

**MINUTES OF THE COMMON COUNCIL  
JANUARY 17, 2017**

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

Meeting was called to order by Mayor Leo Matzke

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

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

**PRESENTATION – GOOD ENERGY**

Mayor Matzke said that in addition to the solar array project on Hubbard Place and purchasing City street lights from National Grid, he has invited the energy procurement consultant/broker Good Energy to do a presentation for the Council. Edward Carey, Energy & Renewable Commodities, introduced himself to the audience, as did Javier Barrios, Good Energy Managing Partner. Mr. Carey said that Good Energy is a community choice aggregation that assists municipalities in negotiating rates for a collective group of residents/small businesses from a power company and services approximately 1,000 municipalities nationwide. He said that they are nationally recognized by the EPA (Environmental Protection Agency), NYSERDA (New York State Energy Research and Development) and the PSA (Public Service Commission). Mr. Carey said that combining the buying power and pooling the electric load, Good Energy can reduce the utility costs for residents by utilizing the wholesale market. Mr. Carey said that in Illinois, residents received a savings of 30%, and in Westchester County, NY, a 13% savings was realized. They said the City of Oneida could be potentially in the Syracuse zone, as this is done by utility zone (National Grid), not by counties. They stated that Chittenango, Fayetteville, Syracuse and Tully are a few of the municipalities they are currently presenting with information. They explained that the City would have to create a Local Law, place it on the agenda and have a Public Hearing, as the City has to commit to allow Good Energy to explore the energy data. They said that this is not a contract. The Local Law gives Good Energy the ability to look at energy data of Oneida residents, which is received from National Grid. They emphasized that no personal information would be accessed at this point. They said that they are mandated by State Law to undergo a 60 day public awareness campaign to ensure all residents are aware of the pooling and its ramifications, noting there is no cost to the City should the City pursue this. They explained how most city residents would automatically be opted into this program; however, if the resident is unhappy with the energy rates provided or just do not want to be in the program, they can opt out. They added if the resident changes their mind and wants to opt back in to the program, they are allowed to do so. Several members of the public, Council and Department Heads asked various questions. Mr. Carey and Mr. Barrios reiterated that they cannot start anything until after the City receives the Local Law, has a public hearing and adopts the Local Law. They said that it is only after the Local Law adoption that they can request the needed data from National Grid. The Mayor thanked the representatives for coming to City Hall and said that he would keep in contact.

## OLD BUSINESS

None

## SUPERVISORS REPORT

Supervisor Reinhardt said the County has had their organizational meeting. He said the Governor was expected to announce the NYS Budget today, but has not released any information as of yet. Supervisor Reinhardt said there are several items in the State Budget that could affect the County.

Moved by Councilor Smith  
Seconded by Councilor Chamberlain

**RESOLVED**, that the minutes of the regular meeting of January 3, 2017 are hereby approved as presented.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Moved by Councilor Cohen  
Seconded by Councilor Bowe

**RESOLVED**, that Warrant No. 2, checks and ACH payments in the amount of \$753,399.07 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**

## MONTHLY REPORTS

### **RESOLUTION 17-10**

Moved by Councilor Acker  
Seconded by Councilor Simchik

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

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Councilor Acker commended Acting Chief Paul Thompson and the Police Department on their overtime. The Council commended the Director of Parks and Recreation for being up 31% on gym rentals. Councilor Smith applauded the Water Department employee who witnessed suspicious activity and reported it to the police, which led to an arrest. Councilor Cohen stated that all departments came in

under budget. Councilor Chamberlain noted that the Fire Department has installed 439 smoke detectors in Oneida homes free of charge. The City Engineer said that \$50K has been allocated for sidewalks for next year. The plan is to use the funding for the sidewalks on the north side of Lenox Ave to tie into the sidewalk that the NYS DOT is constructing to the Five Corners area. Councilor Bowe inquired if the residents were aware they had to pay for a portion of the sidewalks. He said that he and the Mayor will be speaking with the City of Ithaca about their sidewalk program with the hope of emulating it. Mayor Matzke said that the City needs to get back into a rotation to repair the sidewalks damaged by City trees.

**SCHEDULE PUBLIC HEARINGS PER ONEIDA CITY CODE CHAPTER 34, ARTICLE III,  
UNSAFE BULDINGS AND COLLAPSED STRUCTURES**

**RESOLUTION 17-11**

Moved by Councilor Bowe  
Seconded by Councilor Simchik

**WHEREAS**, a memo from Dennis J. Fields Jr. City of Oneida Fire Marshall notifying the Mayor and Common Council of five unsafe structures in the City of Oneida, was received and placed on file by the Common Council on November 1, 2016 - Resolution 16-196, **now therefore be it**

**RESOLVED**, that the Report of Unsafe Structures, as per Oneida City Code Chapter 34, Article III, Unsafe Buildings and Collapsed Structures, from Dennis J. Fields Jr., City of Oneida Fire Marshall for properties located at 212 Bates Avenue, 253 Linden Street, 507 Stone Street, 181 Main Street and 112 Madison Street be hereby received and placed on file, **and be it further**

**RESOLVED**, that Public Hearings be scheduled to be held on February 7, 2017 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY 13421 to afford the Common Council the opportunity to issue an order deeming the property to be a “Public Nuisance” and to order corrective action be taken on the following four properties:

- 212 Bates Avenue, Oneida
- 253 Linden Street, Oneida
- 507 Stone Street, Oneida
- 112 Madison Street, Oneida

**BE IT FURTHER RESOLVED**, that per the recommendation of the Oneida City Fire Marshall, the Common Council hereby approves the hiring of a Structural Engineer to prepare a report to be reviewed by the City Engineer and provided to the Mayor and Common Council relative to the property located at 181 Main Street, in the event there is not a report prepared by a structural engineer addressing the current condition of the property already on file with the City, **and be it further**

**RESOLVED**, that a Public Hearing be scheduled to be held on February 21, 2017 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY 13421 to afford the Common Council the opportunity to issue an order deeming the property to be a “Public Nuisance” and to order corrective action be taken on the property located at 181 Main Street, Oneida.

Ayes: 5  
Nays: 1 (Simchik)  
**MOTION CARRIED**

The City Attorney said that notice requirements must be mailed to the property owners, along with being placed on file with the County Clerk. She said that the notices are sent to the same place where the taxes are sent, as under the law that would be deemed a good address. If the owner is deceased, the notice is sent to the owner of record; as the estate has to notify the City as to where they can be located. The Fire Marshall said that there is an exposed beam at 181 Main Street and recommended that a structural engineer be hired to prepare a report. The City Attorney said this engineering report should be presented to the Mayor and Council before the public hearing, so it can be part of that public hearing. City Engineer Jon Rauscher said the cost of a structural engineering report would be approximately \$500, and he will review the report. The Council moved to amend the Resolution to allow for the hiring of a structural engineer and to schedule the public hearing for 181 Main Street on February 21<sup>st</sup> at 6:30 p.m. The original motion to open discussion was moved by Councilor Acker and seconded by Councilor Smith.

**PROCEED WITH CAPITAL PROJECT 17-01 AND CAPITAL PROJECT 17-02 – VEHICLE AND EQUIPMENT REPLACEMENT PROGRAMS AND BY BOND RESOLUTION DATED JANUARY 17, 2017, AUTHORIZE THE PURCHASE OF HEAVY MACHINERY AND EQUIPMENT FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$631,446, AND AUTHORIZING THE ISSUANCE OF UP TO \$631,446 BONDS OF SAID CITY TO PAY THE COST THEREOF**

**RESOLUTION 17-12**

Moved by Councilor Chamberlain  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the City Engineer to proceed with Capital Project 17-01 – Vehicle and Equipment Replacement Program (Public Works) and Capital Project 17-02 – Vehicle and Equipment Replacement Program (Sewer), **and be it further**

**RESOLVED**, to authorize the Mayor to sign any and all documents relative to said Capital Projects, **and be it further**

**RESOLVED**, to authorize the City Engineer to expend funds up to the programmed amount of said Capital Projects 17-01 and 17-02, **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 purchase of heavy machinery and equipment, including vehicles, for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$631,446.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of up to \$631,446 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 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 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 8. 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 9. 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**

## **TASK AUTHORIZATION**

### **RESOLUTION 17-13**

Moved by Councilor Smith  
Seconded by Councilor Chamberlain

**RESOLVED**, to authorize the Mayor to sign the 2017 Task Authorization – Task 001 – Laboratory & Process Control and Industrial Pretreatment Assistance with O'Brien and Gere Operations, LLC to assist the City of Oneida Waste Water Treatment Plant operators with laboratory and process control support at the Waste Water Treatment Plant on an as needed basis, as requested by the City.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **AMUSEMENT DEVICE LICENSE**

#### **RESOLUTION 17-14**

Moved by Councilor Bowe

Seconded by Councilor Simchik

**RESOLVED**, approve the Amusement Device License for Nichols Vending, Clarence Nichols, RD 1, Box 231, Canastota, NY 13032, for Amusement Machines at Bec's, Dunn's, Jacks or Better, Olcott's, Oneida Movieplex and Franco's.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **MUNICIPAL WATER & SEWER BILLS**

#### **RESOLUTION 17-15**

Moved by Councilor Smith

Seconded by Councilor Chamberlain

**WHEREAS**, the adopted 2016 City of Oneida Budget included payment of water and sewer on all municipally owned facilities, **and**

**WHEREAS**, the Mayor voided the check for payment of the December 2016 Water and Sewer Bills for these facilities, **and**

**WHEREAS**, the Water Fund has an outstanding balance in the amount of \$2,373.85 and the Sewer Fund has an outstanding balance in the amount of \$1,735.50 for the December 2016 billing for these municipal owned facilities, **now therefore be it**

**RESOLVED**, that the bills in the amount of \$2,373.85 for Water and \$1,735.50 for sewer be voided.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **NEW BUSINESS**

Mayor Matzke said the Council will receive a Local Law to establish a vacant building registry and maintenance program at the next meeting. He said a list of all vacant City properties and zombie houses will be provided to the Council at that time.

Supervisor Magliocca said he would like to have a work session to provide for an update on the rail trail.

**EXECUTIVE SESSION**

**RESOLUTION 17-16**

Moved by Councilor Acker  
Seconded by Councilor Chamberlain

**RESOLVED** that the meeting is hereby adjourned to Executive Session at 7:56 p.m. for the purpose of discussing personnel issues within the Assessor, DPW, and Fire Departments and the proposed acquisition, sale or lease of real property.

Ayes: 6

Nays: 0

**MOTION CARRIED**

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

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

Moved by Councilor Bowe  
Seconded by Councilor Chamberlain

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 9:15 p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 9:15 p.m.

CITY OF ONEIDA, NEW YORK

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Susan Pulverenti, City Clerk