

**MINUTES OF THE COMMON COUNCIL
AUGUST 19, 2014**

A meeting of the Common Council of the City of Oneida, NY was held on the nineteenth day of August, 2014 at 6:39 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, Erwin Smith, Helen Acker, and James Chamberlain

ABSENT: Councilors Michael Bowe, Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Comptroller Linda Pease
Fire Chief Kevin Salerno
Police Chief David Meeker
Public Safety Commissioner Michael Kaiser

**PUBLIC HEARING – PROPOSED LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY
IN EXCESS OF THE LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW**

RESOLUTION 14-172

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the Public Hearing on the proposed Local Law to authorizing a property tax be levied in excess of the limit established by General Municipal Law be hereby opened at 6:40 p.m.

Ayes: 4
Nays: 0
Absent: 2 (Bowe, Simchik)

MOTION CARRIED

APPEARANCES: None

Moved by Councilor Zogby
Seconded by Councilor Smith

RESOLVED, that the Public Hearing on the proposed Local Law authorizing a property tax levied in excess of the limit established by General Municipal Law be hereby closed at 6:41 p.m.

Ayes: 4
Nays: 0
Absent: 2 (Bowe, Simchik)

MOTION CARRIED

**PUBLIC HEARING – PROPOSED LOCAL LAW TO ESTABLISH A
PUBLIC NUISANCE ABATEMENT PROGRAM**

RESOLUTION 14-173

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that the Public Hearing on the proposed Local Law to establish a Public Nuisance Abatement Program in the City of Oneida be hereby opened at 6:42 p.m.

Ayes: 4
Nays: 0
Absent: 2 (Bowe, Simchik)

MOTION CARRIED

APPEARANCES

Milton James, 80 W. Seventh Street, Oneida Castle, NY, who owns several rental properties within the City of Oneida said he had a couple of questions. In Section 122-1 Purpose, it says “to assess the cost of abatement against those individuals who knowingly conduct, maintain, allow or permit the existence of a public nuisance and the real properties on which such activity occurs” and the City Attorney said this refers to the ability of the City to seek fines. The Mayor said the intent of this proposed Local Law is not to put burdens or financial penalties on landlords, who are working with the City, in good faith, to have good properties and get after those nuisance issues. Mr. James asked if, in Section 122-4, 3 b “finding of illegal controlled substances or illegal firearms or weapons on that premises”, the landlord reported findings to the police, would that be considered as one of the two incidents? The City Attorney stated that is covered under Section 122-4 C. City Attorney Bell said if you are reaching out to the City; you would be making a good faith effort. The Mayor reiterated that the City recognizes the various challenges landlords face, and the City wants to have a good working relationship with all the landlords. The Mayor said the intent of this proposed Local Law is not to come after landlords or to find loopholes to charge landlords.

Moved by Councilor Zogby
Seconded by Councilor Smith

RESOLVED, that the Public Hearing on the proposed Local Law to establish a Public Nuisance Abatement Program in the City of Oneida be hereby closed at 6:47 p.m.

Ayes: 4
Nays: 0
Absent: 2 (Bowe, Simchik)

MOTION CARRIED

OLD BUSINESS – None

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the minutes of the regular meeting of August 5, 2014 are hereby approved as presented.

Ayes: 4
Nays: 0
Absent: 2 (Bowe, Simchik)

MOTION CARRIED

Moved by Councilor Chamberlain
Seconded by Councilor Zogby

RESOLVED, that Warrant No. 16, checks and ACH payments in the amount of \$983,685.11 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: 2 (Bowe, Simchik)

MOTION CARRIED

Moved by Councilor Chamberlain
Seconded by Councilor Zogby

RESOLVED, that Check No. 51251 in the amount of \$121.51 (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: 3
Nays: 0
Absent: 1 (Bowe, Simchik)
Abstain: 1 (Acker)

MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 14-174

Moved by Councilor Acker
Seconded by Councilor Chamberlain

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

Ayes: 4
Nays: 0
Absent: 2 (Bowe, Simchik)

MOTION CARRIED

Councilor Smith inquired about overtime amounts in the Fire Department, and Chief Salerno said it was an oversight that it was left out of the monthly report. He said he will provide the information to the Council. Councilor Acker said the sales tax is down by \$66K and urged people to get out and shop locally. Councilor Acker said the revenue at the Recreation Center is up 313% from last year, and the

Mayor said people are learning more about the facility and its rental options.

PUBLIC NUISANCE ABATEMENT PROGRAM COMMENTS

RESOLUTION 14-175

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED that the comments in an e-mail from Peter Hedglon dated August 6, 2014 relative to the proposed Local Law to Establish a Public Nuisance Abatement Program in the City of Oneida are hereby received and placed on file.

Ayes: 4
Nays: 0
Absent: 2 (Bowe, Simchik)

MOTION CARRIED

COMMISSION AND BOARD REAPPOINTMENTS

RESOLUTION 14-176

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that the Common Council hereby approves the reappointment of Harriet Collins, 1607 Union Street, Oneida NY to the City of Oneida Assessment Board of Review for a five-year term, **and be it further**

RESOLVED, that the Common Council hereby approves the reappointments of John Dunn, 501 Cleveland Avenue, Oneida NY and David Scholl, 230 Cottage Place, Oneida NY to the Sign Review Board for three-year terms.

Ayes: 4
Nays: 0
Absent: 2 (Bowe, Simchik)

MOTION CARRIED

BUDGET TRANSFERS

RESOLUTION 14-177

Moved by Councilor Chamberlain
Seconded by Councilor Acker

RESOLVED, to approve the following budget transfers:

<i>Amount</i>	<i>From</i>	<i>To</i>
\$2,000	001.3410.0109 (Training Overtime-Fire)	001.3410.0114 (Short-shift Fire)

\$1,000	001.3410.0112 (Personal Leave Fire)	001.3410.0114 (Short-shift Fire)
\$2,000	001.3410.0200 (Equipment Fire)	001.3410.0114 (Short-Shift Fire)
\$829.46	001.3410.0303 (GOAM Fire)	001.3410.0114 (Short-Shift Fire)
\$1,500	001.3410.0318 (Turnout Gear – Fire)	001.3410.0114 (Short-Shift Fire)
\$293.25	001.3410.0408 (New Hire Expense Fire)	001.3410.0114 (Short-Shift Fire)
\$1,000	001.3410.0410 (Radio Maint & Rep Fire)	001.3410.0114 (Short-Shift Fire)
\$2,000	001.3410.0413 (Training-Fire)	001.3410.0114 (Short-Shift Fire)
\$261.03	001.3410.0437 (Printing-Fire)	001.3410.0114 (Short-Shift Fire)
\$1,300 (To cover short shift account)	001.3410.0444 (Office Tech – Fire)	001.3410.0114 (Short-Shift Fire)
\$16,182.17	001.7521.0400 (Kallet Utilities)	001.9060.0805 (Health Insurance)
\$3,705	001.7521.0401 (Kallet Water)	001.9060.0805 (Health Insurance)
\$5,000 (To cover heath insurance)	001.7521.0402 (Kallet Repairs)	001.9060.0805 (Health Insurance)

Ayes: 4

Nays: 0

Absent: 2 (Bowe, Simchik)

MOTION CARRIED

Comptroller Linda Pease stated there will be a shortfall in the Heath Insurance Account, but she hasn't determined the exact nature for that shortage or how short the account will be. She said the Kallet accounts are not going to be used, because of the agreement with the Kallet Civic Center, so she thought this would be a good time to transfer the funds. She said she would provide the Council with the reconciliation once the shortage issue is determined. Councilor Smith questioned the need to transfer now, rather than wait until the end of the year.

PROPOSED LOCAL LAW TO AMEND THE CITY CHARTER

RESOLUTION 14-178

Moved by Councilor Smith
Seconded by Councilor Zogby

RESOLVED, that a proposed Local Law to amend the City of Oneida Charter to change the terms of office for Mayor and City Councilors from two-year terms to four-year terms subject to a mandatory referendum on the November 4, 2014 general election ballot is hereby received and placed on file, **and be it further**

RESOLVED, that a Public Hearing on said proposed Local Law is hereby scheduled for Tuesday, September 2, 2014 at 6:30 p.m. in the Common Council Chambers, 109 N. Main St., Oneida.

Ayes: 4
Nays: 0
Absent: 2 (Bowe, Simchik)
MOTION CARRIED

A very brief discussion of whether the terms of office for Mayor and Councilors would be separate on the ballot ensued. The Mayor said the two issues should not be linked.

CITY OF ONEIDA PROPOSED LOCAL LAW

A LOCAL LAW AMENDING ARTICLE II, SECTION 2.1(A) OF THE ONEIDA CITY CHARTER

Be it enacted by the Common Council of the City of Oneida as follows:

SECTION 1. PURPOSE.

In accordance with Section 2.1(A), the Mayor and City Councilors for the City of Oneida, as elective City officers, are elected for a two (2) year term. The Common Council of the City of Oneida has determined that it would be desirable to change the terms of office for the Mayor and the City Councilors in the City of Oneida from two (2) years to four (4) years. The purpose of this Local Law is to effectuate such change, effective January 1, 2016. Said change would be subject to a mandatory referendum. Therefore, an additional purpose of this local law is to place on the November 4, 2014 general election ballot, a referendum item which allows the electors of the City of Oneida to decide if they wish to have the Mayor and the City Councilors serve four (4) year terms, instead of two (2) year terms.

SECTION 2. AUTHORITY.

Pursuant to Municipal Home Rule Law Section 10(1)(ii)(a)(1), cities are permitted to adopt local laws relating to the mode of selection and term of office of its officers and employees.

SECTION 3. AMENDMENT OF SECTION 2.1(A) OF THE CITY CHARTER.

So that Subsection (A) of Section 2.1 of the Oneida City Charter, titled "Elective officers: terms,"

shall be amended so as to read, in its entirety, as follows:

“A. There shall be elected by the qualified electors of the City a Common Council consisting of the Mayor and six Councilors, a City Judge, a City Justice and four Supervisors. All elective city officials shall be elected for a two-year term except the Mayor and Councilors who shall be elected for four-year terms, the Supervisors, who shall be elected for the same term of office as Supervisors of the towns of Madison County, and the City Judge and City Justice who shall be elected for six-year terms. One Councilor shall be elected by the qualified electors of each of the six wards. The qualified electors of the First, Second and Third Wards shall together elect two Supervisors. The qualified electors of the Fourth, Fifth and Sixth Wards shall together elect two Supervisors.”

SECTION 4. MANDATORY REFERENDUM.

Pursuant to Municipal Home Rule Law Section 23(2)(e), this Local Law shall be submitted for approval to the electors of the City of Oneida at the next general City election to be held on November 4, 2014.

SECTION 5. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the Department of State after approval by a majority of the electors voting thereon in accordance with the requirements of Section 27 of the Municipal Home Rule Law.

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 14-179

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: 4
Nays: 0
Absent: 2 (Bowe, Simchik)

MOTION CARRIED

PAYMENT AUTHORIZATION

RESOLUTION 14-180

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, to waive the purchasing policy and authorize payment by the City Comptroller of the following vouchers:

- Water Resources Management, 2300 W. Oasge, Suite 3, Pacific MO 63039

Date of Invoice: 7/24/14 Inv. #COO72414 – PO requested on 7/28/14, never processed
Total Amount: \$700.00 (to upgrade lab data program and upgrade QAQC at the WWTP)

- Interstate Batteries of CNY, 393 N. Collingwood Ave., Syracuse NY 13206
Dates of Invoices: 9/29/12 (\$225.85) and 11/13/13 (\$599.80) – Receiving slips signed
Per Vendor Activity Report these invoices were never paid
Total Amount: \$825.65 (for batteries for the DPW Central Garage)

- LabStrong Corp., 7701 Commerce Park, Debuque IA 52002
Dates of Invoices: 6/20/14 Inv. #3675 (\$212.83) 6/17/14 Inv. #3668 (\$125.71)
Amount over Purchase order (WWTP - additional internal problems found during repair)
Total Amount: \$338.54

- Canastota Tool & Die, 121 W. Center St., Canastota NY 13032
Date of Invoice: 5/16/14 Inv. # 4330 – Voucher for payment written on closed PO
Total Amount: \$292.50 (WWTP - repair gear shaft)

Ayes: 4

Nays: 0

Absent: 2 (Bowe, Simchik)

MOTION CARRIED

NEW BUSINESS

Councilor Chamberlain said there are reports of the use of firearms in the Geer Lane, Fitch Street areas. He said the use of firearms inside City limits is illegal. Councilor Chamberlain said possibly some homeowners may not be aware of that and suggested residents contact the Police Department with any questions as to where they can or cannot shoot.

Debra Allesi-Cullen, 1275 W. Liberty Street, Rome NY addressed the Council stating her opinions regarding an open case in the Police Department. The Mayor said the investigation of this case is ongoing and once the investigation is completed, he will review the case with the Public Safety Commissioner if warranted.

Motion to adjourn by Councilor Chamberlain

The meeting was adjourned at 7:10 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk

DUE PROCESS HEARINGS – WATER & SEWER

COMMON COUNCIL CHAMBERS
109 N. MAIN ST. ONEIDA NY 13421
AUGUST 19, 2014

Mayor Alden M. Smith called the Water and Sewer Due Process Hearings to order at 7:25 p.m.

PRESENT: Mayor Alden M. Smith, Councilors Brahim Zogby, Erwin Smith, Helen Acker, James Chamberlain and Thomas Simchik

ABSENT: Councilor Mike Bowe

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti

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

DUE PROCESS HEARING – WATER & SEWER
PHILLIP & JAYE IRVING – 302 W. ELM ST. – ACCOUNT #51-04107900

Philip Irving stated that he has faithfully paid his bills since he purchased the home in 2005. He said he has had some major health issues during the past year, including a heart attack in February. He said he was totally disabled as of June 2014, and his wife has an award forthcoming, but it takes 60 to 90 days to receive the award. She had her hearing on June 26, 2014. Mr. Irving said he made the choice to not lose his home and pay his mortgage instead of his water bills. The water/sewer bill has not been relieved on this property in the past three years. Mr. Irving said that he is fully aware that he owes these bills, but is requesting an extension of two months to make payment. After a brief discussion with the Council, Mr. Irving said he will come in tomorrow morning and pay the December 2013 bill of \$149.05.

EXTENSION GRANTED

RESOLUTION 14-181

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, Phillip & Jaye Irving – 302 W. Elm St.– Account #51-04107900 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 19, 2014, by the City of Oneida Common Council; **and**

WHEREAS, Name Phillip Irving appeared before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**

RESOLVED, that Phillip & Jaye Irving – 302 W. Elm St. – Account #51-04107900 is hereby **GRANTED AN EXTENSION** until 8/20/14 to pay the December /2013 water/sewer bill the amount of \$149.05 and further extensions to pay the March 2014 and June 2014 water/sewer bills in the amount of \$239.53 within thirty days (on or before September 18, 2014) 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: 5

Nays: 0

Absent: 1 (Bowe)

MOTION CARRIED

DUE PROCESS HEARING – WATER & SEWER
CONNIE TOOKE – 224 ALMOND ST. – ACCOUNT #51-01108700

The City Clerk said that Mrs. Tooke called at 4:00 p.m. today and said she was not coming to the hearing. Mrs. Tooke stated she was going to put a check for the water bill in the night drop box at City Hall. The City Clerk said that she explained to Mrs. Tooke that failure to attend the due process hearing could result in her water being turned off, as noticed in the certified letter she received from the Water Department, unless payment was received by the City Chamberlain first thing in the morning. Mrs. Tooke said she will be sure to put the payment in the drop box this evening.

EXTENSION DENIED

RESOLUTION 14-182

Moved by Councilor Acker

Seconded by Councilor Zogby

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, Connie Tooke – 224 Almond St. – Account #51-01108700 properly requested a Due Process Hearing before the Common Council to contest the Water Department’s decision to terminate their water service; **and**

WHEREAS, Due Process hearings were thereafter timely held on August 19, 2014 by the City of Oneida Common Council; **and**

WHEREAS, Connie Tooke – 224 Almond St. – Account #51-01108700 **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: 5

Nays: 0

Absent: 1 (Bowe)

MOTION CARRIED

DUE PROCESS HEARING – WATER & SEWER
DIANE STEVENS – 474 LINCOLN AVE. – ACCOUNT #51-11103200

Diane Stevens stated she has the money to pay her water/sewer bill. She said that there is no help to pay to her water bill like there is with electric and heat bills. She said she is a mom and works hard to try to pay her bills. She bought the home in 2008 and has had many medical problems since then. She said that her water meter burst two times during this past winter and she would like those bills waived. The Mayor said the Council has no authority to forgive a bill. Ms. Stevens paid the City Clerk \$305.06 in cash for the outstanding water bills.

EXTENSION GRANTED

RESOLUTION 14-183

Moved by Councilor Acker

Seconded by Councilor Chamberlain

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 19, 2014, by the City of Oneida Common Council; **and**

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

RESOLVED, that Diane Stevens – 474 Lincoln Ave. – Account #51-11103200 is hereby **GRANTED AN EXTENSION** of thirty days (on or before September 18, 2014) to make full payment of Invoice 17849 (\$42.00) and Invoice 17963 (\$42.00) total \$84.00, which shall be made with cash or other certified funds, **and be it further**

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

Ayes: 5

Nays: 0

Absent: 1 (Bowe)

MOTION CARRIED

DUE PROCESS HEARING – WATER & SEWER
CHERYL KENYON MORGAN (TENANT) – 244 LIBERTY ST. – ACCOUNT #51-05109302

Cheryl Kenyon Morgan said she is a tenant at 244 Liberty St. She said the landlord, Pete Toth, is in foreclosure on the building and has all but abandoned it. She said she pays for the heat, garbage and lawn to be mowed. Ms. Kenyon said Apartment 1 is empty, she lives in Apartment 2 and Apartment 3 has someone who comes and goes. If the water were turned off, she said it would create a hardship for her. Ms. Morgan showed the Council some paperwork received from the Fire Codes Office last year noting that the building failed, but some of items have been corrected. She stated that she is actively looking for a new apartment, and the Mayor said that is a good thing, as she doesn't seem to have a good landlord and should look for other housing. The City Clerk said there are four meters here off of one service. Councilor Chamberlain said the Water Department could possibly seal off the other three meters, and if the seals are broken, the person tampering with them could be arrested for theft of services. The Mayor asked Ms. Morgan to please let the City know when she vacated the premises.

EXTENSION GRANTED

RESOLUTION 14-184

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, Cheryl Kenyon Morgan (tenant) – 244 Liberty St. – Account #51-05109302 properly requested a Due Process Hearing before the Common Council to contest the Water Department's decision to terminate their water service; **and**

WHEREAS, the property at 244 Liberty Street is currently owned by Pete Toth, 8800 Kinderhook Rd., Chittenango NY 13037, **and**

WHEREAS, a Due Process hearing was thereafter timely held on August 19, 2014, by the City of Oneida Common Council; **and**

WHEREAS, Cheryl Kenyon Morgan appeared before the Common Council at the aforementioned Due Process Hearing **now therefore be it**

RESOLVED, that Cheryl Kenyon Morgan (tenant) – 244 Liberty St. – Account #51-05109302 is hereby **GRANTED AN EXTENSION** to Tuesday, September 2, 2014 to pay the water/sewer bill in the amount of \$184.25 for the apartment in which she resides, which shall be made with cash or other certified funds, **and be it further**

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

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

MOTION CARRIED

DUE PROCESS HEARING – WATER & SEWER

LISA CHESEBRO (TENANT) – 108 S. LAKE ST. – ACCOUNT #51-19203300

Lisa Chesebro failed to appear at the scheduled hearing. The City Clerk said that Lisa Chesebro said she was coming into pay the water bill in full, \$425.70.

EXTENSION DENIED

RESOLUTION 14-185

Moved by Councilor Acker
Seconded by Councilor Zogby

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, Lisa Chesebro (tenant) – 108 S. Lake St. – Account #51-19203300 properly requested a Due Process Hearing before the Common Council to contest the Water Department’s decision to terminate their water service; **and**

WHEREAS, Due Process hearings were thereafter timely held on August 19, 2014 by the City of Oneida Common Council; **and**

WHEREAS, Lisa Chesebro (tenant) – 108 S. Lake St. – Account #51-19203300 **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: 5
Nays: 0
Absent: 1 (Bowe)

MOTION CARRIED

DUE PROCESS HEARING – WATER & SEWER

ALISON SWINEA (TENANT) – 106 S. LAKE ST. – ACCOUNT # 51-19203299

Alison Swinea stated that she never received any water bills from her landlord and never thought about it. She said she moved in last year on August 15, 2013 and didn’t know she was responsible for the water bill until the building was posted, and she contacted her landlord, Shane McCarthy. She said she has the money to pay a portion of the bill. She said she is a single mom, with two children and her third is due next week. She was taken out of work because of her pregnancy and has not received any disability payments yet. She said she will be on disability until she goes back to work. The Mayor suggested looking for a new place to live as she doesn’t seem to have a good landlord. Ms. Swinea paid the City Clerk \$150.00 towards her past-due water/sewer bill.

EXTENSION GRANTED

RESOLUTION 14-186

Moved by Councilor Zogby
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, Alison Swinea (tenant) – 106 S. Lake St. – Account # 51-19203299 properly requested a Due Process Hearing before the Common Council to contest the Water Department’s decision to terminate their water service; **and**

WHEREAS, the property at 106 S. Lake St is currently owned by Shane McCarthy, DBA 230 E. Railroad St. LLC, 230 E. Railroad St. Oneida NY 13421, **and**

WHEREAS, a Due Process hearing was thereafter timely held on August 19, 2014, by the City of Oneida Common Council; **and**

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

RESOLVED, that Alison Swinea (tenant) – 106 S. Lake St. – Account # 51-19203299 is hereby **GRANTED AN EXTENSION** of thirty days (on or before September 17, 2014) to pay the balance of the water/sewer bills (March 2014-\$129.25 and June 2104-\$122.93) in the total amount of \$252.18 for the apartment in which she resides, which shall be made with cash or other certified funds, **and be it further**

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

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

DUE PROCESS HEARING – WATER & SEWER
ELAINE HUBBARD 218 BOSTON STREET. – ACCOUNT #51-04110400

Elaine Hubbard paid the water/sewer bill in full and did not appear at the hearing.

DUE PROCESS HEARING – WATER & SEWER
MICHAEL WYANT – 230-232 EAST AVE. – ACCOUNT #51-16108700

Michael Wyant paid the water/sewer bill in full and did not appear at the hearing.

DUE PROCESS HEARING – WATER & SEWER
ANDREA POTTER – 421 MCGUIRE ST. – ACCOUNT #51-05100300

Andrea Potter asked if she could have an extension to pay the \$157.31 until Friday, August 29, 2104 when she gets paid.

EXTENSION GRANTED

RESOLUTION 14-187

Moved by Councilor Smith
Seconded by Councilor Chamberlain

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, Andrea Potter – 421 McGuire St. – account #51-05100300 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 19, 2014, by the City of Oneida Common Council; **and**

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

RESOLVED, that Andrea Potter – 421 McGuire St. – account #51-05100300 is hereby **GRANTED AN EXTENSION** to August 29, 2014 to pay her water/sewer bill of \$157.31, which shall be made with cash or other certified funds, **and be it further**

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

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

DUE PROCESS HEARING – WATER & SEWER
CHRIS BEACRAFT (tenant) – 104 N. LAKE STREET – ACCOUNT #51-01100100

Chris Beacraft applied for a due process hearing after the deadline had lapsed with permission from the Mayor.

Chris Beacraft said he moved into the apartment a year ago after having to relocate due to the flood. He said the landlord is living in Virginia with her daughter. He said there is mail that comes to his apartment that is addressed to the property owner, but he does not open it. The mail is given to a third party who comes to collect the rent. Mr. Beacraft said he thought the landlord was paying the water bills, as he never received any. He said he didn’t know the bills were not paid until they were given to him by said third party, who collects the rent. Mr. Beacraft said he will pay the bill; he just needs some additional time. Mr. Beacraft said he could possibly pay the bill in 30 days. The Council opted to give him additional time, as the bills total \$633.33.

EXTENSION GRANTED

RESOLUTION 14-188

Moved by Councilor Zogby
Seconded by Councilor Simchik

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, Mayor Smith gave special permission for Chris Beacraft (tenant) – 104 N. Lake Street – Account #51-01100100 to request a Due Process Hearing before the Common Council to contest the Water Department’s decision to terminate their water service; **and**

WHEREAS, the property at 104 N. Lake St. is currently owned by Marian Waters, 5353 Fox Rd. Verona NY 13478, **and**

WHEREAS, a Due Process hearing was thereafter timely held on August 19, 2014, by the City of Oneida Common Council; **and**

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

RESOLVED, that Chris Beacraft (tenant) – 104 N. Lake Street – Account #51-01100100 is hereby **GRANTED AN EXTENSION** to August 29, 2014 to pay the December 2013 water/sewer bill of \$191.40 and a further extension to September 26, 2014 to pay the March 2014 bill and June 2014 bills totaling \$441.93, which shall be made with cash or other certified funds, **and be it further**

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

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

DUE PROCESS HEARING – WATER & SEWER
LEAH JAKUBOWSKI – 484 ELIZABETH STREET – ACCOUNT #51-15110900

Leah Jakubowski applied for a due process hearing after the deadline had lapsed with permission from the Mayor. Ms. Jakubowski failed to appear at the hearing.

EXTENSION DENIED

RESOLUTION 14-189

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, Mayor Smith gave special permission for Leah Jakubowski – 484 Elizabeth Street – Account #51-15110900 to request a Due Process Hearing, before the Common Council to contest the Water Department's decision to terminate their water service; **and**

WHEREAS, Due Process hearings were thereafter timely held on August 19, 2014 by the City of Oneida Common Council; **and**

WHEREAS, Leah Jakubowski – 484 Elizabeth Street – Account #51-15110900 **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: 5

Nays: 0

Absent: 1 (Bowe)

MOTION CARRIED

DUE PROCESS HEARING – WATER & SEWER

STEPHANIE DYKEMAN (daughter) – 305 N. MAIN STREET – ACCOUNT #51-03111000

Stephanie Dykeman said that she is here on behalf of her mother, Antoinette Dykeman, who owns the property at 305 N. Main Street. She did not have an appointment for a hearing and did not request a hearing from the Water Superintendent in writing. The Mayor said he spoke with Ms. Dykeman and told her to come to the Due Process Hearings this evening. Ms. Dykeman said that the water to their residence was shut off on Tuesday. She said that her mother has dementia. She said that there are six children living in this house and she needs more time to pay the water bill. Ms. Dykeman said she can pay the bill by September 3, 2014.

EXTENSION GRANTED

RESOLUTION 14-190

Moved by Councilor

Seconded by Councilor Chamberlain

WHEREAS, Mayor Smith gave special permission for Stephanie Dykeman (daughter) – 305 N. Main Street – Account #51-03111000 to request a Due Process Hearing before the Common Council to contest the Water Department's decision to terminate their water service; **and**

WHEREAS, the property at 305 N. Main Street is currently owned by Antoinette Dykeman, 305 N. Main St. Oneida NY 13421 **and**

WHEREAS, a Due Process hearing was thereafter timely held on August 19, 2014, by the City of Oneida Common Council; **and**

WHEREAS, Stephanie Dykeman appeared before the Common Council at the aforementioned

Due Process Hearing **now therefore be it**

RESOLVED, that the Water Superintendent is hereby instructed to turn the water service on at 305 N. Main Street, Account #51-03111000, **and be it further**

RESOLVED, that Stephanie Dykeman (daughter) – 305 N. Main Street – Account #51-03111000 is hereby **GRANTED AN EXTENSION** to September 3, 2014 to pay the outstanding water bills of \$463.38, plus the \$80 turn-off fee for a total amount due of \$543.38, which shall be made with cash or other certified funds, **and be it further**

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

Ayes: 5

Nays: 0

Absent: 1 (Bowe)

MOTION CARRIED

Motion to close the hearings by Councilor Acker

The Due Process Hearings are hereby closed at 8:55 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk