



CITY OF ONEIDA
MEETING OF THE COMMON COUNCIL
109 N. MAIN ST., ONEIDA, NY 13421

AGENDA

| | | | |
|------------------|-------------------------|----------------------|--|
| Date: | January 3, 2023 | Presiding: | Helen B. Acker, Mayor |
| Time: | 6:30 p.m. | Clerk: | Sandy LaPera, City Clerk |
| Location: | Common Council Chambers | Meeting Type: | Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/> |

Call to Order/Pledge of Allegiance/Roll Call

PUBLIC HEARING: A Local Law to Amend Chapter 129 of the Oneida City Code-Public Access to Records-Section 129-6, Subject Matter List

PUBLIC COMMENT: Limited to 3 minutes

OLD BUSINESS:

Approval of the Minutes: December 30, 2022 (Special Year-End Closeout Meeting)

Approval of Warrant: 1

| Item | Title | Facilitator |
|------|---|-------------|
| 1. | ORGANIZATIONAL RESOLUTION: designate Common Council Meeting times; designate official newspaper; name banks where City funds will be retained and approve the Crime Protection Policy for Public Entities limits | MAYOR |
| 2. | VOUCHER COMMITTEE: appoint Voucher Committee members pursuant to Section 5.22B of the City Charter | MAYOR |
| 3. | SCRAP METAL: authorize the DPW, Water, WWTP, Fire, Police and Recreation Departments to sell scrap metal at fair market value for the remainder of 2023 | LAPERA |
| 4. | CITY HISTORIAN AGREEMENT: authorize the Mayor to sign an agreement with the City Historian as per the 2023 City of Oneida Budget | MAYOR |
| 5. | ORDER OF SUCCESSION: approve the order of succession for the members of the Common Council pursuant to Section 3.0 (2.10) of the City Charter | MAYOR |
| 6. | AMUSEMENT DEVICE LICENSE: approve the Amusement Device License application from Neil's Vending, LLC of 6734 Strain Rd., Munnsville, NY 13409, for machines located at various locations in the City of Oneida | LAPERA |

| Item | Title | Facilitator |
|------|---|-------------|
| 7. | ADOPT LOCAL LAW: adopt a Local Law to establish a Sustainable Energy Loan Program (Open C-Pace) in the City of Oneida (Roll Call Vote) | MAYOR |
| 8. | AMUSEMENT DEVICE LICENSE: approve the Amusement Device License application from National Entertainment Network, LLC of 246 S. Taylor Ave. Suite 200, Louisville, CO 80027, for machines located at Walmart in the City of Oneida | LAPERA |

NEW BUSINESS

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
JANUARY 3, 2023**

A meeting of the Common Council of the City of Oneida, NY was held on the third day of January 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> | Present | Absent | Arrived Late |
|--------------------|--------------------------|--------------------------|--------------------------------|
| Mayor Acker | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Szczerba | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Laureti | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Rossi | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Kinville | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Pagano | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Simchik | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |

Also Present

| | | | |
|----------------------------|--------------------------|----------------------------------|--------------------------|
| City Attorney Nadine Bell | <input type="checkbox"/> | Fire Chief Dennis Fields | <input type="checkbox"/> |
| City Clerk Sandy LaPera | <input type="checkbox"/> | Police Chief John Little | <input type="checkbox"/> |
| City Engineer Jeff Rowe | <input type="checkbox"/> | Public Safety Com. Kevin Salerno | <input type="checkbox"/> |
| Codes Director Bob Burnett | <input type="checkbox"/> | Other _____ | <input type="checkbox"/> |
| Comptroller Lee Ann Wells | <input type="checkbox"/> | Other _____ | <input type="checkbox"/> |

Call to Order/Pledge of Allegiance/Roll Call

PUBLIC HEARING: A Proposed Local Law to amend Chapter 129 of the Oneida City Code-Public Access to Records

OPEN PUBLIC HEARING

A LOCAL LAW TO AMEND CHAPTER 129 OF THE ONEIDA CITY CODE

RESOLUTION 23-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the Public Hearing on a proposed Local Law to amend Chapter 129 of the Oneida City Code be hereby opened at _____ p.m.

Ayes:

Nays:

MOTION CARRIED

APPEARANCES

CLOSE PUBLIC HEARING

A LOCAL LAW TO AMEND CHAPTER 129 OF THE ONEIDA CITY CODE

RESOLUTION 23-

Moved by Councilor

Seconded by Councilor

RESOLVED, that the Public Hearing on a proposed Local Law to amend Chapter 129 of the Oneida City Code be hereby closed at _____ p.m.

Ayes:

Nays:

MOTION CARRIED

PUBLIC COMMENT:

OLD BUSINESS:

APPROVAL OF MINUTES

Moved by Councilor
Seconded by Councilor

RESOLVED, that the minutes of the Special year-end closeout meeting of December 30, 2022,
are hereby approved as presented.

Ayes:

Nays:

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor
Seconded by Councilor

RESOLVED, that Warrant No. 1, checks and ACH payments in the amount of \$296,387.71 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes:

Nays:

MOTION CARRIED

| | |
|----------------|-----------------|
| WARRANT | 1 |
| DATE: | January 3, 2023 |

| FUND | | PAYMENT NUMBER (S) | AMOUNT |
|---------------|------|---------------------------|---------------|
| Capital | 4783 | | |
| Library Fund | 025 | | |
| Fund | 027 | | |
| ARPA Fund | 030 | | |
| Current Funds | | 71099-71104 | \$ 295,792.71 |
| ACH | | | \$ 595.00 |

| | | | |
|-------------------------|--|--|----------------------|
| WARRANT #1 TOTAL | | | \$ 296,387.71 |
|-------------------------|--|--|----------------------|



Oneida, NY

Expense Approval Report By Fund

Payment Dates 1/3/2023 - 1/3/2023

| Vendor Name | Payment Number | Post Date | Description (Item) | Account Number | Amount |
|---------------------------------------|----------------|------------|--------------------|--------------------|-------------------|
| Fund: 001 - GENERAL FUND | | | | | |
| NATIONAL GRID | 71102 | 12/29/2022 | ELECTRIC | 001.1620.0401.0000 | 51.62 |
| TOTAL SOLUTIONS | 71104 | 01/03/2023 | JAN | 001.1680.0403.0000 | 4,383.29 |
| NEW YORK STATE CONFERENC | 71103 | 01/03/2023 | MEMBERSHIP | 001.1920.0400.0000 | 4,553.00 |
| HUMANA INS CO OF NY | 71100 | 01/03/2023 | JAN 2023 | 001.9060.0805.0000 | 22,852.39 |
| MITCHELL DRYER JR | 71101 | 01/03/2023 | JAN | 001.3410.0401.0000 | 2,975.52 |
| MITCHELL DRYER JR | 71101 | 01/03/2023 | JAN | 001.9060.0805.0000 | -137.48 |
| EXCELLUS BLUECROSS BLUESH | 71099 | 01/03/2023 | JAN | 001.9060.0805.0000 | 215,215.37 |
| Fund 001 - GENERAL FUND Total: | | | | | 249,893.71 |
| Fund: 002 - WATER | | | | | |
| HUMANA INS CO OF NY | 71100 | 01/03/2023 | JAN 2023 | 002.9060.0805.0000 | 2,202.64 |
| EXCELLUS BLUECROSS BLUESH | 71099 | 01/03/2023 | JAN | 002.9060.0805.0000 | 21,435.19 |
| Fund 002 - WATER Total: | | | | | 23,637.83 |
| Fund: 003 - SEWER | | | | | |
| NATIONAL GRID | 71102 | 12/29/2022 | ELECTRIC | 003.8110.0401.0000 | 27.34 |
| HUMANA INS CO OF NY | 71100 | 01/03/2023 | JAN 2023 | 003.9060.0805.0000 | 550.66 |
| EXCELLUS BLUECROSS BLUESH | 71099 | 01/03/2023 | JAN | 003.9060.0805.0000 | 21,683.17 |
| Fund 003 - SEWER Total: | | | | | 22,261.17 |
| Grand Total: | | | | | 295,792.71 |

Report Summary

Fund Summary

| Fund | Payment Amount |
|---------------------|-------------------|
| 001 - GENERAL FUND | 249,893.71 |
| 002 - WATER | 23,637.83 |
| 003 - SEWER | 22,261.17 |
| Grand Total: | <u>295,792.71</u> |

Account Summary

| Account Number | Account Name | Payment Amount |
|---------------------|------------------|-------------------|
| 001.1620.0401.0000 | ELECTRIC AND GAS | 51.62 |
| 001.1680.0403.0000 | CONTRACTS | 4,383.29 |
| 001.1920.0400.0000 | NYCOM DUES | 4,553.00 |
| 001.3410.0401.0000 | 207A | 2,975.52 |
| 001.9060.0805.0000 | HEALTH INSURANCE | 237,930.28 |
| 002.9060.0805.0000 | HEALTH INSURANCE | 23,637.83 |
| 003.8110.0401.0000 | UTILITIES | 27.34 |
| 003.9060.0805.0000 | HEALTH INSURANCE | 22,233.83 |
| Grand Total: | | <u>295,792.71</u> |

Project Account Summary

| Project Account Key | Payment Amount |
|---------------------|-------------------|
| **None** | 295,792.71 |
| Grand Total: | <u>295,792.71</u> |



Onelda, NY

Expense Approval Report

By Fund

Post Dates 1/3/2023 - 1/3/2023

| Vendor Name | Payment Number | Post Date | Description (Item) | Account Number | Amount |
|---------------------------------|----------------|------------|--------------------|---------------------------------------|---------------|
| Fund: 001 - GENERAL FUND | | | | | |
| NYS ASSESSORS' ASSOC., INC. | DFT0003288 | 01/03/2023 | BASIC COURSE1 | 001.1355.0401.0000 | 470.00 |
| NYS ASSESSORS' ASSOC., INC. | DFT0003289 | 01/03/2023 | MEMBERSHIP | 001.1355.0401.0000 | 125.00 |
| | | | | Fund 001 - GENERAL FUND Total: | 595.00 |
| | | | | Grand Total: | 595.00 |

Report Summary

Fund Summary

| Fund | Payment Amount |
|---------------------|----------------|
| 001 - GENERAL FUND | 595.00 |
| Grand Total: | 595.00 |

Account Summary

| Account Number | Account Name | Payment Amount |
|---------------------|--------------|----------------|
| 001.1355.0401.0000 | TRAINING | 595.00 |
| Grand Total: | | 595.00 |

Project Account Summary

| Project Account Key | Payment Amount |
|---------------------|----------------|
| **None** | 595.00 |
| Grand Total: | 595.00 |

1. ORGANIZATIONAL RESOLUTION

RESOLUTION 23-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the Organizational Resolution for 2023 consisting of the following is hereby approved:

1. Regular meetings for the City of Oneida for the year 2023 shall be held in Common Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, New York at 6:30 p.m. on the first and third Tuesday of each month, and if any of said Tuesdays shall fall on a holiday, then in such event, the Common Council shall agree on a date to reschedule.
2. The Rome Sentinel is hereby designated as the official newspaper in the City of Oneida.
3. The City of Oneida funds for year 2023 shall be kept and retained in the following banks:
 - NBT Bank, Oneida, NY-special capital accounts and other current accounts
 - Community Bank, Oneida, NY-special reserve accounts and other current accounts
4. There shall be a Crime Protection Policy for Public Entities, which includes a "Blanket Employee Dishonesty Per Loss", with a per occurrence limit of \$500,000 and a \$500 per occurrence deductible.

Ayes:

Nays:

MOTION CARRIED

2. VOUCHER COMMITTEES

RESOLUTION 23-

Moved by Councilor
Seconded by Councilor

RESOLVED, that pursuant to Section 5.22B of the City Charter, Voucher Committees shall be as follows:

FIRST COUNCIL MEETING: Councilor Kinville and Councilor Rossi
SECOND COUNCIL MEETING: Councilor Simchik and Councilor Szczerba

Ayes:

Nays:

MOTION CARRIED

3. SCRAP METAL SALE

RESOLUTION 23-

Moved by Councilor
Seconded by Councilor

RESOLVED, to authorize the Department of Public Works, Wastewater Treatment Plant, Water Department, Fire Department, Police Department and Recreation Department to sell scrap metal at a fair market price, as accumulated, for the remainder of 2023.

Ayes:

Nays:

MOTION CARRIED

4. AGREEMENT-CITY HISTORIAN

RESOLUTION 23-

Moved by Councilor
Seconded by Councilor

RESOLVED, to authorize the Mayor to sign an agreement with Andrea Rose Hitchings, 522 Seneca Street, Oneida, NY 13421, as City Historian, as per the 2023 City of Oneida Budget.

Ayes:

Nays:

MOTION CARRIED

CITY HISTORIAN AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2023, between the City of Oneida, a municipal corporation, organized and existing by virtue of the laws of the State of New York and having its principal office at City Hall, 109 North Main Street, Oneida, New York, 13421 (the "City") and Andrea Rose Hitchings, (the "City Historian") who resides at 522 Seneca St., Oneida, New York 13421.

WHEREAS, pursuant to Section 57.07 of the Arts and Cultural Affairs Law of New York State, the Mayor of the City of Oneida is required to appoint a local historian; **and**

WHEREAS, pursuant to Section 57.07 of the Arts and Cultural Affairs Law, it is the responsibility of the City Historian to,

"promote the establishment and improvement of programs for the management and preservation of local government records with enduring value for historical research; encourage the coordinated collection and preservation of nongovernmental historical records by libraries, historical societies, and other repositories; and carry out and actively encourage research in such records in order to add to the knowledge, understanding and appreciation of the community's history;" **and**

WHEREAS, to satisfy the statutory obligation to appoint a City Historian, the Mayor has identified Andrea Rose Hitchings, an Oneida City resident, known for her historical knowledge of the City of Oneida, as an appropriate and well qualified individual, to serve in such capacity; **and**

WHEREAS, the parties are desirous of entering into an agreement whereby the Mayor shall appoint Andrea Rose Hitchings as the City Historian, and the City shall compensate Mrs. Hitchings for serving as such.

NOW, THEREFORE, it is hereby agreed that upon the appointment of Andrea Rose Hitchings to the position of Oneida City Historian by the Mayor of Oneida, Mrs. Hitchings shall serve as a resource on the history of the City of Oneida in compliance with Section 57.07 of the Arts and Cultural Affairs Law of New York State for calendar year 2023; **be it further**

AGREED, the City shall pay Andrea Rose Hitchings as the City Historian, a stipend in the amount of \$500.00, such stipend to be paid in quarterly installments.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and the day and year first above written.

CITY HISTORIAN

BY: _____

ANDREA ROSE HITCHINGS

CITY OF ONEIDA

BY: _____

HELEN B. ACKER, MAYOR

STATE OF NEW YORK)
COUNTY OF MADISON) ss.:

On the ____ day of _____ in the year 2023 before me, the undersigned, a Notary Public in and for said State, personally appeared **Andrea Rose Hitchings**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF MADISON) ss.:

On the ____ day of _____ in the year 2023 before me, the undersigned, a Notary Public in and for said State, personally appeared **Helen B. Acker**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

5. ORDER OF SUCCESSION FOR COUNCILORS

RESOLUTION 23-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the order of succession of the members of the Common Council pursuant to Section 3.0 (2.10) of the City Charter shall be as follows:

Mayor Helen B. Acker
Deputy Mayor Michelle Kinville
Councilor Thomas Simchik
Councilor Stephen Laureti
Councilor Richard Rossi
Councilor William Pagano
Councilor James Szczerba

Ayes:

Nays:

MOTION CARRIED

6. APPROVE AMUSEMENT DEVICE LICENSE

RESOLUTION 23-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the 2023 Amusement Device License application from Neil's Vending, LLC of 6734 Strain Rd., Munnsville, NY 13409 for machines at the following locations be hereby approved.

- Oneida American Legion
- Owls Club Oneida
- Elks Club Oneida
- Oneida Towers

Ayes:
Nays:
Absent:

MOTION CARRIED

OFFICE OF THE CITY CLERK
LICENSE APPLICATION

RECEIVED
DEC 28 2022

City Clerk

TYPE: AMUSEMENT DEVICE LICENSE
YEAR: 2023
FEES: 1-5 MACHINES \$200 6 OR MORE \$300
DUE: January 1, 2023
Late fee assessed after January 31 \$50
Late fee assessed after February 28 \$100

BUSINESS NAME: Neil's-Vending LLC
OWNER/APPLICANT: Abbie L. Deraway
ADDRESS: 6734 Strain Rd. Munnsville, N.Y.
PHONE NUMBER: 315 404 2465

The above referenced business does hereby apply for a license in the City of Oneida for the purpose of owning and operating amusement device machines.

| LOCATION | TYPE OF MACHINE | NUMBER OF MACHINES |
|----------|-----------------|--------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

APPLICANT SIGNATURE: Abbie L. Deraway DATE: 12/27/22

FOR OFFICE USE ONLY

APPROVED BY THE COMMON COUNCIL

MAYOR POLICE CHIEF

LICENSE #: _____ EXPIRES: December 31, 2023

oneida american legion

touch tunes juke box

golf game

pinball machine

fooze ball

broadway video

owls club

2 bowling games

golf game

touch tunes juke box

fooze ball

broadway video

elks club

touch tunes juke box

dart machine

oneida towers

2 bowling games

**7. ADOPT A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE)
IN THE CITY OF ONEIDA**

RESOLUTION 23-

Moved by Councilor
Seconded by Councilor

**A LOCAL LAW TO ESTABLISH A ASUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE)
IN THE CITY OF ONEIDA**

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled “A Local Law To Establish A Sustainable Energy Loan Program (Open C-Pace) In the City of Oneida” was presented and introduced at a Regular Meeting of the Common Council of the City of Oneida held on December 6, 2022; and

WHEREAS, a public hearing was held on such proposed local law on December 20, 2022 and by the Common Council of the City of Oneida and proof of publication of notice of such public hearing, 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 the purposes of environmental review under SEQRA therefore requiring no further review pursuant to 6 NYCRR 617.5(a);

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 a Local Law of 2023 as follows:

A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN
PROGRAM (OPEN C-PACE) IN THE CITY OF ONEIDA

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

Section 1.

This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law.

Section 2.

The Oneida City Code is hereby amended to repeal the existing Chapter 46, formerly titled "Energize NY Benefit Financing Program," in its entirety and replace the prior legislation with new language, the title of such Chapter shall be amended to read, "Energize NY Open C-PACE Financing Program," and the local law shall read as follows:

"§ 46-1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the Municipality and the State of New York (the "State") to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, "EIC"), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the "Municipal Agreement") to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the "Enabling Act").
- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the "Energize NY Open C-PACE Local Law".

§ 46-2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.

- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 46-8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 46-8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 46-3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the City of Oneida to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the City of Oneida as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 46-6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the City of Oneida.

Municipality – the City of Oneida, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the City of Oneida that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 46-8, paragraph C.

State – the State of New York.

§ 46-3. Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

§ 46-4. Procedures for eligibility

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality’s offices.

- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § A of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § A of this local law.

§ 46-5. Application criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

§ 46-6. Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party

for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.

- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

§ 46-7. Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

§ 46-8. Levy of Annual Installment Amount and Creation of Annual Installment Lien

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The

Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.

- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the "Annual Installment Lien") and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens

thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

- F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

§ 46-9. Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§ 46-10. Separability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.”

Section 3.

This Local Law shall take effect upon filing with the Secretary of State.

Councilor Szczerba _____
Councilor Laureti _____
Councilor Rossi _____
Councilor Kinville _____
Councilor Pagano _____
Councilor Simchik _____
MOTION CARRIED

8. APPROVE AMUSEMENT DEVICE LICENSE

RESOLUTION 23-

Moved by
Seconded by

RESOLVED, that the 2023 Amusement Device License application from National Entertainment Network of 246 S. Taylor Ave., Suite 200, Louisville, CO 80027, for machines at the Walmart #2444 in Oneida, NY be hereby approved.

Ayes:

Nays:

Absent:

MOTION CARRIED

OFFICE OF THE CITY CLERK
LICENSE APPLICATION

| | |
|--|---|
| TYPE: AMUSEMENT DEVICE LICENSE | R E C E I V E DEC 27 2022 City Clerk |
| YEAR: 2023 | |
| FEES: 1-5 MACHINES \$200 6 OR MORE \$300 | |
| DUE: January 1, 2023 | |
| Late fee assessed after January 31 \$50 Late fee assessed after February 28 \$100 | |

BUSINESS NAME: National Entertainment Network, LLC
OWNER/APPLICANT: National Entertainment Network, LLC
ADDRESS: 246 S Taylor Ave, Suite 200; Louisville, CO 80027
PHONE NUMBER: 303 444 2559

The above referenced business does hereby apply for a license in the City of Oneida for the purpose of owning and operating amusement device machines.

| LOCATION | TYPE OF MACHINE | NUMBER OF MACHINES |
|-----------------------------|--------------------------|--------------------|
| <u>Wal-Mart #2444</u> | <u>See Attached list</u> | <u>8</u> |
| <u>1294 Upper Lenox Ave</u> | <u></u> | <u></u> |
| <u></u> | <u></u> | <u></u> |
| <u></u> | <u></u> | <u></u> |
| <u></u> | <u></u> | <u></u> |

APPLICANT SIGNATURE: Jennifer Hoon **DATE:** 12/12/22
Jennifer Hoon License Specialist

.....
FOR OFFICE USE ONLY

APPROVED BY THE COMMON COUNCIL

MAYOR **POLICE CHIEF**
LICENSE #: _____ **EXPIRES:** December 31, 2023

**COIN-OPERATED MACHINES PLACED IN THE CITY OF ONEIDA
 NATIONAL ENTERTAINMENT NETWORK - PITTSBURGH
 as of: 12/12/2022**

CITY COUNTY STATE
 ONEIDA MADISON NY

| Mach # | Mach Ser # | Mach Type | Client # | Client Name | Address | # of Mach | Fee |
|----------|------------|--------------------|----------|----------------|-------------------------|-----------|-----|
| 00047838 | 108351 | CR BEANIE RBC 42 | WM002444 | WAL-MART #2444 | 1294 UPPER LENOX AVENUE | 1 | |
| 00023109 | 126893 | CR SUPER RBC 60 | WM002444 | WAL-MART #2444 | 1294 UPPER LENOX AVENUE | 1 | |
| 00048420 | 129365 | CR SUPER RBC 60 | WM002444 | WAL-MART #2444 | 1294 UPPER LENOX AVENUE | 1 | |
| 00047947 | 65050 | CR TOY MART RBC 60 | WM002444 | WAL-MART #2444 | 1294 UPPER LENOX AVENUE | 1 | |
| 00015551 | 124893 | CR TOY MART RBC 60 | WM002444 | WAL-MART #2444 | 1294 UPPER LENOX AVENUE | 1 | |
| 00026293 | 143921 | CR TREAS RBC 42 | WM002444 | WAL-MART #2444 | 1294 UPPER LENOX AVENUE | 1 | |
| 00022711 | 142970 | CR TREAS RBC 42 | WM002444 | WAL-MART #2444 | 1294 UPPER LENOX AVENUE | 1 | |
| 01005634 | 056-001 | SKL HV AND 40 | WM002444 | WAL-MART #2444 | 1294 UPPER LENOX AVENUE | 1 | |

TOTAL AMUSEMENT MACHINES / FEES

8 \$ 300.00

NEW BUSINESS

Motion to adjourn by Councilor
Seconded by Councilor

Ayes:

Nays:

MOTION CARRIED

The regular meeting is hereby adjourned at _____ p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk