

**MINUTES OF THE COMMON COUNCIL
SPECIAL MEETING
AUGUST 17, 2015**

A special meeting of the Common Council of the City of Oneida, NY was held on the 18th day of August, 2015 at 1:07 o'clock P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

Meeting was called to order by Deputy Mayor Helen Acker

PRESENT: Councilors Brahim Zogby, Michael Bowe, Erwin Smith, Helen Acker, James Chamberlain, and Councilor Thomas Simchik
Mayor Smith arrived at 1:15 p.m.

ALSO PRESENT: City Clerk Susan Pulverenti
Supervisor James Rafte

City Ward Redistricting

David Gigliotti, Associate Planner, Herkimer-Oneida County Planning Department and Richard A. Reichert, Senior GIS Analyst exchanged introductions with the Council. Mr. Gigliotti said the City contracted Oneida County to redistrict the six City districts, which were out of balance. The current Ward lines have been in place for over 30 years, and the goal is for there to be no more than 5%-10% population fluctuation among the Wards. He said the proposed plan balances the districts much better than they are now, but does require some election district changes. He said election district changes can be made between December and February 15th, but do not take effect until April of the following year. He said the guidelines were to make the Wards more even and keep the current Councilors in the Ward they are currently representing. In response to a question from Councilor Smith, Mr. Gigliotti said the County Board of Elections would notify residents of their Ward affiliation, as by law they are the only ones who can do so.

The colored maps of the newly proposed Wards were displayed for the Council. Mr. Gigliotti explained that he used the adjusted population of each census block, as required by NYS law. Then, he basically takes as many blocks as he could to maintain the integrity of what was there. He makes the changes necessary to adjust the population to be within 5% of the ideal population of 1903 people per Ward. A census block is the smallest denomination of population that is provided by the Census Bureau, which election districts and redistricting are based upon. He noted there can be a large difference in population from block to block. Mr. Gigliotti noted that the State now requires that all prisoners be counted where their last known residence was, whereby making the City of Oneida's population of 11,393 an adjusted total of 11,417. He said when one block is moved, you have to adjust the others; it is basically like a giant jigsaw puzzle. Councilor Smith asked about the possible loss of residences in the 4th Ward with the proposed NYS Buy-out Program, and Mr. Gigliotti said the Wards can be shifted, if need be, after the next US Census. Most of the Council districts are only one Ward, with the exception of one and two, which have two districts.

Discussions amongst the Councilors continued while they were looking at the various maps. The Mayor said there is a limited amount of time, because this needs to be done before this year's election. The law states that no election districts can be changed after any year that ends in 7, so between 2017 and 2020 no changes can be made, as the census data is being produced. In response to a question, the City Clerk said the redistricting is only subject to a mandatory referendum if the County Board of Supervisors are selected from the districts. Mayor Smith said the proposed plan changes the Supervisors districts.

Councilor Acker said this has to be addressed to give fair representation for the City, noting that currently her Ward is down 400 people from most of the other Wards. Mayor Smith said where the lines are drawn shouldn't be relevant, you represent whoever is in the parameters of your Ward. Councilor Acker said it shouldn't be a political thing; it is representing the people. Mayor Smith said Mr. Gigliotti, with his 30 years of expertise, has established firm numbers all within the variances of the 5% range and provided that plan to the City. Councilor Chamberlain said the map with the census block explains a lot. It was reiterated that the Madison County Board of Elections is responsible for notifying the voters of their Ward number.

The Council briefly talked about how their specific Wards had been modified. Richard Reichert said the census blocks provide the constraints of how the redistricting was done. Wards 1 and 2 are currently the largest districts. The City Clerk said it has to be at the County 45 days before the election to be placed on the ballot. The Council thanked Mr. Gigliotti and Mr. Reichert for the good job they had done.

ACCEPT THE PROPOSED REDISTRICTING PLAN

RESOLUTION 15-191

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that Common Council hereby accepts the proposed redistricting plan of the City's Ward boundaries as prepared by the Herkimer-Oneida County Planning Department, and be it further approved that a Resolution be prepared to place said redistricting plan on the November election ballot.

Ayes: 5
Nays: 1 (Bowe)

MOTION CARRIED

EXECUTIVE SESSION

RESOLUTION 15-192

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that the meeting is hereby adjourned to Executive Session at 1:45 p.m. for the purpose of discussing the proposed acquisition, sale or lease of real property.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Clerk, City Assessor

Discussion was held relating to the proposed acquisition, sale or lease of real property.

Moved by Councilor Acker
Seconded by Councilor Bowe

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 2:30 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

Mayor Smith stated that the Council has made the decision not to move forward with any discussions/decisions until the City Attorney is present. He said the Council feels badly for making Attorney DeBottis and Shane McCarthy wait for so long, but they do not have the benefit of Counsel today and are needful of that. Attorney DeBottis spoke briefly and passionately on Mr. McCarthy's behalf, noting that he has been in communication with City Attorney Nadine Bell. He said there were a lot of mistakes made, and he is hoping that possibly one or two may be on the City's side. Attorney DeBottis presented six Release, Hold Harmless & Indemnification Agreements, and the Council requested the City Clerk receive and file these for the record.

Motion to adjourn by Councilor Simchik

The meeting is hereby adjourned at 2:45 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk