

**MINUTES OF THE COMMON COUNCIL  
MARCH 4, 2014**

A meeting of the Common Council of the City of Oneida, NY was held on the fourth 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, Helen Acker, James Chamberlain, and Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
City Engineer Jon Rauscher  
Director of Parks and Recreation Lucas Griff  
Director of Planning and Development Cassie Rose  
Fire Chief Kevin Salerno  
Office Technology Val Peterson  
Public Safety Commissioner Michael Kaiser

**PUBLIC HEARING – REVISED PROPOSED LOCAL LAW TO AMEND CHAPTER 17 OF THE  
CITY CODE TITLED “ANIMALS” TO REGULATE THE KEEPING OF ANIMALS  
WITHIN THE CITY OF ONEIDA**

Mayor Smith **OPENED** the Public Hearing to amend Chapter 17 of the City Code, titled “Animals” to regulate the keeping of animals within the City of Oneida at **6:32 p.m.**

**APPEARANCES**

Mayor Smith provided the audience with some background on this proposed Local Law and said in dealing with some public nuisance issues in the past, the City was not able to respond in a way we would like to respond, as we had no Ordinances to give us the opportunity to do that. The Mayor said he wanted to point out that those currently having more than four pets will be grandfathered in. The proposed law does not apply to those living in the City’s outside district, and this law will be enforced on a complaint basis. The intent of this law is to have the tools to deal with a serious issue should there be one.

Roger Smith, member of Lainey’s Army said all the people in pink are with Lainey’s Army; a group of people standing ready to fight for any animal nationwide who needs their support. Mr. Smith said the Mayor said this will be enforced on a complaint basis, but this law will give certain neighbors ammunition to overtax the police department sending them out again and again to bang on doors because of a neighbor’s complaint. That neighbor may not necessarily be upset about animals, but something else and is just using this as their tool. He said the City is better off addressing animal control with the laws the State already has in place. He said more dogs and cats will be running loose in the neighborhoods.

Robert Britton, Munnsville, said if the limit is four animals to a home, how is it fair to the homeowner with four dogs versus an apartment building with six apartments and each are allowed four animals. He said that would be 24 dogs in that building, but a person with a home can only have four.

Kim Strong, Oneida County, member of Lainey’s Army said she applauds the efforts of trying to deal with the hoarding situations you have, especially in a time when most communities are running from animal issues. She asked the Council to table the vote on this proposed law in order to have Brian

Shapiro, President of the New York State Humane Society come and help the City create a new law. She said there was a case on Lenox Avenue with nineteen animals living in squalor, but by your rule four of those animals that were not licensed and needed medical care would be forced to have been left at that residence full of feces and urine. She said with this law you are not protecting the animals or the quality of life of someone who is willing to live like that; you are simply saying get rid of fifteen animals and you can keep four. She said one animal can be abused. She said there are laws that have been created in other counties; the City doesn't have to do this alone. She said whatever town this law was pulled from does not mean it is a good law. She questioned if noise ordinances are enforced and if there is a leash law enforced in the City, and how many tickets have been issued to violators. She asked the Council to please not vote on this tonight and create a better law. She said this Local Law will put a band aid on hoarding, and it doesn't solve the problem; the animals left there would still have to live in horrible situations.

Patti Gallagher, New Hartford, member of Justice for Lainey (Lainey's Army), said the group works to rescue animals with the purpose of finding homes for animals where they can be loved and cared for. She said a lot of these rescue group homes have more than four dogs. Now, with this law, you may have a neighbor who says you have more than four dogs and try to get rid of them. If this law is passed, more animals will be forced into shelters or put on the street, which will create a bigger problem.

An unidentified woman and member of Lainey's Army said that she has taken in family members' pets due to illness/deaths over the past years, and would not want to be over the limit, thereby being a criminal in your community. She asked that the Council consider all the different circumstances as things do change.

Melissa Mannix, said having cats that are running loose is a bigger problem. They defecate in the yards, sand and where children are playing making those kids susceptible to intestinal parasites and other diseases. Operation Wildcats was trying to help with a neutering program for feral cats, but has not been successful in getting grants. She said this law will not solve the hoarder problem, which is a mental health issue. With this law, the Council is grandfathering in someone who already has twenty or thirty cats. This will not solve the problem.

Jackie Haley, Oneida, said this law is totally disgusting and shouldn't be brought up. It should be handled on an individual case by case basis. She said two of her pets were strays and asked if the Council knew how many more strays there would be in the City of Oneida if this law was passed. She said this is just wrong and wants a better law created.

An unknown woman from Oneida said this law will be turning neighbor against neighbor, and it is outrageous to consider such a thing. She questioned what if Wanderer's Rest can't take all the animals; is part of the proposal that the City sets up a shelter? Are additional funds being set aside to fund Wanderers Rest because of all the animals coming to them? She questioned from a financial standpoint, what the thought process was with this law? The Mayor said this is a forum to listen to the public and not turn it into a debate. She said she has six animals and will probably pick up another two due to deaths in the family and has happily picked up costs of thousands of dollars, but that cost will be transferred onto someone else. She said she lives in the outer limits and many people dump animals off on country roads. She questioned if the law should be extended to the outer limits, and said the City arbitrarily picked an area and arbitrarily picked an amount of animals to limit, which could be changed at any time. She said this is a very nice idea, but it should be gone about in a different way to address all concerns. This affects more than animals, it affects people, and that is something that has to be really thought about. She said she does not want to see neighbor against neighbor. This is absolutely wrong approach to go; one animal can be abused, and this will not get help to the person who needs help. She said this is a very bad law and very bad concept.

Claudette Buss, Oneida, said she has gone above and beyond your proposed limit of cats and dogs. She said she is an animal lover and not a hoarder. She said this law is against her rights. She asked how to dispose of a life; it's not fair, you cannot throw a cat out the window because you don't want it anymore. She said she is the person that takes a stray in and then takes them to the vet to get them spayed, neutered and have the needed shots, and this law is just not fair. She said what if she wants another puppy; she should be able to go and get one. Ms. Buss said she lives in the inside district on an acre of land and she should be able to have as many pets as she wants.

James DeMauro, Oneida, Trooper Husky Rescue, said they adopt abused dogs with health and social issues and has some that are being housed with friends. He said he works with CNY SPCA. He said they have to assess each dog to make sure it will be all right in a new home. He said with dogs having health issues or having been abused, it is hard to set a limit to the number of dogs.

Melissa Benware, New Hartford, said that she worked in a shelter and in most cases it was homes with one or two animals that were the worst abusers. She said there will be a cost involved with this law and said the City should put more money into law enforcement, humane education programs, and vouchers for food, spaying/neutering or medicine for animals instead. She said this law will not stop hoarding. People will just let them loose or hide them in their homes under horrible circumstances. Ms. Benware said it is a great idea for Mr. Shapiro to come to the City and believes there are many other options out there besides this one.

Oneida Police Chief Meeker said when he originally brought this to the attention of the Council it was because our Ordinance states "any one that has excessive animals," and I asked them to take a look at it to determine what was considered "excessive." The Council looked at it, and the City Attorney researched it with many other communities to see what possibilities could be drawn up. The first time the City had a public hearing on this, no one even showed up. There were a couple of points brought up by a City employee and a media person. The points were relative to puppies and kittens being adopted, as well as, not wanting people to have to give up their animals if they already had them. The Chief said this is not something that the Council is rushing into; they are looking at revisions and seeing what will work. There have been a lot of complaints with hoarding over the years, and the Chief said many of the comments here tonight actually make sense. The Chief said he spoke with Mr. Shapiro from the NYS Humane Society, and Mr. Shapiro is willing to come down and talk with the Council. The Chief said we want to have something in place to be able to address this issue, but we also want to be fair. This is nothing that has to be rushed into; the Council will make that decision.

Tim Richmond said he doesn't think the City has the right to be able to limit animals and said the number four, as a nuisance, is quite an arbitrary number. He said there are State laws with harsher penalties and if we are not enforcing the current laws, why are we adding additional laws. You are grandfathering in potential hoarders, who may not be taking care of their animals now. The law does not address the problem and penalizes the law abiding citizen. It is a poorly written law. He applauded the Council for their efforts in trying to fix the problem, but asked the Council to vote this down or table the vote and ask for Mr. Shapiro's professional opinion on the matter.

Councilor Acker said she agreed with just about everyone here.. She said most communities have a limit of three animals, so four is not an arbitrary number. Councilor Acker said the Council should not be legislating common sense, but should take each issue case-by-case. She said she does not want to pit neighbor against neighbor. Councilor Acker said to find laws on the books to deal with this issue, and if there are not any, then the Council would have to take a look at that. She welcomed Mr. Shapiro's input if he was interested in coming.

Councilor Smith said this is the Council's fourth Public Hearing this year, and the turnout has been good.

He said at each public hearing, he is learning more and more. He said he agrees with some of the people and would like to talk with Mr. Shapiro. Councilor Smith thanked everyone for coming and voicing their opinions.

Councilor Bowe said he understands and appreciates the City Attorney and Police Chief for their efforts. He said we are all learning, but he is unsure as to how to put this forward so people won't be offended. He said he likes the thought of being grandfathered in. He said the City cannot look at 4,000 different cases, so we are trying to give the Police the tools they need to accomplish what we are all trying to achieve. He said it sounds as though Mr. Shapiro is more adept with the conditions of dogs and so forth, so he would be in favor of his input.

Mayor Smith said the democratic process is when an informed populace participates in governance. While we attempt to make positive decisions on behalf of our community, that doesn't mean that we have a lock on all the knowledge and wisdom. It sometimes takes a little bit of character to look down deep and admit that. The Mayor said he is proud of this Council, because they acknowledge their humanity, as well as their responsibility to attempt to legislate on behalf of this community, and it is not easy. We are not pitting neighbor against neighbor. If there isn't a bit of compassion and humanity between neighbors, there will always be an issue. The Mayor said Local Laws will be voted on several weeks after the public hearings to allow for discussion of the input received at those hearings. The Mayor said another Public Hearing will be held if there are any changes made to this proposed Local Law. Mayor Smith said he appreciates the participation and thanked everyone for coming.

Mayor Smith **CLOSED** the Public Hearing on the revised proposed Local Law to amend Chapter 17 at **7:14 p.m.**

## **OLD BUSINESS**

### *Proposed Police Department Fitness Room*

Oneida Police Sergeant John Little stated that in the proposed agreement for the Police Fitness Room in the basement of the Police Department, there was a stipulation for insurance. After speaking with the City's insurer, who in turn called the underwriter; the underwriter stated there would be no exclusion on the general liability portion of the policy. Sgt. Little said the department members will all sign liability waivers. The City Attorney said that a "hold harmless" provision in the contract is more important than individual waivers, but the City will accept the signed waivers as well. Sgt. Little said the gym would be used when the officers are off duty and would not include retirees. The City Attorney said she will tweak the current agreement, forward a draft to Sgt. Little and it will be placed on the agenda for the next Council meeting.

Moved by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, that the minutes of the meeting of February 18, 2014 are hereby approved as presented.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Moved by Councilor Smith  
Seconded by Councilor Chamberlain

**RESOLVED**, that Warrant No. 5, checks and ACH payments in the amount of \$372,615.27 as audited by the Voucher Committee is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Moved by Councilor Chamberlain

Seconded by Councilor Smith

**RESOLVED**, that Check No. 50279 in the amount of \$206.70 (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**

**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 14-59**

Moved by Councilor Zogby

Seconded by Councilor Simchik

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the City of Oneida, **now therefore it is**

**RESOLVED**, that the 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 is hereby received and placed on file, **and it is further**

**RESOLVED AND DETERMINED**, that the enactment of proposed Local Law is an unlisted action, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Common Council shall act as lead agency in this matter; **and it is further**

**RESOLVED**, that a Public Hearing on proposed Local Law is hereby scheduled for March 18, 2014, at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida.

Ayes: 6

Nays: 0

**MOTION CARRIED**

The Mayor said there are two properties that are picking up all the expense to light up the business park. This will do away with the district and spread the costs to the City as a whole.

**A 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**

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

**SECTION 1. LEGISLATIVE FINDINGS.**

Pursuant to the authority set forth in Article VIII, Section 13.10 of the City of Oneida Charter, the Common Council of the City of Oneida passed an ordinance establishing the Oneida Business Park Lighting District. The Oneida Business Park Lighting District consists of six (6) 150 watt high pressure sodium lamps mounted on 30 foot poles. The Oneida Business Park Lighting District is comprised of five (5) parcels of real property located on both sides of the Oneida Business Park access road commencing at the westerly end of said road and proceeding easterly approximately 1,000 feet, more or less, to the end of said road. That the composition of the Oneida Business Park Lighting District and the methodology for financing the cost of said District resulted in certain parcels within the District bearing a disproportionate cost of the District in relation to their actual use of lighting provided thereby. As a result of the foregoing, the Common Council of the City of Oneida finds that it is in the best interest of the City, its residents, and the parcels comprising the Oneida Business Park Lighting District to repeal the ordinance which established the District, to discontinue and dissolve said District, and to establish the cost of lighting in the former Oneida Business Park as a general City expense.

**SECTION 2. LEGISLATIVE AUTHORITY.**

This Local Law is enacted pursuant to Municipal Home Rule Law Section 10, General City Law Section 20(7), Article VIII, Section 13.10 of the City of Oneida Charter, and the authority vested in the Common Council of the City of Oneida by New York State Law.

**SECTION 3. REPEAL OF ORDINANCE WHICH ESTABLISHED THE ONEIDA BUSINESS PARK LIGHTING DISTRICT.**

Pursuant to Municipal Home Rule Law Section 10, General City Law Section 20(7), and Article VIII, Section 13.10 of the City of Oneida Charter, the Common Council of the City of Oneida hereby repeals in its entirety, the ordinance passed by Resolution 03-19, which ordinance established the Oneida Business Park Lighting District.

**SECTION 4. DISCONTINUANCE AND DISSOLUTION OF THE ONEIDA BUSINESS PARK LIGHTING DISTRICT.**

Pursuant to Municipal Home Rule Law Section 10, General City Law Section 20(7), and Article VIII, Section 13.10 of the City of Oneida Charter, the Common Council of the City of Oneida does hereby discontinue and dissolve the Oneida Business Park Lighting District.

**SECTION 5. COST OF LIGHTING IN THE FORMER ONEIDA BUSINESS PARK LIGHTING DISTRICT.**

Pursuant to Municipal Home Rule Law Section 10, General City Law Section 20(7), and Article VIII, Section 13.10 of the City of Oneida Charter, the Common Council of the City of Oneida does hereby establish the cost of lighting in the former Oneida Business Park Lighting District as general City expense.

**SECTION 6. EFFECTIVE DATE**

This Local Law shall be effective upon filing with the Department of State.

**SPECIAL EVENTS APPLICATION**

**RESOLUTION 14-60**

Moved by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, that the special events application from the Kelberman Center Inc., 1020 Mary St., Utica, NY for the annual 2014 Walk for Autism be hereby approved.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**ONEIDA MEMORIAL ASSOCIATION AGREEMENT**

**RESOLUTION 14-61**

Moved by Councilor Smith  
Seconded by Councilor Chamberlain

**RESOLVED**, to authorize the Mayor to sign an agreement with the Oneida Memorial Association whereby the City will provide monetary support in the amount of \$1,500.00 and insurance liability coverage for the Memorial Day parade and festivities to be held on Friday, May 23, 2014.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

The Mayor said the City was always rather beneficent with tax dollars, but over the past few years as the coffers shrunk, the City has done away with supporting the parade, historical society and libraries. The Mayor said he believes the Council went too far, as this is not your typical event. This is a celebration of our national pride, and he feels confident in supporting patriotism and those who spilled their blood for

our freedom. Councilors Acker and Chamberlain concurred.

**INSPECTION AND SERVICE AGREEMENT**

**RESOLUTION 14-62**

Moved by Councilor Simchik  
Seconded by Councilor Chamberlain

**RESOLVED**, to authorize the Mayor to sign an agreement with Red Hawk Fire & Security, Inc., 7020 Fly Road, East Syracuse NY 13057 in the amount of \$480.00 for the annual inspection of the fire alarm system at the Recreation Center, 217 Cedar Street, Oneida.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Recreation Director Luke Griff said this was supposed to have been completed last June, but the Flood Event derailed the inspection. Director Griff said he has previously worked with this company and they are giving the City a reasonable price.

**BUDGET TRANSFER**

**RESOLUTION 14-63**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the following budget transfer:

<i>Amount</i>	<i>From</i>	<i>To</i>
\$1,500.00	001.1990.0400	001.6511.0400
	Contingency	Memorial Day Parade
	<i>For the Oneida Memorial Association's Memorial Day parade event per Agreement</i>	

Ayes: 6

Nays: 0

**MOTION CARRIED**

**WEB SITE DESIGN PROPOSAL**

**RESOLUTION 14-64**

Moved by Councilor Chamberlain  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to accept a proposal from CNY Creative Concepts, 30 Oriskany Blvd, Yorkville NY 13495 in the amount of \$1,899.00 to design and develop a web site to improve the web presence of the City of Oneida.

Ayes: 6

Nays: 0

**MOTION CARRIED**

In response to questions from Councilor Zogby, Val Peterson, Office Technology, said she did a lot of research and solicited five quotes, receiving three responses back. She said some companies who prepare websites for municipalities are proprietary, whereby a yearly maintenance payment is required. CNY will design the website, but the City will own it and host it. Ms. Peterson said she is comfortable that she will be able to work with the application. She stated she will be working with all the departments to input the needed information, noting there are well over one hundred pages of information currently on the site. The Mayor said he would like each department, the Council and public to be part of the process of making our site informative and user friendly.

**AMUSEMENT DEVICE LICENSE**

**RESOLUTION 14-65**

Moved by Councilor Simchik  
Seconded by Councilor Chamberlain

**RESOLVED**, to approve the Amusement Device License for Quarters Only Vending, 385-7 Gaffney Drive, Watertown, NY 13601.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**ADOPT LOCAL LAW NO. 1 OF 2014 TO AMEND CHAPTER 17, TITLED “ANIMALS,” OF  
THE CODE OF THE CITY OF ONEIDA TO REGULATE THE KEEPING OF ANIMALS  
WITHIN THE CITY OF ONEIDA**

**RESOLUTION 14-66**

Moved by Councilor Zogby  
Seconded by Councilor Bowe

**RESOLVED**, that Local Law No. 1 of 2014 be hereby adopted as follows:

**A LOCAL LAW TO AMEND CHAPTER 17, TITLED “ANIMALS,”  
OF THE CODE OF THE CITY OF ONEIDA TO REGULATE  
THE KEEPING OF ANIMALS WITHIN THE CITY OF ONEIDA**

Be it enacted by the Common Council of the City of Oneida, that, to eliminate and prevent public health and safety concerns emanating from the keeping of animals, this local law amends Chapter 17 of the Code of the City of Oneida (hereinafter “Code”), titled “Animals,” to regulate the keeping of animals within the City of Oneida as follows:

**SECTION 1.**

So that the definition of the term “kennel,” set forth in Section 17-1, titled “Definitions,” is hereby amended to read as follows:

“KENNEL – Any premises wherein any person engages in the boarding, breeding, buying, letting for hire, training for a fee or selling of six (6) or more dogs and/or cats, each being over the age of six (6) months.”

## **SECTION 2.**

So that Section 17-2, titled “Impounding of animals and enforcing chapter,” is hereby amended to read, in its entirety, as follows:

“A. Except as otherwise provided herein, the Community Service Officer shall be the enforcing officer for carrying out the terms of this chapter. The Community Service Officer shall investigate any complaint lodged by any person against any animal or animal owner for allegedly violating this chapter.

B. The Community Service Officer shall seize any dog found to be in violation of the applicable provisions of this article or in violation of the applicable provisions of Article 7 of the Agriculture and Markets Law of this state, and such dog shall be impounded, redeemed, euthanized or sold in accordance with the provisions of Section 117 of the Agriculture and Markets Law or Title 10, Chapter 1, Part 2, Section 2, of the New York State Sanitary Code, and the owner of such dog shall pay the costs of seizure and impoundment as therein provided. The Community Service Officer shall make a record of the matter. The record shall include date of pickup, breed, general description, sex, identification numbers, time of pickup, location of release and name and address of owner, if any.

C. No person shall hinder, resist or oppose the Community Service Officer or other person authorized to administer and enforce the provisions of this article in the performance of such person’s duties pursuant to this article.

D. After such seizure, the record owner of such dog or an adult member of his family, if the owner is ascertainable from the dog’s license tag or sleeve, shall be notified personally or by regular mail that the dog has been seized and may be destroyed or put up for adoption unless redeemed.

E. No action shall be maintained against the City of Oneida, any duly designated Community Service Officer or any other agent or officer of the City of Oneida, to recover possession or value of any dog or for damages for injury or compensation for the destruction or adoption of any dog seized, destroyed or adopted pursuant to the provisions of this article.”

## **SECTION 3.**

So that Subsection B of Section 17-13 is hereby amended to read, in its entirety, as follows:

“B. No person shall keep or harbor such number of dogs or cats as to constitute a nuisance.

(1) Within the inside tax district of the City of Oneida, County of Madison, State of New York, the total number of dogs and cats to be kept or harbored on a premises may not exceed four (4). The keeping or harboring of more than four (4) such animals shall be presumed to be a public nuisance, in the absence of a permitted kennel use.

(2) Exceptions.

- a. Dogs and cats which are kept or harbored as of the effective date of this local law, upon submission of proof evidencing ownership prior to the effective date of this local law. Provided, however, no additional dogs or cats may be acquired after the effective date of this local law which shall result in the violation of Section 17-13(B)(1).
- b. Puppies and kittens shall not be counted against the number of permitted dogs and cats until such reach six (6) months of age.”

**SECTION 4.**

This Local Law shall be effective upon filing with the office of the Secretary of State.

Ayes: 6

Nays: 0

**MOTION TABLED**

The Police Chief will reach out to Mr. Shapiro of the NYS Humane Society. The Mayor said this Local Law will be brought back to the table at the April 1, 2014 meeting with another public hearing to be scheduled for April 15, 2014.

**WAIVER OF FIRE INSPECTION FEE**

**RESOLUTION 14-67**

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

**WHEREAS**, a miscommunication with regard to the representation of the homeowner at the time the inspection occurred, it is the recommendation of Fire Chief Kevin Salerno to waive the “No Show” Fire Inspection fees for the property at 236 W. Elm Street, **now therefore be it**

**RESOLVED**, that the City of Oneida Common Council hereby authorizes the waiver of the following Fire Department Inspection No Show Fees:

*Invoice Number:* 2014/21/0017841

*Property Owner:* Scott Babcock

*Mailing Address:* 7448 John Peet Rd., Canastota NY 13032

*Property Address:* 236 W. Elm Street, Oneida NY 13421

*Total Amount of Waiver:* \$40.00

Ayes: 6

Nays: 0

**MOTION CARRIED**

**AGREEMENT FOR FLARE SYSTEM AT WWTP**

**RESOLUTION 14-68**

Moved by Councilor Simchik  
Seconded by Councilor Chamberlain

**RESOLVED**, to authorize the Mayor to sign an agreement with GHD Consulting Services, Inc., One Remington Park Drive, Cazenovia NY 13035 for the Waste Water Treatment Flare Design 2014 in the amount of \$22,600.00.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**PROPOSAL FOR ENGINEERING SERVICES FOR CAPITAL PROJECT 12-24**  
**FISH CREEK CROSSING IMPROVEMENTS**

**RESOLUTION 14-69**

Moved by Councilor Zogby  
Seconded by Councilor Acker

**RESOLVED**, to authorize the Mayor to sign a Proposal with O'Brien & Gere, 333 West Washington St., PO Box 4873, Syracuse NY 13221-4873 for Construction Phase Engineering Services, Construction Inspection and Contract Administration for Capital Project 12-24 Fish Creek Crossing Improvements in the amount of \$138,000.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**PROPOSED LOCAL LAW TO AMEND ARTICLE X - SECTION 10.5**  
**OF THE CITY CHARTER**

**RESOLUTION 14-70**

Moved by Councilor Chamberlain  
Seconded by Councilor Simchik

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the City of Oneida, **now therefore it is**

**RESOLVED**, that the proposed Local Law to amend Article X, Section 10.5 of the Oneida City Charter relating to the municipal alarms is hereby received and placed on file, **and it is further**

**RESOLVED AND DETERMINED**, that the enactment of proposed Local Law is an unlisted action, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Common Council shall act as lead agency in this matter; **and it is further**

**RESOLVED**, that a Public Hearing on proposed Local Law is hereby scheduled for March 18, 2014, at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida.

Ayes: 6

Nays: 0

**MOTION CARRIED**

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

Be it enacted by the Common Council of the City of Oneida, that this local law amends the Oneida City Charter in the following manner:

**SECTION 1.**

So that § 10.5, titled “Bureau of Fire,” of the Oneida City Charter shall be amended so as to read, in its entirety, as follows:

“The Bureau of Fire shall consist of the Commissioner of Public Safety, a Fire Chief and such other officers and employees as may be authorized by the Common Council. The Bureau shall be organized in such a manner as the Commissioner of Public Safety shall prescribe. The Bureau shall have the duty to extinguish fires any place within the corporate tax district and special fire districts created in the outside district; shall investigate the cause, circumstances and origin of fires; shall engage in fire protection activities and the suppression of arson; shall enforce the City housing and other codes as prescribed by City ordinance; shall provide Emergency Medical Services (EMS) any place within the corporate tax district and special fire districts created in the outside district; and shall have all powers necessary for the performance of its duties.”

**SECTION 2. EFFECTIVE DATE**

This Local Law shall be effective January 1, 2016, and upon filing with the office of the Secretary of State.

**PROPOSED LOCAL LAW TO AMEND CHAPTER 5 ALARM SYSTEMS  
OF THE CITY CODE RELATING TO MUNICIPAL ALARMS**

**RESOLUTION 14-71**

Moved by Councilor Zogby

Seconded by Councilor Chamberlain

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the City of Oneida, **now therefore it is**

**RESOLVED**, that the proposed Local Law to amend Chapter 5 Alarm Systems of the City Code relating to municipal alarms is hereby received and placed on file, **and it is further**

**RESOLVED AND DETERMINED**, that the enactment of proposed Local Law is an unlisted action, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local

Law, with the result that the Common Council shall act as lead agency in this matter; **and it is further**

**RESOLVED**, that a Public Hearing on proposed Local Law is hereby scheduled for March 18, 2014, at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**A LOCAL LAW AMENDING CHAPTER 5, TITLED “ALARM SYSTEMS,”  
OF THE CITY OF ONEIDA CODE RELATING TO THE MUNICIPAL ALARM SYSTEM**

Be it enacted by the Common Council of the City of Oneida, that this local law amends the Code of the City of Oneida in the following manner:

**SECTION 1.**

So that § 5.3, titled “Definitions,” shall be amended so that the definition of “ALARM SYSTEM” shall read, in its entirety, as follows:

“**ALARM SYSTEM** – A device or assembly of equipment which emits a signal which is intended to alert persons inside or outside a premises to the existence of a hazard or emergency or which is intended to alert emergency agencies by automatically dialing an emergency agency or which is connected to a private answering point for the purpose of reporting such alarms to emergency agencies, emergency communications center or other emergency agency. Excluded from this definition and chapter, however, is any residential smoke, heat or combustion detector not connected to any point outside the premises or intended to be heard or detected outside the premises.”

**SECTION 2.**

So that § 5.3, titled “Definitions,” shall be amended so that the definitions of “CONTROL LOOP” and “MUNICIPAL OR AUXILIARY SYSTEM” are hereby repealed and removed in their entirety.

**SECTION 3.**

So that § 5.5, titled “User Permits; fees,” Subsection B(2) shall be amended so as to read, in its entirety, as follows:

“(2) Every application for an alarm user permit shall be accompanied by the appropriate fee. No alarm user permit shall be granted unless the fee is submitted at time of application. Fees shall be established by Resolution of the Common Council. Such fees may thereafter be amended from time to time by like Resolutions.”

**SECTION 4.**

So that § 5-10, titled “Connecting to municipal fire alarm system; fee,” is hereby repealed in its entirety and maintenance by the City of Oneida of an all alarm wire on a control loop shall be discontinued.

**SECTION 5.** EFFECTIVE DATE

This Local Law shall be effective January 1, 2016, and upon filing with the office of the Secretary of State.

**APPROVE “PIGGYBACKING” ON OTHER PURCHASING CONTRACTS**

**RESOLUTION 14-72**

Moved by Councilor Chamberlain  
Seconded by Councilor Bowe

**RESOLVED**, that the Common Council hereby approves purchasing through the use of contracts let by the United States or its agencies, any state, or any other political subdivision therein pursuant to subdivision 16 of General Municipal Law Section 103 (“Piggybacking” Law) when it is deemed to be in the best interest of the City in order to gain cost efficiencies or the best value.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**AGREEMENTS WITH NATIONAL GRID SMALL BUSINESS SERVICES PROGRAM**

**RESOLUTION 14-73**

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, to authorize the Mayor to sign the agreements with National Grid Small Business Services Program for energy conservations programs at the Municipal Building, 109 N. Main St. Oneida, the Oneida Justice Center, 108 Main St. Oneida and Recreation Center, 217 Cedar Street, Oneida NY.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

John Davis from Smart Watt said they have 6,000 projects in central New York through National Grid’s Small Business Services Program. He provided an overview of the program and highlighted the various products being phased out. It is estimated that the combined City’s electric bills should go down approximately \$485 a month. The Mayor said this community was the incredible benefactor of support from National Grid during the Flood event.

**FINAL ADDENDUM TO SCRIBA AGREEMENT**

**RESOLUTION 14-74**

Moved by Councilor Simchik  
Seconded by Councilor Bowe

**RESOLVED**, to authorize the Mayor to sign a FINAL addendum to the agreement dated

September 17, 2013 with SCRIBA Electrical Inc., 82 Creamery Road, Oswego NY 13126 in the amount of \$11,833.25 to cover the costs associated with completion of the work at the Waste Water Treatment Plant caused by the Flood Event.

Ayes: 6

Nays: 0

**MOTION CARRIED**

The City Engineer said he received one more invoice for the final demobilization at the WWTP. He said this cost will be submitted to FEMA for reimbursement and noted the project worksheets for the WWTP to be submitted to FEMA are being finalized.

**BUDGET TRANSFER**

**RESOLUTION 14-75**

Moved by Councilor Smith

Seconded by Councilor Acker

**RESOLVED**, to authorize to following budget transfer:

Amount	From	To:
\$10,000.00	001.5110.102	001.5142.102
	DPW Overtime	Snow & Ice Overtime

*To cover the costs associated with snow and ice removal*

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Smith commended the City Engineer on the great job the DPW crews are doing.

**NEW BUSINESS**

Councilor Acker said the Library Vote at the Library continues today until 9:00 pm.

Councilor Smith said the City had two water main breaks. Councilor Smith said the City of Syracuse had many water main breaks this year and said a State Senator is proposing legislation to help pay for the costs associated with repairs. He suggested that the Water Superintendent contact Senator Valesky and Assemblyman Bill Magee to see about reimbursement for the City.

Motion to adjourn by Councilor Smith

The meeting was adjourned at 8:16 p.m.

**CITY OF ONEIDA**

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Susan Pulverenti, City Clerk