

**MINUTES OF THE COMMON COUNCIL
FEBRUARY 21, 2017**

A regular meeting of the Common Council of the City of Oneida, NY was held on the twenty first day of February, 2017 at 6:30 o'clock P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

Meeting was called to order by Mayor Leo Matzke

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

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Comptroller Lee Ann Wells
Director of Parks and Recreation Luke Griff
Fire Chief Kevin Salerno
Assistant Fire Marshal Dennis Fields
Supervisor John Reinhardt

**PUBLIC HEARING – PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III,
UNSAFE BUILDINGS – ADJOURNED FROM 2/7/17 MEETING – 253 LINDEN STREET**

RESOLUTION 17-39

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that the Public Hearing pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings – adjourned from 2/7/17 meeting – 253 Linden Street be hereby opened at 6:30 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES

The Mayor asked if anyone is present for the Linden Street property and received no response. The Mayor said this property is in the flats and recommends the City continue to try to contact the owner's daughter, noting that he believes she lives in Munnsville. The Mayor recommended this Public Hearing be adjourned to the first Council meeting in April.

ADJOURNED PUBLIC HEARING – 253 LINDEN STREET

RESOLUTION 17-40

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that the Public Hearing on 253 Linden Street be hereby adjourned to the April 4, 2017 Common Council meeting.

Ayes: 6

Nays: 0

MOTION CARRIED

**PUBLIC HEARING – PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III,
UNSAFE BUILDINGS – ADJOURNED FROM 2/7/17 MEETING – 507 STONE STREET**

RESOLUTION 17-41

Moved by Councilor Smith

Seconded by Councilor Simchik

RESOLVED, that the Public Hearing Pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings – adjourned from 2/7/17 meeting – 507 Stone Street be hereby opened at 6:35 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

APPEARANCES

The Mayor asked if anyone is present for the Stone Street property and received no response. Mayor Matzke said this public hearing was postponed from the last meeting because the owner, Mr. Randy Kistner, wanted to have his attorney present at the hearing. City Attorney Nadine Bell said that she has not heard from Mr. Kistner nor his attorney. She reminded the Council that at the last meeting Mr. Kistner was advised that if he and his attorney were unavailable for tonight's meeting to please let us know, because the Council was amenable to postponing to the March 7, 2017 meeting. She reiterated that she has had no communication with either party. Mayor Matzke said that when Mr. Kistner was taken to court, because his front porch fell off; it took a long time for that to happen. The City Attorney said the Council's options are to adjourn this hearing to the first meeting in March, just in case Mr. Kistner didn't understand that he had to request that he and his attorney appear March 7th, or the Council can close the hearing and make a determination that the property is a public nuisance. If that determination is made, the Council will then issue an order for remediation or demolition. Attorney Bell noted that Assistant Fire Marshal Dennis Fields is present tonight to answer any questions. In response to a question from Councilor Smith, the City Attorney explained about retaining a structural engineer and/or demolitions and which parties have to bear the costs. Attorney Bell explained how a search warrant works. The Mayor said that this house has been this way for a long time. Mayor Matzke said there are houses in that neighborhood that are up for sale, and the City owes it to that neighborhood to do something. Councilor Bowe said it would make sense to obtain a structural inspection, and then the Council would know what needs to be done before making a determination. Councilor Acker suggested talking with Mr. Kistner to see if he would allow entry, rather than obtaining a search warrant. Mayor Matzke said the reason the Council didn't go that route was because Mr. Kistner said he would be here tonight with his lawyer. Councilor Bowe said the City should try to contact Mr. Kistner, and if there is no response, then the next step would be the search warrant. The Mayor said this should be in place for the next meeting.

ADJOURN PUBLIC HEARING – 507 STONE STREET

RESOLUTION 17-42

Moved by Councilor Bowe
Seconded by Councilor Cohen

RESOLVED, that it is hereby ordered that a structural engineer shall be retained to prepare a report on the property located at 507 Stone Street, Oneida, **and be it further**

RESOLVED, that if necessary, a search warrant, based upon the findings rendered by the Fire Marshal, be obtained for the purposes of attaining said structural engineer and inspection of the property located at 507 Stone Street, **and be it further**

RESOLVED, that the Public Hearing on 507 Stone Street be hereby adjourned to the March 7, 2017 Common Council meeting.

Ayes: 6
Nays: 0

MOTION CARRIED

**PUBLIC HEARING – PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III,
UNSAFE BUILDINGS – ADJOURNED FROM LAST MEETING – 112 MADISON STREET**

RESOLUTION 17-43

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that the Public Hearing pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings – adjourned from 2/7/17 meeting – 112 Madison Street be hereby opened at 6:45 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES

Mayor Matzke stated that Mr. Xedis was present. Mr. Xedis said that the structural engineer has not been scheduled yet, and he is just working on his building. City Engineer Jon Rauscher stated that there is a conflict of interest with the structural engineer the City normally uses, so he is in the process of procuring a different structural engineer who will coordinate with the Fire Marshal for his inspection. Mr. Xedis asked if it was up to him to look up the Code with respect to the water runoff from the adjoining buildings. Assistant Fire Marshal Fields said, in a 1989 report, it was stated that runoff from an adjoining building was an issue, but that was in 1989 with nothing being done yet, and the City Engineer said that is typically a civil matter between property owners. Mr. Xedis said that it has to do with the code also, and the Fire Marshal said that he will look at the City Code. The Mayor asked Mr. Xedis if he was going to allow the inspections without a search warrant, and Mr. Xedis responded yes. The Mayor said his bigger worry is the whole building, the front façade looks terrible, and Madison Street is targeted to be spruced up come spring and summer.

ADJOURN PUBLIC HEARING – 112 MADISON STREET

RESOLUTION 17-44

Moved by Councilor Bowe
Seconded by Councilor Chamberlain

RESOLVED, that the Public Hearing on 112 Madison Street be hereby adjourned at 6:55 p.m. to the March 7, 2017 Council meeting.

Ayes: 6
Nays: 0

MOTION CARRIED

**PUBLIC HEARING – PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III,
UNSAFE BUILDINGS – 181 MAIN STREET**

RESOLUTION 17-45

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that the Public Hearing pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings – 181 Main Street be hereby opened at 6:55 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES

The Mayor asked if anyone was present for the old Hotel Oneida property and received no response. The Mayor said that we have the same issue with this building; we can look from outside, but cannot get inside to see if there are any problems. City Attorney Nadine Bell said that this is the first public hearing on this property. Attorney Bell stated that there was a last owner search performed to make sure that any persons with an interest in the property were properly served and placed on notice of this hearing. In accordance with Chapter 34 of the City Code, any persons with an interest received notice by certified mail, return receipt requested, of this public hearing. Attorney Bell said that she has not heard from the property owner or any interested parties, and the public hearing still commences even though no one is present tonight for the property. She asked that Assistant Fire Marshal Dennis Fields come forward to present his report to the Council. The City Attorney said after listening to the Fire Marshall, the Council can make a determination as to whether the property constitutes a public nuisance, and whether an order requiring anything from the property owner is to be required. The Council may also decide whether or not to adjourn the hearing or just close the matter. Assistant Fire Marshal Fields was sworn in by the City Attorney.

Assistant Fire Marshall Dennis Fields said this property owner received notice to correct or remedy on May 18, 2016 with no response, and a final order on June 23, 2016, which were sent via certified mail, and the return receipts were received by Fire Department. The Fire Marshall said that the property is in violation of the International Property Maintenance Code Section 108.1.5(3); the Property Maintenance Code (PMC) Sections 108.1.5(7) Dangerous structure or premises; PMC Section 302.1 Sanitation; PMC Section 302.3 Sidewalks and Driveways shall be kept in proper state of repair and free from hazardous conditions; PMC Section 304.1 General, the exterior shall be maintained in good repair and structurally sound; and PMC Section 304.1.1(7) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials. The Fire

Marshall said the property is also in violation of the International Fire Code Section 110, Unsafe Buildings and the City of Oneida Code Chapter 34 Article III titled Unsafe Buildings and Collapsed Structures, Sections 34-9 and 34-10. Assistant Fire Marshal Fields said he has not received any contact from the building owner, and the Mayor said the property owner has not answered phone calls either.

The City Attorney asked the City Engineer if a structural report was prepared. City Engineer Jon Rauscher said that two or three weeks ago, a structural engineer reviewed the exterior of the property anticipating that he could prepare a report; however, based on his visual observations of the structure, there wasn't anything prominent that he could see from the building façade that would lead to structural deficiencies, so there wasn't anything to make a report on. He said that without actually going inside the building to view the structural elements, the structural engineer couldn't make a determination based on the exterior. Councilor Smith inquired, if in 2016, City representatives went through that building, and the Mayor responded no, not in 2016. The City Attorney said there has been no communication. The Mayor said we will have to go to court. The Mayor stated that the City will never get downtown completely addressed, without addressing this property. The City Attorney explained the process involved with a search warrant.

ADJOURN PUBLIC HEARING – 181 MAIN STREET

RESOLUTION 17-46

Moved by Councilor Acker
Seconded by Councilor Bowe

RESOLVED, that a search warrant, based upon the findings rendered by the Fire Marshal, shall be obtained for the purposes of retaining a structural engineer to complete a report for the property located at 181 Main Street, **and be it further**

RESOLVED, that it is hereby ordered that a structural engineer shall be retained to complete a report on the property located at 181 Main Street, Oneida, and the Fire Marshall shall complete a detailed inspection on the property located at 181 Main Street, **and be it further**

RESOLVED, that the Public Hearing on 181 Main Street be hereby adjourned to next scheduled Council meeting after the above mentioned reports have been completed.

Ayes: 6

Nays: 0

MOTION CARRIED

PUBLIC HEARING **PROPOSED LOCAL LAW TO ESTABLISH A** **VACANT BUILDING REGISTRY AND MAINTENANCE PROGRAM**

RESOLUTION 17-47

Moved by Councilor Cohen
Seconded by Councilor Bowe

RESOLVED, that the Public Hearing on a proposed Local Law to establish a Vacant Building Registry and Maintenance Program be hereby opened at 7:06 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

APPEARANCES

The Mayor said the purpose of this Local Law is to establish a Vacant Building Registry and Maintenance Program to address the approximately 100 vacant buildings in the City. Ten of those properties are called zombie buildings where the bank holds the mortgage. He said the NYS Registry will help with those. The intent is to register the buildings, so that they don't continue to deteriorate. This will be through the Fire Marshal's authority, but will be assigned to the Assessor, who will periodically/quarterly check on the properties.

Councilor Chamberlain asked if, in the registry, information on the property owner is included, and the Mayor responded yes. The Mayor said that fees will be involved, but he will bring that to the Council at a later date. He said that in some municipalities, the fee is \$500 to register a vacant. The City Attorney said that fees are not established in the Local Law. The fee would be established by Resolution, so the Local Law would not have to be changed each time a fee may be modified. The Mayor said that in New Hartford, they charge a fee for the unsightly property, and then hire a crew to repair it with those repair costs being put onto the taxes. The Mayor said we will probably have a property manager next year, which will be a new job description.

CLOSE PUBLIC HEARING
VACANT BUILDING REGISTRY & MAINTENANCE PROGRAM

RESOLUTION 17-48

Moved by Councilor Smith

Seconded by Councilor Chamberlain

RESOLVED, that the Public Hearing on a proposed Local Law to establish a Vacant Building Registry and Maintenance Program be hereby closed at 7:08 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

PUBLIC HEARING – PROPOSED LOCAL LAW – ENERGY EFFICIENCY, COST
REDUCTION AND GREENHOUSE GAS REDUCTION

RESOLUTION 17-49

Moved by Councilor Smith

Seconded by Councilor Bowe

RESOLVED, that the Public Hearing on a proposed Local Law to create a new Chapter of the Oneida City Code titled Energy Efficiency, Cost Reduction and Greenhouse Gas Reduction be hereby opened at 7:08 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

APPEARANCES

Leslie Alvarez, Oneida, asked why this Local Law came about. Mayor Matzke said that the State of New York adopted new energy laws, and they have to be adopted at the local level.

City Attorney Nadine Bell explained that the Local Law is to create a new chapter titled Energy Efficiency, Cost Reduction and Greenhouse Gas Reduction, consisting of Article I and Article II. She said that recently there was a lengthy presentation by Good Energy that spoke about a Community Choice Aggregation Program, which is now allowed in New York State. She said that in order for the City to even entertain the idea of offering the program, there has to be a Local Law in place, even though the City has not taken any action. Attorney Bell said that this is an opt-out program, and because of the cost savings to property owners; the law requires a Local Law to allow the City to have a Community Choice Aggregation Program. Attorney Bell said Article I of the Local Law addresses this.

City Attorney Bell said Article II is the open energy performance contract, and the purpose is much more limited. Currently, the City Charter allows the City to enter into lease agreements for five years. Under the NYS Energy Law, the State Legislature allows municipalities to enter into a lease agreement with the same term as any energy performance contract because of the significant investments by the City and/or investors. Attorney Bell fully explained the intent of the legislation and said if the City has a 25-year Power Purchase Agreement, then this will allow for a 25-year lease. She said that this doesn't circumvent any of the normal procedures the City is required to do, such as SEQR. The Mayor noted that SEQR (long form) was completed by the Planning Commission on the proposed solar project.

Councilor Bowe inquired as to why this couldn't be done by a Resolution pursuant to the NYS Law, and the City Attorney said it is because the City Charter calls for a five-year term without any exception for energy purchase contracts. Councilor Cohen said that 25 years is certainly reasonable, and the City will do their due diligence to make sure we get the benefit that we expect.

The Mayor said SUNY Binghamton is working on a comparison of companies for the aggregation program, and the Council will receive that report. Attorney Bell said Article I gives the City the right to enter into a contract; however, the City has not designated anyone as yet.

Mike DeBottis, Oneida, said that one of the items in Article II that concerns him is that the Council is abdicating their authority/responsibility. He said he would like to see the Council actively engaged and not make another quick decision. He said there is nothing in the Local Law that says that if there is a genuine environmental concern impacting an area that it has to be thoroughly weighed, and there is nothing in this that says that savings warrant leasing or selling the property at fair market value. Mr. DeBottis said he would like at least five of six Councilors to agree. He also suggested that the Council sit down and meet with them, so they can offer their input to allow for a well-reasoned, carefully determined decision. The Mayor said he did not understand what Mr. DeBottis was saying, noting that it seems Mr. DeBottis is talking about the bad experience his neighborhood went through and applying it to the new area where the City wants to move forward. Mr. DeBottis said that is an over simplification; what you have is a heightened awareness among a group of citizens who did have a bad experience. He said this is about doing this job correctly. He said Article II authorizes some pretty specific things, and the impacts aren't addressed in Article II. He said there is nothing in there that says there needs to be careful considerations of the relationships of the various energy companies, and City Attorney Bell said Article II doesn't apply to that; Article I does. City Attorney Bell restated the differences between Article I and Article II. Mr. DeBottis inquired if the purpose is for Article I to lead to Article II, and the City Attorney said no. Mr. DeBottis then asked why Article II was even part of the discussion. City Attorney Bell said the Chapter is to address energy opportunities in the City of Oneida, but Articles I and II are not interrelated. She said it is no different than if you look at the various Chapters of the City Code. She used an example of a Chapter on Sanitation, where one article within that Chapter may deal with sewer, and

another article may deal with storm water discharge; both different and not interrelated. Attorney Bell said the purpose of this Chapter is to deal with energy, Article I, the creation of a Community Choice Aggregation Program and Article II, the leasing of City land.

Shawn Lynch, Oneida, questioned in Article II if the current three-quarters Council vote becomes a majority vote, and asked if that could be amended. He said that Article II does not require a public hearing and suggested that be addressed as well. He said the law could be amended to allow taxpayers to have their say, so a more informed decision could be made. The City Attorney said the reason for a majority vote versus three quarters is because she made the Local Law consistent with NYS Law; however, nothing precludes the Council from addressing that. Mr. Lynch said he feels it is very important to have a committee to address these matters, as well as to reach out to other communities, such as Cazenovia and Skaneateles to see how they have addressed these issues with their laws. The City Attorney said Article II is a specific Charter provision and only cities have Charters. There are different rules entirely relating to the process of whether a town, village or City sells its land.

Mr. DeBottis questioned what the rush was, and asked why this couldn't be tabled and a committee formed to discuss this further. The City Attorney said even if the City were to adopt a moratorium to discuss this, anything that is pending wouldn't be included in that, adding that the City already has a Power Purchase Agreement (PPA) and a conditional use permit in place. Mr. DeBottis said this has to do with the pending motion before the Council, and he doesn't see any harm in tabling this. Mr. Lynch inquired if anything was pending that could be affected.

Attorney Bell said the City has a PPA that was signed in 2015, and the City is contractually bound by it. She said the City has certain windows of opportunities when construction can and can't be done due to the Indiana bat (March 31). She said there are time constraints and limitations as to when things can be done. Mr. DeBottis said that none of this concerns the Hubbard Place project; this is about starting a process for discussion where interested parties can discuss the various issues. The City Attorney said that under SEQR, whenever a lease agreement is involved, environmental issues are to be considered.

Jill Christian Lynch, Oneida, said that she wanted to revisit the very first meeting when they heard about the solar project. She stated that they said it wasn't about not in my backyard; it shouldn't go in anybody's backyard. Mrs. Lynch said earlier in the evening when the Mayor was speaking about the vacant houses, that a person's home is their best investment, and the City owes it to that neighborhood to do something. She said this concern has grown out of the "what ifs". She said this Local Law will be on the books to be interpreted long after we and this Council are here. She said it behooves all of us to consider the implications of this. She said she read the Local Law thoroughly, spoke with her neighbors and with the Council via email. She said that Article I is a standalone item, and she said she understands this is needed to even entertain the Community Choice Aggregation Program; however, she has concerns about the opt-in/opt-out aspect of it. The second half makes her think about the power the Council has and roles filled for the voice of their constituents. Section 317 says you need three-quarters of Council and talks about fair market value of a lease. She said she is leary of anything that lessens the Council's voices. She said that going from five votes to only needing 3 opens up a window of opportunity for those who may be politically motivated to sway things in a particular manner. She said you can't do that without fair market value or evidence thereof. Those are two components of this law that take away the checks and balances. She said that a moratorium on all things solar/energy related is not where the City wants to be, but she asked the Council to pause and look at Article II to see if we want our voices lessened and if so, why. She said that we, as a community, need to address the zoning laws in depth and protect our neighborhoods from the what-ifs. She said there are currently more requirements relative to signage than to any type of energy plan. She requested that Council table this, think about Article II, consider other amendments and bring it up at the next CC meeting.

An Evergreen Valley Drive resident asked if the City had a long term strategic energy plan, what the goals are, and if so, where can the summary be found on the website. The Mayor responded that we do. The Mayor said that they found a new site for groSolar that is accepted by the neighborhood with a projected 70% savings. We will enter into a contract to buy the street lights with a five year payback. We are looking into the benefits of an aggregate group, and that's why the students from SUNY Binghamton are comparing apples to apples. The Mayor said that in 2018 when the City purchases the lamps, we will get rid of all the wires and place them in the sidewalk. The resident said the price of natural gas and electricity has gone down and is projected to go lower. He asked if the savings is based on energy going up, noting that it is actually going the other way, so there may not be any savings. He said there should be a financial analysis done on the current agreement to apply to any new agreements that the City is considering signing. The Mayor said with respect to the last thing he said, the City has not considered that. The Mayor said he is worried about getting this project started because of the bats/tree cutting timeframes.

Councilor Cohen said he would like to stay with majority rules. Councilor Bowe said that he would be in favor of reestablishing the three-quarters vote. He said with respect to the public hearing, there is always public discussion available for anything on the Council agenda. He said when any item comes up, the Council can table it. The resident of Evergreen Valley Drive said he is uncertain as to where this is going, because every time the bats are brought up, it makes him think trees are going to be cut and the project is being located back up at Baker Reservoir.

City Attorney Nadine Bell said the City has a PPA and Lease Agreement at the Baker Reservoir, and we do not have agreements for the new location. They have received the necessary approvals to relocate the project from Baker Reservoir to Hubbard Place, but there are time and construction limitations. Attorney Bell said that under the terms of the grant, certain things have to happen at certain times. The grant money could be lost if those timeframes are not met, which would affect the viability of the project. The City Attorney said she wants to make this very clear. If we cannot do this in a timely manner at Hubbard Place, it has been discussed with groSolar that if they can't get the project at Hubbard, there is every reason to believe that they would go back to the Baker Reservoir location. She said that the Mayor and Council have made significant efforts to relocate the project to Hubbard Place. Attorney Bell said groSolar has \$250K in soft costs already invested in this project, and the concern is that if the City cannot meet its contractual deadlines; the City is in a prime position to be sued for breach of contract.

Myles Nashton, Oneida, asked if the City was under a lease for 25 years now, and the City Attorney said there is a PPA and lease agreement at Baker Reservoir. Councilor Bowe said that he believes the Council shouldn't vote after discussion; however, without getting this in place tonight, it can't happen and then Pandora's Box could be opened. The City Attorney said the Local Law can be amended; however, it cannot be done tonight because any changes would require another public hearing. She said that the Council can go back after the fact and change it. The discussion continued about the changes the residents have requested. The Mayor said that groSolar has to start building by March 31, and because of the bats, trees must be removed before that date or we have to wait a whole year; and then we would be in trouble.

Don Colvin, Geer Lane, Oneida, said that his property adjoins the property at Hubbard Place; however, he was never notified that the solar array would be sited there. The City Attorney apologized, noting she was advised that all adjoining property owners had been notified. In response to Mr. Colvin's question, City Attorney Bell said the long environmental form was completed. The Mayor said that there was no intent to place the solar array near his property, and apologized to Mr. Colvin for not notifying him. The discussion continued about the trees, bats and time frames for cutting.

Supervisor John Reinhardt said that the City is working towards a lease at Hubbard with groSolar, which will supersede the lease at Baker and asked if someone wanted to place something at Baker at that point,

would they be back to square one? The City Attorney said yes, it has been represented that once the lease for Hubbard was secured, groSolar would terminate the lease for Baker; it would not be superseded. The City Attorney said that groSolar has to make an interconnection payment to National Grid, and under the terms of the agreement, this solar array has to be up and running in 2018. She said the way it works with National Grid is that after payment, they have 6 to 10 months to make everything go live. That payment is in the thousands, and groSolar won't make that site-specific payment to start the clock unless they have a lease agreement in place. The Mayor said we have to move forward with this. Mr. Lynch started discussion once again about scheduling another public hearing and the time frames involved.

Mayor Matzke said there is one more issue that has come into play, noting that he is trying his best to protect the Baker Reservoir neighborhood. City Attorney Nadine Bell said this Local Law is subject to Permissive Referendum, which means you have 45 days after it is adopted before it goes into effect. She noted that makes it April 7, so groSolar is taking a risk in making an interconnection payment in March or doing any type of clearing. The City Attorney said postponing this vote pushes everything back further. The Mayor said the Council has to take all these issues into place. He said that Hubbard Place is the best option for the City and for the Baker neighborhood. The Mayor said that we have to move ahead and support this. Mrs. Christian-Lynch thanked the Mayor and Council for involving the City Attorney in this process. Mr. DeBottis asked if the Council would agree to revisit the three-quarters vote and the formation of a committee, and the Council said they would.

**CLOSE PUBLIC HEARING – PROPOSED LOCAL LAW – ENERGY EFFICIENCY
AND GREENHOUSE GAS REDUCTION**

RESOLUTION 17-50

Moved by Councilor Cohen
Seconded by Councilor Bowe

RESOLVED, that the Public Hearing on a proposed Local Law to create a new Chapter of the Oneida City Code titled Energy Efficiency and Greenhouse Gas Reduction be hereby closed at 8:28 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENTATION-ONEIDA RAIL TRAIL ALTERNATE ROUTE

The Mayor said that tonight we are speaking about what has changed with the Oneida Rail Trail; we are not speaking about the whole trail. City Engineer Jon Rauscher explained that a portion of the Rail Trail is being rerouted, because easements were unable to be secured. The City Engineer said they came to a solution with NYS DOT, and they are letting them tie into the proposed sidewalk running down the north side of Lenox Avenue. Pointing to a large map, he said they are looking to come down through the City parcel, a large embankment, where the old bridge was located by Tanner Insurance, noting they have conferred with Tanner Insurance a number of times. City Engineer Rauscher said the proposed trail will continue down Lenox Avenue. The NYS DOT has also allowed access through their property where their garage is and then will tie back into the original trail. He said the original routing is basically staying the same. The City Engineer said that as this is a federally funded project, it is required to be ADA compliant, so modifications and landscaping issues will be addressed to make it accessible and safer. Don Colvin, who owns four of the seven parcels on Geer Lane, asked several questions relating to the Geer Lane area of the proposed trail regarding the natural buffer between the properties, landscaping on areas when cuts in the embankment are proposed and whether snowmobile use is allowed on the trails.

Mr. Colvin said that he is supportive of the Rail Trail. Mark Arner, C & S Engineers, the consulting engineering firm for the Rail Trail Design, responded to each of Mr. Colvin's questions/concerns, noting he would provide him with the proposed mapping. The Council and Mayor briefly discussed ideas to maintain the buffer between the properties. City Engineer Rauscher said along with the repaving/sidewalk project by the NYS DOT, confirmation has been received that a crosswalk will be installed near Willow Meadow Way. Mr. Colvin asked what the time frame was for the alternate route, and the City Engineer Rauscher said that the bats are also driving this project with respect to tree cutting. He said they are still waiting on permits per Federal requirements, so they are hoping for summer to fall for construction of the trail.

OLD BUSINESS – None

SUPERVISORS REPORT

Supervisor Reinhardt said he will provide his report next month due to the time. Councilor Cohen applauded the County on their Climate Smart Certification, and Supervisor Reinhardt said that he would pass those congrats on.

Moved by Councilor Chamberlain

Seconded by Councilor Bowe

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

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Bowe

Seconded by Councilor Chamberlain

RESOLVED, that Warrant No. 4, checks and ACH payments in the amount of \$453,165.12 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

PREVENTATIVE MAINTENANCE AGREEMENTS

RESOLUTION 17-51

Motioned by Councilor Chamberlain

Seconded by Councilor Acker

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

<u>Department</u>	<u>Make & Serial Number</u>	<u>Amount</u>
WWTP	Katolight (Main Plant) 118726-1205	
WWTP	Katlight (Main St.) 118295-1205	

WWTP
WWTP

Onan (Kenwood) 1930520997
Portable (Plant) 3055249

Total: \$1,797.61

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

<u>Department</u>	<u>Make & Serial Number</u>	<u>Amount</u>
Justice Center	Onan A100091722	\$405.75

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

<u>Department</u>	<u>Make & Serial Number</u>	<u>Amount</u>
Water	Katolight (Baker) SD30FGJ119361	\$383.78

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

<u>Department</u>	<u>Make & Serial Number</u>	<u>Amount</u>
Recreation	Onan 0968056456	\$388.50

Ayes: 6

Nays: 0

MOTION CARRIED

The generators in the Fire Department and Municipal Building are being replaced this year, and therefore not included in this resolution.

ANNUAL COURT CLEANING CONTRACT

RESOLUTION 17-52

Moved by Councilor Simchik
Seconded by Councilor Smith

RESOLVED, to authorize the Mayor to sign the Annual Court Cleaning and Minor Repairs Contract Renewal and Budget by and between the New York State Unified Court System, Sixth Judicial District, Kilmer Building, 31 Lewis Street 5th Floor, Binghamton, NY 13901 and the City of Oneida for cleaning services for the interior of the City of Oneida Justice Center, as well as minor and emergency repairs, and preventative building and property maintenance for said facility.

Ayes: 6

Nays: 0

MOTION CARRIED

ADOPT LOCAL LAW – TO CREATE A NEW CHAPTER OF THE CITY CODE TITLED “ENERGY EFFICIENCY, COST REDUCTION AND GREENHOUSE GAS REDUCTION”

RESOLUTION 17-53

Moved by Councilor Cohen
Seconded by Councilor Chamberlain

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled “A Local Law to Amend the Code of the City of Oneida to Add a New Chapter 47 Titled, ‘Energy Efficiency, Cost Reduction and Greenhouse Gas Reduction’,” was presented and introduced at a meeting of the City of Oneida Common Council held on February 7, 2017; **and**

WHEREAS, a public hearing was held on such proposed local law on the 21st day of February, 2017 by the Common Council of the City of Oneida and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard; **and**

WHEREAS, at its February 7, 2017 meeting, the Council determined that the enactment of this proposed local law is an Unlisted Action for purposes of State Environmental Quality Review Act and issued a Negative Declaration; **and**

WHEREAS, this local law is subject to a permissive referendum pursuant to Municipal Home Rule Law Section 24(2)(g); **and**

WHEREAS, it is in the public’s interest to enact said Proposed Local Law, **now therefore it is**

RESOLVED, that the Common Council of the City of Oneida, Madison County, State of New York, pursuant to the Authority vested in it by law does hereby enact a Local Law amending the Code of the City of Oneida to add a new Chapter 47, titled “Energy Efficiency, Cost Reduction and Greenhouse Gas Reduction” as follows:

**A LOCAL LAW TO AMEND THE CODE OF THE CITY OF ONEIDA
TO ADD A NEW CHAPTER 47 TITLED, “ENERGY EFFICIENCY,
COST REDUCTION AND GREENHOUSE GAS REDUCTION”**

Be it enacted by the Common Council of the City of Oneida, that this Local Law adds a new Chapter 47 to the Code of the City of Oneida establishing various measures, programs and policies to increase energy efficiency, lower energy costs and reduce greenhouse gas emissions in the City of Oneida as follows:

SECTION 1.

So that the Code of the City of Oneida, shall be amended to add a new Chapter 47 to read, in its entirety, as follows:

“Chapter 47

**ENERGY EFFICIENCY, COST REDUCTION
AND GREENHOUSE GAS REDUCTION**

ARTICLE I

Community Choice Aggregation Program

§ 47-1. Legislative Findings; Intent and Purpose; Authority.

§ 47-2. Definitions.

§ 47-3. Establishment of a Community Choice Aggregation Program.

- § 47-4. Customer Eligibility.
- § 47-5. Supplier Selection; Supplier Contracts.
- § 47-6. Opt-Out Process.
- § 47-7. Customer Service.
- § 47-8. Data Protection Requirements.
- § 47-9. Administration Fee.
- § 47-10. Reporting.
- § 47-11. Severability.

ARTICLE II

Energy Performance Contracts

- § 47-12. Intent and Purpose; Authority.
- § 47-13. Energy Performance Contracts.
- § 47-14. Leasing of City-Owned Land
- § 47-15. Severability.

ARTICLE I

Community Choice Aggregation Program

§47-1. Legislative Findings; Intent and Purpose; Authority.

- A. It is the policy of both the City of Oneida and the State of New York to seek to reduce the cost of natural gas and electricity to its residents and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider development of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for Eligible Consumers in those markets. Among the policies and models that may offer benefits in New York is Community Choice Aggregation (CCA), which allows local governments to determine the default supplier of electricity and natural gas on behalf of Eligible Consumers.
- B. The purpose of this CCA Program is to allow participating local governments including the City of Oneida to procure electricity or natural gas supply service on behalf of their residential and commercial customers while maintaining transmission and distribution service from the existing Distribution Utility. Residential and commercial customers will have the opportunity to opt out of any approved CCA Program. This Article establishes a program that will allow the City of Oneida or its designated agent or Administrator for that purpose, to put out for bid the total amount of natural gas and/or electricity being purchased by residential and commercial customers participating in the CCA Program. Eligible consumers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this Article and fulfilling an important public purpose.
- C. The City of Oneida is hereby authorized to participate in a COMMUNITY CHOICE AGGREGATION PROGRAM pursuant to Section 10 (1) (ii) (a) (12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission (PSC) issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the City.

- D. This Article shall be known and may be cited as the “COMMUNITY CHOICE AGGREGATION PROGRAM LAW” of the City of Oneida.

§ 47-2. Definitions.

For purposes of this Article, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Article shall have the meanings employed in the State of New York Public Service Commission’s Uniform Business Practices or, if not so defined there, as indicated below:

- A. **Aggregated Data** – shall mean aggregated and anonymized information including the number of consumers by service class, the aggregated peak demand (kW) (for electricity) by month for the past 12 to 24 months, by service class to the extent possible, and the aggregated energy (kWh) for electricity or volumetric consumption for gas by month for the past 12 to 24 months by service class.
- B. **CCA Administrator** – shall refer to the entity selected by the City of Oneida, as established by resolution of the Common Council, duly authorized to put out the bid for the total amount of electricity and/or natural gas being purchased by Participating Consumers. The CCA Administrator is responsible for program organization, administration, procurement, and communications, unless otherwise specified.
- C. **Community Choice Aggregation Program (CCA Program)** – shall mean a municipal energy procurement program, which replaces the incumbent utility as the default Supplier of energy for all residential and commercial customers within the City of Oneida who have not opted out of the CCA Program. Notwithstanding the above, the incumbent utility will continue to distribute energy as the Distribution Utility to all residential and commercial customers within the CCA Program.
- D. **Customer Specific Data** – shall mean customer specific information, personal data and utility data for all consumers in the City of Oneida eligible for opt-out treatment based on the terms of the CCA Order and the CCA Program design including the customer of record’s name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.
- E. **Data Security Agreement** – shall mean an agreement between the Distribution Utility and the City of Oneida that obligates each party to meet, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual Eligible Consumer with respect to the CCA Administrator’s or its representative’s processing of confidential utility information; (ii) the Distribution Utility’s internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Eligible Consumer with respect to the CCA Administrator’s or its representative’s processing of confidential utility information; and (iii) the CCA Order and PSC rules, regulations, and guidelines relating to confidential data.
- F. **Default Service** – shall mean supply service provided by the Distribution Utility to consumers who are not currently receiving service from an energy service company (ESCO). Eligible Consumers within the City of Oneida that receive Default Service, and have not opted out, will be enrolled in the CCA Program.
- G. **Distributed Energy Resources (DER)** – shall mean local renewable energy projects, shared renewables like community solar, energy efficiency, demand response, energy management, energy storage, microgrid projects and other innovative Reforming the Energy Vision (REV)

initiatives that optimize system benefits, target and address load pockets/profile within the CCA's zone, and reduce cost of service for Participating Consumers.

- H. **Distribution Utility** – shall mean the local incumbent utility owning and controlling the means of distribution of the natural gas or electricity that is regulated by the PSC.
- I. **Eligible Consumers** – shall mean eligible consumers of electricity and/or natural gas who receive Default Service from the Distribution Utility as of the Effective Date, or New Consumers that subsequently become eligible to participate in the CCA Program, at one or more locations within the geographic boundaries of the City of Oneida, except those consumers who receive Default Service and have requested not to have their account information shared by the Distribution Utility. For the avoidance of doubt, all Eligible Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the City of Oneida, as such boundaries exist on the effective date of the Energy Services Agreement (ESA) between the City of Oneida and the Supplier.
- J. **New Consumers** – shall mean consumers of electricity that become Eligible Consumers after the effective date of the ESA between the City of Oneida and the Supplier, including those that opt in or move into the City of Oneida.
- K. **Participating Consumers** – shall mean Eligible Consumers enrolled in the CCA Program, either because they are consumers who receive Default Service from the Distribution Utility as of the effective date of the ESA and have not opted out, or are New Consumers.
- L. **CCA Order** – shall mean the PSC's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224, "Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs."
- M. **Public Service Commission (PSC)** – shall mean New York State Public Service Commission.
- N. **Suppliers** – shall mean an Energy service company (ESCO) duly authorized to conduct business in the State of New York as an ESCO and that produces electric power and natural gas for Eligible Consumers in connection with this Article or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

§ 47-3. Establishment of a COMMUNITY CHOICE AGGREGATION Program.

- A. A Community Choice Aggregation Program is hereby established by the City of Oneida, whereby the City of Oneida may implement a CCA Program to the full extent permitted by the CCA Order, and any subsequent orders, as set forth more fully herein.
- B. The City of Oneida may act as aggregator or broker for the sale of electric supply, gas supply, or both to Eligible Consumers and may enter into contracts with one or more Suppliers, through the CCA Administrator, for energy supply and other services on behalf of Eligible Consumers.
- C. The CCA Administrator and the City of Oneida may enter into agreements and contracts with other municipalities to develop offers of opt-in distributed energy resources (DER) products and services to Participating Consumers, including opportunities to participate in local renewable energy projects, solar, energy efficiency, benchmarking, microgrids, storage, demand response, energy management, and other innovative Reforming the Energy (REV) initiatives and objectives designed to optimize system benefits, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.

- D. Under the CCA Program, the operation and ownership of distribution service shall remain with the Distribution Utility. The City of Oneida's procurement of energy supply through a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The City of Oneida will not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers through the CCA Administrator on behalf of Participating Consumers.

§ 47-4. Customer Eligibility.

- A. All consumers within the City of Oneida, including residential and nonresidential, regardless of size, shall be eligible to participate in the CCA Program in accordance with the CCA Order.
- B. All consumers that are members of the eligible service classes listed by utility in Appendix C of the CCA Order shall be enrolled on an opt-out basis except for consumers (i) that are already taking service from an ESCO, (ii) that have placed a freeze or block on their account, or (iii) for whom inclusion in the CCA Program will interfere with a choice the consumer has already made to take service pursuant to a special rate. Those consumers may be enrolled on an opt-in basis.
- C. New Consumers shall be enrolled on an opt-out basis. Those consumers will be mailed an opt-out letter consistent with the requirements in the CCA Order.

§ 47-5. Supplier Selection; Supplier Contracts.

- A. The CCA Administrator, on behalf of the City of Oneida, shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award a contract in accordance with the CCA Program.
- B. The terms of the Supplier contracts ("CCA Contract") shall comply with applicable laws and State programs and policies.

§ 47-6. Opt-Out Process.

An opt-out letter, printed on municipal letterhead and signed by a City official, shall be mailed by the CCA Administrator to Eligible Consumers at least 30 days prior to customer enrollment. The opt-out letter shall include information on the CCA Program and the contract signed with the selected ESCO including specific details on rates, services, contract term, cancellation fee, and methods of opting-out of the CCA Program. The letter shall explain that consumers who do not notify the CCA Administrator and/or ESCO of their intention to opt-out will be enrolled in ESCO service under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.

§ 47-7. Customer Service.

- A. Customer service shall be available to participating Consumers to resolve concerns, answer questions, and transact business with respect to the service received from the Supplier. Both the CCA Administrator and ESCO shall provide Consumers with customer service contact information, including a toll-free telephone number and representatives available during normal business hours (9:00 A.M. – 5:00 P.M. Eastern Time, Monday through Friday), to address customer issues.

§ 47-8. Data Protection Requirements.

- A. The CCA Administrator may request the Distribution Utility’s aggregated customer information on all Participating Consumers in the City of Oneida.
- B. Customer Specific Data shall be protected in a manner compliant with, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the City of Oneida or its representative’s processing of confidential utility information; (ii) the utility’s internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the City of Oneida or its representative’s processing of confidential utility information; and (iii) the CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- C. The City of Oneida shall enter into a “Data Security Agreement” with the Distribution Utility for the purpose of protecting customer data.

§ 47-9. Administration Fee.

To cover the cost of the administrative fee assessed to the City of Oneida by the CCA Administrator, the City of Oneida may collect, or cause to be collected, funds from customer payments to pay for such administrative costs associated with running the CCA Program.

§ 47-10. Reporting.

- A. Annual reports shall be prepared by the CCA Administrator and filed with the Common Council of the City of Oneida by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g. installation of DER or other clean energy services); and administrative costs collected. The first report shall also include the number of consumers who opted-out in response to the initial opt-out letter or letters.

§ 47-11. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or unenforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

ARTICLE II
Energy Performance Contracts

§ 47-12. Intent and Purpose; Authority.

- A. The purpose of this Article is to obtain long-term energy and cost savings by contracting for the provision of energy conservation improvements and/or energy production equipment on or within buildings, facilities or land owned by the City of Oneida. It is further the intent of this Article to encourage investment in such projects by empowering the Common Council, when applicable, to enter into long-term lease agreements of City-owned buildings, facilities or land to providers of energy conservation or energy generation products and services. Such arrangements will improve and protect the health, safety, security, and welfare of the residents of the City of Oneida by

promoting energy conservation and independence, developing alternate sources of energy and fostering business activity.

- B. This Article is adopted pursuant to Municipal Home Rule Law §§ 10 (1) and 22 (1), and is intended to, and shall, for the purposes of this Article only, supersede Section 3.17 of the Oneida City Charter.

§ 47-13. Energy Performance Contracts.

- A. Pursuant to Section 9-102 of the New York State Energy Law, the term “Energy Performance Contract” means an agreement for the provision of energy services, including but not limited to electricity, heating, ventilation, cooling, steam or hot water, in which a person agrees to install, maintain or manage energy systems or equipment to improve the energy efficiency of, or produce energy in connection with, a building or facility in exchange for a portion of the energy savings or revenues.
- B. All Energy Performance Contracts between the City and an energy performance contractor or contractors shall be made in accordance with Section 9-103 of the New York State Energy Law as it currently exists, and as may be amended from time to time.

§ 47-14. Leasing of City-Owned Land.

Notwithstanding any other provision of this Code or the Oneida City Charter, in connection with any Energy Performance Contract, the Common Council may, by resolution and pursuant to Section 9-103 of the New York State Energy Law, lease City-owned real property to an energy performance contractor for the same length of time as the term of such Energy Performance Contract, and on such terms and conditions as may be agreeable to the parties thereto and are not otherwise inconsistent with law.

§ 47-15. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or unenforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.”

SECTION 2.

This Local Law shall be effective upon filing with the office of the Secretary of State.

- Councilor Cohen – Aye
- Councilor Bowe – Aye
- Councilor Smith – Aye
- Councilor Acker – Nay
- Councilor Chamberlain – Aye
- Councilor Simchik – Nay

MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 17-54

Moved by Councilor Smith
Seconded by Councilor Chamberlain

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

Ayes: 6

Nays: 0

MOTION CARRIED

SPECIAL EVENTS APPLICATION – WALK FOR AUTISM

RESOLUTION 17-55

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, to approve the following Special Events Application:

Name of Event:	2017 Walk for Autism
Sponsor:	The Kelberman Center
Location of event:	Oneida High School
Event Date:	Saturday, April 8, 2017

Ayes: 6

Nays: 0

MOTION CARRIED

HYDRANT AGREEMENT

RESOLUTION 17-56

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign the 2017 Oneida City School District Hydrant Agreement.

Ayes: 6

Nays: 0

MOTION CARRIED

BUDGET AMENDMENT AND BUDGET TRANSFERS

RESOLUTION 17-57

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, to approve the following budget amendment:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$40,000	002.0002.0912 Water Fund Balance	002.9950.0900 Water- Transfer to Capital

(To increase budget for Capital Project 17-03 Baker Dam Engineering Assessment and Tree Removal from budgeted \$40,000 to \$80,000)

RESOLVED, to approve the following budget transfers:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$65,000	002.9950.0900 Water-Transfer to Capital	204.8300.0400 Baker Dam Assessment

(To fund Engineering Assessment for Capital Project 17-03 Baker Dam)

\$15,000	002.9950.0900 Water-Transfer to Capital	204.8300.0401 Baker Dam Tree Removal
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(To fund tree removal for Capital Project 17-03 Baker Dam)

Ayes: 6

Nays: 0

MOTION CARRIED

The City Engineer said the DEC considers the open reservoir a dam.

PROFESSIONAL SERVICES AGREEMENT

RESOLUTION 17-58

Moved by Councilor Smith

Seconded by Councilor Cohen

RESOLVED, to authorize the Mayor to sign a Professional Services Proposal with O'Brien & Gere Engineers, Inc., 333 Washington Street, PO Box 4873, Syracuse NY 13221-4873 to provide dam engineering services for the Oneida Water Supply Dam (aka Baker Reservoir) and the Lower Reservoir Dam (aka Mt. Hope Dam), in an amount not to exceed \$65,000 for the Oneida Water Supply Dam and \$60,000 for the Lower Reservoir Dam.

Ayes: 6

Nays: 0

MOTION CARRIED

The City is required to proceed with the dam studies, due to an unfunded mandate regulation from the NYSDEC Dam Safety.

AMEND CAPITAL PROJECT 17-03 BAKER DAM ENGINEERING ASSESSMENT AND TREE REMOVAL

RESOLUTION 17-59

Moved by Councilor Cohen
Seconded by Councilor Bowe

RESOLVED, that Capital Project 17-03 Baker Dam Engineering Assessment and Tree Removal be hereby amended, **and be it further**

RESOLVED, to authorize the Water Superintendent to proceed with Capital Project 17-03 - Baker Dam Engineering Assessment and Tree Removal and to expend funds up to the programmed amount of \$80,000 for said Capital Project.

Ayes: 6

Nays: 0

MOTION CARRIED

AGREEMENT – MEMORIAL DAY PARADE

RESOLUTION 17-60

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the Mayor be hereby authorized to sign the agreement with the Oneida Memorial Association for the 2017 Memorial Day Parade.

Ayes: 6

Nays: 0

MOTION CARRIED

NEW BUSINESS

Gary Taylor, Oneida, said he attended the recent workshops sponsored by the OC3 Committee, and he thought that they went really well. He said the students from SUNY Binghamton conducted a community awareness program of what is going on downtown with different buildings, sidewalks and the proposed new park. They got input from community members, business owners, and property owners. Mr. Taylor said that the students will be back to present their findings about how we can improve the downtown area.

Motion to adjourn by Councilor Smith

The regular meeting is hereby adjourned at 8:58 p.m.

City of Oneida

Susan Pulverenti, City Clerk