

**MINUTES OF THE COMMON COUNCIL  
DECEMBER 29, 2016**

A special meeting of the Common Council of the City of Oneida, NY was held on the twenty-ninth day of December, 2016 at 8:03 o'clock A.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

Meeting was called to order by Mayor Leo Matzke

**PRESENT:** Councilors Al Cohen, Michael Bowe, Erwin Smith, Helen Acker, and James Chamberlain

**ABSENT:** Councilor Thomas Simchik

**ALSO PRESENT:** City Clerk Susan Pulverenti  
Comptroller Lee Ann Wells  
Fire Chief Kevin Salerno

Moved by Councilor Acker  
Seconded by Councilor Smith

**RESOLVED**, that Warrant No. 25 checks and ACH payments in the amount of \$909,259.09, 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 (Simchik)  
**MOTION CARRIED**

**STANDARD WORKDAY RESOLUTION**

**RESOLUTION 16-239**

Moved by Councilor Chamberlain  
Seconded by Councilor Cohen

**RESOLVED**, that the Common Council hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities provided to the City Clerk:

Title	Name	SS# (last 4 digits)	Reg. #	Standard workday (Hrs/day)	Term begins/ends	Participated in Employers Time Keeping System	Days/Month	Elected or Appointed	Not Submitted (check if no record of activities completed or time keeping system)
Common Council	Thomas Simchik	5085	41455973		2016-2017	N		E	✓
City Chamberlain	Nancy Andrews	0325	38849931	7	2016-2017	N	20	E	

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

**CITY OF ONEIDA - ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS  
FOR CERTAIN MUNICIPAL BUILDINGS**

**RESOLUTION 16-240**

Motioned by Councilor Cohen  
Seconded by Councilor Smith

**WHEREAS**, buildings are the single largest user of energy in the State of New York; the poorest performing buildings typically use several times the energy of the highest performing buildings for the exact same building use; **and**

**WHEREAS**, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the City of Oneida is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; **and**

**WHEREAS**, the City of Oneida Common Council desires to use Building Energy Benchmarking, a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings, to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the City of Oneida; **and**

**WHEREAS**, as such the Common Council desires to establish procedure or guideline for the City of Oneida staff to conduct such Building Energy Benchmarking; and

**NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED**, that the following specific policies and procedures are hereby adopted and imposed as active and affirmative financial internal control procedures of the City of Oneida;

**BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

**§1. DEFINITIONS**

- (1) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.
- (2) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.
- (3) "Mayor" shall mean the head of the Department.
- (4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the City of Oneida that is 1,000 square feet or larger in size.
- (5) "Department" shall mean the City of Oneida Mayor's Office.

- (6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.
- (7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.
- (8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.
- (9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.
- (10) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.
- (11) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.
- (12) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

## **§2. APPLICABILITY**

- (1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.
- (2) The Mayor may exempt a particular Covered Municipal Building from the benchmarking requirement if the Mayor determines that it has characteristics that make benchmarking impractical.

## **§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

- (1) No later than February 28, 2017, and no later than May 1 every year thereafter, the Mayor or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.
- (2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Mayor or his or her designee from the Department shall begin inputting data in the following year.

## **§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

- (1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:
  - (a) No later than February 28, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

- (2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:
  - (a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and
  - (b) For each Covered Municipal Building individually:
    - i. The status of compliance with the requirements of this Policy; and
    - ii. The building address, primary use type, and gross floor area; and
    - iii. Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
    - iv. A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

## **§5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

## **§6. ENFORCEMENT AND ADMINISTRATION**

- (1) The Mayor or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.
- (2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.
- (3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the City of Oneida Common Council, including, but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

**BE IT FURTHER RESOLVED** that the City of Oneida Common Council, in regular session duly convened, does hereby authorize and direct the Mayor to execute such other and additional documents as may be required for to perfect the resolutions herein.

Councilor Cohen – Yes

Councilor Bowe – Yes

Councilor Smith – Yes

Councilor Acker – Yes

Councilor Chamberlain – Yes

Councilor Simchik – Absent

**MOTION CARRIED**

Councilor Cohen said this will help to get certified and provide points towards the Climate Smart Community. The Mayor said there are \$50K grants also available, but the City would like to be awarded \$100K. Councilor Cohen said these grants are on a first come/first served basis.

## LEGAL COUNSEL FOR SOLAR INITIATIVE

### **RESOLUTION 16-241**

Moved by Councilor Smith  
Seconded by Councilor Bowe

**WHEREAS**, on February 17, 2015, the Common Council approved William M. Buchan, Esq., Buchan & Sutter, P.C., 15 Lakeshore Drive Constantia, New York 13044 to be retained as legal counsel for the City's solar energy initiative at a rate of \$160.00 per hour, in an amount not to exceed \$8,000.00, **and**

**WHEREAS**, on October 20, 2016, the Common Council approved the amount allotted to William M. Buchan, Esq., Buchan & Sutter, P.C., 15 Lakeshore Drive Constantia, New York be increased from the original amount of \$8,000, so as not to exceed \$16,000.00, because of the increased expenditures due to litigation with regards to the setting of the solar project, **and**

**WHEREAS**, the expenditures for said legal counsel will increase due to the City's further solar energy initiatives, **now therefore be it**

**RESOLVED**, that the Common Council hereby approves that the amount allotted to William M. Buchan, Esq., Buchan & Sutter, P.C., 15 Lakeshore Drive Constantia, New York 13044, as legal counsel for the City's solar energy initiative at a rate of \$160.00 per hour, be increased by another \$8,000, so as not to exceed \$24,000.00.

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

**MOTION CARRIED**

As of 12/27/16, the City has expended \$14,160.00 on legal fees for the solar energy initiative.

## SUBSTANCE ABUSE TESTING AGREEMENT – PER FEDERAL REGULATIONS

### **RESOLUTION 16-242**

Moved by Councilor Smith  
Seconded by Councilor Bowe

**RESOLVED**, that the Mayor be authorized to sign the annual agreement with Urgent Care Practice, PC, 7375 Oswego Road, Suite 1, Liverpool NY 13090 for substance abuse testing.

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

**MOTION CARRIED**

This is for a controlled substance abuse testing agreement for employees per Federal regulations.

## BUDGET TRANSFERS

### **RESOLUTION 16-243**

Moved by Councilor

Seconded by Councilor

**RESOLVED** to approve the following budget transfers:

<u>AMOUNT</u>	<u>FROM:</u>	<u>TO:</u>
\$250	001.1430.0403 Civil Service Contracts	001.1430.0101 Civil Service Salary
\$100	001.1315.0101 Comptroller Salaries	001.1325.0101 Chamberlain Salaries
\$150	001.8664.0200 Code Enforcement Equipment	001.8664.0101 Code Enforcement Salary
\$345	001.1315.0101 Comptroller Salary	001.8020.0101 Planning Salary
\$5,500	001.4068.0102 Mosquito Overtime	001.5110.0102 Street Maintenance Overtime
\$10,000	002.8300.0436 Water Contingency	002.8300.0101 Water Salaries

*(To reallocate funds to cover year end payroll accrual 12/25-12/31/16)*

\$500	001.1660.040300 Central Stores Supplies	001.1680.0403 Office Technologies Contracts
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*(To reallocate funds to cover IT contracts)*

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

**MOTION CARRIED**

The Comptroller said the transfers to various salary accounts are due to unexpected overtime during the year for certain employees, and she cited the example of a water main break on Christmas day.

Motion to adjourn by Councilor Acker

The regular meeting is hereby adjourned at 8:20 a.m.

City of Oneida

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Susan Pulverenti, City Clerk