

**MINUTES OF THE COMMON COUNCIL  
SEPTEMBER 6, 2016**

A regular meeting of the Common Council of the City of Oneida, NY was held on the sixth day of September, 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, James Chamberlain and Thomas Simchik

ABSENT: Councilor Helen Acker

ALSO PRESENT: City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
Comptroller Linda Pease  
Fire Chief Kevin Salerno  
Director of Parks and Recreation Luke Griff  
Supervisor Joseph Magliocca

**OLD BUSINESS**

*Proposed Solar Project*

Jill Christian Lynch, Oneida, asked the Mayor for an update on GroSolar. Mayor Matzke said that there is nothing new. He said they are currently waiting on National Grid. The Mayor said that he will be meeting with GroSolar and going to Albany to seek an extension on the grant.

Moved by Councilor Bowe  
Seconded by Councilor Smith

**RESOLVED**, that the minutes of the regular meeting of August 16, 2016 are hereby approved as presented.

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

**MOTION CARRIED**

Moved by Councilor Smith  
Seconded by Councilor Simchik

**RESOLVED**, that Warrant No. 17, checks and ACH payments in the amount of \$522,646.20, 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 (Acker)

**MOTION CARRIED**

**CONTRACT AGREEMENT**

**RESOLUTION 16-165**

Moved by Councilor Cohen  
Seconded by Councilor Bowe

**WHEREAS**, it is the recommendation of the Office Technology Department to enter into a contract for the City's current Verizon mobile phones and devices with a Mobile Virtual Operator (MVNO), whereby \$1,407 is projected to be saved annually, and the City will acquire additional services with no changes in performance, **now therefore be it**

**RESOLVED**, that the Mayor be authorized to sign a contract agreement with Telecon.mobi, a Mobile Virtual Operator (MVNO), 1910 Minno Drive, Suite 210, Johnstown PA 15905.

Ayes: 5  
Nays: 0

Absent: 1 (Acker)

**MOTION CARRIED**

Councilor Cohen expressed his thanks to Val Peterson, Office Technology, for her efforts in securing this annual savings to the City and for fixing his e-mail.

**DONATION OF FIRE TRUCK**

**RESOLUTION 16-166**

Moved by Councilor Smith

Seconded by Councilor Simchik

**WHEREAS**, at the Common Council meeting on May 17, 2016 Resolution 16-97 was approved authorizing the Fire Department's 1994 Freightline Pumper/Squirt, which has a cracked frame, to be sold on e-Bay with the stipulation that the scrap value of said fire apparatus be ascertained, **and**

**WHEREAS**, upon checking on scrap values, it was determined that the scrap value of said 1994 fire apparatus was around \$2,000, **and**

**WHEREAS**, Madison County is in the process of constructing a million dollar, state-of-the-art firefighter training facility on the backside of the landfill in the Town of Lincoln for all local and County Fire Departments to train at and conduct classes, **and**

**WHEREAS**, rather than selling said used 1994 fire truck for \$2,000 to be dismantled and cut up, it is the recommendation of Fire Chief Kevin Salerno that a much greater value would be derived by donating this apparatus to the County to stay on-site, off the road, at the new firefighter facility for use in training current and future firefighters, **now therefore be it**

**RESOLVED**, that the City of Oneida Common Council hereby approves the donation of the Fire Department's 1994 Freightline Pumper/Squirt with a cracked frame to Madison County to be used for training purposes at the new firefighter training facility located in the Town of Lincoln.

Ayes: 5

Nays: 0

Absent: 1 (Acker)

**MOTION CARRIED**

**BOND RESOLUTION DATED SEPTEMBER 6, 2016 - A RESOLUTION AUTHORIZING THE REPLACEMENT OF THE BOILER SYSTEM AT THE ARMORY IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$70,000, AND AUTHORIZING THE ISSUANCE OF UP TO \$70,000 BONDS OF SAID CITY TO PAY THE COST THEREOF.**

**RESOLUTION 16-167**

Moved by Councilor Smith

Seconded by Councilor Chamberlain

**BE IT 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 replacement of the boiler system at the Armory in and for the City of Oneida, Madison County, New York, including incidental costs related thereto, is hereby authorized at a maximum estimated cost of \$70,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of up to \$70,000 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 specific object or purpose is ten years, pursuant to subdivision 13 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 – Absent

Councilor Chamberlain – Yes

Councilor Simchik – Yes

**MOTION CARRIED**

The Mayor said this Resolution is to bond for up to \$70K; it is the Council's choice to bond for the entire amount or borrow a lesser amount. The Comptroller said she will not know the interest rates until they go to bond, noting it was 3.5% or 4% last year. The Comptroller said that the Contingency balance is currently \$48,225.00. The Comptroller recommended bonding for \$52,000 and taking the rest of the needed funding from contingency. The Mayor said there will be other expenditures coming this fall relative to the zombie houses (22 in the City, 10 owned by banks), where funds from Contingency will need to be utilized and recommended bonding for the entire \$70,000, with Councilor Smith agreeing.

### **BUDGET TRANSFERS**

#### **RESOLUTION 16-168**

Moved by Councilor Bowe

Seconded by Councilor Chamberlain

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

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$8,225.00	001.1990.0400 Contingency	001.9950.0900 Recreation Boiler Capital Project 16-08

*(Project came in higher than expected for armory boiler)*

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$47,040	003.0003.0912 Sewer Fund Balance	003.8110.0403 Sewer Contracts

*(GHD Contract for items required to be corrected by DEC)*

Ayes: 4

Nays: 1 (Smith)

Absent: 1 (Acker)

**MOTION CARRIED**

A lengthy discussion relative to the boiler project ensued, including the time frames involved, the amount of money in the Contingency account, interest rates, cost of the project, and the amount and cost of the bonding. The Mayor said it costs \$6,000 for the bonding, and if the Council bonds for \$70K or \$52K, the bonding cost is the same. The project manager from Honeywell explained the boiler project and how the two boilers at the Recreation Center will work together. Recreation Director Luke Griff said the boiler cost came in higher than expected because when he inquired about pricing, an in-depth quote was not provided by the vendors, because the project wasn't going to begin until late the following year, so an estimate was used. Councilor Bowe suggested that \$8,225 be taken from Contingency, leaving a balance of \$40K in contingency and bonding for the remaining balance of the project in the amount of \$61,361. Councilor Bowe moved to amend the Resolution.

The original motion to open discussion was moved by Councilor Chamberlain and seconded by Councilor Simchik.

**RECREATION COORDINATOR - TABLED**

**RESOLUTION 16-169**

Moved by Councilor Bowe

Seconded by Councilor Simchik

**WHEREAS**, the position of Recreation Coordinator has been vacant since 2012 with the Recreation Director and part-time staff filling the void; however, it has become increasingly hard to find quality part-time staff, and the Recreation Director has less time to handle the Recreation Department's programming, **and**

**WHEREAS**, the newly appointed Recreation Coordinator would take back the programming duties for the Department adding a consistency to those programs, which has been lacking due to positions being filled by multiple part-time workers, **and**

**WHEREAS**, the Recreation Department would also be able to add additional programs (i.e. adult kickball, nature nuts, additional summer camps and hiking or walking clubs) with a full time Recreation Coordinator on staff, **and**

**WHEREAS**, the Recreation Coordinator would be the major factor in re-building and providing consistency to the After School Program, which years ago was a very popular; however, when the former Recreation Coordinator moved into the role of Recreation Director there wasn't enough time to focus on the program, which resulted in the decline of participation; **and**

**WHEREAS**, a full time Recreation Coordinator will provide coverage for the department during vacations, personal time and sick days for the Recreation Director; **now therefore be it**

**RESOLVED**, that the Common Council hereby approves the appointment of a full-time Recreation Coordinator (CSEA – tested position) filling the five-year vacancy of said position in the Recreation Department, **and be it further**

**RESOLVED**, that the Recreation Coordinator be hereby listed as a 37.5 hour per week position at an hourly rate of \$16.25, with a total cost projected cost of \$13,449.60 (Salary, Insurance, Workers Comp, Medicare, FICA, and Retirement) for a 12 week period (Oct – Dec) in fiscal year 2016.

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

**MOTION TABLED**

Councilor Cohen said that he thought this should be discussed during next year's budget hearings, and a discussion followed. Director Griff said whoever is hired for this position would be on a provisional basis. They would need to take a Civil Service test and finish in the top 3 in order to be officially appointed to the position. The Mayor said he recommends filling this position, because there is a lot less programming for the younger kids, noting that fall and winter are busy months for activities. Mayor Matzke said there needs to be someone to coordinate these programs. Councilor Simchik said we would be filling a vacancy; however, it is already September and in November, the Council will be looking at next year's budget asking why not wait. Director Griff said he is looking to fill the position by the second week in October. The Mayor said the Recreation Department did not offer any camps this summer, adding that the City should be offering a camp a week during the summer where participants would pay a fee to attend the camps. Supervisor Joe Magliocca said the current staff works very hard. He stated that during the fall and winter seasons the Recreation Department hosts the most programs, and they can use the additional help.

Jill Christian Lynch, Oneida, inquired if allowing for the \$13K to be allocated for the position for the remainder of the year, does this mean the Council will be locking the job in for the next year; or is there a possibility that someone could be hired and then during the 2017 budget hearing process, the position would be eliminated for the next year.

Councilor Bowe said this year the cost would be \$13,500, next year it would be \$54,000, and the Council would be kind of committing to next year. Councilor Bowe said he would like to have the testing completed and see a candidate chosen from the Civil Service list. He said he is having difficulty with borrowing for a boiler on one hand and then wanting to spend money on a new employee. Councilor Simchik agreed with Councilor Bowe that the City should have a list of the people who took the test to choose a candidate, adding that to spend that kind of money you want to get the best candidate. City Attorney Nadine Bell said that Civil Service requires one of the top three test candidates be hired.

Dr. John Nebzydoski, Oneida, said with the advancement of the Buyout Program in the flats, the City will have less tax base in another year. He questioned if this is the right time to be spending money that the City doesn't have. Dr. Nebzydoski said the City should live within their means; spending \$50K on a Recreation Coordinator and on the other hand borrowing \$50K for a boiler is not the way he would run his home.

The Mayor said there are not enough activities for children here in the City to attract young millennial families to Oneida. He said although there are several events planned here in the City, there needs to be more. Mayor Matzke said that one of the most common complaints about the City is the lack of things for kids to do. The Mayor said the Recreation Department Budget has the funding available for the rest of the year.

The City Clerk began a roll call vote when Councilor Bowe asked to table the Resolution to find out the time frame for the Civil Service Test, and Councilor Simchik seconded the motion to table.

The original motion to open discussion was moved the Councilor Chamberlain and seconded by Councilor Simchik.

**PROFESSIONAL SERVICES PROPOSAL – ONEIDA RAIL TRAIL ALTERNATE ROUTE**

**RESOLUTION 16-170**

Moved by Councilor Chamberlain  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign a Professional Services Proposal with Delta Engineers, Architects & Land Surveyors, 4873 NYS Rt. 5, Vernon NY 13476 to provide Professional Land Surveying Services for the City of Oneida Rail Trail Project - Proposed Alternate Trail Route in the amount of \$3,400.00.

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

**MOTION CARRIED**

**WAIVER OF FIRE DEPARTMENT ALARM PERMIT LATE FEE**

## RESOLUTION 16-171

Moved by Councilor Simchik  
Seconded by Councilor Cohen

**WHEREAS**, Wende Warne, United Academy of the Performing Arts, 2110 Glenwood Plaza, Oneida NY was assessed an Alarm Permit Late Fee for non-payment of the annual Alarm Permit for the year 2015, per the Oneida Fire Department Fee Schedule adopted December 5, 2012 (Resolution 12-319), **and**

**WHEREAS**, the United Academy of the Performing Arts, a long-time small business in the City of Oneida, has consistently paid the \$40.00 yearly alarm permit fee for the years past, however, due to an oversight the \$40.00 permit fee for the year 2015 was overlooked, with no reminder of non-payment sent in 2015; the notification of non-payment and the late fee that was assessed was not provided until the receipt of the 2016 Alarm Permit Invoice, **now therefore be it**

**RESOLVED**, that a letter from Wende Warne, United Academy of the Performing Arts, 2110 Glenwood Plaza, Oneida NY relating to 2015-2016 Alarm Permit Fees be hereby received and placed on file, **and be it further**

**RESOLVED**, that the Common Council does hereby waive the late fee of \$200.00 for the 2015 Alarm Permit for Wende Warne, United Academy of the Performing Arts, 2110 Glenwood Plaza, Oneida NY, **and be it further**

**RESOLVED**, that the Alarm Permit Fees for the years 2015 and 2016 shall be a total of \$80.00 (\$40.00 per year).

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

**MOTION CARRIED**

## **PROFESSIONAL SERVICES AGREEMENT – GHD CONSULTING SERVICES INC. – WWTP**

### RESOLUTION 16-172

Moved by Councilor Chamberlain  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign a Professional Services Agreement, Amendment No. 2 with GHD Consulting Services, Inc., One Remington Drive, Cazenovia NY to provide additional engineering services for the development of short-term recommended improvements to the City of Oneida WWTP to address current treatment capacity limitations in the amount of \$47,040.00.

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

**MOTION CARRIED**

### **NEW BUSINESS**

#### *9-11 Memorial Service*

Mayor Matzke said in honor of 9-11, he is asking everyone to bring any size or shaped candle to City Hall on Sunday and place them on the front lawn by the flag pole. The Fire Department will also be displaying a flag on the back of the ladder truck.

Motion to adjourn by Councilor Simchik

The regular meeting is hereby adjourned at 7:17 p.m.

City of Oneida

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Susan Pulverenti, City Clerk