

**MINUTES OF THE COMMON COUNCIL  
REGULAR MEETING  
SEPTEMBER 6, 2022**

A meeting of the Common Council of the City of Oneida, NY was held on the sixth day of September, 2022 at 6:30 pm at the City of Oneida Common Council Chambers, 109 N. Main Street, Oneida NY 13421.

The meeting was called to order by Mayor Helen Acker

<u>Attendees</u>	<b>Present</b>	<b>Absent</b>	<b>Arrived Late</b>
Mayor Acker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Szczerba	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Laureti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Rossi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Kinville	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Pagano	<input type="checkbox"/>	<input checked="" 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"/>	Police Chief John Little	<input checked="" type="checkbox"/>
City Engineer Jeff Rowe	<input checked="" type="checkbox"/>	Public Safety Com. Kevin Salerno	<input checked="" type="checkbox"/>
Codes Director Bob Burnett	<input checked="" type="checkbox"/>	Other _____	<input type="checkbox"/>
Comptroller Lee Ann Wells	<input checked="" type="checkbox"/>	Other _____	<input type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll Call

**PUBLIC HEARING:** A proposed Local Law to amend Chapter 172 of the Oneida City Code relative to the Traffic Safety Board

**OPEN PUBLIC HEARING**

**A PROPOSED LOCAL LAW TO AMEND CHAPTER 172 OF THE ONEIDA CITY CODE RELATIVE TO THE TRAFFIC SAFETY BOARD**

**RESOLUTION 22-161**

Moved by Councilor Kinville  
Seconded by Councilor Laureti

**RESOLVED**, that the Public Hearing to amend Chapter 172 of the Oneida City Code relative to the Traffic Safety Board be hereby opened at 6:32 p.m.

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

**APPEARANCES:** None

**CLOSE PUBLIC HEARING**

**A PROPOSED LOCAL LAW TO AMEND CHAPTER 172 OF THE ONEIDA CITY CODE RELATIVE TO THE TRAFFIC SAFETY BOARD**

**RESOLUTION 22-162**

Moved by Councilor Kinville  
Seconded by Councilor Szczerba

**RESOLVED**, that the Public Hearing to amend Chapter 172 of the Oneida City Code relative to the Traffic Safety Board be hereby closed at 6:33 p.m.

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

**PUBLIC COMMENT**

**ERNEST SANITA-418 Fourth Ave., Frankfort**

Mr. Sanita introduced himself as one of the parties involved in the purchase 533 Main Street (the former Hazel Carpenter Home). He stated that in doing his research, he found that the City had charged it for a 1203, which is a commercial inspection on a commercial structure. He noted that National Grid also considers it a commercial building. He stated that he met with the Mayor and the Planning Director and was advised that the building is commercial on one side, but not on the other. He stated that he wants travelling healthcare workers in that building who will spend money in Oneida, noting that they make \$150,000 to \$200,000 a year and come from various parts of the country.

Mr. Sanita advised that the building was great the way it is, and no improvements are needed. He stated they will not spend \$3,000 in a motel when they can spend \$1,000/room in Oneida. He asked that the Council get with the Planning Department and get the moratorium released. He would not like to change anything and would like the building open.

### OLD BUSINESS

The Mayor advised that she had a few things she would like to bring up under Old Business:

- Feral Cat Issue-she reminded the Council that members of the Feral Cat Committee had come to a previous meeting asking for additional funding, advising that the City amount provided for in the budget of \$1,000 had already been exhausted. She stated that she had reached out to Council through emails, and it was determined 5:1, they are not in favor of increasing the money.
- Code Inspection Fees for "community" apartments with 20 or more on the same parcel. The Mayor provided examples of Valenti Estates, the Towers, Garden Apartments, Oneida Development, Mansion House, Harden Plaza, etc. that have more than 20 units and stated that several years ago they had a sliding scale fee whereby the first 20 units were \$150, with each additional unit being \$20. One complex owner approached the Mayor and requested that the rates be reduced. Council discussed this through emails and changing this to a flat fee of \$40 across the board. The Mayor asked the City Attorney to provide the City Clerk with a Resolution which will be presented at the next Common Council meeting on September 20. She stated that this would apply only to those that are on one parcel and would not apply to those that might have several units on various parcels throughout the City.
- The Mayor advised that the City will be having a memorial service for 9/11 on Sunday, September 11 at 10:00 a.m. at City Hall. Due to construction being done at City Hall, the service will take place on the side of the building next to the Fire Department on the Oneida Street side and encouraged all to attend, as we will never forget that day.

### APPROVAL OF MINUTES

Moved by Councilor Kinville  
Seconded by Councilor Simchik

**RESOLVED**, that the minutes of the regular meeting of August 16, 2022 are hereby approved as presented.

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

## APPROVAL OF WARRANT

Moved by Councilor Simchik  
Seconded by Councilor Rossi

**RESOLVED**, that Warrant No. 17, checks and ACH payments in the amount of \$560,763.42 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 (Pagano)  
**MOTION CARRIED**

## SPECIAL EVENT PERMIT APPLICATION-LANDLORD AUTHORIZATION FORM ROOTSTOCK CIDER AND SPIRITS

### RESOLUTION 22-163

Moved by Councilor Kinville  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign the Special Event Permit Application-Landlord Authorization Form from the New York State Liquor Authority to grant permission for the sale or services of alcoholic beverages by Rootstock Cider and Spirits, 3274 Eddy Road, Williamson, NY 14589 for consumption at Fall Fest, October 1, 2022 from 12:00p.m. to 4:00p.m. on Mott Street.

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

DISCUSSION: The Mayor stated that this is a great event that the City had for the first- time last year, and over 1,000 people attended. She said that we are expecting even more this year, and this is one of the vendors that will be participating.

## BUDGET TRANSFERS/AMENDMENTS

### RESOLUTION 22-164

Moved by Councilor Kinville  
Seconded by Councilor Simchik

**2022 Budget Adjustments**

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

	<u>To</u>	<u>From</u>
\$ 75,500.00	001.3120.0101.0000 Police Salaries	001.0001.0912.0000 General Fund Balance
\$ 5,000.00	001.3120.0102.0000 Police Overtime	
\$ 10,000.00	001.3120.0104.0000 Police Holiday Buyout	
\$ 6,000.00	001.3120.0113.0000 Police Comp Time Buyout	

***To allocate funds for approved 2022 collective bargaining agreement***

\$ 1,400.00	001.7140.0223.0000 Disc Golf Equipment	001.7140.0403.2038 Rec Art Camp
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***To re-allocate funds for the purchase of Disc Golf Equipment***

\$ 3,000.00	001.8664.0200.0000 Codes Equipment	001.8664.0102.0000 Codes Overtime
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***To re-allocate funds for the purchase of computer equipment***

\$ 15,500.00	002.8300.0309.0000 Water Caustic Soda	002.8300.0436.0000 Water Contingency
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***To re-allocate funds for increased costs in caustic soda***

\$ 35,000.00	002.8300.0308.0000 Water Chlorine	002.8300.0436.0000 Water Contingency
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***To re-allocate funds for increased costs in chlorine***

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

**CELLULAR TELEPHONE ADMINISTRATIVE POLICY**

**RESOLUTION 22-165**

Moved by Councilor Simchik  
Seconded by Councilor Laureti

**RESOLVED**, that the Employee Acknowledgement of Receipt and Understanding of the Cellular Telephone Administrative Policy from Assistant Police Chief, Steven Lowell, be hereby received and placed on file.

**RESOLVED**, that the Telephone Request Form from Steven Lowell, pursuant to the City of Oneida Cellular Telephone Policy adopted June 15, 2010, Resolution 10-153 and reaffirmed on May 17, 2016, be hereby approved.

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

**RELEASE, DISCHARGE, OR COMMUTE CITY/COUNTY TAXES FOR REAL PROPERTY-1538 COBB STREET,  
ONEIDA, NY (TAX MAP NO. 29.-2-17)**

**RESOLUTION 22-166**

Moved by Councilor Rossi  
Seconded by Councilor Kinville

**RESOLVED**, pursuant to Section 5.44 of the Oneida City Charter, the Common Council does hereby exercise its discretion to release, discharge, or commute city/county taxes for real property located at 1538 Cobb Street, Oneida, NY, Tax Map No. 29.-2-17, for the years 2014, 2015 and 2016 in the amount of \$7,573.62, which includes the taxes owed and interest incurred.

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

DISCUSSION: It was noted that this is being done, because the property owner provided proof that the taxes were paid for each of the years stated.

**SALARY SCHEDULE CHANGE-DEPARTMENT OF PUBLIC WORKS**

**RESOLUTION 22-167**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, to authorize a change in the 2022 City of Oneida Salary Schedule to increase the number of budgeted positions for the Motor Equipment Operators from 9 to 10 and to decrease the number of budgeted positions for Laborer/CDL from 4 to 3.

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

**BOND RESOLUTION-CHIPPER TRUCK EQUIPMENT REPLACEMENT**

**RESOLUTION 22-168**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

BOND RESOLUTION DATED SEPTEMBER 6, 2022

A RESOLUTION AUTHORIZING THE PURCHASE OF CHIPPER TRUCK EQUIPMENT REPLACEMENT, IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$81,400, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$81,400 BONDS OF SAID CITY TO PAY THE COST THEREOF.

BE IT RESOLVED by the affirmative vote of not less than two thirds of the total voting strength of the Common Council of the City of Oneida, Madison County, New York (the "City"), as follows:

Section 1. The purchase of chipper truck equipment replacement, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$81,400.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of

not to exceed \$81,400 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Oneida, Madison County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local



Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City for such purpose, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILOR JIM SZCZERBA	VOTING	<u>YES</u>
COUNCILOR STEVE LAURETI	VOTING	<u>YES</u>
COUNCILOR RICK ROSSI	VOTING	<u>YES</u>
COUNCILOR MICHELLE KINVILLE	VOTING	<u>YES</u>
COUNCILOR BILL PAGANO	VOTING	<u>ABSENT</u>
COUNCILOR THOMAS SIMCHIK	VOTING	<u>YES</u>

The resolution was thereupon declared duly adopted.

DISCUSSION: Councilor Szczerba stated that he had done some research and found a company in Pennsylvania that had the exact same machine that is a 2021 that has about 600 hours of usage. He was advised that the machine is clean and has more horsepower than the one being presented. He stated that the City could get this delivered for \$67,150, which would save almost \$15,000. The Comptroller stated that the City does have a Purchasing Policy to follow and recommended that Councilor Szczerba reach out to the City Engineer to review the specs and terms. She stated and they would have to confirm if this would be on State bid or through Sourcwell; and if not, it would require going out to sealed bid. It was noted that the bond was for any amount up to the \$81,400 and approval of this resolution was just to approve the funding.

**CAPITAL PROJECT 22-11 / CHIPPER TRUCK EQUIPMENT REPLACEMENT**

**RESOLUTION 22-169**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, to approve Capital Project 22-11 Chipper Truck Equipment Replacement, not to exceed a maximum of \$81,400 and to authorize the Mayor to sign any and all documents pertaining to Capital Project 22-11.

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

**MOTION TABLED**

DISCUSSION: Council agreed to table this resolution to allow the City Engineer time to look into this further and to determine whether or not this could be done based on the previous discussion.

**GRANT APPLICATION-NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION-  
ZERO-EMISSION VEHICLE INFRASTRUCTURE PROGRAM**

**RESOLUTION 22-170**

Moved by Councilor Simchik  
Seconded by Councilor Kinville

**WHEREAS**, the 2022-23 New York State Budget provided funding for Zero-Emission Vehicle (ZEV) Infrastructure Program and made the New York State Department of Environmental Conservation responsible for implementing a program that will provide municipalities with funds to provide publicly

accessible ZEV Charging Stations; and

**WHEREAS**, a request for applications, known as DEC01-ZEVIN-2022, is available through the Grants Gateway Portal for ZEV projects that support smart growth principles and Climate Smart Communities; and

**WHEREAS**, the City of Oneida is interested in installing ZEV charging stations at City Hall and in the City-Owned Parking Lot at Cedar Street, behind the Kallet Civic Center. Although ZEV infrastructure was an early goal set during the Downtown Revitalization Initiative Strategic Investment Plan process, it was not prioritized due to the availability of funding through other sources; and

**WHEREAS**, the proposed projects are priority projects identified in the Climate Smart Communities Program and a high-impact action in the Clean Energy Communities Program. Completing a number of these actions in each program will help the City meet requirements that unlock grants and provide points for NYS application scoring; and

**WHEREAS**, submitting an application to install ZEV charging stations will help the City meet Climate Act requirements, provide residents and visitors alternative fueling opportunities, and provide new funding opportunities to the City; therefore, be it

**RESOLVED**, that the Mayor of the City of Oneida is hereby authorized to submit an application under the 2022-23 New York State Budget provided funding for the Zero-Emission Vehicle Infrastructure Program, RFA# DEC01-ZEVIN-2022, for funding to assist in the installation of ZEV Charging Stations; and be it further

**RESOLVED**, that the Mayor is further authorized and directed to execute any contracts and/or agreements with Empire State Development in connection with the grant application and is authorized to request and expend funds received from New York State pursuant to said contracts and/or agreements.

Ayes: 5

Nays: 0

Absent: 1 (Pagano)

**MOTION CARRIED**

#### **BOARD APPOINTMENT-BOARD OF ASSESSMENT REVIEW**

#### **RESOLUTION 22-171**

Moved by Councilor Kinville

Seconded by Councilor Simchik

**RESOLVED**, to approve the Mayor's appointment of Douglas Lippert, 450 Elmhurst Ave., Oneida, NY, to the Board of Assessment review for a 5-year term.

Ayes: 5

Nays: 0

Absent: 1 (Pagano)

**MOTION CARRIED**

**NEW BUSINESS:** None

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned to the continuation of the Due Process Hearings from August 16, 2022 at 7:55 p.m.

### **CONTINUATION OF DUE PROCESS HEARINGS**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

The continuation of the Water/Sewer Due Process Hearings from August 16, 2022 be hereby opened at 7:56 p.m.

### **WATER/SEWER DUE PROCESS HEARINGS CONTINUATIONS**

#### **RESOLUTION 22-172**

**Phillip Joseph Dashnau-533 1/2 Elizabeth Street**

Moved by Councilor Simchik  
Seconded by Councilor Kinville

**WHEREAS**, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled "Termination of Service," the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a Due Process Hearing prior to terminating a customer's water service, **and**

**WHEREAS**, Phillip Joseph Dashnau / 533 1/2 Elizabeth St. / 15-127001-00 properly requested a Due Process Hearing before the Common Council to contest the Water Department's decision to terminate his water service, **and**

**WHEREAS**, a Due Process Hearing was thereafter timely held on August 16, 2022 by the City of Oneida Common Council, **and**

**WHEREAS**, Phillip Joseph Dashnau / 533 1/2 Elizabeth St. appeared before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**

**RESOLVED**, that the following action has been approved by the Common Council:

**NAME:** Phillip Joseph Dashnau  
**ADDRESS:** 533 1/2/ Elizabeth Street  
**ACCOUNT #:** 15-127001-00  
**BILL DATES:** September 2020-June 2022 AMOUNT: \$ 1,055.43  
**ACTION BY COUNCIL:** No termination of water service

**RESOLVED**, that there will be no termination of water service, and any unpaid balance not paid by the end of the tax year will be relieved against the property owner.

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
**MOTION CARRIED**

**DISCUSSION:** The Council was reminded that there were 2 water meters with one shut off at this residence. Mr. Dashnau had paid his portion of the water bill; however, the previous tenant had not paid their portion and moved out. Council agreed that there should be no termination of water service and that any amount unpaid by the end of the tax year would be relieved to the property owner.

**WATER/SEWER DUE PROCESS HEARINGS CONTINUATIONS**

**RESOLUTION 22-173**

**Hillary Haskell-609 Valley View Drive**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**WHEREAS**, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled "Termination of Service," the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a Due Process Hearing prior to terminating a customer's water service, **and**

**WHEREAS**, Hillary Haskell / 609 Valley View Drive / 20-122001-00 properly requested a Due Process Hearing before the Common Council to contest the Water Department's decision to terminate her water service, **and**

**WHEREAS**, a Due Process Hearing was thereafter timely held on August 16, 2022 by the City of Oneida Common Council, **and**

**WHEREAS**, Hillary Haskell / 609 Valley View Drive appeared before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**

**RESOLVED**, that the following action has been approved by the Common Council:

<b>NAME:</b>	<u>Hillary Haskell</u>	
<b>ADDRESS:</b>	<u>609 Valley View Drive</u>	
<b>ACCOUNT #:</b>	<u>20-122001-00</u>	
<b>BILL DATES:</b>	<u>March 2020-June 2022</u>	<b>AMOUNT: \$ 6,937.78</b>

**ACTION BY COUNCIL:** Request granted with extension

**RESOLVED**, that if payment in full is not made by October 31, 2022, the City will proceed with termination of water service.

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

**MOTION CARRIED**

DISCUSSION: The Mayor advised that Ms. Haskell stated that she will pay the water bill. The Mayor also stated that the City Water Department sent a worker to the residence and determined that a valve to the pool could have contributed to the issue, but did not find anything that would have caused the bill to be that high. The Mayor offered to call Ms. Haskell and advise her of the Council's decision, and to also advise her that it was discussed during the Council meeting that she could bring this issue/decision to the Water Board, because they may be able to help her, whereby the Council is not in a position to do so.

Motion to close the continuation of the Water/Sewer Due Process Hearings from August 16, 2022 by Councilor Kinville and seconded by Councilor Simchik

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

**MOTION CARRIED**

The continuation of the Water/Sewer Due Process Hearings be hereby closed at 7:05 p.m.

**CITY OF ONEIDA**

Sandra LaPera, City Clerk