

**MINUTES OF THE COMMON COUNCIL  
MARCH 27, 2018**

A special meeting of the Common Council of the City of Oneida, NY was held on the twenty-seventh 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 Deputy Mayor James Chamberlain

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

ABSENT: Mayor Leo Matzke

ALSO PRESENT: City Clerk Susan Pulverenti  
Comptroller Lee Ann Wells

**A RESOLUTION AUTHORIZING THE CONSTRUCTION PHASE OF THE ONEIDA RAIL TRAIL PROJECT IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,324,000, AND AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OF SAID CITY TO PAY COSTS THEREOF**

**RESOLUTION 18-81**

**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 construction phase of the Oneida Rail Trail Project, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$1,324,000.
- Section 2.** The plan for the financing of such maximum estimated cost is by the application of grant funds and the issuance of \$300,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of bonds to be issued shall be reduced to the extent of additional grants received in connection therewith.
- 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 19(c) 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: No

**MOTION CARRIED**

Councilor Bowe said that the City can only borrow once for this project, and it is better to bond for more than is needed. He said that it doesn't mean the City will use the whole \$300K. Mike Strauss, Oneida,

asked if the remaining bond funds can be repurposed, and the Comptroller said as long as it is within the scope of the project. Peter Hedglon, Oneida said the bond will be paid back over 15 years and questioned if this would mean an increase in taxes going forward. Deputy Mayor Chamberlain said that is unknown, as costs could go down and there could be more revenue brought into the City. The Deputy Mayor said the City will be getting ADA ramps, curbing, sidewalks and new roads, which means the City will get an \$800K investment for \$200K. Deputy Mayor Chamberlain said the City is getting more than just a rail trail and that is a positive for the City. Dave Cimpi, Oneida, asked what the City's bond rating was and the Comptroller replied AA-. Supervisor Joe Magliocca said that the Recreation Department has an on-going volunteer program that also includes Mt. Hope and Duross Conservancy, which has been in place since 2001. He said they also adopted three miles of the Erie Canal Trail and work with volunteers to keep that area clean. In response to a question, the Recreation Director said that the actual cost for the project to the City going forward will be maintenance. He said that the Recreation Department spends one to two hours mowing trails; however, the new surfaces will be stone dust, which will cut down on the mowing.

Brahim Zogby, Oneida, questioned if the Council ever approached the Governor about raising the sales tax, as that is a tax paid by people visiting our City. He asked if there was a five year plan that shows what will happen to stimulate the economy. He said raising sales tax  $\frac{1}{4}$  of 1% would help rather than raising property taxes. Jamie Kowalczk of the Madison County Planning Department stated that the City has a Comprehensive Plan that was put together with public input. Peter Hedglon said that funding should be spent on what we need rather than what people want, and he voiced his opinions on what he feels the City does not need. In response, the Deputy Mayor voiced his opinions as well. Councilor Cohen said there are lots of pieces to the puzzle. He said that we are saving \$75K on the solar project and LED lighting will save another \$80K. He said that going forward this is a very positive project. Councilor Cohen said that the Council is trying to make sure we have a stable community and asked that folks join the Council when they have the budget talks, as they brought up some good ideas tonight.

**CANVASS AND APPROVE BIDS - CAPITAL PROJECT 18-09**  
**ONEIDA RAIL TRAIL CONSTRUCTION PHASE I & II**

**RESOLUTION 18-82**

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, that the lowest bid meeting specifications for Capital Project 18-09 Oneida Rail Trail Phase I & II received from CCI Companies, Inc. PO Box 186, Canastota NY 13032 in the amount of \$1,221,455.00 be hereby approved, **and be it further**

**RESOLVED**, to authorize the Recreation Director to proceed with Capital Project 18-09 Oneida Rail Trail Phase I & II and further authorize the expenditure of funds up to the programmed amount, **and be it further**

**RESOLVED**, to authorize the Mayor to sign any and all documents related to Capital Project 18-09 Oneida Rail Trail Phase I & II.

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

**BUDGET TRANSFERS**

**RESOLUTION 18-83**

Moved by Councilor Acker  
Seconded by Councilor Coulthart

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

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$1,733.25	002.8300.0436 Water Contingency	002.8300.0302 Water Equipment Maintenance Repair
\$1,733.25	003.0003.0912 Sewer Fund Balance	003.8110.0400 Sewer Contractual Services
\$3,466.50	001.1990.0400 Contingency	001.5132.0304 Central Garage Major Repairs

*(To fund repair of the diesel and gas tanks in need of repair at the DPW garage-total cost \$6,933 allocated to 3 departments)*

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$12,525.00	003.0003.0912 Sewer Fund Balance	003.8110.0400 Sewer Contractual Services

*(To fund emergency sewer repair on Main Street)*

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Deputy Mayor Chamberlain gave kudos to the DPW and Water Department for their work on the sewer main break on Main Street. He said the break was 15 feet deep. The Deputy Mayor said that the DPW will be pouring concrete on Thursday morning, and the NYS DOT has given permission for parking to be closed on that side of the street, so as to keep open traffic in both directions while the repair is being made.

**EXECUTIVE SESSION**

**RESOLUTION 18-84**

Motioned by Councilor Acker  
Seconded by Councilor Coulthart

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 7:15 p.m. for the purpose of discussing personnel issues.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

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

1. Discussion was held relating to a personnel matter.

Motioned by Councilor Bowe  
Seconded by Councilor Acker

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 8:17 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**RETAINED SEARCH ASSIGNMENT AGREEMENT**

**RESOLUTION 18-85**

Motioned by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, that the Mayor be authorized to sign a Retained Search Assignment Agreement with Stratus Consulting Group, Inc.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

The Council continued the meeting and discussed various matters within the DPW. Deputy Mayor Chamberlain went over a list of items needed by the Department that are listed in the budget. Councilor Cohen asked to be excused from the rest of the meeting. Councilor Coulthart said he would like to discuss an issue that needed be in Executive Session, and the Deputy Mayor called for a motion and said that there would no action to be taken after the session.

**EXECUTIVE SESSION**

**RESOLUTION 18-86**

Motioned by Councilor Bowe  
Seconded by Councilor Acker

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 8:31 p.m. for the purpose of discussing the proposed acquisition, sale or lease of real property.

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

**MOTION CARRIED**

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

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

Motioned by Councilor Bowe

Seconded by Councilor Acker

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 8:48 p.m.

Ayes: 5

Nays: 0

Absent: 1 (Cohen)

**MOTION CARRIED**

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 8:49 p.m.

CITY OF ONEIDA NEW YORK

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Susan Pulverenti, City Clerk