

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
SEPTEMBER 7, 2021**

A meeting of the Common Council of the City of Oneida, NY was held on the seventh day of September, 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

<u>Attendees</u>	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 type="checkbox"/>	<input checked="" 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	<input checked="" type="checkbox"/>	Fire Chief Dennis Fields	<input checked="" type="checkbox"/>
City Clerk Sandy LaPera	<input checked="" type="checkbox"/>	Parks & Rec Director Luke Griff	<input checked="" type="checkbox"/>
City Engineer Jeff Rowe	<input checked="" type="checkbox"/>	Police Chief John Little	<input checked="" type="checkbox"/>
Codes Director Bob Burnett	<input checked="" type="checkbox"/>	Public Safety Com. Kevin Salerno	<input checked="" type="checkbox"/>
Comptroller Lee Ann Wells	<input checked="" type="checkbox"/>	Supervisor Matt Roberts	<input checked="" type="checkbox"/>
		Supervisor Mary Cavanagh	<input checked="" type="checkbox"/>
		Supervisor Joe Magliocca	<input checked="" type="checkbox"/>

The Mayor asked for a few moments of silence in honor of the military that we lost last week in Afghanistan, noting that there were 13 who lost their lives. She asked everyone to say a prayer for them and their families.

PUBLIC HEARING-LOCAL LAW NO. 8-AMEND CHAPTER 147 TO FURTHER REGULATE SOLID WASTE

RESOLUTION 21-141

Moved by Councilor Earl
Seconded by Councilor Coulthart

RESOLVED, that the Public Hearing creating Local Law No. 8 to amend Chapter 147 of the Code of the City of Oneida to further regulate solid waste is hereby opened at 6:36 p.m.

Ayes: 5
Nays: 0
Absent: 1 (Laureti)
MOTION CARRIED

APPEARANCES: None

CLOSE PUBLIC HEARING-LOCAL LAW NO. 8-AMEND CHAPTER 147 TO FURTHER REGULATE SOLID WASTE

RESOLUTION 21-142

Moved by Councilor Earl
Seconded by Councilor DuBois

RESOLVED, that the Public Hearing amending Chapter 147 of the Code of the City of Oneida to further regulate solid waste be hereby closed at 6:38 p.m.

Ayes: 5
Nays: 0
Absent: 1 (Laureti)
MOTION CARRIED

PUBLIC COMMENT

JOHN NICHOLS-152 Hunt Valley Rd., Oneida

Mr. Nichols stated that in the interest of transparency, he has concerns about the City Chamberlain's office. He acknowledged that he is aware that the Council cannot give out information about ongoing investigations, especially about a personnel matter, but feels that there should be some answers available to the public. He had questions regarding tax statements, dollar amounts, changes in procedures, audits and the appointment of a position in that department during an election year. He felt that Civil Service procedure was not followed and that more transparency is needed in the City.

FRED CIANFROCCO-222 S. Willow St., Oneida

Mr. Cianfrocco reiterated his position from the previous meeting with regard to the increase in rental inspection fees and questioned why the Fire Department could not do the inspections, as opposed to hiring 4 people for the Codes Department. Mr. Cianfrocco feels there should be better communication within the City, noting that transparency is important.

OLD BUSINESS

Councilor Coulthart asked the Supervisors if there was an update on the Broadband initiative, how as it progresses, we as a City, can take advantage of that. Supervisor Magliocca responded, as he is on the Public Utility Committee that worked on the Broadband initiative. He stated that they had a meeting regarding this last month and anticipated having another in October. He stated that even though Empire Access will eventually be a competitor of Spectrum, they currently are prioritizing extending the backbone fiber to get to the southern portion of the county, noting that there are specific targeted areas that will be done first. He noted that the backbone/highway of the fiber is coming down Route 5 and Route 46. He briefly discussed Empire's long-range business plan, stating that due to the size of this project, they are probably looking at 2025-2026 before this will be done.

Councilor Coulthart also inquired as to where the City is at with regard to the leachate and HP Hood. He asked when we would start seeing action on this. The Mayor advised that she also would like to know that answer and that she put in a call to the attorney earlier in the day to get an update. The Mayor stated that as soon as she gets a response, she will advise Council.

Moved by Councilor Kinville
Seconded by Councilor Earl

RESOLVED, that the minutes of the regular meeting of August 17, 2021 are hereby approved as presented.

Ayes: 5
Nays: 0
Absent: 1 (Laureti)
MOTION CARRIED

Moved by Councilor Simchik
Seconded by Councilor DuBois

RESOLVED, that Warrant No. 17, checks and ACH payments in the amount of \$3,521,881.76 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 (Laureti)
MOTION CARRIED

DISCUSSION: Councilor Coulthart questioned the City Engineer with regard to the approval of a request for Art Smolinski to attend a Water Conference, as he is a temporary employee and asked if this is beneficial. The City Engineer stated that this was in the budget and is part of continuing education that is necessary. He also advised that 2 other employees would be attending as well.

CLOSE OUT CAPITAL PROJECT 21-4-DPW COMBINATION TRUCK PURCHASE

RESOLUTION 21-143

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, that Capital Project 21-4 DPW Combination Truck Purchase be hereby closed and approved unexpended funds of \$102.29 to be transferred back to the General Fund.

Ayes: 5
Nays: 0
Absent: 1 (Laureti)
MOTION CARRIED

RETIREE HEALTH INSURANCE RENEWAL (2022)

RESOLUTION 21-144

Moved by Councilor Earl
Seconded by Councilor Kinville

RESOLVED, that the Mayor be authorized to sign the Retiree Health Insurance Renewal Plan for 2022 with Humana Group Medicare Advantage Plan Renewal.

Ayes: 5
Nays: 0
Absent: 1 (Laureti)
MOTION CARRIED

DISCUSSION: Councilor Coulthart stated that he would vote in favor of this Resolution, but would like to have a cap to the amount of reimbursement for retirees. The Mayor and Councilor Simchik both advised that the City is under contracts from previous years for existing employees, but that changes could be considered for new employees going forward.

PROPOSED LOCAL LAW-PROPERTY TAX CAP LEVY

RESOLUTION 21-145

Moved by Councilor Earl
Seconded by Councilor Kinville

RESOLVED, that a proposed Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C be hereby received and placed on file as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Oneida to adopt a budget for the fiscal year commencing January 1, 2022 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Common Council of the City of Oneida, County of Madison, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2022 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the 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 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

BE IT FURTHER RESOLVED, that a Public Hearing on the proposed Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C be scheduled for September 21, 2021 at 6:30 pm.

Ayes: 5
Nays: 0
Absent: 1 (Laureti)
MOTION CARRIED

LEASE AGREEMENT-KALLET CIVIC CENTER

RESOLUTION 21-146

Moved by Councilor Coulthart
Seconded by Councilor Kinville

RESOLVED, to authorize the Mayor to sign a lease agreement with Madison County for use of the Kallet Civic Center, 159 Main St. Oneida NY 13421 for the purpose of conducting elections within the election district for the benefit of the citizens.

Ayes: 5
Nays: 0
Absent: 1 (Laureti)
MOTION CARRIED

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 21-147

Moved by Councilor Kinville
Seconded by Councilor Simchik

2021 Budget Adjustments

RESOLVED, to approve the following 2021 Budget Amendment/Transfers

	<u>To</u>	<u>From</u>
\$ 1,000.00	001.3520.0400.0000 Animal Control Other Than Dogs	001.0001.0912.0000 General Fund Balance

To allocate funds to cover agreement with Oneida Improvement Committee approved at 8/17/21 Council meeting

\$ 25,356.29	003.8110.0412.0000 Madison County Biosolids	003.0003.0912.0000 Sewer Fund Balance
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To allocate funds to pay for June Biosolids disposal

\$ 750.00	001.1410.0400.0000 Clerk Training & Travel	001.0001.0912.0000 General Fund Balance
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To allocate funds to pay for security system training

\$ 26,891.50	001.5110.0200.0000	\$ 8,891.50	001.5132.0304.0000
	DPW Equipment		Central Garage Major Repairs
		\$ 18,000.00	001.5142.0315.0000
			Salt & Sand

To re-allocate funds to pay for a tractor attachment for ditch cleaning

\$ 200.00	001.1355.0401.0000	001.0001.0912.0000
	Assessor Training	General Fund Balance

To allocate funds for Assessor to attend fall conference

\$ 8,200.00	001.7140.0420.0000	001.7140.0104.0000
	Rec-Tree & Stump Removal	Pool Salaries

To re-allocate funds for tree removal services in parks

\$ 24,000.00	001.1640.0401.0000	001.0001.0912.0000
	Central Gasoline	General Fund Balance

To allocate funds to cover the cost of gasoline for remainder of year

\$ 15,000.00	001.1640.0402.0000	001.0001.0912.0000
	Central Diesel	General Fund Balance

To allocate funds to cover the cost of diesel for remainder of year

Ayes: 5
 Nays: 0
 Absent: 1 (Laureti)
MOTION CARRIED

ADVERTISE FOR BIDS-WATER DEPARTMENT

RESOLUTION 21-148

Moved by Councilor DuBois
 Seconded by Councilor Simchik

RESOLVED, to authorize the Purchasing Agent to advertise for bids for hydrants, pipes and materials for the Water Department.

Ayes: 5
 Nays: 0

Absent: 1 (Laureti)
MOTION CARRIED

CANVASS & APPROVE BIDS-SENSES LOW LEAD WATER METERS

RESOLUTION 21-149

Moved by Councilor Kinville
Seconded by Councilor Coulthart

RESOLVED, that the lowest bid meeting specifications for Sensus low lead water meters in the amount of \$31,924.67 from Core & Main, 2220 State Route 5, Utica NY 13502 is hereby approved.

Ayes: 5
Nays: 0
Absent: 1 (Laureti)
MOTION CARRIED

ANNUAL COURT CLEANING CONTRACT

RESOLUTION 21-150

Moved by Councilor Simchik
Seconded by Councilor DuBois

RESOLVED, to authorize the Mayor to sign the Agreement by and between the New York State Unified Court System, Sixth Judicial District, the Kilmer Building, 31 Lewis Street, 5th Floor, Binghamton, NY 13901 and the City of Oneida for cleaning services for the interior of the City of Oneida Justice Center, as well as minor and emergency repairs, and preventative building and property Maintenance of said facility.

Ayes: 5
Nays: 0
Absent: 1 (Laureti)
Motion Carried

DENTAL INSURANCE PLAN RENEWAL (2022)

RESOLUTION 21-151

Moved by Councilor Earl
Seconded by Councilor Kinville

RESOLVED, that the Mayor be authorized to sign the Excellus Dental Insurance Renewal Plan for 2022.

Ayes: 5
Nays: 0
Absent: 1 (Laureti)
MOTION CARRIED

NEW BUSINESS

The Mayor stated that there will be a Memorial Ceremony and prayer invocation to commemorate the 20th anniversary of the September 11 terror attacks on Saturday, September 11 at noon at City Hall. She invited all members of Council and the public to attend.

EXECUTIVE SESSION

RESOLUTION 21-152

Moved by Councilor Earl
Seconded by Councilor Kinville

RESOLVED, that the meeting is hereby adjourned to Executive Session at 6:57 p.m. for the purpose of seeking advice of Counsel with no action taken.

Ayes: 5
Nays: 0
Absent: 1 (Laureti)
MOTION CARRIED

PRESENT: Mayor Acker, Councilors Earl, Coulthart, Kinville, DuBois and Simchik, City Attorney Nadine Bell and Director of Codes, Bob Burnett

Moved by Councilor DuBois
Seconded by Councilor Earl

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:18 p.m.

Ayes: 5

Nays: 0

Absent: 1 (Laureti)

MOTION CARRIED

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned at 8:19 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk