

**MINUTES OF THE COMMON COUNCIL**  
**REGULAR MEETING**  
**AUGUST 6, 2024**

A meeting of the Common Council of the City of Oneida, NY was held on the sixth day of August 2024 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 Rick Rossi.

<u>Attendees</u>	<b>Present</b>	<b>Absent</b>	<b>Arrived Late</b>
Mayor Rossi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Acting City Manager <i>John Monaghan</i>	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 Dir. Luke Griff	<input checked="" type="checkbox"/>
Fire Chief Scott Jones	<input checked="" type="checkbox"/>	Other: _____	<input type="checkbox"/>
Police Chief Steve Lowell	<input checked="" type="checkbox"/>	Other: _____	<input type="checkbox"/>

---

Call to Order/Pledge of Allegiance/Roll

**PROCLAMATION:** Mazzullo and Sons (John and Mike Mazzullo)

**OLD BUSINESS:** None

**REPORTS:**

- Mayor's Report: Mayor Rossi expressed gratitude to the Police Department, Parks and Recreation Department, Oneida Public Library, and all sponsors for their efforts in organizing the first "National Night Out" event on Friday, August 2nd at Vet's Field/Chapman Pool. He remarked that, despite the weather, the community enjoyed a wonderful time.
- Acting City Manager's Report: None

**CITY OF ONEIDA**  
**Proclamation**

**Declaring August 6, 2024, as “Mazzullo and Sons Day”  
in the City of Oneida, New York**

**Whereas**, Mazzullo and Sons opened in 1948 after grandfather, John Mazzullo, relocated to Oneida when his company needed help managing their local plant, and he decided to start his own business; and

**Whereas**, in 1992, John and Mike Mazzullo took over the family business, being the third generation to own and operate the Carpet and Flooring Center originally located on Sayles St. and then having moved to Lenox Avenue; and

**Whereas**, their commitment to providing exceptional customer service and quality products has made them successful over the years, spanning generations of satisfied customers, and

**Whereas**, after 76 years in business supporting the City of Oneida community and surrounding areas, the Mazzulos announced their retirement on May 24, 2024; and

**Whereas**, on behalf of the City of Oneida, I, Mayor Rick Rossi, along with Acting City Manager John Monaghan and the City of Oneida Common Council, would like to extend our heartfelt thanks to John and Mike Mazzullo and their families for their many years of dedicated service to our community. Your contributions to the City of Oneida and its residents have been invaluable. We wish you all a happy, healthy retirement and express our deepest appreciation for all that you have done for our city.

**Now, therefore**, through the authority vested in me as Mayor of the City of Oneida, I do hereby proclaim August 6, 2024, as “Mazzullo and Sons Day” in the City of Oneida, New York.

*Duly proclaimed this 6th day of August 2024.*

*By: \_\_\_\_\_  
Mayor Rick Rossi*

### APPROVAL OF MINUTES

Moved by Councilor Hitchings  
Seconded by Councilor Szczerba

**RESOLVED**, that the minutes of the regular meeting of July 2, 2024, are hereby approved as presented.

Ayes: 6  
Nays: 0  
Absent: 1 (Simchik)  
**MOTION CARRIED**

### APPROVAL OF MINUTES

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**RESOLVED**, that the minutes of the special meeting of July 22, 2024, are hereby approved as presented.

Ayes: 6  
Nays: 0  
Absent: 1 (Simchik)  
**MOTION CARRIED**

### APPROVAL OF WARRANT

Moved by Councilor Hitchings  
Seconded by Councilor Laureti

**RESOLVED**, that Warrant No. 15, checks and ACH payments in the amount of \$595,682.02 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 6  
Nays: 0  
Absent: 1 (Simchik)  
**MOTION CARRIED**

**DESIGNATE COMMON COUNCIL AS DUE PROCESS HEARING OFFICERS**

**RESOLUTION 24-165**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**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: 6  
Nays: 0  
Absent: 1 (Simchik)  
**MOTION CARRIED**

**MONTHLY REPORTS**

**RESOLUTION 24-166**

Moved by Councilor Hitchings  
Seconded by Councilor Szczerba

**RESOLVED**, that the June 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: 6  
Nays: 0  
Absent: 1 (Simchik)  
**MOTION CARRIED**

**GRANT APPLICATION-PARKS AND RECREATION**

**RESOLUTION 24-167**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**RESOLVED**, to authorize the Parks and Recreation Coordinator to apply for a grant through the Fred L. Emerson Foundation for new lights over Vet's Field.

Ayes: 6  
Nays: 0  
Absent: 1 (Simchik)

**MOTION CARRIED**

**APPROVE WATER BOARD RECOMMENDATION-234 N. LAKE ST.**

**RESOLUTION 24-168**

Moved by Councilor Hitchings  
Seconded by Councilor Pagano

**WHEREAS**, on or about July 1, 2024, Robert Klein, 234 Lake St. Oneida, Account No. 01-010001-01 requested a payment plan for his June 28, 2024, water bill (\$625.41); and

**WHEREAS**, on July 9, 2024, the City of Oneida Water Board, approved to recommend to the City of Oneida Common Council the following payment arrangement:

August 7, 2024	\$200.00
September 6, 2024	\$200.00
October 7, 2024	\$225.41

**And Be it Further**

**RESOLVED**, to approve the City of Oneida Water Board's recommendation (as amended) to allow the above stated payment plan arrangement for Robert Klein, 234 Lake St., Oneida, NY, Account No. 01-010001-01 for a total amount of \$625.41.

Ayes: 6  
Nays: 0  
Absent: 1 (Simchik)

**MOTION CARRIED**

DISCUSSION: The City Clerk advised that this was amended from the Water Board recommendation due to the fact that it was originally on the Agenda for the July 16<sup>th</sup> meeting that was canceled due to the storm, and the first date needed to be adjusted to accommodate this meeting.

**HARBORING OF HENS PERMIT APPLICATION-ESTABLISH FEE**

**RESOLUTION 24-169**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**WHEREAS**, Section 71-4 of the Oneida City Code sets forth the application and approval process to obtain a permit to harbor hens within the Inside District of the City of Oneida; and

**WHEREAS**, pursuant to Section 71-4(B), the application fee to be paid upon the submission of a “Harboring of Hens Permit Application,” shall be as prescribed by resolution of the Common Council; and

**WHEREAS**, it is the desire of the Oneida Common Council to establish the fee for the harboring of hens which must be paid upon submission of an application to the Office of the City Clerk.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Oneida Common Council does hereby establish a \$50.00 fee per application submission (Initial or Renewal), to be paid to the Oneida City Clerk, to obtain a permit to harbor hens which shall take effect immediately.

Ayes: 6

Nays: 0

Absent: 1 (Simchik)

**MOTION CARRIED**

#### **AUTHORIZE RETROACTIVE PAY**

#### **RESOLUTION 24-170**

Moved by Councilor Hitchings

Seconded by Councilor Laureti

**WHEREAS**, that as part of the budget process for the 2024 calendar year, the City of Oneida Common Council approved a 3% salary increase for employees in Management Confidential positions, with the exception of those employees who had less than one year of service in their current Management Confidential position; and

**WHEREAS**, recognizing the inequity of waiting until the 2025 calendar year to provide such employees with a pay raise, the Common Council does hereby desire to give the Chief of Police, the Fire Chief, the City Assessor, the Water Superintendent, and the Assistant to the City Engineer a 3% salary increase retroactive to the one-year anniversary of their service in such positions, which will require a budget transfer;

**NOW, THEREFORE BE IT**

**RESOLVED**, that the City of Oneida Common Council does hereby approve payment of a 3% increase to base salary, retroactive to the dates specified below, for the following management confidential employees:

- Police Chief Steve Lowell Retroactive to February 21, 2024
- Fire Chief Scott Jones Retroactive to May 7, 2024
- City Assessor Rebecca Lennon Retroactive to June 19, 2024
- Water Superintendent John Monaghan Retroactive to February 13, 2024
- Assistant to the City Engineer, Tom O’Herien Retroactive to February 21, 2024

Ayes: 6  
 Nays: 0  
 Absent: 1 (Simchik)

**MOTION CARRIED**

DISCUSSION: Mayor Rossi explained that during last year's budget season, the Council decided to delay salary increases for new, incoming Department Heads. These increases are now being implemented on retroactive to their one-year anniversary date.

**BUDGET TRANSFERS/AMENDMENTS**

**RESOLUTION 24-171**

Moved by Councilor Hitchings  
 Seconded by Councilor Laureti

		<u>To</u>	<u>From</u>
<b>2024 Budget Adjustments</b>			
\$	1,600.00	001.8020.0400.0000 Planning Other Expense	001.1660.0300.0000 Central Stores

***To allocate funds to cover cost of flowerpots***

Ayes: 6  
 Nays: 0  
 Absent: 1 (Simchik)

**MOTION CARRIED**

**MOBILE FOOD VENDOR LICENSE-FEE SCHEDULE**

**RESOLUTION 24-172**

Moved by Councilor Hitchings  
 Seconded by Councilor Pagano

**WHEREAS**, pursuant to Section 116-7 of the Oneida City Code, titled “Additional Regulations for Mobile Food Vendors Licenses,” the provisions of both Article I and Article II of Chapter 116 apply

to all mobile food vendors in the City of Oneida; and

**WHEREAS**, pursuant to Section 116-5(A), issuance of a mobile food vendor license requires the submission of a complete application and the payment of applicable application fees, as determined from time to time by resolution of the Common Council, to the Oneida City Clerk; and

**WHEREAS**, it is the desire of the Oneida Common Council to revise the annual fee charged for a mobile food vendor license, and to eliminate fees for weekly, monthly and six-month licenses.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Oneida Common Council does hereby revise the annual application fee to be paid to the Oneida City Clerk for a mobile food vendor license to \$150.00 and to eliminate the fees for weekly, monthly, and six-month licenses, which shall take effect immediately.

Ayes: 6

Nays: 0

Absent: 1 (Simchik)

**MOTION CARRIED**

DISCUSSION: Councilor Hitchings mentioned that while there will be further updates, the immediate change involves only the application fee. More extensive discussions about the overall local law will take place before publishing the legal notice regarding Mobile Food Vendors, which is required in November per Local Law No. 3 of 2011.

Councilor Laureti advised that they were trying to make the fee more competitive with other local municipalities.

#### **AGREEMENT-MUTUAL AID/VILLAGE OF CANASTOTA**

#### **RESOLUTION 24-173**

Moved by Councilor Hitchings

Seconded by Councilor Winchell

**RESOLVED**, to authorize the Acting City Manager to sign a mutual aid agreement between the City of Oneida and the Village of Canastota Police Departments.

Ayes: 6

Nays: 0

Absent: 1 (Simchik)

**MOTION CARRIED**



**CITY OF ONEIDA SALE OF PERSONAL PROPERTY**

**RESOLUTION 24-174**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**WHEREAS**, the City of Oneida has a fiduciary duty to be responsible stewards of public funds and the City's personal property; and

**WHEREAS**, in fulfillment of such obligation, the City of Oneida Common Council does desire to ensure the proper disposal, which may include sale of personal property, including, but not limited to equipment and supplies, declared "surplus" and deemed eligible for sale.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the City of Oneida Common Council does hereby require that all City of Oneida personal property, which shall have been duly declared surplus by the Common Council and deemed eligible for sale, shall be sold on the virtual platform known as "Auctions International" for the balance of the City of Oneida's fiscal year.

Ayes: 6  
Nays: 0  
Absent: 1 (Simchik)  
**MOTION CARRIED**

**CITY MANAGER SEARCH COMMITTEE**

**RESOLUTION 24-175**

Moved by Councilor Hitchings  
Seconded by Councilor Pagano

**WHEREAS**, the City of Oneida is in the process of searching for a City Manager; and

**WHEREAS**, an ambiguity has been identified in item numbers 4 (subsequently amended on June 18, 2024, by Resolution 24-148) and 5 of Resolution 24-90 (April 16, 2024) regarding appointment of the City Manager Search Committee.

**NOW, IT IS THEREFORE**

**RESOLVED AND DETERMINED**, that item numbers 4 and 5 of Resolution 24-90/24-148 be amended and restated as follows, effective immediately:

#### Item Number 4

The Committee shall review all applications and supporting documents and shall invite all applicants who satisfy the bachelor's degree and five years of management experience for a preliminary interview by the Committee, either in person or virtually, at his or her expense.

#### Item Number 5

After completion of preliminary interviews pursuant to item number 4, the Committee shall then select, by majority vote, from the applicants who completed preliminary interviews, those to be invited for in-person interviews in Oneida City Hall pursuant to item number 6 of Resolution 24-90. The Committee shall have the discretion to determine the number of candidates to be invited for in-person interviews in Oneida City Hall.

Ayes: 6

Nays: 0

Absent: 1 (Simchik)

#### **MOTION CARRIED**

DISCUSSION: Councilor Laureti expressed understanding of Item No. 4 but was unclear about the changes to Item No. 5. He suggested clarifying that at least five candidates should be invited and was concerned about giving the committee too much discretion. Mayor Rossi responded that he did not want to limit the City to a specific number of candidates. He explained that if more than five qualified applicants exist, all should be considered, and if fewer than five qualified applicants are found, he did not want to delay the process just to meet a numerical requirement. Councilor Szczerba added that they would like to interview all applicants who fit the parameters, prompting Mayor Rossi to question the purpose of having a committee if everyone meeting the requirements would be interviewed regardless.

Councilor Hitchings clarified that the Committee does not want to limit the number of candidates to five if there are eight good candidates, and it works the same if there are fewer. She explained that the final step of the process requires the Committee to have at least three qualified applicants. She emphasized the need to trust the process, noting that the Council entrusted the Committee members to conduct the interviews and make recommendations.

Councilor Laureti expressed concern about the possibility of having 5-6 candidates but the Committee reducing the number to 3 if they do not favor some of them. Councilor Hitchings emphasized the importance of maintaining open communication with the Committee. From the audience, Jim Coulthart, a member of the City Manager Search Committee, confirmed they currently have 5 qualified candidates that they will be presenting for the interview process. Councilor Laureti questioned the timing of the changes if 5 qualified candidates are already available, to which Councilor Hitchings explained that the process has not been finalized yet, and they might want to add a sixth or seventh candidate should they so desire.

**NEW BUSINESS:** None

## **PUBLIC COMMENT**

### **ROBERT BRITTON-ONEIDA**

Mr. Britton started by thanking the Fire Department, Police Department, DPW, and all City employees, as well as Niagara Mohawk, the Mayor, and all working together during the storm, stating that everyone did a great job.

Mr. Britton pointed out that when the City Manager, Mr. Selby, initially appointed the Comptroller as his backup, many voiced concerns that it was bad for business. He noted that while this isn't a criticism of the current Acting City Manager, this individual has been handling four jobs for the past few months. He questioned why this situation isn't also considered bad for business, especially with upcoming union and budget meetings, and how it would work with the Acting City Manager managing his own budget and responsibilities.

He questioned the City's decision to hire the company where the former Comptroller, Lee Ann Wells, currently works to handle the Comptroller's duties. He pointed out that this arrangement is costing the City and taxpayers more money, which he considers unfair.

Mr. Britton then addressed the issue of security at Council meetings, noting that he has been attending these meetings for over 25 years, and there has never been security before. He questioned how much this added security is costing the taxpayers.

### **DEE JBARAH-113 CEDARCREST LANE**

Ms. Jbarah mentioned that she has been a resident of Oneida for 28 years, and her husband has lived in the city for the past 16 years. She noted that her husband previously owned a popular restaurant in the New Hartford area, which they leased. When the lease was up for renewal, they chose not to renew it. Instead, they decided to bring Mediterranean food to Oneida, extending their options and offering something new to the residents, deciding on a food truck, which allowed them to be closer to home.

She initially intended to address the high fees, using Syracuse as a comparison. However, since this issue was already on the current agenda, she shifted to her next concern: the application of the fee per location. She noted they were informed that the fee applies anywhere in Oneida. Quoting Local Law (Subsection 116-7), she pointed out that "this shall apply to all Mobile Food Vendors in any public area;" however, the term 'public areas' is not defined. She questioned if the personal property of an ice cream shop falls under this definition. If so, she explained, she must pay the property owner to use their property and also pay the City, which she believes infringes on property owner rights. She argued that property owners should have the freedom to contract and conduct business on their property without undue government interference.

The last point she raised was regarding the City's attitude toward new businesses. She stated that while the City claims to be business-friendly, imposing excessive and unreasonable fees contradicts this claim. She highlighted a recent incident mentioned in her letter to Councilor Steve Laureti, which was also copied to other Council members. The manner in which this incident was handled, she argued, was damaging to the City's reputation and could have been managed differently to avoid hostility. She believes that City employees would benefit from business etiquette training, which could enhance the City's professional image. Finally, she urged the Council to reconsider their approach to doing business in Oneida. She advised that as the City strives to improve its economic health, it is crucial to offer diversity and options, noting

that our residents need to see the benefits of working locally instead of commuting, and businesses need to feel welcomed in an inviting business environment.

ANGEL VARGAS JR.

Mr. Vargas introduced himself as a business owner and operator in Oneida and father to Mayor, Rick Rossi. He stated that he was present to clarify a few things pertaining to an email that was sent by Councilor Szczerba, which mentioned Mr. Rossi's family explicitly. Mr. Vargas advised that in the email, Mr. Szczerba stated that Mr. Rossi's family threatened him, along with OPD (Oneida Police Department). Mr. Vargas noted that this was in writing from a City email, which was foiled, and he would like clarification on the threat Councilor Szczerba referenced in the email.

Councilor Szczerba responded by stating that this was a personal matter, and if Mr. Vargas would like to talk after the meeting, he would talk City business, and he was not going to get into personalities. Mr. Vargas reiterated that this was put in a City email, with Councilor Szczerba stating that it was in response to his son, and he was not going to get into it, further stating that he was done with personal attacks. Mayor Rossi asked that they not raise their voices. Mr. Vargas advised that he is entitled to his three minutes, and he wished Councilor Szczerba was done, noting that he could leave at any time.

Mr. Vargas once again asked what the threat was, to which Councilor Szczerba replied that he would not discuss personal matters and reiterated that they could talk about City business after the meeting. When a police officer present approached Mr. Vargas, Mayor Rossi clarified that he was not asking anyone to leave. Mayor Rossi then advised Councilor Szczerba to stop yelling and to relax, emphasizing that this was not a personal attack. He pointed out that the issue stemmed from a City email, not a personal one, and that Councilor Szczerba had caused this situation. Mayor Rossi asserted that it was his meeting to lead and declared that enough was enough of the going back and forth. Councilor Szczerba responded by stating that it was not Mayor Rossi's meeting but was the City's meeting.

Mayor Rossi stated that he was leading this meeting. He advised Mr. Vargas that he had made his point, thanked him, and stated that Councilor Szczerba would not respond in a public forum. Mr. Vargas replied that, with respect to the Council, he was merely seeking an answer to a question about something mentioned in a City email, further stating that a Councilman should not address business owners in such a manner. Robert Britton inquired as to why Mr. Vargas would be thrown out and not Councilor Szczerba when a police officer who was present approached Mr. Vargas. It was then noted that no one was going to be thrown out.

Mayor Rossi further advised Councilor Szczerba that if he was going to continue going back and forth with people, this was never going to work. He stated that people get their 3 minutes, and he is in the Mayor's position to run the meeting. After asking if there were any additional public comments, to which there were none, Mayor Rossi concluded the meeting.

Motion to adjourn by Councilor Hitchings  
Seconded by Councilor Laureti

Ayes: 6  
Nays: 0  
Absent: 1 (Simchik)  
**MOTION CARRIED**

The regular meeting is hereby adjourned at 7:00 p.m.

**CITY OF ONEIDA**

---

Sandra LaPera, City Clerk