

**MINUTES OF THE COMMON COUNCIL
AUGUST 16, 2016**

A regular meeting of the Common Council of the City of Oneida, NY was held on the sixteenth day of August, 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 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 Linda Pease
Fire Chief Kevin Salerno
Supervisor John Reinhardt
Supervisor Joe Magliocca

OLD BUSINESS

Fred Scherer, 462 Foxwood Terrace, said a considerable amount of water collected on Lenox Avenue from the rain storm. He said that taking trees down by the reservoir could cause problems for those downhill, because of possibly getting that extra water from grass covered acreage. Mayor Matzke said the DPW is checking the storm water drain lines for any blockages.

An Evergreen Valley Drive resident inquired if there was anything new progress with the proposed solar project, and the Mayor replied there was nothing new at this point.

SUPERVISORS REPORT

Supervisor Reinhardt said that the General Fund audit has been completed at the County, and it is 13.3% of the tax levy for the next year, which is well within the 5-10% the State Comptroller has asked for. He said that the County sales tax is up 2% overall, and the County should meet the goal of their budget. Supervisor Reinhardt said that the 2017 County budget hearings begin in September with all 23 Departments meeting with the County Treasurer, County Administrator and himself, as Chairman of Finance. Supervisor Reinhardt said that the County Land Sale on 51 tax foreclosure parcels will take place at the Kallet Civic Center on Saturday, September 17, 2016. He said that the Board of Elections office is moving from the second floor to the first floor at the County Office Building to make it more convenient and accessible for the public.

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the minutes of the regular meeting of August 2, 2016 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Cohen
Seconded by Councilor Bowe

RESOLVED, that Warrant No. 16, checks and ACH payments in the amount of \$216,663.83, 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

ADOPT LOCAL LAW NO. 3 OF 2016 – TO AUTHORIZE A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW

RESOLUTION 16-149

Moved by Councilor Smith
Seconded by Councilor Chamberlain

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 adopt and enact Local Law NO. 3 of 2016 authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C 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.

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

MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 16-150

Moved by Councilor Smith
Seconded by Councilor Chamberlain

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: 6
Nays: 0

MOTION CARRIED

Councilor Smith said that the sales tax for the City is also up. Councilor Cohen said that all sorts of extra events happen in this community by volunteers, and the Mayor said he will continue to encourage that. Councilor Smith said professional wrestling is coming to the Kallet Civic Center, and the Mayor said that “puppy paddle” will be held at Chapman Pool this Saturday.

AGREEMENT – EMS TRAINING FIRE DEPARTMENT

RESOLUTION 16-151

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, to authorize the Mayor to sign an agreement with Target Solutions, 4890 W. Kennedy Blvd., Suite 740, Tampa FL 33609 in the amount of \$1,438.80 (24 at \$59.95 each) for Fire Department members to fulfill their NYS required amount of EMS training on-line, in order to keep their certifications as EMT’s.

Ayes: 6

Nays: 0

MOTION CARRIED

**AMEND CAPITAL PROJECT 16-04 – WASTE WATER TREATMENT PLANT
DISINFECTION IMPROVEMENTS**

RESOLUTION 16-152

Moved by Councilor Smith

Seconded by Councilor Cohen

RESOLVED, that amend Capital Project 16-04 – WWTP Effluent Disinfection Improvements be hereby amended to increase the budget for the upgrade to the existing disinfection system to meet updated NYS Department of Environmental Conservation (DEC) State Pollutant Discharge Elimination System (SPDES) program total residual chlorine limits in a total amount of \$877,420.00.

Ayes: 6

Nays: 0

MOTION CARRIED

BUDGET AMENDMENTS

RESOLUTION 16-153

Moved by Councilor Cohen

Seconded by Councilor Chamberlain

RESOLVED, to approve the following budget amendments:

AMOUNT

\$727,420.00	003.0003.0912 Sewer Fund Unreserved Fund Balance	003.9950.0900 Transfer to Sewer Fund Capital
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(To allocate funds for Capital Project 16-04 WWTP Disinfection Improvements- Flood Mitigation)

\$747.50	001.0022.2680 Sale of Property	001.1420.0419 Misc. Attorney
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(To allocate money collected for payment of disbursements and attorney fees on the sale of the Schoolheimer property)

Ayes: 6

Nays: 0

MOTION CARRIED

**CANVASS AND APPROVE BIDS – CAPITAL PROJECT 16-04 WWTP EFFLUENT
DISINFECTION IMPROVEMENTS**

RESOLUTION 16-154

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, to accept the lowest bid meeting specifications from John R. Dudley Construction, Inc., PO Box 3076, Oswego NY 13126 for Capital Project 16-04 – WWTP Effluent Disinfection Improvements Project Contract G: General Construction (Including Alternate A) in the amount of \$542,920.00, **and be it further**

RESOLVED, to accept the lowest bid meeting specifications from Patricia Electric, Inc., 407 Brown Avenue, Syracuse NY 13208 for Capital Project 16-04 – WWTP Effluent Disinfection Improvements Project Contract E: Electrical Construction in the amount of \$215,000.00, **and be it further**

RESOLVED, to authorize the City Engineer to proceed with Capital Project 16-04, expend funds up to the programmed amount, and further authorize the Mayor to sign any and all documents related to Capital Project 16-04 – WWTP Effluent Disinfection Improvements Project.

Ayes: 6
Nays: 0

MOTION CARRIED

**PROFESSIONAL SERVICES PROPOSAL – CAPITAL PROJECT 16-04 EFFLUENT
DISINFECTION IMPROVEMENTS**

RESOLUTION 16-155

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, to authorize the Mayor to sign a Professional Services Proposal with O'Brien & Gere Engineers, Inc., 333 W. Washington Street, PO Box 4873, Syracuse NY 13221-4873 for Resident Project Inspection Services for the City of Oneida Waste Water Treatment Plant Effluent Disinfection Improvements Project (Capital Project 16-04) in an amount not to exceed \$45,000.

Ayes: 6
Nays: 0

MOTION CARRIED

Councilor Bowe questioned if any other quotes were received, adding he is aware that it is not required per the Purchasing Policy. Councilor Bowe said it is hard to qualify a price without anything to go by. City Engineer Jon Rauscher said that they use previous projects (time and material) comparing project costs.

PROFESSIONAL SERVICES PROPOSAL - WWTP CAPACITY EVALUATION

RESOLUTION 16-156

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign a Professional Services Proposal with GHD Consulting Services, Inc., One Remington Drive, Cazenovia NY for preparation of an Engineering Report for the City of Oneida Waste Water Treatment Plant Capacity Evaluation in the amount of \$14,100.

Ayes: 6

Nays: 0

MOTION CARRIED

NEW BUSINESS

Mayor Matzke said that the Water/Sewer Due Process Hearings will begin after a five minute break.

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 6:48 p.m.

City of Oneida

Susan Pulverenti City Clerk