

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
OCTOBER 19, 2021**

A meeting of the Common Council of the City of Oneida, NY was held on the nineteenth day of October, 2021 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 Earl	<input type="checkbox"/>	<input checked="" 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"/> _____

Supervisors

Matt Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mary Cavanagh	<input type="checkbox"/>	<input type="checkbox"/>
Joe Ostrander	<input type="checkbox"/>	<input type="checkbox"/>
Joe Magliocca	<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 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"/>	Other _____	<input type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll Call

**PUBLIC HEARING-LOCAL LAW NO. 10-AMEND ARTICLE 5, SECTION 5.24 OF THE ONEIDA CITY CHARTER
(BUDGET AND FINANCIAL ADMINISTRATION)**

RESOLUTION 21-188

Moved by Councilor Kinville
Seconded by Councilor DuBois

RESOLVED, that the Public Hearing for Proposed Local Law No. 10 to amend Article 5, Section 5.24 of the Oneida City Charter (Budget and Financial Administration), is hereby opened at 6:37pm.

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

APPEARANCES: None

CLOSE PUBLIC HEARING- LOCAL LAW NO. 10-AMEND ARTICLE 5, SECTION 5.24 OF THE ONEIDA CITY CHARTER (BUDGET AND FINANCIAL ADMINISTRATION)

RESOLUTION 21-189

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, that the Public Hearing to amend Article 5, Section 5.24 of the Oneida City Charter (Budget and Financial Administration) is hereby closed at 6:38pm.

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

PUBLIC COMMENT

RICK KINSELLA, MAIN ST. ONEIDA

Mr. Kinsella stated that he came to the Council Meeting on August 17 with some questions he had regarding the Wastewater Treatment Plant that have not yet been answered, and as he has a series of additional questions, was submitting a FOIL request which was given to the City Clerk. The Mayor advised that she had requested Mr. Kinsella to provide her with a list of the questions and set up a meeting to discuss them, but she did not hear from him.

- Has the City received or had any communication with the State Comptroller regarding the undertaking of hiring contractors and the competitive bidding process with regard to the Waste Water Treatment Plant?
- Has the City received a legal opinion that it is appropriate to proceed without a referendum for a project that will cost as much as \$55M without specifying the work that is going to be done, who is going to pay for it and what it is going to cost the taxpayers?

- What are the sources of revenue income, grants etc. for financing that will be used for the Wastewater Treatment Plant?

GARY REISMAN-118 E, GROVE ST., ONEIDA

Mr. Reisman came to speak in support of the Oneida Police Department. He advised that he wanted to provide some stats for everyone, noting:

- In 30 years, the Oneida Police Department has only added one member (since 1991-currently 25 members).
- Crimes, calls for service and arrests have increased, and State mandates have become stricter.
- Officers are busier than ever, but still have made community policing a priority, and Mr. Reisman sited several things the Police Department sponsors/does in addition to their daily responsibilities, such as:
 - Medication take back
 - PD sponsored Fall Fest
 - Bike Auction and Rodeo
 - Shop with a Cop
 - Kids Fishing Derby
 - 911 Cell Phone Bank
 - OPD Intern Program
 - Good Citizens Program for kids
 - Visiting children's lemonade stands, basketball games etc., showing patrol vehicles
- He noted that from the Patrol Officer to the Chief, the Oneida Police Department is going above and beyond the call of duty, serving and protecting the citizens of Oneida.

OLD BUSINESS

Councilor Coulthart advised, in the spirit of going above and beyond the minimum of informing the public of what's happening, there will be a meeting Thursday, October 21 at 7:00pm with the Zoning and Planning Commission at City Hall to discuss our continued conversation about the Commercial Solar entity by BW Solar out of W. Elm and Fitch Streets and also the Wind Turbine Project at 4949 Forest Ave. He advised that if anyone has an interest, they should attend. He also noted that he was going to propose that any discussion that comes out of the Wind Turbine Project conversation Thursday night, there be a moratorium put on that (like what was done with commercial solar) until the City has the regulations in place that protect residents. He noted that although he was for wind power and solar power, it has to be something that is compatible for the residents of the City.

Councilor Coulthart also wanted to share with the public that we would be beginning the public Budget Hearings in November and provided the schedule for the meetings below. He advised that these are open to the public, and even though the public cannot have a conversation about this, they can observe it. Councilor Coulthart encouraged Mr. Reisman to attend the Police Department Budget hearing on November 15th.

November 4	6:00PM	DPW
November 8	6:00PM	Fire/Park & Rec
November 9	6:00PM	Water/Sewer
November 15	6:00PM	Police Department

Councilor Coulthart expressed concern over the tax limit of what the City can spend in next year's budget, noting that although other members of the Council voted in favor of this at the last meeting, he voted to suspend the cap.

The Mayor advised that the DPW was starting to pick up leaves and asked that residents leave them in loose piles rather than a container, as it is easier to pick up.

SUPERVISOR'S REPORT

Supervisor Roberts advised that tax revenue is still up over 20%, and the County is currently working on the Budget. He noted that their goal is for no tax increase this year from the County.

He said that everything else is going fine and that if any residents have any questions, they can call or email him.

Councilor Coulthart brought up the homeless and drug problem, mentioning an article involving cooperation between Oneida County and the City of Utica. Supervisor Roberts commented that the City Police Department (who they support 100%), and the Madison County Sheriff, Todd Hood, along with the NYS Police are working in concert with each other to address these issues. He noted that they have continued plans to work with each other, and although there were issues in the past between the City and County, they have fixed them and are now working together.

Supervisor Roberts stated that they have Opioid money coming in from the State that will be used for Opioid addiction and for law enforcement to enforce drug laws. The Mayor asked Chief Little to answer some of Councilor Coulthart's questions.

Chief Little advised that they have very good relationships with various agencies, such as mental health, adult protective service and all county agencies and service providers. He stated that they were able to get in touch with the service provider for the one individual that Councilor Coulthart was concerned about. He stated that homelessness is not illegal and that they work with and are very involved with the service providers, noting that they have strong partnerships with mental health. He stated that one of his investigators is a board member with Bridges and that they take this issue very seriously, and that it is very important to them. Councilor Coulthart suggested that Chief Little check out the article on Oneida County and see if there is any way that such an initiative or collaboration could be done in Madison County.

Moved by Councilor Kinville
Seconded by Councilor Coulthart

RESOLVED, that the minutes of the regular meeting of October 5, 2021 are hereby approved as presented.

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

MOTION CARRIED

Moved by Councilor DuBois
Seconded by Councilor Kinville

RESOLVED, that Warrant No. 20, checks and ACH payments in the amount of \$198,578.94 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(Earl)

MOTION CARRIED

DISCUSSION: Councilor Coulthart stated that although he did not see anything for Biosolids, he did have a question for the Comptroller with regard to Host Funds that the county receives from the Oneida Indian Nation for having slot machines and gaming centers in the county. They then have the option to distribute funds to the communities within the county. So far, they have sent the City a portion each year, but she noted that they do not have to. Comptroller Wells was advised that it was voted on this year, and the City will be getting the payment. The Mayor and Comptroller Wells advised that this usually comes in around the end of the year and has not come in yet.

MONTHLY REPORTS

RESOLUTION 21-190

Moved by Councilor Kinville
Seconded by Councilor DuBois

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

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

MOTION CARRIED

DISCUSSION: Councilor Coulthart gave kudos to the Police Department for the reform initiatives that they are working on, including mental health and gave a special shout out for the extra efforts on Broad Street regarding wayward truckers to and from HP Hood. He mentioned seeing Officer Kowalski parked near the entrance to Hood, which was hopefully discouraging trucks from going the wrong way in a residential area.

He also asked where the City was with the DRI, as he was under the impression that the City would have a response by the end of October. The Mayor advised that the City should have a response by the end of the year and that the State may have changed the timeframe. The Mayor also advised that the application was submitted, and last week was the virtual presentation. Councilor Coulthart also acknowledged a second bench that was put at Lincoln Park.

UNFINISHED BUSINESS-RESOLUTION 21-185 TABLED FROM 10-5-2021

RESOLUTION 21-191

Moved by Councilor Kinville
Seconded by Councilor DuBois

WHEREAS, at the October 5, 2021 regular meeting of the Common Council, a motion to table Resolution 21-185, relating to a leak adjustment recommendation by the Water Board for 425 McGuire Street was moved by Councilor Kinville and seconded by Councilor DuBois, **and**

WHEREAS, a discussion was held at the October 5, 2021 Common Council meeting to said tabled motion, **now therefore be it**

RESOLVED, that the City of Oneida Common Council approves the adjustment of the water bill at 425 McGuire St. from \$20,042.31 to \$4,507.66 with the satisfaction of the following three (3) conditions:

- All home heating and plumbing repairs will be made to ensure that there are no future leaks in the system
- The repairs must be inspected and signed off on by the City of Oneida Code Enforcement Department prior to the adjustment being made to the water bill
- Notification from the owner that repairs have been made by November 1, 2021

Ayes: 4
Nays: 1 (Coulthart)
Absent: 1 (Earl)

MOTION CARRIED

DISCUSSION: Councilor Coulthart inquired if Council was moving to allow this, and the Mayor advised that they were voting to approve the Water Board's recommendation.

INTRODUCE LOCAL LAW NO. 11-IMPOSE A TWELVE (12) MONTH MORATORIUM ON BOARDINGHOUSE AND/OR ROOMING HOUSE USES WITHIN THE CITY OF ONEIDA

RESOLUTION 21-192

Moved by Councilor Coulthart
Seconded by Councilor Kinville

WHEREAS, a proposed Local Law has been introduced relating to the imposition of a twelve (12) month moratorium on the use, establishment, creation, construction, reconstruction, relocation, enlargement, modification, advertisement and/ or operation of any new boardinghouse and/ or rooming house use within the City of Oneida; and

WHEREAS, the proposed Local Law will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and General City Law; and

WHEREAS, this proposed moratorium will enable the City to undertake a comprehensive review and analysis to address the issues involved with boardinghouse and/or rooming house uses; and

WHEREAS, the City recognizes the potential benefits and desirability of boardinghouse and/or rooming house uses, but determines that time and research is necessary to determine how to properly regulate such uses; and

WHEREAS, the Common Council has deemed this moratorium urgent and immediately necessary in order to preserve status quo while this issue is examined by the City; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of local laws 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 (SEQR) with respect to the proposed enactment of said Local Law

NOW, THEREFORE, it is

RESOLVED AND DETERMINED that there are no other involved agencies, the Common Council shall act as lead agency, and that the enactment of this proposed Local Law is a Type II action under SEQR, thus concluding the environmental review process; and be it further

RESOLVED that the Common Council shall conduct a public hearing as to the enactment of proposed Local Law at the Oneida City Hall located at 109 North Main Street, in the City of Oneida on November 1, 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; and be it further

RESOLVED that pending action on this local law, the City shall neither accept nor process any application pertaining to boardinghouse and/or rooming house uses.

Ayes: 5

Nays: 0

Absent: 1 (Earl)

MOTION CARRIED

**CITY OF ONEIDA
PROPOSED LOCAL LAW OF 2021**

**A LOCAL LAW IMPOSING A TWELVE (12) MONTH MORATORIUM ON
BOARDINGHOUSE AND/ OR ROOMING HOUSE USES WITHIN
THE CITY OF ONEIDA**

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

SECTION 1. INTENT.

It is the intent of the Common Council of the City of Oneida to impose a twelve (12) month moratorium on the use, establishment, creation, construction, reconstruction, relocation, enlargement, modification, advertisement and/ or operation of any new boardinghouse and/ or rooming house use within the City of Oneida, pending the development and adoption of a local law designed to regulate and govern such uses. This Local Law is enacted under the authority of Section 10 of the New York Municipal Home Rule Law.

SECTION 2. LEGISLATIVE PURPOSE.

Pursuant to the statutory powers vested in the City of Oneida to regulate and control land use, and to protect the health, safety and welfare of its residents, the Common Council of the City of Oneida hereby declares a temporary moratorium on the use, establishment, creation, construction, reconstruction, relocation, enlargement, modification, advertisement and/ or operation of any new boardinghouse and/ or rooming house use within the City of Oneida, pending the development and adoption of a local law designed to regulate and govern such uses. The Common Council has become aware of the need to fully review and analyze the current state of boardinghouse and rooming house uses and the potential impact of such uses within the City. Noise, parking, visual impacts, and impacts on neighborhood character are issues common to boardinghouses and rooming house uses. It is specifically acknowledged that while boardinghouses and rooming houses are often converted single family houses located in residential neighborhoods, boardinghouses and rooming houses may be located in commercial districts. It is the concern of the Common Council that although such boardinghouse and rooming house uses may provide housing and economic benefits to some individuals and businesses in the area, they

may also have a negative impact on the quality of life for the citizens and residential districts, as well as commercial activity in the City.

The Common Council of the City of Oneida desires to address, in a careful manner, the issues raised by such uses on a comprehensive basis, rather than on an ad hoc basis, with the goal of adopting appropriate zoning or other land use laws or by amending its current laws to properly regulate the same. With the enactment of this Local Law, the Common Council will commence the process of considering various options relating to this issue. The Common Council finds and determines that it needs this period of time to study the entire issue, and draft proposed amendments to the local Zoning Regulations, make appropriate changes to the draft of any proposed Zoning change, schedule and hold the required public hearings on such changes, perform an appropriate environmental review for such changes and comply with applicable provisions of law regarding the adoption of a Zoning modification.

Unless reasonable measures are taken for an interim period to protect the public interest pending the completion of necessary surveys, studies, meetings and required public hearings, building and land development may occur within the City that may thereby:

- (1) Preclude or otherwise undermine consideration and implementation of appropriate and salutary planning measures, including the amendment of the Zoning Regulations, environmental review procedures, and other development regulations;
- (2) Permit significant variations in neighborhoods where the City may wish to implement changes in the existing Zoning Regulations and such variations may impede or destroy the integrity of changes which may be proposed; and
- (3) Create conditions, or worsen existing conditions, which the Common Council hereby finds to be detrimental to the public health, safety, and general welfare.

It is the finding of the Common Council that the completion of a review of the Zoning Regulations and Zoning Map is necessary to determine how to best regulate boardinghouse and rooming house uses without adversely impacting residential and commercial district and the community character in general, and that the completion of such review as envisioned by this Local Law is necessary to protect the future health, safety, and welfare of present and future residents of the City of Oneida.

SECTION 3. DEFINITIONS.

For purposes of this Local Law, the terms used herein shall have the following meanings:

BOARDING HOUSE – This term includes the use of any land, facility, dwelling unit, or structure for temporary occupancy purposes by two or more individuals not constituting a family or functional family unit who normally pay based on a share of total expenses of the facility, dwelling unit, or structure. The term does not include a motel, hotel, inn, or bed-and-breakfast.

DWELLING UNITY – A building or portion thereof containing cooking area(s), bathroom, dining, sleeping, and related facilities necessary and/or incidental to human habitation, designed and intended as a self-contained household unit for a single individual or family.

FAMILY – One person residing in a dwelling unit; two or more persons related by blood, marriage or adoption, living, sleeping, cooking, and eating in and otherwise occupying one dwelling unit as

a single unit; or two or more persons not necessarily related by blood, marriage or adoption occupying a single dwelling unit as a single housekeeping unit and constituting a “functional family unit” as defined herein, which in either event shall be distinguished from two or more persons occupying a dwelling unit and simply sharing rent, utility expenses and other similar expenses of occupying the dwelling unit, and also to be distinguished from occupying a boardinghouse or rooming house.

FUNCTIONAL FAMILY UNIT – A group of two or more persons not necessarily related by blood, marriage, or adoption, living, sleeping, cooking, and eating in and otherwise occupying one dwelling unit as a single unit and who function as a family with respect to those characteristics that are consistent with the purposes of zoning and use restrictions in residential neighborhoods.

- A. A functional family unit is distinguished from two or more persons occupying a boardinghouse or rooming house.
- B. For a group of two or more unrelated persons to operate as a functional family, they must regularly share the common dwelling areas, including dining areas, cooking areas, and social spaces, and they must do so with a measure of stability characteristic of the Family Residential District.
- C. Such stability is presumed present if at least four (4) of the following conditions are met:
 - (1) The presence of one or two adults residing in the unit with either or both acting as a head of household.
 - (2) The presence of one or more minor children regularly residing in the household as dependent(s) of one or more adult occupant(s) of the household.
 - (3) Sharing of expenses for food, rent or ownership costs, utilities, and other household expenses.
 - (4) Common use or ownership of furniture, appliances and other household furnishings and supplies among the members of the household.
 - (5) Employment of members of the household in the region, or active pursuit of such employment.
 - (6) Use of the address of the dwelling by adult members of the functional family for purposes of voter registration, or driver's license, or motor vehicle registration, or state or federal income tax filings.
 - (7) A showing that all members of the household have been living together as a single housekeeping unit for a year or more, whether in the current dwelling unit or in one or more other dwelling units.
 - (8) Any other factor that, in the judgment of Department of Codes Enforcement, reasonably demonstrates that the group of persons are occupying the dwelling unit as a single unit

in a manner consistent with the purposes of zoning and use restrictions in the Family Residential District.

- D. A group of individuals living in the same dwelling unit shall be presumed not to be a functional family unit, as defined in this section, if such dwelling unit contains no head of household.

ROOMING HOUSE – A dwelling unit in which individuals pay by the room, with or without meals, for temporary, seasonal, or ongoing occupancy. The term does not include a motel, hotel, inn, or bed-and-breakfast.

SECTION 4. MORATORIUM.

A. Unless permitted pursuant to Section 5 hereafter, from and after the date of this Local Law, no application for a permit, zoning permit, zoning variance, conditional use permit, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other City-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official agent of the City of Oneida, for the use, establishment, creation, construction, reconstruction, relocation, enlargement, modification, advertisement and/ or operation of any land, building or structure within the City of Oneida for any new boardinghouse and/or rooming house use, as defined above.

B. This moratorium shall be in effect for a period of twelve (12) months from the effective date of this Local Law and shall expire on the earlier of: (i) the date twelve (12) months from said effective date of this Local Law, unless renewed; or (ii) the enactment by the Common Council of a resolution indicating the Common Council is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the City.

D. Under no circumstances shall the failure of the Common Council of the City of Oneida, the Oneida City Planning Commission/ Zoning Board of Appeals, or the Department of Code Enforcement for the City of Oneida, to take any action upon any application for a permit, zoning permit, conditional use permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other City-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

SECTION 5. RELIEF FROM PROVISIONS OF THIS LOCAL LAW.

A. The Common Council of the City of Oneida reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for relief shall be filed in triplicate with the Department of Code Enforcement together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney’s fees, incurred by the City, shall be reimbursed to

the City by the Applicant. The Common Council shall apply Use Variance criteria as set forth in the New York State General City Law, Section 81-b (3) in reviewing any application for relief.

C. The Common Council of the City of Oneida may refer any applications for relief herein to the City of Oneida Planning Commission/ Zoning Board of Appeals for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Common Council after determining whether the requested relief is compatible with any contemplated amendments to the City of Oneida Zoning Regulations. Unless completely satisfied that the proposed relief is compatible, the Common Council shall deny the application.

D. The Common Council shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Department of Code Enforcement and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

SECTION 6. PENALTIES.

Any individual, partnership, firm or corporation that shall use, establish, create, advertise, construct, reconstruct, relocate, operate, enlarge, or modify any site to be used for a boardinghouse and/ or rooming house use in violation of the provisions of this Local Law, shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the City to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this Local Law.

SECTION 7. ENFORCEMENT.

This Local Law shall be enforced by the City of Oneida Department of Code Enforcement or such other zoning enforcement individual(s) as designated by the Common Council. It shall be the duty of the enforcement individual(s) to advise the Common Council of all matters pertaining to the enforcement of this Local Law.

SECTION 8. VALIDITY AND SEVERABILITY.

If any section or part of this Local Law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or affect any other section of this Local Law.

SECTION 9. EFFECTIVE DATE.

This Local Law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of twelve (12) months from the date of passage.

DISCUSSION: The Mayor advised that this moratorium was being brought about, as there is a commercial building downtown where a landlord had migrant workers from the greenhouse living there. She stated

that this building is not set up as an apartment building, but rather a commercial property for rental or offices. He allowed 20+ people to live there with a tiny kitchen and 1.5 baths.

She advised that this came to light to her, and the City was able to help the people get out of there and into regular apartments. It also came to her attention that the City did not have any rules pertaining to this, and she commented that her main concern was for the safety and health of the people living in the apartments and housing in Oneida. She noted that the gentleman who owns this particular building was not present and brought up an email that was sent to her and others that was somewhat threatening, stating that he was mad and that he was not concerned about the safety of the people. She stated that this moratorium was up to twelve months, but it could be less.

In response to a question from Councilor Laureti, the Mayor advised that this was just to introduce the Local Law and that there would be a Public Hearing in two weeks and then a vote taken two weeks later.

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 21-193

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, to approve the following 2021 Budget Transfers/Amendments:

2021 Budget Adjustments

RESOLVED, to approve the following 2021 Budget Amendment/Transfers

	<u>To</u>	<u>From</u>
\$ 17,245.36	003.8110.0412.0000 Madison County Biosolids	003.0003.0912.0000 Sewer Fund Balance

To allocate funds to pay for August Biosolids disposal

\$ 4,500.00	001.1989.0400.0000 Printing	001.0001.0912.0000 General Fund Balance
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To allocate funds to pay for legal notices and printing services through 2021

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

DISCUSSION: Councilor Coulthart advised that even though this involved Biosolids, he would not be voting against it as to stand in the way of this Resolution going through.

**INTRODUCE LOCAL LAW NO. 12 PURSUANT TO CANNABIS LAW §131 OPTING OUT OF
LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSARIES AND ON-SITE CONSUMPTION
ESTABLISHMENTS WITHIN THE CITY OF ONEIDA**

RESOLUTION 21-194

Moved by Councilor Kinville
Seconded by Councilor Coulthart

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, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible after submission of a completed application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; **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 permissive referendum pursuant to Municipal Home Rule Law § 24 as set forth in Cannabis Law § 131

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 November 1, 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: 5

Nays: 0

Absent: 1 (Earl)

MOTION CARRIED

**CITY OF ONEIDA
PROPOSED LOCAL LAW OF 2021**

**A LOCAL LAW PURSUANT TO CANNABIS LAW § 131
OPTING OUT OF LICENSING AND ESTABLISHING
RETAIL CANNABIS DISPENSARIES AND ON-SITE CONSUMPTION
ESTABLISHMENTS WITHIN THE CITY OF ONEIDA**

Be it enacted by the Common Council 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 and Cannabis Law §131.

SECTION 2. INTENT.

It is the intent of the Common Council of the City of Oneida to opt the City of Oneida out from hosting retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

**SECTION 3. LOCAL CANNABIS RETAIL DISPENSARY AND ON-SITE CONSUMPTION
ESTABLISHMENT OPT-OUT.**

The Common Council of the City of Oneida, County of Madison, hereby opts-out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments from locating and operating within the boundaries of the City of Oneida.

SECTION 4. VALIDITY & 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 New York State Department of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

DISCUSSION: The Mayor advised that the City already had one meeting on the legality of these laws- whether to opt out or opt in, and when she tried to get a second meeting together over the summer and again in the fall; getting people together did not work out. She advised that if the City opts out, we can always opt back in; however, if we opt in, we cannot opt out, and no changes can be made.

Councilor Coulthart commented that he feels a “straw poll” among councilors is not appropriate. He feels there should be discussion and deliberation amongst Council in the public. He stated that it is appropriate for matters of Executive Session but not for things that are going to impact the public directly that are not necessarily proprietary. He stated that he reserves the right in the future to participate or not participate in the “straw poll.”

Councilor Coulthart advised that he will be voting in favor of having the Public Hearing, as this is an item that is available to the public and stated that his approach is that he would rather have this for sale to the public and regulated for the tax revenue rather than have it be on the black market.

INSURANCE PLAN RENEWAL-EXCELLUS

RESOLUTION 21-195

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign the health insurance renewal plan for 2022, Excellus BluePPO Option 1, Signature Deductible 3.

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

DISCUSSION: The Mayor stated that the only thing she could share was that health insurance has gone up all over and that the original quote reflected an increase of 19.5%, which she advised was not acceptable. After several discussions with Excellus, it was lowered to 10.5%, which she also advised was

not acceptable. The final quote was for an increase of 7.5%, which she stated was the best we could do. The Mayor subsequently found out through the Association of Mayors that most were at 10%.

NEW BUSINESS

Councilor DuBois asked Mike Burgess, a member of the Oneida Police Department and President of the Oneida PBA if he would like to speak, as he had not signed up to speak during Public Comment time. The Mayor advised that public comments should be made during Public Comment time, and that New Business was for Council members. Councilor DuBois stated that she was bringing it up, and the Mayor agreed to allow it.

Mr. Burgess stated that there have been some comments made recently by a politician/candidate which were not true. He thanked Gary Reisman for coming out and stating actual facts and for taking the time to come to the Police Department and talk to them, asking for factual information that he was able to present tonight. He stated that with regard to the manpower, Mr. Reisman was correct that the Police Department has not gone up in manpower in over 30 years, but that the calls have gone up, the seriousness of the offenses has gone up, and the mandates put on them by the State ties them up much longer.

He stated that their job has gotten much more difficult and busier and that they are still operating with the same amount of manpower as they were 30 years ago. He also stated that they are doing their absolute best, doing just so much with what they have, to be out in the community. As President of the PBA, he is requesting that the Council look at the budget presented by the Chief of Police and the Mayor, and please consider helping them get extra manpower. He thanked everyone for their continued support of the Police and the PBA.

The Mayor stated that she was pleased to announce that the City of Oneida will be getting a dog park that will be located down next to the Rec Center on the left side, facing Lenox Ave. She has been working with the Oneida Improvement Committee, which is a non-profit for funding. The City was given \$25,000 for this project. She was not sure if we could get the fencing in time this year to get it done, but hopefully by spring.

EXECUTIVE SESSION

RESOLUTION 21-196

Moved by Councilor Kinville
Seconded by Councilor Coulthart

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:07p.m. for the purpose of seeking advice of Counsel.

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

MOTION CARRIED

PRESENT: Mayor, Attorney Andrew Leja, Councilors Laureti, Coulthart, Kinville, DuBois, and Simchik, Comptroller Lee Ann Wells, City Engineer Jeff Rowe

- Discussion was held to seek advice of Counsel

Moved by Councilor Kinville
Seconded by Councilor DuBois

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:24p.m.

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

MOTION CARRIED

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned at 8:24 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk