

# MINUTES OF THE COMMON COUNCIL

## REGULAR MEETING

JULY 5, 2022

A meeting of the Common Council of the City of Oneida, NY was held on the fifth day of July, 2022 at 6:30 p.m. at the Common Council Chambers, 109 N. Main, 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 Pagano	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> _____
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 type="checkbox"/>
Brandee DuBois	<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"/>	Police Chief John Little	<input checked="" type="checkbox"/>
City Engineer Jeff Rowe	<input type="checkbox"/>	Public Safety Com. Kevin Salerno	<input type="checkbox"/>
Codes Director Bob Burnett	<input checked="" type="checkbox"/>	Other _____	<input type="checkbox"/>
Comptroller Lee Ann Wells	<input type="checkbox"/>	Other _____	<input type="checkbox"/>

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Call to Order/Pledge of Allegiance/Roll Call

**PUBLIC HEARING:** A proposed Local Law to amend the Charter of the City of Oneida to abolish the elective office of the City Chamberlain

OPEN PUBLIC HEARING

**A PROPOSED LOCAL LAW TO AMEND THE CHARTER OF THE ONEIDA CITY CODE TO ABOLISH THE ELECTIVE OFFICE OF THE CITY CHAMBERLAIN**

**RESOLUTION 22-107**

Moved by Councilor Kinville

Seconded by Councilor Simchik

**RESOLVED**, that the Public Hearing to amend the Charter of the Oneida City Code to abolish the elective office of the City Chamberlain be hereby opened at 6:33 p.m.

Ayes: 5

Nays: 0

Absent: 1 (Pagano)

**MOTION CARRIED**

The City Attorney, in response to a concern from a citizen regarding the language of the Local Law, advised that the City Charter under Section 2.1 (A) of Article II, titled Officers and Elections, includes the City Chamberlain as an elected position. The proposed Local Law is intended to abolish the "Elective Office" of the City Chamberlain and not the position itself, including the duties and responsibilities of that position. She advised that it would eliminate the City Chamberlain from the list of elected officials as stated in Section 2.1 (A), which also includes the Mayor, six Councilmen, a City Judge, a City Justice and four supervisors.

APPEARANCES

ROBERT BRITTON (Oneida)

Mr. Britton commented that although the person in the current position is doing an excellent job, if we do away with the elective position and someone is appointed, he does not want favoritism. He does not feel this is fair to the citizens or the person doing the job.

JOHN NICHOLS (Oneida)

Mr. Nichols introduced himself and advised that he was speaking as a citizen and not on behalf of a party. He stated that he feels there is a lot of logic in what the Council is doing with this by taking something that is an elective position and making it something whereby a serious search for someone with qualifications makes sense, offering no reflection on the person doing the position now. He thinks going forward, this gives the City the opportunity to get people who have the skill set that is needed, and he applauded that.

He also stated that he further agrees with changing the terms of elected officials from 2-year to 4-year terms, as half of the term is spent running for office. Mr. Nichols concluded his comments

stating that he hopes the Council considers having a City Manager who can be full time, with their salary tied to grant writing and bringing money into the City, who also will have the skill sets needed, noting that some running for office have the skill sets and some don't. He stated that this is no reflection on the Mayor, who he feels is doing an excellent job.

**CLOSE PUBLIC HEARING**

**A PROPOSED LOCAL LAW TO AMEND THE CHARTER OF THE ONEIDA CITY CODE TO ABOLISH THE ELECTIVE OFFICE OF THE CITY CHAMBERLAIN**

**RESOLUTION 22-108**

Moved by Councilor Reisman  
Seconded by Councilor Kinville

**RESOLVED**, that the Public Hearing to amend the Charter of the Oneida City Code to abolish the elective office of the City Chamberlain be hereby closed at 6:36 p.m.

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

**PUBLIC HEARING:** A proposed Local Law to amend Chapter 73 of the Oneida City Code to add Article IV titled "Birds and Wild Animals"

**OPEN PUBLIC HEARING**

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

**RESOLUTION 22-109**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, that the Public Hearing to amend Chapter 73 of the Oneida City Code to add Article IV titled "Birds and Wild Animals" be hereby opened at 6:37 p.m.

Ayes: 5

Nays: 0

Absent: 1 (Pagano)

**MOTION CARRIED**

#### APPEARANCES

##### ROBERT BRITTON (Oneida)

Mr. Britton stated that the City has more important things to worry about than feeding birds and wild animals and that this opens the door again for the feral cat issue, as they are considered a wild animal. He feels that the City has dealt with that situation long enough, and it is time to put it to rest. Noting that this was brought about in response to the feeding of sea gulls at Glenwood Plaza, he advised that sea gulls are a protected species and can be found in other places, such as Sylvan Beach, and no one there was complaining. He stated that he would rather see people feed the birds than sell drugs in the City of Oneida.

##### BRIAN BORTREE (Oneida)

Mr. Bortree stated that he no longer needed to speak, as Mr. Britton said everything that he wanted to say.

##### VALERIE POLLACK (Owner-Eclectic Chic-Oneida)

Ms. Pollack stated that she is the owner of the Eclectic Chic in the Glenwood Plaza and that she is the one who reached out to Councilor Laureti about the issue with the birds. She advised that last year she picked up four dead birds out of the parking lot, as people were feeding them food that their digestive system was not designed to eat, such as french fries and popcorn. She stated that they were becoming aggressive and are competitive to get their food and also have been known to attack people in and outside their cars. She stated that they belong in their natural habitat, which is a body of water and not a parking lot. She further explained that they were ruining cars (siting an example of a customer who had her car damaged with no recourse), equipment, the building and roof etc. She stated that feeding the birds an inappropriate diet is hurting the animals more than helping them.

#### CLOSE PUBLIC HEARING

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

**RESOLUTION 22-110**

Moved by Councilor Reisman  
Seconded by Councilor Kinville

**RESOLVED**, that the Public Hearing to amend Chapter 73 of the Oneida City Code to add Article IV titled "Birds and Wild Animals" be hereby closed at 6:43 p.m.

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

PUBLIC COMMENT

BRIAN BORTREE (Oneida)

Mr. Bortree stated that he was disappointed with the way the meeting was run the last time with regard to the way the Police Chief was treated after being recognized to speak. He stated that it was disrespectful to cut him off while he was in the middle of speaking to go into Executive Session and stated that he does a great job with the Police Department, is a Department Head and should be heard. Mr. Bortree further commented that people do not know what is going on in Oneida and that things are not transparent. He suggested that Council should have monthly or quarterly meetings with people in their ward, similar to a Town Hall, to let them know what is going on in the City and then bring it back for discussion. Mr. Bortree complimented Councilor Rossi for walking around and talking with people in his ward and feels others should do the same. He also stated that Council should answer questions at Council meetings and not just accept comments.

KELLY LEWIN (Oneida)

Ms. Lewin agreed with Mr. Bortree, stating that she feels the Council does not want any public input, as when people come to a meeting they can speak but cannot ask questions or have a conversation. She stated that she understands things may have happened in the past, but that maybe there could be a fine medium that would allow for conversation that could be controlled by the Mayor if it got out of hand.

**OLD BUSINESS:** None

APPROVAL OF MINUTES

Moved by Councilor Kinville  
Seconded by Councilor Reisman

**RESOLVED**, that the minutes of the regular meeting of June 21, 2022, are hereby approved as presented.

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

**APPROVAL OF WARRANT**

Moved by Councilor Simchik  
Seconded by Councilor Michelle

**RESOLVED**, that Warrant No. 13, checks and ACH payments in the amount of \$577,104.39 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

**ADOPT LOCAL LAW TO AMEND  
CHAPTER 190 OF THE CODE OF THE CITY  
AGENDA # 1      OF ONEIDA TO ABOLISH THE SIGN REVIEW BOARD      RESOLUTION 22-111**

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Moved by Councilor Kinville  
Seconded by Councilor Reisman

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled "A Local Law Amending Chapter 190 of the Code of the City of Oneida to Abolish the Sign Review Board" was presented and introduced at a Regular Meeting of the Common Council of the City of Oneida held on June 7, 2022; **and**

**WHEREAS**, a public hearing was held on such proposed local law on June 21, 2022 and by the Common Council of the City of Oneida and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Common Council of the City of Oneida in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; **and**

**WHEREAS**, the enactment of the Proposed Local Law has previously been determined to be an unlisted action for purposes of environmental review under SEQRA, an environmental

impact statement (EIS) was not required, and a negative declaration was issued on June 7, 2022 pursuant to the State Environmental Quality Review Act (SEQR) determining 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 a Local Law as follows:

**CITY OF ONEIDA  
PROPOSED LOCAL LAW**

**A LOCAL LAW AMENDING CHAPTER 190 OF THE CODE OF THE CITY OF ONEIDA TO ABOLISH THE  
SIGN REVIEW BOARD**

Be it enacted by the Common Council of the City of Oneida, that this local law amends Chapter 190 of the Code of the City of Oneida to abolish the Sign Review Board.

**SECTION 1.            PURPOSE.**

The purpose of this local law is to abolish the City of Oneida Sign Review Board, the purpose of which has proven to be unnecessary due to the administrative review performed by the Department of Code Enforcement and the exclusive power of the City of Oneida Zoning Board of Appeals to authorize deviations from the signage regulations as set forth in the Oneida City Code. Furthermore, it is anticipated that abolishing the Sign Review Board will serve to expediate the land use approval process for applicants by eliminating the Board's subjective approval of a proposed sign's "design."

**SECTION 2.            AUTHORITY.**

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

**SECTION 3.**

So that Chapter 190, Section 15(C) (23) of the Oneida City Code, titled "Digital Signs," is amended to read in its entirety as follows:

“(23) Digital signs. Digital signs shall require review and approval by the Building Inspector/Code Enforcement Officer prior to the issuance of a sign permit. The message or display on any digital sign shall not change more than two times per minute.”

**SECTION 4.**

So that Chapter 190, Section 15(G) of the Oneida City Code, titled “Administration,” is amended to read in its entirety as follows:

“G. Administration:

- (1) An application for a sign permit shall be filed with the Building Inspector/Code Enforcement Officer on a form supplied by the City.
- (2) Within five days of filing, the Building Inspector/Code Enforcement Officer shall determine if the sign application is in compliance with the dimensional requirements of this section. If the proposed sign is not in compliance, the Building Inspector/Code Enforcement Officer shall disapprove the application, and the applicant shall be so notified in writing. Further, the applicant shall be notified of the right to make an application to the Zoning Board of Appeals for a variance. The Zoning Board of Appeals will review the variance application and make a determination as to the variance application.
- (3) A certificate of compliance shall be issued by the Building Inspector/Code Enforcement Officer upon completion of any sign in full compliance with its approved application. A temporary certificate of compliance may be issued at the discretion of the Building Inspector/Code Enforcement Officer.

**SECTION 5.**

So that Section 190-15(H) of the Oneida City Code, titled “Sign Review Board,” is hereby repealed in its entirety, and Section 190-15(I), titled “Large-scale solar energy systems signage,” shall be renumbered as Section 190-15(H).

**SECTION 6. EFFECTIVE DATE.**

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

Councilor Reisman: YES  
Councilor Laureti: YES  
Councilor Rossi: YES  
Councilor Kinville: YES  
Councilor Pagano: ABSENT  
Councilor Simchik: YES

**MOTION CARRIED**



Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, to approve the lowest bid meeting specifications for Liquid Caustic Soda for the Water Department to JCI Jones Chemical Inc., 100 Sunny Sol Blvd., Caledonia, NY 14423.

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

**APPROVE FEE-CODES DEPARTMENT-  
RESOLUTION 22-103  
TABLED FROM 6-21-22**

Moved by Councilor Reisman  
Seconded by Councilor Kinville

**WHEREAS**, at the June 21, 2022 regular meeting of the Common Council, a motion to table Resolution 22-103 relating to approving the addition of a \$25 fee to cover administrative expenses for residential electrical expenses was moved by Councilor Reisman and seconded by Councilor Rossi, **and**

**WHEREAS**, the Council agreed that they would like more time to address this and to obtain further clarification; **now therefore be it**

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

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

**DISCUSSION:** Councilor Laureti explained that if there is a larger building permit, an electrical fee is built into the permit. If it is just an electrical change or alteration, it is a \$25 flat fee for an electrical permit.

**GRANT APPLICATION  
EMPIRE STATE DEVELOPMENT  
SMART GROWTH COMMUNITY  
PLANNING AND ZONING GRANT PROGRAM**

AGENDA # 4

**RESOLUTION  
22-114**

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Moved by Councilor Simchik  
Seconded by Councilor Kinville

**WHEREAS**, the 2022-23 New York State Budget provided new funding for the Smart Growth Community Planning and Zoning Grant Program and made the New York State Department of State Office of Planning, Development & Community Infrastructure responsible for implementing a program that will provide municipalities with central land use planning tools that incorporate smart growth principles; **and**

**WHEREAS**, a request for applications, known as RFA #22-OPDSG-3, is available through the Consolidated Funding Application (CFA) of the Smart Growth Program Community Planning and Zoning Grant Program to assist in the preparation and adoption of a comprehensive plan that supports smart growth principles; **and**

**WHEREAS**, the City of Oneida is interested in updating its comprehensive plan to incorporate the 15 Smart Growth Principles established by the New York State Department of State, which will serve as a catalyst for investment in the Oneida community by establishing goals that create a dense, vibrant, and walkable City through mixed-use development, green infrastructure, green energy, multi-modal transportation planning, and housing policies that incentivize development with a variety of options for all income levels; **and**

**WHEREAS**, the proposed updates will enable the City of Oneida to be resilient both environmentally and economically through the implementation of density and mixed-use design principles, the active engagement of the community throughout the process, and by leveraging regional information and resources provided by Madison County and other regional partners.; **now therefore, be it**

**RESOLVED**, that the Mayor of the City of Oneida is hereby authorized to submit an application under the Smart Growth Community Planning and Zoning Grant Program, RFA #22-OPDSG-3, for funding to assist in the comprehensive plan update; **and be it further**

**RESOLVED**, that the Mayor is further authorized and directed to execute any contracts and/or agreements with Empire State Development in connection with the grant application, and is authorized to request and expend funds received from New York State pursuant to said contracts and/or agreements.

Ayes: 5

Nays: 0

Absent: 1 (Pagano)

**MOTION CARRIED**

**DISCUSSION:** The Mayor advised that Planning Director, Chris Henry, is doing a great job of pushing to get grants for the City, and she thanked him for that.

**INTRODUCE A LOCAL LAW AMENDING  
ARTICLE II, SECTION 2.1 (A) OF THE ONEIDA CITY  
CHARTER TO AMEND THE TERM OF THE MAYOR  
OF THE CITY OF ONEIDA--SCHEDULE PUBLIC HEARING**

AGENDA # 5

**RESOLUTION  
22-115**

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Moved by Councilor Kinville

Seconded by Councilor Reisman

**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 relating to the mode of selection and term of office of its officers and employees, as well as 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 change the term of office for the Mayor of the City of Oneida from two (2) years to four (4) years; **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 SEQRA; **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 19, 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 AND DETERMINED**, 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; **and it is further**

**RESOLVED AND DETERMINED**, that 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.

Ayes: 5

Nays: 0

Absent: 1 (Pagano)

**MOTION CARRIED**

**CITY OF ONEIDA  
PROPOSED LOCAL LAW**

**A LOCAL LAW AMENDING ARTICLE II, SECTION 2.1(A)  
OF THE ONEIDA CITY CHARTER TO AMEND THE TERM OF  
THE MAYOR OF THE CITY OF ONEIDA**

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

**SECTION 1. PURPOSE.**

In accordance with Section 2.1(A), the Mayor for the City of Oneida, as elective City officer, is elected for a two (2) year term. The Common Council of the City of Oneida has determined that it would be desirable to change the term of office for the Mayor for the City of Oneida from two (2) years to four (4) years. The purpose of this Local Law is to effectuate such change, effective January 1, 2024. 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 have the Mayor of the City of Oneida serve a four (4) year term, instead of a two (2) year term.

**SECTION 2. AUTHORITY.**

Pursuant to Municipal Home Rule Law Section 10(1)(ii)(a)(1), cities are permitted to adopt local laws relating to the mode of selection and term of office of its officers and employees.

**SECTION 3. AMENDMENT OF SECTION 2.1(A) OF THE CITY CHARTER.**

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 Councilmen, a City Chamberlain, 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; the City Judge and City Justice who shall be elected for six-year terms; and the Mayor who shall be elected for a four-year term. 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 4. 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 5. 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 6. EFFECTIVE DATE.**

This Local Law shall be effective upon filing with the Department of State after approval by a majority of the electors voting thereon in accordance with the requirements of Section 27 of the Municipal Home Rule Law.

<b>INTRODUCE A LOCAL LAW TO AMEND ARTICLE II, SECTION 2.1 (A) OF THE ONEIDA CITY CHARTER TO AMEND THE TERM OF THE CITY COUNCILORS OF THE CITY OF ONEIDA AND SCHEDULE A PUBLIC HEARING</b>	<b>RESOLUTION 22-116</b>
AGENDA # 6	

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Moved by Councilor Rossi  
Seconded by Councilor Reisman

**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 relating to the mode of selection and term of office of its officers and employees, as well as 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 change the term of office for the Councilors of the City of Oneida from two (2) years to four (4) years; **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 19, 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 AND DETERMINED**, 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; **and it is further**

**RESOLVED AND DETERMINED**, that 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.

Ayes: 5

Nays: 0

Absent: 1 (Pagano)

**MOTION CARRIED**

**CITY OF ONEIDA  
PROPOSED LOCAL LAW**

**A LOCAL LAW AMENDING ARTICLE II, SECTION 2.1(A)  
OF THE ONEIDA CITY CHARTER TO AMEND THE TERM OF  
THE CITY COUNCILORS OF THE CITY OF ONEIDA**

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

**SECTION 1. PURPOSE.**

In accordance with Section 2.1(A), the City Councilors for the City of Oneida, as elective City officers, are elected for a two (2) year term. The Common Council of the City of Oneida has

determined that it would be desirable to change the term of office for the City Councilors for the City of Oneida from two (2) years to four (4) years. The purpose of this Local Law is to effectuate such change, effective January 1, 2024 for Councilors for Wards 1, 3 and 5, and effective January 1, 2026 for Councilors for Wards 2, 4 and 6. 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 have the City Councilors of the City of Oneida serve a four (4) year term, instead of a two (2) year term.

**SECTION 2. AUTHORITY.**

Pursuant to Municipal Home Rule Law Section 10(1)(ii)(a)(1), cities are permitted to adopt local laws relating to the mode of selection and term of office of its officers and employees.

**SECTION 3. AMENDMENT OF SECTION 2.1(A) OF THE CITY CHARTER.**

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 Councilmen, a City Chamberlain, 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; the City Judge and City Justice who shall be elected for six-year terms; and the City Councilors who shall be elected for a four-year term. 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 4. 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 5. 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 6. EFFECTIVE DATE.**

This Local Law shall be effective upon filing with the Department of State after approval by a majority of the electors voting thereon in accordance with the requirements of Section 27 of the Municipal Home Rule Law.

DISCUSSION: The City Attorney advised that although there was discussion at the previous meeting pertaining to changing the terms of office for the Mayor, Councilors and Supervisors, after further research, she had concerns about the language of the Charter with regard to the Supervisors, which was different from the Mayor and Councilors. She stated that the term of office for a City Supervisor is limited to two (2) years, unless a City's Charter, "at the time the State statute was enacted" provides for a four (4) year term. If a City's Charter did not provide for a four-year term for supervisors at the time of enactment, it would require a legislative act by the State Legislature to increase the supervisors' term to four years. City Attorney Bell reached out to NYCOM (New York State Conference of Mayors who give guidance to cities and villages), who confirmed her interpretation in that a State legislative approval would be required to authorize the City to go to public referendum to increase the term from two to four years.

A member of the audience asked for clarification as to when the change in term limits would take place. The City Attorney responded that the changes would become effective January 1, 2024, as everyone would be up for election in November of 2023, confirming that anyone elected in 2023 would essentially have a four-year term, noting that this would go to public referendum in November of 2022.

AGENDA # 7

**APPROVE APPOINTMENTS-WATER BOARD**

**RESOLUTION  
22-117**

Moved by Councilor Kinville

Seconded by Councilor Simchik

**RESOLVED**, to approve the Mayor's appointment of Rex Niles, 220 Drake Ave., Oneida, NY 13421 to the Water Board for a 5-year term.

**RESOLVED**, to approve the Mayor's appointment of Kathy Erdo, 2535 West Rd., Oneida, NY 13421 to the Water Board for a 5-year term.

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

**NEW BUSINESS:**       None

**EXECUTIVE SESSION**

**RESOLUTION 22-118**

Motioned by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 7:02 p.m. to seek advice of Counsel.

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

**PRESENT:** Mayor, City Attorney, City Chamberlain, Councilors Reisman, Laureti, Rossi, Kinville and Simchik

1. Discussion was held to seek advice of Counsel

Motioned by Councilor Kinville  
Seconded by Councilor Reisman

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 7:06 p.m.

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

**MOTION CARRIED**

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned at 8:10 p.m.

**CITY OF ONEIDA**

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Sandy LaPera, City Clerk