

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
NOVEMBER 1, 2021**

A meeting of the Common Council of the City of Oneida, NY was held on the 1st day of November, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Coulthart	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> _____
Councilor Kinville	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor DuBois	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>6:38pm</u>
Councilor Simchik	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

Also Present

City Attorney Nadine Bell	<input 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"/>

Proclamation
City of Oneida - Office of the Mayor

EXTRA MILE DAY

WHEREAS, Oneida, New York, is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism and service; and

WHEREAS, Oneida, New York, is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment and conviction to their individual ambitions, family, friends and community; **and**

WHEREAS, Oneida, New York, is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; **and**

WHEREAS, Oneida, New York, acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2021; **and now therefore**

I, **Helen B. Acker, Mayor** do hereby proclaim November 1, 2021, to be Extra Mile Day. I urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country or world a better place.

WITNESS WHEREOF, I have hereunto set my hand and affix the official seal of the City of Oneida on this 1ST day of November, 2021.

Mayor Helen B. Acker

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

RESOLUTION 21-197

Moved by Councilor Earl
Seconded by Councilor Kinville

RESOLVED, that the Public Hearing for Proposed Local Law No. 11-Impose a twelve (12) month moratorium on boarding house and/or rooming house uses within the City of Oneida is hereby opened at 6:35pm.

Ayes: 4
Nays: 0
Absent: 1 (Coulthart)
Absent: 1 (DuBois-Arrived Late)
MOTION CARRIED

APPEARANCES: None

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

RESOLUTION 21-198

Moved by Councilor Earl
Seconded by Councilor Kinville

RESOLVED, that the Public Hearing for Proposed Local Law No. 11-Impose a twelve (12) month moratorium on boarding house and/or rooming house uses within the City of Oneida is hereby closed at 6:36pm.

Ayes: 4
Nays: 0
Absent: 1 (Coulthart)
Absent: 1 (DuBois-Arrived Late)
MOTION CARRIED

PUBLIC HEARING-LOCAL LAW NO. 12-OPTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSARIES AND ON-SITE CONSUMPTION ESTABLISHMENTS WITHIN THE CITY OF ONEIDA

RESOLUTION 21-199

Moved by Councilor Earl
Seconded by Councilor Kinville

RESOLVED, that the Public Hearing for Proposed Local Law No. 12-Opting out of licensing and establishing retail cannabis dispensaries and on-site consumption establishments within the City of Oneida is hereby opened at 6:37pm.

Ayes: 4

Nays: 0

Absent: 1 (Coulthart)

Absent: 1 (DuBois-Arrived Late)

MOTION CARRIED

APPEARANCES

JASON BRODFUEHRER-123 Pine Haven Circle

Mr. Brodfuehrer thanked the Council and advised that he was a cannabis user and medical marijuana patient. He feels it would be very short-sighted of the City of Oneida to opt out of this. He stated that there were not many options for him to obtain marijuana without traveling to Albany, Syracuse, Rochester or Buffalo. He feels this would be hurting the citizens of the City, and they should be given the opportunity to vote on this, as opposed to just members of the Council.

JACOB CORNELL-264 Genesee St.

Mr. Cornell thanked the Council for giving him the opportunity to speak and stated that he was the owner of Cornell's Greenhaus. He stated that the biggest argument he was hearing against opting in is that the City would have no say in the selling of or in limiting the number of dispensaries if opting in now, noting that this was not true. He stated that municipalities do have the ability to limit dispensaries based on the Marijuana Regulation and Taxation Act of 2021. He stated that his business cannot sell marijuana without the consent of the City as it currently stands. He advised that he is more than willing to work with the City to be a positive force to change in the community. He noted that this bill would bleed his business dry, as other municipalities continue sales. He stated that he believed they would generate over \$200,000 in tax revenue for the City alone through the new 4% excise tax for first year marijuana sales-noting they generated over \$12,000 last quarter in total sales tax with CBD and Hemp sales alone. Mr. Cornell discussed that people would drive further to get the product, such as Massachusetts, and that the Black Market is currently thriving. He noted that most would prefer to purchase from a licensed retailer where there is accountability.

Mr. Cornell advised that the State is also allocating a percentage of the point of sale tax revenue to drug treatment and public education. He commented that opting out would also cause political divide and that he has a petition with over 150 signatures of people who are against opting out, and encouraged Council to vote no.

HANNAH CORNELL-264 Genesee St.

Hannah Cornell stated that by allowing legal sales, citizens can have safe and regulated access to tested products and not need to look to illicit street dealers for marijuana. She feels that tax revenue will be lost by opting out and also stated that by prohibiting the sale of marijuana, it will not stop people from getting the product off the street by drug dealers, alongside other harmful drugs. She stated that drug dealers do not age verify and do not sell tested products. She advised that legitimate businesses that sell marijuana would not put profits over the safety of children and the community. She encouraged the Council to reflect on who opting out of marijuana sales will affect, stating that it will not prevent the sale and transaction, but rather the safe sale that the State intended.

ABBIE WOODCOCK-134 Main St.

Ms. Woodcock stated that she is the owner of 2 businesses in downtown Oneida, so keeping Oneida safe and thriving is essential to her making a living. She noted that she has been active in the community and is a board member of the Chamber of Commerce and the United Way. She wanted to make sure that the opt out was not about whether or not marijuana consumption is legal in Oneida, as that decision has already been made. She addressed who benefits from the new state regulations. She feels that the only ones who benefit from an opt out of regulated retail sales are those that engage in black market, illegal sales. She feels that opting in benefits the City in many ways, with tax revenue being a huge one. She stated that the City already has one business in Oneida that is committed to providing safe, legal, regulated cannabis and education, which is a valuable resource for the community. She expressed her support for Cornell's Greenhaus, stating that they are committed to safe access that addresses common concerns, such as adult only access, safe consumption and education of their tested products. She stated that Black Market dealers will not make this commitment. She closed by stating that safe, regulated, taxable, adult access to cannabis will benefit the City.

DAVID SCHAEFER-240 Allen Park Place

Mr. Schaefer stated that prohibition does not work; it didn't before and it won't again. He stated that this is already legal and that businesses have to go through all of the "hoops" that New York State has put out for it.

DEE SCHAEFER-240 Allen Park Place

Mrs. Schaefer thanked the Council for the chance to speak and that at 64 years old, she never thought she would be recommending a cannabis business in the town that she lives in. She stated that people were going to drive under the influence, including alcohol, regardless and noted that this is a business that is regulated heavily by the State of New York. She said they are concerned about their customers and are doing everything they can to keep this business safe and professional.

She advised of her own health issues, and stated that the City of Oneida needs this. She commented that she is a responsible adult and would never get behind the wheel of a car under the influence. She advised that the tax revenue coming from this business is something that the City needs, and if the City is close minded, instead of going forward, the City would take 2 steps back, and people would continue to leave, including them.

MARK SPOONER-233 Cottage Place

Mr. Spooner said that he supported opting out, stating that he didn't want every corner on the street having this and that we could do without the revenue.

JOSH HILL-721 Forbes Avenue

Mr. Hill stated that the war on drugs was created to go after political enemies of Richard Nixon. He stated that marijuana should not be illegal and is today, because major corporations made a profit off of keeping it illegal. He noted that there have been multiple studies done that show the benefits of marijuana and that less than 10% of the public feels it should be illegal. Mr. Hill commented that opting out would be a mistake and sited his own medical issue, whereby he needs medical marijuana. He stated that the closest place to obtain it is East Syracuse. He stated that it is beneficial on many levels for him to get the product here.

JAMIE HUGHES-175 Madison St.

Mr. Hughes stated that he works in retail and always tries to smile and make people happy but that he suffers from depression. He noted that the use of marijuana has gotten him to a calmer place that has been evident to those around him. He stated that this business in Oneida is beneficial to the community and to business itself. He feels that banning marijuana will not help decrease problems in this town, but rather the City will see more, such as back alley deals, meth labs etc.

He stated that medicine can only go so far for those that suffer from PTSD and other mental issues, noting that marijuana often helps them get through this. He would like to see marijuana stay in this town so that he can continue to make others happy by being in a better place himself.

TODD HOOD-Brewer Rd.

In response to an earlier comment pertaining to having marijuana in the City, Mr. Hood advised that every person in the room could have 5lbs of pot in their house, they can carry around 3 ounces of pot in their hand or in their purse and can give 3 ounces to any person who is over the age of 21. Although he acknowledged that in New York State it is here, he asked how many times people see someone leave a liquor store, drink the liquor and then get in their car-noting that it doesn't happen normally, and the same with bars due to open container laws. He advised that this legislation was not brought to marijuana, and there is no open container or open burning laws for this. He stated that any place anyone lights up a cigarette in Oneida, they can smoke pot. Mr. Hood advised that if a person wanted to light up a joint in a Little League parking lot, they could as the law is currently written. He stated that although it is legal, we don't want this on every corner, in his opinion, in Oneida, where there is not a law to handle this right now, and it can be in front of retail establishments unless you ban smoking in the City. He stated that NYS has said that we cannot just ban smoking and that this is something to think about.

Emails were received from the following individuals that have been distributed to Council in opposition to the proposed legislation to opt out of licensing and establishing retail cannabis dispensaries and on-site consumption establishments within the City of Oneida (Proposed Local La No. 12):

- Derek Baker
- Marcia Willis
- Cevin Ladd

CLOSE PUBLIC HEARING-LOCAL LAW NO. 12-OPTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSARIES AND ON-SITE CONSUMPTION ESTABLISHMENTS WITHIN THE CITY OF ONEIDA

RESOLUTION 21-200

Moved by Councilor Earl
Seconded by Councilor Kinville

RESOLVED, that the Public Hearing for Proposed Local Law No. 12-Opting out of licensing and establishing retail cannabis dispensaries and on-site consumption establishments within the City of Oneida is hereby closed at 6:55pm.

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

MOTION CARRIED

PUBLIC COMMENT: None

OLD BUSINESS: None

Moved by Councilor Kinville
Seconded by Councilor Earl

RESOLVED, that the minutes of the regular meeting of October 19, 2021 are hereby approved as presented.

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

MOTION CARRIED

Moved by Councilor Kinville
Seconded by Councilor DuBois

RESOLVED, that Warrant No. 21, checks and ACH payments in the amount of \$4,005,483.91 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 (Coulthart)
MOTION CARRIED

**ADOPT LOCAL LAW NO. 10 OF 2021-AMEND ARTICLE 5, SECTION 5.24 OF THE ONEIDA CITY
CHARTER (BUDGET AND FINANCIAL ADMINISTRATION)**

RESOLUTION 21-201

Moved by Councilor Earl
Seconded by Councilor Kinville

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled “A Local Law to Amend Article 5, Section 5.24 of the Oneida City Charter” was presented and introduced at a Regular Meeting of the Common Council of the City of Oneida held on October 5, 2021; **and**

WHEREAS, a public hearing was held on such proposed local law on October 19, 2021 by the Common Council of the City of Oneida and proofs of publication of notices of such public hearings, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Common Council of the City of Oneida in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; **and**

WHEREAS, the enactment of the Proposed Local Law has previously been determined to be an unlisted action for purposes of environmental review under SEQRA, an environmental impact statement (EIS) was not required, and a negative declaration was issued on October 5, 2021 pursuant to the State Environmental Quality Review Act (SEQR) determining that this action will have no significant effect on the environment thus concluding the SEQR review process; **and**

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

NOW, THEREFORE, it is

RESOLVED that the Common Council of the City of Oneida, Madison County, New York, does hereby enact Local Law No. 10 as follows:

**“A LOCAL LAW AMENDING ARTICLE 5, SECTION 5.24
OF THE ONEIDA CITY CHARTER”**

Be it enacted by the Common Council of the City of Oneida, that this local law amends Article 5, Section 5.24 of the Oneida City Charter in the following manner:

SECTION 1.

So that Section 5.24 of the Oneida City Charter, titled “Assessor,” shall be amended so as to read, in its entirety, as follows:

“The City of Oneida shall have one Assessor appointed by the Mayor for a six year term, which office of Assessor shall be designated as a non-competitive class of the civil service. The Assessor may also be employed in any other position by the City not incompatible with the office of Assessor. The Assessor shall meet all the minimum qualification standards as required by the Real Property Tax Law. Except as otherwise provided in this Charter, the Assessor shall possess all the powers and duties of an Assessor as provided in the Real Property Tax Law.”

SECTION 2. **EFFECTIVE DATE**

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

Councilor Earl	YES
Councilor Laureti	YES
Councilor Coulthart	ABSENT
Councilor Kinville	YES
Councilor DuBois	YES
Councilor Simchik	YES

MOTION CARRIED

DISCUSSION: The Mayor advised that this was being done to clean up the Charter regarding old language, as per New York State.

2022 CITY OF ONEIDA MAYOR’S BUDGET

RESOLUTION 21-202

Moved by Councilor Kinville
Seconded by Councilor Earl

RESOLVED, that the 2022 City of Oneida Mayor’s Budget be hereby received and placed on file, and schedule a Public Hearing on the proposed budget for November 16, 2021 at 6:30 p.m. at City of Oneida City Hall, Common Council Chambers, 109 N. Main St. Oneida, NY 13421.

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

MOTION CARRIED

ADVERTISE FOR BIDS

RESOLUTION 21-203

Moved by Councilor DuBois
Seconded by Councilor Kinville

RESOLVED, the Purchasing Agent be authorized to advertise for bids for the year 2022 as follows:

- 1.) Water Treatment Chemicals
- 2.) Waste Water Treatment Chemicals
- 3.) Waste Water Lab Services

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

MOTION CARRIED

BOARD REAPPOINTMENT

RESOLUTION 21-204

Moved by Councilor Earl
Seconded by Councilor Kinville

RESOLVED, to approve the Mayor's reappointment of Barb Henderson to the Planning Commission/Zoning Board of Appeals.

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

MOTION CARRIED

DISCUSSION: The Mayor advised that Barb Henderson has been on the Planning Commission for a long time and does a good job, noting that this re-appointment is for a 7-year term.

NEW BUSINESS: The Mayor advised that she had received 3 emails pertaining to Cannabis that would be distributed to Council.

Motion to adjourn by Councilor

The regular meeting is hereby adjourned at 7:00 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk