

MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
AUGUST 1, 2023

A meeting of the Common Council of the City of Oneida, NY was held on the first day of August 2023 at 6:30 pm at the City of Oneida Common Council Chambers, 109 N. Main Street, Oneida NY 13421.

The meeting was called to order by Mayor Helen Acker

| <u>Attendees</u> | <u>Present</u> | <u>Absent</u> | <u>Arrived Late</u> |
|--------------------|-------------------------------------|-------------------------------------|--------------------------------|
| Mayor Acker | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Szczerba | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Laureti | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Rossi | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Kinville | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Pagano | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Simchik | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> _____ |

Also Present

| | | | |
|----------------------------|-------------------------------------|----------------------------------|-------------------------------------|
| City Attorney Nadine Bell | <input type="checkbox"/> | Fire Chief Scott Jones | <input checked="" type="checkbox"/> |
| City Clerk Sandy LaPera | <input checked="" type="checkbox"/> | Police Chief Steve Lowell | <input checked="" type="checkbox"/> |
| City Engineer Jeff Rowe | <input checked="" type="checkbox"/> | Public Safety Com. Kevin Salerno | <input checked="" type="checkbox"/> |
| Codes Director Bob Burnett | <input checked="" type="checkbox"/> | Supervisor Mary Cavanagh | <input checked="" type="checkbox"/> |
| Comptroller Lee Ann Wells | <input checked="" type="checkbox"/> | Supervisor Joe Magliocca | <input checked="" type="checkbox"/> |
| Attorney Wendy Loughnot | <input checked="" type="checkbox"/> | Supervisor Brandee Dubois | <input checked="" type="checkbox"/> |

Call to Order/Pledge of Allegiance/Roll Call

PUBLIC COMMENT

VERNON HOWE-382 STONE ST., ONEIDA

Vernon Howe addressed Council, accompanied by his son, stating that for no reasonable cause and no police report made, his eight-year-old son was sent home from Pop Warner, and he has been told there is nothing the City can do. He stated that he tried to have a meeting with the Mayor but had to wait over 4 hours for this to occur and feels something needs to be done by the City to prevent this from happening to his family. He stated that he owns his own house, pays his taxes, is a law-abiding citizen, and feels his children are suffering consequences within the City. Mr. Howe feels Council should suspend the right to

field privileges that the organizations have and advise them that these are City fields and public property. Mr. Howe commented that he did not have any problems with the City of Oneida programs and Parks and Recreation Department, only Pop Warner and Little League, suggesting that someone should ask why this is happening. He feels, in his opinion, that his children are being penalized by those running the organizations due to his past issues with them.

The Mayor advised that these are private entities that rent the space from the City, and if there were a problem with them, Mr. Howe would need to go to the higher ups in the organizations or go to court. Mr. Howe commented that Council can demand an investigation and can do something about this. Mr. Howe also stated he felt like he was being set up when the police were present when he came to visit the Mayor, advising that he did not say or do anything.

WAYNE WINCHELL-213 WILLIAMS ST., ONEIDA

Mr. Wayne Winchell addressed Council stating he wanted to thank Mr. Jones (Fire Chief) who is making changes in the Fire Department. He also thanked Mr. Burnett (Codes Director), for being truthful, honest, and transparent. He commented that he has asked Council for numerous things, to which he has received no replies.

Mr. Winchell discussed 140 Madison St. and stated he hoped with the resolution being presented tonight, this would be resolved, as it has been eight months. Mr. Winchell discussed code violations and asked why a resident in the City of Oneida (himself) gets a violation for plywood on the porch and is allowed ten days to remedy or get a fine to go to court, but nothing has been done about a commercial building for eight months and asked for an explanation as to why this is happening.

Councilor Laureti asked Mr. Winchell if he had met with the Department Heads for answers to his questions and if he came to a resolution. Mr. Winchell advised that he did on meet with Mr. Jones and Mr. Burnett on Friday. There was discussion regarding codes, steps to violations and these being the same for both commercial and residential. Mr. Winchell also noted a problem with 192 Madison St. garbage issues, whereby he was advised the City was working with the property owners.

GINA NASSAR-406 STONE ST., ONEIDA

Mrs. Nassar addressed Council asking for a waiver of the \$150 missed inspection fee for property she owns at 406 Stone St. She stated that she had been in Florida when a registered letter from the City came in March that her husband received. Her tenants were advised of the inspection but were not aware they needed to be present for the first. For the second inspection, all the items that were in violation were taken care of.

Council advised they would like more time to review the information they were provided and get back to her after they have a chance to talk to Codes.

JOE MAGLIOCCA-429 GRAND ST., ONEIDA

Mr. Magliocca addressed Council to provide an update for the upcoming resolution requesting additional funding for the Cats Committee. He advised that at the last meeting they had approximately \$1,475 left in their budget, and they are now down to approximately \$675, stating they have started to send out funding requests for 2024 and are hoping the City will consider their request for \$2,000-\$2,500 in the next

budget. He stated that the Gorman Foundation has already agreed to commit next year, and they have approached the Oneida Savings Bank Charitable Foundation as well, due to the success in working with them for the City Dog Park. Mr. Magliocca stated they are at \$1,500 in vet bills so far this year, and they have three more months left to trap. He reminded Council that they spend the money, they submit the vet bills, and then they get the check cut for them. He ended this topic by using the Dog Park as an analogy, whereby \$30,000 was raised, but without the City of Oneida Water Department and DPW they would not have had the funding to make this possible. He noted there is a need for the City to "have skin in the game."

Supervisor Magliocca also discussed Resolution No. 10 on the agenda, to encourage Governor Hochel to sign a piece of legislation authorizing payment to non-participating or non-preferred providers of Emergency Medical Services (EMS) licensed under article 30 of the Public Health Law rather than paying the person utilizing services. He advised this is an issue all over the country where insurance companies are paying the insured and not the provider, and the provider is not getting paid.

BRAHIM ZOGBY-114 E. SANDS ST., ONEIDA

Mr. Zogby spoke regarding Bond Resolution No. 2 for a street sweeper and inquired if the money would be coming from the General Fund, asking if the entire City would be responsible for this, and if someone does not have a street that is swept, would they still have to pay for this. The Comptroller advised that this would come from the General Fund. Mr. Zogby then asked about feral cats, and if only the people impacted by feral cats have to pay for this, or does the entire City have to pay, to which the Comptroller advised it was in the General Fund. Mr. Zogby concluded by stating that, essentially, if you live in the City of Oneida, taxes go toward all things the City of Oneida needs to do to make it a better place.

RONALD HUMPF-427 BROAD ST., ONEIDA

Mr. Humpf stated that in the past month, he has been in the face of multiple police agencies, including the City of Oneida. He stated that he believes there needs to be a lot of retraining done in mental health diffusion, rather than escalation techniques that he believes were used against himself. Councilor Laureti asked what he did and was advised by Mr. Humpf that he would discuss this privately if anyone wanted to call him.

OLD BUSINESS: None

APPROVAL OF MINUTES

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the minutes of the regular meeting of July 18, 2023, are hereby approved as presented.

Ayes: 4

Nays: 0

Absent: 2 (Simchik-Szczerba)

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Kinville
Seconded by Councilor Laureti

RESOLVED, that Warrant No. 15, checks and ACH payments in the amount of \$434,980.08 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 4
Nays: 0
Absent: 2 (Simchik-Szczerba)
MOTION CARRIED

DESIGNATE COMMON COUNCIL AS DUE PROCESS HEARING OFFICERS

RESOLUTION 23-135

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, that in accordance with the City of Oneida Water Department Rules and Regulations, the Common Council will conduct any due process hearings for termination of water service as per Article XIX. B. 4.

Ayes: 4
Nays: 0
Absent: 2 (Simchik-Szczerba)
MOTION CARRIED

DISCUSSION: the Mayor advised that this is something that has to be done every year, and sometimes can take a while based on how many people show up.

A RESOLUTION AUTHORIZING THE PURCHASE OF A STREET SWEEPER, IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$263,046, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$263,046 BONDS OF SAID CITY TO PAY THE COST THEREOF.

RESOLUTION 23-136

Moved by Councilor Kinville
Seconded by Councilor Rossi

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 (the "City"), as follows:

Section 1. The purchase of a street sweeper in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$263,046.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of not to exceed \$263,046 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 purposes 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.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|----------------------------|--------|-----------|
| Councilor James Szczerba | ABSENT | |
| Councilor Steve Laureti | VOTING | <u>NO</u> |
| Councilor Rick Rossi | VOTING | <u>NO</u> |
| Councilor Michele Kinville | VOTING | <u>NO</u> |
| Councilor Bill Pagano | VOTING | <u>NO</u> |
| Councilor Tom Simchik | ABSENT | |

The resolution was thereupon declared failed.

DISCUSSION: City Engineer, Jeff Rowe, advised this was previously considered by the Council who asked him to do research and determine if this would be feasible to share with the City of Sherrill. He had a meeting with the City of Sherrill, and it was noted that although the sharing of resources was a good thing and something they could look at in the future, it would be limiting. He provided an example: if there was a storm in the area and both municipalities needed the equipment at the same time, it would cause delays of service. It was decided it would be best if the City of Oneida purchased this on its own.

Councilor Kinville inquired if our street sweeper was still operational, even if not at 100%, to which the Mayor responded that it was not working at all, noting that it was made for parking lots and not streets and is not efficient. It was advised this is used daily and tracked by a GPS unit, and although it is not that old, we have over 80 miles of streets in the City that need to be done.

Due to Agenda Item No. 2, Resolution 23-136, failing, Agenda Item No. 3 was pulled.

CAPITAL PROJECT 23-11 PURCHASE OF STREET SWEEPER (PULLED)

RESOLUTION 23-

Moved by Councilor
Seconded by Councilor

RESOLVED, to authorize the City Engineer to proceed with Capital Project 23-11-purchase of a Street Sweeper with a maximum not to exceed \$263,046.

Ayes:
Nays:
Absent:

PULLED FROM AGENDA

**A RESOLUTION AUTHORIZING THE PURCHASE OF A SNOWPLOW TRUCK, IN AND FOR
THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED
COST OF \$345,000, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$345,000
BONDS OF SAID CITY TO PAY THE COST THEREOF.**

RESOLUTION 23-137

Moved by Councilor Kinville
Seconded by Councilor Rossi

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 snow plow truck for the Department of Public Works, including incidental equipment and expenses, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$345,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of not to exceed \$345,000 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.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|----------------------------|--------|------------|
| Councilor James Szczerba | ABSENT | |
| Councilor Steve Laureti | VOTING | <u>YES</u> |
| Councilor Rick Rossi | VOTING | <u>YES</u> |
| Councilor Michele Kinville | VOTING | <u>YES</u> |
| Councilor Bill Pagano | VOTING | <u>YES</u> |
| Councilor Tom Simchik | ABSENT | |

The resolution was thereupon declared duly adopted.

DISCUSSION: City Engineer Rowe advised that this plow truck would replace an existing piece of equipment that is almost 20 years old and is not reliable, noting it needs frequent repairs. If this purchase is approved, due to long lead times for delivery, the City would not have this piece of equipment until early 2026. They have found with previous purchases of large equipment, that the schedule has not been any quicker than they have been told. The Comptroller advised that funding would not be taken out until that time.

CAPITAL PROJECT 23-10 PURCHASE OF SNOWPLOW TRUCK

RESOLUTION 23-138

Moved by Councilor Rossi
Seconded by Councilor Kinville

RESOLVED, to authorize the City Engineer to proceed with Capital Project 23-10-purchase of a snowplow truck with a maximum not to exceed \$345,000.

Ayes: 4

Nays: 0

Absent: 2 (Simchik-Szczerba)

MOTION CARRIED

FERAL CAT PROGRAM FUNDING REQUEST

RESOLUTION 23-139

Moved by Councilor Kinville

Seconded by Councilor Rossi

RESOLVED, approve a request from the Oneida Community Cats Committee (Oneida Improvement Committee) for \$1,000 for the Feral Cat Program.

Ayes: 2

Nays: 2

Absent: 2 (Simchik-Szczerba)

MOTION FAILED

DISCUSSION: Councilor Rossi advised that he would like to see the City help in any way they can by maybe donating a park for Cat Stock or other events rather than just providing funding every time they are in need. Supervisor Magliocca advised that Cat Stock was supposed to be a 50/50 split and what was paid to them was not that. He stated there was going to be discussions in the future with the organizers of this event regarding the split.

Mr. Magliocca asked Council to keep in mind that, to date, of the nearly \$6,000 that has been raised, the City has only provided \$1,000, noting this was a very small percentage. He stated that all volunteer members are active in additional fund-raising opportunities. He advised that all money raised goes 100% to vet bills, and the volunteers use their own personal funds for everything else. Mr. Magliocca stated this is an enormous problem in many areas of the City, and he appreciates the thought of the Council, but would appreciate any consideration for this request. Mr. Magliocca stated that he is actively trying to raise \$8,000 for the coming year, and that \$2,000-\$2,500 is not a lot for what the Committee is providing for the City.

Christine Robertson, a volunteer and member of the Community Cats Committee, added that they are pursuing CNY Tuesdays, which is a grant program that provides \$2,000 to 5 companies each. They just missed the time limit to be nominated for August, but they will be pursuing it for September, which would complement the potential for any money that might be provided today. She advised they also have a couple of verbal commitments for donations from some people that they have assisted.

Ms. Robertson provided an update on the Committee's activities, including year to date, they have been working on 6 colonies, totaling 60 cats, and stated she is seeing this as a 3-4-year plan. Her personal goal

for this year is to double their numbers from last year. In general, for the Committee, their goal is to meet more people through networking and support that would add to their success.

The Mayor asked Ms. Robertson to explain what CNY Tuesdays is. She explained that CNY Tuesdays is a weekly campaign that recognizes non-profits through grants. Organizations have to request to be nominated, and there is a time period for that, which in this case, happened to be the day after they found out about it in July to be considered to be nominated in August. In August, they will request the nomination well before the deadline that will give them 3 weeks to gather the nominations, which is an online process. They are anticipating the deadline for the nominations will be sometime within the next week, and she will advise the City Clerk as soon as they have the information.

**A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$5,940,000 BONDS OF THE
CITY OF ONEIDA, MADISON COUNTY, NEW YORK, TO PAY COSTS IN CONNECTION WITH
CONSTRUCTION OF IMPROVEMENTS AT THE GLENMORE DAM IN AND FOR SAID CITY**

RESOLUTION 23-140

Moved by Councilor Kinville
Seconded by Councilor Rossi

WHEREAS, the capital project hereinafter described 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 ("SEQRA"), the implementation of which as proposed, it has been determined will not result in any significant adverse environmental effects and SEQRA compliance materials are available in the office of the City Clerk where they may be inspected during regular business hours; NOW, THEREFOR, 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 for the construction of improvements at the Glenmore Dam, including incidental costs and expenses, in and for the City of Oneida, Madison County, New York, there are hereby authorized to be issued an additional \$5,940,000 bonds pursuant to the provisions of the Local Finance Law. Said object or purpose is hereby authorized at the new maximum estimated cost not to exceed \$13,940,000.

Section 2. The plan for the financing of such \$13,940,000 maximum estimated cost is as follows:

- a) By the issuance of the \$8,000,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond resolution dated September 18, 2018; and
- b) By the issuance of the additional \$5,940,000 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 thirty years, pursuant to subdivision 3 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 is subject to approval at the November 7, 2023 general election. Upon taking effect, this resolution 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.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|----------------------------|--------|------------|
| Councilor James Szczerba | ABSENT | |
| Councilor Steve Laureti | VOTING | <u>YES</u> |
| Councilor Rick Rossi | VOTING | <u>YES</u> |
| Councilor Michele Kinville | VOTING | <u>YES</u> |
| Councilor Bill Pagano | VOTING | <u>YES</u> |
| Councilor Tom Simchik | ABSENT | |

The resolution was thereupon declared duly adopted.

DISCUSSION: the City Engineer explained that Glenmore Dam, the City's water supply, is over 100 years old and in need of repairs and renovations. He explained that this has been ongoing for quite some time, and in 2018, there was a referendum for the cost of the project, which at that point in time was \$8M. Since then, the project cost has escalated due to inflation. This is the same project, the permits are now in place, and it is ready to go.

He stated that this has taken so long due to securing the appropriate permits and conditions that the City was not previously agreeable to. Since then, some concessions have been made on both sides. City Engineer Rowe advised, in response to a question from Councilor Kinville, if this is not approved and the public votes this down, the City/Region's water supply will be jeopardized. He advised if there is a failure, it would be an emergency situation that a contractor would have to address, and he was sure the cost would be more than what they are looking at now.

Councilor Rossi asked why this is going to Public Referendum now, and inquired if it is in an emergency state now. City Engineer Rowe and Comptroller Wells advised that there is no consent order, and because

it is over \$1M, it must go to public referendum. Comptroller Wells advised that because the DEC has not declared it yet, the City would be responsible for any costs, which would be more. There was brief discussion as to when this started and what held it up years ago with previous administrations. It was confirmed that this would be bid out, and the design plans have already been done. The Comptroller advised that the project cannot begin without full funding. She stated the City has been paying interest on it, as she was told by the prior Water Superintendent that they were planning on beginning the project, and they did not have \$8M to fund the project back in 2020. She went forward and got the bond proceeds, and she has been paying the debt service out of the Water Fund. If this is voted down, the City still has to pay back the \$8M, which she noted is specifically for this project.

The Mayor recommended to Council that they go to the Dam and look at it. Councilor Laureti asked why now, and it was noted by the City Engineer that if this is put off, the City will see higher construction costs, which continue to increase each year.

**A RESOLUTION PROVIDING FOR THE SUBMISSION OF A CERTAIN PROPOSITION AT THE GENERAL ELECTION
TO BE HELD ON NOVEMBER 7, 2023**

RESOLUTION 23-141

Moved by Councilor Kinville
Seconded by Councilor Rossi

WHEREAS, the Common Council of the City of Oneida, Madison County, New York, has heretofore at this meeting duly adopted a bond resolution which will take effect only after its approval at the General Election to be held on November 7, 2023; and

WHEREAS, it is now desired to provide for the submission of a proposition for the approval of said resolution, and for other matters in connection with said vote.

NOW, THEREFORE, BE IT

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

Section 1. The Clerk of said City is hereby authorized and directed to cause to be included in the Notice of the Election the following additional notice with respect to the proposition to be presented to the qualified voters of said City for their approval or disapproval of the resolution referred to in the preambles hereof, in substantially the following form:

PLEASE TAKE FURTHER NOTICE that at such Election to be held on November 7, 2023, the following proposition will be presented to the qualified voters of said City:

PROPOSITION

Shall the bond resolution adopted by the Common Council of the City of Oneida, dated August 1, 2023, authorizing the construction of improvements at the Glenmore Dam, including incidental costs and expenses, at a new maximum

estimated cost of \$13,940,000; financing of such by the issuance of \$8,000,000 bonds, pursuant to a bond resolution dated September 18, 2018, and by the issuance of an additional \$5,940,000 bonds, which shall be reduced to the extent of grants received, to mature over a period not exceeding thirty years; pledging the faith and credit of said City for the payment of the principal of and interest on said bonds; delegating powers to the chief fiscal officer with respect to the issuance and sale of bond anticipation notes and such bonds; and providing for an estoppel procedure, be approved?

Section 2. This resolution shall take effect immediately.

Councilor Szczerba: ABSENT
Councilor Laureti: YES
Councilor Rossi: YES
Councilor Kinville YES
Councilor Pagano YES
Councilor Simchik ABSENT
MOTION CARRIED

APPROVE BID-140 MADISON STREET DEBRIS REMOVAL

RESOLUTION 23-142

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, to approve the lowest bid meeting specifications for 140 Madison Street Debris Removal to Contento's, P.O. Box 588, Cortland, NY 13045 as the apparent low bidder.

Ayes: 4
Nays: 0
Absent: 2 (Simchik-Szczerba)
MOTION CARRIED

DISCUSSION: Councilor Kinville asked when this would be done, to which the City Engineer advised that he would contact them for a schedule. The previous quote was for \$107,500, which resulted in an approximate \$20,000 savings. The Mayor advised that the City already has paid over \$10,000 for fencing and maintenance.

**ENCOURAGE GOVERNOR HOCHUL TO SIGN LEGISLATION AUTHORIZING PAYMENTS TO
NONPARTICIPATING OR NONPREFERRED PROVIDERS OF EMERGENCY MEDICAL SERVICES LICENSED
UNDER ARTICLE 30 OF THE PUBLIC HEALTH LAW**

RESOLUTION 23-143

Moved by Councilor Rossi
Seconded by Councilor Kinville

WHEREAS, New York State Assembly Bill A250A and New York State Senate Bill 1466, legislation authorizing payment to non-participating or non-preferred providers of Emergency Medical Services (EMS) licensed under article 30 of the public health law, has been introduced and passed by both the New York State Assembly and the New York State Senate; and

WHEREAS, currently, payments for services rendered by non-participating and non-preferred EMS providers are made from health insurers to the user of EMS services which requires EMS agencies to collect payment from the user for said services instead of directly from the insurance provider; and

WHEREAS, often, users of EMS services fail to turn over said payment requiring EMS agencies to incur additional costs in the collection process or writing off the revenue as uncollectable; and

WHEREAS, this practice has significantly contributed to the financial strain faced by EMS agencies operating throughout New York State; and

WHEREAS, if signed, the legislation will amend sections 3224-a, 3216, 3221 and 4303 of the New York State Insurance Law and ensure that EMS agencies receive direct payment for all appropriate EMS services upon submission of an invoice to the insurance company without the need for the EMS agency to be a preferred provider;

NOW, THEREFORE, BE IT RESOLVED, that the City of Oneida Common Council applauds the New York State Assembly and New York State Senate for the passage of A250A/S1466 and encourages Governor Kathleen Hochul to sign this important legislation into law; and

BE IT FURTHER RESOLVED that the Clerk of the City of Oneida Common Council shall forward a copy of this resolution to Governor Kathleen Hochul, New York State Legislative Representatives, the New York State Association of Counties and all others deemed necessary and proper.

Ayes: 4

Nays: 0

Absent: 2 (Simchik-Szczerba)

MOTION CARRIED

RESCIND LOCAL LAW-REPEAL THE ENACTMENT OF A LOCAL LAW AMENDING ARTICLE VI, SECTION 6.1(B)(1) OF THE ONEIDA CITY CHARTER

RESOLUTION 23-144

Moved by Councilor Kinville
Seconded by Councilor Rossi

"WHEREAS, by Resolution 23-94, the City of Oneida Common Council, having held a public hearing on May 16, 2023, duly enacted a local law titled, "A Local Law Amending Article VI, Section 6.1(B)(1) of the Oneida City Charter," on June 6, 2023; and

WHEREAS, pursuant to Municipal Home Rule Law Section 24, the local law was subject to permissive referendum; and

WHEREAS, after the enactment of the aforementioned Local Law, the Common Council authorized the City of Oneida City Engineer to apply for grant monies, in the amount of \$175,000.00, through the Consolidated Funding Application, for the "Walkable Oneida Project", a public improvement project which would, in part, fund the repair and replacement of sidewalks throughout the City of Oneida; and

WHEREAS, it is recognized that the receipt of such grant monies will serve to reduce the immediate need for enacting said Local Law; and

WHEREAS, on or about July 21, 2023, a "Petition for Submission of Resolution to Permissive Referendum" was filed with the City of Oneida City Clerk's Office protesting the local law and requesting a referendum vote upon said local law; and

WHEREAS, the City Clerk has not examined the Petition and has not issued a certificate confirming the Petition's compliance with the requirements of law; and

WHEREAS, the Common Council does desire to rescind the local law in accordance with Section 26 of the Municipal Home Rule Law.

NOW THEREFORE, BE IT

RESOLVED, the City of Oneida Common Council does desire to reconsider Resolution 23-94 and does further repeal the enactment of the Local Law, titled "A Local Law Amending Article VI, Section 6.1(B)(1) of the Oneida City Charter," be it further

RESOLVED, that as a result of the Common Council's repeal of the Local Law, such proposition shall not be submitted to the electors for approval."

| | |
|--------------------|------------|
| Councilor Szczerba | ABSENT |
| Councilor Laureti | <u>YES</u> |
| Councilor Rossi | <u>YES</u> |
| Councilor Kinville | <u>YES</u> |
| Councilor Pagano | <u>YES</u> |
| Councilor Simchik | ABSENT |

MOTION CARRIED

DISCUSSION: Councilor Rossi explained that at the last Council meeting, they were approached to approve for the submission of a grant application for \$175,000 (Walkable Oneida Project) that would be used for

sidewalks instead of imposing an extra tax, and they (Council) decided to go this direction. The Mayor advised to keep in mind that this was a matching grant, and the City would have to come up with \$175,000 also, either by raising taxes or by some other means.

Resident Brahim Zogby inquired as to what the results were of the petition and asked if it was reviewed. He inquired if there were sufficient signatures, to which the response was no. There was discussion between Mr. Zogby and Council over their decision to change from their initial position, stating that Council was gambling that the City would get a \$175,000 grant, and if they didn't get the grant, they wouldn't be able to do the sidewalks. Councilor Laureti advised that they could still be done by raising taxes, whether or not it would be called a surcharge. Councilor Rossi advised if the City matched the \$175,000, which hopefully they would be able to do with taxes over the years, they could do the same thing with the stipend, so it did not make sense to do this. He did not feel they would be charging for the stipend for the sidewalks for the coming year anyway. Councilor Rossi stated that they changed the Local Law but did not schedule a payment for it.

Councilor Kinville asked if CHIPS money could be used if the City takes responsibility for the sidewalks, to which the Mayor and City Engineer responded that CHIPS money could only be used for the streets.

Mr. Zogby also commented on the petitions and the legality of the signatures obtained. Margaret Milman-Barris responded to his comments by stating that although she understood that Mr. Zogby disagrees with those who passed the petitions and respects his disagreement, she was very upset that he implied that fraud was committed, which was not true.

Supervisor Magliocca stated that previously there was money in the General Fund for sidewalks and all property owners in the City paid for that. He stated the only way a sidewalk could be changed is if a City tree bumped up that sidewalk or the property owner agreed to a 50/50 cost split. He asked, with this grant, can the City pick a whole block to do, or do those same 2 stipulations still pertain. The Mayor stated if the Local Law is rescinded tonight, it will automatically go back to the 50/50 program.

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 23-145

Motion to approve budget transfers, as amended, to remove the \$1,000 transfer from the General Fund to Animal Control other than Dogs due to the failure of Agenda Item No. 6, Resolution 23-139 by Councilor Rossi

Seconded by Councilor Kinville

| | <u>To</u> | <u>From</u> |
|---------------------------------------|--|--|
| <i>2023 Budget Adjustments</i> | | |
| \$ 1,000.00 | 001.3520.0400.0000 Animal Control Other than Dogs | 001.0001.0912.0000 General Fund Balance |

To allocate funds for the feral cat committee

| | | |
|-------------|--------------------|----------------------|
| \$ 4,500.00 | 001.7140.0307.2025 | 001.0001.0912.0000 |
| | Pool Chemicals | General Fund Balance |

To allocate funds for increased cost in chlorine

| | | |
|-------------|--------------------|----------------------|
| \$ 5,500.00 | 001.7140.0104.0000 | 001.0001.0912.0000 |
| | Pool Salaries | General Fund Balance |

To allocate funds for increase in lifeguards coverage for higher than expected swim lessons, pool rentals and zumba programs

| | | |
|--------------|--------------------|----------------------|
| \$ 88,500.00 | 001.3650.0400.0000 | 001.0001.0912.0000 |
| | Demolition | General Fund Balance |

To allocate funds for the demolition of 140 Madison Street. This will be billed to the property owner.

Ayes: 4
Nays: 0
Absent: 2 (Simchik-Szczerba)

MOTION CARRIED

NEW BUSINESS: None

Motion to adjourn by Councilor Kinville
Seconded by Councilor Rossi

Ayes: 4
Nays: 0
Absent: 2 (Simchik-Szczerba)

MOTION CARRIED

The regular meeting is hereby adjourned at 7:33 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk