

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
July 6, 2021**

A meeting of the Common Council of the City of Oneida, NY was held on the sixth day of July, 2021 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

Attendees	Present	Absent	Arrived Late
Mayor Acker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Earl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Laureti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Coulthart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Kinville	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor DuBois	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Simchik	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

ALSO PRESENT: City Attorney Nadine Bell, City Clerk Sandy LaPera, Codes Director Bob Burnett, Comptroller Lee Ann Wells, City Engineer Jeff Rowe, Fire Chief Dennis Fields, Police Chief John Little and Supervisors Mary Cavanagh and Matt Roberts

The Mayor presented a Proclamation to Rachel Jacobson from Arise, accompanied by Nicole Hastings proclaiming July as Disabilities Awareness Month in the City of Oneida. She then presented a Proclamation to Councilor Brandee DuBois, along with her sons, family members and friends proclaiming July 12, 2021 as "Chris Tucker Day" in the City of Oneida.

PROCLAMATIONS

DISABILITIES AWARENESS MONTH

Proclamation

City of Oneida - Office of the Mayor

WHEREAS, approximately 6.5 million people in the United States have developmental disabilities; **and**

WHEREAS, in 1990, the Americans with Disabilities Act became a law that prohibits discrimination against individuals with disabilities in all areas of public life and whose purpose is to make sure that people with disabilities have the same rights and opportunities as everyone else; **and**

WHEREAS, the City of Oneida is committed to recognize that every person, regardless of perceived ability, has the valuable strengths and the capability to make important contributions to the community when given the opportunity to do so; **and**

WHEREAS, family, friends and members of the community can play a central role in enhancing the lives of people with disabilities, especially when they are provided with the necessary support services, **and**

WHEREAS, the City of Oneida is pleased to provide our appreciation to the many organizations whose ongoing advocacy for people with disabilities, dedication to fostering an independent living philosophy, and continued efforts to bring forth the promise of hope and freedom that is envisioned by the passage of the Americans with Disabilities, **now therefore**

I, **Helen B. Acker**, Mayor of the City of Oneida do hereby proclaim July 2021 as,

“Disabilities Awareness Month”

In the City of Oneida and encourage all citizens to join me in this worthy observance and celebrate the 31st Anniversary of the American with Disabilities Act.

IN WITNESS WHEREOF, I have hereunto set my hand and affix the official seal of the City of Oneida on this 6th day of July, 2021.

Helen B. Acker, Mayor

CHRIS TUCKER DAY

Office of the Mayor

A Proclamation Proclaiming Chris Tucker Day in the City of Oneida Monday, July 12, 2021

There are times in our lives when we meet someone special that stay in our life for a long time, some, for a brief moment in time. However long, they make an impact on our hearts.

Chris Tucker was one of those people, he made an impact on the hearts of many people.

Many of you know Chris, he was born here in Oneida on July 12, 1977 and spent most of his life here.

Chris, known by many as Mister Dad, had an unconditional love for his boys, Brenden, Hunter, Hudson and Harrison. If Chris wasn't working, he was home caring for his boys and for his fiancé Brandee Dubois. Chris always made sure that everything in the house was taken care of and up to par.

Chris wanted to be a role model for his children, and he valued education. Chris went through the Oneida City School system for most of his life. He left early from high school, and he went back to school to get his GED to show his boys the importance of education. Chris then followed through in the trades and got his Certification in HVAC. He didn't have much growing up; he worked hard for everything he had.

Chris had life skills in handiwork and spent his free time at home finishing or working on a project around the house, and he shared those skills with the boys. Chris was Mr. Fix-It. He could figure out how to fix just about anything and he did! If you needed a hand, Chris was right there for you.

Chris was happiest being at home with his boys and Brandee, his family and friends.

Beside his family, one of the things Chris loved best was his motorcycle. He loved to ride, tinker with them, clean them and kept them in the most pristine conditions. Chris loved motorcycles.

Chris Tucker was taken from us tragically, way too soon on April 8, 2021. Chris died doing what he loved best, riding his motorcycle! Fly High Chris Tucker, Fly High! You will forever and always be in our Hearts.

NOW, THEREFORE, BE IT RESOLVED that I, Helen B. Acker, Mayor of the City of Oneida, do hereby proclaim Monday, July 12, 2021, as

Chris Tucker Day

I have hereunto set my hand on
This 12th day of July, 2021.

Helen B. Acker, Mayor

Councilor Brandee DuBois responded with the following statement:

"I want to start off by thanking the Mayor and the City of Oneida for this Proclamation. Due to the careless acts of a young woman, Chris was taken tragically from us while riding his motorcycle home from work on April 8, 2021. Chris was a man that lived his life making sure that his boys and I were taken care of in every way. He was not a world-renowned builder or businessman. He did not create a vaccine or save lives, BUT, he did touch the life of every person he ever met.

He was kind and thoughtful and would give someone the shirt off his back if they needed it. He set an excellent example for his boys of where hard work and perseverance can get you in life. Two qualities I believe our boys and young men need now more than ever. Through this tragedy, the boys and I have also been blessed. Blessed to say we live in the City of Oneida. Blessed to have a community of friends, family and strangers offer a helping hand or kind words. I am proud to say I live in and work for such a wonderful City that I can call home. Thank you."

That Mayor recognized and thanked Councilor DuBois' son Hunter, who is a Lifeguard at the pool for saving the life of a 3-year-old child recently who was wandering too far toward the deep end of the pool and could no longer touch the bottom. Hunter ran in and grabbed him, and was acknowledged as a true hero.

PUBLIC COMMENT

VICKY ARNOLD

Vicky Arnold, an Oneida resident, who is the Adoption Coordinator at Wanderer's Rest, advised that the facility would soon be moving to Oneida (hopefully by Lowes), and that they were having an event on August 14 to celebrate their 40th anniversary. This is a free event and will be held at Veterans Memorial Field from 11:00-4:00. She stated that there would be live music from Steve Laureti and Old Clay Stone, basket raffles, a bounce house and dunk tank. They are still looking for vendors and volunteers, especially for the dunk tank, and encouraged members of Council and the Police and Fire Departments to participate. She also stated that residents may bring their dogs as long as they are up to date with their rabies and are on a leash. For any questions or to volunteer, please contact her at adoptions@wanderersrest.org. She noted that they are always looking for suggestions for events and fund raising if anyone had any ideas that they would like to share.

DAN JONES

Mr. Jones stated that he is a resident of Oneida and lives on East Walnut Street in Ward 4. He stated that there was a recent on-line discussion about getting volunteers together to clean up around the old Oneida Hotel and asked whether or not the City could provide public resources for this and possibly bill the owner back under City Code before the volunteers did any work. The Mayor asked the City Attorney to respond. City Attorney Bell stated that she would have to look into this, as typically the Ordinances related to charging the property owner for the cost of maintaining the property normally involves mowing the lawn, and there is a notice obligation which would come first. She stated that there is a fine line as to what one person considers trash. She was not certain how this would relate to just junk and debris, but rather something that would pose a dangerous condition to the health, safety and welfare of the public. She

stated that it would have to be of a certain magnitude. The Codes Director advised that a letter went out to the property owner last week and that he had five days to respond.

OLD BUSINESS

Councilor Coulthart discussed the HP Hood dedicated pump station that is going in at the end of the Broadway extension. He questioned why the cost was being born entirely by the City, and he wanted to know what the return on investment would be. He also questioned whether or not it would be obscured and if it would be adequate. City Engineer Rowe stated that there would be plantings.

Moved by Councilor DuBois
Seconded by Councilor Coulthart

RESOLVED, that the minutes of the regular meeting of June 15, 2021 are hereby approved as presented.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor DuBois
Seconded by Councilor Kinville

RESOLVED, that Warrant No. 13, checks and ACH payments in the amount of \$3,871,503.63 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5

Nays: 1 (Coulthart)

MOTION CARRIED

DISCUSSION: Councilor Coulthart questioned if the amount paid to Helmer's Tree Removal was part of the total amount and was glad to see that we were making progress. He also questioned pool repairs, and the Comptroller advised that because a budget transfer was not requested, the department was using money that was allocated in the Budget. Councilor Coulthart also discussed biosolids paid to Madison County and reiterated his position regarding these payments.

INTRODUCE AND SCHEDULE A PUBLIC HEARING FOR A LOCAL LAW TO AMEND CHAPTER 147 OF THE CODE OF THE CITY OF ONEIDA TO FURTHER REGULATE SOLID WASTE

RESOLUTION 21-111

Moved by Councilor Coulthart
Seconded by Councilor Earl

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 health, safety, and welfare of the community; and

WHEREAS, this amendment to the Code of the City of Oneida will promote the further regulation of solid waste within the City of Oneida; and

WHEREAS, this amendment shall assist in maintaining real property within the City of Oneida in a visually pleasing manner and to also assist in the control of animal and/or insect infestations due to the improper storage of solid waste and/or junk on said real property; 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 20, 2021, 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 TO AMEND CHAPTER 147 OF THE CODE OF
THE CITY OF ONEIDA TO FURTHER REGULATE SOLID WASTE**

Be it enacted by the Common Council of the City of Oneida, that this local law amends Chapters 147 of the Code of the City of Oneida, as follows:

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 Section 147-3(A) of the City of Oneida Code is hereby amended to read, in its entirety, as follows:

- “A. Collection containers, as approved by the Department of Code Enforcement, shall be made of adequate material, shall be of substantial construction, shall have handles and shall have attached tight-fitting covers tethered to the can. They shall be watertight and shall be fly- and rodent-tight. No can, bag or other receptacle filled with or holding garbage, rubbish or other material shall at any time, within the established inside district, be placed or kept on ground level of any premises at any point nearer the street line fronting such premises than the rear line of the main building, except on the designated curbside collection day provided for herein.”

SECTION 3.

So that Section 147-4(A) of the City of Oneida Code is hereby amended to read, in its entirety, as follows:

- “A. Generally. All residential garbage shall be placed curbside, except for those residents covered in § 147-4C(1) below, not before 9:00 p.m. of the day prior to scheduled collection. By 9:00 p.m. of collection day, all garbage cans or containers and any waste materials not collected must be removed from the curbside.”

SECTION 4.

So that a new term “junk” shall be added to Section 147-1 of the City of Oneida Code, titled “Definitions,” which definition shall read as follows:

"JUNK - Any article in any form composed of or consisting of any of the following enumerated secondhand, discarded, abandoned or cast off metals or materials, namely: iron, brass, bronze, copper, tin, zinc, lead or any other metals or compounds thereof; broken glass, rags, clothing, rubber, plastics and synthetic substances and fabrics; bottles, papers, feathers or any other waste material or any compound or by-product of the foregoing enumerated materials; refrigerators, washing machines, televisions, computer monitors, mattresses, sofas, furniture, doors, and any building material. The term "junk" shall also include wrecked, abandoned or dismantled motor vehicles or parts thereof."

SECTION 5.

So that a new Section 147-10, titled "Junk Storage," shall be added to Chapter 147 of the City of Oneida Code, which shall read, in its entirety, as follows:

"§147-10 Junk Storage.

- A. The deposit, accumulation, or storage of junk, regardless of quantity, is hereby prohibited within sight of persons traveling the public highways or within sight of neighboring property.
- B. It shall be unlawful for any person to use a bus, uninhabited mobile home, truck, truck trailer, horse trailer, semitrailer, tank truck, or similar vehicles or units for the storage or junk on any premises. Exceptions shall be made for the temporary use of such vehicles or units for construction purposes for periods of less than 90 days, or when actively used in connection with active farming or agricultural operations."

SECTION 6.

EFFECTIVE DATE.

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

DISCUSSION: Attorney Bell stated that this was a request from the Director of Code Enforcement, as there is an interest in better regulating the improper storage of solid waste in the City. This involves waste in trash cans, junk along the curb, junk along front yards, etc., and the Codes Department would like to be proactive and be able to address these issues. She noted that this Local Law was designed to address these concerns, as the City does not currently have the ability to do so. This also addresses SEQRA. Director Burnett stated that trash cans are often set out the night before pickup and do not have the proper type of cans with lids that stay shut, often causing issues with animals. Councilor Coulthart stated that this is a great step in the right direction, not only for health and safety reasons, but for curb appeal.

CANVASS AND APPROVE BIDS-LIQUID CAUSTIC SODA

RESOLUTION 21-112

Moved by Councilor Earl
Seconded by Councilor Coulthart

RESOLVED, that the lowest bid meeting specifications for Liquid Caustic Soda in the amount of \$17,970.00 from JCI Jones Chemical Inc., 100 Sunny Sol Blvd, Caledonia, NY 14423 is hereby approved.

Ayes: 6

Nays: 0

MOTION CARRIED

CELLULAR TELEPHONE ADMINISTRATIVE POLICY

RESOLUTION 21-113

Moved by Councilor Earl

Seconded by Councilor Simchik

RESOLVED, that the Employee Acknowledgements of Receipt and Understanding of the Cellular Telephone Administrative Policy from City Comptroller, Lee Ann Wells and Deputy City Comptroller, Jessica Kaiser be hereby received and placed on file.

RESOLVED, that the Telephone Request Form from Lee Ann Wells and Jessica Kaiser pursuant to the City of Oneida Cellular Telephone Policy adopted June 15, 2010, Resolution 10-153 and re-affirmed on May 17, 2016, be hereby approved.

Ayes: 5

Nays:

Abstain: 1 (Coulthart)

MOTION CARRIED

DISCUSSION: Councilor Coulthart commented that although he understood that there were individuals in the City that needed this availability, but he would like to see the City come up with guidelines as to who qualifies for this. He does not feel everyone should have this available to them.

AMUSEMENT DEVICE LICENSE

RESOLUTION 21-114

Moved by Councilor Coulthart

Seconded by Councilor Earl

WHEREAS, on December 31, 2019 at a Special Meeting, City of Oneida Common Council approved the Amusement Device application submitted by Pepi's Pizza (Resolution 19-295) for the year 2020, and

WHEREAS, Pepi's Pizza was not able to open their game room during the 2020 calendar year for business due to COVID restrictions and held off purchasing the 2021 Amusement Device License due to the possibility of continuing COVID restrictions, **and**

WHEREAS, Pepi's Pizza now desires to resume activities that are subject to the Amusement Device approval and has submitted to the City Clerk the 2021 Amusement Device Application, **and**

WHEREAS, the City Clerk, on behalf of Pepi's Pizza as applicant, is requesting that the applicable late fees be waived as a courtesy to Pepi's Pizza and in recognition of the impact COVID has had upon the hospitality industry, **now therefor be it**

RESOLVED, that the 2021 Amusement Device License for Pepi's Pizza, 228 Genesee St., Oneida NY 13421 be hereby approved and the imposition of any late fees waived.

Ayes: 6

Nays: 0

MOTION CARRIED

EMERGENCY LEAK DETECTION SURVEY

RESOLUTION 21- 115

Moved by Councilor Simchik

Seconded by Councilor DuBois

RESOLVED, that a budget amendment in the amount of \$8,250 from Water Fund Balance to 002.8300.0427 Infrastructure Improvements be hereby authorized, **and be it further**

RESOLVED, that the appropriation of funds in the amount of \$8,250 for Emergency Leak Detection be hereby authorized, **and be it further**

RESOLVED, that the Mayor is hereby authorized to sign an agreement with New York Leak Detection, Inc. to undertake Leak Detection Services.

Ayes: 6

Nays: 0

MOTION CARRIED

DISCUSSION: Councilor Coulthart questioned whether or not this was in the Budget. The Mayor advised that it was not, but there have been severe emergencies in the past 10 days due to leaks. She noted that a leak detection company is supposed to come in every three years to check the pipes and lines, and this has not been done. She stated that there is a level that the water needs to be at before we go into emergency status, and the last two were close to that, noting that our current machinery cannot detect the leaks; therefore, we need this company to come in and do this, which will save money overall. This will be done every 3 years going forward. City Engineer Rowe stated that this company specializes in detecting leaks.

Councilor Simchik stated that this company can detect right away where the leak is as opposed to our DPW just digging along until they find it. The Mayor noted that we have 84 miles of pipe and that the City needs to take care of this. She stated that this company gave the City a break in the price. Councilor Earl questioned what would happen if the City goes over the allotted number of miles, and the City Engineer stated that the proposal was based on this size/system.

BUDGIT TRANSFER/AMENDMENT

RESOLUTION 21-116

Moved by Councilor Simchik
Seconded by Councilor DuBois

2021 Budget Adjustments

RESOLVED, to approve the following 2021 Budget Amendment/Transfers

\$ 2,615.00	001.1990.0400.0000	001.1910.0400.0000
	General Fund Contingency	Insurance

To re-allocate funds for insurance premium higher than budgeted

Ayes: 6
Nays: 0

MOTION CARRIED

LICENSE AGREEMENT

RESOLUTION 21-117

Moved by Councilor Earl
Seconded by Councilor Kinville

RESOLVED, to authorize the Mayor to execute a License Agreement to allow an encroachment by approximately 1.2 feet, onto property owned by the City of Oneida of a shed structure situated on property located at 628 Deerfield Drive, as depicted on a survey prepared by Myers and Associates, P.C., dated March 23, 2021, last revised July 1, 2021, the terms of which License Agreement shall be subject to the approval of the City Attorney.

Ayes: 6
Nays: 0

MOTION CARRIED

DISCUSSION: City Attorney Bell stated that this Agenda item pertains to a piece of property located on Evergreen Drive that is currently under contract for sale, and it was determined that there is a shed on the property that is encroaching on City property by approximately 1.2 feet. She stated that a License Agreement has not yet been prepared, as she is waiting for the length of the shed-noting that encroachment language needs to be very specific. The License Agreement is the same as the City has done for a number of properties in the past with similar situations, and the wording will be the same, with similar terms. This is consistent with what has been approved by Council in the past and would be subject to the same terms. If there are any issues, City Attorney Bell will come back to the Council and revisit this. The closing is scheduled for July 15, which would be prior to the next Council meeting; therefore, it was necessary for this to be approved now, as opposed to waiting for the actual Agreement to be drawn up.

Councilor Laureti questioned what we could do to prevent this from happening in the future so as to not set a precedence. City Attorney Bell stated that this is happening all over the City and that they are addressed as they come up and cited examples of issues in the past. She stated that these are done on a case by case basis and that this comes up often. The Mayor stated that this particular case this was not setting a precedence, but rather something from 50 years ago. City Attorney Bell advised that these issues normally do not come up until a closing, unless it is caught up front as part of the building process.

NEW BUSINESS: None

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned at 7:10 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk