

PRESENT: **Acting Mayor Russ Southard**
 Council Member Larry Malone
 Council Member Maureen Hennessy
 Council Member David Rissberger
 Council Member Michael E. Lynch, Jr.
 Council Member Madolyn Palmer
 Council Member Bob Brzozowski
 Council Member Chip Holmes

ABSENT: **None.**

Acting Mayor Southard called the Regular Meeting to order at 7:00pm. He welcomed Deputy City Clerk Nancy S. Powell to the meeting. He then asked her to call the roll.

Everyone present stood for the Pledge of Allegiance

PETITIONERS/PUBLIC HEARINGS

Acting Mayor Russ Southard indicated there were no advertised public hearings scheduled.

Acting Mayor Russ Southard asked if any petitioners wished to address the Council on any matter.

George Siatos, 20 Gardner Place, stated that he first wished to address Ms. Meg Hungerford and assure her that his views against temporary merger of the positions of the Finance Director and the City Manager were not personal. He did not question her ability to perform either job. He also had no objection for a stipend for services rendered. He said he felt as both positions were full time positions and that allowing her to wear “two hats” was not in the public’s best interest and that the positions of separate Finance Director and City Manager create a system of checks and balances. He felt this matter needed not only more discussion, but also additional public input on the matter.

Hearing no further petitioners, Acting Mayor Southard closed the petitioners’ section of the meeting.

Acting Mayor Southard then asked for the Commission Reports.

COMMISSION REPORTS

Parks and Recreation Commission: Council Member Rissberger reported the Commission would be meeting tomorrow night, Tuesday, September 2, 2015 at 7:00pm.

Commission on Community Relations and Human Rights: Council Member Lynch reported that there was discussion and organization taking place for a “ride along” opportunity with the Oneonta Police Department for Commissions Members to try to build relationships and increase awareness. He recognized Michelle Osterhoudt for her help in the arrangement process.

Planning Commission: Council Member Hennessy reported that there would be a Planning Commission meeting held on September 16, 2015 at 7:00pm.

Zoning and Housing Board of Appeals: Council Member Brzozowski reported that the Board has not met since he last reported. The Board will be holding a Special Meeting September 16, 2015 at 6:00pm to discuss a request from Housing Visions for an area variance regarding parking on Monroe Avenue.

Airport Commission: Council Member Holmes stated a motion was being brought forth by Finance/Administration Committee at this meeting from the Commission.

CITY MANAGER’S REPORT

Acting City Manager Hungerford touched on the highlights and updates to her weekly report to Common Council.

The City had a thirty-year employee of the Department of Public Service who retired last Friday. She stated the City was grateful for his service and wished him well in his retirement.

As Acting Mayor Southard had mentioned Nancy S. Powell is at the meeting as Deputy City Clerk. Douglas Kendall’s last day in the office will be Friday. He is then taking some time off and his last official day will be September 8th. The City is in the midst of the process of appointing a new City Clerk

We continue to work on the data report CPS sent related to the study they are doing of fire operations. The data report is an analysis of calls over a one-year period. The process is that they take those calls and look at different statistics based on them. The Fire Chiefs and I have been through a few renditions of that and had some answers to some questions. What we are doing now is verifying that the data as analyzed is accurate before they complete their report

The aerial fire truck that we are purchasing is in route. It is in Atlanta. It has a few alterations being made then the Fire Chiefs will make their final inspections. We are hoping for delivery sometime in late September.

There is a laundry list of projects being done by the Public Service Department and Engineering that are in the works. It is quite a long list of projects and these departments have been very busy.

I have put on your desks a list of the 2015 goals that was presented and approved earlier this year. The intent of this is to look at the list of goals and where we are in achieving them. There have been no changes to the goals or target dates, but I have added a status column. Target dates as presented and approved with an added status column, I would ask that you review this as there is a lot of information and we can address any questions you might have.

Council Member Lynch then asked how Acting City Manager would like to use this document; was this just to make the Council aware or would she be scheduling a specific time to review the information.

Acting City Manager Hungerford said historically this was not just a Council document, but one that also went to Department Heads to keep everyone on the same page. Some of goals have been identified that should be altered, or maybe other things have come up and certain goals are not necessarily the top priority now. She stated she did not take that step in this rendition and this was to set the goals forth as they had been adopted.

After a brief discussion it was decided that this document, after review, would be placed on an agenda to be discussed further.

Acting Mayor Southard said he did know that throughout the City things always get worse before they get better and everything is coming together. Things are so much better than they were at the beginning of the year. There has been a tremendous amount of work done here and the results are visible. He then asked if there were any other questions. Hearing none, he moved on to the consent agenda.

CONSENT AGENDA

Acting Mayor Southard read the Consent Agenda and asked whether Council Members wished to remove any item. Hearing no such requests, Acting Mayor Southard then asked for a motion to approve the Consent Agenda.

MOTION, made by Council Member Lynch and seconded by Council Member Malone, that the Common Council approve the Consent Agenda.

CONSENT AGENDA

APPROVAL OF MINUTES

1. Approval of the minutes of the regular meeting held August 18, 2015.

General Items:

2. Motion that the Common Council approve the Acting Mayor's appointment of William Coryell to a 5-year term on the Oneonta Housing Authority to expire April 4, 2020.

Finance/Administration/Human Resources Committee:

3. Motion that the Common Council approve the Purchasing Agent's recommendation that the Bid for Center Street and Maple Street Traffic Signal Replacement Contract 1-G-2015 be awarded to Power Line Constructors, Inc. for the amount of \$100,472.88, as presented.

Council Member Malone asked to have Motion #4 pulled as there has been additional information received this afternoon that needs to be processed.

Acting Mayor Southard stated motion #4 is to be pulled from the Consent Agenda.

5. Motion that the Common Council authorize the Acting City Manager to execute a contract with SUNY Oneonta for internal bus advertising in the amount of \$29,000, for the period August 1, 2015 to July 31, 2016, subject to review by the City Attorney.
6. Motion that the Common Council accept the Single Audit Reports and the report on the General Purpose Financial Statements for the fiscal year ended December 31, 2014, as prepared by SAX BST, LLP, Albany, N.Y.
7. Motion that the Common Council approves the budget amendments totaling \$ 44,281, as presented in the Budget Adjustment Report.
8. Motion that the Common Council approves the warrants totaling \$ 1,263,668.60, and that the same be placed on the Director of Finance's desk for payment, as presented.

Acting Mayor Southard asked if there was any discussion. Hearing none, he asked the Deputy Clerk to call the roll.

Voting Ayes: Acting Mayor Southard
Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None.

Absent: None.

MOTION CARRIED, 8-0

INDIVIDUAL MOTIONS AND RESOLUTIONS FOR DISCUSSION

Facilities/Technology/Operations/Community Improvement Committee:

Acting Mayor Southard asked for a motion on Item #9.

MOTION, made by Council Member Brzozowski and seconded by Council Member Rissberger, that the Common Council refer to the City of Oneonta Planning Commission a request from Paul van der Sommen, located at 32 Rose Avenue, to change his current zoning classification from C/I, Commercial/Industrial District, to either R-4, Transitional Residential District or R-2, Moderate-Density Residential District. The Planning Commission will review the request to ensure that the amendment would be in harmony with the Comprehensive Plan. The Commission has 62 days from the date of referral to provide recommendations to the Common Council regarding the amendment.

Acting Mayor Southard asked for discussion.

There was a brief discussion held regarding how the property became zoned after the Code was rewritten. The fact that Mr. van der Sommen is asking for more restrictions be placed on his land so that it will no longer be able to be built as commercial while the Tennis Club is there. This would make the property fit in better with properties on that side of the railroad tracks and his neighbors.

Hearing no further discussion, Acting Mayor Southard asked the Deputy Clerk to call the roll.

Voting Ayes: Acting Mayor Southard
Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None.

Absent: None.

MOTION CARRIED, 8-0

Finance/Administration/Human Resources Committee:

Acting Mayor Southard asked for a motion on Item #10.

MOTIONS, made by Council Member Malone and seconded by Council Member Holmes, that Common Council approve the following resolution:

Resolution
Federal Aviation Administration
Airport Improvement Program Grant Application

WHEREAS, the Federal Aviation Administration (FAA) has offered a grant for work to be completed at the Oneonta Municipal Airport; the project being described as the Construction of a Partial Parallel Taxiway and;

WHEREAS, the City of Oneonta desires to advance the Project by committing funds for the local match; funding shares being Federal 90%, State 5%, and local 5%, now, therefore be it

RESOLVED, that the City of Oneonta Common Council hereby endorses and approves the project being described as the Construction of a Partial Parallel Taxiway and Apron Expansion for the amount not to exceed \$1,163,691, and it is further;

RESOLVED, that the City of Oneonta Common Council make available all necessary funds to match the FAA grant share of funds for said project, and further

RESOLVED, that the City Manager is hereby authorized to execute all necessary Agreements on behalf of the City of Oneonta with the FAA in connection with the Project, and it is further

RESOLVED, that this Resolution shall take effect immediately.

Acting Mayor Southard asked for discussion.

There was discussion as to the amount of the grant and the City's share, which will be addressed in a motion to be brought forth later at this meeting.

Hearing no further discussion, Acting Mayor Southard asked the Deputy Clerk to call the roll.

Voting Ayes: Acting Mayor Southard
Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None.

Absent: None.

MOTION CARRIED, 8-0

Acting Mayor Southard asked for a motion on Item #11.

MOTION, made by Council Member Malone and seconded by Council Member Holmes, that the Common Council approve the following resolution:

WHEREAS, competitive bids have been solicited and accepted for the Oneonta Municipal Airport Runway 6 Partial Parallel Taxiway Construction Phase Project, 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, with the condition that no contract will be signed without receiving an executed amended grant agreement for said project:

Appropriation account:

H21.5610.21	\$ 1,163,691
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Funding Sources:

Federal Aid	\$ 1,047,322
State Aid	58,184
<u>Local Share</u>	<u>58,185</u>
Total	\$ 1,163,691

Acting Mayor Southard asked for discussion.

There was a brief discussion as to the effect of the wording discrepancy; City Attorney Merzig said it was not an issue. The question was asked as to why the local share was a dollar more than the State share to which Acting City Manager Hungerford replied it will be shared fifty cents each.

There was general laughter to this statement.

Hearing no further discussion, Acting Mayor Southard asked the Deputy Clerk to call the roll.

Voting Ayes: Acting Mayor Southard
Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None.

Absent: None.

MOTION CARRIED, 8-0

Acting Mayor Southard asked for a motion on Item #12.

Motion made by Council Member Malone and seconded by Council Member Lynch that the Common Council approve an additional stipend for Meg Hungerford for additional duties related to her appointment as Acting City Manager. The additional annual stipend will be for \$39,074 effective September 2, 2015 until such time as a new City Manager takes office or Council adopts otherwise. The stipend will be pro-rated for the remainder of the 2015 fiscal year which will result in Meg Hungerford being paid an additional \$13,025 for the period September 2, 2015 through December 31, 2015.

Acting Mayor Southard asked for discussion.

Council Member Rissberger said he is satisfied with the explanation he had received as to how this stipend was to be covered financially. He also stated that he felt as the communication to Council on stipends and the amount of the stipends needed improvement.

Council Member Brzozowski stated in recognizing Meg Hungerford's efforts he had no trouble with the amount of this stipend.

Council Member Malone gave a brief simplified version of how the amount of stipend was arrived at and the advantages this provided to the City in savings regarding City Manager salary and benefits. He also recognized the sizeable amount of hours that Meg Hungerford put in and the efficiencies she has been able to utilize to be able to accomplish what she has to in those hours. He stated that he felt as the City was getting a bargain at this cost, that he perfectly comfortable voting for this motion.

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REGULAR MEETING OF THE COMMON COUNCIL
(Motion on Item #12 continued)

7:00 P.M.
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Council Member Hennessy stated she wanted to remind everyone that this is not the first time for Ms. Hungerford, that she has stepped into this position before and she had done a spectacular job. She is a known quantity. She performed beautifully before, and Council Member Hennessy expects nothing less this time.

Council Member Palmer said she had nothing to add to that statement except that in the five years that she has been on Council, she has seen nothing but Meg Hungerford stepping up anytime she is needed. She said Meg Hungerford put in a lot of hours and she respected and admired the job she did.

Hearing no further discussion, Acting Mayor Southard asked the Deputy Clerk to call the roll.

Voting Ayes: Acting Mayor Southard
Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None.

Absent: None.

MOTION CARRIED, 8-0

Acting Mayor Southard asked for a motion on Item #13.

Motion made by Council Member Malone and seconded by Council Member Lynch that the Common Council permanently appoint David Dirig to the position of Firefighter in the Fire Department. The base salary will be \$34,719.00. The effective date will be September 1, 2015. This appointment is subject to the satisfactory completion of the Civil Service requirements.

Acting Mayor Southard asked for discussion.

Hearing no further discussion, Acting Mayor Southard asked the Deputy Clerk to call the roll.

Voting Ayes: Acting Mayor Southard
Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None.

Absent: None.

MOTION CARRIED, 8-0

Acting Mayor Southard asked for a motion on Item #14.

Motion made by Council Member Malone and seconded by Acting Mayor Southard that the Common Council temporarily appoint Debra DeSilva on a part-time basis as a Senior Account Clerk in the Public Service Department at the rate of \$15.00 per hour.

Acting Mayor Southard stated that Deb DeSilva had retired without a transition period and that she would be working a few hours a week asked for discussion.

Hearing no further discussion, Acting Mayor Southard asked the Deputy Clerk to call the roll.

Voting Ayes: Acting Mayor Southard
Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer

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REGULAR MEETING OF THE COMMON COUNCIL
(Voting on Item #14 continued)**

**7:00 P.M.
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Council Member Brzozowski
Council Member Holmes
Noes: None.
Absent: None.

MOTION CARRIED, 8-0

Acting Mayor Southard asked for a motion on Item #15.

Motion made by Council Member Malone and seconded by Acting Mayor Southard that the Common Council adjust the 2015 part-time salary schedule for Code Enforcement Inspector to a starting rate of \$18.00/hour and eliminating Code Enforcement Inspector II and III, as presented.

Acting Mayor Southard asked for discussion.

Council Member Rissberger asked what is the starting rate now and why are we eliminating the two code inspector positions.

Acting City Manager Meg Hungerford, with the help of Personnel Director Wolverton, explained that the starting rate was \$9.00 per hour with incremental raises that would have been given yearly and that this was bringing the rate up to market. She further explained that there was a candidate that met all the requirements and this would allow the position to be filled on a part time basis to try it out.

Acting Mayor Southard reminded everyone that the City had one of its inspectors leave to move out of state and it had left a vacancy.

Council Member Hennessy again asked if this means these positions were being eliminated. It was explained that this was really only one position with different levels and the position was not being eliminated. It was just not being filled at this time. It is in the 2015 budget and still remains there. It may become a topic for discussion when we get to the 2016 budget, but it is not at this point.

Hearing no further discussion, Acting Mayor Southard asked the Deputy Clerk to call the roll.

Voting Ayes: Acting Mayor Southard
Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None.
Absent: None.

MOTION CARRIED, 8-0

ADDITIONAL BUSINESS

30-day Advanced Notice to Local Municipality—New Liquor License (**Liquor, Wine and Beer**) - J & D's Wagon Wheel, Inc., 142 Main Street.

Acting Mayor Southard drew Council Members' attention to these notices received by the City and asked whether anyone had comments.

There was brief discussion on the location and its history. It was brought up that this would also be a restaurant, and an improvement to the Water Street side of Main Street.

Attorney Merzig stated the Council could instruct the Clerk to write the applicants and indicate that the City has no objections to the application, which is what the Council instructed the Clerk to do.

Acting Mayor Southard stated he had prepared a statement for Council:

We find ourselves in uncharted waters. The next election will bring a new Mayor and four to six new Council Members. Normally the elections are not held in the same year. One scenario could

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REGULAR MEETING OF THE COMMON COUNCIL
(Additional Business continued)

7:00 P.M.
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be that we have that five to nine elected officials new to City government and, at the very least, we will have five newly elected officials. With that in mind and considering that it is a crucial part of the year, meaning budget time, I think it is wise to appoint Gary Herzig Mayor now as he is running unopposed. This would benefit the City and future Council in that Gary would be heavily involved in the budget process and understanding how it was developed, and what is in it will be of great value. If approved, I look forward to working with Gary and I'm confident the rest of the Council Members will work collaboratively to make his transition smooth. Gary brings a wealth of knowledge and experience which, coupled with his enthusiasm for the City of Oneonta, will surely make him a success. With that said I would like to present the following motion.

MOTION, made by Acting Mayor Southard and seconded by Council Member Brzozowski, that Common Council approve the following resolution:

WHEREAS, since the tragic death of Mayor Dick Miller there has been a vacancy in the Office of the Mayor in the City of Oneonta, and

WHEREAS, Section C-23 of the Charter of the City of Oneonta authorizes the Common Council to fill the vacancy of the Office of Mayor by appointment, and

WHEREAS, the Common Council has determined that it is in the best interest of the City to appoint Gary Herzig to the Office of the Mayor in order to provide continuity and leadership between the dates of this appointment until the swearing in of the next Mayor on January 1, 2016;

NOW THEREFORE IT IS

RESOLVED that pursuant to Section C-23 of the City Charter, Gary Herzig is hereby appointed Mayor of the City of Oneonta to become effective upon the taking of the Oath of Office on or after September 15, 2015 and continuing through December 31, 2015.

Acting Mayor Southard asked for discussion.

Council Member Malone said that he just wanted the record to show that this was Acting Mayor Southard's idea. It is indicative of the leadership you have shown us since the Mayor's passing and I thank you.

Council Member Hennessy said thank you Russ for coming up with this idea. You have always put what is best for the City first and I think that Gary will do a great job

Council Member Lynch said he supports the motion. This is consistent with the way Russ has conducted business as Acting Mayor, trying to put the best interest of the City first. I don't think any of us have a real understanding of how hard Russ has worked since our world was rocked with Mayor Miller's passing. He has done an extraordinary job; he has moved us forward he has gotten things done. He has done it with grace. He has done it with respect and honor for Mayor Miller. We owe you a great debt.

There was a round of applause.

Council Member Palmer said it is fortunate things are happening the way things are happening because Russ will be an addition in helping Gary through the next few months. Gary you couldn't have a better person, he will tell you the truth whether you like it or not.

Council Member Brzozowski said I appreciate Russ's efforts over these past 10 months and Gary's willingness to step up.

Council Member Holmes said Thank you for listening to me yelling to you over the phone. Anyone else would have hung up.

There was general laughter throughout.

Hearing no further discussion, Acting Mayor Southard asked the Deputy Clerk to call the roll

Voting Ayes: Acting Mayor Southard
Council Member Hennessy
Council Member Malone

**ONEONTA, NEW YORK – SEPTEMBER 1, 2015
REGULAR MEETING OF THE COMMON COUNCIL
(Resolution to appoint Gary Herzig Incoming Mayor continued)**

**7:00 P.M.
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Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None.
Absent: None.

MOTION CARRIED, 8-0

Everyone present gave a round of applause and congratulated incoming Mayor Gary Herzig.

Incoming Mayor Herzig said he had a very brief statement. He very much appreciates the trust and confidence placed in him. He stated that more importantly, Mayor Southard's actions exemplify the type of community first, selfless decision making, the type of thinking that we all look for in our elected officials. As said before there is nothing about this that is not consistent with the way Russ has carried out the responsibilities of his job in the last ten months. We have seen this from that first dark day last October right through to today when Russ is taking this action in order to smooth the City's transition. He has always put the needs of the people of the City of Oneonta first. He has done so with integrity and good humor and I just want to say Thank You Mayor Southard we really appreciate it. Good Job.

Acting Mayor Southard thanked Incoming Mayor Herzig.

There was a long round of applause.

Mayor Southard stated that Council Member Malone can attest to the fact that the day the Acting Mayor returned from vacation he ran this by him. It is all good. Acting Mayor Southard said he thought it would all work out great and that he is looking forward to working with Incoming Mayor Herzig.

CORRESPONDENCE

Deputy City Clerk Powell stated there was none.

SPECIAL ORDER(S) OF THE DAY

Acting Mayor Southard said there were no special orders of the day.

OPEN FORUM

Acting Mayor Southard asked if there was anyone who wished to speak during the open forum.

Council Member Lynch spoke regarding Mike Marmet's retirement from Public Service Department after 30 years of service to the City. It takes a lot of dedication especially working with all the things involved the water infrastructure, and he wanted to recognize his amazing commitment to us and to our community. That here was a guy who probably could have done a lot of other things and yet he had spent 30 years of his life committed to the City of Oneonta.

Acting Mayor Southard said he had known Mike Marmet for a long time since they had carpooled working at Amphenol. He was solid individual who came to work every day and did what he had to do to get his job done.

EXECUTIVE SESSION

MOTION, made by Acting Mayor Southard and seconded by Council Member Holmes, that the Common Council enters into Executive Session to discuss a personnel matter. Hearing no discussion, Acting Mayor Southard asked the Clerk to call the roll.

Voting Ayes: Acting Mayor Southard
Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski

**ONEONTA, NEW YORK – SEPTEMBER 1, 2015
REGULAR MEETING OF THE COMMON COUNCIL
(voting on Motion to enter Executive Session continued)**

**7:00 P.M.
VOL. 9, PG. 31**

Council Member Holmes
Noes: None.
Absent: None.

MOTION CARRIED, 8-0

Council entered Executive Session at 7:43 pm and left Executive Session at 7:49 pm.

MOTION, made by Acting Mayor Southard and seconded by Council Member Rissberger, that the Common Council appoints Nancy S. Powell to the position of City Clerk. The base salary will be \$48,500. The effective date will be September 9, 2015. Ms. Powell will not assume the duties and authority of the City Clerk until September 9, 2015, upon the resignation of current City Clerk Douglas Kendall.

Acting Mayor Southard asked for discussion. Hearing no discussion, Acting Mayor Southard asked the Deputy City Clerk to call the roll.

Voting Ayes: Acting Mayor Southard
Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None.
Absent: None.

MOTION CARRIED, 8-0

Everyone present gave a round of applause and congratulated Nancy S. Powell on her appointment to City Clerk.

There being no further discussion and business to come before the Common Council, Acting Mayor Southard adjourned the regular meeting at 7:52 p.m., until Tuesday, September 15, 2015 at 7:00 p.m.

I, NANCY S. POWELL, Deputy City Clerk and Deputy 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 September 1, 2015.

NANCY S. POWELL, Deputy City Clerk

I, RUSS SOUTHARD, Acting Mayor of the City of Oneonta, New York, DO HEREBY AFFIX my name and seal of the City of Oneonta, New York this 1st day of September, 2015, approving the foregoing procedures had and taken by the Common Council at the Regular Meeting held on August 18, 2015.

RUSS SOUTHARD, Acting Mayor