

**MINUTES OF THE COMMON COUNCIL  
MARCH 18, 2014**

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

Meeting was called to order by Mayor Alden M. Smith

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

ABSENT: Councilor Helen Acker

ALSO PRESENT: City Assessor Lonnie Stedman  
City Chamberlain Nancy Andrews  
City Attorney Nadine Bell  
City Engineer Jon Rauscher  
Civil Service Officer Peg Margo  
Comptroller Linda Pease  
Deputy City Clerk Sandra Redington  
Director of Parks and Recreation Lucas Griff  
Director of Planning and Development Cassie Rose  
Fire Chief Kevin Salerno  
Police Chief David Meeker  
Public Safety Commissioner Michael Kaiser  
Water Superintendent Art Smolinski

**PUBLIC HEARING – PROPOSED LOCAL LAW TO REPEAL IN ITS ENTIRETY THE  
ORDINANCE WHICH ESTABLISHED THE ONEIDA BUSINESS PARK LIGHTING  
DISTRICT, TO DISCONTINUE AND DISSOLVE THE ONEIDA BUSINESS PARK LIGHTING  
DISTRICT AND TO ESTABLISH THE COST OF LIGHTING IN THE FORMER ONEIDA  
BUSINESS PARK LIGHTING DISTRICT AS A GENERAL CITY EXPENSE**

**RESOLUTION 14-76**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, that the Public Hearing on the proposed Local Law to repeal the ordinance which established the Oneida Business Park Lighting District be hereby OPENED at 6:34 p.m.

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

**MOTION CARRIED**

Councilor Bowe commented that the City should look at how we operate all lighting districts and make sure there is consistency.

Moved by Councilor Bowe  
Seconded by Councilor Smith

**RESOLVED**, that the Public Hearing on the revised Local Law to repeal the ordinance which established the Oneida Business Park Lighting District be hereby CLOSED at 6:35 p.m.

Ayes: 5  
Nays: 0  
Absent: 1 (Acker)  
**MOTION CARRIED**

**PUBLIC HEARING - A LOCAL LAW AMENDING**  
**ARTICLE X, TITLED "DEPARTMENT OF PUBLIC SAFETY,"**  
**SECTION 10.5, TITLED "BUREAU OF FIRE,"**  
**OF THE ONEIDA CITY CHARTER**

**RESOLUTION 14-77**

Moved by Councilor Simchik  
Seconded by Councilor Chamberlain

**RESOLVED**, that the Public Hearing on the proposed Local Law to amend Article X, Section 10.5 of the City Charter be hereby OPENED at 6:35 p.m.

Ayes: 5  
Nays: 0  
Absent: 1 (Acker)  
**MOTION CARRIED**

**APPEARANCES**

Robert Britton, Munnsville, stated that he does not understand why the City would want to do away with the alarm system and that no other Fire Chiefs in the past had a problem with it. Councilor Smith commented that there have been problems with the system for years, including when he was Fire Chief and that it had been brought to Councils in the past and nothing was done about it. He stated that the system is a liability to the City and that fire calls have increased, maintenance is a problem, and that the line is old and in worse shape now than it used to be and is in desperate need of repair. The cost to repair or replace the system would be in excess of \$50,000.

Moved by Councilor Smith  
Seconded by Councilor Zogby

**RESOLVED**, that the Public Hearing on the revised Local Law to amend Article X, Section 10.5 of the City Charter be hereby CLOSED at 6:38 p.m.

Ayes: 5  
Nays: 0  
Absent: 1 (Acker)  
**MOTION CARRIED**

**PUBLIC HEARING – PROPOSED LOCAL LAW**  
**AMENDING CHAPTER 5, TITLED "ALARM SYSTEMS,"**  
**OF THE CITY OF ONEIDA CODE**  
**RELATING TO THE MUNICIPAL ALARM SYSTEM**

**RESOLUTION 14-78**

Moved by Councilor Simchik  
Seconded by Councilor Smith

**RESOLVED**, that the Public Hearing on the proposed Local Law to amend Chapter 5 of the City Code relating to the municipal alarm system be hereby OPENED at 6:39 p.m.

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

**MOTION CARRIED**

### **APPEARANCES**

Fire Chief Salerno was asked by the Mayor to explain the differences between Resolutions 14-77 and 14-78. Chief Salerno stated that the first is to change the City Charter and the second is to amend the Code regarding the municipal alarm system. Chief Salerno stated that call volume is up and response times could be affected if the City continues with the current Alarm System. It was noted that other municipalities have done away with it as well, and a private monitoring system could be utilized.

Rick Edick, Oneida, asked how many calls are received by the Fire Department each year, and Chief Salerno stated that the number was in the 100's. Chief Salerno noted that there are approximately 20 miles of wire that would need to be replaced and that the cost to replace this would be approximately \$50,000, with an additional \$40,000 needed to monitor the system with current upgrades. He said this expense would have to be borne by either the alarm users or the City taxpayers as a whole, and it could be quite an expense. The Chief recommended that the system be eliminated altogether and Mr. Edick agreed.

Robert Britton suggested that if the City does away with the alarm system, a vote could be taken to go to a volunteer fire department.

Moved by Councilor Bowe  
Seconded by Councilor Smith

**RESOLVED**, that the Public Hearing on the revised Local Law to amend Chapter 5 of the City Code relating to the municipal alarm system be hereby CLOSED at 6:44 p.m.

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

**MOTION CARRIED**

### **OLD BUSINESS**

#### *Proposed Kallet Civic Center Lease*

Councilor Smith inquired as to how close the City was to an agreement with the Kallet Civic Center. The Mayor stated that he continues to be encouraged, although he has had some contentious discussions with the Board. The ongoing discussions have resulted in general agreement, and he hopes to have a proposed agreement at the next Council meeting to vote on. They are still working on the language.

#### *Proposed Local Law to amend to Amend Chapter 17*

Claudette Buss, Oneida, inquired if there has been any determinations made with regard to the pet

ordinance and that she would continue to appear until this was resolved. The Mayor stated that this has been put off due to the public's urging, who provided substantive issues that they were passionate about. The City has been in contact with Mr. Shapiro from the State Humane Society to get his input and recommendations. Attorney Bell stated that although Mr. Shapiro has contacted her; they have not yet coordinated a time to discuss this. Councilor Zogby noted that this was tabled for one month at the last Public Hearing and that there would be a proposal for a new Local Law, which would involve another Public Hearing within 2 weeks from that time, followed by a vote within the following 2 weeks. Mrs. Buss asked if the meeting with Mr. Shapiro would be public, and Attorney Bell stated that he was from NYC and that she wasn't sure if this would be an actual meeting or a phone call.

#### *FEMA Reimbursement*

Linda Pease, Comptroller, said the City has received from FEMA \$393,813.70 in reimbursement money, of which approximately \$314,000 would be returned to the General Fund. She noted that this was from Category A and B; and that she was still awaiting payment from Category C.

Moved by Councilor Zogby  
Seconded by Councilor Smith

**RESOLVED**, that the minutes of the special meetings February 27, 2014 and March 11, 2014 and regular meeting minutes of March 4, 2014 are hereby approved as presented..

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

**MOTION CARRIED**

Moved by Councilor Chamberlain  
Seconded by Councilor Simchik

**RESOLVED**, that Warrant No. 6, checks and ACH payments in the amount of \$1,513,071.31 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  
Absent: 1 (Acker)

**MOTION CARRIED**

Moved by Councilor Bowe  
Seconded by Councilor Chamberlain

**RESOLVED**, that Check No. 50358 in the amount of \$134.71 (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  
Absent: 1 (Acker)

**MOTION CARRIED**

#### **MONTHLY REPORTS**

## **RESOLUTION 14-79**

Moved by Councilor Smith  
Seconded by Councilor Bowe

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

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

### **MOTION CARRIED**

Public Safety Commissioner Kaiser brought to the Council's attention a letter attached to the Police Chief's monthly report that was received from United States Attorney Northern District NY Richard S. Hartunian, to Police Chief Meeker on February 24, 2014, commending Investigator Michael Burgess for his outstanding work in the investigation and successful prosecution of a recent case involving a conspiracy to manufacture methamphetamine. Commissioner Kaiser thanked Investigator Burgess for a job well done.

## **EQUIPMENT SERVICE CONTRACT**

### **RESOLUTION 14-80**

Moved by Councilor Bowe  
Seconded by Councilor Chamberlain

**RESOLVED**, to authorize the Mayor to sign an Equipment Service Contract with Mac Copy LLC, 1163 Glenwood Ave., Oneida NY in the amount of \$840.00 for the color copier at the Recreation Center.

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

### **MOTION CARRIED**

The Mayor inquired as to whether or not all of the copy machines within the City were under the same contract or if each department had its own. Parks and Recreation Director Luke Griff stated that he believed City Hall probably had their own and that other locations were under separate contracts; however, Comptroller Pease noted that they were all with MAC Copy. The Mayor commented that the City might be able to get a better rate if they were lumped together, or possibly jump in on a contract with the County and that we should look into this issue.

## **LEASE AGREEMENT**

### **RESOLUTION 14-81**

Moved by Councilor Chamberlain  
Seconded by Councilor Smith

**RESOLVED**, to authorize the Mayor to sign a three-year Lease Agreement with the John R. Deschamps Sr. PBA for a physical fitness room at the Police Department.

Ayes: 5  
Nays: 0  
Absent: 1 (Acker)  
**MOTION CARRIED**

**SPECIAL EVENTS APPLICATION**

**RESOLUTION 14-82**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the approval of the Special Events application from Madison Cortland ARC, 701 Lenox Ave., Oneida NY for the ARC Stock event to be held on July 26, 2014.

Ayes: 4  
Nays: 0  
Absent: 1 (Acker)  
Abstain: 1 (Bowe)  
**MOTION CARRIED**

Councilor Smith stated that this is quite an event and a good program. Mayor Smith stated that he is glad to see this event coming to Oneida. He noted that this event draws a large turnout and would like to see our community support it, as it's a great cause and that the funding goes to those who face physical and mental challenges.

Councilor Bowe abstained from voting on this issue, as he is Vice President of the Board for the ARC.

**FISH CREEK CROSSING IMPROVEMENTS**

**RESOLUTION 14-83**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**WHEREAS**, pursuant to §6-c of General Municipal Law, the Common Council must authorize any expenditure from the Water Reserve, **now therefore be it**

**RESOLVED**, that a Budget Amendment in the amount of \$880,000 from Water Reserve Fund to Capital Project 12-24, Fish Creek Crossing Improvements be hereby authorized, **and be it further**

**RESOLVED**, that the City Bond for \$2,200,000 as authorized by mandatory referendum authorized September 18, 2012 and approved by the Voters on November 6, 2012 for a term of 15 years, **and be it further**

**RESOLVED**, that the appropriation of funds in the amount of \$3,080,000 for Capital Project 12-24, Fish Creek Crossing Improvements be hereby authorized, **and**

**RESOLVED**, that the Water Superintendent is hereby authorized to expend funds in the amount of \$3,080,00 for said project.

Ayes: 4  
 Nays: 1 (Zogby)  
 Absent: 1 (Acker)  
**MOTION CARRIED**

Councilor Zogby was against taking out a 15 year loan and felt that a 7 year loan would be more appropriate, saving approximately \$400,000 in interest payments. He stated that by clearing up the credit sooner, it would provide the City with the ability to borrow additional funds more readily if necessary. Councilor Zogby would propose using a 10% increase in water rates to pay the debts back.

Water Superintendent Smolinski said this would be overly burdensome on the current population. He stated that the City’s debt service equals what the depreciation is. It should be done slow and steady, as the rates for the Outside District are set by contract, and those for the Residential District are not; therefore, the City cannot do a flat rate increase across the board. A 15-20 year project bonding is recommended given the expected service life of the infrastructure. The proposed schedule would also maintain water rate fluctuations within an appropriate range. Superintendent Smolinski also explained that a portion of the water capital reserve fund has been allocated to this project.

**BUDGET TRANSFERS**

**RESOLUTION 14-84**

Moved by Councilor Smith  
 Seconded by Councilor Chamberlain

**RESOLVED**, to approve the following budget transfers:

<i>Amount</i>	<i>From</i>	<i>To</i>
\$25,000	001.1420.0419 (Litigation Specified)	001.1420.0410 (General Litigation)
<i>For litigation costs</i>		
<i>Amount</i>	<i>From</i>	<i>To</i>
\$3,500.00	001.3410.0200 Fire – Equipment	001.3410.0413 Fire – Training
\$850.00	001.3410.0200 Fire – Equipment	001.3410.0317 Fire – Clothing
\$6,000.00	001.3410.0200 Fire – Equipment	001.3410.0102 Fire – Overtime
<i>To cover fire academy costs, uniform expenses, and temporary short shift expenses</i>		

Ayes: 5  
 Nays: 0  
 Absent: 1 (Acker)  
**MOTION CARRIED**

Councilor Smith requested that Fire Chief Salerno explain the budget transfers. Chief Salerno stated that a firefighter recently resigned to return to her hometown, and that this would involve a reimbursement to the City from her for expenses paid on her behalf at recruitment. He noted that the transfers are just that; he is not requesting additional funds, just moving the funds from one account to another. Chief Salerno also stated that the newly hired firefighter is currently attending a paramedic class, which will save the

City approximately \$30,000 in training down the road and that he comes with many credentials. The Mayor also noted that he was highly impressed with this individual.

**CITY OF ONEIDA POLICIES**

**RESOLUTION 14-85**

Moved by Councilor Simchik  
Seconded by Councilor Chamberlain

**RESOLVED**, that the following annual policies be reaffirmed:

- Network & Internet Acceptable Use Policy
- E-Mail Use Policy
- Cellular Telephone Phone Policy
- Purchasing Policy and Procedures
- Capital Assets and Depreciation Policy
- Reimbursable Expense Policy
- Disposal, Sale and Handling of Abandoned Motor Vehicles
- Municipal Credit Card Policy
- Investment Policy

Ayes: 5

Nays: 0

Absent: 1 (Acker)

**MOTION CARRIED**

**STATE FACILITIES PROGRAM GRANT - RENOVATIONS AT THE KALLET CIVIC CENTER AND RECREATION CENTER**

**RESOLUTION 14-86**

Moved by Councilor Smith  
Seconded by Councilor Bowe

**WHEREAS**, the City of Oneida has been approved by the State to receive the State and Municipal Facilities Program Grant (“SAM”) for the renovations at the Kallet Civic Center, 159 Main Street, Oneida and the City’s Parks and Recreation Building, 217 Cedar St., Oneida, Project ID #6021 in the amount of \$250,000 with DASNY (Dormitory Authority State of New York) administering the grant, **and**

**WHEREAS**, said renovations will include replacing the roof and upgrading the electrical service at the Kallet Civic Center and the replacement of the boiler at the Recreation Center, **and**

**WHEREAS**, the City of Oneida Common Council is in full support of this State and Municipal Facilities Program Grant (“SAM”) for Project ID #6021 in the amount of \$250,000 for the renovations at the Kallet Civic Center and the City’s Parks and Recreation Building, **now therefore be it**

**RESOLVED**, that the State and Municipal Facilities Program Grant (“SAM”) project for the renovations at the Kallet Civic Center, 159 Main Street, Oneida and the City’s Parks and Recreation Building, 217 Cedar St., Oneida is a Type II action as defined in Section 617.5 (c)(1) and Type II actions have been determined not to have a significant impact on the environment,



**and be it further**

**RESOLVED**, the Common Council hereby agrees to be responsible for any additional amounts above the State and Facilities Program Grant (“SAM”) amount of \$250,000.

Ayes: 5

Nays: 0

Absent: 1 (Acker)

**MOTION CARRIED**

The Mayor asked the Director of Planning and Development, Cassie Rose, to explain this grant and the meaning of “Acknowledge Receipt.” Mrs. Rose stated that the City received the approval letter from Assemblyman Magee’s office and that a copy of this letter was in the Councilor’s packet. This is a reimbursement program; therefore, the City will have to pay for the repairs up front and then submit the appropriate paperwork for reimbursement. The Mayor was pleased to see funds such as this starting to come in.

City Engineer Jon Rauscher stated that he has received quotes with regard to the roof, and the cost would be approximately \$92,000. He noted that although there is nothing formal with regard to the electrical, it has been priced out and some quotes have been received, with an assessment putting the cost at approximately \$141,000. The funds are not in place yet though, per Comptroller Pease, and a budget amendment would need to be done in the meantime until the funds come through. The Mayor asked that she remind him of this when the time comes.

**APPROVE LAND EXCHANGE**

**RESOLUTION 14-87**

Moved by Councilor Chamberlain

Seconded by Councilor Smith

**WHEREAS**, the City of Oneida is the owner of the former railroad parcel #29.-2-47 located between West Elm Street and Fitch Street, and Todd Schaal and Richard Kristan, 1341 Middle Rd., Oneida NY are the owners of parcel #29.-2-46 located at 1072 Fitch Street, **and**

**WHEREAS**, a letter from Todd Schaal and Richard Kristan, 1341 Middle Rd, Oneida NY requesting that a portion of the former railroad parcel #29.-2-47 owned by the City that runs between Fitch Street and W. Elm Street, be mutually exchanged with the western portion of their property #29.-2-46, 1072 Fitch Street, is hereby received and placed on file, **and**

**WHEREAS**, Todd Schaal and Richard Kristan purchased said parcel #29.-2-46 located at 1072 Fitch Street to develop the property into multiple residential housing units, **and**

**WHEREAS**, this exchange of a portion of said parcels would benefit the City with the ability to redesign the intersection at Fitch Street and West Elm Street on the western portion of parcel #29.-2-46 to make it a safer intersection, and the City would retain a twenty foot easement through the former railroad parcel #29.-2-47 for the development of a trail and/or green space, **and**

**WHEREAS**, the City of Oneida Land Committee recommends the approval of said land exchange, **now therefore be it**

**RESOLVED**, that the City of Oneida Common Council hereby approves the mutual exchange of the western portion of parcel #29.-2-46 located at the intersection of Fitch St. and W. Elm St. owned by Todd Schaal and Richard Kristan, 1341 Middle Rd, Oneida NY for a portion of parcel #29.-2-47, the former railroad parcel, owned by the City of Oneida with the City retaining a twenty foot easement through said parcel #29.-2-47, **and be it further**

**RESOLVED**, that the City Attorney is hereby authorized to prepare any and all documents relative to the transfer of said property for execution by the Mayor.

Ayes: 5

Nays: 0

Absent: 1 (Acker)

**MOTION CARRIED**

The Mayor asked the Director of Planning and Development, Cassie Rose, to explain this Resolution. She stated that when the City worked with MEID Construction on a site plan, they had a small piece that they had no use for. This piece would be more beneficial to the City to redesign the intersection of West Elm and Fitch Streets, making it a safer intersection, and in return the City owned former CSX rail portion would be more beneficial to MEID Construction. They agreed to allow the City an easement for the Rail Trail Project.

### **RECREATION DEPARTMENT 2014-2020 MASTER PLAN**

#### **RESOLUTION 14-88**

Moved by Councilor Simchik

Seconded by Councilor Bowe

**RESOLVED**, that the 2014-2020 City of Oneida Recreation Department Master Plan is hereby received and placed on file.

Ayes: 5

Nays: 0

Absent: 1 (Acker)

**MOTION CARRIED**

Oneida resident Joe Magliocca stated that he hopes this year will be different and that with the wish list going forward, the Recreation Department gets what they are looking for.

Director of Parks and Recreation, Luke Griff, asked that if the Council has any questions or concerns regarding the Master Plan, they contact him within the next 2 weeks, as he will be seeking to adopt this at the next Council meeting.

### **PURCHASING ON EBAY**

#### **RESOLUTION 14-89**

Moved by Councilor Smith

Seconded by Councilor Chamberlain

**RESOLVED**, to authorize the Purchasing Agent to utilize eBay to purchase goods when there is a cost benefit and savings to the City of Oneida, with prepayment being made on the City Credit Card, **and be it further**

**RESOLVED**, to authorize the Purchasing Agent to make other purchases by prepayment on the City Credit Card, when at the discretion of the Purchasing Agent, there is a cost benefit to the City, **and be it further**

**RESOLVED**, that the Purchasing Policy shall be followed when using this method of procurement and amount of said purchases shall not exceed \$1,000.00.

Ayes: 5

Nays: 0

Absent: 1 (Acker)

**MOTION CARRIED**

Councilors Chamberlain and Simchik expressed their concerns over the dollar amount of \$500 being so low. They felt that the City could potentially lose out on paying a cheaper rate for an item due to the delay in securing approval and/or processing paperwork for a higher amount, as many items purchased exceed the \$500 limit. Comptroller Pease said she checked with other municipalities and based the \$500 limit on what she felt was reasonable.

Councilor Smith said he would like to amend the original Resolution to change the dollar amount of said purchases not to exceed \$1,000 and Councilor Simchik seconded the motion. Although Councilors Chamberlain and Simchik still felt the amount was low; Councilor Smith noted that they could start with the \$1,000 limit and raise it at a later time if need be. The Council agreed to amend the Resolution to read \$1,000.

**NEW BUSINESS**

The Mayor thanked the Deputy City Clerk for filling in for the City Clerk who was on vacation and wished Syracuse well in their upcoming game.

Eileen Hubbard, Oneida, spoke on behalf of her husband and family to address her concerns about comments made on a social media site, which involved a Councilman pertaining to an incident that recently took place on Williams Street with her husband. Although she stated she was not on the social media site herself, it was very easy for her to obtain a copy of the conversation, and that although these conversations are meant for “friends,” they are often seen by others. She explained the events that led up to the incident and read several entries from the conversation. She commended the Police Department for their efforts, but wanted the Council aware of what had transpired and the sensitivity of the matter. The Mayor thanked her for the manner in which she addressed the Council and suggested that it be discussed privately. The Mayor said there will be a ten minute recess.

Councilor Simchik left at 7:34 pm due to a fire emergency call and returned shortly.

**EXECUTIVE SESSION**

**RESOLUTION 14-90**

Motioned by Councilor Smith

Seconded by Councilor Chamberlain

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 7:57 p.m. for the purpose of discussing pending ongoing litigation and a personnel issue with the Fire Chief.

Ayes: 5

Nays: 0  
Absent: 1 (Acker)  
**MOTION CARRIED**

**PRESENT:** Mayor, Councilors, City Attorney

Discussion was held relating to pending ongoing litigation and a personnel issue with the Fire Chief.

Motioned by Councilor Smith  
Seconded by Councilor Bowe

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 8:24 p.m.

Ayes: 5  
Nays: 0  
Absent: 1 (Acker)  
**MOTION CARRIED**

Motion to adjourn by Councilor Smith

The regular meeting is hereby adjourned at 8:25 p.m.

**CITY OF ONEIDA**

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Sandra Redington, Dep. City Clerk