

**MINUTES OF THE COMMON COUNCIL
JUNE 16, 2015**

A meeting of the Common Council of the City of Oneida, NY was held on the sixteenth day of June, 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, 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
Civil Service Peg Margo
Comptroller Linda Pease
Director of Parks and Recreation Lucas Griff
Director of Planning and Development Cassie Rose
Fire Chief Kevin Salerno
Police Chief David Meeker
Public Safety Commissioner Mike Kaiser

PUBLIC HEARING

RESOLUTION 15-131

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, the Public Hearing on the proposed Local Law titled "Prohibition Regarding the Sale and Possession of Synthetic Drugs and other Similar Substances or Compounds Prohibiting Synthetic Drugs" be hereby opened at 6:35 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES: None

Mayor Smith said this proposed Local Law is an effort to tighten up the ability to aggressively enforce against those who are using synthetic compounds and regularly change the compounds to avoid the law. This proposed law allows us greater flexibility to continue to enforce illegal possession and use.

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, the Public Hearing on the proposed Local Law titled "Prohibition Regarding the Sale and Possession of Synthetic Drugs and other Similar Substances or Compounds Prohibiting Synthetic Drugs" be hereby closed at 6:38 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

OLD BUSINESS

Redistricting of City Ward Boundaries

Mayor Smith said that he has received a submission from the Oneida County group on the redistricting of the City's ward boundaries. He explained that its purpose is to establish even populations within the six City wards, so each is within 100 residents of the other. He noted that it has been over 30 years since this was done. Mayor Smith said the proposal has been sent to the Madison County Board of Elections and will be brought to the Council once the Board's review is complete and comments are received.

Codes Enforcement Committee

Mayor Smith said that the Codes Committee discussions are nearing the end, and Councilor Chamberlain will be preparing the recommendations to be provided to the Mayor. Mayor Smith said he will review and inform the Council.

Sign Ordinance Committee

The sign ordinance committee is moving forward, and the Planning Commission will have an informal discussion with the committee on a draft of the various issues at their next meeting.

HP Hood Expansion Project

Mayor Smith said the HP Hood Project is proceeding with the barrier options and noise concerns being addressed.

Solar Energy Initiative

Mayor Smith said documents have been executed for the interconnection with National Grid for our solar project. He said this is a 13.5 acre solar installation for the City of Oneida using no taxpayer dollars. The Mayor said this effort will save \$100K a year in utility bills and result in a \$4.5M savings to the City over the next 25 years.

City Centre Apartment Complex on Warner Street

Mayor Smith said the ribbon cutting for the new apartment complex on Warner Street will be held at the end of the month. The Mayor said significant building progress has taken place, and he asked residents to drive by and take a look.

Phelps Street Debris Cleanup

Mayor Smith said that Mr. Waterman has cleaned up his portion of the debris on Phelps Street, and Mr. Karst's portion remains, which will fall upon the City. The deadline for bids to remove the debris is Wednesday, June 24, 2015, and the Mayor said he is anticipating 5 or 6 bidders.

Civil Engineering Technician for City Engineer's Office

Mayor Smith said resumes for the Civil Engineering Tech for the City Engineer's office have been received, and interviews will be scheduled and conducted shortly.

Building Permit Late Fees Assessed

The Mayor said Codes Enforcement Officer Pat Baron has prepared a packet of information relative to the building permit late fees charged to Dale Carlson for his rental property on Williams Street. The first late fee was for failure to obtain a building permit, and the second is for failure to pick up and pay for the permit. Mayor Smith said the packet is in the Councilor's mailboxes for their review and to form an opinion as to where to go with Mr. Carlson's request for a refund.

Revisit 2013 Releived Water Bill – Acct No. 51-03100600 - 128 N. Main Street

Mike Musacchio, Oneida, asked that the Council come to a conclusion today about the unpaid 2013 water bill for Kaleo Enterprises, which was releived onto the 2014 tax bill for the property located at 128 N. Main Street. Kaleo Enterprises is the owner of the property, and Mr. Musacchio said they are responsible for the taxes and water bills. Councilor Zogby asked why this bill isn't between the property owner and Mr. Musacchio, as they own the building. Mr. Musacchio said he was in the middle of buying the building, and now he selling it for them. In response to a question from Councilor Zogby, Mr. Musacchio said the taxes are not current, and he did into know if the water bills were current. He said he pays the water bills to the owner in Texas. Councilor Acker said until the bills are current, she is not willing to make any kind of change. Councilor Zogby said this is between Mr. Musacchio and whomever, relating to whatever he is doing, and once this is made current it could possibly be discussed.

2013 RELEVIED WATER BILL – ACCT NO. 51-03100600 - 128 N. MAIN STREET

RESOLUTION 15-132

Moved by Councilor Zogby
Seconded by Councilor Acker

RESOLVED, that the Common Council hereby dispenses this matter with no further action to be taken.

Ayes: 5
Nays: 0
Councilor Chamberlain recused himself from the vote
MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Simchik

RESOLVED, that the minutes of the regular meeting of June 2, 2015 are hereby approved as presented.

Ayes: 6
Nays: 0
MOTION CARRIED

Moved by Councilor Simchik
Seconded by Councilor Acker

RESOLVED, that Warrant No. 12, checks and ACH payments in the amount of \$213,036.45 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

Councilor Chamberlain said he believes the twelve water bill adjustments were attributed to the harsh winter and the inability to read the meters because of snow.

Moved by Councilor Chamberlain

Seconded by Councilor Zogby

RESOLVED, that Check No. 53231 in the amount of \$30.67 (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: 5

Nays: 0

Abstain: 1 (Acker)

MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 15-133

Moved by Councilor Acker

Seconded by Councilor Simchik

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

Ayes: 6

Nays: 0

MOTION CARRIED

CONTRACT EXTENSIONS

RESOLUTION 15-134

Moved by Councilor Smith

Seconded by Councilor Simchik

RESOLVED, that authorization be hereby given to extend the chemical contract for liquid iron salts with Kemira Water Solutions, Inc., 3211 Clinton Parkway, Ct. #1, Lawrence, KS 66047 for an additional one-year term from the date of expiration, in accordance with the existing contract **and be it further**

RESOLVED, that authorization be hereby given to extend the chemical contract for liquid cationic polymer with SNF Polydyne, Inc., One Chemical Plant Rd., PO Box 250, Riceboro, GA

31323 for an additional one-year term from the date of expiration, in accordance with the existing contract, **and be it further**

RESOLVED, that authorization be hereby given to extend the chemical contract for caustic soda with Univar USA, Inc. 175 Terminal Road, Providence RI 02905 for an additional six-month term from the date of expiration, in accordance with the existing contract.

Ayes: 6

Nays: 0

MOTION CARRIED

BUDGET TRANSFER

RESOLUTION 15-135

Moved by Councilor Chamberlain

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>
\$8,000	001.1420.0410 (Attorney Litigation)	\$15,133.38	001.1420.0411 (Attorney Labor & Employment)	\$5,220.25

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor said the account needs to be bolstered after the labor negotiations process.

ASSESSMENT ROLL FOR FITCH STREET WATER MAIN EXTENSION

RESOLUTION 15-136

Moved by Councilor Smith

Seconded by Councilor Chamberlain

RESOLVED, that the assessment roll for the Fitch Street Water Main Extension be hereby received and placed on file, **and be it further**

RESOLVED, that a public hearing shall be held on the aforementioned assessment roll on July 21, 2015 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY for any person(s) wishing to be heard on and to consider any objections to the said assessment roll, and for the purpose of receiving, correcting or amending same on the said assessment roll, and by the publication of a notice thereof in the official newspaper.

Ayes: 6

Nays: 0

MOTION CARRIED

ZONING MAP AMENDMENT – SCHEDULE PUBLIC HEARING

RESOLUTION 15-137

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, the City of Oneida Planning Commission, at their June 2, 2015 meeting, unanimously approved a Positive Recommendation to the Common Council for a zoning map amendment to rezone from R-1 (single family residential) to Commercial a portion of SBL3 37.14-1-16, beginning at the front boundary line at NYS Route 5, and continuing north to a depth of 500', **and**

WHEREAS, having received the aforementioned request for a zoning map amendment and the recommendation of the Planning Commission, the Common Council hereby introduces an Ordinance to amend the Zoning Map of the City of Oneida to change the designation of certain lands to C (Commercial), **and**

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of an ordinance in the City of Oneida, such that there are no other involved agencies within the meaning of the NYS Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Ordinance, **now therefore be it**

RESOLVED, that there are no other involved agencies, the Common Council 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 be it further**

RESOLVED, that a Public Hearing on an Ordinance amending the Zoning Map of the City of Oneida to change the Zoning designation for said portion of property being zoned 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 in the City of Oneida be scheduled for July 7, 2015 at 6:30 p.m. in the Common Council Chambers, 109 N. Main St., Oneida.

“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 total 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.

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.

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor said this is for a parcel on Genesee Street, which adjoins Mr. Nye's property in Wampsville. Mr. Nye would like to open a used car lot and auto body shop on the property.

HYDRANT AGREEMENT

RESOLUTION 15-138

Moved by Councilor Smith

Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign the following water agreement:

- 2015-2019 Work Force Housing Hydrant Agreement (City Centre Apartments)

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor said this agreement is for the hydrants to be put on Warner Street for the new apartment complex. Councilor Chamberlain said the name of the complex (currently Workforce Housing) is going to be changed, and the City Clerk said she would note in the minutes that it is being changed to City Centre Apartments.

LEAK ADJUSTMENT RECOMMENDATION BY THE WATER BOARD

RESOLUTION 15-139

Moved by Councilor Zogby

Seconded by Councilor Chamberlain

WHEREAS, during the course of reading meters, it was found that a high read had occurred at 212 E. Grove St., Acct. # 5116103000; the water was turned off the water to prevent further water loss, and a leak was found underneath the foundation in the laundry room, **and**

WHEREAS, this leak is of significance and meets all the threshold requirements for an adjustment had not a previous adjustment been granted within 48 months prior for which the customer's request was denied, **and**

WHEREAS, there have been 78 leak adjustments in the nine years this policy has been in effect, and this is the first time this situation has occurred, **and**

WHEREAS, the Water Department does not want to impoverish its customers because of a leak, **and**

WHEREAS, the Water Board has unanimously recommended to the Common Council that an adjustment be granted to 212 E. Grove St., Account #5116103000 for the June 2015 water/sewer bill in accordance with the policy, and that the previous leak adjustment granted in December 2013 be voided and added into the adjustment amount calculated, as this would be consistent with the intent of the City of Oneida Water Department's Leak Adjustment Policy, **now therefore be it**

RESOLVED, that the Common Council hereby accepts the recommendation from the City of Oneida Water Board and further authorizes that an adjustment be granted to 212 E. Grove St., Account #5116103000 for the June 2015 water/sewer bill in accordance with the Leak Adjustment policy, and that the previous leak adjustment granted in December 2013 be voided and added into the adjustment amount calculated.

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor said this is a circumstance where there was an undetected leak resulting in a very high water bill. The property owner has been in contact with the Water Superintendent and met with the Water Board. The Council is following their recommendation per the City's leak adjustment policy.

SPECIAL EVENTS APPLICATION

RESOLUTION 15-140

Moved by Councilor Simchik

Seconded by Councilor Bowe

RESOLVED, to approve the following special events application:

Name of Event: 25th Anniversary Americans with Disabilities Act Celebration

Sponsor: Arise, Inc.

Address: 131 Main Street, Suite 107, Oneida NY 13421

Event Date: July 24, 2015

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor said this is a yearly event held at the Kallet Civic Center celebrating Americans with disabilities and the changes to access and mobility. He said it has been over 25 years that we have been doing curb-cuts to help with that mobility.

INSURANCE PROPOSAL

RESOLUTION 15-141

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, to authorize the Mayor to accept the proposal from Haylor, Freyer & Coon, 231 Salina Meadows Parkway, Syracuse NY 13212 for insurance services from July 1, 2015 to June 30, 2016 year in the amount of \$156,440.12.

Ayes: 6
Nays: 0

MOTION CARRIED

The Council said they were impressed with the insurance proposal and thanked the Mayor and Comptroller noting increased coverage, while saving the City \$31K. The Mayor said the City will now have substantial coverage for its large recreation and park programs.

APPROVING THE CONVEYANCE OF REAL PROPERTY SITUATED AT 188 FIELDS DRIVE, CITY OF ONEIDA, COUNTY OF MADISON, STATE OF NEW YORK, TO THE MADISON COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY

RESOLUTION 15-142

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

WHEREAS, on November 22, 1995, the City of Oneida, with the approval of the Public Health Council of the State of New York, executed certain documents which, effective January 1, 1996, transferred the assets, liabilities and the operations of Oneida City Hospital to Oneida Health Systems, Inc., a private, not-for-profit hospital organized under Section 501(c)(3) of the Internal Revenue Code; **and**

WHEREAS, effective with the transfer, the City of Oneida's ownership of the Hospital was terminated; **and**

WHEREAS, despite the City of Oneida's termination of Hospital ownership, restrictions on financing obtained by Oneida Health Systems for the long term care facility required that title to such facility, generally referred to as the "Extended Care Facility," situated adjacent to the Hospital facility, at 188 Fields Drive in the City of Oneida, County of Madison, State of New York, revert to the City of Oneida upon satisfaction of outstanding bond obligations; **and**

WHEREAS, in 2013, the Madison County Industrial Development Agency ("Agency"), in coordination with Oneida Health Systems, informed the Common Council that Oneida Health Systems sought to refinance and/or refund certain existing indebtedness related to the health care facility and the long term care facility through the issuance of tax-exempt revenue bonds in one or more issues or series, in the approximate aggregate principal amount of \$16,310,000, by the Madison County Capital Resource Corporation; **and**

WHEREAS, such refinancing and/or refunding was intended to satisfy prior bond obligations and result in the reversion of the long term care facility to the City of Oneida; **and**

WHEREAS, a condition of the tax-exempt revenue bonds to be issued by the Madison County Capital Resource Corporation required that the City of Oneida transfer its ownership interest in the long term care facility to Oneida Health Systems; **and**

WHEREAS, the City of Oneida Common Council, by Resolution 13-185, dated July 2, 2013, was able to rely upon Local Law 3-2012 and authorize the conveyance of real property known as Tax Parcel 38.63-1-3.21, situated at 188 Fields Drive in the City of Oneida, County of Madison, State of New York (“Property”), consisting of approximately 14.10 acres and improved with a five (5) story 162-bed Extended Care Facility, with a fully functional basement level, consisting of 70,500 +/- square feet above grade and 15,436 +/- square feet on the basement level, to the Agency in an effort to assure continued community access to quality, comprehensive primary health care services and in support of the economic activity Oneida Health Systems generates within the City of Oneida as the City’s largest employer; **and**

WHEREAS, to ensure the receipt of “fair market value” for the Property, a “Restricted Use Appraisal Report” was prepared by Edward J. Gallacher, CCIM, NYS Certified General Appraiser #46-21039, dated June 21, 2013, wherein the market value of the Property was determined to be \$7,320,000.00; **and**

WHEREAS, a condition of such conveyance provided that in the event the Agency did not sell or convey the Property to a private entity within one (1) year from the date of the resolution, the conveyance would become null and void and the jurisdiction, control and supervision of the Property would revert to the City of Oneida; **and**

WHEREAS, in passing such resolution, the Common Council completed its environmental review under Article 8 of the Environmental Conservation Law of New York (“SEQRA”), and determined that there were no other involved agencies and appointed itself lead agency, identified the action as an unlisted action and, upon review of the Short Environmental Assessment Form, rendered a negative declaration, having concluded that the proposed action would result in no adverse environmental impacts; **and**

WHEREAS, for various reasons, Oneida Health Systems did not refinance its existing indebtedness related to the health care facility and the long term care facility in 2013 and, as a consequence, the Agency did not sell or convey the Property to a private entity within one (1) year from the passage of Resolution 13-185, as required; **and**

WHEREAS, as a result of the foregoing, the Common Council’s conveyance became null and void and the Property reverted to the City of Oneida; **and**

WHEREAS, the Agency and Oneida Health Systems has once again expressed the intent and desire of Oneida Health Systems to refinance and/or refund certain existing indebtedness related to the health care facility and the long term care facility through the issuance of tax-exempt revenue bonds in one or more issues or series, in the approximate aggregate principal amount of \$31,000,000, by the Madison County Capital Resource Corporation; **and**

WHEREAS, to facilitate such refinancing and/or refund, the Madison County Capital Resource Corporation once again requires that the City of Oneida transfer its ownership interest in the long term care facility to Oneida Health Systems; **and**

WHEREAS, Common Council continues to recognize the importance of maintaining community access to quality, comprehensive primary health care services and the valuable economic activity Oneida Health Systems generates within the City of Oneida and thus wishes to convey the Property to the Agency.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Common Council does hereby ratify and reaffirm its prior negative SEQRA declaration and the findings and reasons supporting such declaration, rendered in Resolution 13-185, dated July 2, 2013; and it is further,

RESOLVED AND DETERMINED, that the Common Council hereby approves the conveyance of aforementioned real property owned by the City, known as Tax Parcel 38.63-1-3.21, situated at 188 Fields Drive, to the Madison County Industrial Development Agency in accordance with the following terms and conditions:

1. The Property shall be conveyed, without consideration, to the Agency for use by the Agency for purposes of economic development and to enhance the livelihood of area businesses, industries, communities, and citizens and enrich the overall quality of life. Title shall remain in the City, but the Agency shall have the use thereof for so long as its corporate existence shall continue and, while said Property is under its jurisdiction, control and supervision, such shall be exempt from all taxes and assessments.
2. In the event such Property may be sold or conveyed by the Agency, the recipient, as reasonable consideration to the City of Oneida, shall assume responsibility for all indebtedness incurred relative to the long term care facility and shall continue to use the Property for health care related purposes. Based upon the market value conclusion of the aforementioned appraisal prepared by Edward J. Gallacher, attached hereto and incorporated herein, assumption of the existing indebtedness, as well as the proposed issuance of tax-exempt revenue bonds, assures the City of Oneida that “fair market value” will be received for the Property.
3. In the event the Agency does not sell or convey such Property to a private entity in furtherance of economic growth and development and the enhancement of the livelihood of area businesses, industries, communities, and citizens within one (1) year from the date of this resolution, this conveyance shall become null and void and the jurisdiction, control and supervision, of such Property shall revert to the City of Oneida.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute any and all deeds or other documents necessary to complete the conveyance of title of said parcel of land.

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

MOTION CARRIED

City Attorney Nadine Bell said that in 2013, a similar resolution was passed conveying title of the nursing home to Oneida Healthcare Center with the same purpose; however, it contained a one-year sunset clause that has lapsed. The City Attorney said this is to once again allow the hospital to refinance/restructure the existing debt to take advantage of better rates.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$6,117,000 JOINT BONDS OF THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AND THE TOWNS OF VERONA, VERNON, VIENNA, LINCOLN AND LENOX, TO PAY THE COST OF THE CONSTRUCTION OF A NEW LIBRARY FACILITY FOR THE ONEIDA PUBLIC LIBRARY

RESOLUTION 15-143

Moved by Councilor Smith
Seconded by Councilor Acker

WHEREAS, the Common Council of the City of Oneida, Madison County, New York, in conjunction with the Towns of Verona, Vernon, and Vienna in Oneida County, New York and the Towns of Lenox and Lincoln in Madison County, New York, has determined to participate in the financing for the Oneida Public Library District (the “District”) of construction of a new public library facility in the City of Oneida, New York and to contract joint indebtedness therefor in accordance with Section 15.00 of the Local Finance Law pursuant the requirements of Chapter 493 of the Laws of 1996 (the “Special Act”); **and**

WHEREAS, said capital project has been determined to be a “Type I Action” pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, it has been determined will not result in a significant environmental impact; **and**

WHEREAS, in accordance with the requirements of the Special Act, the Common Council now wishes to authorize the joint financing thereof as provided therein, at a maximum estimated cost of \$6,117,000 with an estimated City of Oneida share of \$3,844,986.99; **NOW, THEREFORE, BE IT**

RESOLVED, by the Common Council of the City of Oneida, Madison County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the construction of a new public library facility at 456 Elizabeth Street/Main Street in the City of Oneida, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, site and other improvements and expenses in connection therewith at a maximum estimated cost of \$6,117,000, which specific object or purpose is hereby authorized at said maximum estimated cost, there are hereby authorized to be issued \$6,117,000 joint bonds of said City of Oneida, Madison County, New York (the “City” or the “City of Oneida”), together with the Towns of Verona, Vernon and Vienna, in Oneida County, New York, and the Towns of Lenox and Lincoln in Madison County, New York, pursuant to the provisions of Title 1A of the Local Finance Law and Section 1 of Article VIII of the Constitution of the State of New York. (The five towns are hereinafter referred to collectively as “Towns”, and each, a “Town”, the Towns and the City are collectively referred to herein as “municipalities”).

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of the \$6,117,000 joint bonds of said City authorized to be issued pursuant to this bond resolution; provided, however, that the amount of joint bonds ultimately issued shall be reduced by any federal and/or state grants-in-aid and other contributions received therefor. The maximum amount of joint indebtedness to be contracted therefore is \$6,117,000 and the amount initially estimated to be allocated and apportioned to the City of Oneida is \$3,844,986.99.

Section 3. For the purposes of Section 15.10 of the Local Finance Law relating to the allocation of joint indebtedness, the amount of joint indebtedness to be apportioned and allocated to each of said Towns and the City, shall be in the same proportion as the levy of the taxes authorized to be levied on behalf of the District in the Special Act in each of the Towns and the City of Oneida. Said allocation is estimated to be, and for purposes of determining gross indebtedness of each of said municipalities in their respective debt statements pursuant to Section 15.10 of the Local Finance Law, the amount to be allocated for the purpose of ascertaining each of the respective municipalities' debt contracting powers, shall be as follows:

Oneida (City)	\$3,844,986.99	62.8574%
Verona (Town)	\$ 827,009.03	13.5198%
Vernon (Town)	\$ 584,009.00	9.5473%
Vienna (Town)	\$ 412,219.63	6.7389%
Lenox (Town)	\$ 305,183.03	4.9891%
Lincoln (Town)	\$ 143,592.32	2.3474%

Nothing in this section shall be deemed to be in conflict with or to supersede the provisions of Section 6 of this resolution relating to the annual apportionment of the amount of principal and interest on the bonds herein authorized to be issued as among said Towns and said City, nor the manner of collection and payment of the amounts of annual debt service provided to be apportioned annually by said Section 6. The Supervisors of said Towns and the Comptroller of said City are hereby authorized to act jointly upon further optional action of the respective legislative bodies determining to make application to the State Comptroller for the allocation and apportionment of said joint indebtedness in accordance with the provisions of this section and to perform all acts and furnish all information required in connection with such application, to make such allocation and apportionment conclusive upon approval of the State Comptroller pursuant to Section 15.10(d) of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years pursuant to subdivision 11(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 5. Subject to the provisions of the Local Finance Law and this section, the power to authorize the issuance of and to sell joint bond anticipation notes in anticipation of the issuance and sale of the joint bonds herein authorized, including renewals thereof, is hereby delegated to the Comptroller of the City of Oneida, the chief fiscal officer of said City acting on her own behalf and on behalf of the chief fiscal officers of the Towns. Such joint bond anticipation notes shall be of such terms, form and contents and shall be sold by said Comptroller in such manner as may be prescribed by a bond anticipation note certificate, as authorized by Section 30.00 of the Local Finance Law; provided, however, that any bond anticipation notes so issued shall be the joint indebtedness of said Towns and said City and shall be executed in the names of each Town and the City of Oneida, and shall be signed by the Supervisor of each Town on behalf of said respective Town and shall have affixed thereto the seal of each respective Town, attested by the Town Clerk of each respective Town, and shall be signed by the Comptroller of the City of Oneida on behalf of said City and shall have affixed thereto the seal of the City of Oneida, attested by the City Clerk of said City.

The Comptroller of the City of Oneida, as the chief fiscal officer of the City of Oneida to whom is hereby delegated the power to authorize the issuance of and to sell such joint bond anticipation notes, shall file an executed copy of each such bond anticipation note with the finance board of each of the aforesaid municipalities upon or prior to the issuance of the bond anticipation note or notes authorized by such certificate.

Section 6. The faith and credit of said City of Oneida, Madison County, New York; said Town of Verona, Oneida County, New York; said Town of Vernon, Oneida County, New York, said Town of Vienna, Oneida County, New York, said Town of Lenox, Madison County, New York and said Town of Lincoln, Madison County, New York, are hereby jointly pledged for the payment of the principal of and interest on said joint bonds as the same become due and payable. The principal of said joint bonds and the interest thereon shall be apportioned annually amongst said Towns and said City in accordance with the provisions of the Special Act hereinabove referred to in the recitals of this resolution, on the ratio as therein provided, such ratio to be annually determined in accordance with the provision of the aforesaid Special Act. The share of said principal and interest to be borne by the aforesaid Towns and City, shall be annually assessed, levied and collected within each such Towns and City on behalf of the District in accordance with the provisions of the Special Act.

Each such Town and the City of Oneida shall annually levy and collect a tax on behalf of the District sufficient to pay the share of said principal and interest to be borne by each such Town and the City, as the same may become due and payable on behalf of the District in accordance with the provisions of the Special Act.

If not paid from the aforesaid sources, all the taxable real property in said City of Oneida, and all the taxable real property in said Town of Verona, and all the taxable real property in said Town of Vernon and all the taxable real property in said Town of Vienna, and all the taxable real property in said Town of Lenox, and all the taxable real property in said Town of Lincoln, shall be jointly subject to the levy of an ad valorem tax, without limitation as to rate or amount sufficient to pay the principal of and interest on said joint bonds as the same become due and payable.

Section 7. The validity of such joint bonds and joint bond anticipation notes may be contested only if:

- 1) Such joint bonds are authorized for an object or purpose for which said Towns and said City are 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 publication, or
- 3) Such joint bonds are authorized in violation of the provisions of the Constitution.

Section 8. Upon the adoption of this resolution by each of the aforesaid Towns and the aforesaid City, and the publication thereof with the notice provided for herein, the Clerks of each such Town and such City shall file with the Clerk of each of the other Towns and of the City a certified copy of this resolution and a certified copy of a printer's affidavit or affidavits, as the case may be, of publication thereof with the required notice or notices, as the case may be.

Section 9. (a) Pursuant to Section 15.00(m) of the Local Finance Law, the powers and duties of advertising such joint bonds for sale, conducting the sale and awarding the bonds, are

hereby delegated to the Comptroller of the City of Oneida, Madison County, New York, who on her own behalf and on behalf of the chief fiscal officers of each of the Towns shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of the aforesaid Towns and the City including sale by private negotiation (including same with the United States Department of Agriculture); provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of said Comptroller of the City of Oneida shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money. All other matters except as provided herein relating to the joint 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 shall be determined by the Comptroller of the City of Oneida on behalf of the City of Oneida and the chief fiscal officers of each of the Towns. 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 said Comptroller shall determine consistent with the provisions of the Local Finance Law. Such joint serial bonds shall be in fully registered form and shall be signed in the name of each Town and City by the manual signature of each respective chief fiscal officer and a facsimile of the corporate seal of each Town and City shall be imprinted thereon and shall be attested by the manual signatures of each respective Town or City Clerk.

(b) Pursuant to Section 15.00(j) of the Local Finance Law, the Comptroller of the City of Oneida on behalf of the City of Oneida and the chief fiscal officers of each of the Towns is hereby designated as the registration agent in relation to such joint bonds or bond anticipation notes to perform the functions of fiscal agent as provided therein. The Comptroller of the City of Oneida in said capacity may contract with a bank or trust company located and authorized to do business in the State to perform said functions. It is hereby determined that it is to the financial advantage of each of the Towns and City not to impose and collect from registered owners of such joint bonds charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent.

Section 10. Any obligation issued under authority of this resolution shall contain on its face a recital in substantially the following form: "This obligation evidences the joint indebtedness of the City of Oneida, Madison County, New York, the Town of Verona, Oneida County, New York, the Town of Vernon, Oneida County, New York, the Town of Vienna, Oneida County, New York, the Town of Lenox, Madison County, New York and the Town of Lincoln, Madison County, New York."

Section 11. This resolution shall take effect immediately and shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Councilor Zogby – No

Councilor Bowe – Yes

Councilor Smith – Yes

Councilor Acker – Yes

Councilor Chamberlain – Yes

Councilor Simchik – No

MOTION CARRIED

Attorney John Campanie said a lot of time was spent discussing this issue at the last meeting. The resolution was tabled, because the Council wanted to seek what impact there would be to the City's bond limit and credit rating. Attorney Campanie said that he understands there would be a substantial bond limit remaining, and this would not have an adverse effect to the City's credit rating.

Attorney Campanie said other issues discussed included the amount of bond, transparency of the project and the legal obligation of the City. He said there were vigorous comments before the vote, and the vote was 2½ times greater than those voting in the last library election. He said there are people passionate on both sides of this issue, but this was clearly before the public, and the vote passed. He said that weeks in advance of the vote, published materials in print, and on the library website, showed the fundamental facts on which the vote was to be held. The cost of the project was \$6.12M to be paid for by an increase in property taxes levied in the towns and city in the district. He said all actions to authorize this project were taken in publically noticed meetings, the ballot was publically posted throughout the district on February 12, 2015, published in the Oneida newspaper, on the library website, and ultimately reflected on the ballot. Attorney Campanie said they very carefully followed the law and the advice from the bond counsel in New York, who is the same expert used by most municipalities and towns.

Attorney Campanie reiterated that the statute says "after approval by the qualified voters, the respective legislative bodies, jointly shall authorize, sell and issue the bonds" and said the word "shall" controls. He said he has provided contrasting information to the Council on the words "may and shall". The referendum has been held, and the voters have approved the library project.

Jeff Smith, the library's Fiscal Advisor, said the bond resolution sets up the maximum budget for the project, it notices the amount to be offset by available grants or fundraising, recites the parts of the local finance law that authorizes how this is legally being done, and sets up a period of probable usefulness. Mr. Smith said that the City does not have to borrow for grant funds and will close on the long term bonds upon substantial completion of the project. Mr. Smith explained the rural development loan, which will be done by resolution with the Oneida Public Library. He said the bond resolution is just the security instrument to solidify the loan with RD. He said at the end of each year, the library should be sending the towns and city notice of what their obligations will be, as they will still carry the unpaid principal amount against their constitutional debt limit. The bond resolution is for \$6.1M, because the library has to have the authority to build a project with the total cost of \$6.1M. However, there would be no intent to borrow that much, and it was reiterated that bond amount shall be reduced by any grants/aid and/or other contributions. There will be a bond issued jointly between the municipalities to rural development as security, and the loan will be with the Oneida Public Library. The Oneida Library will pay the bonds directly, and they may be paid off early if funding is available. A lengthy explanation followed relative to the accounting transactions, interest rates and the time frames that will be taking place through the course of the bonds and loan. Fiscal Advisor Smith said that the constitutional debt margins for the towns has been calculated, and this shouldn't constrain their municipalities. Attorney Campanie said his understanding is that all the towns and the City have to approve this, and if they do not, the library will have to look at their legal remedies to address it.

Councilor Zogby said this has been an uncomfortable process whereby the Council was presented on April 29 with the law, which they want to uphold. He said what we should be celebrating is a new building in our City, but this has become a referendum on something that has already been decided. He asked how can we work together to facilitate something that allows the library to do what it needs to do, while carrying on their duty to the citizenry and feel good about it. He said that he is very conflicted about the City's law that calls for bonding for over \$1M to go to referendum. He said there are two sides that are opposite and asked for a meeting, together with the towns, to go over the myriad of information received. Attorney Campanie said detailed information was provided in February. This was publically/legally noticed and over the past six weeks detailed communications have been circulated between the library, councilors and the City's advisors with respect to these issues. He said the voters

turned out and voted in favor of this, and those are your constituents. Attorney Campanie suggested this be addressed promptly. Mayor Smith said since the thorough and exhaustive discussion of the Council two weeks ago, a substantial amount of factual information has been disseminated to the Council. The Mayor said the time has come to take a stand and vote on this issue one way or the other.

Jim Bacher, Oneida, said with respect to a City referendum for borrowing over \$1M, years ago, a project at the WWTP was mandated by the State for a project cost of \$9M. Mr. Bacher said there may be some similarity to what is happening now, where the state mandate relative to the library would supersede local finance law. Mayor Smith said that has been the opinion of our City Attorney. The library's fiscal advisor said this is a very unique situation for the City and towns.

Don Grogan, Oneida, said a lot of information has been put out, but he questioned if it was really all understood, because in the Rome paper it was quoted that paying taxes for 30 years is not accurate. He said there was no mention of bonds needing to be approved by the towns until after the voting took place. He said that one of the clauses in the law states to permit for "library purposes". He asked how a 100-person community room that the library is touting could house a wedding reception can be considered a "library purpose". He said the Council is voting on something that is not needed to that extent.

Peter Hedglon, Oneida, said he has done research on this on this project over the past three weeks. He said the library said they met the "letter of the law". He stated that he asked the library, through a Freedom of Information request, what that the "letter of the law" was, and their response was that they could not tell him, because it is confidential. He said assuming all the notices were posted, the library went well beyond any reasonable requirement to provide information, and even set up a website, www.oplvote.com. The library officials referenced their website to get information about the library project, but neither the legal notice nor ballot appeared on their website. He said the Council should question why this was not on the website. He said that after a lengthy response to Councilor Smith, it was finally laid out that the debt will be secured by bonds that do not go away after two or three years. He questioned what dollar amount will show up on the City's financial statements and said he thinks it will be the full amount authorized, not the amount actually issued. Mr. Hedglon questioned why the Oneida Public Library is not using its authority under the law to mortgage their property, as was mentioned in the NYS Comptroller's audit of the library. He asked why they are using the City's credit and placing this onto the City's financial statement. He said the City should defer action on this resolution, as did Vernon and Verona, until all their concerns have been answered. He said the City of Oneida has always required a bonding referendum for amounts above a certain level. He asked why the local finance law is mentioned in the bond resolution, but then the Council is told to disregard that statement. City Attorney Bell said she has given her opinion to Council that the statement "to follow local finance law" mentioned in the bonding resolution is referenced in a different portion of law and explained her conclusions, noting an additional referendum is not necessary. Mr. Hedglon said if the State legislature had intended to incorporate only part of the NYS finance law in the OPL enabling legislation, it would have done so. He said an opinion should be received from the NYS Comptroller's Office, Attorney General or court should be requested. Attorney Campanie reiterated that the top bond counsel is being used, and the City's Attorney is in concurrence with that counsel. He said opinions from the NYS Comptroller's office can take months/years to receive.

Carol Butler, Oneida, said she has been involved with the Oneida Library capital campaign and informed the Council of all the committees/organizations she has been involved with. She said the library project is about the future of the City. She said this should be a place where our kids want to stay, as they grow up. She addressed Councilor Zogby's statement of being uncomfortable seeing people who may disagree with this project by quoting Abraham Lincoln; "you can please all of the people some of the time, some of the people some of the time, but not all of the people all of the time." She said that in the big picture, this City should have a center of knowledge to meet the needs of the residents and attract new citizens to

Oneida; we need the curb appeal. She urged the Council to vote yes with strong fortitude. Mayor Smith said before the Council is not a discussion of the worthiness of the library; it is the issue of bonding.

Ralph Kohler, Oneida, said he has read the materials the library put out and newspaper articles, and he came tonight to see if the word “shall” applies to what the Council has to do. He said the City Attorney has said it does, and if that is the case, the Council does the City a disservice by delaying.

Attorney Campanie said this required four affirmative votes to pass. Mr. Grogan asked the Council not to approve this. Councilor Chamberlain said it is not for or against the library, the vote has passed. We have to decide individually, as to how we will vote on bonding.

NEW BUSINESS

Upstate Revitalization Initiative

Mayor Smith said the Governor has put in place a competition with \$500M available to the upstate districts. The Mayor said that he and Scott Ingmire, from the County Planning Department, were appointed to sit on the Urban Core Main Street Workgroup. They have developed a rationale for what needs to happen and are further developing specific bullet-points that speak loudly to the viability of the Central NY Region’s request.

Solarize Madison County

Mayor Smith said that yesterday he met with representatives of Madison County. The City of Oneida is going to be part of the Solarize Central New York program, which is a program for residents and commercial owners, who wish to streamline and reduce costs for residents interested in using solar power. He said there will be future public meetings scheduled in late July for those interested.

Farmers Market at Cottage Lawn

Mayor Smith said he recently attended the ribbon cutting for the new Farmer’s Market at the Madison County Historical Society’s Cottage Lawn. He said it is a lovely, well-developed market and he is quite pleased with the variety of vendors.

40th Anniversary of Youth Court

Mayor Smith said he recently attended the 40th anniversary celebration of the Oneida Youth Court to recognize this important milestone. The Mayor said we should be proud that Oneida’s youth court is the oldest and longest lasting. The Mayor said he presented them with a distinguished 40-year service award at the dinner.

Erie Canalway Downtown Investment Forum in Ithaca

Mayor Smith said he recently attended the Erie Canalway Downtown Investment Forum in Ithaca, which focused on enhancing downtowns with food and lodging to encourage folks to visit downtown.

Gorman Foundation

Councilor Acker stated that the Gorman Foundation recently purchased the Northside Shopping Center and will be revamping the entire plaza. She said what they have done so far is phenomenal.

ESA Properties, Inc. - Oneida Commons Grant Opportunity

Councilor Acker said that Elise Allen, owner of the Oneida Commons on Cedar Street, is in the running for a grant funded by Chase to award 20 small businesses with grants of \$100K to help grow their businesses. Councilor Acker urged residents go to the website: www.missionmainstreetgrants.com and vote for ESA Properties. They need 250 votes to qualify for the selection phase. This is a great opportunity to support one of our downtown businesses.

Oneida Library Voting Statistics

Councilor Acker said the tremendous amount of funding raised for the new library shows how important this project is. She said that out of 7,000 registered voters, only 1,031 or 14% cast their votes on the library referendum this year. Councilor Acker said that it is shameful to complain, if you did not vote.

Motion to adjourn by Councilor Chamberlain

The meeting is hereby adjourned at 8:16 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk