

**MINUTES OF THE COMMON COUNCIL  
FEBRUARY 5, 2019**

A meeting of the Common Council of the City of Oneida, NY was held on the fifth day of February, 2019 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, James Coulthart, Helen Acker, James Chamberlain, and Thomas Simchik

ABSENT: Mayor Leo Matzke

ALSO PRESENT: City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
City Engineer Eric Schuler  
Comptroller Lee Ann Wells  
Fire Chief Dennis Fields  
Police Chief Paul Thompson  
Water Superintendent George Kalkowsky  
Supervisor Mary Cavanaugh  
Supervisor Joe Magliocca

*Presentation Water Main Extension on West Elm Street*

Deputy Mayor James Chamberlain introduced Water Superintendent George Kalkowsky and City Engineer Eric Schuler to explain the details of this project. The Water Superintendent, while pointing to a large map of the proposed water main, said that the City will connect the new water main to the existing 12-inch main on West Elm Street and carry that all the way to an existing 12-inch main in Wampsville, which will form a loop. Superintendent Kalkowsky said the water main has a projected cost of \$956,000 with no bonding by the City to pay for the project. He said the Water Fund will pay \$160K, \$500K in grants from Madison County, and approximately \$154K assessed to the benefitting property owners. Superintendent Kalkowsky explained what benefitting property owners meant, stating that they are defined as frontage or access to the water main and have the right to connect.

The Superintendent said that property owners do not have to connect to the City water system, but would still have to pay the annual assessment. He said that the assessment is currently anticipated to be approximately \$2,074 per EDU (one house/one family) and can be financed over the period of time/years, as determined by the Common Council. He added that the property owner would also pay any costs for water service to their home. The customer would be responsible for the fee to the Oneida Water Department to install the service from the main to the curb stop, and then there would also be the cost for the private installation of the lateral to their home. City Engineer Schuler said this project will significantly increase the water quality in this area. Superintendent Kalkowsky added that four dead ends, which can cause water quality problems, will also be connected by this loop. In response to a question from Deputy Mayor Chamberlain, the Water Superintendent said that the City has the equipment to bore under the road. He said that the line would run along the shoulder of the road on the south side. The City Engineer said that the City is projecting to receive approximately \$1.85M in anticipated grants for this project, plus City and County revolving loan money, which is huge.

**PUBLIC HEARING – WEST ELM STREET WATER MAIN EXTENSION**

**RESOLUTION 19-24**

Moved by Councilor Cohen  
Seconded by Councilor Bowe

**RESOLVED**, that the Public Hearing on the West Elm Street Water Main Extension be hereby opened at 6:40 p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### APPEARANCES

Harry Heffron, 660 W. Elm Street, said that according to his figures, for a 15-year term it breaks down to \$193 a year or \$16 a month. He said that he is paying more now for drinking water, because of his well water. He questioned what happens if the property owner sells building lots and a new house is built, or if the townhouses on Fitch are finished and they tap into the new line. The Deputy Mayor said that the costs are recalculated for each lot, and the costs would go down for everyone. Mr. Heffron said for everyone less than two acres, he believes that under the new rulings a raised bed sewer system is required if they have a well. Councilor Bowe said that the approximate figure of \$16 a month is for the assessment; there would be a cost for water use as well. Mr. Heffron said that he is all for this project and that his neighbor next door is all for it as well. He said that the iron in the water is really bad in his part of West Elm Street, which eats up all the faucets in his house and ruins his clothes.

George Clark, 1445 W. Elm Street, asked if this would be done in-house by Water Department employees, and the Superintendent said that the City will go to bid for this project and that is how it is being presented tonight. Mr. Clark said that 10% will be factored in from Contingency, which could add to the cost. He asked about the dead ends, and the Superintendent said four dead ends will be eliminated. Mr. Clark said that this will increase the pressure, and the Superintendent said pressure will not significantly increase; it would only be increased by about 1%, but the flow will increase. Mr. Clark said that this line will improve everyone in this area, not just the owners on Elm Street. He said that individuals will have to pay a large amount just to get this water to their houses, along with paying the yearly assessment. The Superintendent reiterated that water customers do not have to hook on to the system, but do have to pay the assessment to have the access to the water. Mr. Clark said that there would be interest on the 15 year term, and the Superintendent said that there is no interest.

Patti Godfrey, 2066 Genesee Street, asked if the new plant that is coming in would be paying for a portion of this, and the City Engineer responded yes, almost \$90,000 for the water main. She asked if any funds would be bonded for, and the City Engineer responded no. She asked if there was any responsibility for the rest of the tax payers for the project, and the Superintendent said no. Mrs. Godfrey said that they have water already and live on the corner of Hubbard Place.

Tom McCombie, 1589 W. Elm Street, said that he is happy with the water coming through, and he is happy with the projected numbers. He said that this is going through, because of the Curtin property and the industrial development. He inquired again about recalculations should any new businesses come in. The City Engineer said if a new business comes in, the costs would be recalculated and lowered. He said that he didn't know about the need for meter pits or the costs of the service, and the Water Superintendent said that if you go to the City website, he will find a multitude of information on the Water Department's page. The Water Superintendent explained the purpose of a meter pit and where the pit and meter would be located. The Deputy Mayor said that a meter pit is only needed for services over 150 feet.

Gayle Peebles, 1476 W. Elm Street, said that they have a lot of water, but it is very hard. She asked if they could keep their well and still have public water. She also inquired how the water would come under the road to them, and the Water Superintendent said the City would cover the cost of boring under the

road. Mrs. Pebbles said that fire hydrants are needed on W. Elm Street, and the Superintendent said multiple fire hydrants will be placed along the West Elm Street, with one probably within 300 feet of her home. The Deputy Mayor said that Mrs. Pebbles would be allowed to keep/use her well water and have City water as well, but with no cross-connections. The Superintendent said that would be allowed with no cross-contamination.

The Deputy Mayor inquired if anyone had any further questions relating to the water line. Harry Heffron said that the new greenhouse facility was not there years ago when this project was first introduced and asked how their costs are calculated, by stages, or one straight shot. The City Engineer said that it depends on the building type, because the greenhouse buildings are exempt from the EDU assessment. Their assessment is calculated based on offices, bunk houses, etc. Mr. Heffron asked if it was correct that they are building phase one. The City Engineer said that the greenhouses will be using recycled water.

Mr. Clark asked if this project doesn't go through would the greenhouse project pull out, and the City Engineer said it is possible. He said that this is not fair to the property owners on W. Elm Street, and he said that he is not for this. Mr. Clark said there is water already at the site, they are reclaiming their water for the greenhouses and asked again why they would walk if this project wasn't done. City Engineer Schuler said that no one is saying that they will walk; he said that could be a potential to do so, but he is not speaking on behalf of the company. Mr. Clark said this project is riding on the backs of the people on Elm Street. The City Engineer said whether that farm facility was there or not, if the water main is extended to Wampsville, the benefitting property owners have to bear part of the costs. He said if they weren't there, the property owners would actually be paying more money towards this project. The Water Superintendent said that many people on W. Elm Street want the water project completed. The Deputy Mayor reminded Mr. Clark that he doesn't have to hook up to the line, but he does have to have the projected assessment of \$194.00 per year. Mr. Heffron said that years ago when this project was first introduced, they didn't have anyone for the industrial site, and the costs were considerably more for the property owners. The Deputy Mayor concurred. Deputy Mayor Chamberlain responded to Mr. Clark that he is not on the sanitary sewer main line, when he questioned once again about the sewer main and the letter he received. The City Engineer reiterated that if you didn't receive a letter about the sewer main, you are not on that line. The City Clerk said the letters she sent were different, depending on whether the property owner was on the water main line, sewer main line or both mains.

Mr. Heffron said that he knows of two wells on West Elm Street, which are 90 to 100 feet deep and tested what they call TNTC (too numerous to count) for bacteria and this is one step above e-coli. Mr. Heffron said to the folks in attendance that if they live out there to have their wells tested. He questioned the procedure should the Council determine they are doing the project and asked how quick the project would go. The City Engineer said construction is projected to start in June. Mr. Heffron said that his house is first in line, and he wants the City to make this happen.

### **CLOSE PUBLIC HEARING – WEST ELM STREET WATER MAIN EXTENSION**

#### **RESOLUTION 19-25**

Moved by Councilor Acker  
Seconded by Councilor Bowe

**RESOLVED**, that the Public Hearing on the West Elm Street Water Main Extension hereby closed at 7:19 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

## *Sanitary Sewer Main Extension*

City Engineer Eric Schuler said the sanitary sewer main costs will be broken down just like the water main. Pointing to a large map, Engineer Schuler said the sanitary sewer alignment will begin at the City line, head down West Elm Street to Hubbard Place, and then duck onto the old rail bed and come backlot into the heart of the City. He said that there are only 14 parcels that adjoin the sewer line portion of the project. Engineer Schuler said that there is one sewer pump station on West Elm Street, and there will be locations both on the north and south sides that will have sanitary sewer mains/manholes on both sides that will allow residents to tie in. He said that this breaks down to about \$2,200 per dwelling unit, and if any additional development comes or Madison County wants to tie in, the whole assessment will be recalculated and costs would drop. The City Clerk said that multiple properties on the sewer main are owned by Curtin's. The City Engineer said residents would have a year to contact the City to hook up to the sewer main. He said that the County has expressed interest in signing onto the sewer main and should this happen, the costs would come down to the property owners.

### **PUBLIC HEARING – WEST ELM STREET SEWER MAIN EXTENSION**

#### **RESOLUTION 19-26**

Moved by Councilor Bowe  
Seconded by Councilor Acker

**RESOLVED**, that the Public Hearing on the West Elm Street Sewer Main Extension be hereby opened at 7:20 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

#### **APPEARANCES**

George Hopper, 2096 W. Elm Street, asked if the sewer main will be on the south side. The City Engineer said that the sanitary sewer main will be on both sides, so it will be a shorter tie in. He said stubs will be left at the property lines during construction. The City Engineer said each property owner's tie-in scenario would be different, and they will all have to be individually looked at. Mr. Hopper asked if there was an estimate as to how much it would cost for the house to the stub. The City Engineer said that it is typically less costly than water because of the materials used, but you still have to dig a trench. He said it could run around \$1,000, and Councilor Bowe said that if everyone used the same contractor the cost may be less expensive.

Jeff Shields, 2056 W. Elm Street, said that he has a pool and wondered if he could be on a separate meter for that so he doesn't have to pay sewer charges when he fills his pool. The Water Superintendent said that the City has a policy for that. Mr. Shields said that he is currently on City water. Mr. Shields said he just had a new driveway put in and doesn't want the new line ruining that. The City Engineer said that during installation, they will knock on his door and coordinate with him as to where the sanitary lateral discharge would be. He said that each parcel would be a different case. Engineer Schuler said that there are certain areas where we may have to cut through, and those parcels would be restored to their current shape with new pavement, etc. Engineer Schuler said that the sewer will run along the shoulder of the road with some areas a little bit off the shoulder.

Judson Hale, 2074 W. Elm Street, asked if a permit was needed to have the contractor do the sanitary work. The City Engineer said the permit is payable through the City Clerk's office. Mr. Hale questioned what had to be done with the old septic system, and the City Engineer said it has to be decommissioned; it

should be drained and filled, but generally doesn't have to be removed. Mr. Hale asked how long before he had to hook up to the sewer system if his septic was newer and in good working order. The City Engineer said someone out of his office would inspect the condition of the tank to determine when tie-in to the sanitary sewer would be required. The City Engineer said that contact should be made with the City within a year after construction of the sanitary sewer main and someone from his office will determine if connection must be made within five years, ten years, etc. Councilor Bowe said the homeowner should gather information from when their septic system was put in, test results, etc. Mr. Hale said that he doesn't mind having it run in front of his house, as it is a second insurance policy that says we got it if need be.

George Clark, 1445 W. Elm Street, questioned about the cost per lineal foot to put the pipe in, stating that the City is paying about \$45 per foot for sewer and \$42 per foot for water. The City Engineer said that's a good number for a sanitary sewer main, but comparing that to the price of a lateral is like comparing apples and oranges. Mr. Clark said charging these people to put this in is wrong, because the County will be benefitting from this as well. The Deputy Mayor said that the County has put \$500,000 into this project. The City Clerk said many of the duals along the sewer main are properties owned by Curtin Brothers and Green Empire Farms. Mr. Clark said that it is not fair and equitable for the citizens who have to pay for it when the County and the new business will benefit. The Deputy Mayor thanked Mr. Clark for all his scenarios and for playing devil's advocate. Deputy Mayor Chamberlain said that if we ever had a drought or something happened to your well, you have an insurance policy running right in front of your house that you could hook into whenever you want to. Mr. Clark said that he has lived there for thirty years and has never had a problem with his well.

Mr. Heffron said if others decide they want to tap into the sewer line, those costs would be recalculated, as he feels that Mr. Curtin will not keep all those little parcels. Mr. Clark said something is going on with some of the parcels that Curtin owns.

#### **CONTINUATION OF HEARING ON 216 EAST ELM STREET FROM DECEMBER 4, 2018**

The Hearing on the property located at 216 E. Elm Street per the Oneida City Code Chapter 34, Article III, Unsafe Buildings and Collapsed Structures was opened per Resolution 18-245 at the December 4, 2018 Council Meeting and subsequently left open.

The Deputy Mayor asked if anyone with an interest in the property was in attendance for this Hearing with no response. The Common Council acknowledged receipt of s Structural Engineering Report from Hogan Engineering PC for the property located at 216 E. Elm Street to become part of this hearing. The City Attorney detailed the next steps the Council could choose to do to start remedial action.

#### **CLOSE HEARING ON PROPERTY LOCATED AT 216 EAST ELM STREET**

#### **RESOLUTION 19-27**

Moved by Councilor Acker  
Seconded by Councilor Coulthart

**RESOLVED**, that the Hearing on the property located at 216 E. Elm Street, as per the Oneida City Code Chapter 34, Article III, Unsafe Buildings and Collapsed Structures is hereby closed.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Councilor Bowe said the structural engineering report doesn't state a conclusion. Councilor Acker said that this issue has been lingering long enough. The Fire Chief said that in his opinion the City should commence action on this property by declaring it a public nuisance. He said that because of the weather, the City could demand remedial improvements to repair and/or demolish the porch be completed within 60-90 days. He said that the resident doesn't use the front entrance; there is a door there, but it is unused. The City Attorney said the Council could order that failure by the property owner to do the remediation within 60 days would result in the City demolishing the porch and making the front access safe. She said that the costs to do so would be assessed to the property owner and relieved onto to the taxes. The Deputy Mayor said that he is concerned that now that the City is on notice of some of the problems with the interior of the property, including the fact that there are no working smoke detectors or carbon monoxide detectors, should something happen there, the City could be held liable. The Fire Chief said that they can address those issues through the Property Maintenance Code, noting they can offer them free of charge. The Council and City Attorney continued discussion with what can be included in the order. The City Attorney said that this is a hearing under the code and not a public hearing. The City Attorney said that the property owner will be notified of the order.

**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 19-28**

Moved by Councilor Coulthart  
Seconded by Councilor Acker

**WHEREAS**, in accordance with Article III of Chapter 34 of the Oneida City Code, as amended, a public hearing was conducted on December 4, 2018, December 18, 2018 and February 5, 2019, 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 subsequently confirmed issuance of the Notice of Unsafe Building/Collapsed Structure, 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 December 13, 2018, Index No. 2018-2106; **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 October 27, 2018, 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 101.2.7.4, 101.2.7.4.1 of the 2017 Uniform Code Supplement; Sections 304.1, 304.2 and 305.4 of the International Property Maintenance Code, as well as 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**, Scott Lewis, owner of the Property, appeared at the public hearing on December 18, 2018, and acknowledged the various Code violations, citing a lack of finances prevented him from properly maintaining the Property; **and**

**WHEREAS**, upon agreement by Mr. Lewis, a structural assessment of the residential structure on the Property was performed by Hogan Engineering, PC, on or about January 10, 2019; **and**

**WHEREAS**, a written report, dated January 30, 2019, was subsequently prepared by Timothy M. Hogan, P.E., and presented to Council for consideration and inclusion in the record; **and**

**WHEREAS**, Mr. Hogan opined that, based upon the age of the structure, deterioration of the exposed members and poor condition of the building and its components due to neglect, the structure was overall “marginally sound;” relative to the front porch, Mr. Hogan noted that the roof of the front porch was missing, the framing detail between the structure and the missing roof was exposed, a portion of the porch deck was useable due to the exposure of floor joists without decking, and the stairs accessing the porch were missing; **and**

**WHEREAS**, the Common Council closed the public hearing on February 5, 2019; **and**

**WHEREAS**, the Assistant Fire Marshal provided the Common Council with a report, dated October 27, 2018, recommending appropriate remedial action, which recommendation was reiterated by the Fire Chief on February 5, 2019; **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 sixty (60) days in accordance with the recommendations of the Fire Chief:

- ❖ The front porch, including the roof, floor, and stairs shall be replaced and made structurally sound.

**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**

**216 EAST ELM STREET, CITY OF ONEIDA  
A PUBLIC NUISANCE REQUIRING CORRECTIVE ACTION**

At a duly noticed public hearing conducted by the City of Oneida Common Council at the City of Oneida Municipal Building, located at 109 North Main Street, in the City of Oneida, on February 5, 2019, the real property located at 216 East Elm Street, Tax Map No. 30.64-1-53 (the "Property") was declared a public nuisance. The Common Council hereby orders the owner or persons with an interest in such Property to repair and/or replace the front porch, including the roof, floor, and stairs in a structurally sound manner, so as to comply with the New York State Uniform Code Supplement, the International Property Maintenance Code, and the Oneida City Code. Such corrective action must occur within sixty (60) days of receipt of this Notice and Order. In the event corrective action does not occur within the time provided, the City of Oneida may cause the repair and/or replacement of the front porch structure and shall assess the cost of same against the Property. Said cost shall thereupon become a lien against the Property and shall be collectible in the same manner as taxes levied thereon. In addition, any person who shall neglect or refuse to comply with the directions of the Common Council shall, if convicted, be guilty of a misdemeanor.

**Dated: February 5, 2019**

**Leo Matzke, Mayor  
City of Oneida**

**OLD BUSINESS**

*Enterprise Leasing Proposal*

To recap the Enterprise Leasing Proposal, City Engineer Eric Schuler said the he received responses from three upstate New York municipalities who have positive experiences with this program. He said this leasing program has been in business since 2006, and the company has had government clients over 20 years. He said that conservatively speaking there would be comprehensive savings in the Police Department and General Fleet of \$500,000 over the next ten years, as shown in their original proposal due to better fuel efficiency and reduced maintenance costs. The City Engineer said that there is a low risk

with this program. He said that the vehicles in his department are currently on an unsustainable path and age/repair costs will only continue to increase. Deputy Mayor Chamberlain has said that the City's Maintenance Supervisor at the DPW Garage said that the Police Department has had to put \$5,000 into two older cars in first couple weeks of January. Police Chief Thompson said these vehicles are running on 150K-160K miles that are way beyond any type of warranty. The Chief said that he has had many issues with procurement of new vehicles, with multiple delays making the process take over seven months. The Chief said the City can always opt-out of the program if they find it is not working as expected. The Comptroller said that we have to make a payment, whether it be a bond payment or what. The Comptroller said that this program differs from the Municipal Lease Program previously done. Discussion continued with Councilor Cohen stating he is in favor with staying on cycle and saving a half a million over ten years. Councilor Coulthart suggested possibly piloting with a specific department to test the waters, because with his business dealings, he has seen many things like this be all part of the sale. The Comptroller stated that the City would only be piggy-backing on the County's resolution. Councilor Acker said that this program seems pretty viable to her, and she is in favor of it. Fire Chief Fields said that three municipal fire departments in the area that he knows of have had success with this program through Enterprise and have been doing this for multiple years. He said that we have an aging fleet, especially in the Police Department, and we have to look at this. The Deputy Mayor said that it would be his opinion to move forward. Councilor Bowe said he personally knows the woes the departments go through trying to get vehicles replaced, and said the people recommending it will be keeping an eye on it to be sure it works. He said the Council will do their job too, and if it is not working, we can opt-out. Councilor Simchik said that pouring money into repairs is not the answer. The Deputy Mayor said we need to address the issue of vehicles quicker, as residual is a big part of savings.

### **WAIVE PROCEDURE TO ACCEPT AGENDA ITEMS**

#### **RESOLUTION 19-29**

Moved by Councilor Bowe  
Seconded by Councilor Acker

**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**

### **AGREEMENT – EMPIRE FLEET MANAGEMENT**

#### **RESOLUTION 19-30**

Moved by Councilor Bowe  
Seconded by Councilor Acker

**WHEREAS**, the Madison County Board of Supervisors passed Resolution No. 18-554 on December 4, 2018 authorizing the Chairman to enter into an agreement with Enterprise Fleet Management for the County Fleet, **and**

**WHEREAS**, said Resolution No. 18-554 states said agreement will provide services for all County departments and shared services with the towns, villages and City of Oneida within Madison County, **and**

**WHEREAS**, it is the desire of the City of Oneida Common Council to piggy-back on Madison

County Board of Supervisors Resolution No. 18-554 and enter into an agreement with Enterprise Fleet Management for the City Fleet, **now therefore be it**

**RESOLVED**, that the Mayor is hereby authorized to enter into an Agreement with Enterprise Fleet Management for the City Fleet, subject to review and approval of the City Attorney.

Ayes: 5

Nays: 1 (Coulthart)

**MOTION CARRIED**

**OLD BUSINESS (CONTINUATION)**

*Fire Truck*

Fire Chief Dennis Fields said that he will be leaving for Ohio on Sunday to go pick up the City's new Fire Truck, and they will be back with the new truck by Tuesday.

Moved by Councilor Coulthart

Seconded by Councilor Cohen

**RESOLVED**, that the minutes of the regular meeting of January 15, 2019 are hereby approved as presented.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Moved by Councilor Acker

Seconded by Councilor Bowe

**RESOLVED**, that Warrant No. 3 checks and ACH payments in the amount of \$1,183,614.09, 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 Acker

Seconded by Councilor Cohen

**RESOLVED**, that checks in the amount of \$1,528.00 (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**

**AMEND CAPITAL PROJECT 16-07 WWTP FLOOD MITIGATION PROJECT**  
**CHANGE ORDER NO. 2**

## **RESOLUTION 19-31**

Moved by Councilor Acker  
Seconded by Councilor Coulthart

**RESOLVED**, that Capital Project 16-07 Flood Mitigation at the Waste Water Treatment Plant be hereby amended, **and be it further**

**RESOLVED**, to authorize the Mayor to sign Change Order No. 2 with Marcellus Construction Co., Inc., 11151 US Route 11, Adams NY 13605 for the Flood Mitigation Project at the Waste Water Treatment Plant.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Deputy Mayor Chamberlain said that because this was less costly to the Contractor, the City has saved \$45K.

## **CANVASS AND APPROVE BIDS – CITY TREE SERVICES**

### **RESOLUTION 19-32**

Moved by Councilor Cohen  
Seconded by Councilor Simchik

**RESOLVED**, that the lowest bid meeting specifications for 2019 City Tree Services in the amount of \$47,555.00 from the American Arborist Corporation, 1624 West Elm Street, Oneida NY 13421 is hereby approved.

Ayes: 6

Nays: 0

**MOTION CARRIED**

The Deputy Mayor said there were three bids.

## **AGREEMENT – NY URGENT CARE PRACTICE P.C.**

### **RESOLUTION 19-33**

Moved by Councilor Coulthart  
Seconded by Councilor Acker

**RESOLVED**, to authorize the Mayor to sign a service agreement with NY Urgent Care Practice P.C., 7375 Oswego Road, Liverpool NY 13090 to provide occupational health services for the required DOT testing of CDL drivers.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Bowe said it is nice to have this locally, rather than driving to Syracuse for testing.

**WATER FUND TRANSFER**

**RESOLUTION 19-34**

Moved by Councilor Acker  
Seconded by Councilor Cohen

**WHEREAS**, by Resolution duly adopted on April 7, 1992, the City has established a Capital Reserve Fund to finance the cost of construction or reconstruction of water treatment and transmission facilities, pursuant to General Municipal Law, Section 6-c, **and**

**WHEREAS**, pursuant to said Resolution, the City Comptroller has deposited monies of this reserve fund in a separate bank account known as the Water Reserve Fund, **now therefore be it**

**RESOLVED**, that the City Comptroller is hereby authorized to transfer \$111,852.93 from the Water Fund to the Water Reserve Fund.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**AGREEMENT – NYS DEC FOR ACCESS AND PRELIMINARY INVESTIGATION OF  
GROUND WATER AND OTHER ENVIRONMENTAL MEDIA AT 1265 GLENWOOD AVE.**

**RESOLUTION 19-35**

Moved by Councilor Cohen  
Seconded by Councilor Bowe

**RESOLVED**, to authorize the Mayor to sign an agreement with the New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1500 for access and preliminary investigation activities including drilling ground water wells, sampling ground water and other environmental media on the property located at 1265 Glenwood Avenue, Oneida, Tax Map No. 38.-1-24.

Ayes: 6

Nays: 0

**MOTION CARRIED**

The City Engineer said that New York State is currently checking old landfills statewide, and it is just the City's turn to have ours monitored.

**LETTER FROM PAUL W. VANDERHOFF REGARDING 404 SCONONDOA STREET**

**RESOLUTION 19-36**

Moved by Councilor Acker  
Seconded by Councilor Bowe

**RESOLVED**, a letter from Paul W. Vanderhoff, 402 Sconondoa Street, Oneida regarding 404 Sconondoa Street, Oneida be hereby received and placed on file.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Acker said that the City cannot swap lands, and the City Clerk said that FEMA will not allow this.

**CITY HISTORIAN AGREEMENT**

**RESOLUTION 19-37**

Moved by Councilor Acker  
Seconded by Councilor Bowe

**RESOLVED**, to authorize the Mayor to sign the Agreement with City Historian Connie Coulthart, as per the 2019 City of Oneida Budget.

Ayes: 5

Nays: 0

Abstain: 1 (Coulthart)

**MOTION CARRIED**

Deputy Mayor Chamberlain introduced Connie Coulthart as the new City Historian. Mrs. Coulthart thanked the City for the opportunity and said that she is looking forward locating material and sources to make it more accessible for the community. Mrs. Coulthart said that she is a member of the Historical Society, so she will be able to access information from there as well.

**CAPITAL PROJECT 19-4 – CONSTRUCTION OF NEW DPW FACILITY**

**RESOLUTION 19-38**

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the City Engineer to proceed with Capital Project 19-4 Construction of the New DPW Facility, and further authorize the Mayor to sign any and all documents related to said grant funded Capital Project 19-4.

Ayes: 5

Nays: 1 (Bowe)

**MOTION CARRIED**

The City Engineer said that this Resolution will allow proceeding with the project to authorize the Mayor sign the various DASNY grant documents needed to be completed to secure the funding for this project. Councilor Bowe questioned if the site was chosen, and the City Engineer said yes.

**PROPOSED ORDINANCE AMENDMENT CHAPTER 190**  
**ZONING §190-15-SIGN REQUIREMENTS**

**RESOLUTION 19-39**

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, that the a proposed Ordinance to amend Chapter 190 Zoning, Section 190-15 of the City of Oneida Code be hereby received and placed on file, **and be it further**

**RESOLVED**, that said proposed Zoning Ordinance Amendment be hereby referred to the Planning Commission Zoning Board of Appeals.

**ORDINANCE AMENDMENT**

**19-**

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 and ordain a Zoning Ordinance amendment relating to election signs as follows:

**CHAPTER 190: Zoning**

**§190-15: Sign Requirements**

**C. General requirements in all districts**

**(22)** Election signs: ~~August 1 through 15 days after~~ *45 days before election, removed within 15 days after election*; maximum of 32 square feet; placement per §190-15C(3).

Ayes: 6

Nays: 0

**MOTION CARRIED**

**CONTRACT EXTENSION – SCHINDLER ELEVATOR CORPORATION**

**RESOLUTION 19-40**

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign a ten year contract extension with Schindler Elevator Corporation, 587 West Bear Street, Syracuse, NY 13204-1313.

Ayes: 6

Nays: 0

**MOTION CARRIED**

City Engineer Schuler said that there are not many elevator companies in the area anymore and by locking into a ten year contract, the City will see a significant reduction in costs.

**LOCAL LAW TO AMEND CHAPTER 180 TITLED VEHICLES AND TRAFFIC OF  
THE ONEIDA CITY CODE TO REGULATE PLACING, PUSHING,  
SHOVELING OR DEPOSITING OF SNOW**

**RESOLUTION 19-41**

Moved by Councilor Acker  
Seconded by Councilor Coulthart

**RESOLVED**, that a proposed Local Law to amend Chapter 180, titled Vehicles and Traffic, Section 180-32(B) of the Oneida City Code to regulate the placing, pushing, shoveling or depositing of snow be hereby received and placed on file, **and be it further**

**RESOLVED**, that a Public Hearing on said proposed Local Law to amend Section 180-32(B) of the Oneida City Code be hereby scheduled for 6:30 p.m. on Tuesday, February 19, 2019 in the Common Council Chambers, 109 N. Main Street, Oneida NY 13421.

Ayes: 6

Nays: 0

**MOTION CARRIED**

The Deputy Mayor said that Councilor Simchik and he realized the way this Local Law was previously written, it would hamper snow removal for some of the businesses in downtown. Councilor Simchik said the City Attorney has tweaked the language, which will now give those downtown businesses the option of getting written approval from the City Engineer to bypass some of the terms of the law.

**CITY OF ONEIDA  
PROPOSED LOCAL LAW**

**A LOCAL LAW TO AMEND CHAPTER 180, TITLED “VEHICLES AND TRAFFIC,” OF THE  
CODE OF THE CITY OF ONEIDA**

Be it enacted by the Common Council of the City of Oneida, that this local law amends Chapter 180 of the Code of the City of Oneida (hereinafter “Code”), titled “Vehicles and Traffic,” to regulate the placing, pushing, shoveling or depositing of snow as follows:

**Section 1.**

So that Section 180-32(B) of the City of Oneida Code is hereby amended such that it shall read, in its entirety, as follows:

“B. Placing, pushing, shoveling or depositing in any way or causing to be pushed, placed, shoveled or deposited or the suffering to be pushed, placed, shoveled or deposited of any snow, slush or other form of precipitation onto a sidewalk or public street or any part thereof within the City of Oneida by any person, persons, firm, association or corporation, individually or by agents, servants, employees or independent contractors, is hereby prohibited unless written permission is obtained from the City Engineer; nor shall any person, persons, firm, association or corporation, individually or by agents, servants, employees or independent contractors, place, push, shovel or deposit any snow, slush or other form of precipitation from their property or a public sidewalk adjacent to their property on to the property of another person. The owner of the property from which the snow, slush or other form of precipitation is removed may be found liable for the acts of his or her servants, employees, agents or contractors, who violate this section.”

**Section 2.**

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

**A RESOLUTION AUTHORIZING THE PURCHASE OF STREET LIGHTS FROM NATIONAL GRID, IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$212,065, AND AUTHORIZING THE ISSUANCE OF \$212,065 BONDS OF SAID CITY TO PAY THE COST THEREOF.**

## RESOLUTION 19-42

Moved by Councilor Cohen  
Seconded by Councilor Coulthart

**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 purchase of street lights from National Grid, including supporting infrastructure and incidental costs, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$212,065.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$212,065 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 class of objects or purposes is ten 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.

Alan Cohen – Yes

Michael Bowe – Yes

James Coulthart – Yes

Helen Acker – Yes

James Chamberlain – Yes

Thomas Simchik – Yes

**MOTION CARRIED**

Councilor Bowe said that he met with the City Engineer regarding the purchase of the poles. He said that he doesn't like the fact that the City is buying the tall green poles, as now, should they topple over; they will be the responsibility of the City. Councilor Acker said that Main Street near Oneida Office Supply when one green pole fell last year creating a domino effect and taking down others. Councilor Bowe said that he is voting for this project; however, he wanted his objections noted.

**SEQRA - NEGATIVE DECLARATION - STREET LIGHTING ENERGY EFFICIENCY  
UPGRADES PROJECT IN THE CITY OF ONEIDA**

**RESOLUTION 19-43**

Moved by Councilor Acker

Seconded by Councilor Chamberlain

**WHEREAS**, the City of Oneida is seeking to complete street lighting energy efficiency upgrades; **and**

**WHEREAS**, the installation of twelve (12) new street light poles renders the proposed project an Unlisted Action under SEQR; **and**

**WHEREAS**, a SEAF Part 1 has been completed for the project; **and**

**WHEREAS**, the SEAF Part 1 and attachments were utilized by the City of Oneida Common Council to complete the SEAF Part 2, and to evaluate potential impacts in the SEAF Part 3; **now therefore be it**

**RESOLVED**, that the City of Oneida Common Council hereby declares Lead Agency and classifies the Action as Unlisted, **and be it further**

**RESOLVED**, that the City of Oneida Common Council has determined that the proposed project will not result in any significant adverse environmental impacts, **and be it further**

**RESOLVED**, that the City of Oneida Common Council, in accordance with the State Environmental Quality Review Act (SEQRA), hereby determines that the proposed project, Street Lighting Energy Efficiency Upgrades, will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and therefore issues a SEQR Negative Declaration in accordance with Section 617.7 of the SEQR regulations, **and be it further**

**RESOLVED**, the City of Oneida Common Council authorizes the Mayor to sign the SEAF Part 3 to be signed which, along with the application materials, will act as the SEQR Negative Declaration.

Ayes: 6

Nays: 0

**MOTION CARRIED**

The Deputy Mayor said this has been discussed.

### **AGREEMENTS – NATIONAL GRID STREET LIGHTING UPGRADES**

#### **RESOLUTION 19-44**

Moved by Councilor Cohen

Seconded by Councilor Coulthart

**RESOLVED**, that the Street Light Facilities Sales Proposal, dated July 19, 2018, from National Grid (Niagara Mohawk Power Corporation) be hereby received and placed on file, **and be it further**

**RESOLVED**, that the Mayor, contingent upon form and terms of agreement having been reviewed and approved by City Counsel, is hereby authorized to execute a Street Lighting Facilities Purchase and Sale Agreement, and a Pole Attachment Agreement, with National Grid (Niagara Mohawk Power Corporation) for a cost of \$212,065, contingent on City Attorney review and approval.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **LETTER OF RECOMMENDATION FROM THE TRAFFIC SAFETY BOARD**

#### **RESOLUTION 19-45**

Moved by Councilor Acker

Seconded by Councilor Cohen

**RESOLVED**, that a letter of recommendation from Bruce J. Burke, Chairman of the Oneida Traffic Safety Advisory Board, outlining the Board's decision to recommend that the block of James Street between Madison Street and Oneida Street be converted to a pedestrian walkway, **and be it further**

**RESOLVED**, that said recommendation be referred to the Planning Commission Zoning Board of Appeals in accordance with General City Law §29.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Councilor Bowe asked if the City was abandoning the street, and the City Attorney said no. The City Clerk said the Council would not have to schedule a public hearing until after the recommendation from the PCZBA is received.

**BUDGET TRANSFERS AND AMENDMENTS**

**RESOLUTION 19-46**

Moved by Councilor Acker  
Seconded by Councilor Simchik

<u>AMOUNT</u>	<u>TO</u>	<u>FROM</u>
\$1,500.00	001.1990.0400 Contingency	001.3410.0417 Promotional Clothing
<i>(To allocate funds for the contractual purchase of promotional badges)</i>		
\$585.75	001.022.2650 Sale of Scrap	001.5110.0300 DPW Materials & Supplies
<i>(To re-allocate funds for sale of DPW scrap for the use of materials)</i>		
\$792.00	001.5142.0300 Snow & Ice Material/Supplies	001.5142.0200 Snow & Ice Equipment
<i>(To re-allocate funds for the purchase of a box plow)</i>		

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**STANDARDIZED 30-DAY NOTICE OF A NEW LICENSE FOR  
ON-PREMISES ALCOHOLIC BEVERAGE LICENSE**

**RESOLUTION 19-47**

Moved by Councilor Acker  
Seconded by Councilor Coulthart

**RESOLVED**, that a standardized Notice Form for providing 30-day Advance Notice to a Local Municipality for a new application for an On-Premises Alcoholic Beverage License from Fuji Hibachi Sushi Asian Bistro Inc., 2184 Glenwood Shopping Plaza, Oneida NY, be hereby received and placed on file.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**NEW BUSINESS**

### *Oneida Area Public Safety Day*

Deputy Mayor Chamberlain said that he is proud to announce that the Oneida Police Department will sponsor the “Oneida Area Public Safety Day” on June 1, 2019 beginning at noon in downtown Oneida in conjunction with the 125<sup>th</sup> Anniversary of the Oneida Police Department. The Police Department will be partnering with multiple organizations for this event, and the Deputy Mayor said this huge event will rival the Block Party from years ago. Councilor Bowe said that Oneida Street will be closed to vehicular traffic. The Deputy Mayor said that there will be a bicycle rodeo, open houses at the police and fire departments, children’s activities, information tables, interaction with many local public safety agencies, and so much more. Councilor Acker said this event coincides with the Relay for Life and there will be fireworks in the evening. Deputy Mayor Chamberlain said that the Police Department will be starting a Facebook Page for this event to keep the public updated with all the goings on.

### *Wilber Duck Chevrolet/Nye Automotive*

Robert Britton, Oneida, announced to the Council that he is sorry to see Wilber Duck leaving Oneida and wished the Council had spoken with them to get them to stay. He said that he hates to see another empty parking lot downtown, because he spoke with Bill Nye this morning who said that he will be tearing down the building and making it into a parking lot since he purchased the property. Deputy Mayor Chamberlain said that the City has not had any confirmations from Nye Automotive or Wilber Duck Chevrolet on this matter. He said that there are always lots of rumors floating about in the City.

### *Parcel Located at 1178 Glenwood Avenue*

Robert Britton, Oneida stated he would like to speak about the property at 1178 Glenwood Ave. The Deputy Mayor said this is old business and will be discussed in Executive Session. Mr. Britton said that he would like to make some comments beforehand, and the Deputy Mayor gave him permission to do so. Mr. Britton said that the first complaint the City had was about a sign he put on City property. The sign saying “future head shop, strip club and massage parlor” was a joke, and he apologized for offending anyone. Mr. Britton outlined his perception of what rules he was accused of not following by the City, and noted that the landfill never had any problems with him. Councilor Simchik disputed Mr. Britton’s statements. Mr. Britton said that he made a mistake, a big mistake, but said it is not fair that the City should take this property away from him for that mistake. Mr. Britton started making accusations about another City property, and City Attorney Nadine Bell told Mr. Britton to keep his comments directed to his own circumstances and the property in question at 1178 Glenwood Avenue. Mr. Britton proceeded once again to talk about another parcel, and the City Attorney reiterated her objection to his comments. The Deputy Mayor said that he is speaking for everyone here, and said that we have always been accommodating to Mr. Britton and continually gave him the benefit of the doubt. The Deputy Mayor said that he repeatedly spoke on Mr. Britton’s behalf, and Mr. Britton said that he doesn’t have a problem with Deputy Mayor Chamberlain.

### *Executive Session*

Deputy Mayor Chamberlain said that the Council will be going into Executive Session to discuss the acquisition, sale or lease of real property, advice of Counsel and a personnel issue. The Deputy Mayor said that action may or may not be taken after the session, and he asked for a motion from the Council noting a five minute recess will be taken.

## **EXECUTIVE SESSION**

### **RESOLUTION 19-48**

Moved by Councilor Coulthart  
Seconded by Councilor Cohen

**RESOLVED** that the meeting is hereby adjourned to Executive Session at 8:51 p.m. for the purpose of discussing the proposed acquisition, sale or lease of real property.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**PRESENT:** Deputy Mayor, Councilors, City Clerk, City Attorney, Comptroller, Police Chief, Fire Chief, City Engineer

1. Discussion relating to a personnel issue

**PRESENT:** Deputy Mayor, Councilors, City Clerk, City Attorney, Comptroller, Police Chief, City Engineer

2. Discussion relating discussing the proposed acquisition, sale or lease of real property.
3. Advice of Counsel.

**ADJOURN EXECUTIVE SESSION TO THE REGULAR MEETING**

**RESOLUTION 19-49**

Moved by Councilor Coulthart  
Seconded by Councilor Bowe

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 10:23 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**WAIVE PROCEDURE TO ACCEPT AGENDA ITEMS**

**RESOLUTION 19-50**

Moved by Councilor Bowe  
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**

**AGREEMENT WITH TYLER TECHNOLOGY**

**RESOLUTION 19-51**

Moved by Councilor Acker

Seconded by Councilor Coulthart

**RESOLVED**, that the Mayor is hereby authorized to sign an agreement with Tyler Technology for installation & maintenance of the ExecuTime Time and Attendance Program, subject to the review and approval of the City Attorney.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**NOTICE OF INTENT TO VOID THE SALE OF 1178 GLENWOOD AVENUE**

**RESOLUTION 19-52**

Moved by Councilor Acker

Seconded by Councilor Coulthart

**WHEREAS**, the City of Oneida acquired a tax deed to premises known as 1178 Glenwood Avenue, Tax Map No. 38.74-1-6 (“Property”); **and**

**WHEREAS**, the City of Oneida received a purchase offer from Robert Britton for the acquisition of the Property and, upon accepting the offer, agreed to sell the Property to Robert Britton, conditioned upon the execution of a “Rehabilitation, Demolition and Purchase Agreement;” **and**

**WHEREAS**, the City of Oneida and Robert Britton subsequently entered into a “Rehabilitation, Demolition and Purchase Agreement” on or about September 21, 2017, **now therefore be it**

**RESOLVED**, that pursuant to the terms of the “Rehabilitation, Demolition and Purchase Agreement,” the City of Oneida granted Robert Britton a “Limited License” to be on the Property to perform the work required under the Agreement; **be it further**

**RESOLVED**, that it has come to the attention of the Common Council that Robert Britton’s use and occupancy of the Property is in breach of the terms of the Agreement, which were a condition of sale; **be it further**

**RESOLVED**, that the Common Council hereby provides Robert Britton notice of its intent to void the sale of 1178 Glenwood Avenue, Tax Map No. 38.

Ayes: 4

Nays: 2 (Cohen, Chamberlain)

**MOTION CARRIED**

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 10:30 p.m.

CITY OF ONEIDA, NEW YORK

\_\_\_\_\_  
Susan Pulverenti, City Clerk