

MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
January 4, 2022

A meeting of the Common Council of the City of Oneida, NY was held on the fourth day of January 2022 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Reisman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Laureti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Rossi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Kinville	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor DuBois	<input checked="" type="checkbox"/>	<input 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"/>	Fire Chief Dennis Fields	<input checked="" type="checkbox"/>
City Clerk Sandy LaPera	<input checked="" type="checkbox"/>	Parks & Rec Director Luke Griff	<input type="checkbox"/>
City Engineer Jeff Rowe	<input checked="" type="checkbox"/>	Police Chief John Little	<input checked="" type="checkbox"/>
Codes Director Bob Burnett	<input checked="" type="checkbox"/>	Public Safety Com. Kevin Salerno	<input checked="" type="checkbox"/>
Comptroller Lee Ann Wells	<input checked="" type="checkbox"/>	Other _____	<input type="checkbox"/>

Call to order/Pledge of Allegiance/Roll Call

The Mayor welcomed everyone to the first meeting of 2022 and the new Board, which received a round of applause.

DEPUTY MAYOR NOMINATIONS: The Mayor advised that the Council decides who will be Deputy Mayor and asked them to nominate a member for this position. Councilor DuBois nominated Councilor Kinville, which was seconded by Councilor Laureti. The Mayor asked if there were any other nominations or discussion, to which there was not. The Council voted 5-0, with Councilor Kinville abstaining, to approve Councilor Michelle Kinville as the new Deputy Mayor.

The Mayor congratulated and welcomed Councilor Kinville as the new Deputy Mayor and stated that she looked forward to working with her. She also thanked former Deputy Mayor and Councilman, Tom Simchik, for his service.

OPEN PUBLIC HEARING

TO AMEND CHAPTER 180 OF THE CODE OF THE CITY OF ONEIDA TO DESIGNATE BENNETT ROAD FOR THE USE AND OPERATION OF SNOWMOBILES

RESOLUTION 22-1

Moved by Councilor Kinville
Seconded by Councilor DuBois

RESOLVED, that the Public Hearing to amend Chapter 180 of the Code of the City of Oneida to designate Bennett Road for the use and operation of snowmobiles is hereby opened at 6:33 pm.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES: None

CLOSE PUBLIC HEARING

TO AMEND CHAPTER 180 OF THE CODE OF THE CITY OF ONEIDA TO DESIGNATE BENNETT ROAD FOR THE USE AND OPERATION OF SNOWMOBILES

RESOLUTION 22-2

Moved by Councilor Reisman
Seconded by Councilor Kinville

RESOLVED, that the Public Hearing to amend Chapter 180 of the Code of the City of Oneida to designate Bennett Road for the use and operation of snowmobiles is hereby closed at 6:34 pm.

Ayes: 6
Nays: 0

MOTION CARRIED

The Mayor explained to the audience that the purpose of this Local Law was that currently snowmobiles come down Harden Street and go through our existing WWTP. With the new plant going in and all of the construction going on, the City does not want snowmobiles going through that area, which could result in injury, so we are designating Bennett Road to be added to allow for plenty of room around that area.

PUBLIC COMMENT: None
OLD BUSINESS: None

Moved by Councilor Kinville
Seconded by Councilor Laureti

RESOLVED, that Warrant No. 1, checks and ACH payments in the amount of \$279,494.37 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

MOTION CARRIED

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 22-3

Moved by Councilor Kinville
Seconded by Councilor Rossi

2022 Budget Adjustments

RESOLVED, to approve the following 2022 Budget Amendment/Transfers

	<u>To</u>	<u>From</u>
\$ 22,000.00	002.8300.0310.0000 Water-Liquid Alum	002.8300.0436.0000 Contingency

To re-allocate contingency to cover increase in bid amounts over budget

\$ 12,500.00	002.83200.0311.0000 Water- Phosphates	002.8300.0436.0000 Contingency
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To re-allocate contingency to cover increase in bid amounts over budget

2021 Budget Adjustments

	<u>To</u>	<u>From</u>
\$ 11,663.28	003.8110.0412.0000 Sewer Madison County Landfill	003.0003.0912.0000 Sewer Fund Balance

To allocate funds for November biosolids

Ayes: 6

Nays: 0

MOTION CARRIED

AMUSEMENT DEVICE LICENSE

RESOLUTION 22-4

Moved by Councilor Kinville

Seconded by Councilor Riesman

RESOLVED, to approve the Amusement Device License application for Pepi's Pizza, 228 Genesee Street, Oneida NY 13421 to operate machines at that location.

Ayes: 6

Nays: 0

MOTION CARRIED

**ADOPT LOCAL LAW NO. 1 OF 2022 IMPOSING A TWELVE (12) MONTH MORATORIUM ON
CONSTRUCTION AND OPERATION OF WIND ENERGY FACILITIES, WIND TURBINES AND SMALL
WIND ENERGY SYSTEMS WITHIN THE CITY OF ONEIDA**

RESOLUTION 22-5

Moved by Councilor Kinville

Seconded by Councilor Simchik

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled "A Local Law Imposing a Twelve (12) Month Moratorium on the Construction and Operation of Wind Energy Facilities, Wind Turbines, and Small Wind Energy Systems Within the City of Oneida," was presented and introduced at a regular meeting of the Common Council of the City of Oneida held on November 16, 2021; and

WHEREAS, a public hearing was held on such proposed local law on December 7, 2021 by the Common Council of the City of Oneida and proofs of publication of notices of such public hearings, 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 purposes of environmental review pursuant to the State Environmental Quality

Review Act (SEQRA) and that this action will have no significant effect on the environment, thus concluding the SEQR review process; and

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 Local Law No. 1 as follows:

**“CITY OF ONEIDA
LOCAL LAW NO. 1 OF 2022**

**A LOCAL LAW IMPOSING A TWELVE (12) MONTH MORATORIUM ON THE CONSTRUCTION AND
OPERATION OF WIND ENERGY FACILITIES, WIND TURBINES, AND SMALL WIND ENERGY SYSTEMS
WITHIN THE CITY OF ONEIDA**

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

SECTION 1. INTENT

It is the intent of this local law to prevent serious detrimental health, adverse environmental impacts and incompatible planning effects that could be posed by the creation, erection and operation of wind energy deriving tower facilities, wind energy conversion systems and electrical transmission facilities. It is further the intent of this local law to regulate a land use which could threaten the residents of the City of Oneida by allowing degradation of its environmental features, aesthetics, and agricultural resources.

Therefore, it is hereby the declared intent of the City of Oneida Common Council to enact regulations prohibiting the construction and operation of wind energy facilities, wind turbines and small wind energy systems within the limits of the City for the purpose of securing and promoting the public health, comfort, convenience, safety and the general welfare of the City and its inhabitants.

SECTION 2. STATEMENT OF PURPOSE

It is the purpose of this local law to enable the Common Council and the residents of the City of Oneida sufficient time to draft and enact specific land use policies in the adopted City of Oneida Comprehensive Plan; and to adopt a local law regulating the creation, location, size, number, construction and use of wind energy deriving towers, wind energy conversion systems, small wind energy systems, wind turbines and electric transmission facilities within the City of Oneida.

SECTION 3. DEFINITIONS

For purposes of this Local Law, the terms used herein shall have the following meanings:

ELECTRICAL TRANSMISSION FACILITY - Any structure or equipment, other than a wind energy deriving tower, related to the use and purpose of deriving energy from a wind energy deriving tower or wind energy conversion system.

NACELLE - The portion of the wind energy deriving tower that connects the rotor to the support tower and houses the generator, gearbox, drive train and braking system.

SMALL WIND ENERGY SYSTEM - A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 250 kW and which is intended to primarily reduce on-site consumption of a public utility electricity provider.

TOWER FACILITY - A wind energy deriving structure, wind energy conversion system or transmission facilities located on a parcel, lot, or site.

WIND ENERGY CONVERSION SYSTEM - A system of components which converts the kinetic energy of the wind into electrical or mechanical power, and which comprises all necessary components, including energy storage, power conditioning, control systems, transmission systems (where appropriate) and structural support systems, to provide electricity or mechanical power for agricultural, residential, commercial, industrial, utility or governmental use.

WIND ENERGY DERIVING TOWER - Any Tower Facility, pole, or other structure, whether attached to a building, guyed or freestanding, designed to be used for the support of a rotor that consists of blades and hub as well as a Nacelle and generator for producing electricity.

WIND ENERGY FACILITY - An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WIND TURBINE - A Wind Energy Conversion System that converts wind energy into electricity through the use of a Wind Turbine Generator, and includes the Nacelle, rotor, Tower and pad transformer, if any.

SECTION 4. MORATORIUM

- A. The Common Council hereby enacts a moratorium which shall prohibit all City Boards and Staff from conducting the review, approval or creation of any new Wind Energy Deriving Towers, Wind Energy Conversion Systems, Small Wind Energy Systems, Wind Turbines and Transmission Facilities anywhere in the City of Oneida.
- B. This moratorium shall be in effect for a period not to exceed one (1) year from the effective date of this Local Law and shall expire on the earlier of: (i) the date one year from the effective date, unless renewed; or (ii) the enactment by the Common Council of a resolution adopting new policy for said Wind Energy Conversion System by amending the City of Oneida Comprehensive Plan and the adoption of a local law which provides the criteria and standards for regulating Wind Energy Conversion Systems in the City of Oneida.
- C. This moratorium shall apply to all zoning districts and real property within the City of Oneida, Madison County, New York.

- D. Under no circumstances shall the failure of the Common Council of the City of Oneida, the Oneida City Planning Commission/ Zoning Board of Appeals, or the Department of Code Enforcement for the City of Oneida, to take any action upon any application for a permit, zoning permit, conditional use permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other City-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

SECTION 5. RELIEF FROM PROVISIONS OF THIS LOCAL LAW

A. The Common Council of the City of Oneida reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for relief shall be filed in triplicate with the Department of Code Enforcement together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney's fees, incurred by the City, shall be reimbursed to the City by the Applicant. The Common Council shall apply Use Variance criteria as set forth in the New York State General City Law, Section 81-b (3) in reviewing any application for relief.

C. The Common Council of the City of Oneida may refer any applications for relief herein to the City of Oneida Planning Commission/ Zoning Board of Appeals for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Common Council after determining whether the requested relief is compatible with any contemplated amendments to the City of Oneida Zoning Regulations. Unless completely satisfied that the proposed relief is compatible, the Common Council shall deny the application.

D. The Common Council shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Department of Code Enforcement and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

SECTION 6. PENALTIES

Any individual, partnership, firm or corporation that shall use, establish, create, advertise, construct, reconstruct, relocate, operate, enlarge, or modify any site to be used for a Wind Energy Deriving Towers Wind Energy Conversion System, Small Wind Energy System, Wind Turbine and Transmission Facility use in violation of the provisions of this Local Law, shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the City to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this Local Law.

SECTION 7. ENFORCEMENT

This Local Law shall be enforced by the City of Oneida Department of Code Enforcement or such other zoning enforcement individual(s) as designated by the Common Council. It shall be the duty of the enforcement individual(s) to advise the Common Council of all matters pertaining to the enforcement of this Local Law.

SECTION 8. 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 affect any other section of this Local Law.

SECTION 9. EFFECTIVE DATE

This Local Law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of twelve (12) months from the date of passage.”

Councilor Reisman: YES
Councilor Laureti: YES
Councilor Rossi: YES
Councilor Kinville: YES
Councilor DuBois: YES
Councilor Simchik: YES

MOTION CARRIED

The Mayor advised that going forward, she will be putting together a Committee to talk about wind mills and get more information.

STANDARD WORKDAY RESOLUTION

RESOLUTION 22-6

Moved by Councilor Simchik
Seconded by Councilor DuBois

RESOLVED, that the Common Council hereby establishes the following as standard work days for elected officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the Record of Activities maintained and submitted by these officials to the Clerk of this body:

Name	SS#	(Last four digits) Reg #	Title	Term begins and end dates	Standard Workday	Records of Activity Results	Not submitted	Pay Frequency	Tier I
Stephen Laureti	****	6585	Councilor	01/01/2022 12/31/2023	6	1.39		bi-monthly	
Michelle Kinville	****	4793	Councilor	01/01/2022 12/31/2023	6	4.03		bi-monthly	

Ayes: 4

Nays: 0

Abstain: 2 (Laureti/Kinville)

MOTION CARRIED

The Mayor explained to the new members of the Board that they can elect to join the State Employee Retirement System and advised them, if interested, to speak with the Deputy Comptroller.

ORGANIZATIONAL RESOLUTION

RESOLUTION 22-7

Moved by Councilor Kinville

Seconded by Councilor DuBois

RESOLVED, that the Organizational Resolution for the year 2022 consisting of the following is hereby approved:

1. Regular meetings for the City of Oneida for the year 2022 shall be held in Council Chambers, Oneida Municipal Building, 109 North 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 the year 2022 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 one bond which covers all employees, and the limit is \$350,000 worth of coverage per loss.

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor advised that this is a standard Resolution that is done every year, and the only difference this year, for the first time, the Rome Sentinel was being designated as the “Official” newspaper of the City of Oneida. She stated that the Rome Sentinel has a great presence in Oneida, they publish more frequently and that Charles (Pritchard) in particular, does a great job for the City.

VOUCHER COMMITTEE

RESOLUTION 22-8

Moved by Councilor Kinville

Seconded by Councilor DuBois

RESOLVED, that pursuant to Article V. Budget and Financial Administration, Section 5.22 B of the City Charter, voucher committees shall be as follows:

Councilor Kinville and Councilor Reisman– First Council meeting

Councilor Simchik and Councilor Rossi – Second Council meeting

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor explained that the Council holds meetings the first and third Tuesdays of every month, and the Voucher Committee gets together the weekend before to review and approve vouchers for payment.

SCRAP METAL

RESOLUTION 22-9

Moved by Councilor Simchik

Seconded by Councilor Rossi

RESOLVED, to authorize the Department of Public Works, Waste Water 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 the year 2022.

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor advised that in the past each time a department had scrap metal to sell, it would be brought to Council for approval. It was decided that it made more sense to have a Resolution at the beginning of the year to cover the sale of scrap metal (at fair market price) for all departments for the entire year.

CANVASS AND APPROVE BIDS-SANITARY SEWER CROSSING AT ONEIDA CREEK

RESOLUTION 22-10

Moved by Councilor Kinville

Seconded by Councilor DuBois

RESOLVED, that the lowest bid meeting specifications for Sanitary Sewer Crossing at Oneida Creek from Wm. J. Keller & Sons Construction Corp., 1435 Route 9, Castleton, NY 12033 is hereby approved.

Ayes: 6

Nays: 0

MOTION CARRIED

City Engineer Rowe stated that there is an existing sewer main that is on a pipe bridge over Oneida Creek between Kenwood and Sherrill that needs replacement. He stated that this will be done by directional drilling to avoid disturbance to the creek. He advised that this was a much-needed improvement to maintain sewer service in that area.

**ELIMINATE RENEWAL REQUIREMENT FOR SENIOR CITIZENS AND PERSONS WITH DISABILITIES
ON THE 2022 ASSESSMENT ROLL**

RESOLUTION 22-11

Moved by Councilor Kinville

Seconded by Councilor Rossi

WHEREAS, on December 26, 2021, Governor Kathy Hochul issued Executive Order No. 11.1 making it possible for senior citizens and persons with disabilities to have their 2022 property tax exemptions renewed without filing renewal applications, **and**

WHEREAS, the option granted under Executive Order No. 11.1 rests solely with the governing body of the assessing unit, **and**

WHEREAS, if the governing body of an assessing unit adopts a resolution pursuant to this Executive Order eliminating the renewal requirement for these two exemptions on the 2022

assessment roll, the Resolution will eliminate the renewal requirement for purposes of all jurisdictions that levy taxes on the 2022 assessment roll of that assessing unit, **now therefore be it**

RESOLVED, that the Common Council of the City of Oneida hereby eliminates the renewal requirement for senior citizens and persons with disabilities on their 2022 property tax exemptions.

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor explained that this was a result of an email received from the Governor to make it easier for senior citizens and persons with disabilities to have their property tax exemptions renewed without having to come in and file in person.

NEW BUSINESS

The Mayor explained that due to the loss of Joe Ostrander as the Ward 4-5-6 Supervisor, she was appointing Brandee DuBois to replace Joe's position for the remainder of the term, noting that she would need to run at the end of November to keep the seat. She applauded and thanked Councilor DuBois for her service. She advised that her resignation was effective at the close of the day (January 4, 2022).

As a formality, the Council approved accepting the resignation of Councilor Brandee Dubois:

ACCEPT RESIGNATION

RESOLUTION 22-12

Moved by Councilor Kinville

Seconded by Councilor Simchik

RESOLVED, to accept the resignation of Brandee DuBois as Councilor for Ward 5 of the City of Oneida, effective at the close of day on Tuesday, January 4, 2022.

Ayes: 5

Nays: 0

Abstain: 1 (DuBois)

MOTION CARRIED

The Mayor advised that as her seat was now vacant, she would be appointing Bill Pagano as her replacement. She introduced him to the audience, and a ceremonial swearing in was performed by the City Clerk, noting that he would "officially" be sworn in and sign his Oath of Office the next day (January 5, 2022).

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned at 6:48 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk