

ONEONTA, NEW YORK - JULY 2, 2012 - 5:00 P.M.

REGULAR MEETING OF THE COMMON COUNCIL

VOL. 7, PG. 130

PRESENT: Mayor Richard P. Miller, Jr.
Council Member Maureen Hennessy
Council Member Larry Malone
Council Member Michael E. Lynch, Jr.
Council Member Madolyn Palmer
Council Member Bob Brzozowski
Council Member Chip Holmes

ABSENT: Council Member David Rissberger
Council Member Russ Southard

Mayor Miller called the regular meeting to order and asked the Clerk to call the roll.

Everyone present stood for the Pledge of Allegiance.

PETITIONERS/PUBLIC HEARINGS

Mayor Miller indicated there were no petitioners and no advertised public hearings scheduled

COMMITTEE REPORTS

Each respective committee chair provided a brief report on their committee activities at this time.

LIAISON REPORTS

Each respective liaison or chair to city boards and commissions provided a brief report at this time.

The Council held a brief discussion on some of the items reported.

PUBLIC SAFETY COMMITTEE

Reports from the Police and Fire Chiefs will be given at the July 17th Council meeting.

INDIVIDUAL MOTIONS AND RESOLUTIONS FOR DISCUSSION

Mayor Miller stated he did not do a Consent Agenda because of the brevity of the topics and the nature of the meeting.

APPROVAL OF MINUTES

1. **MOTION**, made by Council Member Holmes and seconded by Council Member Hennessy, that the Common Council approves the minutes of the regular meeting held June 19, 2012.

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None

Absent: Council Member Rissberger
Council Member Southard

MOTION CARRIED

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(Individual Motions and Resolutions for Discussion) continued

General Items:

2. **MOTION**, made by Council Member Palmer and seconded by Council Member Brzozowski, that the Common Council concurs with the Mayor's recommendation to reappoint Robert Wood, Sr. to an additional 6-year term on the Civil Service Commission to expire May 30, 2018.

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes
Noes: None
Absent: Council Member Rissberger
Council Member Southard

MOTION CARRIED

3. **MOTION**, made by Council Member Malone and seconded by Council Member Hennessy, that the Common Council concurs with the Mayor's recommendation to appoint Sugwon Kang to the Huntington Library Board of Trustees to fill the unexpired term of Mark Parmerter. The term will expire January 14, 2017.

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes
Noes: None
Absent: Council Member Rissberger
Council Member Southard

MOTION CARRIED

4. **MOTION**, made by Council Member Palmer and seconded by Council Member Brzozowski, that the Common Council concurs with the Mayor's recommendation to appoint Reverend Ken Hunter to the Board of Ethics to replace Tom Clemow.

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes
Noes: None
Absent: Council Member Rissberger
Council Member Southard

MOTION CARRIED

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(Individual Motions and Resolutions for Discussion) continued

Human Resources Committee:

5. **MOTION**, made by Council Member Hennessy and seconded by Council Member Palmer, that the Common Council appoints Jarrod Carrington to the position of Call Firefighter in the Fire Department. The hourly rate will be \$11.00. The effective date will be July 3, 2012. This appointment is subject to the satisfactory completion of the Civil Service requirements.

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None

Absent: Council Member Rissberger
Council Member Southard

MOTION CARRIED

Finance/Administration Committee:

6. **“The following Resolution was presented by Council Member Palmer, who moved for its adoption, seconded by Council Member Malone:”**

Whereas, the City of Oneonta has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code, for a project described as the purchase of two (2) small (less than 30') buses;

Whereas, the City of Oneonta and the State of New York are entering into a Agreement which authorizes the undertaking of the Project and payment of the Federal and State Shares for the project;

Resolved, that the Mayor is authorized to sign:

- 1) Any and all Agreements between the City of Oneonta and the State of New York for the above named Project;
- 2) Any and all Agreements between the City of Oneonta and any third party subcontractors necessary to complete the Project;
- 3) Any and all Agreements between the City of Oneonta and any vendor for the purchase and/or installation of vehicles and/or equipment or facilities; and

Further Resolved, that the City Council certifies through this Resolution that the estimated local share of \$13,000 is committed to this Project from transit or general operating funds as needed.

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None

Absent: Council Member Rissberger
Council Member Southard

RESOLUTION ADOPTED

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(Individual Motions and Resolutions for Discussion – *Finance/Administration Committee*.)
continued

7. “The following Resolution was presented by Council Member Palmer, who moved for its adoption, seconded by Council Member Malone:”

Whereas, competitive bids have been solicited and accepted for the **Church Street Milling and Paving**, and

Whereas, it is necessary to establish funding sources and budgetary controls for said project, therefore

Be It Resolved, that the project budget and necessary budget amendments and transfers are hereby authorized as follows:

Bid amount:	\$161,848
Contingency	\$ 8,093
Total	\$169,941

Funding sources: NYS CHIPS	\$ 90,000
General Fund Appropriated Fund Balance	\$ 79,941
Total	\$169,941

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None

Absent: Council Member Rissberger
Council Member Southard

RESOLUTION ADOPTED

8. **MOTION**, made by Council Member Palmer and seconded by Council Member Malone, that the Common Council concurs with the Purchasing Agent’s recommendation and awards Church Street Milling & Paving bid to Cobleskill Stone, PO Box 220, Cobleskill, NY 12043 for the amount of \$161,847.50.

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None

Absent: Council Member Rissberger
Council Member Southard

MOTION CARRIED

9. **MOTION**, made by Council Member Palmer and seconded by Council Member Malone, that the Common Council authorizes the Purchasing Agent to issue a Request for Proposals for Landscaping Services for 2012-2013.

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(Voting on motion item 9)

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None

Absent: Council Member Rissberger
Council Member Southard

MOTION CARRIED

10. **MOTION**, made by Council Member Palmer and seconded by Council Member Malone, that the Common Council authorizes the Purchasing Agent to go to bid for Demolition of house at #1 Fair Street.

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None

Absent: Council Member Rissberger
Council Member Southard

MOTION CARRIED

Voting followed this discussion.

Mayor Miller stated this was necessary because the owner/insurance company have been slow to demolish the unsafe house themselves. He said this put the city in the position to demolish it if they did not pick up their pace. He said if the city had to demolish it the cost would be billed back to the property owner.

11. Motion that the Common Council approves the budget transfers and/or amendments totaling \$90,345.00, as presented.

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None

Absent: Council Member Rissberger
Council Member Southard

MOTION CARRIED

The Budget Adjustment Report with budget transfers &/or amendments totaling \$90,345.00 (item 11) is attached to the original set of minutes.

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continued

12. **MOTION**, made by Council Member Palmer and seconded by Council Member Malone, that the Common Council approves the warrants totaling \$438,388.95, and that the same be placed on the Director of Finance's desk for payment, as presented:

Operating Fund, Trust Fund & Capital Projects	-	\$424,412.42
Community Development Programs	-	7.36
NYS Hud Grant	-	<u>13,969.17</u>
TOTAL	-	<u>\$438,388.95</u>

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None

Absent: Council Member Rissberger
Council Member Southard

MOTION CARRIED

ADDITIONAL BUSINESS

Mayor Miller stated e-mailed to Council Members earlier was the awarding of the Request For Proposals for Consulting Services necessary for the Redistricting Commission to perform their tasks. He said Council Member Holmes had raised some issues with that. He said he placed on the desks details of the proposal provided by the consultant Gerald Benjamin, Director of the Research Foundation at SUNY New Paltz, who was the only respondent. He said this organization was the one he talked to in advance and was the only place he could find that performed such services. He said if Council reads the proposal and the work they were going to do, it was work that the city or the commission did not have the capability to do. He said the commission was in favor of moving forward with this. He said he would like to move forward on it but Council did not have to do so today and could do so at the next meeting on July 17th, however it was a 3-month process that the consultant would go through and the sooner the better to start it.

13. **MOTION**, made by Council Member Palmer and seconded by Council Member Malone, that the Common Council concurs with the Purchasing Agent's recommendation that the proposal submitted by The Research Foundation of State University of New York on behalf of the Center for Research Regional Engagement and Outreach (CRREO) At SUNY New Paltz, c/o Sponsored Programs, Haggerty Administration Building 602, 1 Hawk Drive, New Paltz, NY 12561 be accepted and that the Mayor be authorized to execute an agreement, subject to review by City Attorney Merzig prior to execution, with the Center for Research Regional Engagement and Outreach (CRREO) at the State University of New York College at New Paltz based on their proposal dated June 28, 2012.

Council Member Palmer stated because they were the only respondent her only concern was if the city could check on any references as to what they did in the past.

Mayor Miller stated he knew Professor Benjamin well and the Center well, which was the equivalent of the SUNY Center for Community and Economic Development. He said the city went to the Governor's Office and NYCOM looking for someone with experience in this. He said these people were recommended by Tim Hayes at SUNY Oneonta. He said he thought they were very credible. He said there was a

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(Discussion on motion item 13) continued

lot of detail work and the implications of the work were quite significant. He said he thought having experts at arms length as advisors was good.

Council Member Palmer questioned if the commission really felt that they would like this and have a consultant.

Mayor Miller responded yes. He said he thought it protected both the commission and the Council and there would be credible information when the commission begins to deliberate and make decisions.

Council Member Palmer stated she had to admit she had no idea what this job was going to be like. She said she did not know the dollar figure until now and she was very weary because everyone was 'consultant' worn out however she would vote 'yes' because this was going to be a big job.

Mayor Miller stated that the consultants would take the judgement out of the planning and give mechanical options. He said the judgement will come on the commission and the Council and he thought they needed to start from a factual base.

Council Member Hennessy asked if the \$10,850 was the total cost of the project.

Mayor Miller replied that was the total and it included travel and administration.

Council Member Holmes stated the credibility issue was not present.

Council Member Lynch stated he had two issues. He said the first was the process and this not coming through committee and it was something that garnered conversation the first time it came up. He said the other was after reading during the meeting what was placed on the desks he questioned what was the city buying because this was not just redistricting. He said the city was buying a complete analysis of the revision of this Council and whether or not the composition of the Council should be different, whether or not there should be a different committee structure and whether or not there should be 8 or more or less.

Mayor Miller stated that the committee structure was determined by the Mayor.

Council Member Lynch stated what the city was buying from Mr. Benjamin appeared to be sections A, B and C under #1 and B. says "...presentation to the Oneonta Common Council and Mayor comparing the current size, structure of and method for election to the Oneonta Common Council to that of other cities of similar size and function in New York State. Additionally, with reference to specified criteria usually employed. CRREO will outline what are generally regarded as the advantages and disadvantages of City legislative bodies of different sizes." He said he was not sure what that had to do with redistricting.

Mayor Miller stated that the makeup of the Common Council was in some respects up to the Common Council. He said what the city was getting here was professional expertise on the subject that was not written. He said going back to the conversations they had in the December and March retreats on this project and Council basically agreed with his position at that time that because this was ultimately an issue of which the Council had individual interests that once the commission was organized that it would step back until such time recommendations were brought forward. He said he thought the bottom line was that there could be proposals to change the boundaries, there could most certainly be proposals to consider the presence of students of various wards and in the context of one man-one vote principal this was not a small task. He said the reason he brought this forward without going through committee was exactly the discussions he referred to before.

(Discussion on motion item 13) continued

Council Member Lynch stated if he gave the impression he wanted to back off a process and just write checks for this task force he was sorry he gave that impression because it was not what he meant. He said what he meant was that he did not want to participate in the redistricting process and that bringing in citizen residents to do that was a good idea. He said his question remained related to what the city was buying because the consultant was going to prepare recommendations for Council on other items in addition to redistricting

Mayor Miller suggested that Council table the motion and after each Council Member indicates to him what they wanted taken out of the proposal they would go back to the respondent to discuss that.

Council Member Lynch questioned who the oversight committee would be for the project.

Mayor Miller responded the Community Improvement Committee but again he thought the Council was involved in the process until such time the commission comes forward with a set of recommendations and that was something to be careful in considering.

Council Member Malone stated he thought all of the Council should be involved in this. He said he could not think of a committee that was exactly appropriate for this. He said this was more complex than what normally meets the eye because they had county-level weighted votes and would not just be drawing the city's districts presumably and questioned if they would be drawing the county's.

Mayor Miller stated the county has already done that.

Council Member Malone stated this did have a level of complexity for whoever was going to undertake this task. He said secondly, the student residence halls was a huge question and it was one that they do not normally encounter in a lot of municipalities. He said the third thing was the City Charter because the Charter Commission essentially backed away from the question of what Council Member Lynch was saying in terms of the number of wards. He said the Charter Commission left that undone first of all because that commission did not want to make a vote about that.

City Attorney Merzig stated that if there was any change in the representation other than the 8 wards it would go to the voters. He said if the change was simply the boundaries of the wards to get more accurate representation but anything where there was a fundamental modification of representation system that was in the Charter than that had to go to referendum.

Council Member Malone questioned who brought that forward.

City Attorney Merzig responded the committee would make recommendations to the Council. He said the Council had control, the Council makes all decisions. He said if this Council decided it wanted to go to 6 or 10 wards then it must go to a referendum to the voters to make a determination because that fundamentally changes the system in the Charter. He said if all Council does was modify the boundaries of the 8 wards already in place to have more accurate representation that would be done solely by the Council.

Mayor Miller entertained a motion to table.

14. **MOTION**, made by Council Member Palmer and seconded by Council Member Brzozowski, that the Common Council tables item 13, motion awarding the Redistricting Consulting Services to Center for Research Regional Engagement and Outreach (CRREO) at the State University of New York College at New Paltz based on their proposal dated June 28, 2012.

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Lynch

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(Voting) continued

Council Member Palmer
Council Member Brzozowski
Council Member Holmes
Noes: None
Absent: Council Member Rissberger
Council Member Southard

MOTION CARRIED

Mayor Miller suggested inviting Professor Benjamin to a joint meeting with the commission and the Council before the Council's July 17th meeting.

Council Member Palmer stated she thought that was a great idea.

Council Member Lynch stated he did not want to sit through a sales pitch. He said maybe the Council should first talk with the commission about what it was they exactly need help with.

Council Member Brzozowski stated he agreed with Council Member Lynch and that the first meeting should be between the two groups, the Council and the commission without the consultants.

Mayor Miller stated for clarification he asked if they wanted a meeting between the Redistricting Commission and the Common Council without the consultants and asked if that was the consensus.

Council Member Holmes stated he would say if the commission only met once that they be given a little while to see what they have gotten into and figure out what they were doing.

Mayor Miller stated when the commission has met with the consultants and were thoroughly comfortable bringing a recommendation forward he would ask them to bring a recommendation forward.

Council Member Holmes stated he was not convinced yet that a consultant was needed. He said he realized how important this project was but he thought there were capable people on that commission. He said \$10,000 was a lot of money.

City Attorney Merzig stated that a determination has to be made by every household in every structure everywhere in the city in order to understand where the lines would be drawn.

Mayor Miller stated that significantly more than \$10,000 was spent on the Charter and the Code and this was of equal importance.

Council Member Holmes stated it could be argued that the city should not have spent that much. He said with no disrespect money was hard to come by nowadays. He said he wanted to do this right and needed to be sold on it.

CORRESPONDENCE

City Clerk Koury reported that he received correspondence from Becky Yung, Delaware, Otsego and Schoharie County Reality Check, dated July 2, 2012 requesting that the City of Oneonta issue a proclamation in support of "covering up" visible displays of tobacco products.

Mayor Miller suggested forwarding this to the Community Improvement Committee for discussion.

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SPECIAL ORDER(S) OF THE DAY

Mayor Miller stated there were no special orders of the day.

OPEN FORUM

Mayor Miller entertained unrecorded open discussion items from Council Members and the audience at this time.

There being no further business to come before the Common Council, Mayor Miller adjourned the regular meeting at approximately 6:00 p.m., until Tuesday, July 17, 2012 at 7:00 p.m.

JAMES R. KOURY, City Clerk

I, JAMES R. KOURY, City Clerk and Clerk of the Common Council, DO HEREBY CERTIFY that the foregoing is a true and correct report of all Motions, Resolutions and Ordinances passed or enacted, and all other procedures had and taken by the Common Council at the Regular Meeting held on July 2, 2012.

JAMES R. KOURY, City Clerk

I, RICHARD P. MILLER, JR., Mayor of the City of Oneonta, New York, DO HEREBY AFFIX my name and seal of the City of Oneonta, New York this 17th day of July, 2012, approving the foregoing procedures had and taken by the Common Council at the Regular Meeting held on July 2, 2012.

RICHARD P. MILLER, JR., Mayor

JRK/pab