

MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
OCTOBER 15, 2024

A meeting of the Common Council of the City of Oneida, NY was held on the fifteenth day of October 2024 at 6:30 p.m. at the Common Council Chambers, 109 N. Main, Oneida, NY 13421.

The meeting was called to order by Mayor Rick Rossi.

<u>Attendees</u>	Present	Absent	Arrived Late
Mayor Rossi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Szczerba	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Laureti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Hitchings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Winchell	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

Supervisors

Matt Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mary Cavanagh	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brandee DuBois	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Michelle Kinville	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Also Present

City Attorney Nadine Bell	<input checked="" type="checkbox"/>	Public Safety Comm. Dave Jones	<input checked="" type="checkbox"/>
City Clerk Sandy LaPera	<input checked="" type="checkbox"/>	Parks & Rec Director Luke Griff	<input checked="" type="checkbox"/>
Fire Chief Scott Jones	<input checked="" type="checkbox"/>	Assessor Rebecca Lennon	<input checked="" type="checkbox"/>
Police Chief Steve Lowell	<input checked="" type="checkbox"/>		

Call to Order/Pledge of Allegiance/Roll Call

PROCLAMATION: Extra Mile Day

Proclamation

City of Oneida - Office of the Mayor

EXTRA MILE DAY

WHEREAS, Oneida, New York, is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism and service; **and**

WHEREAS, Oneida, New York, is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment and conviction to their individual ambitions, family, friends and community; **and**

WHEREAS, Oneida, New York, is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; **and**

WHEREAS, Oneida, New York, acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2024; **and now therefore**

I, **Rick Rossi, Mayor** do hereby proclaim November 1, 2024, to be Extra Mile Day. I urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country or world a better place.

WITNESS WHEREOF, I have hereunto set my hand and affix the official seal of the City of Oneida on this 15th day of October 2024.

Mayor Rick Rossi

PUBLIC HEARING: A Local Law amending the annual income ranges for senior citizens as set forth in Chapter 165 of the Oneida City Code and creating a Cold War Veterans exemption

OPEN PUBLIC HEARING

A LOCAL LAW AMENDING THE ANNUAL INCOME RANGES FOR SENIOR CITIZENS AS SET FORTH IN CHAPTER 165 OF THE ONEIDA CITY CODE AND CREATING A COLD WAR VETERANS EXEMPTION

RESOLUTION 24-232

Moved by Councilor Hitchings
Seconded by Councilor Szczerba

RESOLVED, that the Public Hearing amending the annual income ranges for senior citizens as set forth in Chapter 165 of the Oneida City Code and creating a Cold War Veterans exemption be hereby opened at 6:33p.m.

Ayes: 7
Nays: 0

MOTION CARRIED

APPEARANCES
None

CLOSE PUBLIC HEARING

A LOCAL LAW AMENDING THE ANNUAL INCOME RANGES FOR SENIOR CITIZENS AS SET FORTH IN CHAPTER 165 OF THE ONEIDA CITY CODE AND CREATING A COLD WAR VETERANS EXEMPTION

RESOLUTION 24-233

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, that the Public Hearing amending the annual income ranges for senior citizens as set forth in Chapter 165 of the Oneida City Code and creating a Cold War Veterans exemption be hereby closed at 6:33p.m.

Ayes: 7
Nays: 0

MOTION CARRIED

PUBLIC COMMENT

WAYNE WINCHELL-ONEIDA

Wayne Winchell posed several questions, beginning with an inquiry into any ongoing investigations involving Mayor Rossi. Mr. Winchell stated that he had heard this from “little birdies on the street” and Mayor Rossi responded, stating that the Codes Department has an active investigation concerning him, but he was unaware of any other investigations. Mr. Winchell then questioned why none of the DRI projects had commenced, noting his understanding that these projects are reimbursable and should not require additional permissions to begin. Lastly, he mentioned that the City had recently lost two more police officers and asked if any steps were being taken to investigate the reasons behind the continued loss of officers. Wayne Winchell raised concerns regarding commercial inspections, questioning why it is permissible for inspectors to enter buildings without a representative from the property being present. He remarked that he believes this practice to be illegal.

RALPH KOHLER-ONEIDA

Mr. Kohler expressed concerns about the future of the Kallet Theater, which the City has owned for over 45 years. He pointed out that almost a year ago, the lease was revoked from the previous company managing it. Mr. Kohler stated that he understood the City is planning to sell the property, yet no public updates have been provided regarding these plans. Emphasizing the theater's importance as a key piece of real estate for the community, he urged City officials to speak publicly about their intentions for the property.

OLD BUSINESS

FIRE CHIEF SCOTT JONES/FIRE MARSHAL BRIAN BURKLE

Fire Chief Jones and Fire Marshal Burkle provided an update on 136 Madison Street and 238 Allen Park Place.

136 Madison Street

- Phase 1 would include the study and review of the shared wall, whereby they would meet on site to visually inspect and determine the makeup of the shared wall between 136 and 138 Madison St. The information will be compiled into a summary letter, which will state the findings, as well as the recommendations. A cost for this was provided to Council previously.
- Phase 2 will involve developing a proposal to create instructional documents as necessary, detailing the steps to maintain the structural integrity of the walls, ensuring that 138 can remain in place.
- Fire Marshal Burkle stated that officers were called to a complaint on October 14th at 136 Madison Street, and while investigating the complaint, they observed leaking water (which could contribute to soft or weakening floors, as well as collapsing walls and the roof) and unsecured doors allowing access to the property, noting that 138 was still occupied and operating a business at that location.
- A notice was sent to the property owner, the front of the building was secured, and the rear will be secured on October 16th.

- The engineer is out of town and unavailable and as soon as he hears back, they will meet to discuss a follow up.

238 Allen Park Place

- On May 21, Council approved the resolution with a deadline of July 12th for the property owner to complete such remedial repairs so that the structure is “Dry and Tight.”
- The building permit was issued by Codes on August 13, 2024, which has passed. Notice was sent to the property owner and an email was also sent to the City Engineer on September 17th advising that the City should begin the process to take corrective action, because they have not complied with the resolution as set forth.
- Fire Marshal Burkle performed a sight visit, and the property has not yet met the criteria as set forth in the resolution and he has not heard back from engineering requesting to begin the process of obtaining bids.
- During his inspection (October 15), Fire Marshal Burkle noticed a Stop Work Order issued by the Codes Department on October 11, 2024, for performing work not compliant to the blueprints; however, he noted that the Codes Department did not provide him or the department a copy of this.

Fire Marshal Burkle approached the Council for guidance on the next steps, citing a lack of response from engineering on the bid submissions. He also mentioned that Codes currently has an open building permit with a Stop Work Order in place. Burkle sought clarification on who should be held responsible for completing the resolution and ensuring corrective action is taken.

Fire Chief Jones advised that the resolution, as worded, states that the Fire Department is the enforcing agency; however, with the building permit and Codes they are not sure if they should spend City funds to make the property “Dry and Tight” or do they want to allow Codes to see it through on their end.

City Attorney Bell outlined that this case exemplifies the City's unique situation, where the Fire Marshal oversees unsafe structure proceedings, while the Codes Department manages other responsibilities, which can sometimes lead to confusion. Chief Jones clarified that the structure, though no longer classified as “unsafe,” now falls under the Fire Department’s vacant property category. He noted that there has been no direct communication with the property owner, assuming that the Codes Department has managed those interactions. Councilor Laureti suggested it would be more practical for the property owner to handle the necessary work, rather than having the City allocate funds. Currently, a Stop Work Order is in effect, halting any ongoing work and suspending the building permit.

It was noted that although the owner has plans, the problem is they are not performing the work according to the plans they submitted, and with the Stop Work Order in place, they cannot perform any work. The timeline was again discussed, and City Attorney Bell advised that the City would not see this money until another year as the property owner is sent an invoice and if they do not pay, it is assessed against their property (taxes). As this process takes time, and the property owner has been given numerous chances to perform the work, it was determined by Council that the Fire Department will be allowed to move forward with obtaining bids.

REPORTS:

- Mayor's Report: Mayor Rossi expressed his gratitude to everyone involved in coordinating and participating in this year's Fall Fest. He shared that he received numerous positive comments, with many saying it was the best event yet, and he hopes to see it grow even more in the coming years.
- Supervisor's Report: Supervisor Mary Cavanagh provided an update on the 2025 County Budget stating that their goal is to stay within the tax cap, and it will be presented on November 7th with the Public Hearing on November 21st.

Supervisor Matt Roberts stated that one of the things they are working on is updating the Glenmore Dam, which has become an issue. He cited the resolution being presented this evening and advised that this is the right thing to do. Supervisor Roberts stressed the importance of infrastructure, as well as safety for our citizens. He applauded the City Police Department, the Fire Department and the Madison County EMS for the great job they all did involving an issue recently at the Oneida City Hospital.

Supervisor Roberts shared that when he moved to Oneida in 1971, he moved across from the Mount Hope Reservoir, which was the year after the City pool ended there and became the Chapman Pool. Noting that he spent many summer days there. In 1924, there was a vote to create the Glenmore Reservoir in Annsville, and with the idea that we would get soft water and that it was going to be a long-term project. He advised that we are the recipients of those individuals who thought and looked long ahead from where they were sitting.

The previous Madison County Chairman, John Becker, recently shared some memorabilia with Supervisor Matt Roberts from his late father, who had worked at Oneida Limited for many years. Among the items was a restored newspaper insert from the early 1920's, featuring coverage of the original Glenmore Dam Project. Supervisor Roberts read from this historical clipping and formally presented it to the City, emphasizing the importance of preserving and continuing this legacy for future generations, which received a round of applause.

APPROVAL OF MINUTES

Moved by Councilor Hitchings
Seconded by Councilor Pagano

RESOLVED, that the minutes of the regular meeting of October 1, 2024, are hereby approved as presented.

Ayes: 7
Nays: 0

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Simchik
Seconded by Councilor Hitchings

RESOLVED, that Warrant No. 21, checks and ACH payments in the amount of \$673,985.06 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller or a third party duly retained by the City of Oneida to perform such services.

Ayes: 7
Nays: 0

MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 24-234

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, that Monthly Reports from the City Clerk, City Engineer, Codes Department, Fire Department, Parks and Recreation Department and Police Department are hereby received and placed on file.

Ayes: 7
Nays: 0

MOTION CARRIED

REINTRODUCE A LOCAL LAW AMENDING CHAPTER 116 OF THE ONEIDA CITY CODE REGARDING PEDDLING AND SOLICITATION-SCHEDULE PUBLIC HEARING

RESOLUTION 24-235

Moved by Councilor Hitchings
Seconded by Councilor Laureti

WHEREAS, by Resolution 24-216, the City of Oneida Common Council introduced a proposed Local Law amending Chapter 116 of the Oneida City Code so as to revise the regulations pertaining to mobile food vendors; and

WHEREAS, the Common Council completed its environmental review of the proposed action in accordance with New York State Environmental Quality Review Act (SEQRA) on September 17, 2024, having classified the action to be a Type II; and

WHEREAS, a public hearing on the proposed local law was held on October 1, 2024; and

WHEREAS, in response to public comment and concerns expressed during the public hearing, the regulations pertaining to mobile food vendors has been revised and the Common Council does desire to introduce a revised local law amending Chapter 116.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the Common Council shall conduct a public hearing as to the enactment of the proposed Local Law, as revised, at the Oneida City Hall located at 109 North Main Street, Oneida, New York on November 6, 2024, at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and it is further

RESOLVED, that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the City of Oneida.

Ayes: 7

Nays: 0

MOTION CARRIED

A LOCAL LAW AMENDING CHAPTER 116 THE CODE OF THE CITY OF ONEIDA REGARDING
PEDDLING AND SOLICITATION

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

Section 1. AUTHORITY.

This local law is enacted pursuant to New York State Constitution and New York Municipal Home Rule Law § 10.

Section 2.

So that Section 116-1, titled "Definitions," is hereby amended to add or amend the following terms, which shall read in their entirety as follows:

"PUBLIC PLACE - All publicly owned property between the property lines on a street as such property lines are shown on City records which shall include, but not be limited to, a park, plaza, street, roadway, highway, shoulder, tree space, sidewalk, parking space or parking lot, between such property lines, as well as publicly owned lands.

PRIVATE PLACE – All privately owned or leased property where use of the property for commercial purposes, including mobile food vending, is restricted to persons who have the written permission of the owner or lessee of the property."

Section 3.

So that Subsection A of Section 116-5, titled "Issuance and fees," is hereby amended to read in its entirety as follows:

“A. Upon the filing of a complete application and payment of the applicable application fees, as determined from time to time by resolution of the Common Council, and upon receipt of an approved local background check from the City Police Department and an approved Operational Permit from the Fire Department, the City Clerk shall, upon the approval of such application, issue to the applicant a license.”

Section 4.

So that Section 116-7, titled “Additional regulations for mobile food vendor licenses,” is hereby amended to read in its entirety as follows:

“All of the provisions of Article I of this chapter shall apply to all mobile food vendors conducting business within the City, whether on a daily (one-time) or annual basis, in any Public Place. The following additional requirements shall also apply to mobile food vendors:

- A. All mobile food vendors must obtain a daily (one-time) or annual mobile food vendor's license for each vehicle, pushcart, or stand. Such licenses shall be issued by the City Clerk in accordance with the provisions of this article and chapter.
- B. In the case of Private Places, permits are required per the provisions of this local law, but the City shall not have authority over the approval of the location of the mobile food vendor.
- C. Locations available to licensed mobile food vendors, whether a daily or annual license, shall be specifically designated and approved from time to time by resolution of the Common Council following review and recommendation by the Chief of Police, the Director of Parks and Recreation and the City Engineer with respect to potential risk to public safety. In no event shall any such authorized location be less than 20 feet from a street intersection. The list containing the approved locations shall be provided to vendors upon approval of the annual or daily license. Vendors are free to choose the location to conduct business from but must adhere to the approved list when selecting a Public Place location.
- D. Annual licenses shall be renewable annually and shall be valid from January 1 to December 31 of each calendar year. The City Clerk shall publish a notice in the City's official newspaper between November 1 and November 15 of the preceding calendar year stating that, for annual mobile food vendor licenses, applications shall be submitted to the City Clerk by the following 10th day of December and shall be acted upon by the City Clerk in accordance with these regulations within three business days thereafter.
- E. All mobile food vendors shall agree to defend and indemnify the City of Oneida from all claims, losses and liabilities the City may incur as a consequence of the operations of the mobile food vendor. In addition, each mobile food vendor must submit to the City Clerk proof of the following required insurance coverage: general liability insurance with personal injury coverage limits per occurrence of not less than \$1,000,000 naming the City of Oneida as additional insured, as well as worker's compensation and disability insurance as statutorily required under New York State Law.”

- F. Prior to commencement of business activities under a mobile vendor's license, the applicant shall provide to the City Clerk proof of the issuance of a valid permit from the Madison County Health Department for such business operations and a valid New York State sales tax certificate.
- G. Upon the approval of a mobile food vendor's license, the City shall provide the licensee with a license document signifying his or her status as a licensed mobile food vendor. It shall be unlawful for a mobile food vendor to not conspicuously display the license on his or her vehicle, pushcart or stand during business operations. Preservation of the integrity of the license document from the elements while displayed shall be the responsibility of the vendor.
- H. Food vendors shall provide suitable disposal receptacles for use by patrons and shall be responsible for all cleanup and removal of all debris and trash resulting from the operation of their individual sites.
- I. No food vendor shall place his vehicle, pushcart or stand on lawn areas of parks or other public places, or otherwise operate his or her business in such manner as to cause damage to any such green areas.
- J. Food vendors shall be responsible for the repair of any damage whatsoever to any public grounds or other public property caused by, or in association with, their business. The City shall have the right, at any time and without prior notice to the license holder, to repair any such damage and invoice the license holder for all such costs. Failure to pay any such invoice within 10 days shall be grounds for immediate revocation of the mobile food vendor's license.
- K. No alcoholic beverage may be sold or offered for sale by a mobile food vendor.
- L. Hours of operation shall be limited to 8 a.m. until 11 p.m.
- M. All mobile food vendor licenses shall be subject to the condition that all licensees agree to comply with the direction of any police officer, or any City employee or representative acting within the scope of his or her employment, directing the licensee to temporarily suspend or alter operations, or temporarily relocate to another location for such period of time as may be determined by the City in order to accommodate a parade, funeral or other activity of a community nature. Failure to obey any such directive shall be grounds for the immediate revocation of the license."

Section 5. VALIDITY & SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. EFFECTIVE DATE

This local law shall be effective upon filing with the office of the Secretary of State.

AGREEMENT-BOCES (HARMON FIELD PAVILION)

RESOLUTION 24-236

Moved by Councilor Hitchings
Seconded by Councilor Simchik

RESOLVED, to authorize the Acting City Manager to sign an agreement with BOCES to put a roof on the Harmon Field Pavilion.

Ayes: 7

Nays: 0

MOTION CARRIED

DISCUSSION: Parks and Recreation Director Luke Griff announced that BOCES students would be handling the work, with funding for materials already allocated in his budget. This collaboration will allow the students to gain practical experience while enabling the City to save on costs, covering only half of what would otherwise be needed.

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 24-237

Moved by Councilor Hitchings
Seconded by Councilor Pagano

RESOLVED, to approve the budget transfers and amendments as outlined by the Comptroller, or a third party duly retained by the City of Oneida to perform such services.

		<u>To</u>	<u>From</u>				
2024 Budget Adjustments							
\$	47,412.50	003.8110.0200.0000	003.0023.2772.0000				
		Sewer Equipment	Reclaimed Water Pump Station				
<i>To re-allocate funds to reimburse the equipment line for a pump that was charged & paid for by a Sewer customer</i>							
\$	15,075.00	001.8020.0403.0000	001.8020.0101.0000				
		Planning Contracts	Planning Salaries				
<i>To re-allocate funds to cover expenses of outsourced planning services</i>							
\$	26,000.00	001.1430.0101.0000	001.1315.0403.0000				
		Civil Service Salary	Finance Contracts				
<i>To re-allocate funds to cover the expenses of the outsourced civil service and finance services</i>							
\$	1,000.00	030.7140.0405.0000	030.7140.0205.0000				
		ARPA Harmon Pavilion Roof Repair	ARPA- Ferris Mower Purchase				
\$	830.46	030.7140.0406.0000	030.7140.0205.0000				
		APRA- Oneida Rail Trail Improve	ARPA-Ferris Mower Purchase				
<i>To re-allocate funds to cover Rec Costs for Harmon Roof & Rail Trail Improvements</i>							
\$	3,500.00	001.3410.0438.0000	001.0001.0912.0000				
		Fire Marshall Account	General Fund Balance				
<i>To allocate funds to cover the expenses of a Phase 1 engineer survey of 136/138 Madison St.</i>							
\$	8,131.35	001.1640.0403.0001	001.0022.2680.0000				
		Central Garage-Police Repair	Insurance Recovery				
<i>To re-allocate insurance proceeds received to cover the expense of the repair to police vehicle</i>							
\$	6,000.00	002.8300.0415.0000	002.0002.0912.0000				
		Lab Testing	Water Fund Balance				
<i>To allocate additional funds for lab testing costs for the remainder of 2024</i>							

Ayes: 7

Nays: 0

MOTION CARRIED

GRANT AWARDS-NYS GOVERNOR’S TRAFFIC SAFETY COMMITTEE

RESOLUTION 24-238

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, to authorize the Acting City Manager to sign two grant award contracts from the New York State Governor’s Traffic Safety Committee: Highway Safety Program (HS-1) and Police Traffic Services (PTS) for Fiscal 2025.

Ayes: 7
Nays: 0

MOTION CARRIED

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 24-239

Moved by Councilor Hitchings
Seconded by Councilor Simchik

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: 7
Nays: 0

MOTION CARRIED

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$6,620,000 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 24-240

Moved by Councilor Hitchings
Seconded by Councilor Winchell

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, THEREFORE, 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 \$6,620,000 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 \$20,560,000.

Section 2. The plan for the financing of such \$20,560,000 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;
- b) By the issuance of the \$5,940,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond resolution dated August 1, 2023; and
- c) By the issuance of the additional \$6,620,000 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 effective immediately based on an Order on Consent with the New York State Department of Environmental Conservation; provided however that no obligations shall be issued pursuant to this bond resolution prior to receipt thereof and confirmation by further resolution of this Common Council confirming said receipt.

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

Mayor Rossi	VOTING	YES
Councilor Szczerba	VOTING	YES
Councilor Laureti	VOTING	YES
Councilor Hitchings	VOTING	YES
Councilor Winchell	VOTING	YES
Councilor Pagano	VOTING	YES
Councilor Simchik	VOTING	YES

The resolution was thereupon declared duly adopted.

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 24-241

Moved by Councilor Hitchings
Seconded by Councilor Simchik

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: 7

Nays: 0

MOTION CARRIED

APPROVE BID-GLENMORE DAM IMPROVEMENTS

RESOLUTION 24-242

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, to approve the lowest bid meeting specifications for Glenmore Dam Improvements to Harrison & Burrowes Bridge Constructors, Inc., 22 Hamilton Lane, Glenmont, NY 12077.

Ayes: 7

Nays: 0

MOTION CARRIED

DISCUSSION: Councilor Winchell asked about the project's completion timeline, prompting City Attorney Bell to introduce Steve Delano, PE, a Senior Project Manager with Ramboll, the City's engineering consulting firm. Bell explained that, with winter approaching and the non-construction season on the horizon, the hope with the approval of the bid this evening, the contractor can begin work this fall. Delano confirmed the contractor's eagerness to mobilize, anticipating a start in November, with a key subcontractor beginning in December and continuing through January and February. He estimated that, if work commences in early November, the project should be completed within 15 months. In response to an audience member's inquiry, Councilor Laureti disclosed the bid amount as \$17 million.

NEW BUSINESS: None

Motion to adjourn by Councilor Hitchings
Seconded by Councilor Simchik

Ayes: 7

Nays: 0

MOTION CARRIED

The regular meeting is hereby adjourned at 7:02 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk