

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
JULY 19, 2022**

A meeting of the Common Council of the City of Oneida, NY was held on the nineteenth 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 Szczerba	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> _____
Councilor Pagano	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 6:31 _____
Councilor Simchik	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

Supervisors

Matt Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mary Cavanagh	<input type="checkbox"/>	<input checked="" 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 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 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

SWEARING IN CEREMONY: The Mayor advised that Councilor Gary Reisman (Ward 1) has moved out of Ward 1 and can no longer retain that seat. She advised that Jim Szczerba, who lives on Middle Road in Oneida, would be taking his place. The City Clerk swore in Mr. Szczerba as Ward 1 Councilor and also thanked Gary Reisman for his service.

PUBLIC HEARING: A proposed Local Law to amend Article II, Section 2.1 (A) of the Oneida City Charter to amend the term of the Mayor of the City of Oneida from two (2) to four (4) years

OPEN PUBLIC HEARING

A PROPOSED LOCAL LAW TO AMEND ARTICLE II, SECTION 2.1 (A) OF THE ONEIDA CITY CHARTER TO AMEND THE TERM OF THE MAYOR OF THE CITY OF ONEIDA FROM TWO (2) TO FOUR (4) YEARS

RESOLUTION 22-119

Moved by Councilor Simchik

Seconded by Councilor Rossi

RESOLVED, that the Public Hearing to amend Article II, Section 2.1 (A) of the Oneida City Charter to amend the term of the Mayor of the City of Oneida from two (2) to four (4) years be hereby opened at 6:35 p.m.

Ayes: 5

Nays: 0

Absent: 1 Kinville

MOTION CARRIED

APPEARANCES

There were no appearances pertaining to the Public Hearing. City Resident, Ralph Kohler spoke- comments noted under Public Comment.

CLOSE PUBLIC HEARING

A PROPOSED LOCAL LAW TO AMEND ARTICLE II, SECTION 2.1 (A) OF THE ONEIDA CITY CHARTER TO AMEND THE TERM OF THE MAYOR OF THE CITY OF ONEIDA FROM TWO (2) TO FOUR (4) YEARS

RESOLUTION 22-120

Moved by Councilor Simchik

Seconded by Councilor Rossi

RESOLVED, that the Public Hearing to amend Article II, Section 2.1 (A) of the Oneida City Charter to amend the term of the Mayor of the City of Oneida from two (2) to four (4) years be hereby closed at 6:37 p.m.

Ayes: 5

Nays: 0

Absent: 1 Kinville

MOTION CARRIED

PUBLIC HEARING: A proposed Local Law to amend Article II, 2.1 (A) of the Oneida City Charter to amend the term of the City Councilors of the City of Oneida from two (2) to four (4) years

OPEN PUBLIC HEARING

A PROPOSED 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 FROM TWO (2) TO FOUR (4) YEARS

RESOLUTION 22-121

Moved by Councilor Simchik
Seconded by Councilor Laureti

RESOLVED, that the Public Hearing 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 from two (2) to four (4) years be hereby opened at 6:37 p.m.

Ayes: 5
Nays: 0
Absent: 1 Kinville
MOTION CARRIED

APPEARANCES

None

CLOSE PUBLIC HEARING

A PROPOSED 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 FROM TWO (2) TO FOUR (4) YEARS

RESOLUTION 22-122

Moved by Councilor Rossi
Seconded by Councilor Pagano

RESOLVED, that the Public Hearing 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 from two (2) to four (4) years be hereby closed at 6:38 p.m.

Ayes: 5
Nays: 0
Absent: 1 Kinville
MOTION CARRIED

PUBLIC COMMENT

RALPH KOHLER (Ward 1-Oneida)

Mr. Kohler addressed Council stating that he is a resident from Ward 1 and noticed a couple of weeks ago that he no longer had a representative on Council. Mr. Kohler stated that he found it surprising that there was no public announcement that he was aware of. He felt that there should have been transparency with regard to this situation.

OLD BUSINESS

The Mayor noted that they will be having the last meeting for the DRI (Downtown Revitalization Initiative) with the Local Planning Committee on Wednesday, July 20 at 6:30 p.m. at the Kallet. This meeting is open to the public, where citizens will be able to see the projects that have been decided upon by the committee that will be presented to New York State. The Mayor encouraged all to attend, advising that they have 11 projects altogether and that the process will take several months to come to fruition. She advised that the State will make the final decision as to which projects will go through and how much money each will get and explained the process, noting that money has to be paid up front and then the State reimburses, noting that we will not see any funding until spring of 2023.

SUPERVISOR'S REPORT

None

APPROVAL OF MINUTES

Moved by Councilor Rossi
Seconded by Councilor Simchik

RESOLVED, that the minutes of the regular meeting of July 5, 2022 are hereby approved as presented.

Ayes: 5
Nays: 0
Absent: 1 Kinville
MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Simchik
Seconded by Councilor Pagano

RESOLVED, that Warrant No. 14, checks and ACH payments in the amount of \$2,658,197.73 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 Kinville
MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 22-123

Moved by Councilor Simchik
Seconded by Councilor Laureti

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

Ayes: 5
Nays: 0
Absent: 1 Kinville
MOTION CARRIED

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

RESOLUTION 22-124

Moved by Councilor Simchik
Seconded by Councilor Laureti

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed Local Law titled "A Local Law Amending the Charter of the City of Oneida To Abolish the Elective Office of City Chamberlain" was presented and introduced at a Regular Meeting of the Common Council of the City of Oneida held on June 21, 2022; **and**

WHEREAS, a public hearing was held on such proposed Local Law on July 5, 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 21, 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 the enactment of said Proposed Local Law is subject to a mandatory referendum pursuant to Municipal Home Rule Law § 23; **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

**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 to abolish the elective 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 3. 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 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 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;" and it is further

RESOLVED, that a proposition will be put before the voters at the General Election to be held on November 8, 2022, and the Clerk of said City is hereby authorized and directed to cause to be included in the Notice of the Election the following proposition which shall read as follows: "Shall Section 2.1(A) of the Oneida City Charter be amended to abolish the elective position of the City Chamberlain?"

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

MOTION CARRIED

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

RESOLUTION 22-125

Moved by Councilor Laureti
Seconded by Councilor Rossi

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed Local Law titled "A Local Law Amending Chapter 73 of the City Code of the City of Oneida to Add Article IV, "Birds and Other Wild Animals" was presented and introduced at a Regular Meeting of the Common Council of the City of Oneida held on June 21, 2022; **and**

WHEREAS, a public hearing was held on such proposed Local Law on July 5, 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 21, 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 73 OF THE CITY CODE OF THE CITY OF ONEIDA TO ADD ARTICLE IV,
"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, "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 is amended to include Article IV, "Birds and Other Wild Animals," to read 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, 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, 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.

Councilor Szczerba: YES
Councilor Laureti: YES
Councilor Rossi: NO
Councilor Kinville: ABSENT
Councilor Pagano: NO
Councilor Simchik: NO

MOTION FAILED

APPROVE BID-LIQUID CHLORINE-WATER DEPARTMENT

RESOLUTION 22-126

Moved by Councilor Simchik
Seconded by Councilor Rossi

RESOLVED, to approve the lowest and only bid for Liquid Chlorine to Slack Chemical Co., 465 South Clinton Street, Carthage, NY 13619 for the Water Department.

Ayes: 5
Nays: 0
Absent: 1 Kinville

MOTION CARRIED

DISCUSSION: The Mayor advised that this is done twice a year.

BOARD APPOINTMENT-WATER BOARD

RESOLUTION 22-127

Moved by Councilor Simchik
Seconded by Councilor Laureti

RESOLVED, that the Mayor's appointment of David Cimpi, 304 Sayles Street, Oneida, NY to the Water Board for a 5-year term be hereby approved.

Ayes: 5
Nays: 0
Absent: 1 Kinville

MOTION CARRIED

CELLULAR TELEPHONE ADMINISTRATIVE POLICY

RESOLUTION 22-128

Moved by Councilor Rossi
Seconded by Councilor Simchik

RESOLVED, that the Employee Acknowledgement of Receipt and Understanding of the Cellular Telephone Administrative Policy from Wastewater Treatment Plant Sewer Maintenance Worker, Mark Armstrong, be hereby received and placed on file.

RESOLVED, that the Telephone Request Form from Mark Armstrong pursuant to the City of

Oneida Cellular Telephone Policy adopted June 15, 2010, Resolution 10-153 and reaffirmed on May 17, 2016, be hereby approved.

Ayes: 5
Nays: 0
Absent: 1 Kinville
MOTION CARRIED

BOARD APPOINTMENT-ASSESSMENT BOARD OF REVIEW

RESOLUTION 22-129

Moved by Councilor Simchik
Seconded by Councilor Pagano

WHEREAS, Jane Mariani submitted a letter of resignation from the Board of Assessment Review, effective July 5, 2022; **and**

WHEREAS, Jane Mariani's term on the Board of Assessment Review expires on September 20, 2023; **now therefore be it**

RESOLVED, that the Mayor's appointment of Patricia Thorpe, 430 Washington Ave., Oneida, NY to the Board of Assessment Review with a term expiring on September 20, 2023 be hereby approved.

Ayes: 5
Nays: 0
Absent: 1 Kinville
MOTION CARRIED

DISCUSSION: The Mayor stated that Pat Thorpe was an Assessor's Aide with the City and knows this job well and is a great fit for this appointment.

AGREEMENT-ABSOLUTE AUCTIONS & REALTY, INC.

RESOLUTION 22-130

Moved by Councilor Simchik
Seconded by Councilor Laureti

RESOLVED, to authorize the Mayor to sign an agreement with Absolute Auctions & Realty, Inc., 45 South Avenue, PO Box 1739, Pleasant Valley, NY 12569 to conduct public auctions with or without reserve of the parcels of real property acquired by the City prior to the auction through tax foreclosure proceedings for delinquent taxes, and such other properties acquired by the City.

Ayes: 5
Nays: 0
Absent: 1 Kinville

MOTION CARRIED

DISCUSSION: The Mayor stated that this is for any property that the City acquires and noted that this was done years ago, advising that we get a lot more people going through an auction that will get exposed to the houses and land that are for sale. She stated that the City would give it a try for a year and see how it goes. The Mayor advised that the City will be working with Madison County, who also has been using this company and has had great success with them. The City acquired properties will be put out at the same time as the County, which will bring in a good amount of people.

LEASE AGREEMENT-ENTERPRISE FLEET MANAGEMENT

RESOLUTION 22-131

Moved by Councilor Simchik
Seconded by Councilor Rossi

RESOLVED, to authorize the Comptroller to sign an agreement with Enterprise Fleet Management for a 2022 Chevrolet Silverado 1500 for a maintenance truck for the Parks and Recreation Department.

Ayes: 3
Nays: 2 Laureti/Rossi
Absent: 1 Kinville

MOTION CARRIED

DISCUSSION: Councilor Laureti stated that there had been some earlier conversation regarding this and he would like to wait until budget time to address this. Councilor Simchik questioned the availability of vehicles, and the City Engineer and Comptroller advised that vehicles were hard to come by and that availability depends on the type of vehicle. City Engineer Rowe stated that we had lost out on vehicles previously because we were not able to act on them quickly enough.

NEW BUSINESS: None

Motion to adjourn by Councilor Simchik

The regular meeting is hereby adjourned at 7:50 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk