

**MINUTES OF THE COMMON COUNCIL  
MARCH 6, 2018**

A meeting of the Common Council of the City of Oneida, NY was held on the sixth day of March, 2018 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 Matkze

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

ALSO PRESENT: City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
Comptroller Lee Ann Wells  
Fire Chief Kevin Salerno  
Assistant Fire Chief Dennis Fields  
Police Chief Paul Thompson  
Recreation Director Luke Griff  
Supervisor Joe Magliocca  
Supervisor John Reinhardt  
Supervisor Mary Cavanaugh

**OLD BUSINESS** – None

Moved by Councilor Cohen  
Seconded by Councilor Bowe

**RESOLVED**, that the minutes of the regular meeting of February 20, 2018 are hereby approved as presented.

Ayes: 6

Nays: 0

**MOTION CARRIED**

Councilor Acker said that she would not have voted for the Resolution to charge a property owner for the estimated amount of under-billing due to a tap before the meter. She said that there was sufficient evidence that the property owner did not know about the tap. She said that she is aware it is too late now, but she wanted to let her thoughts be known.

Moved by Councilor Coulthart  
Seconded by Councilor Bowe

**RESOLVED**, that Warrant No. 5, checks and ACH payments in the amount of \$428,217.58 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**

Moved by Councilor Simchik  
Seconded by Councilor Chamberlain

**RESOLVED**, that checks in the amount of \$4,166.34 (City Attorney) as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5  
Nays: 0  
Abstain: 1 (Bowe)  
**MOTION CARRIED**

**SPECIAL EVENT APPLICATIONS**

**RESOLUTION 18-57**

Moved by Councilor Bowe  
Seconded by Councilor Acker

**RESOLVED**, that the following Special Event Applications is hereby approved:

| <u>Event Title</u>                     | <u>Date of Event</u> |
|--|----------------------|
| Walk for Autism (Kelberman Center)     | April 14, 2018       |
| Robert's Road Run (Oneida High School) | May 20, 2018         |
| Lilly's Dance Angels (Colleen Skinner) | May 19, 2018         |

Ayes: 6  
Nays: 0  
**MOTION CARRIED**

**PREVENTATIVE MAINTENANCE AGREEMENTS**

**RESOLUTION 18-58**

Motioned by Councilor Simchik  
Seconded by Councilor Bowe

**RESOLVED**, to authorize the Mayor to sign a one-year Preventative Maintenance Agreement with Power Generation & Industrial Engines, Inc., 8927 Tyler Rd., Bridgeport NY as follows:

| <u>Department</u> | <u>Make &amp; Serial Number</u>    | <u>Amount</u> |
|-------------------|------------------------------------|---------------|
| WWTP              | Katolight (Main Plant) 118726-1205 |               |
| WWTP              | Katlight (Main St.) 118295-1205    |               |
| WWTP              | Onan (Kenwood) 1930520997          |               |
| WWTP              | Portable (Plant) 3055249           |               |
|                   | Total:                             | \$1,797.61    |

**RESOLVED**, to authorize the Mayor to sign a one-year Preventative Maintenance Agreement with Power Generation & Industrial Engines, Inc., 8927 Tyler Rd., Bridgeport NY as follows:

| <u>Department</u> | <u>Make &amp; Serial Number</u> | <u>Amount</u> |
|-------------------|---------------------------------|---------------|
| Justice Center    | Onan A100091722                 | \$405.75      |

**RESOLVED**, to authorize the Mayor to sign a one-year Preventative Maintenance Agreement with Power Generation & Industrial Engines, Inc., 8927 Tyler Rd., Bridgeport NY as follows:

| <u>Department</u> | <u>Make &amp; Serial Number</u> | <u>Amount</u> |
|-------------------|---------------------------------|---------------|
| Water             | Katolight (Baker) SD30FGJ119361 | \$383.78      |

**RESOLVED**, to authorize the Mayor to sign a one-year Preventative Maintenance Agreement with Power Generation & Industrial Engines, Inc., 8927 Tyler Rd., Bridgeport NY as follows:

Department  
Recreation

Make & Serial Number  
Onan 0968056456

Amount  
\$388.50

Ayes: 6

Nays: 0

**MOTION CARRIED**

**AMUSEMENT DEVICE LICENSE**

**RESOLUTION 18-59**

Motioned by Councilor Cohen

Seconded by Councilor Bowe

**RESOLVED**, that the Mayor be authorized to sign the Amusement Device License with Quarters Only Vending, 3857 Gaffney Drive, Watertown NY 13601.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**A RESOLUTION AUTHORIZING THE REPLACEMENT OF A GENERATOR FOR CITY HALL, IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$60,000, AND AUTHORIZING THE ISSUANCE OF \$60,000 BONDS OF SAID CITY TO PAY THE COST HEREOF**

**RESOLUTION 18-60**

Moved by Councilor Simchik

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. Replacement of a generator for City Hall, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$60,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$60,000 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 Coulthart: Yes

Councilor Acker: Yes

Councilor Chamberlain: Yes

Councilor Simchik: Yes

**MOTION CARRIED**

Councilor Chamberlain thanked the Fire Chief Salerno for the fantastic job with all the leg work for this project.

**CANVASS AND APPROVE BIDS - CAPITAL PROJECT 18-06**  
**EMERGENCY STANDBY GENERATOR AND INSTALLATION**

## RESOLUTION 18-61

Moved by Councilor Acker  
Seconded by Councilor Chamberlain

**RESOLVED**, that the lowest bid meeting specifications for Capital Project 18-06 Emergency Standby Generator and Installation received from Power Generation & Industrial Engines, Inc., 8927 Tyler Rd., PO Box 93, Bridgeport NY 13030 in the amount of \$58,692.60 be hereby approved, **and be it further**

**RESOLVED**, to authorize the Fire Chief to proceed with Capital Project 18-06 Emergency Standby Generator and Installation and to expend funds up to the programmed amount, **and be it further**

**RESOLVED**, to authorize the Mayor to sign all documents related to Capital Project 18-06 Emergency Standby Generator and Installation.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**A RESOLUTION AUTHORIZING THE PURCHASE OF A LIFTECH SKID STEER, INCLUDING APPARATUS, IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$71,000, AND AUTHORIZING THE ISSUANCE OF \$71,000 BONDS OF SAID CITY TO PAY THE COST THEREOF. \*\*TABLED**

## RESOLUTION 18-62

Moved by Councilor Chamberlain  
Seconded by Councilor Acker

**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 purchase of a Liftech Skid Steer, including apparatus, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$71,000.
- Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$71,000 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 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.

Ayes: 4

Nays: 2 (Bowe, Coulthart)

**MOTION TABLED**

Councilor Chamberlain said that he would like more input from the acting Department Head and moved to table this item. Councilor Acker agreed and said that the DPW can fix what they have until we get a Department Head in place. The Mayor asked what information is needed. Councilor Chamberlain said that the Water Superintendent recommended not moving forward with the vehicle capital projects at this time, as he does not have time to administer the projects. He said the Water Superintendent is

overwhelmed with all his normal work, as well as the DPW work. The Mayor said the DPW Supervisor could handle this. A brief discussion ensued. Councilor Chamberlain said the current Skid Steer was purchased in 2009, and both the Water and DPW currently have a Skid Steers that are in working order. The Mayor said that he will be providing the information for the bid of a plow truck, and Councilor Bowe said that it will take a year and a half to get a new plow.

**CAPITAL PROJECT 18-10 –DPW VEHICLE REPLACEMENT \*\*TABLED**

**RESOLUTION 18-63**

Moved by Councilor Acker  
Seconded by Councilor Chamberlain

**RESOLVED**, to authorize the Public Works Supervisor to proceed with a portion of Capital Project 18-10 - DPW Vehicle Replacement, **and be it further**

**RESOLVED**, to authorize the purchase of the Liftech Skid Steer (#27), including apparatus under NJPA Contract 042815-JCB in an amount not to exceed \$71,000.00, **and be it further**

**RESOLVED**, to authorize the Public Works Supervisor to expend funds up to the total amount of \$71,000.00, **and be it further**

**RESOLVED**, to authorize the Mayor to sign all documents related to Capital Project 18-10 for the purchase a Liftech Skid Steer, including apparatus (#25).

Ayes: 6

Nays: 0

**MOTION TABLED**

The City Clerk said that as the funding for this project was tabled, the authorization to proceed should be tabled also.

**BUDGET AMENDMENT – POLICE DEPARTMENT**

**RESOLUTION 18-64**

Moved by Councilor Cohen  
Seconded by Councilor Chamberlain

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

| <b><u>AMOUNT</u></b> | <b><u>FROM</u></b>                | <b><u>TO</u></b>                           |
|----------------------|-----------------------------------|--|
| \$50.00              | 001.0023.2705<br>Police Donations | 001.3120.0300<br>Police Materials/Supplies |

*(To reallocate donations from St. Joseph's Church to children's programs to purchase items for the children at the school)*

Ayes: 6

Nays: 0

**MOTION CARRIED**

**SCHEDULE A PUBLIC HEARING PER ONEIDA CITY CODE CHAPTER 34, ARTICLE III,  
UNSAFE BULDINGS AND COLLAPSED STRUCTURES – 114 MADISON STREET**

**RESOLUTION 18-65**

Moved by Councilor Chamberlain  
Seconded by Councilor Acker

**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 Assistant Fire Marshall, for property located at 114 Madison Street, Tax Map No. 30.72-1-59 be hereby received and placed on file, **and be it further**

**RESOLVED**, that a Public Hearing be scheduled to be held on May 1, 2018 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 114 Madison Street, Tax Map No. 30.72-1-59.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

City Attorney Bell said the Public Hearing is not scheduled until May, because she will need time to do a search for all interested parties.

### **WAIVE RULE TO ACCEPT AGENDA ITEMS**

#### **RESOLUTION 18-66**

Moved by Councilor Bowe  
Seconded by Councilor Acker

**RESOLVED**, that per Resolution 08-180 adopted by the Common Council on August 19, 2008, the provisions of the procedure to accept agenda items is hereby waived.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

### **INTERMUNICIPAL AGREEMENTS – VILLAGE OF ONEIDA CASTLE**

#### **RESOLUTION 18-67**

Moved by Councilor Cohen  
Seconded by Councilor Chamberlain

**RESOLVED**, to authorize the Mayor to sign the following Intermunicipal Agreements with the Village of Oneida Castle:

- Intermunicipal Wastewater Maintenance Agreement
- Intermunicipal Wastewater Treatment Agreement

Ayes: 6  
Nays: 0

**MOTION CARRIED**

The Mayor said the impact on the WWTP is a year away, but the Village needs these agreements in place to finish their grant applications.

### **NEW BUSINESS**

### *Kudos to City Departments*

Councilor Chamberlain thanked the DPW, Police, and Fire Departments for all their tireless efforts during the weekend's snowstorm. Supervisor Magliocca concurred and also thanked the Water Department, the NYS State DOT and National Grid. He said that the Recreation Center was open all day and night on Friday and Saturday as a warming center with the Red Cross on hand. Recreation Director Luke Griff said that social media was used to get the word out about the warming center with 275 people sharing the post and over 10,000 people viewing the post. Councilor Acker said that a gentleman from Skaneateles purchased the AM station, which was previously WMCR, and he is planning on bringing back local programming. Councilor Magliocca said that having local radio is a wonderful resource.

### *Nation Property Easements*

Supervisor Magliocca said Mr. Halbritter has signed the documents, and they are waiting for the easements to come from the Bureau of Interior Affairs for the West Elm Street water/sewer project.

### *Local Theater*

Councilor Acker said that this year Brett Bogardus will be directing the students in "Footloose", which is quite a change from last year's award winning "Les Miserables". She said the dress rehearsal will be on Thursday, April 5<sup>th</sup>, and the show will be April 6<sup>th</sup> and 7<sup>th</sup>. Councilor Acker said that it should be lots of fun and to please support local theater.

### *City Administrator*

Councilor Cohen said that he would like to volunteer to be on a committee for Charter revision relative to the Mayor's roles and duties in the event of the hiring of a City Administrator. The Mayor asked Peter Hedglon to be on the committee, adding that he chaired the former Charter Review Committee. Peter Hedglon, Oneida, said that you do not have to amend the Charter to hire a City Administrator. He said to change to a City Manager form of government would require a Charter change. Mayor Matzke asked what would be required for an Administrator, and Mr. Hedglon responded that a budget change would be needed to fund the position if it were done this year, and if next year, it would just be funded in the budget. He said that he spoke with the Mayor about this nine or ten years ago, and there has not been much action since then. Councilor Cohen stated that per the City Attorney, if the Mayor's duties as outlined in the Charter are changed, it would require a Charter revision. Mr. Hedglon said that the prior City Charter Committee recommended years ago that a City Administrator be hired immediately, with the long range plan to move to a City Manager form of government.

### *Library Elections*

Councilor Acker said the vote for the Library Budget and trustees continues until 9:00 p.m. at the Library, and she congratulated Gary Taylor, who was in the audience and is running for trustee.

### *Executive Session*

The Mayor said that the City will be going into Executive session, and it was noted that there will be action after the session.

## **EXECUTIVE SESSION**

### **RESOLUTION 18-68**

Motioned by Councilor Bowe  
Seconded by Councilor Coulthart

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 7:03 p.m. for the purpose of discussing personnel issues and collective negotiations pursuant to Article 14 of the Civil Service Law.

Ayes: 6

Nays: 0

**MOTION CARRIED**

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

1. Discussion was held relating to a personnel matter and collective negotiations pursuant to Article 14 of the Civil Service Law.

Motioned by Councilor Bowe

Seconded by Councilor Chamberlain

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 8:20 p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

### **SETTLEMENT AGREEMENT**

#### **RESOLUTION 18-69**

Motioned by Councilor Acker

Seconded by Councilor Chamberlain

**RESOLVED**, that the Mayor be hereby authorized to sign a Settlement Agreement with the Oneida Paid Firefighters Association.

Ayes: 5

Nays: 1 (Simchik)

**MOTION CARRIED**

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 8:21 p.m.

CITY OF ONEIDA, NEW YORK

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Susan Pulverenti, City Clerk