

**MINUTES OF THE COMMON COUNCIL  
SEPTEMBER 18, 2018**

A meeting of the Common Council of the City of Oneida, NY was held on the eighteenth day of September, 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 Michael Bowe, James Coulthart, James Chamberlain  
and Councilor Simchik

ABSENT: Councilors Alan Cohen and Helen Acker

ALSO PRESENT: City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
Comptroller Lee Ann Wells  
Fire Chief Dennis Fields  
Police Chief Paul Thompson  
Recreation Director Luke Griff  
Supervisor Joe Magliocca

**OLD BUSINESS** - None

**SUPERVISORS REPORT**

Councilor Magliocca said that Supervisor Mary Cavanaugh was unable to attend this evening, but asked that he share her comments on two important things. He said that she would like to remind folks to buy local. Supervisor Magliocca added that sales tax collections are up at the county, but that is not the case in the City. He reminded everyone that the Oneida Indian Nation retains any sales tax they collect, which is not true of other local businesses. Supervisor Cavanaugh also asked that he remind everyone to use the Madison County DMV, as opposed to registering on-line, as money from on-line registrations doesn't benefit the County. Supervisor Magliocca said that the County gets 12%-13% of the fees when they are done in Wampsville, which accounts to millions of dollars. He said when your registrations come in the mail, the return address is for the County Office Building in Utica; and if it is mailed there, Oneida County benefits with the percentage of the fee, not Madison County. He said that regardless of where you live, if you do your business with the Madison County DMV, the percentage stays in Madison County. He said that County Clerk Keville is currently working on a plan to include stamped envelopes with Madison County's return address for renewals.

Mayor Matkze also encouraged folks to buy local. He said that NYS made a \$175K error in the sales tax calculations dating back to 2014, whereby giving the City the funds rather than Oneida County, and the City had to refund the State for their error.

Moved by Councilor Bowe  
Seconded by Councilor Coulthart

**RESOLVED**, that the minutes of the regular meeting of September 4, 2018 are hereby approved as presented.

Ayes: 4  
Nays: 0  
Absent: 2 (Cohen, Acker)

**MOTION CARRIED**

Moved by Councilor Simchik  
Seconded by Councilor Coulthart

**RESOLVED**, that Warrant No. 19, checks and ACH payments in the amount of \$719,402.73, as audited by the Voucher Committee is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 4  
Nays: 0  
Absent: 2 (Cohen, Acker)

**MOTION CARRIED**

Moved by Councilor Simchik  
Seconded by Councilor Coulthart

**RESOLVED**, that checks in the amount of \$17,673.50 (City Attorney) as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 3  
Nays: 0  
Absent: 2 (Cohen, Acker)  
Abstain: 1 (Bowe)

**MOTION CARRIED**

### **MONTHLY REPORTS**

#### **RESOLUTION 18-195**

Moved by Councilor Chamberlain  
Seconded by Councilor Simchik

**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: 4  
Nays: 0  
Absent: 2 (Cohen, Acker)

**MOTION CARRIED**

Councilor Bowe inquired when the Planning Director would be providing a monthly report. The City Clerk said that the last two Buyout closings are this week. She reminded the Council that the Department recently lost an integral member of their already overwhelmed office. The City Clerk said that a part-time employee has just been hired for Community Development, and hopefully the Director's workload will calm down.

### **ADVERTISE FOR BIDS**

#### **RESOLUTION 18-196**

Moved by Councilor Chamberlain  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Purchasing Agent to advertise for bids for a new air compressor used for the self-contained breathing apparatus in the Fire Department.

Ayes: 4  
Nays: 0  
Absent: 2 (Cohen, Acker)

**MOTION CARRIED**

This equipment will be funded by the \$36K Assistance to Fire Fighters Grant recently awarded.

### **AGREEMENTS – CITY COPY MACHINES**

#### **RESOLUTION 18-197**

Moved by Councilor Bowe  
Seconded by Councilor Coulthart

**RESOLVED**, to authorize the Mayor to sign the Agreements with BME Company, Inc., 8375 Seneca Turnpike, New Hartford NY 13421 for the City Copy Machines.

Ayes: 4  
Nays: 0  
Absent: 2 (Cohen, Acker)

**MOTION CARRIED**

**A RESOLUTION AUTHORIZING THE PURCHASE OF A PICKUP TRUCK FOR DPW, IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$45,175.15, AND AUTHORIZING THE ISSUANCE OF \$45,175.15 BONDS OF SAID CITY TO PAY THE COST THEREOF**

## RESOLUTION 18-198

Moved by Councilor Bowe  
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 purchase of a pickup truck for DPW, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$45,175.15.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$45,175.15 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 29 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: Absent  
Councilor Bowe: Yes  
Councilor Coulthart: Yes  
Councilor Acker: Absent  
Councilor Chamberlain: Yes  
Councilor Simchik: Yes

**MOTION CARRIED**

**CAPITAL PROJECT 18-10 – DPW VEHICLE REPLACEMENT**

**RESOLUTION 18-199**

Moved by Councilor Bowe  
Seconded by Councilor Coulthart

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

**RESOLVED**, to authorize the purchase of a pickup truck, utility box, and further authorize the City Engineer to expend funds in an amount not to exceed \$45,175.15, **and be it further**

**RESOLVED**, to authorize the Mayor to sign all documents related to Capital Project 18-10 for the purchase of said pickup truck, utility box.

Ayes: 4  
Nays: 0  
Absent: 2 (Cohen, Acker)

**MOTION CARRIED**

**2019 HEALTH & DENTAL PLAN RENEWALS**

**RESOLUTION 18-200**

Moved by Councilor Simchik  
Seconded by Councilor Coulthart

**RESOLVED**, that the Mayor be authorized to sign the health insurance renewal plans for 2019 with Excellus BluePPO Option I. Signature Deductible 3, and the dental plan renewal for 2019 with Excellus Dental Blue Options.

Ayes: 4  
Nays: 0  
Absent: 2 (Cohen, Acker)

**MOTION CARRIED**

Councilor Coulthart commented that he was glad to see that the health and dental insurance premiums are going down.

**BUDGET TRANSFERS AND AMENDMENTS**

**RESOLUTION 18-201**

Moved by Councilor Chamberlain  
Seconded by Councilor Simchik

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

<b>AMOUNT</b>	<b>FROM</b>	<b>TO</b>
\$80,243.37	302.8110.0400 Sewer Disinfection	003.0003.0912 Sewer Fund Balance

*(To close out capital project Sewer Disinfection and return fund to Sewer Fund Balance)*

\$114,045.00	003.0003.0912 Sewer Fund Balance	304.8110.0204 Sewer-Video Inspection Lateral Camera
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## MOTION CARRIED

The Mayor said that Assemblyman Magee was responsible for securing this grant for the City.

**A RESOLUTION AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE  
GLENMORE DAM, IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK,  
AT A MAXIMUM ESTIMATED COST OF \$8,000,000, AND AUTHORIZING THE ISSUANCE  
OF \$8,000,000 BONDS OF SAID CITY TO PAY THE COST THEREOF.**

### RESOLUTION 18-205

Moved by Councilor Chamberlain

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 construction of improvements to the Glenmore Dam, including incidental costs and expenses, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$8,000,000.
- Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$8,000,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.
- Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 3 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 is subject to approval at the November 6, 2018 general election. Upon taking effect, this resolution 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: Absent  
Councilor Bowe: Yes  
Councilor Coulthart: Yes  
Councilor Acker: Absent  
Councilor Chamberlain: Yes  
Councilor Simchik: Yes

**MOTION CARRIED**

The Mayor said that information regarding this project will be made available to the public before the general election. Councilor Coulthart questioned if other municipalities who use our water have a stake in the game, and the Comptroller said this will be a City debt. Councilor Chamberlain said he believes the contract rates will change. Councilor Bowe said this should have been done in a more timely fashion, as opposed to the last minute. The City Clerk said that if the Council doesn't approve it tonight, then the City will need to have a special election, as this must go to referendum. The City Clerk added that this project has been in the works for many years, and there are many segments to this project, which needed to be in order before we reached this point. She said that she doesn't think the Water Superintendent was dawdling on this project. Councilor Bowe said he doesn't doubt the necessity of the project, but reiterated that it is important to have time for discussion. Councilor Chamberlain said the Council is just voting to allow this on the ballot for voter determination.

**A RESOLUTION PROVIDING FOR THE SUBMISSION OF A CERTAIN PROPOSITION AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2018**

**RESOLUTION 18-206**

Moved by Councilor Simchik  
Seconded by Councilor Chamberlain

**WHEREAS**, the Common Council of the City of Oneida, Madison County, New York, has heretofore at this meeting duly adopted a bond resolution which will take effect only after its approval at the General Election to be held on November 6, 2018; **and**

**WHEREAS**, it is now desired to provide for the submission of a proposition for the approval of said resolution, and for other matters in connection with said vote; **now, therefore be it**

**RESOLVED**, by the Common Council of the City of Oneida, Madison County, New York, as follows:

Section 1. The Clerk of said City is hereby authorized and directed to cause to be included in the Notice of the Election the following additional notice with respect to the proposition to be presented to the qualified voters of said City for their approval or disapproval of the resolution referred to in the preambles hereof, in substantially the following form:

**PROPOSITION**

Shall the bond resolution adopted by the Common Council of the City of Oneida, dated September 18, 2018, authorizing the construction of improvements to the Glenmore Dam, including incidental costs and expenses, at a maximum estimated cost of \$8,000,000; authorizing the issuance of \$8,000,000 bonds of said City to pay the cost thereof, to mature over a period not exceeding thirty years; pledging the faith and credit of said City for the payment of the principal of and interest on said bonds; delegating powers to the chief fiscal officer with respect to the issuance and sale of bond anticipation notes and such bonds; and providing for an estoppel procedure, be approved?

Section 2 This resolution shall take effect immediately.

Councilor Cohen: Absent  
Councilor Bowe: Yes  
Councilor Coulthart: Yes  
Councilor Acker: Absent  
Councilor Chamberlain: Yes  
Councilor Simchik: Yes

**MOTION CARRIED**

**NEW BUSINESS**

*Green Waste Pickup*

Councilor Coulthart expressed his concerns regarding green waste pickup in his Ward and the rest of the City. The Mayor said that this past week the crews were targeting the north side and will be moving south by the end of the week. Councilor Bowe said the storm after the spring cleanup put us behind.

**EXECUTIVE SESSION**

**RESOLUTION 18-207**

Motioned by Councilor Coulthart  
Seconded by Councilor Bowe

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 7:07 p.m. for the purpose of discussing proposed acquisition, sale or lease of real property.

Ayes: 4  
Nays: 0  
Absent: 2 (Cohen, Acker)

**MOTION CARRIED**

**PRESENT:** Mayor, Councilors, City Clerk, Recreation Director, Supervisor Magliocca

1. Discussion regarding the proposed acquisition, sale or lease of real property.

**PRESENT:** Mayor, Councilors, City Clerk

1. Discussion regarding the proposed acquisition, sale or lease of real property.

Motioned by Councilor Chamberlain  
Seconded by Councilor Coulthart

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 7:58 p.m.

Ayes: 4  
Nays: 0  
Absent: 2 (Cohen, Acker)

**MOTION CARRIED**

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 7:58 p.m.

CITY OF ONEIDA

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Susan Pulverenti  
City Clerk