

**MINUTES OF THE COMMON COUNCIL  
MARCH 31, 2014**

A meeting of the Common Council of the City of Oneida, NY was held on the thirty first 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 Attorney Nadine Bell  
City Clerk Susan Pulverenti  
Fire Chief Kevin Salerno  
Police Chief David Meeker  
Public Safety Commissioner Mike Kaiser  
Mayor Joseph R. Fusco Jr., City of Rome  
Timothy Benedict, Corporation Counsel, City of Rome

*Discussion of the proposed City of Oneida Nuisance Abatement Program  
Guest Speakers: The Mayor and Corporation Counsel from the City of Rome*

Mayor Alden Smith introduced Mayor Joseph Fusco Jr., who is serving his first term as Mayor in the City of Rome. Prior to his political involvement, Mayor Fusco was a founding member of the Rome Area Property Owners Association. He is a local businessman and owns several commercial and residential properties. Mayor Fusco worked with the Mayor Joseph Griffo administration in the beginning on the Nuisance Law that was set in place in the City of Rome. The Mayor also introduced Timothy Benedict, who was appointed as Rome's Corporation Counsel by Mayor Fusco in 2012. Prior to that, Counselor Benedict worked in the private sector and also served as Assistant Corporation Counsel for the City from 2002-2006. Attorney Benedict remains committed to reducing blight in Rome's neighborhoods and believes that the Public Nuisance Abatement Law is an effective tool in improving quality of life in Rome. Mayor Smith said both gentlemen have a wealth of experience to share on this topic and thanked them for their overwhelming support of the City of Oneida's initiative.

Mayor Fusco said he was very happy to be here, as we are all trying to make New York State a better place to live. One of the problems Rome had was the dilapidated housing stock and our not so good tenants. He said Rome started their nuisance abatement program over sixteen years ago, and as a landlord going to those first meetings, he said he was apprehensive also. Mayor Fusco said the landlords started the Rome Area Properties Association, because after listening to what the administration was putting forward and listening to everyone's issues with tenants, it seemed as though the law wasn't on the landlord's side. He said the landlords realized that "they" were part of the problem as well. He said they put together a good group, and in the first four or five years, they had the bad tenants on the run. They established a Tenants Violation Index. If someone was evicted, they would take that public action and put that person, as well as the reason why they were evicted, on the index. The list was open to landlords to look at, before renting their apartments, after signing a disclaimer. Once the property owners, who really wanted to solve these problems, started working together, the bad tenants started leaving or they started living like human beings; paying their rent and taking care of their properties. The nuisance letters sent put everyone on notice, including the tenant, to shape up or ship out. Mayor Fusco said the word is out there on the street that if you don't behave, this administration is not going to tolerate it. He said they

will support the landlords who follow the rules, and the rules are simple. If you have a tenant who is taking down the neighborhood, having loud parties, police being called, loud music, etc., the City will let you know; and if you take action, there is no problem. If the paper work gets in motion to get these people evicted; you have taken action, and there will be no problems. Mayor Fusco said one of the things the Rome Area Property Owners Association figured out is who we needed to go to, and what was the quickest way to get these people out, thereby not allowing bad tenants to suck off the system for three or four months anymore. They were getting them out in thirty days. He said you need to have support from your judicial system locally. Mayor Fusco said the people that are problem tenants communicate with each other and they are predatory. The Mayor said landlords have to work together. The nuisance law is a “hammer” to hold over these people. Mayor Fusco said recently they had to shut a house down. For six months the landlord was told what to do, and the landlord didn’t listen. The police were there every night, and the neighbors were complaining. The landlord didn’t take any action, so the house was shut down. You want to come down hard sometimes, but at the same time you have to have flexibility. We want the houses filled, but we want them filled with people who will be a “part” of the neighborhood, not the “problem” of the neighborhood.

Corporation Counsel Timothy Benedict said Rome’s Nuisance Abatement Program was passed in 1998 and since that time there have been approximately 60 hearings. Attorney Benedict said they changed the certificate of occupancy component of their codes. He said it is usually the absentee landlords who don’t pay attention to what their tenants are doing that cause all the problems. This law has been challenged twice in Supreme Court and has been upheld each time as constitutional. The City of Rome does not play favorites when it comes to this program. A judge will look to see if the decision is arbitrary or capricious and looks at other actions done with other properties. If everyone is treated equally, this helps the process in the long run. The landlords who respond to notices sent to them understand the ramifications of the process and take steps to abate the nuisance. It is important to promote communications with the landlord.

Attorney Benedict said domestic issues are a grey area. He said they don’t want to deter the calling of the police, but at the same time those calls are disruptive to the neighborhood. These are decided on a case by case issue. They do not want to penalize the landlord if, for example, there is an order of protection in place. The Nuisance Abatement Program is a useful tool, as the City of Rome has closed a number of properties down. In response to a question, Attorney Benedict said this local law applies to Housing Authority properties that are subsidized by the State, but would probably not apply to units owned by the State or Federal governments.

Mayor Fusco said establishments, such as bars, fall under the Nuisance Abatement Program, and he cited an example of a bar in Rome. Mayor Fusco said this is an aggressive tool, but it won’t apply if you are doing the right thing and show the community that you are trying to do the right thing. He said once the landowners got onboard and networked together to weed out the bad element in Rome; there are only a handful of landowners left who could care less. Most average property owners have an investment and want to see this work. The Mayors, Attorneys, Council and landlords continued the discussion, which included the enforcement of the nuisance program, the eviction components, having property managers, the importance of leases in the judicial system, uniformity among landlords, the City Judge’s handling of cases, the Police Department being onboard documenting each call, establishing a tenant violation index and the various stories landlords shared about their tenants. Mayor Fusco and Attorney Benedict shared some of their experiences as well.

The process puts the landowner, as well as the tenants on notice. Attorney Benedict said Rome is aggressive with code violations and will revoke the certificate of occupancy to remove tenants under certain circumstances. The fines and conviction portion of the proposed local law and tenants rights were discussed. The \$1,000 a day fine is intended for the most extreme and unreasonable case, and Mayor Fusco added that none of the cases in the City of Rome have gone that far.

Mayor Smith said he has listened intently, kept notes, and is committed to fix this problem and will institute any of those things we can, as rapidly as we can. Mayor Smith said he is also committed to engaging the landlords in dialogue, so we can all get after this problem together. The intent of the law is to open the lines of communication with the landowners. Councilor Zogby pointed out that Rome's Nuisance Abatement Law was amended several times, and said the City is committed to making the changes needed to help each other make this a better city. He said the City needs to get this in place and then tweak it as necessary. The Mayor said this is one component in building a better community, and he is making a commitment to try. This proposed program is a tool to build cooperation and communication.

Mayor Fusco said there is still that interworking amongst their community with the landlords. Mayor Fusco suggested the landlords form a committee and put an advertisement in the newspaper to invite all the City landlords to a committee meeting, so as to become part of the solution. Mayor Fusco said any type of legal action taken against a person that has appeared in a newspaper makes it public knowledge; you are not blacklisting anyone by placing them on the tenant's violation index. The Mayor said it is important for landlords to become a component of the solution.

Mayor Smith said this is one piece of trying to fix Oneida. It doesn't make sense to try and bring business here or try to bring attractions to the downtown area if we have this kind of element. When you have college educated people deciding to opt out of coming to your community because of its reputation, that is a real bad thing to have happen, and Mayor Smith said he is committed to turning that perception around. The Mayor said this cannot happen without everyone's help and participation.

The special meeting ended with a rousing round of applause.

Motion to adjourn by Councilor Chamberlain

The meeting is hereby adjourned at 8:10 p.m.

**CITY OF ONEIDA**

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Susan Pulverenti, City Clerk