

**MINUTES OF THE COMMON COUNCIL  
JUNE 17, 2014**

A meeting of the Common Council of the City of Oneida, NY was held on the seventeenth day of June, 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  
City Engineer Jon Rauscher  
Fire Chief Kevin Salerno  
Public Safety Commissioner Michael Kaiser

*In Honor of the Late Mayor Donald Hudson*

A portrait of the late "Mayor Donald Hudson" was unveiled by his wife and father with Don's family and friends filling the audience. The unveiling received a rousing round of applause. The photo will hang in the Council Chambers along with the photos of other previous City of Oneida Mayors. Mayor Alden Smith noted fond memories of Don's commitment and love for this City.

**OLD BUSINESS**

None

Moved by Councilor Chamberlain  
Seconded by Councilor Smith

**RESOLVED**, that the minutes of the regular meeting of June 3, 2014 are hereby approved as presented.

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

**MOTION CARRIED**

Moved by Councilor Chamberlain  
Seconded by Councilor Bowe

**RESOLVED**, that Warrant No. 12, checks and ACH payments in the amount of \$148,748.86 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 Chamberlain  
Seconded by Councilor Simchik

**RESOLVED**, that Check No. 50870 in the amount of \$73.47 (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**

**ADOPT ORDINANCE AMENDMENTS TO AMEND VARIOUS PROVISIONS  
OF THE CITY OF ONEIDA CODE**

**RESOLUTION 14-145**

Moved by Councilor Zogby  
Seconded by Councilor Bowe

**RESOLVED**, that Ordinance Amendments to the City of Oneida Code be hereby adopted as follows:

**14-01**

**AN ORDINANCE AMENDING PROVISIONS OF THE CITY OF ONEIDA CODE  
PERTAINING TO CERTAIN PROVISIONS OF CHAPTER 26 BICYCLES AND  
SKATEBOARDS REGARDING THE REGISTRY OF BICYCLES.**

The Common Council of the City of Oneida, Madison County, State of New York pursuant to the authority vested in it by law does hereby enact and ordain as follows:

The Common Council of the City of Oneida, Madison County, State of New York, pursuant to the authority vested in it by law does hereby enact and ordain as follows:

**SECTION 1:**

Chapter 26. Bicycles and Skateboards

§ 26-1. Definitions

**OWNER**

The owner shall be the person having title to the bicycle.

§ 26-3 Driving on sidewalks. (No changes)

§ 26-4 Penalties for offenses.

A. Any person driving a bicycle in violation of this chapter shall be guilty of a traffic infraction and subject to the penalties provided for in Subsection B. Any owner who shall knowingly permit or authorize a bicycle to be driven in violation of this chapter shall be guilty of a traffic infraction and subject to the penalties provided for in Subsection B. Any parent of any child and any guardian of any ward under the age of 16 years who shall knowingly suffer or permit or authorize any such child or ward to violate any provisions of this chapter shall be guilty of a traffic infraction and subject to the penalties provided for in Subsection B.

B. (Remove “B” in its entirety and change “C” to “B” – No changes in text)

§ 26-5. Skateboarding prohibited; penalties for offenses.

A. (No Changes)

B. Every person convicted of a violation of this section shall be punished pursuant to the provisions of § 26-5B of this chapter. The offender may be further required to pay restitution for any loss or damage caused thereby.

C. (No Changes)

**SECTION 2.** This ordinance shall take effect immediately upon being published in the official newspaper.

## 14-02

### AN ORDINANCE AMENDING PROVISIONS OF THE “SEWER” ORDINANCE – CHAPTER 139 OF THE CITY OF ONEIDA CODE

The Common Council of the City of Oneida, Madison County, State of New York, pursuant to the authority vested in it by law does hereby enact and ordain as follows:

#### **SECTION 1:**

Chapter 139. SEWERS

Part 1. Kenwood Sanitary Sewer District

Article I. Sewer Rents

§ 139-2. Sewer rents to be based on water bills; sewer rents constitute lien against property.

Except as otherwise provided herein, such sewer rents shall be at a rate to be fixed from time to time by the Common Council based or computed on water consumed on the premises as determined by the water bill issued bimonthly by the Sherrill-Kenwood Water District or quarterly by the Oneida Water District. Where water rents are charged by said water district to the occupant or occupants of any such premises other than the owner thereof, such sewer rents shall be charged and billed initially to such occupant or occupants and shall also be a lien against such premises to secure the payment thereof to the City.

**SECTION 2.** This ordinance shall take effect immediately upon being published in the official newspaper.

**14-03**

**AN ORDINANCE AMENDING PROVISIONS OF THE “STREETS, SIDEWALKS, AND PUBLIC PLACES” ORDINANCE – CHAPTER 151 OF THE CITY OF ONEIDA CODE**

The Common Council of the City of Oneida, Madison County, State of New York, pursuant to the authority vested in it by law does hereby enact and ordain as follows:

**SECTION 1:**

Chapter 151. Article V. Pavement Excavation and Removal

§ 151-13. Application; fees.

1. A person desiring the permit required by the provisions of this article shall make written application to the City Engineer upon a form provided by the city. The fee for said permit shall be established from time to time by Resolution of the Common Council.

B. through E. – No Changes

F. Extended maintenance costs.

Extended maintenance costs in addition to the regular permit fee shall be paid by the permit applicant whenever an excavation will be made in a newly reconstructed or newly resurfaced pavement. There shall be extended maintenance costs charged at the time of permit issuance for a period of six years after a street has been reconstructed and for a period of five years after a street has been resurfaced with asphalt concrete. The cost of the extended maintenance shall be based on the size of the pavement excavation as determined by the City Engineer.

(1) (REMOVE THE (1) FROM THE TEXT ABOVE)

(2) REMOVE IN ITS ENTIRETY

**SECTION 2.** This ordinance shall take effect immediately upon being published in the official newspaper.

**14-04**

**AN ORDINANCE AMENDING PROVISIONS OF THE “SUBDIVISION OF LAND”  
ORDINANCE CHAPTER 155 OF THE CITY OF ONEIDA CODE PERTAINING TO FEES**

The Common Council of the City of Oneida, Madison County, State of New York, pursuant to the authority vested in it by law does hereby enact and ordain as follows:

**SECTION 1:**

Chapter 155. Subdivision of Land

Article III. Subdivision Application Procedure and Application Process

§ 155-16. Sketch plat.

B.(4) Be accompanied by the fee as established from time to time by Common Council Resolution, also;

§ 155-17. Preliminary plat

A.(1) Be made on forms available at the office of the Director of Planning together with the fee as established from time to time by Resolution of the Common Council.

§ 155-19. Final subdivision plat

A.(1) Be made on forms available at the office of the Director of Planning.

**SECTION 2.** This ordinance shall take effect immediately upon being published in the official newspaper.

**14-05**

**AN ORDINANCE AMENDING PROVISIONS OF THE “TAXICABS” ORDINANCE  
CHAPTER 169 OF THE CITY OF ONEIDA CODE  
RELATIVE TO FEES AND VEHICLE INSPECTIONS**

The Common Council of the City of Oneida, Madison County, State of New York, pursuant to the authority vested in it by law does hereby enact and ordain as follows:

**SECTION 1:**

Chapter 169. Taxicabs.

Article III. Drivers

§ 169-16. Fee, term and renewal.

An original license fee as established from time to time by Common Council Resolution shall be paid for a taxicab driver's license, which license shall be renewable every year thereafter upon payment of the established fee and approval of the Chief of Police endorsed on the expiring license.

Article IV. Vehicles

§ 169-19. Inspections. *(REMOVE IN ITS ENTIRETY)*

§ 169-27. Issuance. *(REMOVE IN ITS ENTIRETY)*

**SECTION 2.** This ordinance shall take effect immediately upon being published in the official newspaper.

**14-06**

**AN ORDINANCE AMENDING PROVISIONS OF THE “VEHICLES AND TRAFFIC”  
ORDINANCE – CHAPTER 180 – ARTICLE V. OFF-ROAD RECREATIONAL VEHICLES  
OF THE CITY OF ONEIDA CODE**

The Common Council of the City of Oneida, Madison County, State of New York, pursuant to the authority vested in it by law does hereby enact and ordain as follows:

**SECTION 1:**

Chapter 180 Article V. Off-Road Recreational Vehicles

§ 180-33 and § 180-34 (*no changes*)

§ 180-35. Definitions

**OWNER**

The owner shall be the person having title to the off-road recreational vehicle.

§ 180-36. Registration; fee. (*REMOVE IN ITS ENTIRETY*)

§ 180-37 through § 180-43 (*no changes*)

**SECTION 2.** This ordinance shall take effect immediately upon being published in the official newspaper.

Councilor Zogby – Yes

Councilor Bowe – Yes

Councilor Smith – Yes

Councilor Acker – Absent

Councilor Chamberlain – Yes

Councilor Simchik – Yes

**MOTION CARRIED**

**BUDGET AMENDMENT**

**RESOLUTION 14-146**

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

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

<i>Amount</i>	<i>From</i>	<i>To</i>
\$1,629	001.0017.1520	001.3120.0444
	(Police Reports)	(Police Technology)
	<i>Unanticipated revenue from bike auction to replace and upgrade computers</i>	

Ayes: 5

Nays: 0

Absent: 1 (Acker)

**MOTION CARRIED**

**PROPOSED LOCAL LAWS TO AMEND THE CITY CHARTER**

Moved by Councilor Smith  
Seconded by Councilor Zogby

**RESOLVED**, that proposed Local Laws to amend the City of Oneida Charter, Article V. Section 5:31 pertaining to the relevy of any unpaid charges and to amend Article III Section 3.15 Special Powers of taxation relating to hydrant taxes be hereby received and place and file, **and be it further**

**RESOLVED**, that a public hearing on said proposed Local Laws to amend the City Charter be scheduled for July 1, 2014 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida.

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

**MOTION CARRIED**

*The proposed LL to amend Article V. Section 5.31: The relevy document is received and placed on file at the first council meeting in November, and the public hearing is at the second meeting. The relevy report has been run at the end of October for years. This change would update the Charter with the current and long standing practice. This is subject to a permissive referendum.*

**CITY OF ONEIDA  
PROPOSED LOCAL LAW  
SUBJECT TO PERMISSIVE REFERENDUM**

**A LOCAL LAW TO AMEND ARTICLE V. SECTION 5.31  
OF THE CITY OF ONEIDA 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 Chapter C. Charter, Article V. Budget and Financial Administration, Section 5.31 titled "Notice of Receiving Taxes," second paragraph, shall be amended to read, in its entirety, as follows:

In the event that any unpaid charge, including water and sewer charges, special assessment, lot mowing, sidewalk replacement, sewer lateral repair or any other miscellaneous charges billed to the property and remaining unpaid as of ~~December~~ *October 31* of each year, shall be relevied pursuant to the provisions of this Charter or any other provision of law, there shall be added, to the amount then due and owing, a surcharge in the amount of 10% thereof, which said surcharge shall be collected in the same manner as set forth in this Charter.

**SECTION 2.           EFFECTIVE DATE**

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

*The proposed LL to amend Article II, Section 3.15: Hydrant taxes have not been used for purchases and replacement of firefighting equipment or for the construction and repair of municipal buildings in over 24 years. Hydrant taxes are currently only used for hydrant expenses. The dates are also being changed to update with the current and long standing practice of when the relevy report is run and received by the Council. This is subject to a permissive referendum.*

**CITY OF ONEIDA  
PROPOSED LOCAL LAW  
SUBJECT TO PERMISSIVE REFERENDUM**

**A LOCAL LAW TO AMEND ARTICLE III, SECTION 3.15  
OF THE CITY OF ONEIDA 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 Chapter C. Charter; Article III. Common Council; Section 3.15 Special Powers of taxation; shall be amended to read, in its entirety, as follows:

The Common Council shall have the power to establish an equitable system of taxation for protection against fire, public safety and capital improvements in the corporation tax district, outside district and fire protection districts duly organized in the outside district and to assess a hydrant tax on any building and lot upon which it stands situated within 600 feet of a hydrant in either the corporation tax district or outside district to defray the expense of installation, inspection, maintenance, repair and replacement of hydrants by the Water Department. ~~Purchases and replacement of fire fighting equipment, construction and repair of municipal buildings.~~ Between the first and 10<sup>th</sup> day of October in each year, the Common Council shall make out a list or roll in which they shall set out the amount assessed for fire protection, public safety and capital improvements upon any lot, part of a lot or building, designate the lot or building assessed or in default, in the same manner as designated in the annual assessment roll; and also on or before the first day of ~~December~~ *November* of each year set out the amount of water rates remaining due and unpaid on the *thirty*-first day of October in each year, for use of water in or upon any lot, part of a lot or building. It shall cause notice to be published in the official newspaper for at least one week of the time and place at which hearing shall be given to those who desire to examine said rolls and to present their grievances. The Common Council shall meet at the time and place specified in said notice and after hearing objections shall complete said assessments and certify the same. The Common Council shall with the annual City tax levy such assessments and unpaid water rates upon the property described in said roll, and the amounts appearing thereon shall be extended in a separate column upon the assessment rolls of the City and shall be levied, collected and enforced at the same time and in the same manner as is provided for the collection of other taxes in the City. The rates for the use of water shall, like other City taxes, be a lien and charge upon the building and lot in or upon which said water was used as herein provided.

**SECTION 2. EFFECTIVE DATE**

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

**MONTHLY REPORTS**

**RESOLUTION 14-147**



Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, that the monthly reports from the Chamberlain, City Clerk, Comptroller, Fire Chief, Police Chief, City Engineer, and Recreation Director are hereby received and placed on file, and be it further

**RESOLVED**, that the 2013 Oneida Water 100<sup>th</sup> Annual Report be hereby received and placed on file.

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

**WESTERN MOHAWK VALLEY REGIONAL WATER ADVISORY PARTNERSHIP**  
**MEMORANDUM OF AGREEMENT**

**RESOLUTION 14-148**

Moved by Councilor Zogby  
Seconded by Councilor Smith

**WHEREAS**, the City of Oneida, along with the City of Sherrill, City of Rome, Town of Vernon, Town of Verona, and the Mohawk Valley Water Authority (MVWA) are participating in the preparation of "The Western Mohawk Valley Regional Water Study", which will identify a regional strategy to supply the current and future water needs of the region; **and**

**WHEREAS**, a formal partnership is necessary to implement the obligations of the grant; **now therefore be it**

**RESOLVED**, that Mayor Alden M. Smith is authorized to sign the Memorandum of Agreement Establishing the Western Mohawk Valley Regional Water Advisory Partnership ("WAP"), **and be it further**

**RESOLVED**, that the Water Superintendent is the designated representative to WAP for the City of Oneida.

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

The Mayor said this is a good thing and will serve us well into the future.

**ADJUSTMENT OF FIRE INSPECTION INVOICE**

**RESOLUTION 14-149**

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

**WHEREAS**, a full inspection of an apartment building (14 units) at 124 Williams Street was completed by the Housing Inspector, and the \$420.00 fee for said inspection was invoiced and paid in full, **and**

**WHEREAS**, violations were addressed in all but three apartments, which required a third inspection to ensure the violations were corrected in each of said three apartments, **and**

**WHEREAS**, the property owner was mistakenly invoiced a second time for fourteen units at a total cost of \$420.00 (\$30 per unit) instead of being invoiced for the three units that failed requiring re-inspections at the total cost of \$90.00 (\$30 per unit), **and**

**WHEREAS**, it is the recommendation of Fire Chief Kevin Salerno to modify the Fire Inspection Invoice for the property at 124 Williams Street, **now therefore be it**

**RESOLVED**, that the City of Oneida Common Council hereby authorizes the modification of the following Fire Department Inspection Invoice:

*Invoice Number:* 10812 - Dated May 16, 2014  
*Account Number:* 3276  
*Property Owner:* John McNamee  
*Mailing Address:* PO Box 26, Oneida NY 13421  
*Property Address:* 124 Williams Street, Oneida NY 13421  
*New Invoice Amt:* \$90.00 (modified from \$420.00 down to \$90.00)

Ayes: 5

Nays: 0

Absent: 1 (Acker)

**MOTION CARRIED**

### **CANVASS BIDS**

#### **RESOLUTION 14-150**

Moved by Councilor Simchik

Seconded by Councilor Smith

**WHEREAS**, the lowest bid meeting specifications for Tree & Stump Removal and Tree Trimming in the amount of \$31,820.00 was received from American Arborist, 1624 W. Elm St., Oneida NY, **and**

**WHEREAS**, the 2014 budgeted amount for Tree & Stump Removal and Tree Trimming is \$26,445, **now therefore be it**

**RESOLVED**, to accept the lowest bid meeting specifications from American Arborist, 1624 W. Elm St., Oneida NY and authorize the City Engineer to expend funds up to \$26,445.

Ayes: 5

Nays: 0

Absent: 1 (Acker)

## **MOTION CARRIED**

The City Engineer said this particular bid is for street trees the department cannot take care of, such as those around power lines or in complicated areas.

### **WATER/SEWER PAYMENT EXTENSION**

#### **RESOLUTION 14-151**

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

**WHEREAS**, Zipporah Milovsky, 227 Lexington Ave., Oneida NY – Account #51-17100500 appeared before the Water Board on Tuesday, June 10, 2014 to discuss the payment of her June 2014 water/sewer bill, **and**

**WHEREAS**, Ms. Milovsky had a leak at her property that resulted in a high water/sewer bill in the amount of \$4,310.50 for the 2/4/14 to 4/30/14 quarter, **and**

**WHEREAS**, Ms. Milovsky received a Leak Adjustment in the amount of \$2,892.75, per the Leak Adjustment Policy adopted by the Common Council on November 7, 2007, making the total due for the June 2014 water/sewer bill to be \$1,417.75, **and**

**WHEREAS**, Ms. Milovsky requested additional time to pay the June water/sewer bill and was offered the Partial Payment Plan as adopted by the Common Council on August 6, 2002, but requested more time because she would not be able to pay the bill in three months as required by the Partial Payment Plan; **and**

**WHEREAS**, it is the recommendation of the Water Board to grant a six-month extension, without levy, to Ms. Milovsky to pay her June 2014 water bill, **now therefore be it**

**RESOLVED**, that Zipporah Milovsky, 227 Lexington Ave., Oneida NY – Account #51-17100500 is hereby granted an extension to December 31, 2014 – a six-month extension without levy and without penalty - to make full payment of her June 2014 water/sewer bill in the amount of \$1,417.75 with the first payment to be made on or before June 30, 2014 and monthly payments thereafter, **and be it further**

**RESOLVED**, that if full payment of the June 2014 water/sewer bill is not received on or before the above adjusted due dates of December 31, 2014, the Water Department is hereby authorized to assess penalty fees on the outstanding balance of June 2014 water/sewer bill and may proceed with the termination of the water service as per the Rules and Regulations.

Ayes: 4

Nays: 1 (Zogby)

Absent: 1 (Acker)

## **MOTION CARRIED**

Ms. Zipporah Milovsky, 227 Lexington Ave., asked the Council if the late fee penalties could be waived. She said if she makes a payment of \$250, the penalty on the balance would still be about \$125, as the late fee is 10%. The Mayor said if the Water Board is willing, because of the circumstances, to allow an extension of payment because of the size of the bill; it would be incongruous to assess a late fee. If she

meets her payments, then she is not late. A brief discussion ensued. Councilor Zogby said she is going to make payments of \$250 per month, and if she is late with those payments, she should be assessed late fees and Councilor Chamberlain agreed that makes sense. Councilor Bowe said to Ms. Milovsky that if she misses a payment or go late on the six months she would be assessed the 10% late fee. The City Clerk said the Water Board did not set a specific payment schedule, they only said the bill had to be paid within six months; it was Ms. Milovsky who said she could pay \$250 a month. The Mayor said if the Water Board just said six months, then penalty should be assessed if it is not paid by the end of that six month period. Councilor Zogby said he would prefer monthly payments. The City Clerk reminded Ms. Milovsky that she would receive her September and December water/sewer bills within that six-month time frame, which will also have to be paid. The Mayor urged Ms. Milovsky to adhere to a regular payment schedule, so that she doesn't find herself after four months still owing the balance. Ms. Milovsky said the Water Board is only allowed to accept payments per the policy over a three month period, so that is why she had to come to Council to ask for a longer extension. The City Clerk said the amended Resolution would read "a six-month extension without relevy and without penalty" and "if full payment of the June 2014 water/sewer bill is not received on or before the above adjusted due dates of December 31, 2014, the Water Department is hereby authorized to assess penalty fees on the remaining balance" and may terminate the water service. The City Clerk explained to Ms. Milovsky that if she doesn't pay the September or December water bills on time, those bills would be assessed late fees, as they are not covered by this Resolution.

### **CAPITAL PROJECT 14-3 – MAIN STREET STREETSCAPE**

#### **RESOLUTION 14-152**

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

**WHEREAS**, the City of Oneida received a grant from the New York State Department of Economic Development Fiscal Management (EDC Grant Funding) in the amount \$20,000 for Main Street Streetscape for street trees, ornamental street signs and benches, **and**

**WHEREAS**, said grant funds are 100% from New York State with no match from the City of Oneida required, **now therefore be it**

**RESOLVED**, that Capital Project 14-3 – Main Street Streetscape be hereby included in the 2014 City of Oneida Budget in the amount of \$20,000 - EDC Grant Funding, **and be it further**

**RESOLVED**, that the City Engineer and Director of Planning and Development be authorized to proceed with Capital Project 14-3 Main Street Streetscape and expend funds up to the amount of \$20,000 with said funding to be reimbursed to the City of Oneida by New York State.

Ayes: 5

Nays: 0

Absent: 1 (Acker)

**MOTION CARRIED**

The City Engineer said they are working with a local arborist to determine what species of tree will work best in the downtown area.

### **NEW BUSINESS**

Joseph Magliocca, Oneida, said the ArcStock Music Festival is being held this year at Vet's Field on Saturday, July 26<sup>th</sup>, and the Oneida Improvement Committee is sponsoring a beer tasting event, which will be held at the American Legion to benefit the Rail Trail Project on the same day. There are currently 22 breweries lined up to attend. The two events are working together to ensure there are no overlaps in the types of food being offered. Pop Warner, the boy scouts and other organizations are getting involved as well. The Mayor asked to be put on the volunteer list. The Mayor said this is a tremendous event and the ARC has brought in some quality entertainment over the years. Mayor Smith said he hopes this summer festival will become an annual event in our community.

Motion to adjourn by Councilor Smith

The meeting is hereby adjourned at 7:00 p.m.

CITY OF ONEIDA

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Susan Pulverenti, City Clerk