

**MINUTES OF THE COMMON COUNCIL
JUNE 20, 2017**

A regular meeting of the Common Council of the City of Oneida, NY was held on the twentieth day of June, 2017 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 Deputy Mayor James Chamberlain

PRESENT: Councilors Alan Cohen, Michael Bowe, Erwin Smith,
Helen Acker, James Chamberlain, and Thomas Simchik

ABSENT: Mayor Leo Matzke

ALSO PRESENT: Assessor Lonnie Stedman
City Attorney Wendy Reese
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Comptroller Lee Ann Wells
Fire Chief Kevin Salerno
Assistant Fire Marshal Dennis Fields
Recreation Director Luke Griff
Supervisor Joe Magliocca
Supervisor Margaret Milman-Barris

ONEIDA HIGH SCHOOL SPRING MUSICAL PRODUCTION HONORS

Deputy Mayor Jim Chamberlain invited Director Brett Bogardus and the cast of the Oneida High School spring musical production of Les Miserables to come to the front of the room. The Deputy Mayor and Councilor Acker presented Certificates of Excellence as a tribute to their dedication, determination and enthusiasm for their phenomenal performances. Councilor Acker proclaimed that these highly talented young adults have filled our City with pride and admiration. The cast, led by Outstanding Actor in a Lead Role, Kevin Spooner, sang the Epilogue from the play for the audience. The students received a rousing standing ovation from the crowd, and Director Brett Bogardus received accolades for her outstanding job.

WENDEL - LED STREET LIGHTING PROJECT

Keith L. Krug and Tim Dietrich, Energy Engineers from Wendel Companies presented the street lighting cost savings program (retrofitting street lights) to the Council, which originated through a NYSERDA funded cost shared grant. Mr. Krug said they are a New York based company that has grown into four other states. City Engineer Jon Rauscher said that he and Planning Director Cassie Rose have been working on this project for approximately two years. Mr. Dietrich provided a packet to the Council. He explained the concept of repurposing energy savings after converting the City's 800 street fixtures by buying back the system from National Grid and retrofitting the fixtures with LED's. He said the City would see a 50-75% savings in utility costs and have longer, consistent performance with higher output. He said LED bulbs last on average 25 years, plus they all come with a 10-year warranty. He explained the GIS and maintenance process, noting that the current maintenance cost paid to National Grid is \$85K. Mr. Krug said this cost would drop to about \$5K once the retrofitting is complete. He displayed a sampling of some of their other projects in the design stage, under construction and completed.

They explained the downtown streetscaping process and projected costs, which would be included during the street lighting conversion. He said the current sidewalks and curbing would be removed to accommodate the new buried conduit for the street lights. The downtown area would then be revitalized with new sidewalks and curbing, and the streets would be paved with landscaping added.

Mr. Krug and Mr. Dietrich provided the Council with an amortization table of the 25 year cash flow, along with a chart of the estimated project economics, noting the monetary savings over the useful life of the equipment. They said the estimates they are providing are based on actual quotes and include all turn-key costs of the project. Mr. Krug said the City can add various other projects that all have energy savings associated with them if they choose to, and he provided a summary of various NYSEDA recommended projects.

Mr. Krug said that the investment audit has been conducted, as has the RFQ (Request for Qualifications) portion of the project, with the next step being the Council's decision to move forward with the design phase. They said they will collaborate with the City Engineering and Planning Departments to gather their input on the design phase, as well as any input from the public, OC3 committee, etc. Once the costs and options have been determined, it would come back to the City for review to ultimately execute a contract to start the work. Discussion included the possibility of solar options, style of the ornamental lighting, pilot process to see the options, the steel and wooden poles, failure rates of the LED's and assisting the City in their negotiations with National Grid for the buyback. Mr. Krug said to leverage the energy savings, this would be done as a single project rather than in phases. He said the City will save more on the utility bills than they are paying for the bond payments.

ONEIDA PUBLIC LIBRARY FACILITY

Richard Kinsella said the Oneida Public Library District was established as a special district library in 1996 with the boundaries the same as that of the Oneida City School District. He said the library has the opportunity to levy taxes but do not have the opportunity to bond, so they depend on the municipalities within their district to finance capital projects. He said that in March of 2015, a referendum was passed by the voters to build a new library facility at the 400 block of Main and Elizabeth Streets. He said the City approved a Bonding Resolution for financing in June of 2015. Mr. Kinsella said that late in 2015 new legislation was enacted, which permits libraries to use the NYS Dormitory Authority for financing or to go back to the municipalities for pro rata several financing for capital projects. He said since that time the library has invested \$1.1M (from library resources, grants, etc.) in site development, which allows the library to now ask the Council for a revised bonding resolution that is \$1.1M less in terms of the maximum amount of financing. He said that it is pro rata financing, which means the Oneida taxpayers will be limited to 62% of the project or the total amount of \$3.1M, but it will be reduced to \$2.3M by the library shares/funds/resources that will be put into it. He said that construction costs and financing costs continue to increase, but they are capped at the amount of the approved referendum for what they can spend on the facility.

He said the original Bonding Resolution ended up in litigation, and it was recently heard on the appellate level in Albany; however, they have no idea when a decision will be handed down. He said they are asking the Council to support the revised Bonding Resolution. He said the library has raised \$2.8M. Councilor Smith questioned if we pass this Resolution, then we would have two Resolutions for bonds out there and Mr. Kinsella said yes; the Resolution doesn't go away. Councilor Simchik said if the other option is still on the table, then the City could get stuck with the whole debt load. Mr. Kinsella said that the likelihood of one of the municipalities becoming insolvent exists; however, it is slim, but the City already voted to approve it. Councilor Smith said that with the first Bonding Resolution, everyone had to be on board before construction started. He asked if we pass another Bond Resolution, would construction start immediately, and Mr. Kinsella said no; all the municipalities have to agree to fulfill their responsibilities. Councilor Smith said that this is hung up with Vernon and Verona then. Mr. Kinsella said that he hopes, since it is for a smaller amount and it addresses some of their concerns, that they can convince them to approve it. Mr. Kinsella said that it would be the library's choice of which Resolution they want to use based on whichever avenue would open quickest. He said that he has made presentations so far to the Madison County municipalities. Deputy Mayor Chamberlain thanked Mr. Kinsella and stated that the Council would discuss this request.

**PUBLIC HEARING – PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III,
UNSAFE BUILDINGS – 216 E. ELM STREET**

RESOLUTION 17-161

Moved by Councilor Simchik
Seconded by Councilor Acker

RESOLVED, that the Public Hearing Pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings – 216 E. Elm Street be hereby opened at 7:35 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

APPEARANCES

Assistant Fire Marshal Dennis Fields and Scott Lewis, owner of the property at 216 E. Elm Street were sworn in by the City Clerk.

Assistant Fire Marshal Fields said he has forwarded this information to the Council to declare the property a public nuisance, because he has been dealing with this for quite some time, and there has been no completion on the part of the property owner. He said that this property is in violation of Sections 108.1.5(3), 108.1.5(7), 108.1.5(8), 304.1, 304.2 and 305.4 of the New York State Property Maintenance Code, as well as Section 110 of the International Fire Code and Sections 34-9 and 34-10 of the Oneida City Code. He said that he has been working to have the repairs made on this property for about one year to no avail, and that is why it was brought to the Council. The Assistant Fire Marshal said that he has received multiple complaints from the community relative to this property.

Scott Lewis, property owner, said that he recently had a heart attack and is limited as to what he can lift. He said that he will fix the porch by the end of the summer. Councilor Smith asked if Mr. Lewis was working at this time. Mr. Lewis said he is working but doesn't make a lot of money. He said he is waiting on the insurance company to refund some medical expenses that he paid out of pocket. Councilor Smith said the City is willing to work with him, but he has to get this fixed, as it will just continue to deteriorate. Councilor Acker asked Mr. Lewis if he had friends or family who could help him with the porch repair, and he responded that his father said he would help him. Councilor Acker said that some of Mr. Lewis's neighbors had offered to help, but that he declined the help. Mr. Lewis said that one neighbor let him borrow a trailer, but that was all the help that was offered. Mr. Lewis said that the roof is removed from the porch.

Deputy Mayor Chamberlain said that we have to move forward with this. The Fire Marshal said that Mr. Lewis would have to get building permits from the Codes office. Deputy Chamberlain asked Mr. Lewis if he understood what he had to do, and Mr. Lewis said yes.

**DECLARE THE PROPERTY AT 216 EAST ELM STREET AS A PUBLIC NUISANCE
AND ORDER CORRECTIVE ACTION TO BE TAKEN IN ACCORDANCE WITH ARTICLE III
OF CHAPTER 34 OF THE ONEIDA CITY CODE**

RESOLUTION 17-162

Moved by Councilor Acker
Seconded by Councilor Smith

WHEREAS, in accordance with Article III of Chapter 34 of the Oneida City Code, as amended, a public hearing was conducted on June 20, 2017, for purposes of receiving and considering evidence presented by the City of Oneida Assistant Fire Marshal to determine whether real property located at 216 East Elm Street, Tax Map No. 30.64-1-53, in the City of Oneida (“Property”) is a public nuisance; **and**

WHEREAS, the City Attorney confirmed issuance of the Notice of Unsafe Building/Collapsed Structure, dated May 19, 2017, such Notice having been duly filed in accordance with Section 34-11 of the Oneida City Code with the Madison County Clerk’s Office on May 25, 2017, Index No. 2017-1376; **and**

WHEREAS, in addition, notice of the due process hearing was properly served upon all interested parties and posted on the Property and in the Municipal Building, and published in the official newspaper and on the City of Oneida website; **and**

WHEREAS, the Assistant Fire Marshal presented his report, dated May 5, 2017, documenting the unsafe condition of the Property and informed the Common Council of the efforts made by the City to obtain voluntary compliance; **and**

WHEREAS, the Assistant Fire Marshal testified to having inspected the Property and observed extensive exterior damage to and the unsanitary condition of the residential building situated upon the Property; **and**

WHEREAS, the Assistant Fire Marshal determined that the condition of the Property violated Sections 108.1.5(3), 108.1.5(7), 108.1.5(8), 304.1, 304.2 and 305.4 of the New York State Property Maintenance Code, as well as Section 110 of the International Fire Code and Sections 34-9 and 34-10 of the Oneida City Code; **and**

WHEREAS, the Assistant Fire Marshal opined that the Property, in its current condition, presents a danger to the health, safety and welfare of the public; **and**

WHEREAS, the Common Council closed the public hearing on June 20, 2017; **and**

WHEREAS, the Assistant Fire Marshal provided the Common Council with a report, dated June 10, 2017, recommending appropriate remedial action; **and**

WHEREAS, it is the desire of the Common Council to undertake any and all measures permitted in the Oneida City Code and City of Oneida Charter that are necessary to protect the public’s health, safety and welfare.

NOW THEREFORE, BE IT RESOLVED that the Common Council, having duly considered the documentary evidence, as well as the oral testimony presented by the Assistant Fire Marshal, hereby declares the property located at 216 East Elm Street, Tax Map No. 30.64-1-53, in the City of Oneida to be a public nuisance; **and**

BE IT FURTHER RESOLVED, that the Common Council, having duly declared the Property to be a public nuisance, hereby orders the owner or persons with an interest in such Property to undertake the following corrective action within thirty (30) days in accordance with the recommendations of the Assistant Fire Marshal:

- ❖ The front porch, including the roof and floor, is dilapidated and failing, and shall be replaced.

BE IT FURTHER RESOLVED, that in the event corrective action does not occur within the time provided, the Common Council hereby authorizes the Assistant Fire Marshal and the City Engineer to undertake any and all such measures as are necessary to effectuate the remedial action recommended by the Assistant Fire Marshal in his report, and shall assess the cost of same against the Property; **and**

BE IT FURTHER RESOLVED, that the cost of such remedial action, if undertaken by the City, shall thereupon become a lien against the Property and shall be collectible in the same manner as taxes levied thereon; **and**

BE IT FURTHER RESOLVED, that notice of the Common Council's declaration and order shall either be served personally or by certified mail, to the last known address as shown by the records of the City Assessor's office.

Ayes: 6

Nays: 0

MOTION CARRIED

CLOSE PUBLIC HEARING – 216 E. ELM STREET

RESOLUTION 17-163

Moved by Councilor Smith

Seconded by Councilor Simchik

RESOLVED, that the Public Hearing on 216 E. Elm Street be hereby closed at 7:43 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

**PUBLIC HEARING – PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III,
UNSAFE BUILDINGS – 522 SCONONDOA STREET**

RESOLUTION 17-164

Moved by Councilor Acker

Seconded by Councilor Smith

RESOLVED, that the Public Hearing Pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings – 522 Sconondoa Street be hereby opened at 7:43 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

APPEARANCES

The City Clerk said that the Assistant Fire Marshal is still under oath.

Assistant Fire Marshal Fields said the condition of this property violates Sections 108.1.5(3) of the International Property Maintenance Code, Sections 108.1.5, 302.1 and 304.1 of the New York State Property Maintenance Code, as well as, Section 110 of the International Fire Code and Sections 34-9 and 34-10 of the Oneida City Code. He said that the property at 522 Sconondoa Street was involved in the

flood, but is not in the Buyout Program. The Assistant Fire Marshal said this property was horrible before the flood and is in worse condition now. He said that the City will be taking the property for unpaid taxes very soon. City Attorney Wendy Reese said that although the City is in progress of taking the property for unpaid taxes, the Council should continue with this process just in case.

**DECLARE THE PROPERTY AT 522 SCONONDOA STREET AS A PUBLIC NUISANCE
AND ORDER CORRECTIVE ACTION TO BE TAKEN IN ACCORDANCE WITH ARTICLE III
OF CHAPTER 34 OF THE ONEIDA CITY CODE**

RESOLUTION 17-165

Moved by Councilor Acker
Seconded by Councilor Cohen

WHEREAS, in accordance with Article III of Chapter 34 of the Oneida City Code, as amended, a public hearing was conducted on June 20, 2017, for purposes of receiving and considering evidence presented by the City of Oneida Assistant Fire Marshal to determine whether real property located at 522 Sconondoa Street, Tax Map No. 30.74-1-7, in the City of Oneida (“Property”) is a public nuisance; **and**

WHEREAS, the City Attorney confirmed issuance of the Notice of Unsafe Building/Collapsed Structure, dated May 19, 2017, such Notice having been duly filed in accordance with Section 34-11 of the Oneida City Code with the Madison County Clerk’s Office on May 25, 2017, Index No. 2017-1377; **and**

WHEREAS, in addition, notice of the due process hearing was properly served upon all interested persons and posted on the Property and in the Municipal Building, published in the official newspaper and on the City of Oneida website; **and**

WHEREAS, the Assistant Fire Marshal presented his report, dated May 5, 2017, documenting the unsafe condition of the Property and informed the Common Council of the efforts made by the City to obtain voluntary compliance; **and**

WHEREAS, the Assistant Fire Marshal testified to having inspected the Property and observed extensive exterior damage to and the unsanitary condition of the residential building situated upon the Property; **and**

WHEREAS, the Assistant Fire Marshal determined that the condition of the Property violated Sections 108.1.5(3) of the International Property Maintenance Code, Sections 108.1.5, 302.1 and 304.1 of the New York State Property Maintenance Code, as well as Section 110 of the International Fire Code and Sections 34-9 and 34-10 of the Oneida City Code; **and**

WHEREAS, the Assistant Fire Marshal opined that the Property, in its current condition, presents a danger to the health, safety and welfare of the public; **and**

WHEREAS, the Common Council closed the public hearing on June 20, 2017; **and**

WHEREAS, the Assistant Fire Marshal provided the Common Council with a report, dated June 10, 2017, recommending appropriate remedial action; **and**

WHEREAS, it is the desire of the Common Council to undertake any and all measures permitted in the Oneida City Code and City of Oneida Charter that are necessary to protect the public’s health, safety and welfare.

NOW THEREFORE, BE IT RESOLVED that the Common Council, having duly considered the documentary evidence, as well as the oral testimony presented by the Assistant Fire Marshal, hereby declares the property located at 522 Sconondoa Street, Tax Map No. 30.74-1-7, in the City of Oneida, to be a public nuisance; **and**

BE IT FURTHER RESOLVED, that the Common Council, having duly declared the Property to be a public nuisance, hereby orders the owner or persons with an interest in such Property to undertake the following corrective action within sixty (60) days in accordance with the recommendations of the Assistant Fire Marshal:

- ❖ The building shall be demolished as it is abandoned, unsecured, dilapidated, and failing and the land upon which it is located cleared of debris and all excavations filled and graded.

BE IT FURTHER RESOLVED, that in the event corrective action does not occur within the time provided, the Common Council hereby authorizes the Assistant Fire Marshal and the City Engineer to undertake any and all such measures as are necessary to effectuate the remedial action recommended by the Assistant Fire Marshal in his report, and shall assess the cost of same against the Property; **and**

BE IT FURTHER RESOLVED, that the cost of such remedial action, if undertaken by the City, shall thereupon become a lien against the Property and shall be collectible in the same manner as taxes levied thereon; **and**

BE IT FURTHER RESOLVED, that notice of the Common Council's declaration and order shall either be served personally or by certified mail, to the last known address as shown by the records of the City Assessor's office.

Ayes: 6

Nays: 0

MOTION CARRIED

CLOSE PUBLIC HEARING – 522 SCONONDOA STREET

RESOLUTION 17-166

Moved by Councilor Acker

Seconded by Councilor Simchik

RESOLVED, that the Public Hearing on 522 Sconondoa Street be hereby closed at 7:45 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

**PUBLIC HEARING – PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III,
UNSAFE BUILDINGS – 117 E. SANDS STREET**

RESOLUTION 17-167

Moved by Councilor Simchik

Seconded by Councilor Smith

RESOLVED, that the Public Hearing Pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings – 117 E. Sands Street be hereby opened at 7:46 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

APPEARANCES

The City Clerk said that the Assistant Fire Marshal is still under oath, and (Retired) Attorney Harold Bennett, here on behalf of the property owner, was sworn in by the City Clerk.

Assistant Fire Marshal Dennis Fields said that this has been ongoing for three years. He said that he has attempted to contact the owner on numerous occasions with no success. He said that the condition of this property violates Sections 108.1.5(6), 302.1, and 304.1 of the New York State Property Maintenance Code, and 108.1.5(3) of the International Property Maintenance Code, as well as Section 110 of the International Fire Code and Sections 34-9 and 34-10 of the Oneida City Code. He said that this property is on the corner of Elizabeth and Sands Streets. Assistant Fire Marshal Fields said that he has corresponded a couple times with Mr. Bennett with no luck having the violations corrected.

Mr. Bennett said that he doesn't deny the violations on the property, but the owner of the property simply has no funds to repair the property. He said that she is a semi-invalid living on her teacher's pension and social security in an apartment in Chittenango, and the property on E. Sands is vacant. He said that she offered to quickly claim the property to the City, but they will not take it because the title is not clear. He said that the mortgage is in default, and there was a sale ordered by the Court; however, the judgement was vacated, and the sale was cancelled. The Assistant Fire Marshal said that the taxes are not current on the property.

Assistant Fire Marshal Dennis Fields read aloud a letter received from CitiMortgage Inc.: "This letter is to inform you CitiMortgage, Inc. will not pursue any foreclosure action on the property referenced above. As a result, CitiMortgage, Inc. will process a lien release in accordance with NY laws. CitiMortgage, Inc. is no longer responsible for Real Estate and/or Homeowner's Insurance, Flood Insurance, etc., through an escrow account or otherwise. In addition, CitiMortgage, Inc. is not responsible for ensuring the property is maintained in accordance to city/county laws." Assistant Fire Marshal Fields said the mortgage has been released to the property owner.

City Attorney Wendy Reese said the Council can declare the property a public nuisance and because there is a potential for transfer of the property to the City, the Council can look into that option and wait until the next meeting to order corrective action. Fire Marshal Fields said the house appears to be structurally sound; however, the roof is now leaking, the porches are unsafe, and ceilings are falling in. The Assessor said if the City takes this property soon, it could be put on the County auction list.

DECLARE THE PROPERTY AT 117 EAST SANDS STREET AS A PUBLIC NUISANCE IN ACCORDANCE WITH ARTICLE III OF CHAPTER 34 OF THE ONEIDA CITY CODE

RESOLUTION 17-168

Moved by Councilor Acker

Seconded by Councilor Smith

WHEREAS, in accordance with Article III of Chapter 34 of the Oneida City Code, as amended, a public hearing was conducted on June 20, 2017, for purposes of receiving and considering evidence presented by the City of Oneida Assistant Fire Marshal to determine whether real

property located at 117 East Sands Street, Tax Map No. 38.41-1-37, in the City of Oneida (“Property”) is a public nuisance; **and**

WHEREAS, the City Attorney confirmed issuance of the Notice of Unsafe Building/Collapsed Structure, dated May 19, 2017, such Notice having been duly filed in accordance with Section 34-11 of the Oneida City Code with the Madison County Clerk’s Office on May 25, 2017, Index No. 2017-1378; **and**

WHEREAS, in addition, notice of the due process hearing was properly served upon all interested parties and posted on the Property, in the Municipal Building, and published in the official newspaper and on the City of Oneida website; **and**

WHEREAS, the Assistant Fire Marshal presented his report, dated May 5, 2017, documenting the unsafe condition of the Property and informed the Common Council of the efforts made by the City to obtain voluntary compliance; **and**

WHEREAS, the Assistant Fire Marshal testified to having inspected the Property and observed extensive exterior damage to and the unsanitary condition of the residential building situated upon the Property; **and**

WHEREAS, the Assistant Fire Marshal determined that the condition of the Property violated Sections 108.1.5(6), 302.1, and 304.1 of the New York State Property Maintenance Code, and 108.1.5(3) of the International Property Maintenance Code, as well as Section 110 of the International Fire Code and Sections 34-9 and 34-10 of the Oneida City Code; and

WHEREAS, the Assistant Fire Marshal opined that the Property, in its current condition, presents a danger to the health, safety and welfare of the public; **and**

WHEREAS, the Common Council closed the public hearing on June 20, 2017; **and**

WHEREAS, the Assistant Fire Marshal provided the Common Council with a report, dated June 10, 2017, recommending appropriate remedial action; **and**

WHEREAS, it is the desire of the Common Council to undertake any and all measures permitted in the Oneida City Code and City of Oneida Charter that are necessary to protect the public’s health, safety and welfare.

NOW THEREFORE, BE IT RESOLVED that the Common Council, having duly considered the documentary evidence, as well as the oral testimony presented by the Assistant Fire Marshal, hereby declares the property located at 117 East Sands Street, Tax Map No. 38.41-1-37, in the City of Oneida, to be a public nuisance; **and**

BE IT FURTHER RESOLVED that the Common Council hereby elects to postpone issuing an order for corrective action pending legal action of potentially conveying the title of this property to the City.

Ayes: 6

Nays: 0

MOTION CARRIED

The Council briefly discussed and decided to declare the property a public nuisance and to postpone the order for corrective action to a later meeting. The original motion was made by Councilor Acker and seconded by Councilor Smith.

CLOSE PUBLIC HEARING – 117 E. SANDS STREET

RESOLUTION 17-169

Moved by Councilor Cohen
Seconded by Councilor Smith

RESOLVED, that the Public Hearing on 117 E. Sands Street be hereby closed at 7:55 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

OLD BUSINESS

507 Stone Street – Corrective Actions

Deputy Mayor Jim Chamberlain stated that he, as well as the City Clerk, spoke with Mr. Kistner's brother, who said that he was a union carpenter. He said that he is trying to help his brother with the required repairs on the property at 507 Stone Street. He said that he could get the work completed in two weeks. The Deputy Mayor said that he explained to him that there hasn't been anything done with the front of the house, and Mr. Kistner's brother made a verbal promise that he could get that cleaned up also within a two week timeframe. Councilor Bowe said that there are materials on site, and Councilor Smith said there are some posts in the ground.

**GRANT A SECOND EXTENSION FOR CORRECTIVE ACTION TO BE TAKEN FOR THE
PROPERTY LOCATED AT 507 STONE STREET**

RESOLUTION 17-170

Moved by Councilor Smith
Seconded by Councilor Bowe

WHEREAS, at the March 21, 2017 meeting, the Common Council, having duly considered the documentary evidence, as well as the oral testimony presented by the Assistant Fire Marshal and the Property Owner, declared the property located at 507 Stone Street, Tax Map No. 38.30-1-33 ("Property"), to be a public nuisance; **and**

WHEREAS, having declared the Property to be a public nuisance, the Common Council ordered the Property Owner, or persons with an interest in such Property, to repair the foundation of the rear porch and cover the front of the structure's exterior with a proper protective covering so as to prevent further decay of the structure, so as to comply with the New York State Property Maintenance Code, the International Fire Code and Oneida City Code; **and**

WHEREAS, Mr. Kistner agreed to undertake efforts to have the Property improved, but was unable to provide a specific date for completion, noting that efforts to improve the exterior of the Property are necessarily impacted by weather conditions; **and**

WHEREAS, the Common Council ordered that such corrective action must occur on or before May 15, 2017; **and**

WHEREAS, Mr. Kistner appeared before the Common Council at the May 16, 2017 meeting requesting an extension of the May 15, 2017 deadline for corrective action to be taken, citing weather conditions as the cause for delay; **and**

WHEREAS, Mr. Kistner was granted an extension by the Common Council at the May 16, 2017 meeting, Resolution 17-133, and the order was modified so that corrective action on the property located at 507 Stone Street, Tax Map No. 38.30-1-33 must occur on or before June 19, 2017; **and**

WHEREAS, Deputy Mayor Chamberlain spoke with Mr. Kistner's brother on June 20, 2017 who stated that another two-week extension to finish the required corrective actions on the property located at 507 Stone Street would be needed, **now therefore be it**

RESOLVED, that the Common Council hereby grants a further extension and orders that corrective action on the property located at 507 Stone Street, Tax Map No. 38.30-1-33 must occur on or before July 4, 2017; **and**

BE IT FURTHER RESOLVED, that in the event that the corrective action does not occur within the time provided, the Common Council hereby authorizes the Assistant Fire Marshal and the City Engineer to undertake any and all such measures as are necessary to effectuate the corrective action contemplated herein and shall assess the cost of same against the Property; **and**

BE IT FURTHER RESOLVED, that the cost of such remediation, if undertaken by the City, shall thereupon become a lien against the Property and shall be collectible in the same manner as taxes levied thereon; **and**

BE IT FURTHER RESOLVED that notice of the Common Council's declaration and order shall be served upon the Property Owner in accordance with the Oneida City Charter.

Ayes: 5

Nays: 1 (Acker)

MOTION CARRIED

112 Madison Street – Corrective Actions

Deputy Mayor Chamberlain said this is another ongoing situation. He said that the owner has made some progress on the façade but nothing else has been done. The Assistant Fire Marshal said the holes in the floor have been repaired, so you can actually walk in there now. The Deputy Mayor said that Mr. Xedis has been making slow progress, and although it has been over 20 years, he is reluctant to take the next step as the property owner may just walk away. The Fire Marshall said maybe 10% of what he has been asked to do has been done.

The City Clerk said the original order stated he was to have the façade done by May 2, 2017, the floor to wall connections by May 23, 2017, and the building envelope was to be completed by June 20, 2017. The Assistant Fire Marshall said that none of those repairs have been completed, and also stated that those were deadlines that the property owner agreed to. It was noted that Mr. Xedis was not present this evening.

Supervisor Magliocca said when he was on the Council 20 years ago, City Engineer Jim Bacher was dealing with this property. He said these are serious issues that need to be dealt with. The Assistant Fire Marshal said the repairs have to be done step-by-step according to the structural engineer's report, because we do not know what his occupancy rate of the building will be. The Fire Marshal said the structure is currently not affecting the adjoining buildings; however, it could cause a problem if it fails. Councilor Bowe said this is the third engineer to be dealing with this property. He said we need to get prices as to how much the repairs will cost, and the Council can decide how to proceed after that. The

City Clerk said that she will contact Mr. Xedis and request that he attend the July 5, 2017 Council meeting.

Hubbard Place Solar Project

Jill Christian Lynch inquired if the City has received confirmation of the easement for the Hubbard Place solar project site. She also asked if the City has received the inter connection agreement with National Grid, noting that she has not received any of this information through the FOIL process. City Engineer Jon Rauscher said he was not certain of the answer to either question. Deputy Mayor Chamberlain said that he would look into this further.

Charter Change

Brahim Zogby, Oneida, said that about six weeks ago he asked the Council to consider a Charter change to eliminate the position of City Chamberlain as an elected official, thereby allowing the Council to make changes to that position. He said if the City creates the position through CSEA, it would save \$90K over the next two years. He said if this were on the ballot for the 2017 election, it would take effect in 2019. Mr. Zogby asked the Council if there has been any discussion with respect to that opportunity. Deputy Mayor Chamberlain said that the Council has been discussing a couple of different things for possible voter referendum, but have not made any decisions at this time.

Grant Applications for Downtown Streetscape

Gary Taylor, Oneida, said he would like clarification of whether the streetscape portion of the proposed lighting project in the City center is being paid for through grants or if it is coming from the City budget. City Engineer said the NYSDOT Tap Grants are every two years, and as the project develops, they will apply for grant funding as applicable. He said the Council was shown the worst case scenario. He said that we currently have \$20K for a streetscape project downtown, but are holding off because of the lighting project.

Rail Trail – Lenox Avenue

David Carroll, 642 Lenox Avenue, said that there was a stake/flag in his front yard today and upon investigation, he found that the NYSDOT is planning on putting a telephone pole in front of his house within the next two weeks. He said that last year the State came to him to purchase an 18-inch easement to accommodate the new sidewalk up to Walmart, and they provided him with the project blue prints at that time. He said that after speaking with the State's Chief Project Engineer today, he was informed that the City has apparently changed the plans because of the Rail Trail Project. He said that now instead of a sidewalk, he was going to have a seven-foot wide asphalt path in front of his house and right through the cement driveway that he paid for. He said that the State provided him with copies of the new blue prints that are accommodating the Rail Trail changes coming from the Tanner Insurance area. Mr. Carroll said he has lived in his house for 44 years and has always taken care of his property, and he is not pleased with the fact that he has a trail behind his property currently used by cyclists, walkers and snowmobilers, and now he is going to have a seven-foot wide path in front of his property also.

Mr. Carroll cited the costs he paid for the sidewalk in front of his house and the concrete driveway at his home, along with issues of the mailbox placement, parking, and the proposed narrowing of the street. He commented that the narrowing of the street will make it very difficult for him to back his camper into the driveway, as well as create difficulty for the Oneida Indian Nation backing tractor trailers into their facility next door.

Supervisor Joe Magliocca said that it will be a ten-foot wide pedestrian path, noting that the NYSDOT is driving this project, not the City. He said there are three parcels on the abandoned rail bed owned by the Oneida Indian Nation where easements could not be obtained. Mr. Magliocca said the pedestrian path

will go from Willow Meadow Way down to the DOT building. Sidewalk will continue to Walmart from Willow Meadow Way and from in front of the DOT down Lenox Avenue. The City Engineer said because there is not a continuous trail behind Mr. Carroll's house, the DOT has allowed for a 10-ft. pedestrian path from Tanner Insurance down past his house. Mr. Carroll reiterated that the NYS DOT told him that the City changed the plans because of the Rail Trail not being able to go behind his house and moved it to the front of his house. The City Engineer said the DOT did accommodate the City. The Deputy Mayor asked Mr. Magliocca when this change took place, and he responded in February or March. Mr. Carroll provided his phone number to the City Engineer who said that he will reach out to the DOT, as the City does not have any blueprints for the State's project. The Deputy Mayor and Council said that they will look into this matter.

SUPERVISOR'S REPORT

Supervisor Joe Magliocca stated that he sent an email to the Council regarding a sales tax issue. He said 3% is the normal sales tax that the County and City split. There is also an additional 1%, which the State has to approve and this is the year that the State had to agree to it again. He said that this item was lumped in with many other items, some of which everyone did not agree with, so it doesn't look like this will be approved before the session ends. Supervisor Magliocca said that would mean the City would only be getting a 1.5% local share rather than 2%. He said that this lack of approval by the State has a huge impact on many counties throughout the State, not just Madison County and the City.

Moved by Councilor Bowe
Seconded by Councilor Acker

RESOLVED, that the minutes of the regular meeting of June 6, 2017 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Cohen
Seconded by Councilor Bowe

RESOLVED, that Warrant No. 13, checks and ACH payments in the amount of \$473,413.92 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 Cohen
Seconded by Councilor Smith

RESOLVED, that Check Nos. 466-467, 478-479, and 57816 in the amount of \$18,817.93 (City Attorney) as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5
Nays: 0
Abstain: 1 (Bowe)

MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 17-171

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that monthly reports from the Chamberlain, City Clerk, Comptroller, City Engineer, Director of Planning and Development, Fire Department, Housing Codes Enforcement, Recreation Department and Police Department be hereby received and placed on file.

Ayes: 6

Nays: 0

MOTION CARRIED

CANVASS AND APPROVE BIDS – LIQUID CAUSTIC SODA – WATER DEPT

RESOLUTION 17-172

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that the lowest bid meeting specifications for Liquid Caustic Soda received from Surpass Chemical Co. Inc. PO Box 4165, Albany NY 12204-0165 in the amount of \$18,162.60 be hereby approved.

Ayes: 6

Nays: 0

MOTION CARRIED

CANVASS AND APPROVE BIDS – ANNUAL STREET PAVING

RESOLUTION 17-173

Moved by Councilor Acker
Seconded by Councilor Cohen

RESOLVED, that the lowest bid meeting specifications for the annual Street Paving Project received from Salt Springs Paving, 5146 Jamesville Rd., Jamesville, NY 13078 in the amount of \$286,524.00 be hereby approved, **and be it further**

RESOLVED, to authorize the City Engineer to proceed with Capital Project 17-08 Annual Street Paving Program, and further authorize the Mayor to sign any and all documents related to said bid, and further authorize the City Engineer to expend funds up to the CHIPS programmed amount of \$403,218.00.

Ayes: 6

Nays: 0

MOTION CARRIED

AUCTION OF EXCESS PROPERTIES

RESOLUTION 17-174

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that the excess City properties located at 2376 Upper Lenox Avenue Tax ID #45.-2-3 and 1178 Glenwood Avenue Tax ID # 38.74-1-6 be hereby listed for sale at the annual Madison County 2017 Auction, **and be it further**

RESOLVED, that the execution of a one-year Rehabilitation Agreements by and between the City of Oneida and the Buyer of said parcels be a stipulation of said purchase.

Ayes: 6
Nays: 0

MOTION CARRIED

DONATION OF DAMAGED FIREFIGHTING EQUIPMENT

RESOLUTION 17-175

Moved by Councilor Acker
Seconded by Councilor Simchik

WHEREAS, in 2006 Fire Fighter Mitch Dryer was critically injured in a major fire at the City Lanes Bowling Alley on Main Street, **and**

WHEREAS, the firefighting gear that was worn by Fire Fighter Mitch Dryer on that fateful day was damaged in said fire and has been kept by the Police Department in their evidence room since said bowling alley fire, **and**

WHEREAS, the Police Department has no further need to hold onto said evidence any longer, as the case has been settled and closed, **and**

WHEREAS, former Fire Fighter Mitch Dryer is requesting that the City provide him with said damaged firefighting gear for use in the many speaking engagements he attends around the country describing this incident and promoting the awareness of safety, **now therefore be it**

RESOLVED, that the City of Oneida hereby authorizes the donation of the damaged firefighting gear (safety glasses, helmet, boots, and turnout gear) to former Fire Fighter Mitch Dryer, which he was wearing on the date of said major fire at the City Lanes Bowling Alley on Main Street upon approval of the Acting Police Chief.

Ayes: 6
Nays: 0

MOTION CARRIED

The City Clerk said that approval from the Acting Police Chief was received.

ADOPT VACANT REGISTRY FEES PER LOCAL LAW NO. 2 OF 2017 - §34-18

RESOLUTION 17-176

Moved by Councilor Acker
Seconded by Councilor Bowe

RESOLVED, that the Common Council hereby adopts the Vacant Registry Fees, as per Local Law No. 2 of 2017, Resolution 17-100 adopted by the Common Council on 04/08/17 to establish a Vacant Building Registry and Maintenance Program, as follows:

FEE SCHEDULE

Local Law No. 2 of 2017 Establish a Vacant Building Registry and Maintenance Program
§34-18 Vacant building registration fees; vacant building file.

FEES - Annual

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>
Commercial	\$350	\$450	\$550	\$650
Single Family	\$50	\$100	\$150	\$200
2-3 Unit	\$150	\$200	\$250	\$300
4-6 Unit	\$200	\$250	\$300	\$350
7+ Units	\$250	\$300	\$350	\$400

FEES - Failure to Comply

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>
Commercial	\$200	\$300	\$400	\$500
Single Family	\$50	\$100	\$150	\$200
2-3 Unit	\$100	\$150	\$200	\$250
4-6 Unit	\$150	\$200	\$250	\$300
7+ Units	\$200	\$250	\$300	\$350

Ayes: 6
Nays: 0

MOTION CARRIED

In response to a question from Councilor Smith, the City Assessor said the fees for failure to comply are additional fees that would tacked on to the annual fees, if they do not pay the fee.

BUDGET TRANSFER AND AMENDMENTS

RESOLUTION 17-177

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, to approve the following budget transfer:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$15,428.00	003.8110.0436 Sewer Contingency	003.8810.0308 Sewer Chlorine

(To allocate funds for the purchase of chlorine for the WWTP)

RESOLVED, to approve the following budget amendment:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$12,545.30	304.8110.0201 Sewer 2017 Crew Cab w/hoist	116.5110.0201 2017 DPW Loader
\$32,216.00	304.8110.0201 Sewer 2017 Crew Cab w/hoist	304.8110.0200 2017 DPW Loader

(To reallocate funds for Fleet Replacement Program)

Ayes: 6

Nays: 0

MOTION CARRIED

HYDRANT AGREEMENT

RESOLUTION 17-178

Moved by Councilor Smith

Seconded by Councilor Cohen

RESOLVED, to authorize the Mayor to sign the 2017-2019 Seneca Fields Apartments Hydrant Agreement.

Ayes: 6

Nays: 0

MOTION CARRIED

The Deputy Mayor said that he went to the ground breaking for the Seneca Fields Apartments. He said this will be a great facility for the City, and there is the opportunity to expand with two more buildings. Councilor Smith said this project is being paid for with a grant, and the City Clerk said the projected completion date is April 2018. Deputy Mayor Chamberlain said this is the standard Hydrant Agreement.

ORDER CORRECTIVE ACTION TO BE TAKEN IN ACCORDANCE WITH ARTICLE III OF CHAPTER 34 OF THE ONEIDA CITY CODE ON THE PROPERTY LOCATED AT 253 LINDEN STREET

RESOLUTION 17-179

Moved by Councilor Acker

Seconded by Councilor Smith

WHEREAS, in accordance with Article III of Chapter 34 of the Oneida City Code, as amended, a public hearing was conducted commencing on February 7, 2017 and continuing on February 21, 2017, April 4, 2017 and April 18, 2017, for purposes of receiving and considering evidence presented by the City of Oneida Assistant Fire Marshal to determine whether real property located at 253 Linden Street, Tax Map No. 30.72-2-18.2, in the City of Oneida (“Property”) is a public nuisance; and

WHEREAS, the City Attorney confirmed issuance of the Notice of Unsafe Building/Collapsed Structure, dated January 19, 2017, such Notice having been duly filed in accordance with Section 34-11 of the Oneida City Code with the Madison County Clerk's Office on January 20, 2017, Index No. 2017-1045; and

WHEREAS, in addition, notice of the due process hearing was posted in the Municipal Building, and published in the official newspaper and on the City of Oneida website; and

WHEREAS, the Assistant Fire Marshal presented his report, dated January 5, 2017, documenting the unsafe condition of the Property and informed the Common Council of the efforts made by the City to obtain voluntary compliance; and

WHEREAS, the Assistant Fire Marshal, having determined that the condition of the Property violated Sections 108.1.5(3), 108.1.5(6), 302.1, and 304.1 of the New York State Property Maintenance Code, as well as Section 110 of the International Fire Code and Sections 34-9 and 34-10 of the Oneida City Code, opined that the Property, in its current condition, presents a danger to the health, safety and welfare of the public; and

WHEREAS, neither the property owner nor anyone with an interest in the Property, appeared at the due process hearing; and

WHEREAS, the Common Council closed the public hearing on April 18, 2017 and declared the Property a public nuisance on May 18, 2017, and reserved rendering an Order requiring remediation, pending receipt of a recommendation by the Assistant Fire Marshal; and

WHEREAS, the Assistant Fire Marshal subsequently submitted a recommendation, dated June 10, 2017, proposing an appropriate schedule for compliance for consideration by the Common Council; and

WHEREAS, it is the desire of the Common Council to undertake any and all measures permitted in the Oneida City Code and City of Oneida Charter that are necessary to protect the public's health, safety and welfare; now therefore be it

RESOLVED, that the Common Council, having duly declared the Property to be a public nuisance, hereby orders the owner or persons with an interest in such Property to undertake the following corrective action within thirty (30) days in accordance with the recommendations of the Assistant Fire Marshal:

- ❖ The building shall be demolished as it is abandoned, unsecured, dilapidated, and failing and the land upon which it is located cleared of debris and all excavations filled and graded.
- ❖ The above ground pool shall be removed, the land upon which it is located cleared of debris and all excavations filled and graded, and garbage disposed of.

BE IT FURTHER RESOLVED, that in the event corrective action does not occur within the time provided, the Common Council hereby authorizes the Assistant Fire Marshal and the City Engineer to undertake any and all such measures as are necessary to effectuate the remedial action recommended by the Assistant Fire Marshal in his report, and shall assess the cost of same against the Property; and

BE IT FURTHER RESOLVED, that the cost of such remedial action, if undertaken by the City, shall thereupon become a lien against the Property and shall be collectible in the same manner as taxes levied thereon; and

BE IT FURTHER RESOLVED, that notice of the Common Council's declaration and order shall either be served personally or by certified mail, to the last known address as shown by the records of the City Assessor's office.

Ayes: 6

Nays: 0

MOTION CARRIED

The City Clerk said this is one of the properties that the Council discussed early on that should be demolished, as it was involved in the flood. She said the owner of the property is deceased. She reminded the Council that this is the property with the above ground swimming pool that is full of garbage. Deputy Mayor Chamberlain said that a company contacted him and the City Engineer about doing demos for free in areas where there were disasters. He said that they are going to contact them to see if the City would qualify for the program. After a brief discussion, the Council chose to have the property demolished, rather than repaired and to remove the pool full of garbage. The original motion to open discussion was made by Councilor Acker and seconded by Smith.

SOLE SOURCE

RESOLUTION 17-180

Moved by Councilor Smith

Seconded by Councilor Simchik

RESOLVED, that Sutphen Corporation, Service Division, 1653 West County Line Road, Springfield, Ohio 45501 be hereby approved as the sole source for the refurbishment of the Fire Department's Tower Ladder truck.

Ayes: 6

Nays: 0

MOTION CARRIED

AMEND THE 2017 BUDGET TO INCLUDE CAPITAL PROJECT 17-10 – REFURBISHMENT OF 100 FT. SUTPHEN TOWER LADDER, PROCEED WITH CAPITAL PROJECT 17-10 AND APPROVE A RESOLUTION AUTHORIZING THE REFURBISHMENT OF A FIRE LADDER TRUCK IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$450,000, AND AUTHORIZING THE ISSUANCE OF \$450,000 BONDS OF SAID CITY TO PAY THE COST THEREOF.

RESOLUTION 17-181

Moved by Councilor Smith

Seconded by Councilor Cohen

RESOLVED, that the 2017 City of Oneida Budget be hereby amended to include Capital Project 17-10 – Refurbishment of 100 ft. Sutphen Tower Ladder to be financed by Serial Bonds, **and be it further**

RESOLVED, to authorize the Fire Chief to proceed with Capital Project 17-10 Refurbishment of 100 ft. Sutphen Tower Ladder to make mechanical repairs to the boom and other worn items of the 20 year old apparatus, **and be it further**

RESOLVED, to authorize the Fire Chief to expend funds up to the programmed amount and further authorize the Mayor to sign any and all documents relative to said Capital Project 17-10 – Refurbishment of 100 ft. Sutphen Tower Ladder, **and be it further**

RESOLVED by the affirmative vote of not less than two thirds of the total voting strength of the Common Council of the City of Oneida, Madison County, New York, as follows:

- Section 1. The refurbishment of a fire ladder truck, including incidental expenses, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$450,000.
- Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$450,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.
- Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law.
- Section 4. The faith and credit of said City of Oneida, Madison County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.
- Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.
- Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.
- Section 7. The validity of such bonds and bond anticipation notes may be contested only if:
 - 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City for such purpose, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Councilor Cohen – Yes
Councilor Bowe – Yes
Councilor Smith – Yes
Councilor Acker – Yes
Councilor Chamberlain – Yes
Councilor Simchik – Yes
MOTION CARRIED

Councilor Cohen said this will save the City a lot of money.

**AMEND CAPITAL PROJECT 17-01 PUBLIC WORKS VEHICLE AND EQUIPMENT
REPLACEMENT PROGRAM, CAPITAL PROJECT 17-02 SEWER VEHICLE AND
EQUIPMENT REPLACEMENT PROGRAM AND CAPITAL PROJECT 17-04 – SEWER
AERATION UPGRADE IMPROVEMENTS**

RESOLUTION 17-182

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that Capital Project 17-01 Public Works Vehicle and Equipment Replacement Program be hereby amended, **and be it further**

RESOLVED, that Capital Project 17-02 Sewer Vehicle and Equipment Replacement Program be hereby amended, **and be it further**

RESOLVED, that Capital Project 17-04 Sewer Aeration Upgrade Improvements be hereby amended.

Ayes: 6
Nays: 0
MOTION CARRIED

The City Clerk said that she gave the Council the new Capital Project sheets in their packets.

**A RESOLUTION RECOGNIZING A TYPE II ACTION UNDER THE
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
FOR WWTP AERATION SYSTEM UPGRADES**

RESOLUTION 17-183

Moved by Councilor Smith
Seconded by Councilor Bowe

WHEREAS, The City of Oneida of Madison County proposes to undertake the following action under the WWTP Aeration System Upgrades and Miscellaneous Improvements project:

- Constructing, complete with all equipment and accessories, replacement of aeration diffusers, upgrades to aeration blowers, installation of a polymer feed system, and modification to a distribution box.

WHEREAS, said proposed action has been reviewed in relation to the New York State Environmental Quality Review Act (SEQRA) regulations (6NYCRR Part 617) and is considered to be a Type II Action per §617.5(c)(2); **and**

WHEREAS, said proposed action is not listed as a Type I action as defined by §617.4; **and**

WHEREAS, the Council finds that the proposed work will not result in significant adverse environmental impacts; **and**

WHEREAS, Type II Actions are not subject to review under SEQRA per §617.5(a); **and now therefore be it**

RESOLVED, that the project has been determined not to have a significant impact on the environmental and is not subject to further review under SEQRA.

Ayes: 6

Nays: 0

MOTION CARRIED

WAIVE RULE TO ACCEPT AGENDA ITEM

RESOLUTION 17-184

Moved by Councilor Smith
Seconded by Councilor Cohen

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

The City Clerk said that this additional item is required for the City Engineer to apply for a grant for WWTP Capital Project 17-04 Sewer Aeration Upgrade Improvements. There is a consent order from the DEC for this work, therefore the City is allowed to bond for more than \$1M, as stated in the Charter. The grant deadline is June 23, 2017.

A RESOLUTION AUTHORIZING THE WASTEWATER TREATMENT PLANT AERATION PROJECT IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,520,000, AND AUTHORIZING THE ISSUANCE OF \$1,520,000 BONDS OF SAID CITY TO PAY THE COST THEREOF.

RESOLUTION 17-185

Moved by Councilor Smith
Seconded by Councilor Acker

BE IT RESOLVED by the affirmative vote of not less than two thirds of the total voting strength of the Common Council of the City of Oneida, Madison County, New York, as follows:

- Section 1. The Wastewater Treatment Plant Aeration Project, including incidental expenses, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$1,520,000.
- Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$1,520,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.
- Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.
- Section 4. The faith and credit of said City of Oneida, Madison County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.
- Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.
- Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local

Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 7. The City Comptroller is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City for such purpose, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Councilor Cohen – Yes

Councilor Bowe – Yes

Councilor Smith – Yes

Councilor Acker – Yes

Councilor Chamberlain – Yes

Councilor Simchik – Yes

MOTION CARRIED

NEW BUSINESS

Deputy Mayor Jim Chamberlain honored the memory of his very close friend Warren Talbot, who worked for the City of Sherrill Water Department for 40 years. The Deputy Mayor said the Warren passed away unexpectedly at home today. Deputy Mayor Chamberlain said that when he worked for the City's Water Department, he worked hand-in-hand with Warren on multiple projects. He said that they used to prank each other all the time. He shared a funny story about how they both planned to retire on December 30, 2010, but Warren pulled a fast one and retired on December 29. The Council gave him their condolences.

The Deputy Mayor and Council sang Happy Birthday to Comptroller Lee Ann Wells.

Deputy Mayor Chamberlain said the City will need a short executive session regarding proposed certiorari litigation and noted that there will not be any action taken after the session.

EXECUTIVE SESSION

RESOLUTION 17-186

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED that the meeting is hereby adjourned to Executive Session at 8:58 p.m. for the purpose of discussing certiorari litigation.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Clerk, City Attorney, Assessor

1. Discussion relating to proposed certiorari litigation.

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 9:10 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 9:11 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk