

**MINUTES OF THE COMMON COUNCIL
SEPTEMBER 19, 2017**

A regular meeting of the Common Council of the City of Oneida, NY was held on the nineteenth day of September, 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 Mayor Leo Matzke

PRESENT: Councilors Alan Cohen, Mike Bowe, Erwin Smith,
James Chamberlain, and Thomas Simchik

ABSENT: Councilor Helen Acker

ALSO PRESENT: City Attorney Nadine Bell
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
Supervisors John Reinhardt
Supervisor Joe Magliocca
Supervisor Milman-Barris (arrived at 6:58 pm)

**PUBLIC HEARING - PROPOSED LOCAL LAW
TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM**

RESOLUTION 17-255

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, that the Public Hearing on a proposed Local Law to establish a Sustainable Energy Loan Program in the City of Oneida be hereby opened at 6:31 p.m.

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

MOTION CARRIED

APPEARANCES

City Attorney Nadine Bell said there are three minor changes to the proposed Local Law in Article I, Section 1B, Section 4A and Section 6A, where the wording further clarifies the identity of the City of Oneida. She noted that none of these changes require a second notice in the newspaper or the scheduling of another public hearing.

The Mayor said this Local Law gives commercial properties the right to apply for energy related low interest loans, noting that no City monies will be involved. Samantha Haynes, Oneida, said this qualifies the City for grant funding and awards the City a Clean Energy Community designation. The Mayor said that we are competing with the City of Auburn for the \$50K grant. In response to a question from Leslie Alvarez, Oneida, Mayor Matzke said there is one grant left that both communities are vying for.

Jill Christian Lynch, Oneida, said that in reading the Local Law, there is no designation that this is only for commercial entities. The Mayor said applications will only be received from commercial properties, and Councilor Cohen said that the City has the authority to define its own parameters. The Mayor said this law allows for commercial properties to access this funding. A private property owner cannot apply for this. Councilor Bowe questioned if the word "commercial" could be added to the Local Law. City Attorney Nadine Bell said that she has been advised that how this Local Law is drafted is how the Energize NY Benefit Financing Program will accept the language. She said that the changes she spoke of earlier were changes that they requested. City Attorney Bell said that the applications go to the EIC (Energy Improvement Corporation) and the EIC, acting on behalf of the City, will make the negative/positive determination on the application based on the criteria listed in the Local Law.

Mike DeBottis, Oneida, said that if the State agency is telling the City that only commercial properties qualify, then the language should be allowed to reflect that. Samantha Haynes said the clean energy upgrades include geothermal and new doors and windows; it is not just solar panels. Mike DeBottis asked if it is the City's intention to abdicate authority to the State or is the City going to have control over this. City Attorney Bell said the Energy Improvement Corporation Municipal Agreement with the EIC states that the City of Oneida may modify the program by limiting types of properties that may receive financing for energy improvements and/or the amount of financing available. Mayor Matzke said the City is not abdicating; this is our City and we will determine what we want to do. Jill Christian Lynch

said that she is not anti-solar, but she wholeheartedly believes that large solar panels should not be placed in residential neighborhoods. She stressed the need for guidelines to maintain the aesthetics of neighborhoods. Mike DeBottis said that this Council has earned their trust, but he doesn't want to see this rushed through leaving the legislation open without restrictions excluding R1 and R2, as a new Council may not understand.

Councilor Cohen said that he understands the concerns, but this Local Law includes other clean energy upgrades; it's more than solar panels. He said to Mr. DeBottis that this is not like what you saw happen in your neighborhood. Councilor Cohen said that these won't be on a grand scale, it's limited to 10% value, but at this point we shouldn't shut out residents from putting in other energy efficiencies. He reiterated that the section of the EIC Municipal Agreement the City Attorney spoke of is where the City can modify the program. Jill Christian Lynch said she sees the benefits of this, but there is nothing to preclude owners from putting solar panels up in residential neighborhoods.

Gary Taylor, Oneida, said that yards have pools, sheds, electric poles, flag poles, etc., and we allow all of those things on people's properties. He said that he has to abide by the codes, and said if he wants to put a solar charger on his garage, why should the City prevent him from doing so. Mr. Taylor said that on his property, he should be able to put up a 4x8 solar panel if he wants to. Mr. Taylor said that there are codes to address safety issues and some aesthetic values. He said that he can drive through the city and find a property that has trees in their yard, which may be unattractive to him, but it is their right as they own the property. He said that solar is big and accepted all over the country. Mr. Taylor said that this law is designated for commercial buildings to gain energy efficiency.

Samantha Haynes said there is strict criteria within the program, giving the example of someone who is behind on their taxes being denied. She said the EIC offers this only to commercial properties now. She said this is business friendly without having to use City funds. Ms. Haynes said the City will set their parameters and provided an example that certain commercial entities could be excluded. City Attorney Bell said that if the Council opts to change any of the language in the law, another notification and public hearing would be required. Jeff Baker, Oneida, said that it sounds reasonable to pass the Local Law and then decide on and set the parameters before the first application is accepted. The Mayor said that this is the first step. City Attorney Bell said that there may be further grant opportunities with this program as well. Mike DeBottis suggested that the Council schedule a work session to set the parameters while it is fresh on everyone's minds.

CLOSE PUBLIC HEARING

RESOLUTION 17-256

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that the Public Hearing on a proposed Local Law to establish a Sustainable Energy Loan Program in the City of Oneida be hereby closed at 7:03 p.m.

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

MOTION CARRIED

OLD BUSINESS

Update on Properties in Violation of Article III Chapter 34

Mayor Matzke said that ten letters have been sent to area contractors requesting quotes for repairs to the properties located at 507 Stone Street, 216 E. Elm Street and 112 Madison Street. He said that to date the City has not received any proposals. The Mayor said that the City Attorney has not heard from the property owner at 181 Main Street or the attorney representing 117 E. Sands Street. Supervisor Joe Magliocca said that the violations continue to impact neighboring properties and asked what the plan was to move forward. The Mayor said that entry to some properties may require a court order, and it is not going to be easy. The Mayor said that the City will be applying for a grant under Revitalization New York to help shore up the downtown building walls.

SUPERVISORS REPORT

Supervisor Joe Magliocca thanked the City Clerk for placing several County events on the City Clerk's Facebook page and on the City website. He said that on September 23, 2017, there will be a Safe Pill Drop Off, as well as a Shredding Event at the Madison County Landfill. He said that County residents can dispose of their old and expired medications safely. He said there is a three-bag per person limit of personal/confidential documents for shredding. Supervisor Magliocca also stated that there will be Citizen Preparedness Corps Training Program at the Hamilton Central School on October 3, 2017 at 7:00 p.m. He said that the flooding, tornadoes and storms in Madison County are reminders of the need for emergency preparedness.

Councilor Milman-Barris said that the County Court office operations will be moving to Kenwood this week, and the court will reopen next week. She said that the renovations to the courthouse in Wampsville will take approximately 18 months.

Moved by Councilor Smith
Seconded by Councilor Cohen

RESOLVED, that the minutes of the regular meeting minutes of September 5, 2017 are hereby approved as presented.

Ayes: 4
Nays: 0
Abstain: 1 (Bowe)
Absent: 1 (Acker)
MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that Warrant No. 20, checks and ACH payments in the amount of \$379,469.43 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
Absent: 1 (Acker)
MOTION CARRIED

Moved by Councilor Simchik
Seconded by Councilor Smith

RESOLVED, that checks in the amount of \$7,657.26 (City Attorney) as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 4
Nays: 0
Abstain: 1 (Bowe)
Absent: 1 (Acker)
MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 17-257

Moved by Councilor Smith
Seconded by Councilor Simchik

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

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

Gary Taylor said that it would be nice if the Council provided a summary of each monthly report. The Mayor said the monthly reports can be found on the City website and each of the reports detail what the department was working on for the month.

PROFESSIONAL SERVICES AGREEMENT – GYMO

RESOLUTION 17-258

Moved by Councilor Simchik
Seconded by Councilor Cohen

RESOLVED, to authorize the Mayor to sign a Professional Services Agreement with GYMO, Architecture, Engineering, Environmental, and Land Surveying, 18969 US Route 11, Watertown NY 13601 for Project Management Services for abatement work for the Oneida Creek Floodplain Properties in an amount not to exceed \$30,000.00.

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

PROFESSIONAL SERVICES AGREEMENT- TOOKER LAND SURVEYING

RESOLUTION 17-259

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, to authorize the Mayor to sign a Professional Services Agreement with Tooker Land Surveying, PLLC, 220 Park Avenue, Oneida NY 13421 for Professional Land Surveying Services for the Florence Avenue FEMA Elevation Study in an amount not to exceed \$7,000.

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

Mayor Matzke said that this is the beginning of the LOMR (Letter of Map Revision) process. The Mayor said that a representative from Senator Schumer's office was here on Monday, and the Mayor said he took him over to see the area. The City Engineer said that the proposal includes from Higinbotham Dam to the creek; it is not just the Florence Avenue (Trestletown) properties. City Engineer Jon Rauscher said that separate proposals for various segments of this project will be forthcoming, as the project moves along.

AMEND CAPITAL PROJECT 10-10 – GLENMORE DAM IMPROVEMENTS

RESOLUTION 17-260

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, that a budget amendment in the amount of \$2,520.00 from Water Contingency to Capital Project 10-10 Glenmore Dam Rehabilitation be hereby authorized, **and be it further**

RESOLVED, that the Mayor is hereby authorized to sign a Professional Services Agreement with Thew Associates Land Surveyors, PO Box 463, 6431 US Highway 11, Canton NY 13617 for Easement Exhibit Preparation for Backwater Easements at the Glenmore Reservoir, Town of Annsville, **and be it further**

RESOLVED, that the City Attorney is hereby authorized to negotiate for any easements required for Capital Project 10-10 Glenmore Dam Rehabilitation, **and be it further**

RESOLVED, that the Water Superintendent be hereby authorized to expend funds up to the programmed amount.

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

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 17-261

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, to approve the following budget amendment:

AMOUNT	FROM	TO
\$3,600.61	001.0022.2680 Insurance Recovery	001.5132.0403 Central Garage Major Repairs

(To reallocate funds received from insurance claim to repair DPW vehicle)

RESOLVED, to approve the following budget transfers:

AMOUNT	FROM	TO
\$2,520.00	002.8300.0436	201.8300.0405

Contingency

Glenmore Dam Rehabilitation Expense

(To transfer funds to cover easement costs associated with Glenmore Dam Rehabilitation Project)

\$21,211.00

003.8110.0400

305.8110.0400

Sewer – Contracts

WWTP Aeration - Contracts

(To transfer funds to cover contract cost for Capital Project 17-04 WWTP Aeration Upgrades)

Ayes: 5

Nays: 0

Absent: 1 (Acker)

MOTION CARRIED

ADOPT LOCAL LAW NO. 4 OF 2017
TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM

RESOLUTION 17-262

Moved by Councilor Cohen

Seconded by Councilor Simchik

RESOLVED, that the Common Council of the City of Oneida, Madison County, State of New York, pursuant to the Authority vested in it by law does hereby enact, ordain and hereby adopts Local Law No. 4 of 2017 to establish a Sustainable Energy Loan Program as follows:

SECTION 1.

The Oneida City Code is hereby amended by adding a new Chapter, entitled “Energize NY Benefit Financing Program,” to read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the City of Oneida and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Common Council of the City of Oneida (the “Common Council”) finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation, acting on behalf of the City of Oneida, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this chapter and fulfilling an important public purpose.
- B. The City of Oneida is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.
- C. This chapter shall be known and may be cited as the “Energize NY Benefit Financing Program Law of the City of Oneida”.

§2. Definitions

For purposes of this chapter, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Authority – The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the Public Authorities Law, or its successor.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the City of Oneida to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this chapter) and providing for repayment of such funds from monies collected by the City of Oneida Chamberlain as a charge to be levied on the real property and collected in the same manner and same form as the City of Oneida’s taxes.

Energy Audit – A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

Energy Efficiency Improvement – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weather-stripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

Qualified Property Owner – An owner of residential or commercial real property located within the boundaries of the City of Oneida that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this chapter.

Renewable Energy System – An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

Renewable Energy System Feasibility Study – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

§3. Establishment of an Energize NY Benefit Financing Program

- A. An Energize NY Benefit Financing Program is hereby established by the City of Oneida, whereby EIC acting on its behalf, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this chapter, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.
- B. The funds provided shall not exceed the lesser of ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§4. Procedures for eligibility

- A. Any property owner in the City of Oneida may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Office of the City of Oneida.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the City of Oneida, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in subsection A of section 5 of this chapter. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC acting on behalf of the City of Oneida, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this chapter; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

§5. Application criteria

- A. Upon the submission of an application, EIC acting on behalf of the City of Oneida, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:
 - 1. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective by the Authority;
 - 2. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems will generate an estimated annual cost savings greater than the annual charge payments;
 - 3. Sufficient funds are available to provide to the property owner;

4. The property owner is current in payments on any existing mortgage;
5. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
6. Such additional criteria, not inconsistent with the criteria set forth above, as the City of Oneida, or EIC acting on its behalf, may set from time to time.

§6. Opt-in, Energize Finance Agreement

- A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an Energize Finance Agreement made by and between the Qualified Property Owner and EIC acting on behalf of the City of Oneida.
- B. Upon execution of the Energize Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of City of Oneida, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of section 7 of this chapter have been met.
- C. The Energize Finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this chapter.

§7. Energy audit, renewable energy system feasibility study

- A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.
- B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.
- C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§8. Terms and conditions of repayment

The Energize Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the City of Oneida, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their City tax bill and shall be levied and collected at the same time and in the same manner as the City of Oneida property taxes, provided that such charge shall be separately listed on the tax bill. The City of Oneida shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the City of Oneida's tax due date.
- B. The term of such repayment shall be determined at the time the Energize Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the city of Oneida.
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the City of Oneida at the time the Energize Finance Agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

§9. Verification and report

- A. EIC shall be responsible for verifying and reporting to the City of Oneida on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such program.
- B. The City of Oneida shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

SECTION 2. EFFECTIVE DATE.

This Local Law shall take effect immediately upon its filing with the Office of the New York Secretary of State.

Councilor Cohen – Yes
Councilor Bowe – No
Councilor Smith – Yes
Councilor Acker – Absent
Councilor Chamberlain – Yes
Councilor Simchik – Yes

MOTION CARRIED

AGREEMENT – ENERGIZE NEW YORK BENEFIT FINANCE PROGRAM

RESOLUTION 17-263

Moved by Councilor Cohen
Seconded by Councilor Chamberlain

RESOLVED, to authorize the Mayor to sign the Energy Improvement Corporation Municipal Agreement by and between the City of Oneida and the Energy Improvement Corporation (EIC) setting forth the duties and obligations in connection with the City of Oneida’s participation in the Energize New York Benefit Finance Program.

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

MOTION CARRIED

TERMINATION OF LEASE AGREEMENT
GLOBAL RESOURCE OPTIONS, INC. (DBA GROSOLAR)

RESOLUTION 17-264

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that the Common Council hereby approves termination of the Lease Agreement dated April 6, 2015 by and between the City of Oneida, 109 N. Main Street Oneida NY and Global Resource Options, Inc. (dba groSolar), 205 Billings Farm Road, Building #4, White River Junction, Vermont, **and be it further**

RESOLVED, that the Mayor be authorized to execute said Termination of Lease Agreement by and between the City of Oneida and Global Resource Options, Inc. (groSolar).

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

MOTION CARRIED

The residents in the Baker Reservoir area applauded the approval of this Resolution.

WATER DEPARTMENT RULES & REGULATIONS
MODIFY SECTION XIII PAYMENTS

RESOLUTION 17-265

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

WHEREAS at the September 12, 2017, the Water Board recommended that the Common Council approve modifications to the Water Department Rules and Regulations relating to Section XIII Payments, **now therefore be it**

RESOLVED, that per the recommendations of the Water Board, the Common Council hereby approves the modification of the Water Department Rules and Regulations as follows:

Section XIII. Payments (second paragraph)

Delete

“All water bills shall be payable quarterly at the office of the City Chamberlain on the last business day of December, March, June, and September. Every bill for water rent which is not paid, by having the amount

thereof delivered at the office of the City Chamberlain on or before the last business day of the month, shall be subject to an additional charge of ten percent of the amount of such bill, and the same shall be added to and collected as a part of such water rent.”

Add

“All retail customers with average annual consumption in excess of 400,000 cubic feet will be billed monthly. All monthly water bills shall be paid at the office of the City Chamberlain prior to the 25th of the month issued, monthly due date, if said bills are issued prior to the 5th of the month. If the bills are issued after the 5th of the month, an equal number of days will be added to the 25th due date.

All retail customers with a two year annual average consumption below 400,000 cubic feet will be billed quarterly. All quarterly water bills shall be payable quarterly at the office of the City Chamberlain on the last business day of December, March, June, and September, quarterly due date.

Every bill for water rent which is not paid, by having the amount thereof delivered at the office of the City Chamberlain on or before the due date shall be subject to an additional charge of ten percent of the amount of such bill, and the same shall be added to and collected as a part of such water rent.”

BE IT FURTHER RESOLVED, to rescind the Water Board resolution of March 14, 1975 which states:

“Resolved, the water users in the City of Oneida using an average volume of over 500,000 gallons of water per month be given the option of being billed at existing rates on a monthly basis with a 2% discount payable within ten days of billing date.”

BE IT FURTHER RESOLVED, to rescind the Water Board resolution of May 9, 1975 which states:

“Resolved, our water customers being billed on a monthly basis be given 15 days rather than 10 days to pay net.”

BE IT FURTHER RESOLVED, that the Water Superintendent send notice to customers that will be affected by this change from quarterly to monthly, monthly to quarterly and current monthly customers, **and**

BE IT FURTHER RESOLVED, that this change in billing will take place the first of January 2018.

Ayes: 5

Nays: 0

Absent: 1 (Acker)

MOTION CARRIED

The Mayor said that this only affects large water users.

DECLARE EXCESS PROPERTY

RESOLUTION 17-266

Moved by Councilor Smith

Seconded by Councilor Chamberlain

RESOLVED, that the City of Oneida Common Council does hereby declare the following parcels to be “excess property” and therefore eligible to be for sale at fair market value:

- 244 Williams Street - SBL# 30.64-1-3 – residential property

Ayes: 5

Nays: 0

Absent: 1 (Acker)

MOTION CARRIED

A RESOLUTION AUTHORIZING THE DESIGN PHASE FOR A STREET LIGHTING LED CONVERSION ENERGY PERFORMANCE CONTRACT IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$93,284, AND AUTHORIZING THE ISSUANCE OF \$93,284 BONDS

OF SAID CITY TO PAY COSTS THEREOF

RESOLUTION 17-267

Moved by Councilor Cohen
Seconded by Councilor Simchik

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 design phase for a street lighting LED conversion energy performance contract, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$93,284.

Section 2. The plan for the financing of such maximum estimated cost is by the application of grant funds and the issuance of \$93,284 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 five years, pursuant to subdivision 62 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 – Absent
Councilor Chamberlain – Yes
Councilor Simchik – Yes
MOTION CARRIED

In response to a question from Oneida resident David Cimpi, Comptroller Lee Ann Wells said that the City has a good Bond Rating of AA-. Mr. Cimpi said he would speak with the Comptroller for further information.

PROJECT DEVELOPMENT AGREEMENT – WENDEL ENERGY SERVICES, LLC

RESOLUTION 17-268

Moved by Councilor Cohen
Seconded by Councilor Smith

RESOLVED, to authorize the Mayor to sign a Project Development Agreement with Wendel Energy Services, LLC to develop an Energy Saving Performance Contract for LED Street Lighting Conversion pursuant to the RFP issued by the City of Oneida.

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

MOTION CARRIED

PRODUCT LEASE AGREEMENT – MAIL FINANCE INC.

RESOLUTION 17-269

Moved by Councilor Cohen
Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign a Product Lease Agreement, Postal Meter Rental Agreement, and Online Services and Software Agreement with Ed & Ed Business Technology, Inc., 4919 State Route 233, Westmoreland, NY 13490-1309 through Mail Finance Inc., A Neopost Company for a remanufactured postal machine at a cost of \$115.48 per month for 63 months.

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

MOTION CARRIED

The Comptroller said that this is a local company, noting the City will save \$300 per year.

AMEND CAPITAL PROJECT 17-04 AERATION SYSTEM IMPROVEMENTS AGREEMENT AMENDMENT NO. 1 – GHD CONSULTING SERVICES, INC.

RESOLUTION 17-270

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that Capital Project 17-04 Aeration System Improvements at the WWTP be hereby amended, **and be it further**

RESOLVED, to authorize the Mayor to sign Amendment No. 1 to the Agreement between the City of Oneida and GDH Consulting Services, Inc. for Construction Phase Services for Capital Project 17-04 Aeration System Improvements at the WWTP, **and be it further**

RESOLVED, to authorize the City Engineer to expend funds up to the programmed amount.

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

MOTION CARRIED

**CANVASS AND APPROVE BIDS
WWTP AERATION UPGRADES – CAPITAL PROJECT 17-04**

RESOLUTION 17-271

Moved by Councilor Chamberlain
Seconded by Councilor Bowe

RESOLVED, that the lowest bid meeting specifications for Capital Project 17-04 WWTP Aeration System Upgrades – Contract No. 1 General received from Blue Heron Construction, 9289 Bonta Bridge Rd., Jordan NY 13080 in the amount of \$1,327,611.00 be hereby approved, **and be it further**

RESOLVED, that the lowest bid meeting specifications for Capital Project 17-04 WWTP Aeration System Upgrades – Contract No. 2 Electrical received from Scriba Electric, 3 Creamery Rd., Oswego NY 13126 in the amount of \$122,000.00 be hereby approved.

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

MOTION CARRIED

NEW BUSINESS

Flowers in City Hall Area

Councilor Jim Chamberlain commended Scott Babcock, Building Maintenance Mechanic II, and the Recreation Department for the beautiful flowers in the City Hall area. He said they look great, and he has had many compliments, and the Mayor concurred.

Tour the Towpath Event

Councilor Al Cohen inquired about an upcoming Tour the Towpath event, and Supervisor Magliocca said the 2017 World Canals Conference is being held in Syracuse this year. He said that the public can cycle to the Inner Harbor with the Tour the Towpath group, as they take a two-day trip from Rome to Syracuse stopping overnight in Canastota.

Make-a-Wish - Honorary Police Officer Jordan

Councilor Erwin Smith commended the Police Department on the recent Make-a-Wish Honorary Police Officer Day for Jordan Barahmeh. He said that the Police Department even got Jordan his own uniform. Councilor Smith said that he spoke with Jordan’s father who commented that he had never seen his son smile so much. Mayor Matzke gave kudos to the Police Department.

Executive Session

Mayor Matzke said that the Council will be taking action after Executive Session tonight.

EXECUTIVE SESSION

RESOLUTION 17-272

Motioned by Councilor Bowe
Seconded by Councilor Chamberlain

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:35 p.m. for the purpose of discussing the proposed sale or lease of real property and a personnel matter.

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

MOTION CARRIED

PRESENT: Mayor, Councilors, City Clerk, City Attorney, Comptroller, Recreation Director

Discussion was held regarding a personnel matter.

PRESENT: Mayor, Councilors, City Clerk, City Attorney

Discussion was held regarding the proposed sale or lease of real property.

Motioned by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:15 p.m.

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

RECREATION COORDINATOR – FULL TIME

RESOLUTION 17-273

Moved by Councilor Chamberlain
Seconded by Councilor Smith

RESOLVED, to authorize that the 2017 Budget be hereby amended to include a full-time Recreation Coordinator at a base rate of \$22.46 hour, 40 hours per week, per the CSEA Local 1000 AFSCME AFL-CIO Agreement, City of Oneida Unit #7351-11, (CSEA), **and be it further**

RESOLVED that per the current CSEA contract, the City is contractually obligated to withhold 10% for the first year of full employment and 5% for the second year of full employment for any newly appointed CSEA employees, **and be it further**

RESOLVED, that said Recreation Coordinator shall be member of the CSEA and shall abide by the terms set forth in the CSEA Union Contract Agreement.

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

The Mayor said the salary will be \$22.46 less 10% equaling \$20.21 per hour for year one. CSEA will be in negotiations for a new contract next year, as the current contract expires 12/31/17.

PURCHASE OFFERS

RESOLUTION 17-274

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that Purchase Offers for the property located at 244 Williams Street in the City of Oneida, New York, Tax Map No. 30.64-1-3 from Tracy Johnson, PO Box 475, Oneida NY 13421 and Marty Blair, PO Box 175, Verona Beach NY 13162 be hereby received and placed on file.

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

ACCEPT PURCHASE OFFER AND EXECUTE REHABILITATION AGREEMENT
244 WILLIAMS STREET

RESOLUTION 17-275

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

WHEREAS, on or about June 22, 2017, the City of Oneida acquired a tax deed for real property known and designated as 244 Williams Street, in the City of Oneida, New York, Tax Map No. 30.64-1-3 (“Property”), **and**

WHEREAS, at the September 19, 2017 Common Council meeting, the Property was declared excess property, thereby eligible to be sold for fair market value, **and**

WHEREAS, the Property is in need of rehabilitation, and the City desires to sell and convey said Property to an eligible buyer and obtain a written guarantee, in the form of a “Rehabilitation and Purchase Agreement,” from any such buyer that he/she will perform and accomplish the necessary rehabilitation within the agreed upon time frame of one year from the date said Rehabilitation Agreement is executed, **and**

WHEREAS, Tracy Johnson, PO Box 474, Oneida NY 13421 (“Buyer”) is an eligible buyer, as defined by the Rehabilitation and Purchase Agreement, and she desires to purchase the Property and rehabilitate the Property in accordance with the terms and conditions set forth in such Rehabilitation and Purchase Agreement; **and**

WHEREAS, the City of Oneida Charter, Article III, Section 3.17, states that no sale of real property shall be made or authorized except by a vote of $\frac{3}{4}$ of all members of the members of the Common Council; **now therefore be it**

RESOLVED, that the Common Council of the City of Oneida does hereby desire to sell the real property located at 244 Williams Street, Oneida, NY, known as Tax Map No. 30.64-1-3, to Tracy Johnson in consideration of Thirty-one Thousand One Hundred Eleven Dollars and Eleven Cents (\$31,111.11), plus closing costs and fees, and the execution of a Rehabilitation and Purchase Agreement, in a form approved by the City of Oneida Attorney and subject to the contingencies enumerated herein, which together are considered fair market value for the Property in its current condition; **and be it further**

RESOLVED, that the Mayor of the City of Oneida is hereby authorized to execute the aforesaid Rehabilitation and Purchase Agreement and that such authorization is contingent upon the execution by the Buyer of the Rehabilitation and Purchase Agreement within thirty days (30) days of the adoption of this Resolution; **and be it further**

RESOLVED, that subsequent to the execution of the Rehabilitation and Purchase Agreement, this authorization is further contingent upon the issuance of a written certification by the Housing Inspector for the City of Oneida Fire Department, stating that he has inspected the Property and that the Buyer has satisfactorily completed all necessary rehabilitation in the time period required by the Rehabilitation and Purchase Agreement; **and be it further**

RESOLVED, that upon receipt of the written certification of the Housing Inspection, the Mayor is hereby authorized to execute a deed and any and all documents necessary to complete the transfer of title of said parcel of land; **and be it further**

RESOLVED, that the property located at 244 Williams Street, Oneida, NY, known as Tax Map No. 30.64-1-3 shall at no point in time be sold, transferred, titled or conveyed to any person who was a record owner and/or mortgagor of the properties with the five (5) year period immediately preceding the date on which the Property were taken by the City of Oneida for non-payment of taxes. If such prohibited conveyance shall be made by any party in the succeeding chain of title, then immediately thereon (a) these conveyances shall become null and void to the Buyer, his successors and/or assigns, and (b) the title of the Property shall revert back to the City of Oneida.

Ayes: 5

Nays: 0

Absent: 1 (Acker)

MOTION CARRIED

**ACCEPT PURCHASE OFFER - DEMOLITION AND REHABILITATION AGREEMENT
FOR 1178 GLENWOOD AVENUE**

RESOLUTION 17-276

Moved by Councilor
Seconded by Councilor

WHEREAS, on or about April 28, 2016, the City of Oneida acquired a tax deed for real property known and designated as 1178 Glenwood Avenue, in the City of Oneida, New York, Tax Map No. 38.74-1-6 (“Property”), **and**

WHEREAS, at the May 3, 2016 Common Council meeting, the Property was declared excess property, thereby eligible to be sold for fair market value, **and**

WHEREAS, a Purchase Offer for the property located at 1178 Glenwood Avenue, Oneida NY, Tax Map No. 38.74-1-6 was submitted by Robert Britton, PO Box 426, Oneida NY 13421 offering the City of Oneida \$100.00, plus the cost of demolition and removal of demolition debris, contingent upon the performance of an environmental analysis to be completed at the expense of the purchaser, **and**

WHEREAS, the Property is also in need of rehabilitation, and the City desires to sell and convey said Property to an eligible buyer and obtain a written guarantee, in the form of a “Rehabilitation and Purchase Agreement,” from any such buyer that he/she will perform and accomplish the necessary rehabilitation within the agreed upon time frame of one year from the date said Rehabilitation Agreement is executed, **and**

WHEREAS, Robert Britton is an eligible buyer, as defined by the Rehabilitation and Purchase Agreement, and he desires to purchase the Property and rehabilitate the Property in accordance with the terms and conditions set forth in such Rehabilitation and Purchase Agreement; **and**

WHEREAS, the City of Oneida Charter, Article III, Section 3.17, states that no sale of real property shall be made or authorized except by a vote of $\frac{3}{4}$ of all members of the members of the Common Council; **now therefore be it**

RESOLVED, a Purchase Offer for the property located at 1178 Glenwood Avenue, Oneida NY, Tax Map No. 38.74-1-6 submitted by Robert Britton, PO Box 426, Oneida NY 13421 offering the City of Oneida \$100.00, plus the cost of demolition and removal of demolition debris, contingent upon the performance of an environmental analysis to be completed at the expense of the purchaser, be hereby received and placed on file, **and be it further**

RESOLVED, that the Common Council of the City of Oneida does hereby desire to sell the real property located at 1178 Glenwood Avenue, Oneida NY, Tax Map No. 38.74-1-6, to Robert Britton consideration of One Hundred Dollars (\$100.00), plus closing costs and fees, and the execution of a Demolition Agreement and a Rehabilitation and Purchase Agreement, in a form approved by the City of Oneida Attorney and subject to the contingencies enumerated herein, which together are considered fair market value for the Property in its current condition; **and be it further**

RESOLVED, that the Mayor of the City of Oneida is hereby authorized to execute the aforesaid Demolition Agreement and Rehabilitation and Purchase Agreement and that such authorization is contingent upon the execution by the Buyer of the Demolition Agreement and Rehabilitation and Purchase Agreement within thirty days (30) days of the adoption of this Resolution; **and be it further**

RESOLVED, that subsequent to the execution of the Demolition Agreement and Rehabilitation and Purchase Agreement, this authorization is further contingent upon the issuance of a written certification by the Housing Inspector for the City of Oneida Fire Department, stating that he has inspected the Property and that the Buyer has satisfactorily completed all necessary rehabilitation in the time period required by the Rehabilitation and Purchase Agreement; **and be it further**

RESOLVED, that upon receipt of the written certification of the Housing Inspection, the Mayor is hereby authorized to execute a deed and any and all documents necessary to complete the transfer of title of said parcel of land; **and be it further**

RESOLVED, that the property located at 1178 Glenwood Avenue, Oneida NY, known as Tax Map No. 38.74-1-6 shall at no point in time be sold, transferred, titled or conveyed to any person who was a record owner and/or mortgagor of the properties with the five (5) year period immediately preceding the date on which the Property were taken by the City of Oneida for non-payment of taxes. If such prohibited conveyance shall be made by any party in the succeeding chain of title, then immediately thereon (a) these conveyances shall become null and void to the Buyer, his successors and/or assigns, and (b) the title of the Property shall revert back to the City of Oneida.

Ayes:

Nays:

Absent:

MOTION CARRIED

The Council requested that a City owned parcel on Middle Road be listed for sale on the City website.

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 8:41 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk