

**MINUTES OF THE COMMON COUNCIL  
JULY 21, 2015**

A meeting of the Common Council of the City of Oneida, NY was held on the twenty-first day of July, 2015 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 Alden M. Smith

**PRESENT:** Councilors Brahim Zogby, Erwin Smith, Helen Acker, James Chamberlain, and Thomas Simchik

**ABSENT:** Councilor Michael Bowe

**ALSO PRESENT:** City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
City Engineer Jon Rauscher  
Civil Service Officer Peg Margo  
Director of Planning and Development Cassie Rose  
Fire Chief Kevin Salerno  
Police Chief David Meeker  
Public Safety Commissioner Mike Kaiser

**PUBLIC HEARING – ZONING ORDINANCE AMENDMENT**

**RESOLUTION 15-165**

Moved by Councilor Chamberlain  
Seconded by Councilor Smith

**RESOLVED**, that the Public Hearing on a Zoning Ordinance Amendment that will expedite the permitting process for all roof-mounted solar installations meeting the criteria set by NYS be hereby opened at 6:33 p.m.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)

**MOTION CARRIED**

**APPEARANCES:** None

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, that the Public Hearing said Zoning Ordinance Amendment be hereby closed at 6:34 p.m.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)

**MOTION CARRIED**

**PUBLIC HEARING – ASSESSMENT ROLL FITCH STREET WATERMAIN**

**RESOLUTION 15-166**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, that the Public Hearing on the Assessment Roll for the Fitch Street Water Main Replacement be hereby opened at 6:34 p.m.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)

**MOTION CARRIED**

**APPEARANCES:** None

Moved by Councilor Zogby  
Seconded by Councilor Smith

**RESOLVED**, that the Public Hearing for said Assessment Roll be hereby closed at 6:34 p.m.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)

**MOTION CARRIED**

**OLD BUSINESS**

*Codes and Sign Ordinance Review*

Mayor Smith thanked Councilor Chamberlain for submitting the recommendations for the Codes Department. The Mayor said he would review the report and pass it along to the Council. There is nothing new to report relative to the sign ordinance review.

*Warner Street Project*

Mayor Smith said the Warner Street Housing Project construction is on schedule. The Mayor invited the public to take a look, noting it is very impressive.

*Phelps Street Cleanup*

Mayor Smith said the contract has been awarded for the debris cleanup on Phelps Street. He said he spoke with Mr. Waterman today, who has a bit more to do on his portion and will be taking care of that.

*Civil Engineer*

The Mayor said a candidate has been chosen for the Civil Engineering position in the City Engineers Officer.

### *Upstate Revitalization Initiative*

Mayor Smith said he was pleased that approximately 25 people were at the meeting at the Kallet Civic Center last week. He explained that this initiative is a commitment by the Governor to put \$1.5B into the upstate NY arena for the purposes of economic revitalization. He said that he attended a meeting on July 12, 2015 with Rob Simpson and Committee Chairmen to evaluate and discuss the progress of the Central NY Group. The Mayor said he is serving on the Urban Core Main Street Revitalization Sub Committee. On July 15, 2015, he attended a meeting that was attended by the Secretary of State and four State Commissioners. The Mayor said he used that opportunity to discuss the challenges small cities face with the Secretary of State. Mayor Smith said he also was afforded the opportunity to share the City's traffic concerns with NYS DOT Commissioner Matt Driscoll. The Mayor said tomorrow he will be attending meetings at the OnCenter in Syracuse where the 11 sub committees will be reporting on their efforts. This CNY Strategy Summit is open to the public. It is an important initiative where CNY could receive \$500M in investments over the next five years.

### *Liberty Street Parcel*

Mayor Smith said there is already progress being made with the cleanup at the Liberty Street parcel, which was recently sold to James Company.

### *Redistricting of City Wards*

Mayor Smith said the City has received a proposal from Oneida County on the redistricting of the cities six wards. The Mayor said he will contact Oneida County to schedule a work session to go over the plan.

### *Downtown Feasibility Study*

Mayor Smith said August 3, 2015 is the kickoff meeting for the Downtown Feasibility Study. This is funded by a grant from NYS Main Street.

### *New Restaurant Downtown*

The Mayor said he has received notice from the Chamber of Commerce that there will be a ribbon cutting at the new "Island Pride" restaurant located on Main Street across from the Costello Building. He said a specific time and date has not been set, but he will advise the Council once he is made aware.

### *Solar Project*

The Mayor stated that representatives from groSolar, the company working on the City's project, would be giving a short presentation. Tim Heinle, Director of Business Development and Jack Honor, Project Developer for this project introduced themselves. They said groSolar does domestic solar projects, including the engineering, operating, and construction. They have been in business for 17 years with their two main offices in Vermont and Maryland. They are very active across NYS and are a part of nine large solar projects with funding through NYSEERDA, a state agency that provides grant funding for projects of this nature. They have visited the site several times, as have their engineers and environmental experts. They said they have a Power Purchase Agreement (PPA) in place with the City. The project is 2MW AC, roughly 9,000 solar panels, with each of the panels to be about 8 feet off the ground. The Baker Reservoir was chosen as the site, because it is zoned community service, and is the only site the City owned that worked for this process that had good access to electrical interconnection. In consideration of the site, they have done a number of wetland and wildlife studies with their environmental experts who have been around for 50 years. Under the Power Purchase Agreement, groSolar designs, builds, finances

and operates the solar farm on behalf of the City. There is no cost or capital investment to the City. The City only pays for power as it is produced. It is projected to save the City \$6M over 25 years. Mr. Heinle said this project demonstrates all of our commitment to renewable energy. He said they have taken a lot of things into consideration siting this project. He said that there will be a minimum 50 ft. buffer of existing vegetation and a fence inside the buffer; it will be buffer, fence, panels. They said this is a great project for the 11,000 citizens of the City of Oneida. They provided a handout for those interested.

Councilor Zogby asked when the site was selected, and Mr. Honor said they visited two other sites in January, and this site was selected. In response to a question about zoning, the Planning Director stated that this site has been zoned Community Service for quite some time.

Scott George, Oneida, said the City of Utica has selected another developer for their solar farms. One of the reasons that Utica chose not to proceed with groSolar is their lack of experience. He asked how many projects that groSolar has completed successfully in NYS to date. Mr. Honor said groSolar has completed over 100 residential and small commercial installations in NYS, only recently were funding programs available for projects of this size. He said if you were to parallel the developer that was ultimately chosen for that project, groSolar is stacked up very comparably and is nearly the same in size and scope. He said groSolar is currently working on nine projects under development through NYSERDA grants. There are also several other projects that groSolar will be building for another developer. These projects take time, and the grants were just recently available. Mr. Heinle said projects in other states are not materially different, and they have a lot of experience in other states, including Vermont, Massachusetts and Maryland. GroSolar has been vetted and selected by NYSERDA several times and awarded grants based on a number of factors, including their experience and expertise. Mayor Smith said funding is important and looking at groSolar, we found that they have a very good track record with NYSERDA.

Steve Culbertson, Evergreen Valley Drive, said he has researched these projects for the past couple weeks and found out that the City of Rome, who is doing two projects, is being audited by the State Comptroller's Office. He said they are using the same company the City of Oneida is using. He asked if the Council wanted to postpone moving forward until the Comptroller's findings are released.

Bill Buchan, said he is Counsel for the City of Oneida for purposes of this project. Attorney Buchan said that he is also counsel for the City of Rome being retained after they had procured their Power Purchase Agreement to look at said agreement and opine on its reasonableness according to the market. In the City of Rome, for procurement they used a professional services determination; sole-sourcing groSolar with a professional services contract, as opposed to using a competitive bidding process. That process has led to a review by the Comptroller's office. The issue is how it was done, not really the end result. He said that in his opinion, Rome's Power Purchase Agreement is consistent with industry standards and a normal type of contact based upon his experience. Attorney Buchan said a big contrast with the City of Oneida's project is that one of the projects in Rome is on a closed landfill. This requires a special expertise and groSolar has done these types of projects in other states.

Attorney Buchan said that the City of Oneida issued requests for proposals (RFP) under Article 9 of the NYS Energy Law, evaluated those seven proposals and made its decision based on those proposals.

Jill Christian-Lynch, Evergreen Valley Drive, Oneida, said she would like to know how many projects of this size, which groSolar has completed in other states, are located in the middle of a residential neighborhood. She said the RFP went out on January 21 and asked how the City arrived at the specs used on the RFP.

Attorney Buchan explained the requirements of the RFP under Article 9 of the NYS Energy Law. He said it offers an opportunity for the developer, based on their expertise, to submit a competitive proposal

based on the PPA rating. The City's only obligation is to pay for the electricity that is produced. Attorney Buchan said the RFP was based upon other cities that had issued RFP's inserting the City's information associated with it. Attorney Buchan said there is a lot of activity with RFP's and that he recommended the use of this particular RFP to the City. It is customary to include a preferred site, and Attorney Buchan said the City issued the RFP with a preferred site. In response to a question as to who helped the City develop the best site, City Engineer Jon Rauscher stated that RER Energy was the first developer the City started speaking to. They were working with Madison County and inspected the four sites. The sites included a brownfield on Linden Street, land the WWTP owns on Harden Street, property near Walmart, and the old City landfill north of Rt. 5. Mr. Honor said a number of projects this size are built adjacent to residential neighborhoods, one in particular is a 4MW project in Sterling. Residents said that there is only one house on that cul-de-sac. Mr. Honor said a number of new houses have been built there, and it features no screening what so ever.

Fred Scherer, Foxwood Terrace, said he understands this is 13 acres of wooded land to be cleared for the solar panels. He questioned the storm water runoff after the trees are cut, asking will the runoff area around the berm on Evergreen be channeled, and also if there is a town supervisor who will oversee the whole project. The City Engineer said the site requires regulations. Mr. Honor said State permits are required and there would be no runoff from the panels and that cracked panels would be detected. The panels are non-toxic and safe.

Claire Rocco, Oneida, asked what made this land the best. Mr. Heinle said we have talked already about how it was identified in the RFP. It is zoned properly, a significant amount of existing infrastructure is there, it has excellent access to point of interconnection, and it was known that it could be constructed leaving a significant buffer. Mrs. Rocco said this is too new, and research hasn't been done on what the affects could be twenty years from now. Mr. Heinle said this is the same technology that has been around for decades; it is installed on rooftops of homes and is the same technology installed on the White House during the Carter administration. Joseph Rocco, Oneida, said there is a lot of farmland and plenty of other sites all over the place. Mr. Rocco said it would affect his property values. Mr. Heinle said he understands the residents' concerns and reiterated the reasons why this site was chosen, and that this is the same technology used by this country and foreign countries. He said 11,000 people in this area are going to benefit from this project, because the City will see a significant amount of energy cost savings. He said they have done a fair amount of wetland and wildlife studies. Mr. Heinle said they would be happy to stay after the meeting and answer any further questions.

Myles Nashton, Oneida, said his 100 ft. deep well is roughly 70 to 100 feet from where the panels will be. He asked, if the transformers leak and saturate the ground, will it affect his well. He also asked what the life expectancy of the covered reservoirs is. He said if the City has to replace them or make them larger should the population of the City grow, how that would be done. Mr. Heinle said there are dry type and wet type transformers. This project would use dry type transformers, no oil.

Joe Magliocca, Oneida, said he is an electrician of 30 years, both industrial and commercial. Mr. Magliocca said a dry type transformer is just as it implies; there is no oil, no contaminants and they are air cooled. He said they are made to be outdoors and whatever nature puts on them, nature washes off. Dry types offer no possibility of contamination. The oil transformers have not had any type of contaminants in them for probably three or four decades. There is a secondary entrapment feature, and there are multiple regulations governing these.

Pat James, Oneida, said there are forty people in that subdivision, and when assessments are lowered, you will not be saving \$100K. He said we don't need this.

Susan George, Evergreen Valley Drive, asked if groSolar could make this project work somewhere else, and if it cannot, why. Mr. Heinle said that this is a good site partly because it is a requirement (State regulations) for a “net meter” project that there has to be a connection between the customer (City) and the site. The technology works just about anywhere, and he outlined the criteria they look for in terms of citing. In response to a question, Mr. Heinle said he would have to relook at the other four sites to see if they would work.

Councilor Zogby asked if groSolar could make it work anywhere else in the City of Oneida, not one of the four sites, and Mr. Heinle responded no giving the reasons. Councilor Zogby questioned if it had to be on City owned land. He suggested if the City were to find land to purchase, could those sites be assessed for their feasibility before an offer was actually made by the City. Mr. Heinle said that could be done; however, there is a deadline with the NYSEDA grant. Mayor Smith said that one of the things driving this project was to have it done economically. Mayor Smith said this project offers the real possibility of saving the City \$100K a year, which is a significant amount of money when the City is facing real challenges. Mr. Heinle said NYSEDA wants this project operational by April 2016, however, extensions are granted for things beyond the developer’s control. There is a process to go through with National Grid, whereby this project is reviewed and interconnected, with groSolar paying for the interconnection. The backlog with National Grid is that there are dozens of these projects being studied by National Grid.

Shawn Lynch, Oneida, said there needs to be better avenues of communication for getting information out to the public. He asked why this was the preferred site. Mayor Smith restated that this project was driven to have it done economically, and we don’t have to acquire land to do this. He asked about the 11 acres behind Wal-Mart that the City owns, and he said he was amazed that an industrial type complex would be put into a site surrounded by homes assessed at \$7M-\$8M. Mr. Heinle said he is not sure if the Lenox Avenue site was in the RFP, but noted many factors go into site selection.

Kelly Lewin, Deerfield Drive, asked if the Council knew about the site before the contract was signed with groSolar. Councilor Zogby said he had no knowledge that this site was under consideration. Councilor Smith said he was aware of the different sites and that Baker Reservoir was one of them. Councilor Acker said she was not aware. Councilor Chamberlain said he knew the sites Jon mentioned and that the Baker Reservoir site was one being considered. Councilor Simchik said that he knew that site was being considered, along with the other sites that were being looked at. Mayor Smith said that when the Council authorized the Mayor to do this, a site had not been selected. Mrs. Lewin said they don’t want this in their neighborhood and said the City will not lose any money if this is negated. Mrs. Lewin said she found out about this two weeks ago and alerted the neighbors. She said a certified letter about surveying came in March, but the letter didn’t say what the surveying was for. She asked the Council to consider tabling or rescinding this.

Mike DeBottis, Evergreen Valley Drive, questioned if any sites were discussed in December 2014, and the Council said no. He went over the chronology according the record. He asked if the Council did any of the RFP work. He said that no one did the financial due diligence to determine if this was the best deal you could get. He said no one has the background to do that, you should hire specialists. He said this is not a good deal compared with what is going on in Madison County. He said this is the opportunity to fix where Council abdicated their authority back in January. He asked if any of the Council has read the agreement and the Council responded no. He questioned the easement signed by Mr. and Mrs. Skinner, and he said they could rescind that easement. He said in the required public notice for the Planning Commission meeting, 1111 Richter Drive for the solar array was listed, instead of listing names of the surrounding streets in the neighborhood. He said no one in the neighborhood even knows where this street is. He asked the Council to take the power away from the Mayor, tear up the agreement, and do another SEQRA. He said there were flaws in the way this was put together.

Mayor Smith said if you look at the specifics of various contracts, most have a significant escalator cost associated with them that goes up each year. Mayor Smith said this was not only looked at from the per kilowatt hour cost, but from what was going to be the real savings based on escalator or non-escalators over the 20 years. We compared these to know what our real savings would be, as opposed to one price looking good up front, but overall is it really going to save the money. With respect to competent eyes on the agreement, this is why the Council secured Attorney Bill Buchan, a very highly thought of expert in the field of solar energy and solar projects, who owned his own solar company. Attorney Buchan went through the proposals and contracts with a fine tooth comb recommending they were in excellent shape and that a very good job was done.

Attorney Buchan said that the RFP process was borrowed from Madison County; the same process, the same group of bidders, but different prices because of different scales. Mr. DeBottis said in his opinion ample time was not given for the RFP's. Attorney Buchan said there were seven bids in response to the RFP, which he wrote for Madison County and provided it to the City to add the load and some suggestions as to where it should go. The Baker site was suggested in the RFP. He said each RFP received had comparable contingencies, some with escalator causes and some without. He said the Power Purchase Agreement was negotiated based on standard industry terms and there are no significant differences to any of the PPA's that Madison County has done. Mr. DeBottis said the County goes to Committee review first, and knows that type of structure is not used here in the City. He repeated that the process was flawed in the City. He said on December 21<sup>st</sup> groSolar was already on site calculating the shadow.

Darren Lynch, Oneida, asked again how many people responded to the RFP. Attorney Buchan said that RER went out and looked at the site before the RFP, as did groSolar, and he is not aware of the others. Mr. Lynch asked about the site visit on December 21, 2014 to calculate the shadow, to which Mr. Honor replied they were not on site in December, adding that was incorrectly stated by the gentleman. They have the standard industry software to do the calculations for shading. Mr. Heinle said when they are approached by various entities for solar projects, they always ask what sites are being considered. He explained the different solar systems and their costs and said there are numerous factors involved with site selection. He said they were made aware by the RFP. He said that they are approached all the time by municipalities, non-profits, etc. Mr. Lynch said in the January 6, 2015 minutes, it states that two meetings were held about the solar initiative. Mayor Smith said they learned from RER about the process and then groSolar was brought into the picture. After discussion with Attorney Buchan, it was recommended to put out the RFP to see what others had to offer. Attorney Buchan said there was a committee meeting in Madison County where they were talking about shared solar services to offer solar energy to the towns, villages and City. RER Energy was the successful bidder in that process, and RER Energy created the bridge with the City. Mayor Smith said he was at that meeting and started to learn about solar initiatives. He felt the City should be engaged to bring the benefits of this to Oneida individually. He said this Mayor and Council were aggressive in finding out what opportunities were before us and how do we get involved. RER Energy came to the City when a previous opportunity fell through, because of a very high interconnection cost. A NYSERDA grant was available and makes this affordable. The Mayor said he came to the Council and asked for permission to mobilize quickly to take advantage of this NYSERDA grant opportunity. He said he was given opportunity by the Council to work with Attorney Buchan to look at and negotiate the PPA Agreement. In response to a question, Mayor Smith said we have shopped well and did a good job for the citizens of the City. Mr. DeBottis asked if he felt there was a communication breakdown.

Mayor Smith said he would like to speak to who he is. The Mayor said out of all the comments, he seems to be the target being vilified. The Mayor said the issue of notification has been a problem with the local paper being published only three days a week. He stated we have been struggling with that issue, because

how you communicate these important things is a factor. Mayor Smith said he will always look you in the face and tell you the truth, and he will do the best job he can on your behalf. He said he has always allowed and engaged anyone to have their say in the atmosphere and with the spirit we have had here tonight. He said he has also told people if he felt he screwed up, he would be man enough to look you in the face and say so. The Mayor said that is why he is listening intently and courteously to what everyone has to say tonight, despite how mean-spirited some of this has been. The Mayor said he didn't take this job because of some incredible financial reward. He said he does it because he felt like he could make a change and make a difference. If you look at what we have accomplished here in this City, you will see that we have in fact done that. We are moving in a positive direction. He said he wanted to seize this opportunity, because we face some serious financial challenges. We spend hours struggling over the budget and to see an opportunity for a significant savings, such as this, is huge. The Mayor said he felt strongly and good about this when it was put on the table. The Mayor said to answer the question if he has communicated clearly and well, probably not. He said he made assumptions about things that apparently he shouldn't have and that has not served his goals or this process well. Mayor Smith told the residents that he is hearing them. He is listening attentively and evaluating the level of concern and passion the residents are putting forth.

Councilor Zogby said that he abstained from the Resolution that gave the Mayor the authority to do this, because he didn't know enough about solar energy. He said that any Council should not give up their authority to any Mayor. He said possibly someone would donate land to do the project. Councilor Zogby asked if the Council could put this on hold for two weeks and possibly go into executive session to discuss this. He said we need to get better at letting people know what is going on in their neighborhood.

Susan George, Oneida, asked if other sites could be made to make this work. Mr. Heinle said that they would assess the alternative sites at their own cost; however, they will continue to survey on the current site. Mr. Heinle said it could be hard to transfer the grant at this point, as NYSERDA has to approve all site changes. City Attorney Bell said that action to put anything on hold is not necessary at this point, as there is nothing going on that would require action. She reiterated that independent Council has been hired for this matter. Donald Kingsley, Oneida, real estate agent, said that the City should not capitalize on taking in \$100K to the detriment of the houses in that neighborhood, which have put millions of dollars into the City coffers. He said those properties will be devalued with this project, and Pat James concurred.

Chase Stoffle asked if the City was locked in. The City Attorney said we have a signed contract, so we would have to take a look at what the contract will allow us to do. John Nebzydoski, Oneida, asked why the Council abdicated their power to the Mayor. Councilor Chamberlain said working for the City for 35 years, he gained knowledge of respect for the department heads. We hire professionals, and they do a good job. He said he looks at the Mayor as his department head. He said the Mayor came to the Council with information about this, and he trusts him. He said when the Water Superintendent or City Engineer are given permission to hire consulting engineers, as was done here; it is a process, and we trust their judgements. He said it is easy to point fingers after the fact, but this is how he felt at the time. Councilor Simchik said it is not uncommon for the Council to authorize the Mayor to negotiate pending legal approval. In this case, the City had outside Counsel who is an expert in this field.

Mayor Smith said what has resonated tonight with him is your concerns for your neighborhood, openness, property values, etc. and what has not resonated is whether this is a good contract or not. He said he has no doubt that this is a good contract and had the Council poured over that contract, they still would have voted to approve it. The Mayor respectfully said to the residents that if this project wasn't located in their neighborhood, none of them would have cared about what was in that contract or paid any attention to that contract. The issue is not the contract, it is the residents concern of their quality of life and the procedures followed. Mr. Nebzydoski said the Council has to do due diligence. Councilor Acker said the

biggest problem is lack of communication and discussed how she has keeps in contact with the residents of her Ward for the flood.

Jill Christian-Lynch addressed the Mayor saying that there was never any intention to vilify him or the Council members by her or any of the good people from that neighborhood. She said emotions have been running high, because these residents do pay attention and participate in government. She questioned the wording in the notification in the newspaper and stated this is about a 12-acre project going into a residential neighborhood, and said that month after month in the Mayor's report, the site was never named. She said this is an industrial development on 12 acres and said it's not about "in my backyard"; it's about not in "anyone's backyard. Ms. Christian-Lynch said if emotions have run high and if comments have been made, she personally asked that it be forgiven and know that it is not about the Mayor or any Council people. The lack of transparency and communication has been abysmal. She said that all of the Council, including her Ward I Councilor Zogby, failed to ask questions about this project when mentioned monthly by the Mayor. She said she commends the Mayor for saying there are budgetary issues and he is trying to be creative, but at no point should we lose sight of the way a government should run. She said she is asking that the brakes be put on, and to stop and take note of what kind of government we want to have here. She offered her apologies for any offensive comments that were made.

Mayor Smith said that he understands the passion felt bringing views forward; however, we still should try to respectful of each other. When very personal things were being said, it is hard not to be impacted by that. The Mayor said when he took this job, he said he would do his best. He said he will be man enough to look you in the face and say what he thinks, and take ownership for something he thinks he may have done in error. He said he is passionate about this community and said we have done some really good things to put this community in a good place going forward. Mayor Smith said it is all about quality of life. Oneida is in competition for good residents, and we have to build an affordable community that is vibrant and active, and frankly, that has been a challenge.

Mayor Smith thanked the residents for coming and sharing their views, as well as for the respectful way they have presented themselves this evening, noting that it speaks well for our City. The Mayor said the current contract situation needs to be reviewed, groSolar said they would look at the other sites, and the residents will be kept informed. The Mayor requested a five minute break at 8:52 p.m. The meeting resumed at 9:00 p.m.

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, that the minutes of the regular meeting of July 7, 2015 and special meeting of July 14, 2015 are hereby approved as presented.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)

**MOTION CARRIED**

Councilors Acker and Smith each stated that although they were absent from the special meeting. They said that they have read the minutes and have no concerns with increasing the term of the Kallet's Lease.

Moved by Councilor Simchik  
Seconded by Councilor Chamberlain

**RESOLVED**, that Warrant No. 14, checks and ACH payments in the amount of \$132,215.07 as audited by the Voucher Committee is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)

**MOTION CARRIED**

Moved by Councilor Simchik  
Seconded by Councilor Zogby

**RESOLVED**, that Check No. 53468 in the amount of \$63.89 (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: 4  
Nays: 0  
Absent: 1 (Bowe)  
Abstain: 1 (Acker)

**MOTION CARRIED**

**ADVERTISE FOR BIDS - SELF-CONTAINED BREATHING APPARATUS**

**RESOLUTION 15-167**

Moved by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, to authorize the Purchasing Agent to advertise for bids for Self-Contained Breathing Apparatus for the Fire Department.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)

**MOTION CARRIED**

Mayor Smith said the Fire Department was successful in securing a grant to cover most of the cost.

**UNCOLLECTABLE INVOICE**

**RESOLUTION 15-168**

Moved by Councilor Acker  
Seconded by Councilor Smith

**WHEREAS**, Steve Hall (Steve's Rooter), 207 S. Willow Street, Oneida NY 13421 signed a Bulk Water Permit agreeing to abide by the Water Department Rules and Regulations, on April 10, 2012 for the issuance of a Bulk Water Permit; **and**

**WHEREAS**, the bills for water picked up were issued on May 18, 2012, August 12, 2012 and September, 6, 2012 and are unpaid; **and**

**WHEREAS**, Steve Hall is now deceased; **now therefore be it**

**RESOLVED**, by the Common Council of the City of Oneida, that invoices 50/0015241, 50/0015484, and 50/0015737 in the total amount of \$21.30 be hereby deemed uncollectable, requiring no further action for collection purposes and removed from receivables.

Ayes: 5

Nays: 0

Absent: 1 (Bowe)

**MOTION CARRIED**

### **UNCOLLECTABLE INVOICE**

#### **RESOLUTION 15-169**

Moved by Councilor Acker

Seconded by Councilor Simchik

**WHEREAS**, Steven Graves, 103 Ball Lane, East Syracuse NY 13057 was found to be drawing water from a hydrant without a permit; **and**

**WHEREAS**, an invoice was issued for Hydrant Permit issued after use in the amount of \$150.00 on September 10, 2007 and remains unpaid; **now therefore be it**

**RESOLVED**, by the Common Council of the City of Oneida, that invoice 50/0001695 in the total amount of \$150.00 be hereby deemed uncollectable, requiring no further action for collection purposes and removed from receivables.

Ayes: 5

Nays: 0

Absent: 1 (Bowe)

**MOTION CARRIED**

Councilor Chamberlain said this is a recommendation from the Water Superintendent.

### **MONTHLY REPORTS**

#### **RESOLUTION 15-170**

Moved by Councilor Smith

Seconded by Councilor Simchik

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

Ayes: 5

Nays: 0

Absent: 1 (Bowe)  
**MOTION CARRIED**

Councilor Smith commended the members of Fire Department for keeping their overtime time down, and for the sale of the old rescue truck for \$25K.

**FEE FOR TAMPERING WITH WATER METERS, SEALS  
OR BYPASSING SERVICE ENTRANCES**

**RESOLUTION 15-171**

Moved by Councilor Smith  
Seconded by Councilor Chamberlain

**WHEREAS**, the equitable distribution of costs to operate the Water Department requires that all customers pay for water use based upon meter consumption, **and**

**WHEREAS**, tampering with or bypassing a water meter results in increase costs to all other customers, **and**

**WHEREAS**, Section I of the City of Oneida Water Department Rules and Regulations, titled "Meters," has the following language that allows the Common Council to establish a fee and/or fine when tampering or the unauthorized removal of a seal on a meter is discovered: "all meters will be sealed and anyone tampering or removing a seal on a meter without the consent of the Superintendent or authorized personnel shall be subject to a fee and/or fine," **now therefore be it**

**RESOLVED**, that all meters shall be sealed and any account that has a meter that has been tampered with or seal removed without the consent of the Superintendent or authorized personnel shall be subject to a fee, **and be it further**

**RESOLVED**, that the fee for tampering with any meter, seal **or service entrance** to bypass in a manner that would cause such meter to inaccurately measure water consumed or which would cause water to be diverted from the meter shall be charged a fee of Two Thousand Dollars (\$2,000.00), **and be it further**

**RESOLVED**, that the issuance of a fee shall not preclude the City from pursuing criminal prosecution.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)  
**MOTION CARRIED**

The City Attorney said the Water Department Rules and Regulations contemplated a fine, however, no amount of the fine had been set by the Council. The Mayor said that this will deter people from theft of City water.

**ZONING MAP ORDINANCE AMENDMENT**

**RESOLUTION 15-172**

Moved by Councilor Zogby  
Seconded by Councilor Acker

**WHEREAS**, a written request from William Nye, Nye Automotive Group, 1479 Genesee Street, Oneida NY 13421 requesting a zone change from R-I (Residential) to C (Commercial) on the parcel (SBL# 37.14-1-16) located on Route 5 (Genesee Street) adjacent to the corporate line and Xena Holdings LLC property (Nye) and was received and placed on file and referred to the Planning Commission by the Common Council on December 31, 2014, **and**

**WHEREAS**, at the June 16, 2015 meeting, the Common Council determined that there are no other involved agencies, they shall act as lead agency, and that the enactment of the proposed Ordinance is an Unlisted Action and will have no adverse effect on the environment, in accordance with 6 NYCCR Part 617, thus concluding the environmental process review, **and**

**WHEREAS**, a Public Hearing on an Ordinance amending the Zoning Map of the City of Oneida to change the Zoning designation for property situated on Route 5 (Genesee Street), Tax Map Parcel No. 37.14-1-16, from R-I (Residential) to C (Commercial) in the City of Oneida was properly held on July 7, 2015 at 6:30 p.m. in the Common Council Chambers, 109 N. Main St., Oneida; **now therefore be it**

**RESOLVED AND DETERMINED**, that the proposed zone change is consistent with the City of Oneida's Comprehensive Plan, the present use of the property and the uses and zoning designation of contiguous properties; **and be it further**

**RESOLVED AND DETERMINED**, that the Common Council does further enact the Proposed Ordinance amendment, as herein set forth:

“An Ordinance Amending the Zoning Map of the City of Oneida to  
Change the Zoning Designation for Certain Properties in the City of Oneida”

Be it ordained by the City of Oneida Common Council, as follows:

Section 1. The Zoning Map of the City of Oneida, as provided for in Section 190-9 of the Code of the City of Oneida, shall be amended to change the zoning use designation of certain lands situated on Route 5 (Genesee Street), Tax Map Parcel No. 37.14-1-16, from R-I (Residential) to C (Commercial), as such zoning districts are defined and regulated pursuant to the provisions of Chapter 190 of the Code of the City of Oneida.

Section 2. The portion of land, which shall be the subject of said zone change totals approximately 4.42 acres, is designated as Tax Map Parcel No. 37.14-1-16, and is situated on Route 5 adjacent to the corporate line and Xena Holdings LLC (Nye) property in the Town of Lenox, beginning at the front boundary line at NYS Route 5, and continuing north to a depth of 500’.

Section 3. The City of Oneida Zoning Map shall be amended and shall incorporate the change of zoning classification, as herein provided.

Section 4. This Ordinance shall become effective immediately upon publication in the official newspaper.

Councilor Zogby – Yes  
Councilor Bowe – Absent  
Councilor Smith – Yes  
Councilor Acker – Yes  
Councilor Chamberlain – Yes  
Councilor Simchik – Yes

**MOTION CARRIED**

The Mayor said William Nye is planning to develop a used car lot in the area below the Knotty Pine Diner.

**BUDGET TRANSFER**

**RESOLUTION 15-173**

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, to approve the following budget transfer:

<i>Amount</i>	<i>From</i>	<i>Balance</i>	<i>To</i>	<i>Balance</i>
\$6,000.00	001.3120.0101 (Police Salaries)	\$866,384.54	001.3120.0317 (Police – clothing)	\$6,523.97

*To cover the cost of uniforms for new hires and current officers balances.  
Balances as of 7/16/15*

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)

**MOTION CARRIED**

**AMENDMENT TO LEASE AGREEMENT – GREATER ONEIDA CIVIC CENTER, INC.**

**RESOLUTION 15-174**

Moved by Councilor Acker  
Seconded by Councilor Smith

**WHEREAS**, on July 14, 2015, the Greater Oneida Kallet Civic Center, Inc. Board ("Tenant") and the City of Oneida Common Council met during a special meeting of the Common Council to review the annual management plan, in accordance with the terms of the Lease Agreement entered into on April 1, 2014; **and**

**WHEREAS**, as part of the Tenant's annual management plan, the Tenant indicated its intention to apply for and obtain a liquor license from the appropriate New York State Licensing authority; **and**

**WHEREAS**, the Tenant has been informed that in order to obtain a liquor license, the Tenant must provide New York State proof of a lease term that is, at minimum, two (2) years; and

**WHEREAS**, the term of the Lease Agreement is three (3) years, commencing April 1, 2014, and terminating March 31, 2017; **and**

**WHEREAS**, because the parties are approximately half way through the Term of the Lease Agreement, when the Tenant applies for a liquor license it will not be able to evidence a lease Term of more two (2) years; **and**

**WHEREAS**, in accordance with the paragraph titled, "Entire Agreement, Amendments," the parties have the ability to amend the Lease Agreement in a writing to be executed by both parties; **and**

**WHEREAS**, it is the desire of the Common Council to support the efforts of the Tenant and extend the Term of the Lease Agreement by six (6) months so as to allow the Tenant to satisfy the licensing criteria of the State of New York; **now therefor be it**

**RESOLVED**, that the Common Council hereby authorizes a written amendment to the Lease Agreement, dated April 1, 2014, whereby the initial term of the Lease Agreement will be amended to extend the Lease Agreement by an additional six (6) months, thus resulting in a new termination date of September 31, 2017, **and be it further**

**RESOLVED**, that the Mayor be authorized to execute said Amendment Lease Agreement by and between the City of Oneida and the Greater Oneida Kallet Civic Center, Inc. as prepared by the City Attorney.

Ayes: 5

Nays: 0

Absent: 1 (Bowe)

**MOTION CARRIED**

The Mayor said this lease extension of six months will allow the Kallet to apply for a liquor license from the NYS Liquor Authority to meet their requirements.

### **CANVASS BIDS – TREE & STUMP REMOVAL AND TREE TRIMMING**

#### **RESOLUTION 15-175**

Moved by Councilor Acker

Seconded by Councilor Simchik

**WHEREAS**, the lowest bid meeting specifications for Tree & Stump Removal and Tree Trimming in the amount of \$35,395.00 was received from American Arborist, 1624 W. Elm St., Oneida NY, **and**

**WHEREAS**, the 2015 budgeted amount for Tree & Stump Removal and Tree Trimming is \$28,000.00, **now therefore be it**

**RESOLVED**, to accept the lowest bid meeting specifications from American Arborist, 1624 W. Elm St., Oneida NY, authorize the Mayor to sign any and all documents related to said bid, and further authorize the City Engineer to expend funds up to \$28,000.00.

Ayes: 0

Nays: 5

Absent: 1 (Bowe)

**MOTION CARRIED**

This item, tabled at the previous Council meeting, was brought back to the floor. Mayor Smith said the City received two bids, one for about \$35K and one for about \$54K. However, the budget only allows for up to \$28K to be spent on trees and tree trimming. The City Engineer explained how the bid documents are calculated. After a brief discussion, the City Attorney recommended the bids be rejected and the City

rebid for this project. The Council opted to re-advertise for bids for this project. The City Engineer was asked to please notify the two bidders of the intent of the rebidding.

**WAIVE RULE TO ACCEPT AGENDA ITEMS**

**RESOLUTION 15-176**

Moved by Councilor Acker  
Seconded by Councilor Zogby

**RESOLVED**, that per Resolution 08-180 adopted by the Common Council on August 19, 2008, the provisions of the procedure to accept agenda items is hereby waived.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)

**MOTION CARRIED**

**ADVERTISE FOR BIDS**

**RESOLUTION 15-177**

Moved by Councilor Zogby  
Seconded by Councilor Acker

**RESOLVED**, to authorize the Purchasing Agent to re-advertise for bids for Tree & Stump Removal and Tree Trimming.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)

**MOTION CARRIED**

**NEW BUSINESS**

*Retiree Insurance*

Mayor Smith said he has been looking for ways to keep the taxes affordable and will be bringing to the Council potential savings in retiree insurance. A significant amount of money is paid per month per retiree. Mayor Smith said while committed to very good insurance coverage for them, no one anticipated the staggering costs and financial burden from those commitments.

*LCpl Jeremy S. Lasher Balloon Release*

Mrs. Barker said there will be an individual balloon release on Saturday at 3:00 p.m. in honor of her son, LCpl Jeremy S. Lasher. She said that next year the event will be back and bigger.

*Fire & Police Commendation*

Councilor Simchik commended the Police and Fire Departments for their quick response to a house fire on Schoolheimer Road.

*Notification of Meetings*

Fred Meyers, Oneida, said he would like to see how we notify residents improved, since we do not have a daily newspaper. The use of social media, e-mail addresses, and the website were briefly discussed.

*Executive Session*

Mayor Smith said the Council will be going into executive session, and there may be action taken after said executive session. He added that the properties to be discussed are not related to the solar project.

**EXECUTIVE SESSION**

**RESOLUTION 15-178**

Moved by Councilor Acker  
Seconded by Councilor Zogby

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 9:35 p.m. for the purpose of discussing the proposed acquisition, sale or lease of real property.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)

**MOTION CARRIED**

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

Discussion was held relating to the proposed acquisition, sale or lease of real property.

Moved by Councilor  
Seconded by Councilor

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 9:50 p.m.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)

**MOTION CARRIED**

The City Clerk said the Common Council has two items to add to the agenda, and they have already waived the rule to accept agenda items.

**DECLARE EXCESS PROPERTY**

**RESOLUTION 15-179**

Moved by Councilor Smith  
Seconded by Councilor Zogby

**RESOLVED**, that the City of Oneida Common Council does hereby declare the following parcel to be “excess property” and therefore eligible to be for sale:

- SBL# 30.79-1-64 - 228 Washington Avenue, Oneida

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)  
**MOTION CARRIED**

**PURCHASE OFFERS - 2376 UPPER LENOX AVENUE**

**RESOLUTION 15-180**

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, that three separate Purchase Offers for the property located at 2376 Upper Lenox Avenue, Oneida SBL #45.-2-3 received from Kevin F. Peebles, Jr., 373 Stone Street, Oneida; Mr. Scott Lane and Mr. Mark DeVaul, 7300 Landsend Lane, Liverpool NY; and Daniel Hutchings, 2379 Upper Lenox Avenue, Oneida, be hereby received and placed on file, **and be it further**

**RESOLVED**, that said Purchase Offers for the property located at 2376 Upper Lenox Avenue, Oneida SBL #45.-2-3 received from Kevin F. Peebles Jr, 373 Stone Street, Oneida; Mr. Scott Lane and Mr. Mark DeVaul, 7300 Landsend Lane, Liverpool NY; and Daniel Hutchings, 2379 Upper Lenox Avenue, Oneida be hereby rejected, as the offers received did not meet the current market value of said property.

Ayes: 5  
Nays: 0  
Absent: 1 (Bowe)  
**MOTION CARRIED**

Motion to adjourn by Councilor Acker

The meeting is hereby adjourned at 9:55 p.m.

CITY OF ONEIDA

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