

**MINUTES OF THE COMMON COUNCIL
JULY 19, 2016**

A regular meeting of the Common Council of the City of Oneida, NY was held on the nineteenth day of July, 2016 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 Michael Bowe, Erwin Smith, Helen Acker,
James Chamberlain

ABSENT: Councilors Alan Cohen and Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Fire Chief Kevin Salerno
Planning Director Cassie Rose
Supervisor Joseph Magliocca
Supervisor John Reinhardt

PUBLIC HEARING – AMEND CITY CODE CHAPTER 139 SEWERS §139-66 AND §139-68

RESOLUTION 16-130

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the Public Hearing to amend the City Code Chapter 139 Sewers, Part 3; Article VIII, §139-66 and §139-68 regarding lateral construction be hereby opened at 6:34 p.m.

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

MOTION CARRIED

APPEARANCES: None

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the Public Hearing to amend the City Code Chapter 139 Sewers be hereby closed at 6:34 p.m.

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

MOTION CARRIED

OLD BUSINESS - None

SUPERVISORS REPORT

Supervisor John Reinhardt said the County signed a \$2M energy performance contract with the National Grid Smart Watt program for the construction of HVAC, lighting, windows, etc., adding that this will be paid for by energy savings. Supervisor Reinhardt said that if the savings are not equal to the cost of the project; the balance will be paid for by Smart Watt, so it is a win-win for the County.

Supervisor Reinhardt said a security agreement was signed to protect the County's computer network and everyone who is attached to it. He said the County has received approximately \$1.7M in tobacco settlements. Supervisor Reinhardt said they are renovating the job center in the DSS building with eight office spaces to be occupied by a myriad of partner agencies like they had at the former Career Center. He said the County will hire 90 kids through the County's Summer Youth Employment Program. He said this has been a good program.

Supervisor Reinhardt said the County's sales tax is at even recovery, adding that it was a slow second quarter with lower fuel prices being a cause. He said Madison County's sales tax is up 3% for the first six months, with the statewide county average at .08%.

Supervisor Reinhardt said he wants to stay on top of the process and progress for demolition debris from the homes in the buyout program that will end up in the landfill. City Engineer Jon Rauscher said he has been in contact with Jim Zecca and providing him updates/schedules. Mayor Matkze asked that Supervisor Reinhardt be copied on the e-mails to keep him informed.

Supervisor Magliocca said that this is the second year that the City of Oneida has been involved in the Summer Youth Employment Program. Last year they worked at Duross Conservatory, and this year they have been working at Mt. Hope cleaning out, expanding and connecting the trails. He said the trails are showing considerable use.

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that the minutes of the regular meeting of July 7, 2016 are hereby approved as presented.

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

MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that Warrant No. 14, checks and ACH payments in the amount of \$249,395.79, 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, Simchik)

MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that Check No. 55757 in the amount of \$3.98 (Oneida Office Supply) as audited by the Voucher Committee is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 3
Nays: 0
Abstain: 1 (Acker)
Absent: 2 (Councilor Cohen, Councilor Simchik)
MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 16-131

Moved by Councilor Acker
Seconded by Councilor Bowe

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

Ayes: 4
Nays: 0
Absent: 2 (Cohen, Simchik)
MOTION CARRIED

Councilor Chamberlain gave kudos to the Fire Department, who under the direction of Fire Marshall Tim Cowan and the Community Risk Reduction Program, has installed 290 fire alarms in City residences with 46 being done in June.

AMENDED REHABILITATION AGREEMENT

RESOLUTION 16-132

Moved by Councilor Chamberlain
Seconded by Councilor Bowe

WHEREAS, the Seller holds a tax deed to premises known and designated as 2120 Schoolheimer Road, Oneida, New York, known as Tax Map No. 21.-2-14, hereinafter referred to as the "Premises", which consists of land and any buildings or improvements that a physical inspection of same would reveal; **and**

WHEREAS, having declared the Premises "excess property" on May 4, 2016, the Common Council subsequently received a Purchase Offer from the Buyers for the Premises; **and**

WHEREAS, by Resolution, duly passed on June 21, 2016, the Common Council authorized the conveyance of the Premises to the Buyer, contingent upon the Buyers entering into a Rehabilitation Agreement to rehabilitate the Premises and performing said Agreement according

to its terms and upon the payment of any additional monetary consideration as may be called for herein; **and**

WHEREAS, the Buyers have commenced rehabilitation efforts, but, without being able to demonstrate ownership of the Premises, they are unable to secure insurance so as to protect their investment in the Premises; **and**

WHEREAS, the Common Council does hereby desire to amend the terms of the Rehabilitation Agreement so as to convey title prior to the Buyers' rehabilitation of the Premises; **now therefore be it**

RESOLVED, that the Mayor is hereby authorized to sign the Amended Rehabilitation and Purchase Agreement by and between the City of Oneida and Kathryn A. Bartholomew and Justin B. Bartholomew, 2232 Schoolheimer Road, Canastota NY 13032.

Ayes: 4

Nays: 0

Absent: 2 (Cohen, Simchik)

MOTION CARRIED

PROPOSED LOCAL LAW – PROPERTY TAX CAP LEVY

RESOLUTION 16-133

Moved by Councilor Smith

Seconded by Councilor Acker

RESOLVED, that a proposed Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C be hereby received and placed on file as follows:

LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Oneida to adopt a budget for the fiscal year commencing January 1, 2017 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Common Council of the City of Oneida, County of Madison, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

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

BE IT FURTHER RESOLVED, that a Public Hearing on the proposed Local Law to authorize a property tax levy in excess of the limit established in General Municipal Law §3-c be hereby scheduled for Tuesday, August 2, 2016 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY 13421.

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

MOTION CARRIED

Mayor Matzke said this gives the City the opportunity to go above the cap if necessary, although we will try very hard not to. Supervisor Magliocca said the tax cap in 2017 will be 0.68%.

BUDGET TRANSFER

RESOLUTION 16-134

Moved by Councilor Chamberlain
Seconded by Councilor Acker

RESOLVED, to approve the following budget transfer:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$1,360	002.8300.0436 Water Contingency	002.8300.0416 Water Travel - Meals

The above transfer is to cover the cost for one of two classes (and costs) necessary for Water Treatment Plant operator training to obtain a 1A Water Operator's Certification. With the near future retirement of our chief operator, it is necessary to train the next generation to supervise Glenmore Treatment Plant.

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

MOTION CARRIED

PURCHASING POLICY

RESOLUTION 16-135

Moved by Councilor Acker
Seconded by Councilor Bowe

RESOLVED, that the City of Oneida does hereby adopt the amended Purchasing Policy and Procedures.

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

MOTION TABLED

Councilor Bowe questioned what modifications were made in the policy. He said because various portions are italicized, in bold and larger fonts or underlined, he cannot determine what the changes were. The Mayor said that he and the Comptroller went over the policy after the Water Superintendent had requested some changes. The Council opted to table the Resolution and requested that the changes be highlighted. The original motion to open discussion on this Resolution was by Councilor Acker and seconded by Councilor Chamberlain.

ADVERTISE FOR BIDS – CHEMICALS FOR WASTE WATER TREATMENT PLANT

RESOLUTION 16-136

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, to authorize the Purchasing Agent to advertise for bids for Liquid Iron Salts and Cationic Polymer for use at the Waste Water Treatment Plant.

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

MOTION CARRIED

PROFESSIONAL SERVICES AGREEMENT – WWTP DISINFECTION PROJECT

RESOLUTION 16-137

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, to authorize the Mayor to sign a Professional Engineering Services Proposal with O'Brien & Gere Engineers, Inc., 333 West Washington Street, PO Box 4873, Syracuse NY 13221-4873 for the WWTP Effluent Disinfection Improvements Project-Bid & Construction Phase Services.

Ayes: 4

Nays: 0

Absent: 2 (Cohen, Simchik)

MOTION CARRIED

NEW BUSINESS

Free Recycle Bins

The City Clerk stated that she has about 15 large green recycle bins available for free to anyone who needs one; just stop by the office. Councilor Bowe said he can get more from the County if need be.

Free Mosquito Beater Packets

City Clerk Sue Pulverenti said that her office also has the Mosquito Beaters water soluble packets that can be placed in standing water to deter mosquitoes if anyone needs some. She stated she gave a case to Councilor Chamberlain, as he gets many complaints from the constituents in his Ward about mosquitoes. Mayor Matzke said mosquitoes were one of the reasons a beaver dam on West Elm Street was removed, noting that the water went down 2½ feet after draining. He said the Mosquito Beaters are a good thing if you have any stagnant water around your property or home. Councilor Bowe noted that they could be used in the catch basins.

Fire and Police Department Recognitions

Councilor Acker thanked the Fire Department for their response during the recent storm.

Councilor Acker said that recently there have been terrible tragedies involving Police Departments in this country. She said that our Police Department puts their lives on the line every day, and she thanked them for the courageous work they do.

Tasting Along the Towpath Fundraiser

Supervisor Magliocca said that the Rail Trail's 3rd Annual Tasting along the Towpath fundraiser will be held on Saturday, August 13, 2016 from 2 to 5 P.M. at Jacks or Better. He said that Councilor Bowe will be volunteering at this fundraising event.

EXECUTIVE SESSION

RESOLUTION 16-138

Moved by Councilor Acker
Seconded by Councilor smith

RESOLVED that the meeting is hereby adjourned to Executive Session at 6:55 p.m. for the purpose of discussing a personnel matter in the DPW.

Ayes: 4
Nays: 0
Absent: 2 (Cohen, Simchik)
MOTION CARRIED

PRESENT: Mayor, Councilors, City Clerk, City Attorney,

1. Discussion relating to a personnel matter.

Moved by Councilor Bowe
Seconded by Councilor Chamberlain

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:00 p.m.

Ayes: 4
Nays: 0
Absent: 2 (Cohen, Simchik)
MOTION CARRIED

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 8:01 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk