with the Mayor's assessment, because it is currently an elected position over which the Council has no control over that money being collected or the individual who collects it. He said the Council doesn't have to decide what do with that position now, just simply decide if it should be elected or appointed. The Mayor said his biggest concern is turning the position over to the whim of a Mayor disturbs him, and he would like to see more continuity and permanence in that position. Councilor Bowe said the Council could get with Civil Service to determine a job description. Pat Thorpe, Washington Ave., Oneida, said the Council is rushing to put this on a referendum when there are so many unanswered questions. She said the Council should let the Dispatch publish this to let the public know what the Council is considering. The Council agreed that they would speak with Peg Margo in Civil Service to look at the alternatives, as well as speaking with NYCOM for their professional opinions to find a direction that the Council will be agreeable with.

The Mayor said there will be a public hearing on the proposed new terms of office for Mayor and Common Council, and the residents can share their views at said hearing. The Mayor asked the City Clerk to let the City Attorney know the outcome of this meeting.

Motion to adjourn by Councilor Bowe

The meeting was adjourned at 7:50 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk