

**MINUTES OF THE COMMON COUNCIL  
MARCH 17, 2015**

A meeting of the Common Council of the City of Oneida, NY was held on the seventeenth day of March, 2015 at 6:30 o'clock P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

Meeting was called to order by Mayor Alden M. Smith

**PRESENT:** Councilors Brahim Zogby, Michael Bowe, Erwin Smith, Helen Acker, James Chamberlain, and Thomas Simchik

**ALSO PRESENT:** City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
City Engineer Jon Rauscher  
Comptroller Linda Pease (arrived at 7:35 p.m.)  
Director of Parks and Recreation Lucas Griff  
Director of Planning and Development Cassie Rose  
Police Chief David Meeker  
Public Safety Commissioner Michael Kaiser  
Supervisor John Reinhardt

**PRESENTATION TO POLICE CHIEF DAVID MEEKER  
AND THE ONEIDA POLICE DEPARTMENT – RIDE FOR MISSING CHILDREN**

Retired NYS Trooper Jim Simpson with the National Center for Missing and Exploited Children, presented an award to Police Chief David Meeker in recognition of the Oneida Police Department's continued support of the annual Ride for Missing Children and sharing their mission of making our children safer, one child at a time. The Ride for Missing Children is always on the third Friday of each May to mark National Missing Children's Day, which is May 25. The 90-mile ride, which travels through parts of Madison and Oneida counties, begins with about 500 cyclists leaving from the City of Oneida. Mr. Simpson stated that the Oneida Police Department is instrumental in ensuring a smooth start to this event. This year's 19<sup>th</sup> annual ride will be on May 15, 2015. The Chief and members of the department received a standing ovation.

**PUBLIC HEARING**

**RESOLUTION 15-54**

Moved by Councilor Bowe  
Seconded by Councilor Zogby

**RESOLVED**, that the Public Hearing to amend the Zoning Map to change Zoning Designation from R-2 to L-I on the former Kime's property off Broad Street on the northern boundary of HP Hood, LLC be hereby opened at 6:35 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**APPEARANCES**

James Coulthart, 544 Broadway, said his concern is the quality of life and impact on the neighborhood due to the Hood expansion. He said a commercial entity wants to expand, as businesses do, but inquired as to how it was allowed to expand to this point. He said the City should have been on guard for its citizens. He said he hasn't seen any tangible plans and asked who would be enforcing what is ultimately agreed to.

Dee Schaefer, 240 Allen Park Place, said that she has counted at least four 18-wheelers in the past two weeks that have gone down her street. She expressed concerns of a child, animal or car being hit by one of these trucks and asked what HP Hood is going to do to prevent tractor trailers from being on residential streets.

Jeremy Eastman, 222 Allen Park Place, said the zoning change is a requirement for the site plan approval, and he said he is apprehensive about putting approval on a plan that we don't have yet. He said his biggest concerns are impact to the community, housing values, aesthetics, and environmental issues. He said our parks are the biggest asset to this old railroad town and he doesn't want to see a lot of impact on Allen Park. He said he would like a confirmation of what HP Hood's commitment is and assurance that the Common Council will be looking at this. He expressed concerns about traffic and independent truckers violating the law by being on residential streets. He said ticketing the truck drivers will help the City coffers. He asked that the City be a guardedly skeptic consumer with what we are signing off on and what we commit to.

Mrs. Eastman, 222 Allen Park Place, said that she doesn't want any trucks on the side streets and requested signage be posted.

Samantha Haynes, 578 Main Street, said her house backs up to Dodge Street and at least once a day, an 18-wheeler turns onto Dodge Street from Main Street and heads to the HP Hood entrance on Broad Street. She said she is not against HP Hood and is grateful for the jobs, but she would like to see them move the driveway, so it would not be straight out from Dodge Street. She said she would like to see a traffic plan for the trucks that will be going to and from HP Hood that she is comfortable with.

Gary Hamer, 571 Broad Street, said all the trucks to HP Hood are coming from Rt. 5 and questioned why Hood decided to use Broad Street as the entrance. He said he was told because of the layout of the plant it was easier to use Broad Street, but three people have already spoken about the traffic problems here tonight. He said there was a tractor trailer parked in front of his house who was probably lost. He said that he doesn't understand why Broad Street is being used for the entrance and exit to the facility.

Glen Kuhn, 227 Summit Avenue said that he is opposed to the zone change. Since the expansion, he said he can hear the trucks; it is loud and noisy, and his house shakes and the windows rattle. He said he was surprised to hear that it is currently zoned residential.

Connie Coulthart, 544 Broadway, said Dr. Canizares lives across from the entrance and he has a concern about emissions from the trucks. She said this needs to be thought about and noted HP Hood has said they will not run the trucks more than necessary. She said if the doctor has concerns, we should have concerns.

John Galbraith, 218 Allen Park Place, said that he recommends the Council not approve the zone change request from HP Hood until there are solid commitments from HP Hood with what exactly they are going to do, and the City should commit to making them do exactly that. He said if there isn't a traffic plan to get the traffic onto Rt. 5 from Broad Street with a light, there will be a real mess up there. He said the nastiest thing is that the City is, in effect, giving Hood a license to make money, which raises the City revenue. He asked if the houses up there were going to get a decrease in their assessments, as the value of their houses is going to go down. He said the biggest value he has is the quietness of the park and that is going away.

Councilor Bowe said that HP Hood cannot make any mitigating changes to the site plan without the zone change approval. He said HP Hood is here to present, but there is really nothing to present, unless people aren't familiar with this and 75% of the people in this room have been to all meetings. Councilor Bowe said it goes back to ground zero if changes cannot be made.

Councilor Zogby said he would like a legal opinion on the accurate sequence from either the Planning Director or City Attorney. He said he wants to be sure that the Council satisfies both HP Hood and the neighborhood.

City Attorney Nadine Bell said this matter first came to the City Council, and the Council immediately recommended it to the Planning Commission. The Council always acts on a zone change request after the Planning Commission offers a recommendation. The Planning Commission has also been proceeding with the approvals that are necessary before it. However, the process they are going through is that of a review process, and they have not been able to take any action until the zone change is effectuated. At the end of the last Planning Commission meeting, the Commission sent back to the Council, a recommendation to grant the zone change request. Tonight's purpose is for the Public Hearing on the zone change request. No action will be taken tonight, as is the practice of the Council when a Public Hearing is held. At the next meeting, the Council will vote on the Local Law, as proposed, to change the zoning on the property. If approved, the Planning Commission then has the authority to move forward with any approvals. If the Council decides not to grant the zone change, then the Hood plan will have to be changed to allow for use of part of the property that is already zoned Light Industrial, or they can go before the Zoning Board of Appeals for a use variance. The City Attorney stressed that tonight's Public Hearing is on the zone change request and after this Public Hearing is closed, the public will not have the right to continue to speak to the legislative act. She said at the Planning Commission's last meeting, the public hearing on the site plan was held where they listened to everyone's input, as well.

Planning Director Cassie Rose said at the last meeting, the Planning Commission, after reviewing the plans that have been submitted and after the Public Hearing, still had concerns about fencing (both height and sound mitigating) and the proposed location of the truck scales. The Planning Commission gave preliminary approval to the rest of the plan. The ZBA has to hear and decide on the area variance, and the Common Council still has to decide on the Zoning Map Amendment. When this is done, everything comes back to the Planning Commission. When HP Hood has their options ready to present in terms of fencing, noise mitigation, and the scales, etc., they will be placed on the agenda for another Planning Commission meeting, and hopefully final decisions will be made by the Commission at that time. HP Hood is not on the agenda for the March 19, 2015 meeting. Director Rose said that if the zoning map amendment is not approved, there are other options, and it will be up to HP Hood and the Planning Commission to come up with an alternative scenario.

Jeremy Eastman, 222 Allen Park Place, questioned if the plan can get approved contingent on the approval of zone change. The City Attorney said you wouldn't have site plan approval conditioned on the

zone change, because without the zone change you cannot have the site plan approved. The City Attorney said the way the City Code is drafted, the zone change is not tied into the plans, and she cited examples of various other municipal codes. She said that the Council could approve the zone change, but the Planning Commission could still have an issue with the plan and there could be a different outcome. The City Attorney said we have a parcel that is currently split zoned Light Industrial and Residential and light industrial use can legally extend an additional fifty feet into the residentially zoned portion, per our City Code. The Council is only looking to see if the zoning is appropriate, the Council does not have the authority to make determinations on the fencing, traffic flows, etc. The Mayor reiterated there will be no action taken tonight on the zone change.

The City Attorney said from a municipal law standpoint, a legislative act is very different from jurisdictional authorities. If someone comes to the Planning Commission with a site plan application and the plan meets all the requirements of the City Code, the Planning Commission has to grant a site plan approval. If the Commission said, "Yes, this meets all the criteria, but we don't want to do it", they would be sued, and they would lose. There are things that have discretionary authority and things that don't. The City Attorney explained the process the Planning Commission uses to approve the criteria for a site plan.

Former Mayor Leo Matzke, 213 Park Avenue said historically, we have in fact tried to get away from codes, so we don't end up with the image of being business unfriendly. He said there were a lot of mistakes with Walmart (five corners), but one of the things that was done right was to have Walmart put money into a large sewer trunk, and that was all negotiated privately. He suggested that this be negotiated privately, so when the ultimate decisions are made, it is all in place already because of the private agreement. He cited another time that was done was on the sewer line out to Wampsville. We put the plan in place and we did not change any of the zoning, because we had negotiated an end product to pay for the sewer line. Mr. Matzke said that historically, what these folks are asking for has been done, but you have to do it privately, negotiating with the firm and getting away from all the codes.

Tim Bailey from Keystone Associates said that he is here on behalf of HP Hood. He said they have listened to the City and to the neighbors and have made some modifications based on those comments. He displayed and briefly discussed the original plans that were submitted. Mr. Bailey then presented modified plans and said the actual entrance on Broad Street has not changed. He pointed out various changes, including the plantings being moved off the City's park property. There will be trees between the park and fence, but they will all be on Hood property. He pointed out the additional greenspace, the catch basins and curbing. The amount of trucks in/out of the property will remain the same. He said HP Hood's original smaller access design for the driveway was modified by the City, because the City wanted a larger access for emergency fire vehicles. He said HP Hood is continuing to work with the City on fencing up to 14 feet high.

Joe Magliocca, 429 Grand Street and member of the Recreation Commission, said HP Hood bought the Kime's property knowing that it needed to be rezoned and they didn't know how this Council was going to vote. He referred to the size of the differently zoned areas of the parcel. Mr. Magliocca said the proposed plan presented by HP Hood tonight is an improvement over the last plan and commended the Planning Director and City Engineer for working on this. Mr. Magliocca asked for landscaping to be placed on the park side of the berm.

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, that the public hearing on said amendment to the Zoning Map be hereby closed at 7:36 p.m.

Ayes: 6  
Nays: 0  
MOTION CARRIED

### **OLD BUSINESS**

#### *Public Nuisance at 120-126, 128 Phelps Street*

City Attorney Nadine Bell stated that she has received a signed copy of a contract from Attorney DeTraglia on behalf of his client, Mr. Heath Waterman. The contract is with Abscope for the cleanup of Mr. Waterman's property on Phelps Street. The Mayor asked the City Clerk to see where we stand with Mr. Karst relative to the thirty day notice. Councilor Chamberlain suggested possibly contracting with Abscope as well, to remove debris from the Karst property at the same time should Mr. Karst not be in compliance. The Mayor said he would look at a cost efficient solution as we move forward.

#### *Special Common Council Meeting*

Mayor Smith called for a special meeting on Monday, March 23, 2015 at 6:30 p.m. to update the Council on the State's buyout program for properties in the flood plain. The application submittal date is looming, and the Council should discuss various aspects and criteria. Mayor Smith said a request for a second Public Hearing on fluoridation was received from Mr. Kevin Goggins, who would like Dr. Paul Connett

to have the opportunity to weigh in. The Council agreed to hold the special meeting to include a Public Hearing on fluoridation of the City's water supply.

*Solar Project and Ward Redistricting*

The Mayor said the negotiations regarding the solar project are moving forward, and he is very optimistic that it will be brought to closure soon. The Mayor said he is expecting to hear from Oneida County with respect to redistricting very soon.

Moved by Councilor Acker  
Seconded by Councilor Chamberlain

**RESOLVED**, that the minutes of the regular meeting of March 3, 2015 are hereby approved as presented.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Moved by Councilor Chamberlain  
Seconded by Councilor Simchik

**RESOLVED**, that Warrant No. 6, checks and ACH payments in the amount of \$1,623,389.34 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 Chamberlain  
Seconded by Councilor Simchik

**RESOLVED**, that Check No. 52639 in the amount of \$335.15 (Oneida Office Supply) as audited by the Voucher Committee is hereby approved for payment in the usual manner at the discretion of the Comptroller.

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

**MOTION CARRIED**

**MONTHLY REPORTS**

**RESOLUTION 15-55**

Moved by Councilor Bowe  
Seconded by Councilor Acker

**RESOLVED**, that the monthly reports from the Chamberlain, City Clerk, City Engineer, Comptroller, Director of Planning and Development, Police Chief, and Recreation Director are hereby received and placed on file.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Councilor Acker congratulated the City Engineer on the snow removal efforts, for only half the amount of salt being used and overtime hours utilized. Councilor Acker gave kudos to Chief Meeker for all the work the police department has been doing and on the award received this evening. Chief Salerno said he was on vacation last week and will provide his monthly report for another meeting. The Mayor said that he is looking into candidates for the City Historian position.

**AMUSEMENT DEVICE LICENSE**

**RESOLUTION 15-56**

Moved by Councilor Simchik  
Seconded by Councilor Smith

**RESOLVED**, that the following 2015 Amusement Device License be hereby approved:

- Quarters Only Vending, 385-387 Gaffney Drive, Watertown, NY 13631

Ayes: 6

Nays: 0

**MOTION CARRIED**

**PREVENTATIVE MAINTENANCE AGREEMENT**

**RESOLUTION 15-57**

Moved by Councilor Smith

Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign a one-year Preventative Maintenance Agreement with Power Generation & Industrial Engines, Inc., 8927 Tyler Rd., Bridgeport NY as follows:

<u>Location</u>	<u>Make &amp; Serial Number</u>	<u>Amount</u>
Municipal Bldg.	Onan-serial #K810597712	\$ 492.24

Ayes: 6

Nays: 0

**MOTION CARRIED**

**A RESOLUTION AUTHORIZING THE REPLACEMENT OF A FIRE ENGINE IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$750,000, AND AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF SAID CITY TO PAY THE COST THEREOF.**

**RESOLUTION 15-58**

Moved by Councilor Smith

Seconded by Councilor Acker

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

Section 1. The replacement of a fire engine in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$750,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$750,000 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 twenty years, pursuant to subdivision 27 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 Zogby - Yes  
 Councilor Bowe - Yes  
 Councilor Smith - Yes  
 Councilor Acker - Yes  
 Councilor Chamberlain - Yes  
 Councilor Simchik - Yes

**MOTION CARRIED**

Councilor Bowe questioned why the City is bonding for something we do not know what the cost will be and that has not been ordered yet. He asked if it was correct that we were going to bid, and the Comptroller said we are not going out to bid on this, we are piggybacking. Chief Salerno said the specs have not been completed. She said there are a lot of capital purchases this year, and she is trying to time the bonding with when the vehicles are ordered. The Comptroller said we cannot order these vehicles without financing in place. She said when it gets closer to what the actual numbers are, she will come back to Council to firm things up. Councilor Bowe asked if there would be a second resolution when we amend the cost, and the Comptroller said yes, she believes that is the case.

**A RESOLUTION AUTHORIZING THE REPLACEMENT OF A RESCUE TRUCK IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$442,000, AND AUTHORIZING THE ISSUANCE OF \$442,000 BONDS OF SAID CITY TO PAY THE COST THEREOF.**

**RESOLUTION 15-59**

Moved by Councilor Smith  
 Seconded by Councilor Simchik

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

Section 1. The replacement of a rescue truck in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$442,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$442,000 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 twenty years, pursuant to subdivision 27 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:

- 4) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 5) 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
- 6) 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 Zogby - Yes  
Councilor Bowe - Yes  
Councilor Smith - Yes  
Councilor Acker - Yes  
Councilor Chamberlain - Yes  
Councilor Simchik - Yes

**MOTION CARRIED**

**A RESOLUTION AUTHORIZING THE PURCHASE OF A PLOW TRUCK IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$265,000, AND AUTHORIZING THE ISSUANCE OF \$265,000 BONDS OF SAID CITY TO PAY THE COST THEREOF.**

#### **RESOLUTION 15-60**

Moved by Councilor Simchik  
Seconded by Councilor Bowe

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

Section 1. The purchase of a plow truck in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$265,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$265,000 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 28 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:

- 7) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 8) 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
- 9) 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 Zogby - Yes  
Councilor Bowe - Yes  
Councilor Smith - Yes  
Councilor Acker - Yes  
Councilor Chamberlain - Yes  
Councilor Simchik - Yes

**MOTION CARRIED**

### **BUDGET TRANSFERS – CLOSE OUT CAPITAL PROJECTS**

#### **RESOLUTION 15-61**

Moved by Councilor Simchik  
Seconded by Councilor Acker

**RESOLVED**, to approve the following budget transfers:

	FROM:	BALANCE	TO:	BALANCE
\$11,834.53	003.8110.0436 (Contingency)	\$8,165.47	003.8110.0412 (Leach Removal)	\$11,834.53

*To transfer money to account for leach removal per contract with Mad. County (Rauscher)*

	FROM:	BALANCE	TO:	BALANCE
\$2,000	001.1990.0400 (Contingency)	\$30,310.88	001.7140.0202 (Recreation Center Boiler)	\$2,000

*To transfer money to cover temporary heat at the Kallet for March and April, 2015. (Mayor)*

**RESOLVED**, to approve the following budget transfers and to close out capital projects:

	FROM:	BALANCE	TO:	BALANCE
\$7,689.12	001.1990.0400 (Contingency)	\$32,310.88	001.9950.0901 (Transfer to P/Y Capital)	\$7,689.12

*To transfer money and to CLOSE OUT the following prior years capital project accounts:*

2010 Brownfields (210 Sconondoa Street Interim Remedial Measures Project)	-\$5,511.43
2012 Sidewalk Program (Capital Project #12-03)	-\$1,228.69
2013/2014 Street Paving (Capital Project #13-01 and Resolution #14-131)	-\$1,085.45

*The money was not transferred at the time the capital projects were approved for the Brownfields and Sidewalk Program and the 2013/2014 Street Paving, more was paid out than what was submitted to CHIPS for reimbursement. (Pease)*

Ayes: 6

Nays: 0

**MOTION CARRIED**

**AMEND THE 2015 CAPITAL PLAN TO INCLUDE A CAPITAL PROJECT FOR THE PURCHASE OF POLICE VEHICLES AND CODE ENFORCEMENT VEHICLE, AUTHORIZE PROCEEDING WITH SAID PROJECT AND APPROVE FINANCING**

**RESOLUTION 15-62**

Moved by Councilor Smith

Seconded by Councilor Chamberlain

**RESOLVED**, to amend the Capital Plan of the 2015 Budget to include Capital Project 15-2 – Police Cars and Code Car, **and be it further**

**RESOLVED**, to authorize the Police Chief to proceed with Capital Project 15-2 to purchase three (3) 2015 Ford Police Interceptor Vehicles from Carbone Auto Group/Bush Electronics, 5700 Horatio Street, Utica, NY 13502 (Piggyback off of Little Falls Bid), **and be it further**

**RESOLVED**, to authorize the City Engineer to proceed with Capital Project 15-2 to purchase a 2015 F-150 Truck from VanBortle Ford, 71 Marsh Rd, Rochester, NY 14445 (Piggyback off of Chautauqua County Bid); **and be it further**

**RESOLVED**, to approve financing for said Capital Project 15-2 – Police Cars and Code Car through First Niagara Lease Financing in the projected amount of \$145,472.14, including interest, with equal annual installments over a period of three years.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**GASBOY SERVICE AGREEMENT**

**RESOLUTION 15-63**

Moved by Councilor Bowe

Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign the annual Gasboy Service Agreement by and between Gilbarco, Inc., DBA Gasboy, 7300 W. Friendly Avenue, PO Box 22087, Greensboro, NC 27420 and the City of Oneida in the amount of \$153.00.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**CNY WATER WORKS SUMMER MEETING & PRODUCT DISPLAY**

**RESOLUTION 15-64**

Moved by Councilor Acker

Seconded by Councilor Simchik

**RESOLVED**, that the Water Department employees and Water Board Commissioners are hereby authorized to attend the Central New York Water Works Summer Meeting and Product Display

held at Hinerwadel's Grove, 5300 W. Taft Rd., Syracuse, NY on June 3, 2015 with the expenses to be paid by the Water Department.

Ayes: 5  
Nays: 1 (Bowe)  
**MOTION CARRIED**

**SPECIAL EVENTS APPLICATION**

**RESOLUTION 15-65**

Moved by Councilor Simchik  
Seconded by Councilor Zogby

**RESOLVED**, to approve the following Special Events Application:

Name of Event:	Duck Derby
Sponsoring Organization:	The ARC of Madison Cortland
Event Date:	August 1, 2015
Location:	Rt. 5 to Maxwell Field

Ayes: 5  
Nays: 0  
Abstain: 1 (Bowe)  
**MOTION CARRIED**

**SUBDIVISION DEVELOPMENT AGREEMENT AND MAINTENANCE, COVENANT AND EASEMENT AGREEMENT WITH KRISTAN SCHAAL REALTY HOLDING COMPANY, INC. BROOKSIDE CROSSING TOWNHOMES**

**RESOLUTION 15-66**

Moved by Councilor Zogby  
Seconded by Councilor Simchik

**WHEREAS**, Kristan Schaal Realty Holding Company, Inc., a New York corporation with offices at 1341 Middle Road, Oneida, New York 13421 ("Developer"), submitted an application for subdivision approval of a proposed residential subdivision known as "Brookside Crossing Townhomes, Phase I," which is designed for a total of 22 building lots, numbered 1A through 11B, in an area generally to the immediate south of the southerly terminus of the presently existing street known as Fitch Street in the City of Oneida; **and**

**WHEREAS**, the Developer, having received Preliminary Plat approval, intends to appear before the City of Oneida Planning Commission at its regularly scheduled meeting on March 19, 2015, for Final Plat approval of the subdivision plan titled "Brookside Crossing Townhomes, Phase I," dated April 28, 2014, last revised March 6, 2015, prepared by Myers and Associates, P.C.; **and**

**WHEREAS**, the Planning Commission has advised the Developer that Final Plat approval shall be conditioned upon the Developer's execution of an easement agreement for the construction and maintenance of stormwater management facilities that shall be binding upon Developer and all subsequent owners of the property and a Subdivision Development Agreement setting forth the terms and conditions relating to the completion of public improvements within the proposed subdivision, the required security, sequence of development, dedication of improvements, and related terms; **and**

**WHEREAS**, approval and execution of the aforementioned easement agreement and Subdivision Development Agreement rests solely within the authority and jurisdiction of the City of Oneida Common Council; **and**

**WHEREAS**, it is the desire of the Common Council to approve the aforementioned agreements.

**NOW THEREFORE, BE IT RESOLVED**, that the City of Oneida Common Council does hereby approve the attached Subdivision Development Agreement between the City of Oneida and Kristan Schaal Realty Holding Company, Inc., and hereby authorizes the Mayor to sign the Subdivision Development Agreement and to execute any and all other documents necessary to effectuate such agreement on behalf of the City of Oneida; it is further

**RESOLVED**, that the Common Council does further hereby approve the attached Maintenance, Covenant and Easement Agreement between the City of Oneida and Kristan Schaal Realty Holding Company, Inc., and hereby authorizes the Mayor to sign the Maintenance, Covenant and Easement Agreement and to execute any and all other documents necessary to effectuate such agreement on behalf of the City of Oneida.

Ayes: 6

Nays: 0

**MOTION CARRIED**

City Attorney Nadine Bell said this subdivision has preliminary plat approval, the land swap has taken place and they go before the Planning Commission on Thursday evening for final plat approval. The subdivision agreement outlines what the applicant has to do going forward, i.e. insurance, bonding, etc. The second agreement allows the City an easement, in the event the storm water facilities do not function as intended, to go on the property for maintenance. The City does not have the obligation, but will have the right to do so, and then assess the cost back to the property owner. The property owner is applying for a performance bond, which is held by the City until all the infrastructure is completed by the property owner. Once it is completed, bond monies are released back to the property owner. The Planning Director said final plat approval will be conditioned on approval of the performance bond by the City Attorney.

**NEW BUSINESS**

The Mayor said the Kallet Civic Center is having an open house on Thursday, and he hopes the Council members would be able to attend. The Mayor said the new Executive Director will be coming to Council to do a more formal presentation on what plans they have in the works. Per the Kallet agreement, they are preparing their annual report for the Council.

Motion to adjourn by Councilor Smith

The meeting is hereby adjourned at 8:06 p.m.

CITY OF ONEIDA

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Susan Pulverenti, City Clerk