

MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
JANUARY 7, 2025

A meeting of the Common Council of the City of Oneida, NY was held on the seventh day of January 2025 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 Deputy Mayor Steve Laureti.

<u>Attendees</u>	Present	Absent	Arrived Late
Mayor Rossi	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> _____
Kyle Lovell, CM	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> _____
Councilor Simchik	<input checked="" type="checkbox"/>	<input 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"/>	Other: _____	<input 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 Call

PUBLIC COMMENT

ROBERT EATON-ONEIDA

Mr. Eaton claimed that a resident made comments about a neighbor not complying with City Code at a recent council meeting, citing that the person was not complying with the new Hen Law. Mr. Eaton advised that the person the resident was referring to was him. He stated that this resident has been making repeated complaints about him to local authorities or code enforcement.

He argued that these complaints are baseless, as he maintains compliance with all relevant regulations (such as those concerning his property and chickens). He also expressed frustration that these actions waste public resources and feels that this behavior has become a form of harassment and should not be allowed.

OLD BUSINESS: None

REPORTS:

- Mayor's Report: None
- City Manager's Report:

City Manager Lovell provided an update on the ongoing negotiations with the Fire Union, specifically the OPFA agreement. He described the discussions as progressing smoothly and nearing completion, with approximately 75% of the process finalized. Manager Lovell expressed optimism that the remaining issues will be resolved within a few weeks, and that everyone should be happy with the results.

APPROVAL OF MINUTES

Moved by Councilor Hitchings
Seconded by Councilor Simchik

RESOLVED, that the minutes of the special meeting of December 31, 2024, are hereby approved as presented.

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Pagano)

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Simchik
Seconded by Councilor Winchell

RESOLVED, that Warrant No. 1, checks and ACH payments in the amount of \$545,022.10 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: 5
Nays: 0
Absent: 2 (Rossi/Pagano)

MOTION CARRIED

ORGANIZATIONAL RESOLUTION

RESOLUTION 25-1

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, that the Organizational Resolution for 2025 consisting of the following is hereby approved:

1. Regular meetings for the City of Oneida for the year 2025 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 Oneida Dispatch is hereby designated as the official newspaper in the City of Oneida.
3. The City of Oneida funds for year 2025 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: 5
Nays: 0
Absent: 2 (Rossi/Pagano)

MOTION CARRIED

VOUCHER COMMITTEES

RESOLUTION 25-2

Moved by Councilor Hitchings
Seconded by Councilor Szczerba

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

FIRST COUNCIL MEETING: Councilor Winchell and Councilor Hitchings
SECOND COUNCIL MEETING: Councilor Simchik and Councilor Pagano

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Pagano)

MOTION CARRIED

SCRAP METAL SALE

RESOLUTION 25-3

Moved by Councilor Hitchings
Seconded by Councilor Simchik

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 2025.

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Pagano)

MOTION CARRIED

STANDARD WORKDAY RESOLUTION FOR STATE COMPTROLLER

RESOLUTION 25-4

Moved by Councilor Hitchings
Seconded by Councilor Winchell

WHEREAS, New York State Rules and Regulations require the reporting of time worked for members of the New York State Local Retirement System; and

WHEREAS, the Office of the New York State Comptroller has requested that the City of Oneida adopt a resolution establishing the Standard Workday for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Retirement System; **now therefore be it**

RESOLVED, that the Common Council hereby establishes the following as a Standard Workday for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employees Retirement System:

ELECTED OFFICIALS

Mayor

Five-day work week, 7-hour day maximum

Common Councilor

Five-day work week, 6-hour day maximum

City Chamberlain (Appointed-2025)

Five-day work week, 8-hour day maximum

City Manager-Appointed

Five-day work week, 8-hour day maximum

ALL OTHER APPOINTED OFFICIALS

Five-day work week, 8-hour day maximum

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Pagano)
MOTION CARRIED

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 25-5

Moved by Councilor Hitchings
Seconded by Councilor Simchik

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.

2025 BUDGET ADJUSTMENTS

	TO	FROM
\$201,123.01	001.3120.0101.0000 Police Salaries	001.0001.0912.0000 General Fund Balance

To allocate funds to cover approved contractual increase for 2025

\$6,265.00	001.1315.0101.0000 Comptroller Salaries	001.0001.0912.0000 General Fund Balance
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To allocate funds to cover reinstatement of Deputy Comptroller

\$102.60	001.1910.0400.0000 Insurance Expense	001.0001.0912.0000 General Fund Balance
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To allocate funds to pay for property damage from city tree

Ayes: 5

Nays: 0

Absent: 2 (Rossi/Pagano)

MOTION CARRIED

APPROVE REVISED SALARY SCHEDULE

RESOLUTION 25-6

Moved by Councilor Hitchings

Seconded by Councilor Simchik

RESOLVED, to approve the revision of the Approved Salary Schedule in the adopted 2025 budget to increase the salary for the Police Officers in the PBA Union as per authorization of the approved Collective Bargaining Agreement and increase the salary for the Deputy Comptroller per the authorization of the City Manager.

Ayes: 5

Nays: 0

Absent: 2 (Rossi/Pagano)

MOTION CARRIED

DISCUSSION:

Councilor Szczerba inquired about the reasoning behind granting a raise to the Deputy Comptroller, who had previously left the city citing a toxic work environment and criticizing the Council, only to return and

receive an increased salary.

City Manager Lovell responded that he could not comment on past events but emphasized that the Deputy Comptroller came highly recommended. After reviewing her credentials and experience, he found her to be an exceptional candidate for the position. He noted her qualifications and intelligence and acknowledged the prior contention within the workplace. He stated that he had discussed with her the importance of professionalism and acceptable workplace behaviors. Based on these discussions and his assessment, he saw no reason to believe she would not be a good fit for the role.

Manager Lovell explained that the salary increase was negotiated with the Deputy Comptroller to entice her to come back and ultimately saved the city money, as her previous contractor role involved a higher hourly rate for performing the same duties. He stated that, given her extensive knowledge and experience with the city, the \$2,500 salary increase was reasonable and appropriate. In response, Councilor Szczerba expressed concern about the impact of raises and additional expenditures on next year's budget, emphasizing the need to focus on cutting costs rather than increasing spending.

AMUSEMENT DEVICE LICENSE-PEPI'S PIZZA

RESOLUTION 25-7

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, that the 2025 Amusement Device License application from Pepi's Pizza Inc., 228 Genesee St., Oneida, NY 13421 is hereby approved.

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Pagano)
MOTION CARRIED

INTRODUCE A LOCAL LAW AMENDING CHAPTER 180, ARTICLE II OF THE CITY OF ONEIDA CODE TO PROHIBIT PARKING ON CERTAIN SECTIONS OF BOSTON STREET AND PHILLIPS STREET **SCHEDULE PUBLIC HEARING**

RESOLUTION 25-8

Moved by Councilor Hitchings
Seconded by Councilor Simchik

WHEREAS, the proposed Local Law has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

WHEREAS, the proposed Local Law is intended to create two new subsections identified as (F) and

(G) of Section 180-22 of Article II ("Stopping, Standing and Parking") prohibiting parking on certain streets in the City; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of local laws in the City of Oneida, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law; and

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA; and

WHEREAS, the Common Council has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the EAF has been prepared and has been reviewed by the Common Council; and

WHEREAS, the Common Council has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that there are no other involved agencies, that the Common Council shall act as lead agency and that the enactment of this proposed Local Law shall not result in any adverse environmental impacts, thus concluding the environmental review process; and be it further

RESOLVED AND DETERMINED, that the Common Council shall conduct a public hearing as to the enactment of the proposed Local Law at the Oneida City Hall located at 109 North Main Street, Oneida, New York on January 21, 2025, 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: 5

Nays: 0

Absent: 2 (Rossi/Pagano)

MOTION CARRIED

CITY OF ONEIDA

PROPOSED LOCAL LAW OF 2025

A LOCAL LAW AMENDING CHAPTER 180, ARTICLE II OF THE CITY OF ONEIDA CODE TO PROHIBIT PARKING ON CERTAIN SECTIONS OF BOSTON STREET AND PHILLIPS STREET

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

SECTION 1. AUTHORITY.

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

SECTION 2. AMENDING §180-22 (“TOTAL PROHIBITION FOR CERTAIN PLACES”) OF CHAPTER 180 (“VEHICLES AND TRAFFIC”)

Section 180-22 of Article II (“Stopping, Standing and Parking”) is hereby amended to add subsections (F) and (G) which shall read in their entirety as follows:

“(F) It shall be unlawful for any operator to park any motor vehicle on the southerly side of Phillips Street between its intersection with Chappell Street on the east side and Boston Street on the west side.

(G) It shall be unlawful for an operator to park any motor vehicle on the easternly side of Boston Street between its intersection with Phillips Street on the north side and McGuire Street on the south side.”

SECTION 3. VALIDITY AND SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This Local Law shall take effect upon the filing with the office of the Secretary of State of the State of New York, as provided in Section 27 of the Municipal Home Rule Law.

DISCUSSION:

Police Chief Lowell explained that the proposed Local Law stemmed from a citizen complaint requesting an evaluation of the street. The concern was that the roadway is both narrow and situated on a curve, posing potential safety issues. Following protocol, the complaint was reviewed by the Traffic Safety Board, which recommended implementing parking restrictions on the streets to address these concerns.

INTRODUCE A REVISED LOCAL LAW CREATING A NEW CHAPTER 96, TITLED “MURALS,” IN THE CITY OF ONEIDA CODE-SCHEDULE PUBLIC HEARING

RESOLUTION 25-9

Moved by Councilor Hitchings
Seconded by Councilor Simchik

WHEREAS, by Resolution 24-294, the City of Oneida Common Council introduced a proposed Local Law creating a new Chapter 96 of the Oneida City Code, titled “Murals,” within the City of Oneida;

and

WHEREAS, on December 3, 2024, the Common Council classified the action to be an Unlisted Action and declared itself to be Lead Agency in accordance with New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, a public hearing on the proposed Local Law was held on December 17, 2024; and

WHEREAS, in response to public comment and concerns expressed, the Local Law has been revised and the Common Council does desire to introduce a revised Local Law that to create a new Chapter 96 to regulate the murals within the City of Oneida.

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 January 21, 2025, 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: 5

Nays: 0

Absent: 2 (Rossi/Pagano)

MOTION CARRIED

**City of Oneida
Proposed Local Law
A LOCAL LAW CREATING A NEW CHAPTER 96, TITLED "MURALS,"
IN THE CITY OF ONEIDA CODE**

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

SECTION 1.

So that a new Chapter 96, titled "Murals," shall be added to the Oneida City Code, which shall read, in its entirety, as follows:

§96-1 Purpose.

The City of Oneida recognizes the aesthetic value of murals in the community. Artists, property owners and community residents are encouraged to work together in the creation of public art murals to beautify the environment and promote community pride. Any group or individual that wishes to paint or create a mural must obtain permission from the property owner, whether it is a private individual or public agency.

Painting murals on public or private property without permission of the property owner is illegal and punishable by law. The City does not condone any type of illegal graffiti or art, irrespective of artistic content.

§96-2 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

MURAL - A painting, mosaic, fresco, or other permanent artwork attached or applied directly to the outside of a structure. It is usually a graphic display that covers all or a portion of a wall and depicts a scene or event of natural, social, cultural or historic significance.

§96-3 General guidelines.

- A. These guidelines provide anyone who wants to install a mural with a reasonable process that safeguards both the interests of the community and those of the individual building/property owner. The guidelines are designed to assure that murals within the City of Oneida enhance the community's appearance without confusing drivers and/or pedestrians or causing any other negative impact on public safety or welfare.
- B. In reviewing a proposal for a mural, the following criteria shall be considered:
 1. Location, with consideration of safety issues, maintenance, and building geometry.
 2. Number of murals within close proximity.
 3. Size, with consideration of the local streetscape.

§96-4 Detailed guidelines and criteria.

In addition to the general guidelines above, the Planning Commission/ Zoning Board of Appeals shall evaluate mural proposals based on the following:

- A. Design.
 1. Relevance of the piece to the building or City, its values, culture, and people. Murals within the City of Oneida should be based on one or more of the following themes: natural beauty; history of the City; school pride; or other relevant themes.
 2. Prohibitions.
 - a. Murals shall not be allowed in any residential zoning district.
 - b. Murals with moving parts.
 - c. Murals affixed, applied, or mounted above, upon or suspended from any part of the roof of a structure.
 - d. Murals that project away from a wall surface.
- B. Suitability of the work for outdoor display, including its maintenance and conservation requirements.

- C. Relationship of the work to the site and the community, especially how it serves to activate or enhance public space.
- D. Appropriateness of the scale of the artwork.
- E. Site selection considerations.
 - 1. Is the site visible and accessible to the public?
 - 2. Does the mural enhance the site where it is located?
 - 3. Does the mural enhance the overall public environment?
 - 4. The mural should not obscure windows or entranceways nor disrupt normal pedestrian circulation.
 - 5. The mural should not disrupt the site's landscaping and maintenance requirements.
 - 6. The mural should not be so large as to overwhelm adjacent architecture or become a visual distraction.
 - 7. The mural should not detract from its surroundings nor create blind spots where illegal activity can take place.
- F. Construction and maintenance.
 - 1. Murals shall be well designed and incorporate high-quality materials that enhance the overall appearance of the site and do not adversely affect the safe and efficient movement of vehicles and pedestrians. Materials may include paint or other media appropriate for exterior use, such as tile or mosaic. Materials shall be long-lasting and graffiti-resistant to the greatest extent possible.
 - 2. Colors, though vibrant, should be complementary and harmonious with the exterior colors of the building structure, as well as consistent with the chosen theme. Neon, fluorescent, or reflective-type colors or materials are discouraged.
 - 3. The mural shall be designed and supervised by a qualified artist/muralist, one with sufficient knowledge and experience with the application of mural materials.
 - 4. Mural size shall be determined by the wall surface to be covered. Smaller walls may be completely covered. On large walls, murals should be large enough to dominate the wall surface but not so large as to overwhelm the local streetscape. Generally, one mural shall be permitted per structure.
 - 5. Where the number of signs or a maximum square footage for signage applies to a particular location, a mural shall not count as a sign nor figure into the allowable square footage for signage.
 - 6. The proposed mural, by its design, construction, and location, shall not obscure or detract from the significant architectural features of the building structure, nor should the building's architecture be altered to accommodate the mural.
 - 7. The proposed mural, by its design, construction, and location, shall not have an adverse impact on adjacent properties or permitted uses. If the mural requires special lighting or other related construction, all applicable permits shall be required as part of installation. No flashing or moving lighting is permitted. No internal illumination is allowed.

8. Routine maintenance of an artwork becomes the responsibility of the building owner and/or sponsoring group where the artwork is located. As part of the contractual requirements, the artist should develop a maintenance program in cooperation with the building owner or manager for the proper long-term care of the artwork.
9. If, for whatever reason, the mural falls into disrepair, the building owner shall be notified, in writing, and required to make necessary repairs within 120 days. If the repairs are not made within the specified time, the City reserves the right to repair the mural at the owner's expense, remove the mural at the owner's expense, or cover the mural with opaque paint at the owner's expense.
10. If property ownership is transferred, all obligations for mural construction, maintenance and repair shall be assumed by the property owner.

G. Application review and approval process.

1. An applicant desiring to install a mural on is required to submit a formal application, a scaled color rendering of the proposed project, and a photograph showing the building location of the proposed mural to the City offices for review by the Department of Code Enforcement and the Planning Commission/ Zoning Board of Appeals.
2. Mural proposals that do not meet the design criteria/guidelines may be denied by the Planning Commission/ Zoning Board of Appeals or accepted with required modifications.
3. Mural proposals must comply with any applicable New York State Department of Transportation rules and regulations regarding visual appearance and possible effect on traffic in the area of the mural. Written approval from New York State Department of Transportation may be required, depending upon location of the mural.
4. Submission of a formal application, subject to review and approval by the Department of Code Enforcement and the Planning Commission/ Zoning Board of Appeals, shall not be required for those murals that are in existence prior to the effective date of this Chapter; such murals may be continued, restored, repaired, and maintained, without application, review and approval.

H. Schedule.

1. Mural installation must begin within 180 days of approval and must be completed within six (6) months of the start date. If these dates are not met, the Planning Commission/ Zoning Board of Appeals may, at its discretion, revoke the mural permit. A one-time extension for an additional 60 days may be granted if the request is submitted in writing prior to the end of the initial 60-day period.

I. Decommissioning.

1. When a mural is at the end of its life span, or if the mural is to be removed without a replacement mural, the surface of the building or structure shall be restored and repainted."

SECTION 2. Validity and severability.

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

SECTION 3. Effective date.

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

NEW BUSINESS

Councilor Winchell expressed concerns regarding the impact of the new law on a hotdog mobile food vendor who has served the city in the same location for 22 years. He advocated for the vendor to be grandfathered in, allowing them to retain their current location. Councilor Winchell noted that the vendor has indicated plans to operate the business for only a few more years, emphasizing the importance of supporting long-standing businesses in the community. Councilor Winchell stated that he has heard from many constituents in favor of allowing this vendor to keep the current location, to which Councilor Hitchings stated that she has heard from many constituents as well that the city should be fair to all and not allow this to happen.

Councilor Hitchings acknowledged Councilor Winchell's interest in allowing the vendor to retain their location but pointed out that the annual license system is designed to be temporary, with no guarantee of specific spots for any vendor. While she recognized and appreciated the vendor's 22 years of service in the city, she emphasized that granting a permanent spot to one vendor would constitute favoritism and create an unfair precedent for others.

Councilor Winchell stated that the vendor had been promised they would not be moved. In response, Councilor Hitchings emphasized the importance of fairness and equity for all vendors. She also questioned why the vendor did not participate in the public hearings, noting that the matter had been discussed prior to the law's adoption.

Councilor Hitchings added that the location in question posed a safety concern. Councilor Winchell countered, stating that he had spoken with the Police Chief, who characterized it as a minor safety issue that had persisted for 22 years.

Councilor Hitchings clarified that she was not opposed to revisiting the resolution to include that location but maintained her stance against granting preferential treatment to one vendor. She further suggested that if the vendor wanted a permanent location, they could consider opening a brick-and-mortar establishment.

Deputy Mayor/Councilor Laureti inquired about the process for becoming a food truck vendor. The City Clerk explained that each vendor is required to obtain a city license to operate, which ensures compliance with various regulations, including having a valid Health Department Certificate, NYS Sales Tax Certificate, and fire inspections.

It was further clarified that vendors operating on private property can move between locations based on agreements with property owners. For those operating on city-owned property, a designated list of

approved locations is available for use between 8:00 AM and 11:00 PM, aligning with city park hours. These spots are assigned on a first-come, first-served basis and can be re-evaluated on an annual basis. The discussion addressed how spots for mobile food vendors were designated prior to the new local law and the resulting changes. It was noted that previously, there was only one mobile food vendor operating on city-owned property, but now there are multiple vendors.

The City Attorney was asked to investigate any potential legal ramifications of granting one vendor a designated spot or "grandfathering" them in under the new law. Councilor Szczerba expressed support for Councilor Winchell's suggestion, stating that since the hotdog vendor plans to retire within a year or two, the city should consider allowing him to retain his current location.

Police Chief Lowell, when asked to comment on the safety concern, acknowledged that the location in question had been a point of contention for some time and posed a moderate safety concern. He explained that the decision to relocate food trucks further down on the Oneida Street extension was made to address these issues. The new location offers space for 4-5 food trucks, provides additional parking, reduces congestion, and improves accessibility to the Rail Trail and pavilion, offering a better area for patrons to enjoy their meals.

Chief Lowell pointed out that the new designated location is approximately 100 yards from the current spot in question. He raised a concern about enforcement, asking how officers would handle the situation if the spot were added to the approved location list but another food vendor decided to occupy it. This scenario, he suggested, could create potential conflicts and enforcement challenges. In response to a question from Councilor Szczerba, Chief Lowell described the proximity and alignment of the selected locations.

The City Clerk noted that, as of now, only three vendors have applied for permits. Councilor Hitchings added that if more vendors apply in the future and additional locations are needed, the approved list of spots can be updated without amending the local law.

Deputy Mayor Laureti inquired whether the hotdog vendor was entirely opposed to relocating to the designated area on Oneida Street. Councilor Hitchings responded, asserting that the vendor appeared unwilling to accept being treated equally with other vendors.

Councilor Winchell reiterated that there has been significant public feedback in favor of allowing the hotdog vendor to remain in their current location. In response, Councilor Hitchings noted that there are also many who advocate for maintaining an even playing field for all vendors.

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 25-10

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: 5
Nays: 0
Absent: 2 (Rossi/Pagano)
MOTION CARRIED

APPROVE REIMBURSEMENT-STEPHEN MALBOUF

RESOLUTION 25-11

Moved by Councilor Hitchings
Seconded by Councilor Simchik

WHEREAS, on or about July 16, 2024, as a result of a storm, a branch fell off a tree owned by the City of Oneida, causing the service entrance cable, which was attached to the residential structure situated on property located at 426 Earl Avenue, in the City of Oneida, Tax Map No. 38.30-2-29 (the "Property"), to be disconnected; and

WHEREAS, on or about October 15, 2024, Stephan Malbouf, Trustee of the Malbouf Family Trust, owner of the Property, filed a Notice of Claim seeking reimbursement in the amount of \$102.60, to re-attach the service entrance cable to the residential structure; and

WHEREAS, in support of such request, Stephen Malbouf presented the City of Oneida with an invoice prepared by Jo-Jo Electric, LLC, evidencing the cost to re-attach the service entrance cable; and

WHEREAS, the Common Council of the City of Oneida acknowledges ownership of the tree and is willing to reimburse Stephen Malbouf for the expense incurred to re-attach the service entrance cable to the residential structure.

NOW, THEREFORE, it is hereby

RESOLVED, that the City of Oneida Common Council, having received evidence of the cost to re-attach the service entrance cable to the residential structure situated on property located at 426 Earl Avenue, in the City of Oneida, Tax Map No. 38.30-2-29, as a result of damage caused by a tree known to be City of Oneida property, does hereby approve reimbursement to Stephen Malbouf, as Trustee, in the amount of \$102.60.

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Pagano)
MOTION CARRIED

DISCUSSION:

The City Manager brought up a discussion about an incident where a branch from a city-owned tree caused damage to a homeowner's property. Although the homeowner submitted a claim to the city's insurance company, the claim was denied. The City Manager recommended that the city cover the cost

of the damage, given the low amount involved. Addressing concerns about setting a precedent, he suggested that each case could be evaluated and handled individually at the time of the incident to avoid broader implications.

Motion to adjourn by Councilor Hitchings
Seconded by Councilor Simchik

Ayes: 5

Nays: 0

Absent: 2 (Rossi/Pagano)

MOTION CARRIED

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

CITY OF ONEIDA

Sandra LaPera, City Clerk