

**MINUTES OF THE COMMON COUNCIL
AUGUST 1, 2017**

A regular meeting of the Common Council of the City of Oneida, NY was held on the first day of August, 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 Wendy Reese
City Clerk Susan Pulverenti
Comptroller Lee Ann Wells
City Engineer Jon Rauscher
Fire Chief Kevin Salerno
Asst. Fire Marshal Dennis Fields
Recreation Director Luke Griff
Supervisor Joe Magliocca
Supervisor Margaret Milman Barris

OLD BUSINESS

Solar Project – Baker Reservoir

Jill Christian Lynch inquired if the lease had been voided by GroSolar for the Baker Reservoir site. Mayor Matzke said yes; the lease had been torn up. Mrs. Lynch requested that a formal document stating such please be provided, and Attorney Reese said she would speak with Attorney Bell. Mayor Matzke said that all the stumps at the Baker site will be removed in the fall and ground cover will be planted. In response to a question from Mrs. Lynch, City Engineer Jon Rauscher said there are no leaks at the reservoir. He confirmed that he has received the green light to remove the stumps from the O'Brien & Gere Engineering firm, as the reservoir was found to be stable.

Chickens – Amend City Code

Councilor Acker said that residents have been asking about changing the Code to allow chickens in the inside district. Councilor Acker provided some code information from other municipalities to the City Clerk to copy for the Council members. Mayor Matzke said that the City Attorney is looking into this as well.

112 Madison Street

Supervisor Joe Magliocca said he wanted to follow-up from the last Council meeting on the delinquent property at 112 Madison Street. He said that building is the most dangerous because of the wall not being structurally tied in. Mayor Matzke said that the Assessor is working on obtaining quotes for the repairs, and that this property, along with the others, will be on the agenda for the next meeting. It was noted by the Mayor that the property owner has been working on the façade of the building.

212 Bates Avenue

Mayor Matzke stated that a bank representative for the property located at 212 Bates Avenue was present this evening and has spoken with Assistant Fire Marshal Dennis Fields. Assistant Fire Marshal Fields said he did a quick inspection of the property, and they have cleaned up around the property, painted and removed the debris in the basement. He said all that is left to do is remove the trash/debris from the first and second floors, as well as the attic. The Fire Marshall said that the bank representative has asked for a short extension of thirty days to finish the necessary repairs.

**GRANT AN EXTENSION OF CORRECTIVE ACTION TO BE TAKEN
FOR THE PROPERTY LOCATED AT 212 BATES STREET**

RESOLUTION 17-209

Moved by Councilor Bowe
Seconded by Councilor Smith

WHEREAS, at the May 2, 2017 meeting, the Common Council, having duly considered the documentary evidence, as well as the oral testimony presented by the Assistant Fire Marshal, declared the property located at 212 Bates Avenue, Tax Map No. 38.32-1-58 ("Property"), to be a public nuisance; **and**

WHEREAS, having declared the Property to be a public nuisance, the Common Council ordered the Property Owner, or persons with an interest in such Property, to repair the exterior walls such that there shall be no holes, breaks, and loose or rotting materials, and to maintain same in a waterproof and properly coated manner, and further ordered that the accumulation of trash and debris be removed from the residential structure; **and**

WHEREAS, the Common Council had ordered that such corrective action must occur on or before July 1, 2017; **and**

WHEREAS, a bank representative for the Property appeared at the Common Council meeting at the August 1, 2017 meeting and spoke privately with Assistant Fire Marshal Dennis Fields, who explained the remaining work that needed to be done to address the Council's order for corrective action; **and**

WHEREAS, the bank representative for the Property requested an extension of thirty days to meet the deadline for corrective action to be taken on the property located at 212 Bates Avenue; **now therefore be it**

RESOLVED, that the Common Council hereby orders that an extension of thirty days is hereby granted and corrective action on the property located at 212 Bates Avenue, Tax Map No. 38.32-1-58 must occur on or before September 1, 2017; **and**

BE IT FURTHER RESOLVED, that in the event that the corrective action does not occur within the time provided, the Common Council hereby authorizes the Assistant Fire Marshal and the City Engineer to undertake any and all such measures as are necessary to effectuate the corrective action contemplated herein and shall assess the cost of same against the Property; **and**

BE IT FURTHER RESOLVED, that the cost of such remediation, if undertaken by the City, shall thereupon become a lien against the Property and shall be collectible in the same manner as taxes levied thereon; **and**

BE IT FURTHER RESOLVED that notice of the Common Council's declaration and order shall be served upon the Property Owner in accordance with the Oneida City Charter.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Smith

Seconded by Councilor Chamberlain

RESOLVED, that the minutes of the regular meeting of July 18, 2017 are hereby approved as presented.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Smith

Seconded by Councilor Bowe

RESOLVED, that Warrant No. 16, checks and ACH payments in the amount of \$746,404.82 as audited by the Voucher Committee is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Smith

Seconded by Councilor Chamberlain

RESOLVED, that Check No. 486 in the amount of \$630.00 (City Attorney) as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5

Nays: 0

Abstain: 1 (Bowe)

MOTION CARRIED

**AMEND CAPITAL PROJECT 16-07 – WWTP FLOOD MITIGATION PROJECT
A RESOLUTION AUTHORIZING THE WASTEWATER TREATMENT PLANT HAZARD
MITIGATION PROJECT IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW
YORK, AT A MAXIMUM ESTIMATED COST OF \$1,914,000, AND AUTHORIZING THE
ISSUANCE OF \$624,000 BONDS OF SAID CITY TO PAY COSTS THEREOF**

RESOLUTION 17-210

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, that the Capital Project 16-07 WWTP Flood Mitigation Project be hereby amended to include \$624,000 in bonds, **and be it further**

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

- Section 1. The Wastewater Treatment Plant Hazard Mitigation Project, including flood protection walls, stormwater management improvements and effluent pump upgrades as well as incidental expenses, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$1,914,000.
- Section 2. The plan for the financing of such maximum estimated cost is (i) by the issuance of \$624,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law and (ii) the appropriation and expenditure of \$1,290,000 State and Federal grants; provided, however, the amount of bonds to be issued shall be reduced to the extent of additional grants received in connection therewith.
- Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.
- Section 4. The faith and credit of said City of Oneida, Madison County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.
- Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.
- Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.
- Section 7. The City Comptroller is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object

or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

- Section 8. The validity of such bonds and bond anticipation notes may be contested only if:
- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
 - 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
 - 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City for such purpose, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Councilor Cohen – Yes
Councilor Bowe – Yes
Councilor Smith – Yes
Councilor Acker – Yes
Councilor Chamberlain – Yes
Councilor Simchik – Yes

MOTION CARRIED

The Mayor said the bids came in higher than expected, so the project had to be amended.

CANVASS AND APPROVE BIDS
WWTP FLOOD MITIGATION – CAPITAL PROJECT 16-07

RESOLUTION 17-211

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that the lowest bid meeting specifications for the Waste Water Treatment Plant Flood Mitigation – Contract No. 1 General received from Marcellus Construction, 11151 US Rt. 11, Adams NY 13605 in the amount of \$1,872,000.00 be hereby approved, **and be it further**

RESOLVED, that the lowest bid meeting specifications for the Waste Water Treatment Plant Flood Mitigation – Contract No. 2 Electrical received from Stilsing Electric Inc., 500 South Street, Rensselaer in the amount of \$42,000.00 be hereby approved.

Ayes: 6
Nays: 0

MOTION CARRIED

PROPOSED LOCAL LAW – PROPERTY TAX CAP LEVY

RESOLUTION 17-212

Moved by Councilor Acker
Seconded by Councilor Smith

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:

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, 2018 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, 2018 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 authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C be scheduled for August 15, 2017 at 6:30 pm in the Common Council Chambers, 109 N. Main Street, Oneida NY.

Ayes: 6

Nays: 0

MOTION CARRIED

Mayor Matzke said this is needed just in case the budget requires a tax levy increase above limit, but it doesn’t mean that the City will do this. The Mayor said that last year the budget came in under 2% and there wasn’t any money used from the Fund Balance, and in fact, a small amount, approximately \$7,000, was actually put into the Fund Balance.

BUDGET TRANSFERS AND BUDGET AMENDMENT

RESOLUTION 17-213

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, to approve the following budget amendment:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$1,435.66	001.0022.2680 Insurance Recovery	001.3120.0411 Police Vehicle Maintenance
<i>(To reallocate funds received from insurance claim to repair police vehicle)</i>		

RESOLVED, to approve the following budget transfers:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$6,000.00	001.1990.0400 Contingency	001.1910.0400 Insurance
<i>(To reallocate funds to cover a deductible recovery)</i>		
\$15,000	003.8110.0436	302.8110.0400

SF - Contingency SF - Disinfection Improvements
(To allocate funds for Capital Project 16-04 Disinfection Improvements at the WWTP to complete the project)

Ayes: 6
Nays: 0

MOTION CARRIED

ADVERTISE FOR BIDS – ONEIDA RAIL TRAIL PROJECT

RESOLUTION 17-214

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, to authorize the Purchasing Agent to advertise for bids for the Oneida Rail Trail Project construction phase.

Ayes: 5
Nays: 1 (Bowe)

MOTION CARRIED

AGREEMENT – IMAGETREND SOFTWARE – FIRE DEPARTMENT

RESOLUTION 17-215

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, to authorize the Mayor to sign the ImageTrend Elite Product Upgrade Software Licensing Agreement with ImageTrend, Inc., 20855 Kensington Blvd., Lakeville MN 55044 for software for use by the Fire Department.

Ayes: 6
Nays: 0

MOTION CARRIED

PROPOSED SIGN ORDINANCE – SCHEDULE PUBLIC HEARING

RESOLUTION 17-216

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the Positive Recommendation from the Planning Commission for the proposed Ordinance Amendments to Chapter 190-15 - Sign Requirements be hereby received and placed on file, **and be it further**

RESOLVED, to schedule a Public Hearing on the proposed Ordinance Amendments to Chapter 190-15 - Sign Requirements for August 15, 2017 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY 13421.

Ayes: 6
Nays: 0

MOTION CARRIED

PROFESSIONAL SERVICES AMENDMENT PROPOSAL - WWTP

RESOLUTION 17-217

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, that Capital Project 16-04 WWTP Effluent Disinfection Improvements Project be hereby amended, **and be it further**

RESOLVED, that the Mayor be hereby authorized to sign the Professional Engineering Services Amendment Proposal for the WWTP Effluent Disinfection Improvements Project (Project Closeout Services) with O'Brien & Gere Engineers, Inc., 333 W. Washington Street, PO Box 483, Syracuse, NY 13221 in an amount not to exceed the budgeted fee of \$15,000.

Ayes: 6
Nays: 0
MOTION CARRIED

RAIL TRAIL EASEMENT AND RIGHT-OF-WAY

RESOLUTION 17-218

Moved by Councilor Bowe
Seconded by Councilor Acker

RESOLVED, to approve the Rail Trail Easement and Right-of-Way between the Oneida Housing Development Fund Company, Inc. 129 North Warner Street, Oneida NY 13421 for the benefit of Oneida Housing Group Limited Partnership, c/o Kinderhook Development, LLC, 120 E. Center Street, Canastota NY 13032 and the City of Oneida.

Ayes: 6
Nays: 0
MOTION CARRIED

NEW BUSINESS

Waiving Pool Fees

Councilor Chamberlain suggested that the pool fees be waived if the forecasted temperature is 85°F, rather than 90°F, as has been previously authorized by the Council. Recreation Director Luke Griff said that so far this year, waivers of the fees have not come into play because of the weather. The City Clerk said that the pool is closing on August 19, 2017, so the Council may want to make a decision tonight.

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 17-219

Moved by Councilor Chamberlain
Seconded by Councilor Smith

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

Ayes: 6
Nays: 0
MOTION CARRIED

WAIVER OF DAILY POOL FEES

RESOLUTION 17-220

Moved by Councilor Chamberlain
Seconded by Councilor Smith

RESOLVED, to authorize the waiver of the daily entry fee at Veteran's Memorial Pool for the 2017 season when the scheduled forecast is 85°F or higher.

Ayes: 5
Nays: 1 (Simchik)
MOTION CARRIED

EXECUTIVE SESSION

RESOLUTION 17-221

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED that the meeting is hereby adjourned to Executive Session at 6:52 p.m. for the purpose of discussing a personnel matter.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Attorney

1. Discussion relating to a personnel issue.

Moved by Councilor Chamberlain

Seconded by Councilor Bowe

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

Ayes: 6

Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Smith

The regular meeting is hereby adjourned at 8:00 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk