

**MINUTES OF THE COMMON COUNCIL
APRIL 1, 2014**

A meeting of the Common Council of the City of Oneida, NY was held on the first day of April, 2014 at 6:35 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
Police Chief David Meeker
Public Safety Commissioner Michael Kaiser

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that the minutes of the regular meeting of March 18, 2014 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Simchik
Seconded by Councilor Smith

RESOLVED, that Warrant No. 7, checks and ACH payments in the amount of \$343,301.98 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

LEASE AGREEMENT

RESOLUTION 14-91

Moved by Councilor Simchik
Seconded by Councilor Acker

RESOLVED, to authorize the Mayor to sign a three-year Lease Agreement by and between the City of Oneida and the Greater Oneida Civic Center, Inc., 159 Main Street, Oneida NY.

Councilor Zogby - No
Councilor Bowe - Yes
Councilor Smith - Yes
Councilor Acker - Yes
Councilor Chamberlain - Yes
Councilor Simchik - Yes

MOTION CARRIED

Joe Magliocca, Oneida, said that in Exhibit A - List of Capital Improvements of the Greater Oneida Civic Center Lease Agreement, the sound system should be included, as it is part of the building. He said the tables and chairs should be included also, as they were paid for by donations. Mr. Magliocca said he hopes new board members will be appointed and that the current board doesn't carry on with business as usual.

Councilor Zogby said with respect to Mr. Magliocca's point, the agreement says that when the term is up the tenant shall surrender all improvements and they would become the property of the City of Oneida. The City Attorney said that the next sentence clarifies whatever is identified in Exhibit A, and the sound system is not listed. Councilor Zogby said the sound system should be included and disagreed with the pro-rating of the boiler, adding there was no guarantee to complete payment for the boiler.

The Mayor said this has been a long process with passion on both sides. When the last marathon meeting was held, the Mayor said he reached a point where he wanted to make the concessions necessary to move this along, adding that's what compromise is. The Mayor said a substantial amount of what he was looking for from the Kallet Board is in place, and this has helped to begin a positive relationship, so we can all grow and get to a better place.

Attorney Michel DeBottis said the Board has put their best offer forward. There were other items removed to try to get to a compromise. The fixtures will stay, but the equipment will be taken should the Board leave. There was a brief discussion of water usage and the air conditioning system/chiller.

Michele Haynes Newman, President of the Kallet Board of Directors, said the board meets the second Wednesday of each month at 6:30 p.m. and invited the Council to attend.

**ADOPT LOCAL LAW NO. 1 TO APPEAL THE ORDINANCE THAT ESTABLISHED
THE BUSINESS PARK LIGHTING DISTRICT**

RESOLUTION 14-92

Moved by Councilor Smith
Seconded by Councilor Simchik

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

**A LOCAL LAW TO REPEAL IN ITS ENTIRETY THE ORDINANCE WHICH ESTABLISHED
THE ONEIDA BUSINESS PARK LIGHTING DISTRICT, TO DISCONTINUE AND DISSOLVE
THE ONEIDA BUSINESSPARK 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.

Councilor Zogby - Yes
Councilor Bowe - No
Councilor Smith - Yes
Councilor Acker - Yes
Councilor Chamberlain - Yes
Councilor Simchik - Yes

MOTION CARRIED

Councilor Bowe said the City needs to look at all the lighting districts to be fair.

ADOPT LOCAL LAW NO. 2 TO AMEND SECTION THE CITY CHARTER
SECTION 10.5 BUREAU OF FIRE REGARDING MAINTENANCE
OF THE MUNICIPAL FIRE ALARM SYSTEM

RESOLUTION 14-93

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that **LOCAL LAW NO. 2 OF THE YEAR 2014** amending Article X titled Department of Public Safety, Section 10.5 titled Bureau of Fire, of the Oneida City Charter be hereby adopted as follows:

**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.

Councilor Zogby - Yes

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

**ADOPT LOCAL LAW NO. 3 TO AMEND THE CHAPTER 5 ALARM SYSTEMS
OF CITY CODE RELATIVE TO THE MUNICIPAL ALARM SYSTEM**

RESOLUTION 14-94

Moved by Councilor Zogby
Seconded by Councilor Smith

RESOLVED, that **LOCAL LAW NO. 3 OF THE YEAR 2014** amending Chapter 5 titled Alarm Systems of the City of Oneida Code relating to the Municipal Alarm System be hereby adopted as follows:

**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.

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

MOTION CARRIED

Fire Chief Kevin Salerno said the municipal alarm users will have ample time to connect to a private system. The Chief said notices will be mailed noting the December 31, 2015 date, and a list of the local alarm system businesses will be provided.

PURCHASE AGREEMENT – ALL SEASONINGS INGREDIENTS, INC.

RESOLUTION 14-95

Moved by Councilor Zogby
Seconded by Councilor Acker

RESOLVED, to authorize the Mayor to sign the Purchase Agreement from All-Seasonings Ingredients, Inc., Brendan Farnach, President, 1043 Freedom Drive, Oneida NY 13421 in the amount of \$15,000, plus all closing costs and fees, for Parcel E, as shown on a survey map prepared by Snyder Engineering & Land Surveying LLP dated May 15, 2002, subject to any revisions as approved by the City Attorney, and **be it further**

RESOLVED, that the City Attorney is herein authorized to prepare any and all documents necessary for execution by the Mayor.

Ayes: 6
Nays: 0

MOTION CARRIED

The City Attorney said that under the paragraph titled “Price,” the purchaser has agreed to deposit \$1,000 with her office. As drafted, the Agreement proposes to return the deposit to the buyer if the Agreement is not “accepted” by the City. The Agreement does not explain what happens to the deposit monies if the transaction does not occur, whether it is the fault of the Seller or the Purchaser. The Agreement should

clarify how monies are to be handled in the event the transaction does not occur.

Attorney Bell also stated that under the paragraph titled “Condition on Offer,” the City is to “provide” a public sewer system and public water system, as part of the development of the Business Park. The Agreement should be revised striking that from the agreement as water and sewer already exist at the site.

The Council agreed to approve the execution of the agreement by the Mayor subject to the suggested revisions as approved by the City Attorney.

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 14-96

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

RESOLVED, to approve the following budget transfers and/or budget amendments:

<i>Amount</i>	<i>From</i>	<i>To</i>
\$1,600	001.3410.0414 Short Shift Staffing	001.3410.0104 Holiday – Fire
\$30,000	001.3410.0414 Short Shift Staffing	001.3410.0101 Salaries – Fire
\$2,000	001.3410.0414 Short Shift Staffing	001.3410.0318 Turn-out Gear – Fire
\$2,000	001.3410.0414 Short Shift Staffing	001.3410.0408 New Hire Expense – Fire
\$500	001.3410.0414 Short Shift Staffing	001.3410.0407 Fire Chief’s Expense
\$2,000	001.3410.0414 Short Shift Staffing	001.3410.0102 Overtime – Fire
\$1,000	001.3410.0414 Short Shift Staffing	001.3410.0317 Clothing – Fire
\$1,000	001.3410.0414 Short Shift Staffing	001.3410.0200 Equipment – Fire
<i>Transfers - To cover costs associated with the hiring of a new firefighter</i>		

<i>Amount</i>	<i>From</i>	<i>To</i>
\$951.26	001.0023.2770 GF – Miscellaneous Revenue	001.3410.0317 Clothing – Fire
<i>Transfer - Portion of Reimbursement from FF Wright for uniforms/turn-out gear</i>		

<i>Amount</i>	<i>From</i>	<i>To</i>
\$25,000	002.8300.0436	002.8300.0200

Water – Contingency Water - Equipment
Transfer - For Meter Readers vehicle to be purchased off State bid

<i>Amount</i>	<i>From</i>	<i>To</i>
\$262,939	001.5110.0304 Road Paving 2014	001.9550.0900 Transfer to Capital

Transfer - To reclassify road paving as a Capital Project

<i>Amount</i>	<i>From</i>	<i>To</i>
\$104,440.11	003.9710.0600 Principal on Flood Debt	003.0003.0599 Flood Ins. Recovery/Fund Balance

Amendment – Insurance recoveries for WWTP Flood Claim

Ayes: 6
Nays: 0

MOTION CARRIED

Mayor Smith said he would check into why the dollar amount changed relative to the flood recovery.

The 2013 Water Budget included the purchase of a meter reader’s vehicle; however, the NYS Office of General Services did not bid these sized vehicles in 2013. In 2014, a vehicle that is adequate is available on State Bid. The money that was allocated in last year’s budget was unspent and rolled over into the Water Fund Balance at the end of 2013.

**ADOPT THE CITY OF ONEIDA PARKS AND RECREATION DEPARTMENT
MASTER PLAN 2014 – 2020**

RESOLUTION 14-97

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that the City of Oneida Parks and Recreation Department Master Plan 2014-2020, attached hereto, be hereby adopted.

Ayes: 6
Nays: 0

MOTION CARRIED

Councilor Smith said hopefully the department will follow through with this ambitious plan. Mayor Smith added the plan was well done.

DISPOSAL OF SURPLUS ITEMS

RESOLUTION 14-98

Moved by Councilor Chamberlain
Seconded by Councilor Smith

RESOLVED, to authorize the disposal of the following computers, printers, and network equipment that did not sell when listed on e-Bay:

1993	HP LaserJet 1100xi
2000	HP DeskJet 1220C
2000	HP LaserJet 1100xi
2001	Intel Express 410T, 24-port Switch
2002	Dell Optiplex GX260T, P4 2.53 GHz w/monitor
2003	Dell Dimension 4550
2003	Dell Latitude D600 laptop
2003	Dell Power Edge Svr 1600SC
2003	Power Connect 24-port Switch
2003	HP D135 Copier/printer/scanner
2004	Dell Optiplex GX280
2004	Dell Optiplex GX280 w/ Modem
2004	Dell Optiplex GX 280
2004	Dimension 4600
2004	Dell Dimension 2400 - P4 @2.66 GHz
2004	Dell Power Connect 2225 Network Switch
2005	Dell Optiplex GX520
2005	HP Color Laser 2550L
2005	HP Business Inkjet 1200D
2006	Dell Optiplex GX520
2006	Dell Optiplex GX520
2006	HP Photosmart 3210
2007	Optiplex 745
2007	Optiplex 745
2007	Dell Optiplex GX520
2007	Dell Optiplex GX520
2008	Dell Optiplex 755
2008	Dell Optiplex 755
2008	Dell Inkjet 2800
2008	HP Laserjet P1505
2008	HP Laserjet 3600
2010	HP Compaq 8100

Nays: 0

MOTION CARRIED

INTERNSHIP AGREEMENT - MADISON ONEIDA BOCES & RECREATION DEPT.

RESOLUTION 14-99

Moved by Councilor Smith

Seconded by Councilor Acker

RESOLVED, that the Mayor is hereby authorized to sign a Career and Technical Education Work Based Learning Internship Agreements with Madison-Oneida BOCES, 4937 Spring Road, Verona NY for a conservation internship between Madison-Oneida BOCES and the Recreation Department, **and be it further**

RESOLVED, the internship will provide one Oneida High School student with a non-paid work-based learning experience in the conservation field between 4/23/2014 and 5/8/2014.

Ayes: 6

Nays: 0

MOTION CARRIED

The City Engineer said he was unaware of this program, but will reach out to BOCES to see if there are any students who would qualify for an internship through his office.

NEW BUSINESS

Councilor Smith said last night's special meeting was very receptive to the landlords, and he was very happy with the turn-out and comments made. Mayor Smith said the special meeting was part of the ongoing dialogue with landlords and the City's proposed nuisance abatement program.

Gregory Babcock, Wampsville, said he is upset with the cutting of trees that is ruining the habitat and uprooting the turkeys and deer. He said he believes environmental laws have been broken, and the City should hold the farmer responsible and take away his land. The Mayor said a property owner has the right to harvest trees on his own property; it is his prerogative. There is a separate issue of egression through City property, and any damages to City property will be corrected and put into its preexisting state. The Mayor said he respects Mr. Babcock's passion, but the City does not have the right to dictate to others how to use their property.

EXECUTIVE SESSION

RESOLUTION 14-100

Motioned by Councilor Acker

Seconded by Councilor Chamberlain

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:12 p.m. for the purpose of discussing to the proposed acquisition, sale, or lease of real property.

Ayes: 6

Nays: 0

MOTION CARRIED

PRESENT: Mayor, Council, City Clerk

- Discussion was held relating to a personnel matter in the Recreation Department.

Motioned by Councilor Bowe

Seconded by Councilor Chamberlain

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 7:55 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Chamberlain

The regular meeting is hereby adjourned at 7:55 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk