

**MINUTES OF THE COMMON COUNCIL
AUGUST 4, 2020**

A meeting of the Common Council of the City of Oneida, NY was held on the fourth day of August, 2020 at 6:30 o'clock P.M. in Kallet Civic Center, 159 Main Street, Oneida, NY.

The meeting was called to order by Mayor Helen Acker

PRESENT: Councilors Carrie Earl, Michael Bowe, James Coulthart,
Brandee DuBois and Thomas Simchik

ABSENT: Councilor Michelle Kinville

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Eric Schuler
Comptroller Lee Ann Wells
Fire Chief Dennis Fields
Police Chief Paul Thompson
Public Safety Commissioner Kevin Salerno
Supervisor Matt Roberts
Supervisor Mary Cavanaugh

PROCLAMATION FOR PURPLE HEART DAY IN THE CITY OF ONEIDA

Mayor Acker welcomed Commander Tim Fidler and Donald Smith from the Oneida American Legion. Mayor Acker read aloud a proclamation declaring Purple Heart Day on August 7, 2020 in the City of Oneida. She said that the Purple Heart is the oldest military decoration in present use and was initially created as the "Badge of Military Merit" by General George Washington in 1782. She said this medal is specifically awarded to members of the US Armed Forces who have been wounded or paid the ultimate sacrifice in combat with a declared enemy of the United States. Mr. Fidler explained the history of the Purple Heart and what the design of the medal means. He said that there is a National Purple Heart Hall of Fame in New Windsor NY where almost two million Purple Heart recipients are honored. He asked that folks take time this Friday to listen to a veteran's story, especially any Purple Heart recipients they may know. Commander Fidler thanked the Mayor, and he received a round of applause. Mayor Acker asked that all citizens pay tribute to our community's many Purple Heart recipients in honor and support of their extraordinary sacrifices and bravery while protecting our freedoms. The Proclamation was presented to Commander Tim Fidler of the Oneida American Legion Post 169.

PUBLIC HEARING – PROPOSED LOCAL LAW TO AMEND CHAPTER 190 ZONING

RESOLUTION 20-115

Moved by Councilor Coulthart
Seconded by Councilor Earl

RESOLVED, that the Public Hearing on a proposed Local Law to amend Chapter 190 Zoning of the City Code to define and regulate home accessibility ramps be hereby opened at 6:38 pm.

Ayes: 5

Nays: 0

Absent: 1 (Kinville)

MOTION CARRIED

APPEARANCES - None

Moved by Councilor Coulthart
Seconded by Councilor DuBois

RESOLVED, that the Public Hearing on the proposed Local Law to define and regulate home accessibility ramps be hereby closed at 6:39 pm.

Ayes: 5
Nays: 0
Absent: 1 (Kinville)
MOTION CARRIED

PUBLIC HEARING – PROPOSED LOCAL LAW TO AMEND CHAPTER 33

RESOLUTION 20-116

Moved by Councilor Earl
Seconded by Councilor Simchik

RESOLVED, that the Public Hearing on a proposed Local Law to amend Chapter 33 of the City Code allowing the Fire Marshal's Office to engage a contractor to assist the City's Fire Marshals in the tracking of fire protection systems within the City be hereby opened at 6:39 pm.

Ayes: 5
Nays: 0
Absent: 1 (Kinville)
MOTION CARRIED

APPEARANCES - None

Moved by Councilor Earl
Seconded by Councilor Coulthart

RESOLVED, that the Public Hearing on the proposed Local Law relating to the tracking of fire protection systems be hereby closed at 6:40 pm.

Ayes: 5
Nays: 0
Absent: 1 (Kinville)
MOTION CARRIED

OLD BUSINESS

Councilor Coulthart said that per City Ordinance no political signs are allowed out until 45 days before the election and are to be removed 15 days after the election. He asked that a gentle reminder be given to residents. He also asked that the Code Officer enforce this Ordinance as he goes about with his regular duties. The Mayor said that September 16th is the date they will be allowed, and the City Clerk said that a reminder about election signs was posted on the City Clerk's Facebook page this morning. The Mayor said that the Codes Officer is picking up signs.

Councilor Coulthart said that there has been significant pushback to the proposed Local Law with respect to cat licensing and registration. He said that the Feral Cat Committee met this morning, and they would like to withdraw the original proposed legislation. He said that they would like to amend aspects of the

Local Law and then come back to the Council with an amended legislation. The City Attorney said because the proposed Local Law has been introduced to the Council, it can only be pulled back by the Council. The City Clerk said that the Public Hearing notice for the originally proposed legislation has not yet been advertised in the newspaper. Councilor Earl said that there was a good meeting with the Police Chief, City Clerk and the Community Service Officer. She said that the committee wants to move forward, but they want to make sure they move in the right direction.

**WITHDRAW PROPOSED LOCAL LAW RELATING
TO LICENSING/REGULATING CATS**

RESOLUTION 20-117

Moved by Councilor Coulthart
Seconded by Councilor Earl

RESOLVED, that the proposed legislation to amend Chapter 17 Animals relating to the regulation and licensing of cats is hereby withdrawn.

Ayes: 5
Nays: 0
Absent: 1 (Kinville)
MOTION CARRIED

Moved by Councilor Earl
Seconded by Councilor Simchik

RESOLVED, that the minutes of the regular meeting of July 21, 2020 are hereby approved as presented.

Ayes: 5
Nays: 0
Absent: 1 (Kinville)
MOTION CARRIED

Moved by Councilor Coulthart
Seconded by Councilor Bowe

RESOLVED, that Warrant No. 15, checks and ACH payments in the amount of \$1,459,704.80 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 (Kinville)
MOTION CARRIED

Councilor Coulthart highlighted the different payments.

APPROVE ELECTRICAL INSPECTORS PER CITY CODE CHAPTER 45

RESOLUTION 20-118

Moved by Councilor Earl

Seconded by Councilor Bowe

WHEREAS, Chapter 45 – Electrical Standards of the City Code states all electrical installations and equipment in the City shall be installed in conformity with the New York State Fire Prevention and Building Code, **and**

WHEREAS, said Code also states the Building Code Enforcing Officers and the Fire Department Building Inspectors may request the assistance of inspectors in making electrical inspections of all buildings or structures within the city, **now therefore be it**

RESOLVED, that the Common Council does hereby approve the following electrical inspectors for the City of Oneida:

The Inspector, LLC
PO Box 171
Brewerton NY 13029

Middle Department Inspection Agency, Inc.
District Office
424 Erie Blvd. W.
Rome NY 13440

Commonwealth Electrical Inspection Service, Inc.
212 E. Thomas St.
Rome NY 13440

Atlantic Inland, Inc. (New York)
Main Office: 997 McLean Rd.
Cortland NY 13045

Central New York Electrical Inspection Services, LLC
7910 Rinaldo Blvd. W.
Bridgeport NY 13030

Northeast Electrical Inspection Services LLC
65 Albermarle Rd.
Scotia NY 12302

Upstate Electrical Inspection Agency
PO Box 3422
North Syracuse NY 13212

Ayes: 5

Nays: 0

Absent: 1 (Kinville)

MOTION CARRIED

ADOPT LOCAL LAW NO. 2 EXTENDING A MORATORIUM ON COMMERCIAL FREE-STANDING SOLAR PHOTOVOLTAIC (PV) SYSTEMS WITHIN THE CITY OF ONEIDA

RESOLUTION 20-119

Moved by Councilor Coulthart

Seconded by Councilor Earl

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled “A Local Law Extending a Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems Within the City of Oneida” was presented and introduced at a Regular Meeting of the Common Council of the City of Oneida held on July 7, 2020; **and**

WHEREAS, a public hearing was held on such proposed local law on July 21, 2020 by the Common Council of the City of Oneida and proofs of publication of notices of such public hearings, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Common Council of the City of Oneida in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; **and**

WHEREAS, the enactment of the Proposed Local Law has previously been determined to be a Type II action for purposes of environmental review under SEQRA, thus concluding the SEQR review process; **and**

WHEREAS, it is in the public interest to enact said Proposed Local Law.

NOW, THEREFORE, it is

RESOLVED that the Common Council of the City of Oneida, Madison County, New York, does hereby enact the Proposed Local Law No. 2 as follows:

**“A LOCAL LAW EXTENDING A MORATORIUM
ON COMMERCIAL FREE-STANDING SOLAR PHOTOVOLTAIC (PV)
SYSTEMS WITHIN THE CITY OF ONEIDA**

Be it enacted by the Common Council of the City of Oneida, as follows:

SECTION 1. INTENT.

The purpose of this Local Law is to extend the six (6) month moratorium on commercial free-standing solar photovoltaic (“PV”) systems within the City of Oneida by six (6) months to allow time for the drafting, review and adoption of amendments to the Code of the City of Oneida affecting these systems. These amendments, among other things, will set design requirements and such other regulations as may be necessary to promote and preserve the health, safety and welfare of the City of Oneida and its citizens.

SECTION 2. LEGISLATIVE PURPOSE.

The City of Oneida has in effect Chapter 46 of the Code of the City of Oneida (Code), titled “Energize NY Benefit Financing Program” and Chapter 190 of the Code, titled “Zoning” which address “Solar” uses within the City. Pursuant to Local Law No. 1 of 2020, the City Common Council determined that a period of time was necessary to determine whether additional regulation of commercial free-standing photovoltaic (“PV”) systems was required to preserve and protect the health, safety and welfare of its residents. Commercial free-standing PV systems are generally larger, more obtrusive and can pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations may pose a risk.

As a result of Covid-19 and the State of Emergency issued by Governor Andrew Cuomo, the ability of committee and City personnel to meet and draft comprehensive legislation

regulating such uses has been impeded. Due to the circumstances imposed by the pandemic, the City of Oneida Common Council had not been able to review and enact legislation regulating commercial free-standing solar photovoltaic (“PV”) systems within the City of Oneida within the time contemplated by Local Law No. 1 of 2020. Accordingly, an extension of the moratorium will enable the committee and City personnel to complete its comprehensive analysis of the various issues involved with commercial free-standing PV systems and develop appropriate legislation and local regulations governing same.

Therefore, while the City continues to recognize the potential benefits and desirability of solar power and renewable energy sources, the Common Council determines that additional time and study is necessary in order to determine if and how to properly regulate such installations. The City Common Council deems this moratorium extension necessary for the City.

SECTION 3. MORATORIUM IMPOSED, APPLICABILITY AND TERM

For the period commencing on the effective date of this Local Law, and for six (6) months beyond the expiration date of the moratorium as enacted by “A Local Law Imposing a Six (6) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (“PV”) Systems Within the City of Oneida” (Local Law No. 1 for 2020) or until such time as the City of Oneida enacts comprehensive legislation regulating such uses, whichever shall first occur.

SECTION 4. VALIDITY AND SEVERABILITY.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or affect any other section of this local law.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the New York State Department of State and shall remain in force and effect for a period of six (6) months following the expiration of the moratorium enacted in Local Law No. 1-2020.”

Councilor Earl: Yes
Councilor Bowe: No
Councilor Coulthart: Yes
Councilor Kinville: Absent
Councilor DuBois: Yes
Councilor Simchik: Yes

MOTION CARRIED

Councilor Coulthart said that the Commercial Solar Committee members are providing their input, and a final draft will be sent for legal review before coming to the Council.

WATER DEPARTMENT AGREEMENTS

RESOLUTION 20-120

Motioned by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED, to authorize the Mayor to sign the following agreements:

- 2020 Prospect Street Maintenance Agreement
- 2020 Stockbridge Maintenance Agreement

Ayes: 5
Nays: 0
Absent: 1 (Kinville)
MOTION CARRIED

The City Engineer said that these are yearly agreements with the current annual costs of staffing and materials reflected in each agreement and billed accordingly.

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 20-121

Motioned by Councilor Simchik
Seconded by Councilor Bowe

REVOLVED, to approve the following budget transfers/amendments:

2020 Budget Adjustments

	From	To
\$ 9,166.43	005.5110.0402.0019	001.0001.0912.0000
	2019 Annual Street Paving	General Fund Balance

To close out 2019 Annual Street Paving and return to General Fund unexpended funds

Ayes: 5
Nays: 0
Absent: 1 (Kinville)
MOTION CARRIED

**A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$9,714,890
BONDS OF THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, TO PAY
COSTS IN CONNECTION WITH VARIOUS IMPROVEMENTS AT THE
WASTEWATER TREATMENT PLANT IN AND FOR SAID CITY.**

RESOLUTION 20-122

Moved by Councilor Earl
Seconded by Councilor Simchik

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. For the specific object or purpose of paying costs of various improvements at the Wastewater Treatment Plant, including incidental expenses in connection therewith, in and for the City of Oneida, Madison County, New York, there are hereby authorized to be issued an additional \$9,714,890 bonds pursuant to the provisions of the Local Finance Law. Said object or purpose is hereby authorized at the new maximum estimated cost of \$53,769,890.

Section 2. The plan for the financing of such \$53,769,890 maximum estimated cost is as follows:

- a) By the issuance of the \$34,000,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond resolution dated April 16, 2019; and
- b) By the issuance of the \$10,055,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond resolution dated February 18, 2020; and
- c) By the issuance of the additional \$9,714,890 bonds of said City herein authorized; provided however, that the amount of bonds to be issued shall be reduced to the extent of 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 forty years, pursuant to subdivision 4 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 obligations 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 obligations becoming due and payable in such year. 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 obligations 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 such bonds, including the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. 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 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 7. The City Comptroller is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

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. 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 10. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 11. 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 Earl: Yes
Councilor Bowe: Yes
Councilor Coulthart: No
Councilor Kinville: Absent
Councilor DuBois: Yes
Councilor Simchik: Yes

MOTION CARRIED

Councilor Coulthart said he has some concerns about increasing a large amount of bondage without a thorough review and would like to have a workshop session on this project. He added that there is clearly a need, but stated that we are adding another \$9.8M to an already \$44M bond. He said that we are already increasing sewer rates to catch up, and now we are going to throw on the impact of a 30-year bond.

A lengthy discussion ensued. City Engineer Eric Schuler stated that emails were sent today outlining this matter. He explained the proposed costs of the project stating that in 2017, the cost was estimated at \$34M. He said that in 2018, a preliminary engineering study was ongoing, and in July 2019, it was completed with the estimated cost going up to \$44M. The City Engineer went on to explain how the \$4M in project grants noticed from various agencies work, adding that those monies do not come off the top until the project is completed. He said that they did not have enough in contingency to cover the unknowns, citing DEC comments, Code compliances and National Grid electrical service upgrades as examples. He said that they are being very conservative with how much contingency they are asking for. City Engineer Schuler said that if you look at the breakdown emailed today, they are actually under budget. He said that they have the costs for an October start, adding that if we don't start in October, those costs are just naturally going to go up. He said because of the energy performance contract, they are required to give us guaranteed revenue each year, which is now at a minimum of \$350K. He said that on top of that they have realized an additional \$500K in potential revenues, so we are talking about approximately \$850K in annual revenues that will offset the debt service. He said that the sewer rates will be going up for 2021, and there will be standard increases thereafter, but that is the reality of it. He said that he has looked at the numbers closely, and the projected revenues will be offsetting. The City Engineer said that this is a once in a generation project, and there are only certain things that you can chop up. The City Engineer said that if we don't get this done, we will not have the financing for the contractor to start work.

In response to a question from Councilor DuBois, the Comptroller said that it is a timely matter to close on the short-term financing. She said that in order for us to take advantage of the 0% financing on the first \$20M and to take advantage of the cash flow that the short time financing will help us with, the closing was anticipated for the \$44M in October. Comptroller Wells said that day we found out the costs were going up, she reached out to EFC, and they said that we need an updated bond resolution approved for the total cost that we are now projecting. She said that this will push out the closing to November if approved today. She said the City cannot put cash upfront to pay for a project for an indefinite amount of time; we won't have the cash flow, especially at the end of the year. She said that the longer we take to approve this, the longer it will push out the closing, as well as our financing.

The Mayor said that once the project is completed, we have many more options for grants, which will come off the top once the project is completed. She said that we are under consent order from the DEC; we have to do this project, we have no choice. She said just as we have other committees with Council members on them, we also have a committee for this project with Councilors Earl and Kinville. She said that they were very well informed of what is going on. She said that the City Engineer was very detailed with this project. The Mayor added that as soon as the City Engineer found out about the increase, he immediately scheduled a meeting to discuss this.

The Comptroller said that we are not asking to sign a contract for \$53M. She said that at the completion of this project, and when grant funds have been received, this is when we will go for long term financing at the same 0% that she spoke of in the emails today. Comptroller Wells said that this is when we will know how much this project will cost, and they are hoping that it will be much less than the \$53M they are looking for approval of. She said that this is strictly the bond. Supervisor Matt Roberts said he assumes that when this is built, the capacity goes way up, so you will be bringing in all kinds of outside revenue. He said that \$850K times 30 years is \$25M, so half of the project is paid for with outside revenue, not the ratepayers.

In response to a question, City Engineer Schuler said that when the first soil samples were done in the preliminary phase, they were shallow and did not go all the way to the bedrock, which now accounts for a very large increase in cost. He said they were hoping they could float the foundations in the soil, but unfortunately, they cannot. Councilor Coulthart said that the large projects looming, (the DPW garage, WWTP project and Water Project in Annsville) though all worthy projects, may cause taxes to rise significantly. Both the City Engineer and Comptroller stated that they are not taxes; costs are paid by the ratepayers. Councilor DuBois said that in her meeting with the Assistant City Engineer, he explained that the sewer rates would not rise that much. She said that we are doing this now, so that we can get the better rates before the costs go up. City Engineer Schuler said that we had project quotes from contractors much less than what it is costing the City, but we are doing business in NYS, and in NYS we must meet their requirements. He said that there are many complexities that go into a project such as this. The Mayor said that we are not here to discuss any other projects, we are here to focus this project, and we are under consent from the DEC; we have to do it.

Councilor Bowe asked what the anticipated first payment would be next year on the Bond. Comptroller Wells said the City will have to pay back the Ban (bond anticipation note), which was at an excellent rate of 1.07%. She said she doesn't have an exact figure, but we will have to pay at 0% whatever we spend within a year's time. Councilor Bowe asked what the drop-dead date for approval of this is, and the response was tonight. The Comptroller said that the longer we wait, the further the closing gets pushed out. Councilor Bowe said that there is no reason to hold it up if it is going to cost more money. He said that he feels this is not how the Council should be presented with things. The Comptroller said that things were held up because of COVID. She said that this application was submitted in June of 2019, and the closing was supposed to be in May, and that didn't happen. She said that with changing all the figures and paperwork, we are asking them to rush also, because cash flow has been an issue with this amount of money. The City Engineer used the City of Utica as an example stating they just did a project on their Wastewater Plant, which is about seven times larger than ours at a cost of \$350M, so our costs are right in line. The Comptroller said that if this is passed tonight, and the loan committee meets in August, this is

anticipated to close in November. She said this is bit more red tape than the traditional Bans and Bonds we are used to, but it is a much better financing program. The City Engineer reiterated that the same day he found out the cost was rising, he set up a project meeting, adding that he couldn't have expedited discussion on this any faster.

NEW BUSINESS - None

Mayor Acker said that the Council will be going into Executive Session to discuss a personnel matter. She said that no action will be taken after the meeting.

EXECUTIVE SESSION

RESOLUTION 20-123

Motioned by Councilor Coulthart
Seconded by Councilor Bowe

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:16 p.m. for the purpose of discussing a personnel matter.

Ayes: 5
Nays: 0
Absent: 1 (Kinville)
MOTION CARRIED

PRESENT: Mayor, Councilors, City Attorney, Comptroller, Public Safety Commissioner, and Police Chief

1. Discussion relating to a personnel matter.

Motioned by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 7:57 p.m.

Ayes: 5
Nays: 0
Absent: 1 (Kinville)
MOTION CARRIED

Motion to adjourn by Councilor Bowe

The regular meeting is hereby adjourned at 7:57 p.m.

CITY OF ONEIDA

Susan Pulverenti
City Clerk