

**MINUTES OF THE COMMON COUNCIL
AUGUST 18, 2015**

A meeting of the Common Council of the City of Oneida, NY was held on the 18th day of August, 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, James Chamberlain, and Councilor Thomas Simchik (arrived at 6:35 p.m.)

ALSO PRESENT: City Attorney Wendy Reese
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Civil Service Officer Peg Margo
Comptroller Linda Pease
Planning Director Cassie Rose
Fire Chief Kevin Salerno

OLD BUSINESS

Hotel Oneida Update

Mayor Smith said that he needs to sit down with the owner of the old Hotel Oneida to get an update as to where they are at. He said the owner came to the table with VIP Architecture when they originally met, however, a number of calls have been made to him, which have gone unanswered.

Redistricting

Councilor Bowe presented copies of a narrative and worksheet that he prepared related to the proposed redistricting map of the City wards to the Mayor and Council. He asked that the City Clerk receive and file it for the record.

Solar Initiative

Councilor Zogby asked if there are any updates on the solar initiatives. Mayor Smith said Councilor Zogby was present when another site has been looked at, but turned out not to be very feasible. At this point, the Mayor said they continuing to explore the possibility of other sites. He said there are potentially two other sites they could look at, which are completely undeveloped. These are sites not belonging to the City. Councilor Zogby asked if a company, such as groSolar, comes to the municipality and ask to be provided with sites or can they inquire (google) as to different sites, thereby doing some of the legwork. The Mayor said the time constraints are of issue and trying to be responsive to the concerns of the constituents has made him aggressively look in the 11th hour. The Mayor said, at this point, we have not taken a hard look at those other locations nor has groSolar, so it is premature to offer an opinion to their viability. Tim Henley from groSolar said they are waiting for their analysis from their environmental group who are doing analysis on the wetlands and soil, which is the biggest concern. A question was raised asking if no other site becomes available, would the City plan move forward with the 1111 Richter Drive site? The Mayor said given the passion expressed by the residents, he would do his utmost to try to develop at an alternative location. Myles Nashton, Oneida, asked what the timeframe was. The Mayor said he is not an expert in site selection; he is aggressively looking at the other site, but there are time constraints to bring this home. The Mayor said this has always been about bringing a cost saving to our

community. Jill Christian-Lynch thanked the Mayor for looking at other sites, but questioned when the deadlines are for this project are. Tim Henley said groSolar is very excited and committed to this project with Oneida and would like to get it done as soon as possible. There are constraints with the timeline, but the driver is the NYSEERDA grant. They will give extensions on a case by case basis. The project needs to be operational by mid-2016. Mr. Henley said that across NY one of the long lead items is interconnection to National Grid, which includes the study first, and then the physical interconnection. He said typical construction in the field is usually 3 to 4 months, however they have to engineer the project prior to construction. Darren Lynch asked Mr. Henley to explain the two segments of the National Grid process. Mr. Henley said that first National Grid needs to study the effect on their grid for connecting to the solar project and that is what is happening now. Then, they provide the cost and what each party has do on their end. Next is the physical work, where National Grid is also designing and building on their grid to interconnect to the project. Joe Magliocca, Oneida, said the interconnectivity with National Grid will be site specific; so every design will be different with every location. Kelly Lewin asked if we think this is not a good fit for Oneida, can the contract be nixed. Mayor Smith said this contract is an excellent grant for the City. We are being grandfathered in to a type of contract that has now been altered by the Public Service Commission, which doesn't exist in the future. This gives us flexibility. The Mayor said the effort will be not to lose that advantageous position and try to shift it to another location. Don Skinner asked if land was provided to groSolar at no cost, and the Mayor said yes. Jill Christian-Lynch asked if, in the RFP process, another vendor could have offered the same opportunity as groSolar. The Mayor responded that it would have depended if they had a contract in hand that had defaulted. The Mayor said there is pending litigation and he cannot get into too much because of that litigation. Mayor Smith said he took these questions because he wants to reassure you that he is listening to what the residents have to say. He said he will do his best to bring about something that he thought was a good thing, which will bring a cost savings to the entire community. Mike DeBottis asked if the grid interconnection process takes so long, shouldn't this be a high priority. He asked for the schedule to look at the other sites and why are other sites, such as the brownfield site, which were discussed previously, are not being looked at. The Mayor said he thinks there are some very good reasons why the brownfield site was not feasible. The Mayor said he had been advised not to discuss this, but he chose to engage you. He said we are moving into so many specifics and that some of these issues may come up in the pending litigation.

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that the minutes of the regular meeting of August 4, 2015 be hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that Warrant No. 16 checks and ACH payments in the amount of \$189,025.99, 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 Smith
Seconded by Councilor Bowe

RESOLVED, that Check No. 53636 in the amount of \$131.62 (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 15-193

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

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

Ayes: 6
Nays: 0

MOTION CARRIED

In response to questions from Councilor Zogby, Planning Director Cassie Rose stated the \$418K Revolving Loan Fund includes \$200K that is designated for the West Elm Street Water/Sewer Extension, however, the City is waiting on easements for that project to move forward. She said that six individuals have gone through the Revolving Loan process in the past year, but were found not to be credit worthy and too much risk for the City. Though the loan program has not been advertised in the newspaper within the past year, Director Rose said she continues to work jointly with Madison County and the Industrial Development Agency. The Planning Director said that the City is in litigation regarding the solar project and declined commenting on that subject.

ADOPT ORDINANCE AMENDING THE ZONING CHAPTER, SECTION 190-26

RESOLUTION 15-194

Moved by Councilor Bowe
Seconded by Councilor Simchik

WHEREAS, a recommendation from the City of Oneida Planning Commission to amend the Oneida City Code Chapter 190 Zoning, Section 190-26, which would expedite the permitting process for all roof mounted solar installations meeting the criteria set by the New York State Unified Solar Permit application, was received and placed on file at the July 7, 2015 meeting of the Common Council, **and**

WHEREAS, the Common Council hereby determines that there are no other involved agencies, they shall act as lead agency, and that the enactment of the proposed Ordinance is an Unlisted

Action and will have no adverse effect on the environment, in accordance with 6 NYCCR Part 617, thus concluding the environmental process review, **and**

WHEREAS, a Public Hearing on the proposed Ordinance to amend the City of Oneida Code, Zoning Chapter 190, Section 190-26 in the City of Oneida was properly held on July 21, 2015 at 6:30 p.m. in the Common Council Chambers, 109 N. Main St., Oneida; **now therefore be it**

RESOLVED AND DETERMINED, that the Common Council does further enact the following Ordinance amendment, as herein set forth:

“A Zoning Ordinance Amending Section 190-26. Solar Collector Systems and Solar Access, which will expedite the permitting process for all roof-mounted solar installations meeting the criteria set by the New York State Unified Solar Permit application.”

Section 190-26. Solar collector systems and solar access.

Solar collector systems are permitted in any district. A conditional use permit is required for all solar installation projects with the exception of those using NYS Unified Solar Permit. In reviewing proposals for new construction, the Building Inspector/Code Enforcement Officer shall bring applications relating to solar systems to the attention of the Planning Commission. The Commission shall take into consideration, to the extent possible, the effect the proposed construction, reconstruction, alteration, etc. will have on the solar access of surrounding properties. Where new construction involves more than one structure, the Commission must give consideration to the solar access of each new structure prior to the permit application approval.

Councilor Zogby - No

Councilor Bowe - Yes

Councilor Smith - No

Councilor Acker - Yes

Councilor Chamberlain - Yes

Councilor Simchik - Yes

MOTION CARRIED

Councilor Acker said this Ordinance change was a recommendation from the Planning Commission. Planning Director Cassie Rose said the only additional wording added to the existing Ordinance “*with the exception of those using NYS Unified Solar Permit*” will allow these applications to be processed by the Codes Enforcement Officer, thereby making the process much quicker to install small roof mounted systems (rated 12K or less) by eliminating some of the red tape. NYS is pushing for this and many other municipalities have already passed this. Ms. Rose said there are 13 different criteria that must be met in order to use the NYS Unified Solar Permit process, and the Code Enforcement Officer will determine if the applicant meets those thirteen qualifications on the NYS Unified Solar Permit. If the applicant does not meet those qualifications, then the Code Enforcement Officer will then direct the applicant to the Planning Commission, just as he does with building permit applications that do not meet that criteria.

ADOPT THE NYS UNIFIED SOLAR PERMIT APPLICATION PROCESS

RESOLUTION 15-195

Moved by Councilor Simchik

Seconded by Councilor Chamberlain

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA), New York Power Authority (NYPA), and CUNY's NY Solar Smart Program is offering incentives to municipalities to adopt a New York State Unified Solar Permit for all solar installations in New York State; **and**

WHEREAS, the City of Oneida supports the construction and implementation of solar installations within its community and to promote such installations, wishes to streamline the application process for solar photovoltaic panel installations within its City and in doing so, shall be eligible to receive the \$2,500 incentive premium for small communities that adopt the New York State Unified Solar Permit and procedures; **now, therefore be it**

RESOLVED, that the City of Oneida hereby approves and adopts the New York State Unified Solar Permit application process for photovoltaic panel installations and establishes the permit fee at \$100.00; **and be it further**

RESOLVED, that the City of Oneida Code Enforcement Officer is hereby directed to use the New York State Unified Solar Permit application in the issuance of building permits for solar panel installations.

Ayes: 4

Nays: 2 (Zogby, Smith)

MOTION CARRIED

MEMORANDUM OF AGREEMENT

RESOLUTION 15-196

Moved by Councilor Chamberlain

Seconded by Councilor Smith

RESOLVED, to approve the Memorandum of Agreement with by and between the City of Oneida and CSEA, Local 1000, Oneida City Unit, Madison County Local 827 for the term of January 1, 2014 to December 31, 2017, and further authorize the Mayor to execute said agreement.

Ayes: 5

Nays: 0

Abstain: 1 (Smith)

MOTION CARRIED

Mayor Smith said both the City Attorney and CSEA's attorney have reviewed this agreement with no exceptions to the wording. The Mayor said this parallels the concessions in both the police and fire contracts.

APPROVE RE-APPOINTMENTS TO CITY BOARDS

RESOLUTION 15-197

Moved by Councilor Zogby

Seconded by Councilor Bowe

RESOLVED, that the following re-appointments by the Mayor be hereby approved:

Board of Assessment Review

Louis K. Esengard, 112 Williams St. – 5 year term (originally appointed in 2000)

Sign Review Board

Michael Kaiser, 220 N. Broad St. – 3 year term (originally appointed in 2013)

Ayes: 6

Nays: 0

MOTION CARRIED

EXTEND EMPLOYMENT DATES FOR REC MAINTENANCE WORKER SEASONAL

RESOLUTION 15-198

Moved by Councilor Simchik

Seconded by Councilor Chamberlain

WHEREAS, a Rec Maintenance Worker Seasonal employee is scheduled to be released from City employment on August 14, 2015, **and**

WHEREAS, the Recreation Department will be short-staffed, due to the injury of another seasonal worker, leaving only one Rec Maintenance Worker Seasonal after August 14, 2015, **now therefore be it**

RESOLVED, that the position of Rec Maintenance Worker Seasonal, \$9.00/hr. for 40 hours a week, be hereby extended from August 19, 2015 through Friday, September 11, 2015.

Ayes: 6

Nays: 0

MOTION CARRIED

CANVASS BIDS – SELF CONTAINED BREATHING APPARATUS

RESOLUTION 15-199

Moved by Councilor Simchik

Seconded by Councilor Smith

RESOLVED, to accept the lowest bid meeting specifications from Jerome Fire Equipment, 8721 Caughdenoy Road, Clay NY 13041 in the amount of \$178,600.00 for Self-Contained Breathing Apparatus, authorize the Mayor to sign any and all documents related to said bid, and further authorize the Fire Chief to expend funds up to \$178,600.00.

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Smith said the City received a grant for \$174K. Chief Salerno said these are replacing 30 packs and 74 bottles from the early 1990's.

GRANT WRITING SERVICES AGREEMENT

RESOLUTION 15-200

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign an Agreement of Services for Grant Writing by and between the City of Oneida and Grantmasters, Inc., 4523 Porter Center Rd., Lewiston NY 14092 in the amount of \$2,600.00 to assist the City with the 2015 Assistance to Firefighters Grant Program.

Ayes: 6
Nays: 0

MOTION CARRIED

BUDGET TRANSFERS & AMENDMENTS

RESOLUTION 15-201

Moved by Councilor Simchik
Seconded by Councilor Smith

RESOLVED, to approve the following budget transfers:

<i>Amount</i>	<i>From</i>	<i>Balance</i>	<i>To</i>	<i>Balance</i>
\$5,070.59	001.3410.0408 (Fire New Hire)	0	001.3410.0409 (Fire Equipment Repair)	\$11,191.62
\$742	001.3410.0400 (Fire SCBA)	\$8,120.70	001.9950.0900 (Transfer to SCBA Capital Project)	\$5,857.00
\$11,298	001.3650.0400 (Building Demolition)	\$759.40	001.9950.0900 (Transfer to Kallet Roof Project)	\$17,155.00

(Transfers for SCBA difference to be made up, and transfer from building demolition to Kallet Roof Project)

RESOLVED, to approve the following budget amendments:

\$25,000	001.0022.2665 (Sale of Rescue Truck)	\$25,000	001.9950.0900 (Transfer to SCBA Capital Project)	\$30,857.00
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(The bid for the SCBA came in at \$178,600; \$152,858 is funded by a Grant, \$742 is funded by the Fire Department. There is a \$25,000 shortfall, which I recommend be applied from the sale of rescue truck. This saves the City \$9,900 in interest, plus fees on the SCBA if the \$25,000 was bonded. Balances as of August 12, 2015)

CANVASS BIDS – KALLET CIVIC CENTER ROOF REPLACEMENT

RESOLUTION 15-202

Moved by Councilor Smith
Seconded by Councilor Zogby

RESOLVED, to accept the lowest bid meeting specifications for the Kallet Civic Center from Apple Roofing Corp., 6720 Commerce Blvd., Syracuse NY 13211 in the amount of \$198,500.00, authorize the Mayor to sign any and all documents related to said bid, and further authorize the City Engineer to expend funds up to \$198,500.00.

Ayes: 6
Nays: 0

MOTION CARRIED

City Engineer Jon Rauscher said that two low bids tied at \$198,500. The \$250K grant received for the Kallet Roof project, also includes the boiler replacement at the Kallet and Recreation Center. The total cost for these projects will come to \$293,198. So other monies will need to be moved over.

CANVASS BIDS – TREE & STUMP REMOVAL AND TREE TRIMMING

RESOLUTION 15-203

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, to accept the lowest bid meeting specifications for Tree & Stump Removal and Tree Trimming from American Arborist, 1624 W. Elm St., Oneida NY, authorize the Mayor to sign any and all documents related to said bid, and further authorize the City Engineer to expend funds up to \$28,000.00.

Ayes: 6
Nays: 0

MOTION CARRIED

This is the second bid with the same result. Councilor Simchik noted that the bid package was modified.

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 15-204

Moved by Councilor Acker
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: 6
Nays: 0

MOTION CARRIED

BUDGET TRANSFERS & AMENDMENTS

RESOLUTION 15-205

Moved by Councilor Chamberlain
Seconded by Councilor Acker

RESOLVED, to approve the following budget amendments:

TOTAL REVENUE	REVENUE	EXPENSE	TOTAL EXPENSE	
\$14,500	001.0019.2410 (197 & 199 Madison Rents)	001.1364.0401 (Property Acquired Interior Maintenance)	\$5,065	
\$ 9,875	001.0019.2411 (Lake Street Rents)	001.1364.0402 (Property Acquired Exterior Maintenance)	\$1,500	
		001.1364.0403 (Property Acquired Insurance)	\$1,600	
		001.1364.0404 (Property Acquired Water/Sewer)	\$4,540	
		001.1364.0405 (Dumpster Rental)	\$1,075	
	<u>\$24,375</u>	001.1364.0407 (Exterminator/Pesticide)	\$2,500	<u>\$16,280</u>

To establish budgets for revenue and expenses for property acquired for taxes

RESOLVED, to approve the following budget transfers:

	FROM	BALANCE	TO	BALANCE
\$9,900	001.8389.0400 (City Water Bills)	\$4,232	001.1990.0400 (Contingency)	\$21,210.88
\$295	001.3310.0300 (Traffic Mat & Supplies)	\$16,231.06	001.9950.0900 (Transfer to Streetscape Project)	\$17,450

To transfer back to contingency money previously transferred for property acquired--water bills and to transfer to Streetscape Grant Project to close it out.

NEW BUSINESS

Police and Fire Commendations

Councilor Acker gave kudos to the Police and Fire Department for the phenomenal job that was done during the unfortunate situations during the last few weeks. Councilor Chamberlain said when you look at the pictures of the fire fully involved when the police arrived, and now of what the fire department

actually did, it is pretty amazing. Councilor Simchik thanked Public Safety Commissioner Mike Kaiser for keeping the Council informed both day and night. Councilor Smith thanked the Police and Fire Departments for their efforts at the schools with their fire prevention and safety programs. He said it was very courageous of the young boy to dial 911, so they could get a GPS location of the accident.

Moment of Silence

Mayor Smith called for a moment of silent reflection of the loss of life this community had. To lose a young mother and her child is a very tragic thing for those who lost their loved ones.

Loan of Trucks for DPW Use

City Engineer Jon Rauscher thanked the Town of Lincoln and Town of Smithfield for donating the use of a couple of ten wheelers at no cost, which are helping with our paving project.

City Clerk Congratulations

Mike DeBottis congratulated City Clerk Sue Pulverenti for her letter to the editor. He said it was very uplifting to see such a nice commentary on our City. Mayor Smith said upon reading that letter he promptly sent along his sentiments, which parallel Mr. DeBottis. Mayor Smith said we have much to be proud of here in our City.

Kudos to DPW

Nancy Ginter, Oneida, thanked the DPW for the great job they do picking up the green waste. She said many of the municipalities around only pick it up twice a year. The Mayor said there are four people who pick up green waste five days a week. Joe Magliocca, Oneida, reminded everyone that the former landfill on Harden Street is open 24/7 for residents to dispose of their brush and green waste.

E-mail Sign up on City Website

The Mayor asked residents to sign up on the City website for e-mail blasts of what is happening in the City. To date, only 23 residents have signed up. Councilor Acker said the City Clerk's and other City Facebook pages have all shared this notice.

Paving

Councilor Acker said there is an area between Elizabeth and Main that is pretty bad, which a contractor paved last year. The City Engineer has been in contact with that contractor, and they will be repairing it shortly.

Motion to adjourn by Councilor Acker

The meeting is hereby adjourned at 7:43 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk

**DUE PROCESS HEARINGS – WATER/SEWER BILLS
COMMON COUNCIL CHAMBERS
109 N. MAIN ST. ONEIDA NY 13421
AUGUST 18, 2015**

Mayor Alden M. Smith called the Water and Sewer Due Process Hearings to order at 7:52 p.m.

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

ALSO PRESENT: City Attorney
City Clerk Susan Pulverenti

The witnesses for each hearing were sworn in by the City Clerk.

DUE PROCESS HEARING – WATER & SEWER

MARK FELICIA – 1063 HUBBARD PLACE – ACCOUNT #51-21108800

RESOLUTION 15-206

Moved by Councilor Acker
Seconded by Councilor Smith

WHEREAS, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled “Termination of Service,” the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a due process hearing prior to terminating a customer’s water service; **and**

WHEREAS, Mark Felicia, 1063 Hubbard Place – Account #51-211088000 properly requested a Due Process Hearing before the Common Council to contest the Water Department’s decision to terminate their water service; **and**

WHEREAS, a Due Process hearing was thereafter timely held on August 18, 2015, by the City of Oneida Common Council; **and**

WHEREAS, Mark Felicia appeared before the Common Council at the aforementioned Due Process Hearing, **and**

WHEREAS, Mark Felicia is disputing an outstanding after-hours callout dated 10/18/2014 invoice Bill #18698 in the amount of \$154.49, **now therefore be it**

RESOLVED, that the Common Council hereby authorizes the rescinding of the after-hours callout invoice Bill #18698 in the amount of \$154.49.

Ayes: 6

Nays: 0

MOTION CARRIED

Mr. Felicia stated that they had a frozen meter in April, and the meter was replaced. On October 18, 2014, at 5:00 p.m., Mr. Felicia called for the water to be turned off because the meter seals were leaking. He said that when the Water Department employee came to his residence, the employee told him that he couldn't remember if, when the base plate was repaired, the end seals were replaced. The Water employee shut the water off and replaced the seals. Councilor Chamberlain said that the problem was the flare nut leaking at the lead valve. Mr. Felicia disputed that it was the lead valve. Councilor Chamberlain asked if the customer knew there would be a charge when calling the Water Department on a Saturday night. Mr. Felicia said that no one told him there would be a charge. He said when the frozen meter was repaired in April, it didn't start leaking again for six months. He said it was leaking pretty well, and he tried putting cups under it to catch the water, so he called the Water Department. Councilor Chamberlain said that everyone must have a working valve on both sides of the meter to turn off the water. Mr. Felicia said that when the initial base broke, the Fire Department came over and tried to shut off the valve to the meter. He said the Fire employee put a pipe wrench on the valve to shut off the valve to the meter. Councilor Chamberlain was asked by the Council, if by doing so, could that possibly have caused a leak to happen. Councilor Chamberlain said possibly. Mr. Felicia said that next year when he goes to Florida he will have the Water Department shut the water off at the main. Mr. Felicia reiterated that he was not told there would be an after-hours fee. He said the Water Department employee told him he couldn't remember if he replaced the seals. He replaced them and turned the water back on. Then the valve started leaking, and the Water employee turned the water back off again. Mr. Felicia said he removed, taped and reinstalled the valve, and the Water employee turned the water back on; there were no leaks. He said it was the leaking seals that triggered his initial call. The Council agreed to rescind the invoice.

Council suggested putting a message on the phone with associated charges, or have the Fire Department notify caller there would be an additional charge, or put a notice of after hour's charges on the water bills.

DUE PROCESS HEARING – WATER & SEWER

DIANE STEVENS – 474 LINCOLN AVENUE – ACCOUNT #51-11103200

RESOLUTION 15-207

Moved by Councilor Smith

Seconded by Councilor Acker

WHEREAS, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled "Termination of Service," the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a due process hearing prior to terminating a customer's water service; **and**

WHEREAS, Diane Stevens, 474 Lincoln Ave. – Account #51-11103200 properly requested a Due Process Hearing before the Common Council to contest the Water Department’s decision to terminate their water service; **and**

WHEREAS, a Due Process hearing was thereafter timely held on August 18, 2015, by the City of Oneida Common Council; **and**

WHEREAS, Diane Stevens, 474 Lincoln Ave. – Account #51-11103200 **FAILED** to appear before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**

RESOLVED, that the Water Department shall proceed with the termination of water service.

Ayes: 6

Nays: 0

MOTION CARRIED

Ms. Stevens did not appear for the hearing.

DUE PROCESS HEARING – WATER & SEWER

RICHARD F. HAMBLIN – 4394 OSWEGO RD. (TRANSMISSION MAIN) – ACCOUNT #51-25107400

RESOLUTION 15-208

Moved by Councilor Acker

Seconded by Councilor Smith

WHEREAS, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled “Termination of Service,” the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a due process hearing prior to terminating a customer’s water service; **and**

WHEREAS, Richard F. Hamblin, 4394 Oswego Rd., Blossvale–Account #51-25107400 properly requested a Due Process Hearing before the Common Council to contest the Water Department’s decision to terminate their water service; **and**

WHEREAS, a Due Process hearing was thereafter timely held on August 18, 2015, by the City of Oneida Common Council; **and**

WHEREAS, Richard F. Hamblin appeared before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**

RESOLVED, that Richard F. Hamblin – 4394 Oswego Rd., Blossvale–Account #51-25107400 – Balance Due \$209.38 for the September 2014, December 2014, March 2015 and June 2015 water/sewer bills is hereby **GRANTED AN EXTENSION** until Friday, 8/21/15 to pay one-half of the outstanding balance of \$209.38 in the amount of \$104.69, and a further **EXTENSION** until Friday, 9/4/15 to pay the second-half of said outstanding balance in the amount of \$104.69 with cash or other certified funds, **and be it further**

RESOLVED, that if payment is not received on or before the above adjusted due dates, then the Water Department may proceed with the termination of water service.

Ayes: 6
Nays: 0

MOTION CARRIED

Mr. Hamblin stated that he needs an extension to pay his water/sewer bill because he was informed in an untimely manner by the property owner. His step-mother, Katherine Hamblin, owns the property, but her affairs are being handled by her daughter at this time, and the daughter failed to notify him of any outstanding bills. Mr. Hamblin asked if he could make a two-part payment, one half this Friday, and the other half in two weeks. The Council agreed to the extension.

DUE PROCESS HEARING – WATER & SEWER

HELEN AND DUANE CLAUSEN – 135 SHERMAN STREET – ACCOUNT #51-02106700

RESOLUTION 15-209

Moved by Councilor Acker
Seconded by Councilor Smith

WHEREAS, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled “Termination of Service,” the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a due process hearing prior to terminating a customer’s water service; **and**

WHEREAS, Helen and Duane Clausen, 135 Sherman Street –Account #51-02106700 properly requested a Due Process Hearing before the Common Council to contest the Water Department’s decision to terminate their water service; **and**

WHEREAS, a Due Process hearing was thereafter timely held on August 18, 2015, by the City of Oneida Common Council; and

WHEREAS, Helen Clausen appeared before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**

RESOLVED, that Helen and Duane Clausen, 135 Sherman Street – Account #51-02106700 are hereby **GRANTED AN EXTENSION** until Thursday, September 3, 2015 to pay the outstanding balance in the amount of \$603.36 for the December 2014, March 2015, and June 2015 water/sewer bills, **and be it further**

RESOLVED, that if payment is not received on or before the above adjusted due dates, then the Water Department may proceed with the termination of water service.

Ayes: 6
Nays: 0

MOTION CARRIED

Mrs. Clausen stated that because of medical conditions beyond her control they have been unable to pay their water/sewer bills. She stated that she could pay the entire balance currently due on September 3, 2015. The Council agreed to an extension.

DUE PROCESS HEARING – WATER & SEWER

ROBERT MILLER – 301 PHILLIPS STREET – ACCOUNT #51-03109400

RESOLUTION 15-210

Moved by Councilor Acker
Seconded by Councilor Smith

WHEREAS, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled “Termination of Service,” the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a due process hearing prior to terminating a customer’s water service; **and**

WHEREAS, Robert Miller, 301 Phillips Street –Account #51-03109400 properly requested a Due Process Hearing before the Common Council to contest the Water Department’s decision to terminate their water service; **and**

WHEREAS, a Due Process hearing was thereafter timely held on August 18, 2015, by the City of Oneida Common Council; **and**

WHEREAS, Robert Miller, 301 Phillips Street –Account #51-03109400 **FAILED** to appear before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**

RESOLVED, that the Water Department shall proceed with the termination of water service.

Ayes: 6

Nays: 0

MOTION CARRIED

Mr. Miller failed to appear for his hearing.

DUE PROCESS HEARING – WATER & SEWER

DAWN CHESEBRO – 228 LIBERTY STREET – ACCOUNT #51-05108900

Dawn Chesebro paid her outstanding water bill in full and did not appear for the hearing.

Motion to adjourn by Councilor Acker

The Due Process Hearings is hereby adjourned at 8:25 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk