

**MINUTES OF THE COMMON COUNCIL
JUNE 3, 2014**

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

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Comptroller Linda Pease
Director of Parks and Recreation Lucas Griff
Fire Chief Kevin Salerno
Police Chief Dave Meeker
Public Safety Commissioner Michael Kaiser

PUBLIC HEARINGS ON PROPOSED ORDINANCE AMENDMENTS

RESOLUTION 14-136

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that the Public Hearings on the proposed Ordinance amendments be hereby opened at 6:36 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

Chapter 26 Bicycles and Skateboards

APPEARANCES:

Joe Magliocca, 429 Grand Street, Oneida spoke with regard to riding bicycles on the sidewalks and inquired if the Police Department kept a record of the bicycle/pedestrian accidents. He said he encourages bicycle safety rules and would like to see pamphlets passed out by the police. Mr. Magliocca said he would also like to see the Ordinance enforced, particularly in the downtown area, as it is a safety issue. He suggested maybe signs be placed reminding cyclists that they are not allowed on the sidewalks. Mr. Magliocca said there needs to be a definition for skateboards in the Code, as there are now many variations of "skateboards" and he named a few. He suggested the skateboarding Ordinance be removed, as it is archaic.

City Clerk Sue Pulverenti said she wanted to make it clear that the Ordinance amendment on the table is to remove the section requiring the registration of bicycles. It does not address the sections brought up by Mr. Magliocca. The Mayor said bicycle registration hasn't been done in many years. The Mayor said the Council will look at the skateboarding Ordinance at a later date.

Miriam Jacobs, 211 Bates Avenue, Oneida said she was confused by the article in the Oneida Dispatch, and the Mayor said what was reported by the newspaper was incorrect. Mrs. Jacobs spoke about her

grandchildren riding their bikes on the sidewalks, noting she does not want them in the street.

Chapter 139 Sewers

This Section needed revision as the City of Oneida bills six residences for the Kenwood Sanitary Sewer District. The language is being modified to include those residences.

APPEARANCES: None

Chapter 151 Streets, Sidewalks and Public Places

This Chapter is being modified to remove an actual dollar amount from the Code for the various fees and to insert that the Common Council will set the fees from time to time by Resolution. The City Attorney said this will save the City the expense of having to do a Local Law each time a fee is changed.

APPEARANCES: None

Chapter 155 Subdivision of Land

This Chapter is also being modified to remove an actual dollar amount from the Code for the various fees and to insert that the Common Council will set the fees from time to time by Resolution.

APPEARANCES: None

Chapter 169 Taxicabs

This Chapter is also being modified to remove an actual dollar amount from the Code for the fee in Section 169-16 and insert that the Common Council will set the fees from time to time by Resolution. The fee is now renewable every year, so that is being modified from three years. In Article IV, Section 169-19 and 169-27 relative to inspections by the Police Department are being removed. Vehicles have to pass a NYS Inspection, which covers all the safety features the police would inspect.

APPEARANCES:

Councilor Zogby inquired from the Police Chief if the NYS Inspection process covers all the features the police would check, and the Chief replied yes. The Department use to do the inspections, but with all the activity calls and staffing issues there is not any extra time to fit these in. The Mayor said this is redundant, as it is basically the same inspection.

Chapter 180 Article V. Off Road Recreational Vehicles

This is to remove in its entirety Section 180-36 Registration and Fee. The Police Department does not register off road vehicles.

APPEARANCES: None

Moved by Councilor Bowe
Seconded by Councilor Chamberlain

RESOLVED, that the Public Hearing on the proposed Ordinance amendments be hereby CLOSED at 6:55 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

OLD BUSINESS: None

Moved by Councilor Chamberlain
Seconded by Councilor Smith

RESOLVED, that the minutes of the regular meeting of May 20, 2014 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that Warrant No. 11, checks and ACH payments in the amount of \$305,036.63 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 Simchik
Seconded by Councilor Smith

RESOLVED, that Check No. 50792 in the amount of \$62.98 (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

CANVASS & APPROVE BIDS

RESOLUTION 14-137

Moved by Councilor Zogby
Seconded by Councilor Chamberlain

WHEREAS, the Hydrant Bid package by Vellano Corporation, included form P-2 that listed numerically and figuratively the total bid price, **and**

WHEREAS, form P-1 (the unit pricing sheet for individual items) was unintentionally left out of the Hydrant Bid package by Vellano Corporation, which is considered a technical non-compliance, **and**

WHEREAS, in the Hydrant Bid, Instructions to Bidders includes under 14, the right of the City to consider informal a bid not prepared and submitted in accordance with the provisions of these specifications, or to waive informalities in any bid received, **and**

WHEREAS, the prepared Form P-1 was promptly submitted by Vellano Corporation immediately following the bid opening, **now therefore be it**

RESOLVED, that the City hereby waives the informality that form P-1 was inadvertently left out of the Vellano Corporation, 7 Hemlock Street, Latham, NY 12110 bid package and considers this a technical non-compliance, and further agrees that said waiver is in the best interest of the City of Oneida and the taxpayers, **and be it further**

RESOLVED, that the lowest bid meeting specifications for hydrants received from Vellano Corporation, 7 Hemlock Street, Latham, NY 12110 in the amount of \$18,822.00 be hereby approved, **and be it further**

RESOLVED, that the lowest bid meeting specifications for ductile iron pipe, fittings, valves, and couplings received from Vellano Corporation, 7 Hemlock Street, Latham, NY 12110 in the amount of \$61,829.00 be hereby approved.

Ayes: 6

Nays: 0

MOTION CARRIED

BUDGET TRANSFERS AND BUDGET AMENDMENTS

RESOLUTION 14-138

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

RESOLVED, to authorize the following Budget Transfers:

Amount	From:	To:
\$2,000	002.8300.0436 (Water – Contingency)	002.8300.0324 (Water – Meters)
<i>HP Hood requires the upsizing of the water meter servicing the facility HP Hood will be billed for the meter</i>		
Amount:	From:	To:
\$5,000	001.1990.0400 (Contingency)	001.1660.0400 (Central Stores)
<i>Shortage in Central Stores for toner and supplies</i>		
Amount:	From:	To:
\$614.03	005.3120.0209 (2013 Police Vehicle)	005.9550.0900 (Transfer to General Fund)
<i>Closeout of capital project</i>		

RESOLVED, to approve the following budget amendment:

Amount	From:	To:
\$4,000	001.0022.2680 (Insurance Recovery)	001.3410.0200 (Fire Equipment)
<i>Rental of excavator for fire on Hubbard Place</i>		

Ayes: 6

Nays: 0

MOTION CARRIED

CONTRACT EXTENSION

RESOLUTION 14-139

Moved by Councilor Simchik

Seconded by Councilor Acker

RESOLVED, that authorization is hereby given to extend the chemical contract for Caustic Soda with Jones Chemical Company, 100 Sunny Sol Blvd. Caledonia, NY 14423 for an additional six month term from the date of expiration, in accordance with existing contract.

Ayes: 6

Nays: 0

MOTION CARRIED

SPECIAL EVENT APPLICATION

RESOLUTION 14-140

Moved by Councilor Zogby

Seconded by Councilor Acker

RESOLVED, that the following special event application be hereby approved:

YMCA of the Greater Tri Valley
701 Seneca Street, Oneida NY 13421
2014 Frank DiChristina Memorial Walk
Date of Event: July 12, 2014

Ayes: 6

Nays: 0

MOTION CARRIED

LAND COMMITTEE RECOMMENDATION - CARINCI PARK

RESOLUTION 14-141

Moved by Councilor Simchik

Seconded by Councilor Chamberlain

WHEREAS, there has been an ongoing concern with various properties that adjoin Carinci Park encroaching on the City owned parkland, which continues to be a liability to the City, **and**

WHEREAS, the liability to the City increases as various adjoining property owners continue to mow the grass, cut downed trees and clear brush on said City owned parkland property, **and**

WHEREAS, per Resolution 11-178, approved at the July 5, 2011 Common Council meeting, the Mayor was authorized to sign a Proposal from Delta Engineers, Architects & Land Surveyors, for professional land surveying services on Tax Parcels 30.65-1-6 and 30.65-1-9 lands of the City of Oneida Carinci Park, 421 Sconondoa Street, Oneida NY in the amount of \$3,500.00, **and**

WHEREAS, said land surveying was completed by Delta Engineers, Architects & Land Surveyors on August 8, 2011 and said survey was paid for in anticipation of remedying said encroachment onto City property, **now therefore be it**

RESOLVED, that per the recommendation of the City's Land Committee, the Common Council hereby authorizes a letter be sent to each property owner whose property abuts Carinci Park, 421 Sconodoa Street, Oneida allocating a time frame for the removal of personal property from City owned property, **and be it further**

RESOLVED, to approve the placement of a four-foot chain link fence along the boundary of the City owned Carinci Park on the Sconodoa Street side, **and be it further**

RESOLVED, to contract to have said fence installed and allocate funding in the amount of \$16,000 to cover the costs of said fence.

Ayes: 0

Nays: 6

MOTION FAILED

Recreation Director Luke Griff said this is to delineate the boundary lines of the park and abutting property owners. For years this has been an ongoing issue, and in 2011, a survey was completed defining the boundaries. Since then the land committee has met about this several times and there has been discussion with the different Councils. Director Griff said they are trying to move forward with this. There are private property land owners encroaching on City property and putting their personal property on City property, mowing grass, cutting up trees and leaving piles of yard waste. This is a liability for the City; if someone on a lawn mower gets hurt on City property, the City could be held liable. Councilor Acker said she understands what the Director is saying, but added this has been going on for 45 years. Councilor Acker said she agrees that people should not have personal property on City property, but does not agree with putting up a \$16K fence to keep people out of the park. The Recreation Director said this is not to keep people out of the park, and that gates could be installed. This is to define the property line, as this has been an issue for four or five years now. The Director said a wooden fence could be put up instead of a mesh fence.

The Mayor said two weeks ago at the Council meeting it came up that there were a number of trees in that area that were of potential danger to the children who go into those woods, and this poses potential liability to the City. The Mayor said the fence would be for keeping those children out of there and therefore, limiting the liability of the City. This is very costly. The estimate to cut down all the trees was in excess of \$20K, and the fence is \$16K. This is a significant amount of money to invest in an area that basically hasn't been used in 50 years. The Mayor said the area that is being discussed is technically parkland, but it has never been used as parkland; it is overgrown, weedy and hasn't been used since the 1950's. Councilor Acker said fences keep people out and doesn't think the City should spend that kind of money to put a band aid on this issue.

Joe Magliocca, Oneida, Recreation Commissioner, said he walked through there, and there are no developed trails. The pathways that are there were mowed by the same people, and there are multiple piles of yard waste, glass clipping and trimmings. He said he is against a fence, but there needs to be something to define the lines. He said fencing was taken down at Vet's Field to let people in. Mr. Magliocca said there are four or five acres at Harmon Field that are wooded just like at Carinci Park. Duross is 18 acres of woods with hundreds of trees down, and if they are not blocking a designated trail, they are left alone. He said he is in favor of telling folks to remove their stuff from City property and to maybe scatter posts down through to give a visual property line indicator.

Steven Loucks, 517 Sconodoa Street, Oneida said he is the person who is mowing City property. He has

resided at that residence since approximately 1990. He said he yard is well kept, but he cannot enjoy his property because it is a mosquito ridden wetland. He said he has taken loads of garbage out of the woods, mows the lawns and just wants it cleaned up. He said he is not the “sue happy” type; he just wants it cleaned up. He mows trails for people to walk their dogs in there and said he is taking very good care of it. He has a roto-tiller on City property for the garden he has back by the woods, but everything is neatly stored. He complained of a neighbor who has junk all over his yard. He asked what is meant by a liability, and said he fell on a crooked sidewalk up the street by the Fire Department building, and asked if that is a liability. He said he was going to write the Governor a letter and asked the Council to attach a letter allowing him to buy that property, and he will continue to take care of it. He complained once again about the mosquitoes and other areas of the City that are sprayed more than this area. He asked the Council to please let him take care of the property.

The Mayor said residents should contact the Mayor or their Councilor with respect to mosquitoes. The Mayor said contacting Governor Cuomo is not the way to get that done. The Mayor said he understands the passion Mr. Loucks has for the area and commended him for taking pride in his community.

Vicki Arnold, Sconondoa Street, said there are trails in the woods. She said she was told that personal property could remain on the City’s property and now letters want to be sent out. She said this is in retaliation for wanting the woods cleaned up. She said the DPW and Parks Dept could go in and haul out anything they can physically move, and the City can get volunteers to help clean the woods out. If they do it four days in one month, then the City can contact Karst Tree Service to see how much their quote would be after cleaning up. She said if the City pays for a fence to go down trough there, she will harass the City until the woods remain safe for the kids to go in there. She said a fence line restricts access from the backs of our homes, but you are not doing anything for the children. She said she would like Carinci Park to look like Allen Park.

Scott Arnold, Sconondoa Street, said he has lived in this City for 24 years. He said there has to be a workable solution between the residents and the City. Putting a fence up is not going to stop any mosquitoes and is not going to work, there has to be some open dialogue. He said Mr. Loucks is doing a great job down there and stated that the placement of a fence is not going to stop any litigation. He said they do not want to be a huge burden to the City or beat up on Parks and Recreation.

Councilor Zogby said it is rare that the Council sees people so passionate about their City that they are willing to donate their time and said there must be a workable solution. He said he hates to put this on the Councilor from Ward 4, but said a task force should be formed to allow the residents to remain happy and to clean up our parks a little better. He deferred to Councilor Acker to see what she would like to do. Councilor Acker said she agreed with Councilor Zogby and would put a task force together to work with the DPW and Parks Dept. The Mayor said if a task force were to be formed, he would do that.

Joe Magliocca said Mrs. Arnold wants those woods to look like Allen Park and said that is an interesting concept. He said we do not need a task force or a committee, just volunteers to move the small brush and debris out for the DPW to chip up. There are larger trees that would need chainsaws for removal, but many hands make light work. He said the neighbors could get together this Saturday and go in there for a few hours. Mr. Magliocca said the DPW and Parks employees are very busy at this time and do not have the additional time to clean out the woods.

During new business, Councilor Bowe asked if thirteen years ago Duross Conservancy was as raw as the woods at Carinci Park. Joe Magliocca said no; two-thirds of the trails at Duross existed well before it was a City Park. Councilor Bowe said it sounds like with cooperation we could have a similar park to Duross behind Sconondoa.

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 14-142

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that per Resolution 08-180 adopted by the Common Council on August 19, 2008, the provisions of the procedure to accept agenda items is hereby waived.

Ayes: 6
Nays: 0

MOTION CARRIED

CANVASS AND APPROVE BIDS FOR TRACKED EXCAVATOR

RESOLUTION 14-143

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

WHEREAS, the City of Oneida Water Superintendent prepared specifications for a Tracked Excavator of the size and capacity necessary for use by the Water Department, **and**

WHEREAS, seven (7) of the bids received did not meet major capacity items such as engine HP, bucket digging force, or minimum lift capacity and were therefore rejected, **and**

WHEREAS, the bid submitted by Admar Supply Co. Inc. for a Kubota KX080-4R3 met and exceeded major capacity specifications and had insignificant minor exceptions, **now therefore be it**

RESOLVED, that the Bid for the Tracked Excavator be awarded to Admar Supply Co. Inc., 6014 Drott Drive, East Syracuse, NY 13057 in the amount of \$82,449.

Ayes: 6
Nays: 0

MOTION CARRIED

The Council received a memo from the Water Superintendent outlining the bid specifications.

NEW YORK MAIN STREET GRANT APPLICATION

RESOLUTION 14-144

Moved by Councilor Smith
Seconded by Councilor Chamberlain

WHEREAS, Governor Andrew M. Cuomo has announced the opening of the fourth round of funding through the 2014 Consolidated Funding Applications, **and**

WHEREAS, the City of Oneida has demonstrated a need for a feasibility study related to improving the viability of the City center, **now therefore be it**

RESOLVED, to authorize the Mayor to file an application under the New York Main Street Technical Assistance Program and to accept and receive a grant for technical assistance purposes in the amount of \$20,000.

Ayes: 6
Nays: 0

MOTION CARRIED

The Mayor said each year the date for these applications changes, and they don't let you know that date until a few weeks before the applications are due. The Mayor that he would like to ask for a significant grant for our City Center, but in such a short period of time, we wouldn't be able to put forth meaningful data to support the request. Therefore, this grant application is for a study to focus on developing a planned approach to revitalize our City Center.

NEW BUSINESS

Councilor Smith said he participated in a moving up ceremony at the Recreation Center for his grandson. He remarked that the Tot Fun & Run program is very successful and wonderful for children. He recommended to the residents if they are looking for a place to hold a birthday party that the Recreation Center is a great venue. Councilor Smith gave kudos to the Police and Fire Departments for the meth lab bust on Madison Street.

Bob Britton, Munnsville, thanked the Council for their concern when he had a heart attack at the last meeting. He thanked the Fire Department for their tremendous work, noting that he wasn't previously but is now a big fan of that department. He thanked Councilor Jim Chamberlain for his help and concern. Mr. Britton said he is sometimes stubborn and outspoken, but his heart is always with the City. The Mayor said he welcomes people to attend and participate at Council meetings. The Mayor and Council wished Mr. Britton well.

The Mayor thanked Mr. Cohen for his recommendation of an environmental engineer for the Environmental Committee.

The Mayor said the YMCA is having a blood drive on June 27, 2104 from 12 noon to 6 pm. The Mayor said the American Red Cross played an integral part in the Flood Event and hoped those who could donate blood would do so.

Councilor Acker said the Mayor has a special day on June 6th and wished him a Happy 60th Birthday. She also said the Mayor will be singing at the Erieville Opera House on June 21st. The Mayor said that is the type of event he hopes to see at the Kallet Civic Center one day.

Councilor Acker said the New York Rangers have made it to the finals for the first time in 20 years and wished them good luck.

Motion to adjourn by Councilor Bowe

The meeting is hereby adjourned at 7:45 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk