

**MINUTES OF THE COMMON COUNCIL
SEPTEMBER 16, 2014**

A meeting of the Common Council of the City of Oneida, NY was held on the sixteenth day of September, 2014 at 6:30 o'clock P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

The Meeting was called to order by Deputy Mayor Helen Acker, who stated the Mayor is out of town for a business conference.

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

ABSENT: Mayor Alden M. Smith

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Director of Parks & Recreation Lucas Griff
Police Chief David Meeker
Public Safety Commissioner Michael Kaiser
Supervisor John Reinhardt

**PUBLIC HEARING – PROPOSED LOCAL LAW AMENDING ARTICLE V., SECTIONS 5.16
AND 5.23 OF THE CITY CHARTER RELATING TO THE DUTIES OF THE COMPTROLLER**

RESOLUTION 14-203

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that the Public Hearing on the proposed Local Law to amend the City Charter Article V, Section 5.16 and 5.23 relating to the duties of the Comptroller be hereby opened at 6:32 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES: None

The City Clerk said this is to change the Charter to allow for electronic signatures when doing purchase orders.

Moved by Councilor Smith
Seconded by Councilor Zogby

RESOLVED, that the Public Hearing on the proposed Local Law to amend the Charter relative to the duties of the Comptroller be hereby closed at 6:33 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

OLD BUSINESS

Brewer Road Paving

Jamie Foster, 1502 Brewer Road, Oneida, inquired if the Council has taken a look at the paving work on Brewer Road. He said it is not a quality job, you can see every divot in the road and the contractor should not be paid for that job. Mr. Foster said that it has been over a month now since his driveway was ruined, and it has not been taken care of yet. He said he is meeting with his attorney in the morning. He urged the Council to drive up and look at the Brewer Road.

Moved by Councilor Bowe
Seconded by Councilor Chamberlain

RESOLVED, that the minutes of the regular meeting September 2, 2014 are hereby approved as presented.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Chamberlain

Seconded by Councilor Bowe

RESOLVED, that Warrant No. 18, checks and ACH payments in the amount of \$393,810.19, as audited by the Voucher Committee, are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

RESOLVED, that Check No. 51409 in the amount of \$34.13 (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

**ADOPT LOCAL LAW TO AMEND THE CITY CHARTER SECTION 2.1(A) TERM OF
MAYOR AND TO PROVIDE FOR THE SUBMISSION OF A CERTAIN PROPOSITION AT
THE GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2014**

RESOLUTION 14-204

Moved by Councilor Simchik

Seconded by Councilor Smith

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled "A Local Law Amending Article II, Section 2.1(A) of the Oneida City Charter to Amend the Term of the Mayor of the City of Oneida," was presented and introduced at a meeting of the City of Oneida Common Council held on August 21, 2014; **and**

WHEREAS, a public hearing was held on such proposed local law on the 2nd day of September, 2014 by the Common Council of the City of Oneida and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard; **and**

WHEREAS, at its September 16, 2014 meeting, the Council determined that the enactment of this proposed local law is a Type II action for purposes of SEQRA; **and**

WHEREAS, this local law is subject to a mandatory referendum; **and**

WHEREAS, it is in the public's interest to enact said Proposed Local Law.

NOW, THEREFORE, it is

RESOLVED, that the Common Council of the City of Oneida, Madison County, State of New York, pursuant to the Authority vested in it by law does hereby enact a Local Law amending Article II, Section 2.1(A) of the Oneida City Charter to amend the term of Mayor of the City of Oneida as follows:

"SECTION 1. PURPOSE.

In accordance with Section 2.1(A), the Mayor for the City of Oneida, as an elective City officer, is 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 term of office for the Mayor for 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 serve a four (4) year term, instead of two (2) year term.

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 who shall be elected for a four-year term, 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;"

And it is further

RESOLVED, that a **Proposition** will be put before the voters at the General Election to be held on November 4, 2014, and the Clerk of said City is hereby authorized and directed to cause to be included in the Notice of the Election the following **Proposition**, which shall read as follows:

"Shall Section 2.1(A) of the Oneida City Charter be amended to provide that the term of office for the Mayor be four years rather than two years?"

Councilor Zogby - Yes
Councilor Bowe - Yes
Councilor Smith - Yes
Councilor Acker - Yes
Councilor Chamberlain - Yes
Councilor Simchik - Yes

MOTION CARRIED

ADOPT LOCAL LAW TO AMEND THE CITY CHARTER SECTION 2.1(A) TERM OF CITY COUNCILORS AND TO PROVIDE FOR THE SUBMISSION OF A CERTAIN PROPOSITION AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2014

RESOLUTION 14-205

Moved by Councilor Smith
Seconded by Councilor Chamberlain

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled "A Local Law Amending Article II, Section 2.1(A) of the Oneida City Charter to Amend the Terms of the City Councilors of the City of Oneida," was presented and introduced at a meeting of the City of Oneida Common Council held on August 21, 2014; **and**

WHEREAS, a public hearing was held on such proposed local law on the 2nd day of September, 2014 by the Common Council of the City of Oneida and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard; **and**

WHEREAS, at its September 16, 2014 meeting, the Council determined that the enactment of this proposed local law is a Type II action for purposes of SEQRA; **and**

WHEREAS, this local law is subject to a mandatory referendum; **and**

WHEREAS, it is in the public's interest to enact said Proposed Local Law.

NOW, THEREFORE, it is

RESOLVED, that the Common Council of the City of Oneida, Madison County, State of New York, pursuant to the Authority vested in it by law does hereby enact a Local Law amending Article II, Section 2.1(A) of the Oneida City Charter to amend the term of City Councilors of the City of Oneida as follows:

“SECTION 1. PURPOSE.

In accordance with Section 2.1(A), the 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 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 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.

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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;”

And it is further

RESOLVED, that a **Proposition** will be put before the voters at the General Election to be held on November 4, 2014, and the Clerk of said City is hereby authorized and directed to cause to be included in the Notice of the Election the following **Proposition**, which shall read as follows:

“Shall Section 2.1(A) of the Oneida City Charter be amended to provide that the term of office for the City Councilors be four years rather than two years?”

Councilor Zogby - Yes
Councilor Bowe - Yes
Councilor Smith - Yes

Councilor Acker - Yes
Councilor Chamberlain - Yes
Councilor Simchik - Yes
MOTION CARRIED

CAPITAL PROJECT 14-4 – BULLET PROOF VESTS

RESOLUTION 14-206

Moved by Councilor Zogby
Seconded by Councilor Simchik

WHEREAS, the City of Oneida Police Department has fifteen bullet proof vests in need of replacement at a cost of \$12,000.00, **and**

WHEREAS, the City of Oneida Police Department has received grants from the Bureau of Justice (BJA) Fiscal Year 2014 Bulletproof Vest Partnership Solicitation and the New York State Attorney General’s inVEST Partnership, **now therefore be it**

RESOLVED, that Capital Project 14-4 – Bullet Proof Vests be hereby included in the 2014 City of Oneida Budget in the amount of \$12,000.00 - Grant Funding, **and be it further**

RESOLVED, that the Police Chief is authorized to proceed with Capital Project 14-4 Bullet Proof Vests and expend funds up to the amount of \$12,000.00 with funds being reimbursed though the Bureau of Justice (BJA) Fiscal Year 2014 Bulletproof Vest Partnership Solicitation and the New York State Attorney General’s inVEST Partnership.

Ayes: 6
Nays: 0

MOTION CARRIED

The Police Chief said they need and will purchase 15 vests with this grant money.

BUDGET TRANSFERS AND AMENDMENTS

RESOLUTION 14-207

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, to approve the following budget transfers:

<i>Amount</i>	<i>From</i>	<i>To</i>
\$34,000	001.3650.0400 (Building Demo)	001.3410.0102 (Fire Overtime)
\$350	001.1910.0400 (Liability Insurance)	001.1680.0403 (Technology Contracts)

For Fire overtime overage and technology contracts for Time Warner internet and phone

RESOLVED, to approve the following budget amendments:

<i>Amount</i>	<i>From</i>	<i>To</i>
\$12,000	001.9550.0900 (Transfer to Capital-Bullet Proof Vest Grant)	005.3120.0210 (Police Vest Grant 2014/2015)
\$1,825	001.3120.0414 (Police Equitable Sharing)	001.0017.1589 (Police Equitable Sharing)
\$8,771.56	001.0022.2680 (Insurance Recoveries)	001.3120.0300 (Police materials & Supplies)

To amend the budget to account for grant funds for the police department new capital project for bullet-proof vests and to transfer money from police equitable sharing into the police expense account for electrical work at pole barn.

Ayes: 6
Nays: 0

MOTION CARRIED

ELEVATOR MAINTENANCE AGREEMENT

RESOLUTION 14-208

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, to authorize the Mayor to sign a five-year agreement with Schindler Elevator Corporation, 587 Bear Street W., Syracuse NY 13204 for elevator maintenance at the Municipal Building, 109 N. Main St., Oneida NY.

Ayes: 6
Nays: 0

MOTION CARRIED

The City Engineer said this contract is lower than what the City has been paying, as there have been many equipment updates. He said he requested three quotes, but only received one quote back.

ON-PREMISES ALCOHOLIC BEVERAGE LICENSE RENEWAL NOTIFICATION

RESOLUTION 14-209

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, that the 30-Day Advanced Notice to a Local Municipality of a renewal application to be filed with the NYS Liquor Authority for an On-Premises Alcoholic Beverage License from American Legion Post 169 be hereby received and placed on file.

Ayes: 6
Nays: 0

MOTION CARRIED

MUNICIPAL ALARM SYSTEM REFUNDS

RESOLUTION 14-210

Moved by Councilor Zogby
Seconded by Councilor Smith

WHEREAS, on August 17, 2014, a National Grid power pole at the corner of Liberty Street and Broad Street broke causing a National Grid primary line to drop onto the City’s Municipal Alarm wire, and the surge of electricity caused Municipal Alarm systems at Chase Bank, Liberty Resources, and the Madison County Public Safety Building to burn out, **and**

WHEREAS, Chase Bank, Liberty Resources, and the Madison County Public Safety Building have agreed to move their systems to a private monitoring company and because the City is in the process of removing the Municipal Alarm System in 2015, it does not make fiscal sense to repair said Municipal Alarms systems, **and**

WHEREAS, the City is experiencing a problem with the Municipal Alarm system wiring running up Sayles Street to C.J.’s Storage at 424 Genesee Street, and the code has changed whereby a fire alarm system is no longer required for this business, and the owner is having it removed from the establishment, **and**

WHEREAS, the yearly Municipal Alarm fees were paid in August 2014 by Chase Bank, Liberty Resources, Madison County Public Safety Building, and C.J.’s Storage, **now therefore be it**

RESOLVED, that per the recommendation of Fire Chief Kevin Salerno, as the wiring issues were through no fault of the above said business owners, the City’s Municipal Alarm Permit fees are to be refunded as follows:

<u>Name</u>	<u>Address</u>	<u>Refund Amount</u>
Chase Manhattan Bank	150 Main Street, Oneida NY	\$100.00
Liberty Resources	218 Liberty Street, Oneida NY	\$100.00
Madison Co. Public Safety Bldg.	138 N. Court St., Wampsville NY	\$100.00
C.J.’s Storage	424 Genesee St. Oneida NY	\$120.00

Ayes: 6
Nays: 0

MOTION CARRIED

Deputy Mayor Acker said the City will be removing the alarm system by the end of next year.

MONTHLY REPORTS

RESOLUTION 14-211

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that the monthly reports from the Chamberlain, City Clerk, City Engineer, Comptroller, 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 Smith commended Planning Director Cassie Rose for getting things done and moving forward with the West Elm Street project.

NY WII ERP APPLICATION AND AGREEMENT:

RESOLUTION 14-212

Moved by Councilor Simchik
Seconded by Councilor Bowe

RESOLVED, to authorize the City Engineer to complete and submit the application to the New York State Department of Environmental Conservation, New York Works II Environmental Restoration Project Application for Participation for remedial activities at 210 Sconondoa Street, Oneida NY, **and be it further**

RESOLVED, to authorize the Mayor to enter into an agreement with the New York State Department of Environmental Conservation, New York Works II Environmental Restoration Project (NYWII ERP Agreement) for remedial activities at 210 Sconondoa Street, Oneida NY for an estimated project cost of \$26,950, wherein the City will be responsible for 10% of said project cost, upon notification of selection.

Ayes: 6
Nays: 0

MOTION CARRIED

The City Engineer said the City would be responsible for approximately \$2,695.

FINANCIAL ADVISORY SERVICES AGREEMENT

RESOLUTION 14-213

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign a contract with Fiscal Advisors & Marketing, Inc. 120 Walton St., Suite 600, Syracuse, NY 13202 to act as financial advisor to provide services relating to the preparation of estimated debt service schedules for various proposed and/or approved capital projects, issuance of bond anticipation notes and/or serial bonds for annual capital project needs, as well as refunding serial bonds.

Ayes: 6
Nays: 0

MOTION CARRIED

NEW BUSINESS

Letter of Request for Sewer Lateral Installation

Councilor Bowe said he is requesting that a letter be received and placed on file from a couple who purchased property on Valley View Drive, and then found out there is no sewer lateral or water service. Councilor Bowe said the City has helped with this in the past; however, nothing in the Code supports that help. Councilor Bowe said past practice was first at 70/30 and then went to 50/50, however, the Code says 100% of the cost is to be borne by the owner. He said, for 40 years, the mindset of the Engineer's office was that if someone purchased a lot, and there were sewer and water lines in front of it, there should be a lateral. He said Dr. Bassin's dental facility on Stone Street had the lateral put in by the City,

and a woman on W. Elm Street had a lateral put in for a pool and pool house by the City, as well. He said there were others done in 2003 and 2004. Councilor Zogby inquired about creating an ordinance, so that the Council does not have to deal with this again. City Attorney Bell said she looked at the Code, and there is language that addresses the costs. She said that language could be amended to clarify whatever the Council would like. The City Engineer said we have to consider if the City will do the sewer work for single families, commercial properties, and/or possible expansions on Rt. 5. The Council briefly discussed various areas where there are currently no laterals and the potential cost to the City. The City Attorney said there is a bit of a slippery slope when it comes to residential vs. commercial. The City Engineer said he will look into what other municipalities do and provide his recommendations to the Council and City Attorney. Attorney Bell said she will prepare a Local Law for consideration at the October 7, 2014 Council meeting.

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 14-214

Moved by Councilor Smith
Seconded by Councilor Bowe

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

SEWER LATERAL LETTER OF REQUEST

RESOLUTION 14-215

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that a letter from Charles and Carrie Sgroi, 233 Broad Street, Oneida regarding the installation and cost of a sewer lateral for a parcel of land located at 628 Valley View Drive owned by Charles and Carrie Sgroi be hereby received and placed on file.

Ayes: 6
Nays: 0

MOTION CARRIED

NEW BUSINESS

Committee for City Events

Tanya Bailey, Oneida, said she is a member of the Madison Street Committee, which meets the second Tuesday of each month. The committee is trying to create events for people to be proud of this City and to get involved. Ms. Bailey spoke of various events they would like to do:

- A balloon-blowout to show school spirit partnering with local businesses to have a street-side rally on Seneca and Main Street when Oneida heads to the game at VVS on the 27th.
- Scarecrows to be placed on the downtown 24 ornamental lamp poles, to be judged in a contest, and she inquired if Mayor Smith would be a judge. She said she would like Council approval to use the poles. She said she has partnered with the high school art department.
- A Pumpkin Fest on October 25th using the basement at the Recreation Center to allow kids to carve and paint pumpkins. This would enhance the Recreation Department's current Halloween event.
- Flag burning ceremony at Vet's Field on Nov 10th, as there is no school that day. This is to get children involved in what happens with the flags. She is working with the high school music department to have the high school band/chorus play at the event. She would like approval from the Council for this.
- An Americana type holiday event where on weekends people dress up in period garb and walk the streets. There will also be a dinner gala; location and date to be determined. She said they are working with the Historical Society.
- Tree lighting ceremony where Santa comes off the Kallet roof like back in the 1950's and then goes to Higinbotham Park. She is working with Dave Brewster to build a big Santa's house for the park. She would like Fire Department involved and wants to make this a huge event for kids. She is asking for Council approval.

After a brief discussion, Ms. Bailey said she would e-mail a detailed list of the events/proposed dates to

the City Clerk and/or City Attorney, so determination could be made, as to the City's involvement and whether a Special Event Application would need to be completed. Councilor Smith thanked Ms. Bailey for her interest in the City of Oneida.

Craft Show at Kallet Civic Center

Deputy Mayor Acker said the Kallet is looking for crafters for the annual Craft Show on November 22nd.

Citizen Preparedness Program

Deputy Mayor Acker said that Governor Cuomo is sponsoring a Citizen Preparedness Program in the Student Activities Center at Morrisville College on Wednesday, September 17th at 6:00 p.m. Each attendee will receive a NYS Disaster Preparedness Kit that contains key items to assist residents after a disaster. Though pre-sign-up is encouraged, the Deputy Mayor said no one will be turned away at the door.

Council of Churches Event

Deputy Mayor Acker said the Council of Churches held an event over the past weekend in honor of the late City Historian David Alvord to raise money for the Karing Kitchen's new stove and refrigerator. The event was wonderful and well received.

Motion to adjourn by Councilor Smith

The meeting was adjourned at 7:12 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk