

**MINUTES OF THE COMMON COUNCIL**  
**REGULAR MEETING**  
**AUGUST 2, 2022**

A meeting of the Common Council of the City of Oneida, NY was held on the second day of August, 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>	<b>Present</b>	<b>Absent</b>	<b>Arrived Late</b>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Pagano	<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 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 checked="" type="checkbox"/>
Codes Director Bob Burnett	<input checked="" type="checkbox"/>	Supervisor Matt Roberts	<input checked="" type="checkbox"/>
Comptroller Lee Ann Wells	<input checked="" type="checkbox"/>	Supervisor Mary Cavanagh	<input checked="" type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll Call

**PROCLAMATION:** Purple Heart Day

*Proclamation*

*City of Oneida - Office of the Mayor*

**WHEREAS**, the City of Oneida has always supported our military veteran population and has a great admiration for our men and women who have, and currently are, selflessly serving their country in the Armed Forces, and

WHEREAS, the Purple Heart is the oldest military decoration in present use and was initially created as the “Badge of Military Merit” by General George Washington in 1782, and this medal is specifically awarded to members of the US Armed Forces who have been wounded or paid the ultimate sacrifice in combat with a declared enemy of the United States, and

WHEREAS, the mission of the Military Order of the Purple Heart is to foster an environment of goodwill among the combat-wounded veteran members and their families, promote patriotism, support legislative initiatives, and most importantly to make sure we never forget, and

WHEREAS, the City of Oneida believes it is important that we honor our many Purple Heart recipients by acknowledging the courage of those who put their lives at risk in defense of our country and their fellow citizens; now therefore

I, **Helen B. Acker**, Mayor of the City of Oneida do hereby proclaim August 7, 2022 in the City of Oneida as

## **“PURPLE HEART DAY”**

And I encourage all citizens to pay tribute to our community’s Purple Heart recipients in honor and support of their extraordinary sacrifice and bravery while protecting our freedoms.

IN WITNESS WHEREOF, I have hereunto set my hand and affix the official seal of the City of Oneida on this 2<sup>nd</sup> day of August, 2022.

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Mayor Helen B. Acker

### **PUBLIC COMMENT**

Lynne McHugh (420 Wilbur Street, Oneida)

Lynne McHugh introduced herself and inquired about the sidewalk initiative and whether or not the deadline would be extended, as she was aware that the window of opportunity had just closed for applications. She felt that the 9-day period was too short and also inquired if it would be offered again in the future, noting that it was a great program, and there were others still interested. The Mayor recommended that she reach out to the DPW (City Engineer's office) for more information, as she felt it was still possible to get on the list.

**OLD BUSINESS**

The Mayor noted that she has had several inquiries about the stone dust on Main Street. She advised that the City had a water main break that has been repaired, and the stone dust was put down first. She advised that the tar for paving would be put down soon; however, she did not have a specific date for completion.

**APPROVAL OF MINUTES**

Moved by Councilor Kinville  
Seconded by Councilor Simchik

**RESOLVED**, that the minutes of the regular meeting of July 19, 2022 are hereby approved as presented.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**APPROVAL OF WARRANT**

Moved by Councilor Simchik  
Seconded by Councilor Rossi

**RESOLVED**, that Warrant No. 15, checks and ACH payments in the amount of \$508,357.64 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**

**ADOPT 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**

**RESOLUTION 22-132**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled "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,” was presented and introduced at a meeting of the City of Oneida Common Council held on July 5, 2022; and

**WHEREAS**, a public hearing was held on such proposed local law on the 19<sup>th</sup> day of July, 2022 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

**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 July 5, 2022, 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**, this local law is subject to a mandatory referendum; and

**WHEREAS**, it is in the public’s interest to enact said Proposed Local Law.

**NOW, THEREFORE**, it is

**RESOLVED**, that the Common Council of the City of Oneida, Madison County, State of New York, pursuant to the Authority vested in it by law does hereby enact a Local Law amending Article II, Section 2.1(A) of the Oneida City Charter to amend the term of Supervisors of the City of Oneida as follows:

#### **“CITY OF ONEIDA**

#### **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."

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 provide that the term of office for the Mayor be four years rather than two years?"

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

**MOTION CARRIED**

**DISCUSSION:** The Mayor stated that in order to change this law, the City Council must approve or deny it first, and if approved, it will then go to Public Referendum in November for vote. She stated that this applies to both Agenda items No. 1 and No. 2, which would extend the terms of the Mayor and City Councilors from two to four years, and both will go to Public Referendum if passed at this meeting.

**ADOPT 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**

**RESOLUTION 22-133**

Moved by Councilor Simchik  
Seconded by Councilor Kinville

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled "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," was presented and introduced at a meeting of the City of Oneida Common Council held on July 5, 2022; **and**

**WHEREAS**, a public hearing was held on such proposed local law on the 19<sup>th</sup> day of July, 2022 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**

**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 July 5, 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**, this local law is subject to a mandatory referendum; **and**

**WHEREAS**, it is in the public's interest to enact said Proposed Local Law.

**NOW, THEREFORE**, it is

**RESOLVED**, that the Common Council of the City of Oneida, Madison County, State of New York, pursuant to the Authority vested in it by law does hereby enact a Local Law amending Article II, Section 2.1(A) of the Oneida City Charter to amend the term of Supervisors of the City of Oneida as follows:

**"CITY OF ONEIDA**

**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.

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**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;"

**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 provide that the term of office for the City Councilors be four years rather than two years?"

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

**MOTION CARRIED**

**BUDGET TRANSFERS/AMENDMENTS**

**RESOLUTION 22-134**

Moved by Councilor Kinville  
Seconded by Councilor Simchik

**2022 Budget Adjustments**

**RESOLVED**, to approve the following 2022 Budget Amendment/Transfers

	<u>To</u>	<u>From</u>
\$ 16,470.00	001.0001.0889.0000	001.0022.2665.0000





goes down to 18 feet (normal capacity is 25 feet) and further explained that when the pumps are turned on, the water pressure drops from approximately 100lbs to approximately 40lbs. Anyone living along the transmission line will feel this. She stated that every now and then notices go out about discoloration in the water, which is a result of the pumps being turned on. The new pump will have a variable frequency drive, and power lines will also be replaced, which will help the system to work better. She stated that if the new pumps are ordered now, due to supply chain issues, we won't see them until the end of 2023.

**APPROVE BID-SIDEWALK REPLACEMENT PROGRAM-DEPARTMENT OF PUBLIC WORKS**

**RESOLUTION 22-136**

Moved by Councilor Kinville  
Seconded by Councilor Laureti

**RESOLVED**, to approve the lowest bid for the Sidewalk Replacement Program to Sgarlata Concrete, Inc. 3811 Canal Street, Canastota NY 13032 for the Department of Public Works.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**DISCUSSION:** The Mayor advised that the bid for the Sidewalk Replacement Program came in lower than anticipated, so she feels that the program could possibly be extended as long as the weather holds out.

**CAPITAL PROJECT 22-12 LAKE STREET PUMP STATION CONTROLS UPGRADE**

**RESOLUTION 22-137**

Moved by Councilor Kinville  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the City Engineer to proceed with Capital Project 22-12 Lake Street Pump Station Controls Upgrade and to expend funds up to the revised budgeted amount of \$2,000,000 for said Capital Project.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**PROPOSED ACTION: CITY OF ONEIDA LAKE STREET PUMP STATION IMPROVEMENTS**

**LAKE STREET PUMP STATION IMPROVEMENTS QUALIFY AS A TYPE II ACTION AND ARE NOT SUBJECT TO FURTHER REVIEW UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT**

**RESOLUTION 22-138**

Moved by Councilor Kinville  
Seconded by Councilor Simchik

**WHEREAS**, the City of Oneida (City) is proposing the City of Oneida Lake Street Pump Station Improvements Project (Project), located in the City of Oneida, Madison County, New York; **and**

**WHEREAS**, the pumping and electrical equipment at the Lake Street Pump Station have deteriorated with use and age; **and**

**WHEREAS**, the Project involves the replacement of existing pump station components that have exceeded their useful lives, and the installation of a generator to provide emergency backup power to the facility; **and**

**WHEREAS**, the Project is classified as a "Type II Action" as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.5; **and**

**WHEREAS**, the Project qualifies as a Type II action under 6 NYCRR Part 617.5(c)(2): "rehabilitation, or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part"; **and**

**WHEREAS**, the Project does not meet or exceed any of the thresholds established in section 617.4; **and**

**WHEREAS**, actions defined in 617.5(c) are not subject to environmental review under the SEQRA;

**NOW, THEREFORE**, be it

**RESOLVED AND DETERMINED**, that the proposed Project qualifies as a Type II action under SFQRA; and it is further

**RESOLVED**, that no further environmental review under SEQRA is required for the Project.

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

**MOTION CARRIED**

#### ONEIDA COMMUNITY CATS COMMITTEE DISCUSSION

Christine Robertson (114 E. Walnut Street, Oneida)

Ms. Robertson addressed Council regarding feral cats, stating that she joined the committee because of

the disturbance to herself and her pet. She provided a handout to Council outlining information on the following which is on file in the City Clerk's Office:

- The root cause of the problem (reproduction)
- The benefits of TNR (Trap, Neuter, Release) (minimize reproduction)
- Why other potential solutions do not work
- Update everyone with their success to date and plans for the future
- Request for funding to cover additional veterinarian bills for 2022 (\$2,000)
- Minutes from previous meetings highlighting the status of projects as well as any action

The Comptroller advised that the budgeted amount of \$1,000 from the City has already been exhausted. Councilor Szczerba had questions/comments about how long it would take to eradicate the colonies, and if this was going to be an ongoing problem and expense, was the TNR program the best option. He expressed concern over potentially rabid cats, and Ms. Robertson advised that part of the TNR cost included the rabies vaccine.

The Mayor had questions regarding fundraising and if the committee has been actively seeking donations from other areas. Ms. Robertson advised that \$900 had been raised so far this year and stated that they have other projects they are working on. She said the requested amount from the City would be used for the TNR Program- specifically veterinary bills, and all monies would be held with the City and paid via the Oneida Improvement Committee. She stated that all other expenses were being covered by volunteers.

The Mayor asked Ms. Robertson if they had a website, and she advised that they have a Facebook Page- Oneida Community Cats, which is also linked to the Oneida Improvement Committee's Facebook Page. Mayor Acker suggested that the City Clerk and Oneida For Change Group be made aware of any new events that will be held so they can be put on those pages as well, allowing for more exposure. The Mayor also suggested that they look into potential grants throughout the United States and not just local that might be available.

Ms. Robertson advised that the committee is working on their first colony currently, and there are about 5-7 others that they plan to address. There was discussion about the process and amount of time needed to eradicate a colony, including how many cats could be spayed/neutered per month, the number of colonies that can be done in a year, the requested funding and long-term planning.

The Mayor concluded the discussion advising Ms. Robertson that the Council would review the information she provided, discuss it and will advise the Mayor if they would like to put anything on the next Agenda to extend any more funding.

## **NEW BUSINESS**

The Mayor congratulated Councilor Tom Simchik for becoming a new grandfather recently to his first grandson who was named Spencer!

The Mayor advised that the Parks and Recreation Department was sponsoring a Comedy Night on Thursday, August 4 at the Kallet Civic Center, (7pm), and encouraged all to attend. Councilor Laureti also noted that there were other events coming up as well, to include a Meatloaf Tribute Band.

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned at 7:15 p.m.

**CITY OF ONEIDA**

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Sandra LaPera, City Clerk