

MINUTES OF THE COMMON COUNCIL

REGULAR MEETING

JUNE 21, 2022

A meeting of the Common Council of the City of Oneida, NY was held on the twenty first day of June, 2022 at 6:30 p.m. at the Common Council Chambers, 109 N. Main, Oneida, NY 13421.

The meeting was called to order by Deputy Mayor Michelle Kinville

<u>Attendees</u>	Present	Absent	Arrived Late
Mayor Acker	<input type="checkbox"/>	<input checked="" 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 Pagano	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 6:37p.m.
Councilor Simchik	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

Supervisors

Matt Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mary Cavanagh	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Magliocca	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Brandee DuBois	<input type="checkbox"/>	<input checked="" 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"/>	Police Chief John Little	<input checked="" type="checkbox"/>
City Engineer Jeff Rowe	<input checked="" type="checkbox"/>	Public Safety Com. Kevin Salerno	<input checked="" type="checkbox"/>
Codes Director Bob Burnett	<input checked="" type="checkbox"/>	Other _____	<input type="checkbox"/>
Comptroller Lee Ann Wells	<input checked="" type="checkbox"/>	Other _____	<input type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll Call

PUBLIC HEARING: A Proposed Local Law to Amend Chapter 190 of the Code of the City of Oneida to abolish the Sign Review Board.

PUBLIC HEARING-A PROPOSED LOCAL LAW TO AMEND CHAPTER 190 OF THE CODE OF THE CITY OF ONEIDA TO ABOLISH THE SIGN REVIEW BOARD

RESOLUTION 22-94

Moved by Councilor Reisman
Seconded by Councilor Simchik

RESOLVED, that the Public Hearing to amend Chapter 190 of the Code of the City of Oneida to abolish the Sign Review Board be hereby opened at 6:33 p.m.

Ayes: 5
Nays: 0
Absent: 1 (Pagano) Arrived Late

MOTION CARRIED

APPEARANCES

DAVID SCHOLL-230 COTTAGE PLACE, ONEIDA

Mr. Scholl stated that he was a long-time member of the Sign Review Board and that the reason the members are on the Board is so that they, as citizens of Oneida, can provide a checks and balances system for businesses when they want to put a sign up. He stated examples of issues that they discuss at the meetings, such as finding problems that might have been missed by the Codes Department (size might be wrong, issues with flutter flags, etc.) and inconsistency with sign fees, among other things. He further advised that he does not want the Sign Review Board to be abandoned, as he feels they do a good job for the City.

DON THORNA-447 STONE STREET, ONEIDA

Mr. Thorna advised that he retired from the Oneida Fire Department and has been on the Sign Review Board for over 35 years, as well as the Board of Appeals and that he is the Chairman of this Board and was previously the Chairman of the Board of Appeals. He stated that he sees no problem with what they do and that the Board provides a checks and balances system and ensures that sign regulations are adhered to. He stated that City Advisor to the Board, Jay Ackerman, does a very good job and agreed with Mr. Scholl that the Board should not be abolished.

CLOSE PUBLIC HEARING – A PROPOSED LOCAL LAW TO AMEND CHAPTER 190 OF THE CODE OF THE CITY OF ONEIDA TO ABOLISH THE SIGN REVIEW BOARD

RESOLUTION 22-95

Moved by Councilor Reisman

Seconded by Councilor Rossi

RESOLVED, that the Public Hearing to amend Chapter 190 of the Code of the City of Oneida to abolish the Sign Review Board be hereby closed at 6:35 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

PUBLIC COMMENT

KELLY LEWIN-616 DEERFIELD DRIVE, ONEIDA

Ms. Lewin spoke regarding the hiring of the SRO position compared to a SPO, stating that it would be the same cost to cover all Oneida schools, as opposed to covering just the high school with an SRO. She would like all Oneida City Schools covered and stated that she felt the relationship portion of this with the Police Department was great and hopefully would continue whatever the decision was tonight. She stated that she was aware that the Oneida Police Department was well suited to go into the school, but at the end of the day if something happens, the safety of all Oneida children should come first, stating that this could be done most fiscally responsibly by having the Sheriffs go into all 4 schools and not just Oneida PD going into the high school.

MIKE BURGESS-ONEIDA POLICE DEPARTMENT

Mr. Burgess stated that he was a taxpayer, parent and President of the Oneida Police Benevolent Association (PBA). Mr. Burgess provided Council with a letter prior to the meeting which is on file in the City Clerk's office. He advised that the current Oneida High School Resource Officer who is employed by the school district will be retiring soon and that by placing an on-duty Oneida City Police Officer in this position, the need for a patrol officer to respond and complete reports would be eliminated. This person would be able to complete the investigations and reports themselves within the school, unlike outside agencies who would likely still need to call for an officer to respond.

He advised that when schools are closed for breaks, a full-time Oneida City Police Officer would be in a position where they could continue to follow-up with children and their families, as well as fill manpower voids where and when needed. He noted that this is not something that a part-time individual would be able to do.

Mr. Burgess stated that although they would like to have an SRO in each of the schools, the school district came to the Oneida City Police Department about one SRO position at this time and provided a breakdown of the cost/salaries/benefits etc., noting that 78% of the cost for this position would be paid by the school district, and the City would be responsible to the remaining 22%.

He addressed budgetary concerns but stated that he felt the benefits far outweighed those and that the community, school district and children would benefit from having a full-time Oneida City Police Officer as their next School Resource Officer.

OLD BUSINESS

The City Engineer provided an update on the Main Street sewer repair stating that there was an 8-inch clay tile sewer pipe that was partially collapsed that needed to be repaired, and the road had to be closed for the last week or so. He advised that the contractor has successfully completed the repair of the pipe, and the road should be opened back up sometime tomorrow (6-22-22).

SUPERVISOR'S REPORT

Supervisor Roberts stated that sales tax continues to run approximately 18% above last year and that Cindy Edick mentioned at the last meeting if the County sales tax continues at the same rate it is going now, it will out strip property tax.

He also advised that Mike Keville, the Madison County Clerk, does a great job and was voted Clerk of the Year in New York State. He stated Mike was very innovative, brings a lot to the table, and they were very proud to have him as part of their team in Madison County.

APPROVAL OF MINUTES

Moved by Councilor Reisman
Seconded by Councilor Rossi

RESOLVED, that the minutes of the regular meeting of June 7, 2022, are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Rossi
Seconded by Councilor Reisman

RESOLVED, that Warrant No. 12, checks and ACH payments in the amount of \$2,467,911.84 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

AGENDA # 1

MONTHLY REPORTS

RESOLUTION 22-96

Moved by Councilor Rossi
Seconded by Councilor Simchik

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

Ayes: 6

Nays: 0

MOTION CARRIED

AGENDA # 2

**FINANCIAL STATEMENTS AS OF
DECEMBER 31, 2021**

RESOLUTION 22-97

Moved by Councilor Rossi

Seconded by Councilor Reisman

RESOLVED, to receive and place on file the Financial Statements, as of December 31, 2021, together with the Independent Auditors Report from Bonadio & Co., LLP, Certified Public Accountants, 432 North Franklin Street #60, Syracuse, NY 13204.

Ayes: 6

Nays: 0

MOTION CARRIED

AGENDA # 3

LIQUOR LICENSE APPLICATION

RESOLUTION 22-98

Moved by Councilor Rossi

Seconded by Councilor Simchik

RESOLVED, that the Standardized Notice Form for providing 30-Day Advanced Notice to a Local Municipality or Community Board for filing a new application for an On-Premises Alcoholic Beverage License by VJ Long, LLC d/b/a Blue 1542 N. Lake Street, Oneida, NY be hereby received and placed on file.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Reisman
Seconded by Councilor Rossi

2022 Budget Adjustments

RESOLVED, to approve the following 2022 Budget Amendment/Transfers

	<u>To</u>		<u>From</u>
\$ 63,030.00	001.1640.0401.0000 Central Garage -Gasoline		001.0001.0912.0000 General Fund Balance
	<i>To allocate funds for gasoline budget as increased costs has exhausted original budget</i>		
\$ 44,436.00	001.1640.0402.0000 Central Garage -Diesel		001.0001.0912.0000 General Fund Balance
	<i>To allocate funds for diesel budget as increased costs has exhausted original budget</i>		
\$ 13,000.00	001.1680.0403.0000 Office Technology Contracts		001.0001.0912.0000 General Fund Balance
	<i>To allocate funds to move email from Ipage to Office 365</i>		
\$ 11,000.00	001.1680.0403.0000 Office Technology Contracts		001.0001.0912.0000 General Fund Balance
	<i>To allocate funds for Microsoft 365 7/1-12/31/22</i>		
\$ 1,763.00	001.1315.0101.0000 Comptroller Salaries	\$ 123,508.00	001.0001.0912.0000 General Fund Balance
\$ 1,176.00	001.1325.0101.0000 Chamberlain Salaries		
\$ 355.00	001.1355.0101.0000 Assessor Salaries		
\$ 3,858.00	001.1620.0101.0000 Buildings Salaries		
\$ 7,101.00	001.3120.0101.0000 Police Salaries		

\$ 2,247.00	001.3310.0101.0000 Traffic Salaries
\$ 23,531.00	001.3410.0101.0000 Fire Salaries
\$ 2,986.00	001.4068.0101.0000 Mosquito Salaries
\$ 5,993.00	001.5010.0101.0000 DPW Administration Salaries
\$ 42,126.00	001.5110.0101.0000 Street Maintenance Salaries
\$ 2,470.00	001.5132.0101.0000 Central Garage Salaries
\$ 7,079.00	001.7140.0101.0000 Parks & Rec Salaries
\$ 1,602.00	001.8020.0101.0000 Planning Salaries
\$ 10,971.00	001.8664.0101.0000 Code Enforcement Salaries
\$ 1,000.00	001.1620.0102.0000 Buildings Overtime
\$ 500.00	001.4068.0102.0000 Mosquito Overtime
\$ 5,000.00	001.5110.0102.0000 Street Maintenance Overtime
\$ 1,000.00	001.5132.0102.0000 Central Garage Overtime
\$ 2,000.00	001.8664.0102.0000 Code Enforcement Overtime
\$ 750.00	001.5132.0322.0000

	Tool Allowance			
\$ 9,080.00	002.8300.0101.0000	\$	9,080.00	002.0002.0912.0000
	Water Salaries			Water Fund Balance
\$ 25,375.00	003.8110.0101.0000	\$	25,375.00	003.0003.0912.0000
	Sewer Salaries			Sewer Fund Balance

To allocate funds for approved CSEA contract

Ayes: 6

Nays: 0

MOTION CARRIED

AGENDA # 5

ADVERTISE FOR BIDS-WATER DEPARTMENT

**RESOLUTION
22-100**

Moved by Councilor Rossi

Seconded by Councilor Simchik

RESOLVED, to authorize the Purchasing Agent to advertise for bids for Liquid Chlorine and Sodium Hypochlorite for the Water Department.

Ayes: 6

Nays: 0

MOTION CARRIED

AGENDA # 6

ADVERTISE FOR BIDS-WATER DEPARTMENT

**RESOLUTION
22-101**

Moved by Councilor

Seconded by Councilor

RESOLVED, to authorize the Purchasing Agent to advertise for bids for Hydrants, Pipes and Materials for the Water Department.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Simchik
Seconded by Councilor Rossi

WHEREAS, at the June 7, 2022 regular meeting of the Common Council, a motion to table Resolution 22-93, relating to an Agreement with the Oneida City School District to provide for the assignment of an officer employed by the City of Oneida to serve as School Resource Officer was moved by Councilor Simchik and seconded by Councilor Reisman, **and**

WHEREAS, a discussion was held relating to said tabled motion; **now therefore be it**

RESOLVED, to authorize Police Chief John Little, on behalf of the City of Oneida, to execute a School Resource Officer Agreement with the Oneida City School District, 565 Sayles Street, Oneida, NY 13421, wherein a School Resource Officer (SRO) shall be provided by the Oneida City Police Department to the Oneida City School District pursuant to the terms and conditions set forth in the Agreement, as attached.

Ayes: 0

Nays: 6

MOTION FAILED

DISCUSSION: Councilor Laureti stated that he had a couple of points that he would like to make, the first being the contract terms being presented, acknowledging that both agencies are very involved with the kids, programs, security, sports etc. He stated that the County program would cost \$36,000, with the County paying 17%, the School District paying 19%, and the City paying zero with no fringe. With the third option, the County would pay zero, the school district would pay approximately \$90,000, and the City would pay \$23-\$25,000 with fringe benefits, looking at \$100 to \$115,000. He stated that we have to look into the future, and fiscally, if we can employ 3-4 SRO's, everyone can work together and have the same result. He stated that he was getting a lot of calls about the City being fiscally responsible and have the ability to provide security as well. He finished by stating that we could provide security for every school for the price of one officer at one school.

Councilor Reisman added that the school district has the opportunity to put an officer in every single school for the cost that they are currently paying their School Resource Officer in addition to what they agreed upon to pay the current school officer to consult with the officer that would be hired from the City. That amount equals approximately what 4 officers for the County program would cost.

Deputy Mayor Michelle Kinville read a prepared statement from the Council as follows:

"On behalf of the Council, I would like to clear up any confusion that has been created over the discussion of the SRO position at the Oneida High School. We all see the benefit and need for an

SRO position at the High School. There have been discussions on what type of law enforcement should be present within the high school; whether it should be a retired law enforcement officer or a member of our Oneida Police Department, and who should fund this position. As a Council, our responsibility is to ensure the financial health of our City. With that being said, we also know that we need to ensure that all of our residents feel safe. We all feel the need and responsibility to keep the children of the City of Oneida and those within the Oneida City School District safe physically, emotionally and mentally.

Please understand that we have not taken this decision lightly. There have been many discussions amongst the public, the school district, Oneida Police Department and the Madison County Sherriff's Department and us about this position. The top priority amongst everyone has been the safety of our students.

We have no doubt that whoever is placed within the walls of the high school will do just that. We are very grateful for our Oneida Police Department and for the Madison County Sherriff's Department. They work tirelessly to protect and serve our community, and we thank them for that. At the end of the day, we all have the same objective; to ensure the students of Oneida feel that they are safe while they are at school."

Deputy Mayor Kinville noted that for her personally, this decision has been very difficult, and all are concerned about this and take it very seriously.

AGENDA # 8

APPROVE FEE-CODES DEPARTMENT

RESOLUTION
22-103

Moved by Councilor Simchik
Seconded by Councilor Rossi

RESOLVED, to approve the addition of a \$25 fee to cover administrative expenses for residential electrical permits.

Motion to Table by Councilor Reisman
Seconded by Councilor Rossi

Ayes: 6

Nays: 0

MOTION TABLED

DISCUSSION: Councilor Reisman advised that he would like more time to discuss this, and Councilor Laureti agreed that more time was needed.

**INTRODUCE A LOCAL LAW AMENDING THE
CHARTER OF THE CITY OF ONEIDA TO ABOLISH
THE ELECTIVE OFFICE OF CITY
CHAMBERLAIN-SCHEDULE PUBLIC HEARING**

AGENDA # 9

**RESOLUTION
22-104**

Moved by Councilor Reisman

Seconded by Councilor Rossi

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 City of Oneida Common Council has the authority to adopt provisions to advance and protect the safety, welfare, and aesthetics of the community; **and**

WHEREAS, this amendment to the Charter of the City of Oneida will abolish the position of the elective office of the City Chamberlain; **and**

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law 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, with the result that the Common Council shall act as lead agency in this matter; **and**

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA and the Common Council has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; **and**

WHEREAS, said 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, **and**

WHEREAS, the enactment of said proposed Local Law is subject to a mandatory referendum pursuant to Municipal Home Rule Law § 23.

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 the proposed Local Law is an unlisted action for purposes of SEQRA review; **and it is further**

RESOLVED AND DETERMINED, that the Common Council has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQR; **and it is 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 July 5, 2022, 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: 6

Nays: 0

MOTION CARRIED

**CITY OF ONEIDA
PROPOSED LOCAL LAW**

**A LOCAL LAW AMENDING THE CHARTER OF THE CITY OF ONEIDA TO ABOLISH THE ELECTIVE
OFFICE OF CITY CHAMBERLAIN**

Be it enacted by the Common Council of the City of Oneida, that this local law amends the Charter of the City of Oneida and the City of Oneida City Code to abolish the office of City Chamberlain.

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. PURPOSE.

In accordance with Section 2.1(A) of the Oneida City Charter, the City Chamberlain for the City of Oneida is an elective City officer with a two (2) year term. The Common Council of the City of Oneida has determined that it is desirable to abolish the elective position of the City Chamberlain. The purpose of this Local Law is to effectuate such change, effective at 11:59 p.m. on December 31, 2023. Said change would be subject to a mandatory referendum. Therefore, an additional purpose of this local law is to place on the November 8, 2022, general election ballot, a referendum item which allows the electors of the City of Oneida to decide if they wish to abolish the elective office of City Chamberlain.

SECTION 4. AMENDMENT OF THE CITY CHARTER SECTION 2.1(A).

So that Subsection (A) of Section 2.1 of the Oneida City Charter, titled "Elective officers: terms," shall be amended so as to read, in its entirety, as follows:

- "A. There shall be elected by the qualified electors of the City a Common Council consisting of the Mayor and six Councilors, a City Judge, a City Justice and four Supervisors. All elective City officers shall be elected for a two-year term

except the Supervisors, who shall be elected for the same term of office as Supervisors of the towns of Madison County and the City Judge and City Justice who shall be elected for six-year terms. One Councilman shall be elected by the qualified electors of each of the six wards. The qualified electors of the First, Second and Third Wards shall together elect two Supervisors. The qualified electors of the Fourth, Fifth and Sixth Wards shall together elect two Supervisors.”

SECTION 5. MANDATORY REFERENDUM.

Pursuant to Municipal Home Rule Law Section 23(2)(e), this Local Law shall be submitted for approval to the electors of the City of Oneida at the next general City election to be held on November 8, 2022.

SECTION 6. VALIDITY & SEVERABILITY.

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

SECTION 7. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State. Pursuant to Municipal Home Rule Law § 23, this Local Law is subject to a mandatory referendum and this may not be filed with the Secretary of State until a referendum has been conducted approving this Local Law.

DISCUSSION: Deputy Mayor Kinville advised that this came about, as there was no checks and balances previously in the Chamberlain's office; however, she did note that there are currently checks and balances in place.

**INTRODUCE A LOCAL LAW AMENDING
CHAPTER 73 OF THE
ONEIDA CITY CODE TO ADD ARTICLE IV TITLED
"BIRDS AND WILD ANIMALS"-
SCHEDULE PUBLIC HEARING**

**RESOLUTION
22-105**

AGENDA # 10

Moved by Councilor Laureti
Seconded by Councilor Rossi

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 City of Oneida Common Council has the authority to adopt provisions to advance and protect the safety, welfare, and aesthetics of the community; **and**

WHEREAS, this amendment to the Oneida City Code will prohibit the harboring, keeping or feeding of wild birds and other wild animals; **and**

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law 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, with the result that the Common Council shall act as lead agency in this matter; **and**

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA and the Common Council has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; **and**

WHEREAS, said 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 the proposed Local Law is an unlisted action for purposes of SEQRA review; **and it is further**

RESOLVED AND DETERMINED, that the Common Council has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQR; **and it is 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 July 5, 2022, 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: 6

Nays: 0

MOTION CARRIED

**CITY OF ONEIDA
PROPOSED LOCAL LAW**

**A LOCAL LAW AMENDING CHAPTER 73 OF THE ONEIDA CITY CODE TO ADD ARTICLE IV, TITLED
"BIRDS AND OTHER WILD ANIMALS"**

Be it enacted by the Common Council of the City of Oneida, that this local law amends Chapter 73 of the City Code of the City of Oneida to add Article IV, titled "Birds and Other Wild Animals."

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.

So that Chapter 73 of the Oneida City Code is amended to include a new Article IV, titled "Birds and Other Wild Animals," which shall read in its entirety as follows:

"§ 73-31. Nuisance declared.

The unnatural presence of pigeons, and other wild animals, including but not limited to gulls, geese, raccoons, deer, skunks, opossums, coyotes, squirrels, or foxes, in the City of Oneida, New York, is hereby declared to be a public nuisance, the same being a menace to the health of the community.

§ 73-32. Harboring, keeping, or feeding wild birds unlawful.

No person, firm, corporation, or association shall intentionally feed, harbor, or keep any pigeons, and other wild animals, including but not limited to gulls, geese, raccoons, deer, skunks, opossums, coyotes, squirrels, or foxes. This section shall not apply to bird feeders.

§ 73-33. Penalties for offenses.

Any person, firm, corporation, or association violating the provisions of this article shall be deemed guilty of an offense and shall be punishable by a fine not less than \$100 nor more than \$250 or 15 days in the Madison County Jail, or both."

SECTION 3.

VALIDITY & SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.

DISCUSSION: Councilor Laureti advised that he brought this forth, as he received complaints that people were feeding sea gulls at Glenwood, and every once in a while, there were dead birds in the parking lot that the tenants had to clean up, noting that the landlord is not from the area. He stated that if a complaint is made, he feels it should be addressed.

Councilor Laureti stated that they might want to eliminate the squirrel part from the language. The City Attorney stated that if Council wanted to revise this, and there is going to be a substantive decision, because this is a Local Law and is going out to a Public Hearing, it should be changed now prior to being advertised. All were in favor of taking squirrels out.

There was a brief discussion about the wording. The City Attorney advised that the public would be able to voice their comments at the Public Hearing. She stated if Council was trying to be responsive to the public's concerns and also what people perceive as unnecessary legislation, they need to have this play out through the Local Law process. The Law will be published in its current form, with the squirrels redacted, a Public Hearing held and then a vote at the third meeting on July 19.

NEW BUSINESS

Councilor Simchik initiated a discussion about the terms of Council and how this had been brought up in the past. He commented that the discussion of changing the term from 2 to 4 years comes up every so often, and feels it should be addressed again. He stated that if the terms were staggered where the Council members from Wards 1, 3 and 5 were brought up at one election and 2 years later from 2, 4 and 6, there would not be the potential of everyone being new in one election.

This would be the same for the supervisors, which would change them also to a 4-year term, noting that our supervisors were the only supervisors in the county that serve a 2-year term. The question would be where would the Mayor fall. Deputy Mayor Kinville stated that they would put supervisors for Wards 1, 2 and 3 with 1, 3 and 5, and supervisors for Wards 4, 5 and 6 with 2, 4 and 6, asking Council where they felt the Mayor should be. It was agreed it should start with the next election 1, 3 and 5.

City Attorney Bell advised that this is done by multiple local laws, stating that they are required to go to referendum whenever you change the term of an office that is subject to voter approval. She

stated that there would be potentially 3 referendums on the ballot, one addressing supervisors, one addressing the Mayor, and one addressing Council. Each would correspond with a local law. She advised that in theory, people might be in favor of having Council expanded to 4 years, but perhaps not the Mayor or vice versa. She noted that the Board of Elections would need to have the referendum language by August 8, and therefore, this would need to be introduced at the next Council meeting on July 5, with the Public Hearings on July 19 and the voting/adoption on August 2 in order to make the deadline of August 8. Council agreed that they would like these prepared for the first meeting in July.

Councilor Laureti added a comment that we had 3 guys "stomp out" (Clerk's note: referring to three Police Officers that left the room) and that he was irritated that just because Council made a business decision they didn't like, they stomped out, stating that he felt it looked childish and that he wasn't happy about it and felt it should be addressed.

Chief Little stated that he would like to say something and did not want the Council to take it personally. He said that he thought it was a good idea to have their person in there, noting that Council is elected and gets to decide. He commented that even if he or his people disagreed with it, at the end of the day, it is Council's decision. Chief Little said that he was a little disappointed that the sea gulls got more talk than the SRO vote. He commented that the Council would have to live with the consequences from the public.

A member of the audience asked the Chief if he felt for one second that the county people brought in would not be capable of stopping an active shooter, not talking about paperwork or administrative duties, but rather safety first and finance second, with 4 people for the price of one. Chief Little stated that it has never been about the Oneida Police versus the Sherriff's office and that they work well with them and like them. As discussion ensued, Deputy Mayor Kinville advised that it was not Public Comment time, and if anyone wished to speak, they should have signed up for Public Comment, ending the discussion.

The City Attorney requested that Council go into Executive Session so that she could bring them up to date on pending litigation, with no action taken, as none was needed.

EXECUTIVE SESSION

RESOLUTION 22-

Motioned by Councilor Reisman

Seconded by Councilor Simchik

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:10 p.m. for an update from Counsel regarding pending litigation with no action to be taken.

Ayes: 6

Nays: 0

MOTION CARRIED

PRESENT: Council, City Attorney

1. Update from Counsel regarding pending litigation with no action taken

Motioned by Councilor Simchik

Seconded by Councilor Reisman

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 7:54 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Simchik

The regular meeting is hereby adjourning at 7:55 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk