

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
OCTOBER 5, 2021**

A meeting of the Common Council of the City of Oneida, NY was held on the fifth day of October, 2021 at 6:30 pm at the City of Oneida Common Council Chambers, 109 N. Main Street, Oneida NY 13421.

The meeting was called to order by Mayor Helen Acker

<u>Attendees</u>	Present	Absent	Arrived Late
Mayor Acker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Earl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Laureti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Coulthart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Kinville	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor DuBois	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Simchik	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> _____

Also Present

City Attorney Nadine Bell	<input checked="" type="checkbox"/>	Fire Chief Dennis Fields	<input checked="" type="checkbox"/>
City Clerk Sandy LaPera	<input checked="" type="checkbox"/>	Parks & Rec Director Luke Griff	<input type="checkbox"/>
City Engineer Jeff Rowe	<input checked="" type="checkbox"/>	Police Chief John Little	<input checked="" type="checkbox"/>
Codes Director Bob Burnett	<input checked="" type="checkbox"/>	Public Safety Com. Kevin Salerno	<input checked="" type="checkbox"/>
Comptroller Lee Ann Wells	<input checked="" type="checkbox"/>	Supervisor Matt Roberts	<input checked="" type="checkbox"/>
		Supervisor Mary Cavanagh	<input checked="" type="checkbox"/>

PUBLIC COMMENT

MATT WINCHELL

Mr. Winchell voiced his concern over the proposed adoption of the property tax levy in excess of the limit established in General Municipal Law, Section 3-C and also the increase in inspection fees during the middle of a pandemic, in which landlords have not been able to collect rent or evict tenants. He also noted the increase in Budget for the Codes Department from 2020 to 2021, and feels this is unnecessary spending.

Mr. Winchell provided definitions of the Republican ideology and noted a Facebook post, that in his opinion, went against this. He encouraged members of the Council to vote against the raising of taxes and fees, especially during the pandemic. He would like the Council to find a way to cut from the Budget so that taxes will not have to increase this year.

CHARLOTTE JAMES

Mrs. James came to represent her husband, Milt James, who passed away on September 9. She is having difficulty collecting rent from her tenants and noted several excuses that were given to her by them for not paying. She stated that due to Covid and the Governor's laws that were only protecting the tenants and not helping the landlords, who in her opinion should be reimbursed, the City should not be imposing higher inspection fees. She stated that tenants are destroying the apartments, cost of repairs are high, and the funds are not available to help landlords. She encouraged landlords to take a stand.

OLD BUSINESS

The Mayor read off a prepared statement regarding the City Chamberlain's Office, which is attached to the minutes.

Moved by Councilor Earl
Seconded by Councilor Kinville

RESOLVED, that the minutes of the regular meeting of September 21, 2021 are hereby approved as presented.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

Moved by Councilor Kinville
Seconded by Councilor DuBois

RESOLVED, that Warrant No. 19, checks and ACH payments in the amount of \$716,700.77 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 4
Nays: 1 (Coulthart)
Absent: 1 (Simchik)
MOTION CARRIED

DISCUSSION: Councilor Coulthart reiterated his position regarding payments being made to the Madison County Landfill for Biosolids and how much has been paid to date (\$212,000) that is not in the Budget. He noted that it is his understanding that there is a contingency budget of \$150,000 that has now been breached, citing the roof and gym floor at the Recreation Department, which are new.

ADOPT LOCAL LAW NO. 9 OF 2021-TAX LEVY IN EXCESS OF LIMIT

RESOLUTION 21-182

Moved by Councilor Kinville
Seconded by Councilor Earl

RESOLVED, that the Common Council hereby enacts and adopts Local Law No. 9 of 2021 authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Oneida to adopt a budget for the fiscal year commencing January 1, 2022 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Common Council of the City of Oneida, County of Madison, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2022 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Councilor Earl NO
Councilor Laureti NO
Councilor Coulthart YES
Councilor Kinville NO
Councilor DuBois NO
Councilor Simchik ABSENT

MOTION FAILED

DISCUSSION: The Mayor advised that this is standard that is done every year when they do the Budget.

CLOSEOUT CAPITAL PROJECT 18-15 WEST ELM STREET EXTENSION

RESOLUTION 21-183

Moved by Councilor Kinville
Seconded by Councilor Earl

RESOLVED, that Capital Project 18-15 West Elm Street Extension project be hereby closed and approved unexpended funds of \$13,795.50 to be transferred back to the Water Fund.

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

MOTION CARRIED

DISCUSSION: Councilor Coulthart applauded the efforts of those involved and the DPW for coming in under budget for this, but questioned if there would be any kind of consideration of the excess funds for people along the route of this, noting there was concern from the residents of having to spend their own money to become part of this.

Comptroller Wells advised that nothing would be given for the benefit of the property owners, as the City received a grant from Empire State Development for \$1M, \$500,000 from Madison County, \$350,000 from Revolving Loan funds and the remaining came out of the Water and Sewer Fund, noting that we were \$13,795.50 under budget. Comptroller Wells also noted that the Water Fund had put more money into this than the Sewer Fund and that is why it was being put back into the Water Fund.

**INTRODUCE LOCAL LAW NO. 10-AMENDING ARTICLE 5, SECTION 5.24 OF THE ONEIDA CITY CHARTER -
BUDGET AND FINANCIAL ADMINISTRATION-ASSESSOR**

RESOLUTION 21-184

Moved by Councilor Coulthart
Seconded by Councilor Kinville

WHEREAS, the City of Oneida Common Council introduces this Local Law to revise the requirements for the position of Oneida City Assessor; and

WHEREAS, as proposed, the amendment of Section 5.24 of the Oneida City Charter reflects the City's retention of a City Assessor for a six (6) year term and further designates the position as a non-competitive class of the civil service; and

WHEREAS, the proposed Local Law has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

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, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) 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

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA and the Common Council has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, said EAF has been prepared and has been reviewed by the Common Council; and

WHEREAS, the Common Council has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that there are no other involved agencies, that the Common Council shall act as lead agency and that the enactment of the proposed Local Law is an unlisted action for purposes of SEQRA review; and it is further

RESOLVED AND DETERMINED, that the Common Council has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

RESOLVED AND DETERMINED, that the Common Council shall conduct a public hearing as to the enactment of the proposed Local Law at the Oneida City Hall located at 109 North Main Street, Oneida, New York on October 19, 2021, at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and it is further

RESOLVED, that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the City of Oneida.

Ayes: 4
Nays: 1 (Coulthart)
Absent: 1 (Simchik)
MOTION CARRIED

**CITY OF ONEIDA
PROPOSED LOCAL LAW**

**A LOCAL LAW AMENDING ARTICLE 5, SECTION 5.24
OF THE ONEIDA CITY CHARTER**

Be it enacted by the Common Council of the City of Oneida, that this local law amends Article 5, Section 5.24 of the Oneida City Charter in the following manner:

SECTION 1.

So that Section 5.24 of the Oneida City Charter, titled "Assessor," shall be amended so as to read, in its entirety, as follows:

"The City of Oneida shall have one Assessor appointed by the Mayor for a six-year term, which office of Assessor shall be designated as a non-competitive class of the civil service. The Assessor may also be employed in any other position by the City not incompatible with the office of Assessor. The Assessor shall meet all the minimum qualification standards as required by the Real Property Tax Law. Except as otherwise provided in this Charter, the Assessor shall possess all the powers and duties of an Assessor as provided in the Real Property Tax Law."

SECTION 2. **EFFECTIVE DATE**

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

DISCUSSION: The Mayor advised that this was cleaning up the City Charter with regard to the Assessor's office. Councilor Coulthart questioned why this was being done now and cited other positions that were not being addressed, such as the hiring of a City Administrator, the position of Public Safety Commissioner and other issues.

He asked what the significance was of this and does this foreshadow a reevaluation of what will have to happen in the City because of money lost on properties in the flats, etc. He commented that it was his understanding that some of the duties of the Assessor have been taken away and given to the Codes Department. The Mayor advised that this is happening now, because the Secretary to the Civil Service Commission brought this forward, and the State wants this cleaned up, as it is not clear in the City Charter.

Attorney Bell stated that the position in the past has been treated by the City as a non-competitive Civil Service position, even though the Charter says that it is competitive, and we need to be consistent with the Charter. She also advised that the way the Charter currently reads, it is a term without a limit, which

is inconsistent with New York State. She noted that 6 years is typical for an Assessor's position, and this is to be consistent with what is typically done. Councilor Coulthart stated that this position sits at the pleasure of the Mayor and could extend beyond the time that the Mayor could appoint. Attorney Bell stated that if there was ever an issue, of which there has never been one, there are certain rights that people have if you have an indefinite term, as opposed to a defined term, stating it was better to have a specified term rather than an appointment without ending. Attorney Bell also stated that the Assessor does not typically change with Mayors, as there are not a lot of Assessors available and most work for more than one municipality.

Councilor Coulthart stated that he would like to see this tabled to have more discussion.

LEAK ADJUSTMENT RECOMMENDATION BY THE WATER BOARD

RESOLUTION 21-185

Moved by Councilor Kinville
Seconded by Councilor DuBois

WHEREAS, two letters were received requesting an adjustment to the water bill at 425 McGuire St., and

WHEREAS, this matter was brought to the September 14 Water Board Meeting, as it did not meet the Leak Adjustment Policy, and

WHEREAS, the Water Board, after careful consideration of the situation, felt an adjustment should be made to lesson the financial impact on the resident, and

WHEREAS, the June 1, 2021 water bill for 425 McGuire Street is \$20,042.31, and utilizing the current Leak Adjustment Policy and formulas for leakage in premises not entering the sewer system, the property owner would be granted an adjustment of \$15,534.54, **now therefore be it**

RESOLVED, that the City of Oneida Common Council approves the adjustment of the water bill at 425 McGuire St. from \$20,042.31 to \$4,507.66 with the satisfaction of the following three (3) conditions:

- All home heating and plumbing repairs will be made to ensure that there are no future leaks in the system
- The repairs must be inspected and signed off on by the City of Oneida Code Enforcement Department prior to the adjustment being made to the water bill
- Notification from the owner that repairs have been made by November 1, 2021

MOTION TO TABLE

Moved by Councilor Coulthart

Seconded by Councilor Earl

The Resolution was tabled in order for the Council to obtain more information from the Water Department.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

DISCUSSION: Councilor Coulthart acknowledged that although there were specific circumstances by which a waiver could be given to a person, and generally speaking, the City was not responsible for leaks that happened from the water shutoff into the house; although unfortunate, it is not the responsibility of the City to pay for it.

He asked Margaret Milman-Barris, who is a member of the Water Board who was in the audience, if there was a payment plan available to residents who are behind that has been put into place. Mrs. Milman-Barris stated that she was not sure how much information was presented to Council regarding this particular incident, and she was uncertain about a payment plan-noting that it was different from the Leak Adjustment Policy. She did not wish to go into too many details to respect the privacy of the resident, but noted that there were particular details of this case that made it seem to the Board like it was extenuating and that it was a large amount of money that the City was not likely to recover.

Mrs. Milman-Barris stated that this was not just a leak adjustment, but that the adjustment would only be made if the resident made certain repairs that would guarantee that the same situation would not happen again and would allow the Codes Department to go in and inspect to verify that these repairs have been done. She also noted that to her recollection, the figure was based on a standard formula used according to the Water Department Policy, and that this is just a recommendation from the Water Board, but that it was up to Council if they wanted to approve it or not.

There was discussion among the Councilors pertaining to the formula, the amount of the bill and the ability of the customer to make the repairs. In response to a question from Councilor Coulthart, Mrs. Milman-Barris advised that the resident was not at the Water Board meeting. Council advised that they would like to table this due to the amount of water usage, cost, etc. to get more information from the Water Department, including the Water Board and Water Superintendent.

NEW BUSINESS

Councilor Earl thanked the community for their support for the Jessica's Heroes Event that was held recently, stating that they surpassed their goal, raising over \$60,000. She encouraged everyone to visit their website at jessicasheroes.com, and if they knew of anyone affected by cancer to reach out, as all the money raised stays in the community to help those in need.

Councilor Kinville thanked the Recreation Department and the PBA for all they did for the Fall Fest, stating that it was a wonderful event with an amazing turnout. The Mayor advised that over 1,000 people were in attendance and agreed with Councilor Kinville.

PUBLIC HEARING-FEE SCHEDULE-CODES DEPARTMENT

RESOLUTION 21-186

Moved by Councilor Kinville
Seconded by Councilor Coulthart

RESOLVED, that the Public Hearing to accept comments from residents regarding the Codes Fee Schedule per Resolution 21-100, approved on June 1, 2021, is hereby opened at 7:04 pm.

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

MOTION CARRIED

APPEARANCES

VINCENT ROSSI-Oneida Housing Authority

Mr. Rossi advised that he was present on behalf of the Oneida Housing Authority and distributed materials to the Council pertaining to his comments. He stated that the Housing Authority has two towers, with each having 100 units, all being one-bedroom apartments. He stated that to inspect the 2 towers would not take as long as it would to inspect 200 individual units elsewhere. He feels that the \$150 fee across the board does not seem sensible. He stated that the fees charged should reflect the actual cost of the inspection and that he was advised by the property manager that accompanies the Codes Inspector, that it takes approximately 10 minutes to inspect a one-bedroom apartment.

Mr. Rossi asked the Council to consider the amount of time it actually takes and whether the \$150 fee is justified by how much effort the City has to put into this. He also noted that these are subsidized housing units and that everyone has to meet an income limitation. He stated that the Housing Authority provides

a great benefit to the community and that it is almost 100% occupied, noting that it would cost \$36,000 under the new fee schedule, and under the federal rule that they have to abide by, they cannot pass this on to the tenants.

Mr. Rossi later commented that if the first fee is a modest fee and the second fee is a lot more severe, the landlord will have a strong incentive to pass the first time, so they don't have to come back a second time. It also has the effect of dumping the responsibility on those that didn't comply the first time. He feels there is a lot to be said for organizing this in a way whereby if the first routine inspection is ok, the fee is modest, and the next is not so modest.

STEVE ALBRO-1074 Abes Way, Oneida

Mr. Albro thanked everyone for what they do, noting that although he was small in comparison to others, the fee increase would affect him too. He stated that he would not take the money out of his pocket, but would have to raise the rents on his tenants, which would not be fair to them. He stated that he is compliant the first time and that there is no reason for him to pay more because of others who have multiple inspections.

He later stated that he is aware that there is a problem that the City is trying to tackle and that they are trying to make things better, but he would like to see what is reasonable, with a tiered fee for future inspections.

Mr. Albro also stated that what he liked about Codes coming in is that he can use this to help with tenants who aren't being good. He does not feel that anyone in the room wants tenants who are a drug problem, noting that he is aware of how hard it is to clean up some of these issues, but that Council is not going to deter anyone by imposing a \$150 fee-that a bad landlord can pass inspection and still have a tenant selling drugs out of the residence. He stated that increasing the fee does not do anything to deter drug problems.

Councilor Laureti asked what could be done to clean up the apartments. Mr. Albro agreed that the inspections need to be done, but that everyone needs to be on an equal plane. He feels that it is unfair to make the good landlords pay the same fees for doing the right thing.

RANDY CAMPANY-3217 Fox St., Durhamville

Mr. Campany agreed with Mr. Albro in that he also has an issue with the increase. He noted an incident with the last inspector regarding cosmetic issues that needed to be done that he took care of within 15 days and whereby he did not hear from the inspector again for six months. He wants to know why he is being charged 500 times more for a lack of service and would like the City to prove to the landlords that the job will be done right and then slowly increase the rates-not charging those that are taking care of their property.

Mr. Campany later said that he agreed with Mr. Albro again, that he had no problem charging higher fees for those instances where the Codes Department has to come back numerous times.

JIM CLAREY-462 Main St., Oneida

Mr. Clarey advised that they have 2 homes (1 is a six-tenant home) in the City of Oneida and that they take pride in their homes. He stated that he does not know how they can justify going from \$30 to \$150 per inspection and feels like they are being penalized. He stated that people are out of work, and they cannot collect rent from their tenants. He commented that these are hard times and that the City needs to go after those that do not take care of their property, not the ones who do. He stated that he is on the

City Planning Commission and has been seeing the City deteriorate. He stated that there are people in the City that do not take care of their houses, and the City should go after them, not the landlords. He stated that he appreciates the Council's time, but that it is wrong what they are doing.

Mr. Clarey later stated that he felt it might be a good idea to tell the landlords enough in advance that Codes is coming and what they are looking for, so they can hopefully address any issues before they come. He feels this is a waste of time. Councilor Laureti asked how this could be made more efficient and how does the City go after the landlords that just collect a fee from HUD and do nothing. Mr. Clarey advised that the City knows who the bad landlords are, and they should be penalized, not the good ones.

NICK HUDSON-138 Main St., Oneida

Mr. Hudson stated that he keeps hearing that the fee is only \$4.16 per month, which is true, but with the cost of repairs and lack of contractors due to a labor shortage and ability to get materials, it can be more. By law, the Codes Department has to reinspect every 30 days, so if they have to come back more than once, which is not always do to non-compliance, but rather because they could not get anyone to do the work or get the materials, the price increases significantly.

With increases in taxes and increases in these fees, along with the cost of getting tenants out: it is costly, and he cited various scenarios. He mentioned that under normal circumstances it takes 2-3 months to evict a tenant, but since Covid and the new restrictions, it is taking much longer (4-5 months), noting that tenants are abusing the protection from Covid and not taking advantage of programs that are available to them. He also stated that landlords often have legal fees associated with eviction that landlords have to pay.

Mr. Hudson later stated that he appreciates the dialogue that was happening and thanked the City Clerk for listening and posting things on social media, stating that it was very helpful. Mr. Hudson stated that if the City is aware of criminal activity happening on a premises, there is a provision in Real Property Action and Proceedings Law that allows the City to evict that tenant and overstep the landlord and take action to remove the tenant if the landlord won't do it. He stated that with the tiered system, if they are obligated to inspect every 30 days, how would they have a system that penalized people who were willfully not compliant versus people who are trying but can't get it done.

Attorney Bell stated that the City cannot evict people right now anymore than the landlords can, as we are all captured under the same laws. She stated that the City, as a Government entity, walks a fine line when property owners reach out to our Codes and Police Departments to assist them in dealing with tenant matters. She stated that she gets calls from Counsel regularly (local, Legal Aide, the Attorney General's Office) stating that the City does not have the ability or is stepping out of our right to assist property owners in this way. She acknowledged that she does understand and has had numerous conversations with the Attorney General's Office with regard to this. She stated that we are not unsympathetic, but we have to be careful.

FRED CIANFROCCO-222 S. Willow St., Oneida

Mr. Cianfrocco stated that he agrees with the others who have commented. He feels that the first initial fee should be \$30 and raise the subsequent re-inspection fees. He stated that he is always compliant the first time and that the fees should not be raised now and that the City needs to figure this out.

HAL STEVENS-335 Broad St., Oneida

Mr. Stevens stated that he owns several properties in the City and handed out some informational

material for the Council. He noted issues with his tenants and the loss associated with this due to the cost of labor, materials, etc. He stated that the fee needs to be adjusted back to where it is reasonable and can be afforded.

Mr. Stevens later addressed a new problem that is affecting all cities, including Oneida, whereby people are going around buying a house and packing it full of people, as there are no rules regarding renting a house, as no one will inspect it, and he does not want it near his property or in the City.

COUNCILOR LAURETI-109 N. Main St., Oneida

Councilor Laureti stated that the Council took into consideration the feedback from the last meeting (8/17) and that Council wishes to work with the landlords, stating that he also was a landlord at one point. He mentioned the problem that the City is trying to tackle, which is not wasting time going back into apartments to reinspect numerous times. He noted that although those present at the meeting tonight might not be the issue, he would like to get more feedback. He stated that maybe the increase in fees should come in situations where they have to go back 2 and 3 times, noting that the fee has been \$30 and asked what they felt about \$40-\$50, with the second and third reinspection on a tiered system.

Fred Cianfrocco commented that he does NYS inspections that take an hour to do, and they have been \$6 for 30 years, and that he has nothing to say about it. Councilor Laureti commented that that is why the State is in the shape they are in.

Councilor Laureti brought up tenants that are causing problems, such as those drugs related and asked how we get the tenants out that are causing the problems.

ANDY PARENT-366 Earl Ave, Oneida

Mr. Parent stated that this isn't done by charging the landlords \$150 per inspection, noting that he feels Codes does a great job and that he doesn't mind an inspection or a reasonable increase. He stated that there are landlords that are a problem, and the City should go after them, not those present. He noted that he will have to raise his rent if this keeps going up and appreciates that the Council is willing to listen.

Mr. Parent cited an example of a couch that was left along the road for a long time that no one from the City did anything about. He stated that it offends him that they cannot do anything about something like this or trash cans that are left out for extended periods of time, but go after the landlords for a broken window. He also commented on shopping carts, stating that the City needs to step up their game.

DEB CLAREY-462 Main St., Oneida

Mrs. Clarey stated that you have good landlords that take care of their properties, and they are being isolated. She noted that Codes knows who the bad landlords are and stated that the drug people have more rights than the landlords.

BOB WALTERS-Oneida Housing Authority

Mr. Walters stated that although the Housing Authority is often looked at as low income, and because of this they are more likely to be a problem. He advised that they do their due diligence and they try to run one of the cleanest shows in town. He stated that he involved everyone when they had an issue with a few bad tenants, and they are not going to accept this. He stated that 98% of their population are good people, noting that they want to get the bad tenants out, but the system does not work for the landlords. He commented that the City picked the worst possible time to do this because of the Covid epidemic.

TERRY KARST-1624 W. Elm St., Oneida

Mr. Karst stated that it was not the responsibility of this Council or any Council to “rubberstamp” the Mayor’s Budget and then try to determine where they can get the extra funds from. He stated that they are supposed to find ways to save money and cut back-not increase. Councilor Laureti stated that this was not a huge revenue generator and asked how we prevent spending more and more money having the Codes Inspector go back more and more to the same apartment.

Various members of the audience spoke, who did not identify themselves, in agreement with the other landlords and cited individual incidents with tenants and issues they were having.

CLOSE PUBLIC HEARING-CODE INSPECTION FEES

RESOLUTION 21-187

Moved by Councilor Kinville
Seconded by Councilor Laureti

RESOLVED, that the Public Hearing to accept comments from residents regarding the Codes Fee Schedule per Resolution 21-100, approved on June 1, 2021, is hereby closed at 7:50 pm.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

Motion to adjourn by Councilor Kinville

The regular Meeting is hereby adjourned at 7:52 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk

October 5, 2021

Mayor Helen Acker

Clarification on the investigation of the City Chamberlain's office.

As most of you know, there is an investigation of the City's Chamberlain's Office.

During an investigation, we normally do not discuss the investigation with the public until the investigation is over and there is a finding. Then it is publicly released.

The investigation was brought up at a council meeting a few weeks ago during public comment.

I have spoken with the State Comptroller's Office about this and what I can say to the public at this point in time, as I do not want to harm the investigation.

I will give you a time line as best as I can.

While I was on the city council, it was brought to our attention that there were delinquent taxes owed dating back to 2007. I was on the council starting the middle of 2012 until 2019. Our council was made aware of the delinquent taxes by our City Comptroller. The previous administration was asked to look into this and actively seek the monies owed to our taxpayers. For some reason it was not done. Myself and other councilors continually asked. Nothing was done as far as we know.

With that being said, let me back up here. The position of the City Chamberlain is an elected position. As an elected position, the person that holds that office answers to no one except the taxpayers. The Mayor, nor the Common Council can tell that elected official what to do. Or how to do their job. The Chamberlain handles everything solely on their own in their own office. There was no accountability as a result of this.

Last year, near the end of the year, I started to look into this because I encountered many people who stated they paid their taxes, but, their names kept showing up as unpaid in our computer system. They were very upset over this. I asked them to bring in their paid receipts. Most of them did and showed me proof. I sat down with the Chamberlain and asked many questions regarding this. After that conversation I brought this to our legal team. They reviewed and recommended hiring a forensic accountant to dive into things. With that, I brought it to our Common Council for approval of the expenditure for the forensic accounting firm. It was approved by council. Our legal firm, Costello Cooney & Fearon hired the forensic team. The forensic accountant came in and did an independent audit. I was asked at that point to send out letters to some of the people on the list of delinquent taxes, asked them to supply us with proof of payment and then give that information to the forensic accounting team.

From there they continued their audit. When the audit was done, the information was given to our legal firm with a recommendation to bring it to the Madison County DA's office. The county reviewed it and the matter was referred to the State Comptroller office for review.

That is where it is now. In review by the State Comptroller Office.

Here is some more background. Every year we have an independent audit firm and review our books. Every year for the past 5 years at least, the audit shows that we should be following our charter on

delinquent taxes. Our City Comptroller has done her due diligence by bringing this to the attention of the past administrations with no outcome. She has asked each year for something to be done. For some unknown reason It was not.

It was brought to my attention after the audit findings last year in and now here we are.

As a result of all of this, we have made some internal controls. We could do this now, because the City Chamberlain is out on medical leave. We had to adjust and move quickly. We have a new Software System with an excellent enhanced security system. This was in the works last year and all the quirks had to be worked out. The roll out was done this year once the quirks were taken care of. We still see some once in a while as with any electronic program. It gets taken care of in a short amount of time. Our internal controls are now a 3-person security control, a check reader system, and reports that must match up every day.

At this point in time, the investigation is happening. The State Comptroller's office will confirm a referral from the city, but will not comment on ongoing investigations.

This is as much as I can tell you myself. Once the investigation is completed, reports will be made public. I have been told that this will be a lengthy investigation. I cannot give you a time line.

As a result of all of this, we are in a much better position right now in the Chamberlains office because of the steps and internal control we were able to take because of the Chamberlains medical leave. There are now checks and balances.

Next year I will be bringing forward a Public Referendum to change our charter and remove the position of Chamberlain as an elected position. I will be recommending a position of Tax Collector. This person will be hired by the city, it will not be an elected position. By doing this there will be accountability internally as a paid position by the city. This is a long process to do. However, in the end, I believe this will be a much better way to go for our taxpayers. Checks and balances.