

**MINUTES OF THE COMMON COUNCIL
JULY 17, 2018**

A meeting of the Common Council of the City of Oneida, NY was held on the seventeenth day of July, 2018 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 Matkze

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

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Eric Schuler
Comptroller Lee Ann Wells
Fire Chief Dennis Fields
Police Sergeant Dan DeWolf
Supervisor Joe Magliocca

OLD BUSINESS

Properties in the Buyout Area

Lena Pressley, Sconondoa Street, complained about the disarray at the properties in the Buyout around her home. She said that doors are kicked in, vagrants are entering the houses, people are taking things from the houses, strange people are lurking in the neighborhood, and the grass has not been mowed. She became very emotional stating that she has lived there all her life, and it is very hard to see this on a daily basis. The Mayor said that the City has purchased a new Ferris mower, and two employees are being assigned to the mowing in the flats. Councilor Acker said that the DPW should have boarded up the doors and that should be prioritized. Councilor Acker said that the abatements have started on those to be demolished. The City Clerk said that there are five houses in Mrs. Pressley's neighborhood on Sconondoa Street that are scheduled to be torn down in this round, and they will be done soon. The Mayor said he will see what he can do about the vagrants and stated that she can call his office anytime if she has questions.

Moved by Councilor Acker
Seconded by Councilor Coulthart

RESOLVED, that the minutes of the regular meeting of July 3, 2018 are hereby approved as presented.

Ayes: 5
Nays: 0
Abstain: 1 (Cohen)
MOTION CARRIED

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that Warrant No. 15, checks and ACH payments in the amount of \$708,431.32 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 Simchik

RESOLVED, that checks in the amount of \$6,549.04 (City Attorney) as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

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

MONTHLY REPORTS

RESOLUTION 18-152

Moved by Councilor Acker
Seconded by Councilor Cohen

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

Ayes: 6
Nays: 0

MOTION CARRIED

Councilor Acker thanked the City Engineer for his report, noting that she likes the way he has broken down the information.

A RESOLUTION AUTHORIZING THE PURCHASE OF A PLOW TRUCK, IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$273,633.53, AND AUTHORIZING THE ISSUANCE OF \$273,633.53 BONDS OF SAID CITY TO PAY THE COST THEREOF.

RESOLUTION 18-153

Moved by Councilor Simchik
Seconded by Councilor Bowe

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 a plow truck, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$273,633.53.
- Section 2.** The plan for the financing of such maximum estimated cost is by the issuance of \$273,633.53 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.
- Section 3.** It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law.
- Section 4.** The faith and credit of said City of Oneida, Madison County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.
- Section 5.** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.
- Section 6.** All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.
- Section 7.** The validity of such bonds and bond anticipation notes may be contested only if:

- 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 Coulthart: Yes
 Councilor Acker: Yes
 Councilor Chamberlain: Yes
 Councilor Simchik: Yes

MOTION CARRIED

RESOLUTION AUTHORIZING THE PURCHASE OF A STREET SWEEPER, IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$195,165.66, AND AUTHORIZING THE ISSUANCE OF \$195,165.66 BONDS OF SAID CITY TO PAY THE COST THEREOF.

RESOLUTION 18-154

Moved by Councilor Coulthart
 Seconded by Councilor Acker

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

Section 1. The purchase of a street sweeper, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$195,165.66.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$195,165.66 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Oneida, Madison County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment

dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

- Section 7.** The validity of such bonds and bond anticipation notes may be contested only if:
- 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 Coulthart: Yes
Councilor Acker: Yes
Councilor Chamberlain: Yes
Councilor Simchik: Yes

MOTION CARRIED

Councilor Coulthart inquired about the money allotted for the repair of the current street sweeper. The City Engineer said that the City has the opportunity to piggy-back onto another bid from another community and get a great price for street sweeper.

CAPITAL PROJECT 18-10 – DPW VEHICLE REPLACEMENT

RESOLUTION 18-155

Moved by Councilor Acker
Seconded by Councilor Chamberlain

WHEREAS, at the Common Council meeting on April 3, 2018, the Common Council authorized the Public Works Supervisor per Resolution 18-91 to proceed with a portion of Capital Project 18-10 to purchase a Liftech Skid Steer, **now therefore be it**

RESOLVED, to authorize the City Engineer to proceed with another portion of Capital Project 18-10 – DPW Vehicle Replacement, **and be it further**

RESOLVED, to authorize the purchase of a six-wheeler plow truck (\$273,633.53) and street sweeper (\$195,165.66), and further authorize the City Engineer to expend funds in an amount not to exceed \$468,799.19, **and be it further**

RESOLVED, to authorize the Mayor to sign all documents related to Capital Project 18-10 for the purchase of said six wheeler plow truck and street sweeper.

Ayes: 6
Nays: 0

MOTION CARRIED

CAPITAL PROJECT 18-13 WWTP VEHICLE REPLACEMENT PROGRAM

RESOLUTION 18-156

Moved by Councilor Chamberlain
Seconded by Councilor Acker

RESOLVED, that the lowest bid meeting specifications for Capital Project 18-13 WWTP Vehicle Replacement Program, received from Beyer Ford LLC in the amount of \$66,953.96 be hereby approved, **and be it further**

RESOLVED, that Capital Project 18-13 WWTP Vehicle Replacement Program be hereby amended to increase the budget for additional costs in the amount of \$12,760.96 to a total of \$66,953.96, **and be it further**

RESOLVED, to authorize the City Engineer to proceed with Capital Project 18-13 WWTP Vehicle Replacement Program, and further authorize the expenditure of funds up to the programmed amount, **and be it further**

RESOLVED, to authorize the Mayor to sign any and all documents related to Capital Project 18-13 WWTP Vehicle Replacement Program.

Ayes: 6
Nays: 0

MOTION CARRIED

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 18-157

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, to approve the following budget amendments/transfers:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$3,325.00	001.0001.0912 General Fund Balance	001.1680.0403 IT Contracts
<i>(To allocate funds for IT contracts and monthly charges for use of credit card payments)</i>		
\$979.00	001.0017.1523 Police Misc Revenue	001.3120.0417 Police Chief Expense
<i>(To allocate funds received from bike auction to cover expenses for Police Chief Conferences)</i>		
\$10,000.00	001.7141.0218 Rec-Resurface Tennis/BB Courts	001.7140.0409 Rec-Equip Repair/Maintenance
<i>(To allocate funds to unexpected pool repairs)</i>		
\$12,760.96	003.0003.0912 Sewer Fund Balance	304.8110.0203 Sewer – 2018 Vehicle Purchase
<i>(To allocate additional fund to purchase a pickup truck for the WWTP)</i>		

Ayes: 6
Nays: 0

MOTION CARRIED

Councilor Coulthart inquired as to where we are in the process of the new software purchase from Tyler Technologies, and the Comptroller said they are moving forward, but it is a long process for the changeover.

Mayor Matzke said that the pool will be closed for a couple of days due to repairs that need to be made to a crack in the pool. Supervisor Magliocca said that the repairs were made today, but the patch needs time to cure before the pool can be reopened.

Mayor Matzke complimented the Police Department for their efforts on the bicycle auction.

CAPITAL PROJECT 18-08- ANNUAL STREET RESURFACING

RESOLUTION 18-158

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, to authorize the City Engineer to proceed with Capital Project 18-08 – Annual Street Resurfacing, **and be it further**

RESOLVED, to authorize the use of Unit Prices established for 2018 by Madison County and further authorize the Purchasing Agent to advertise for bids for any portions of the project not covered under the County's Unit Pricing, **and be it further**

RESOLVED, to authorize the City Engineer to expend funds up to the programmed amount and authorize the Mayor to sign any and all documents related to Capital Project 18-08 – Annual Street Resurfacing.

Ayes: 6

Nays: 0

MOTION CARRIED

The City Engineer said that resurfacing is anticipated to occur at designated segments of the following roadways: Washington Ave., Warner St., Cedar St., Elm St., E. Sands St., Chappell St., Cobb St., Phillips St., Boston St., Randall Ave. and Staudt St. City Engineer Schuler also stated that milling is expected to begin on July 30, 2018.

NEW BUSINESS

1178 Glenwood Avenue

Robert Britton, N. Warner Street, said that he would like to build a house on the current basement on the property he is purchasing from the City on Glenwood Avenue. Mr. Britton said that he spoke with the Codes Officer who told him that if he wanted to keep the basement intact, he would have to get permission from the Council. Attorney Bell said that property was sold subject to demolition. She explained the details of the Demolition Agreement that was executed. Mr. Britton said he is behind schedule, and because his contractor never showed up for over three months, he is doing the demolition himself. He said he would like an extension to the agreement. Councilor Chamberlain said that Mr. Britton should get rid of all the debris and clean up the area, so an inspection can be done to determine if the basement needs to be removed. The City Clerk said that the zoning codes for that property need to be looked at also.

Rail Trail Ground Breaking

Supervisor Magliocca thanked the Mayor, City Engineer, and Councilors Acker, Chamberlain and Cohen for participating in the Ground Breaking Ceremony for the Rail Trail. Councilor Acker commended Supervisor Magliocca for all his efforts on the Rail Trail.

FEMA Buyout - 238 Lexington Avenue

City Attorney Nadine Bell said that the City is under a time-crunch to complete the acquiring and demolitions of the rest of the properties in the Buyout Program by the deadline. She said that the City currently owns 238 Lexington Avenue. She said that the closing for that property is scheduled for this Thursday and sometimes the Title Companies would like to know that approvals have been given by the authorizing entities. Attorney Bell said that to err on the side of caution, she would like the Council pass a Resolution stating that the City agrees to the covenants imposed, restricts future use, etc. as required by FEMA for all properties participating the Buyout, as well as, to authorize the Mayor to execute any documents subject to the covenants that FEMA requires.

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 18-159

Moved by Councilor Bowe

Seconded by Councilor Simchik

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

FEMA BUYOUT CONVEYANCE DOCUMENTS

RESOLUTION 18-160

Moved by Councilor Acker

Seconded by Councilor Bowe

RESOLVED, to authorize the Mayor to execute any documents imposing covenants on the property located at 238 Lexington Avenue, including the deed and any conveyance documents subject to the covenants that FEMA requires.

Ayes: 6

Nays: 0

MOTION CARRIED

Harboring of Chickens

The Council briefly discussed and decided that they would like to have a Public Hearing to obtain feedback from our City residents on the draft of the Local Law before formally receiving and placing on file a proposed Local Law for the harboring of chickens. The City Clerk said that she will put a legal notice in the newspaper and on the website announcing the Public Hearing to be scheduled at the next meeting, August 7, 2018 at 6:30 p.m. in the Council Chambers.

112 Madison Street / 507 Stone Street

City Attorney Bell said that she has appeared before Judge Cerio on matters regarding 112 Madison Street and 507 Stone Street. She said Mr. Xedis appeared to contest the City's action, although he did not file any answer. She said that she is waiting on the Judge's decision and has not received it as yet. Attorney Bell said that relative to Mr. Kistner, he also did not file an answer with the court. However, he notified the court two days before his appearance date and asked for an adjournment, which was granted to August 3, 2018. Attorney Bell said that a letter was sent to the property owner at 216 E. Elm Street.

Executive Session

Councilor Bowe asked if the Council could adjourn to Executive Session for a personnel matter. He said that this should only take a few minutes and no action will be taken after the session. The Mayor agreed and asked for a motion.

EXECUTIVE SESSION

RESOLUTION 18-161

Motioned by Councilor Bowe

Seconded by Councilor Coulthart

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:02 p.m. for the purpose of discussing a personnel issue.

Ayes: 6

Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors

Motioned by Councilor Bowe

Seconded by Councilor Acker

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 7:30 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Acker

The regular meeting is hereby adjourned at 7:35 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk