

**MINUTES OF THE COMMON COUNCIL  
REGULAR MEETING  
SEPTEMBER 20, 2022**

A meeting of the Common Council of the City of Oneida, NY was held on the twentieth day of September, 2022 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>	<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 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Mary Cavanagh	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Joe Magliocca	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brandee DuBois	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Also Present

City Attorney Nadine Bell	<input checked="" type="checkbox"/>	Fire Chief Dennis Fields	<input type="checkbox"/>
City Clerk Sandy LaPera	<input checked="" type="checkbox"/>	Police Chief John Little	<input checked="" type="checkbox"/>
City Engineer Jeff Rowe	<input 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 COMMENT**

The following individuals requested an extension to their Rehabilitation and/or Demolition Agreements with the City due to not being able to get supplies needed to do the work by the agreed upon deadline and in anticipation of the upcoming winter months.

- |    |                 |                                       |                        |
|----|-----------------|---------------------------------------|------------------------|
| 1. | Jeremy Carnahan | 589 Sayles St., Oneida                | (1260 Lake Rd.)        |
| 2. | David Reiss     | 563 Stockbridge Falls Rd., Munnsville | (518 West Elm St.)     |
| 3. | Brian Ellis     | 301 Phillips St., Oneida              | (522/528 Sconodoa St.) |
| 4. | Eric Decharo    | 1020 Elwood Street                    | (235 West St.)         |

BRAHIM ZOGBY-114 E. Sands St., Oneida

Mr. Zogby appeared before Council expressing concern over emails and phone calls that went about during the feral cat situation among Council, rather than come back to the public and explain why the decision was made. He stated that he would like to know who the Council person was in favor of supporting the request and who were the 5 who weren't. He advised that the Feral Cat Committee was made up of volunteers who have been working diligently on behalf of the City to eliminate the problem and who use their own time to trap the feral cats, schedule and take them to vet appointments and then bring them back to release them.

Mr. Zogby feels this problem should be dealt with and fixed-not dismissed. He asked Council if they had done anything to act on any grants themselves. In addition, he stated that Council would be voting this evening to reduce the fees on Codes inspections, which he feels is a cost of doing business and is taking money from the taxpayers who don't run a private business, stating that it is about the welfare of all the people, not just a few. He requested that Council table that vote in order to have further discussion and establish a Codes Schedule that going forward cannot be challenged.

Councilor Szczerba asked to respond to the feral cat issue, and the Mayor allowed his request. He stated that he did a lot of due diligence and research on this issue and would be happy to provide Mr. Zogby with his evaluation. He stated that the only chance TNR has to be effective, is roughly 75% of the cat population has to be trapped, and doing a handful of cats at a time who reproduce every 6 months won't work. Councilor Szczerba stated that a solution to the problem would be to have someone professionally come in and do a massive "trap"; however, this would be costly to the taxpayers. He stated that cats were surplus killers (often kill and leave carcasses which other animals feed on, presenting a health concern), and people should not be feeding them. He stated that this is an ongoing problem and taking a handful of cats at a time will not fix it.

Supervisor Joe Magliocca spoke and requested a copy of Councilor Szczerba's report as well. He explained how the Cat Committee came to be and their purpose. He advised that the City had given money to various organizations over the years with no results, and the City has been dealing with this issue, as well as skunks, for many years. He stated that the TNR Program has been found to be the best and most humane way to deal with this problem, and that numerous other municipalities were using it and find it effective. The Cat Committee was formed to find a solution to the problem and is made up of volunteers who use their own vehicles and time because of their love for the animals and to help with the nuisance they are creating in the community. He stated that what limits the number of trappings the Committee is capable of doing each year is the cost-effective vet appointments-\$89 per male and \$129 per female. He noted that although doing them all at once is a good idea, it is costly.

The Committee is currently in the process of going outside the area to get more appointments close to that range. Supervisor Magliocca stated that this might not be the best solution, but it is the beginning of a solution. He stated that financing is a key for the number of trappings they can do, and they also have been doing fundraising, noting that donations alone are not enough to make this successful. He feels the

City needs to "have skin in this game" and do more to help with this problem.

There was further discussion between Supervisor Magliocca and Councilor Szczerba, and Supervisor Magliocca advised that they would come forth with a budget including an estimate on the number of colonies there are and expenses, and they would like this cost split among the Not-for-Profit raising funds, as well as the municipality in order to make this successful.

## **OLD BUSINESS**

Mike Burgess, representing the City of Oneida Police Benevolent Association (PBA), presented donations in the amount of \$500 each to the City of Oneida Dog Park and to the Oneida Improvement Committee for the Feral Cat Program. Accepting the donation on behalf of the Dog Park was Mayor Helen Acker, and accepting on behalf of the Feral Cat Program was Supervisor Joe Magliocca.

Mr. Burgess also reminded everyone of the upcoming City of Oneida Fall Fest that will take place on Saturday, October 1 from 12-4, noting that there will be a lot of new and exciting things there this year and asked that everyone spread the word!

## **SUPERVISOR'S REPORT**

### **Delivered Via Email/Supervisor Matt Roberts**

- Sales Tax is up 11% over last year. Distributions continue to be all over the map, with NY City getting caught up, the County seems to be trending at a number which will be closer to 6-8% above last year. All counties are dealing with these uncertainties.
- Budget Hearings commenced a week ago, and the County is getting finalized numbers for wages (some union negotiations are ongoing). Inflation in a number of areas will be difficult to deal with, and one-time AARPA funds are being spent mainly on capital expenditures to mitigate tax increases.
- Climate bills passed continue to be a difficult discussion within the NYS government, local government and businesses. There are a lot of conflicting goals that are difficult to follow or even understand. Tension between NY, Albany and rural areas persist. We probably should put together a presentation so that everyone really understands what is in the law and how the planned implementation is written.
- The County is also very interested in the WWTP progress so that they can put the leachate issue behind them. Note: The Mayor advised that 100% leachate was taken this month.
- Overall, the County is happy with the next year's tentative budget and the direction they are going in.

## APPROVAL OF MINUTES

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, that the minutes of the regular meeting of September 6, 2022 are hereby approved as presented.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

## APPROVAL OF WARRANT

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, that Warrant No. 18, checks and ACH payments in the amount of \$2,413,685.66 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

## WAIVE RULE TO ACCEPT AGENDA ITEMS

### RESOLUTION 22-174

Moved by Councilor Kinville  
Seconded by Councilor Simchik

**RESOLVED**, that per Resolution 08-180 adopted by the Common Council on August 19, 2008, the provisions of the procedure to accept agenda items is hereby waived.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**GRANT AN EXTENSION TO THE OCTOBER 8, 2021**  
**DEMOLITION AGREEMENT**  
**FOR THE PROPERTY LOCATED AT 528 SCONONDOA STREET, ONEIDA, NY**

**RESOLUTION 22-175**

Moved by Councilor Rossi  
Seconded by Councilor Kinville

**WHEREAS**, on or about November 20, 2018, the City of Oneida acquired a tax deed for real property known and designated as 528 Sconondoa Street, in the City of Oneida, New York, Tax Map No. 30.74-1-8 ("Property"), **and**

**WHEREAS**, at the September 21, 2021 Common Council meeting, the Property was declared excess property, thereby eligible to be sold for fair market value, **and**

**WHEREAS**, a Purchase Offer, dated October 8, 2021, for the property located at 528 Sconondoa Street, Oneida, NY, Tax Map No. 30.74-1-8, was submitted by Brian Ellis, 311 Loucks Street, Oneida NY 13421 offering the City of Oneida \$1.00, plus the cost of demolition and removal of demolition debris, and filing fees and costs, and contingent upon the resubdivision of the Property with an adjoining parcel, **and**

**WHEREAS**, in accordance with the terms of the Purchase Offer, the Common Council did agree to sell and convey such Property to Brian Ellis, 311 Loucks Street, Oneida, NY 13421, contingent upon the execution of a "Demolition Agreement" and the filing of a recombined deed joining the Property with the adjacent parcel located at 522 Sconondoa Street, Oneida, NY, also owned by Brian Ellis; and sell and convey said Property, **and**

**WHEREAS**, pursuant to the terms of the "Demolition Agreement," Brian Ellis is required to demolish the structure and recombine the Property within the agreed upon time frame of one-year from the date said Agreement is executed, **and**

**WHEREAS**, Brian Ellis appealed to the Mayor before the September 20, 2022 Common Council meeting to request an extension to the October 8, 2022 deadline of the Demolition Agreement executed by the Mayor and Brian Ellis on October 8, 2021; **now therefore be it**

**RESOLVED**, that the Common Council hereby grants an extension to October 8, 2023 to the deadline of the original Demolition Agreement dated October 8, 2021 for property located at 528 Sconondoa Street, Oneida, NY, Tax Map No. 30.74-1-8.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**GRANT AN EXTENSION TO THE OCTOBER 4, 2021  
REHABILITATION AND PURCHASE AGREEMENT  
FOR THE PROPERTY LOCATED AT 518 WEST ELM STREET, ONEIDA, NY**

**RESOLUTION 22-176**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**WHEREAS**, on or about December 24, 2020, the City of Oneida acquired a tax deed for real property known and designated as 518 West Elm Street, in the City of Oneida, New York, Tax Map No. 30.69-1-7.1 ("Property"), **and**

**WHEREAS**, at the September 21, 2021 Common Council meeting, the Property was declared excess property, thereby eligible to be sold for fair market value, **and**

**WHEREAS**, a Purchase Offer for the property located at 518 West Elm Street, Oneida, NY, Tax Map No. 30.69-1-7.1 was submitted by David Reiss, 5603 Stockbridge Falls Rd., Munnsville, NY 13409 offering the City of Oneida \$1,500.00, plus filing fees and closing costs, contingent upon performance and accomplishment of the necessary rehabilitation within the agreed upon time frame of one-year from the date said Agreement was executed, **and**

**WHEREAS**, David Reiss appealed to the Mayor before the September 20, 2022 Common Council meeting to request an extension to the October 4, 2022 deadline of the Rehabilitation and Purchase Agreement executed by the Mayor and David Reiss on October 4, 2021; **now therefore be it**

**RESOLVED**, that the Common Council hereby grants an extension to October 4, 2023 to the deadline of the original Rehabilitation and Purchase Agreement dated October 4, 2021 for property located at 518 West Elm Street, Oneida, NY, Tax Map No. 30.69-1-7.1.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**GRANT AN EXTENSION TO THE OCTOBER 8, 2021  
REHABILITATION AND PURCHASE AGREEMENT  
FOR THE PROPERTY LOCATED AT 522 SCONONDOA STREET, ONEIDA, NY**

**RESOLUTION 22-177**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**WHEREAS**, on or about July 20, 2017, the City of Oneida acquired a tax deed for real property known and designated as 522 Sconondoa Street, in the City of Oneida, New York, Tax Map No. 30.74-1-7 ("Property"), **and**

**WHEREAS**, at the September 21, 2021 Common Council meeting, the Property was declared excess property, thereby eligible to be sold for fair market value, **and**

**WHEREAS**, a Purchase Offer for the property located at 522 Sconondoa Street, Oneida, NY, Tax Map No. 30.74-1-7 was submitted by Brian Ellis, 311 Loucks St., Oneida, NY 13421, offering the City of Oneida \$1,199.00, plus filing fees and closing costs, contingent upon performance and accomplishment of the necessary rehabilitation within the agreed upon time frame of one-year from the date said Agreement was executed, **and**

**WHEREAS**, Brian Ellis appealed to the Mayor before the September 20, 2022 Common Council meeting to request an extension to the October 8, 2022 deadline of the Rehabilitation and Purchase Agreement executed by the Mayor and Brian Ellis on October 8, 2021; **now therefore be it**

**RESOLVED**, that the Common Council hereby grants an extension to October 8, 2023 to the deadline of the original Rehabilitation and Purchase Agreement dated October 1, 2021 for property located at 522 Sconondoa Street, Oneida, NY, Tax Map No. 30.74-1-7.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**GRANT AN EXTENSION TO THE OCTOBER 1, 2021  
REHABILITATION AND PURCHASE AGREEMENT  
FOR THE PROPERTY LOCATED AT 1260 LAKE ROAD, ONEIDA, NY**

**RESOLUTION 22-178**

Moved by Councilor Kinville  
Seconded by Councilor Simchik

**WHEREAS**, on or about September 22, 2020, the City of Oneida acquired a tax deed for real property known and designated as 1260 Lake Road, in the City of Oneida, New York, Tax Map No. 21.-2-58 ("Property"), **and**

**WHEREAS**, at the September 21, 2021 Common Council meeting, the Property was declared excess property, thereby eligible to be sold for fair market value, **and**

**WHEREAS**, a Purchase Offer for the property located at 1260 Lake Road, Oneida, NY, Tax Map No. 21.-2-58 was submitted by Eric Whipple, 2489 Lake Road., Oneida, NY 13421, offering the City of Oneida \$40,000.00, plus filing fees and closing costs, contingent upon performance and accomplishment of the necessary rehabilitation within the agreed upon time frame of one-year from the date said Agreement was executed, **and**

**WHEREAS**, Eric Whipple appealed to the Mayor before the September 20, 2022 Common Council meeting to request an extension to the October 1, 2022 deadline of the Rehabilitation and Purchase Agreement executed by the Mayor and Eric Whipple on October 1, 2021; **now therefore be it**

**RESOLVED**, that the Common Council hereby grants an extension to October 1, 2023 to the deadline of the original Rehabilitation and Purchase Agreement dated October 1, 2021 for property located at 1260 Lake Road, Oneida, NY, Tax Map No. 21.-2-58.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**GRANT AN EXTENSION TO THE SEPTEMBER 30, 2021  
REHABILITATION AND PURCHASE AGREEMENT  
FOR THE PROPERTY LOCATED AT 235 WEST STREET, ONEIDA, NY**

**RESOLUTION 22-179**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**WHEREAS**, on or about September 3, 2020, the City of Oneida acquired a tax deed for real property known and designated as 235 West Street, in the City of Oneida, New York, Tax Map No. 38.24-1-7 ("Property"), **and**

**WHEREAS**, at the September 21, 2021 Common Council meeting, the Property was declared excess property, thereby eligible to be sold for fair market value, **and**

**WHEREAS**, a Purchase Offer for the property located at 235 West Street, Oneida, NY, Tax Map No. 38.24-1-7 was submitted by Alan DeFazio, PO Box 127, Vernon, NY 13476, Eric Decharo, 1020 Elwood St., Rome, NY 13440, and Jason Decharo, 9165 Mullen Hill Rd., Ava, NY 13303, offering



the City of Oneida \$5,000.00, plus filing fees and closing costs, contingent upon performance and accomplishment of the necessary rehabilitation within the agreed upon time frame of one-year from the date said Agreement was executed, **and**

**WHEREAS**, Alan DeFazio, Eric Decharo, and Jason Decharo appealed to the Mayor before the September 20, 2022 Common Council meeting to request an extension to the September 30, 2022 deadline of the Rehabilitation and Purchase Agreement executed by the Mayor and Alan DeFazio, Eric Decharo, and Jason Decharo on September 30, 2021; **now therefore be it**

**RESOLVED**, that the Common Council hereby grants an extension to September 30, 2023 to the deadline of the original Rehabilitation and Purchase Agreement dated September 30, 2021 for property located at 235 West Street, Oneida, NY, Tax Map No. 38.24-1-7.

Ayes: 6

Nays: 0

**MOTION CARRIED**

#### MONTHLY REPORTS

#### **RESOLUTION 22-180**

Moved by Councilor Kinville  
Seconded by Councilor Simchik

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

Ayes: 6

Nays: 0

**MOTION CARRIED**

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

#### **RESOLUTION 22-181**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled "A Local Law to Amend Chapter 172 of Oneida City Code Relative to the Traffic Safety Board" was presented and introduced at a Regular Meeting of the Common Council of the City of Oneida held on August 16, 2022; and

**WHEREAS**, a public hearing was held on such proposed local law on September 6, 2022 and by the Common Council of the City of Oneida and proof of publication of notice of such public hearing, 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 August 16, 2022 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 a Local Law as follows:

**"CITY OF ONEIDA**

**PROPOSED LOCAL LAW**

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

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

**SECTION 1. Legislative Authority.**

This Local Law is enacted pursuant to the provisions of Article 43 of the Vehicle and Traffic Law of the State of New York, as amended, and Municipal Home Rule Law Section 10 of the State of New York.

**SECTION 2.**

So that Section 172-1 of the Oneida City Code, titled "Purpose," is hereby amended to read, in its entirety, as follows:

**"§ 172 -1 PURPOSE.**

The Common Council of the City of Oneida find that the reduction of fatal and serious personal injury motor vehicle accidents occurring on the streets, roadways, highways, sidewalks or otherwise within the City of Oneida is vital to the preservation and improvement of the health and safety of the City's residents as well as those who visit and do business in the City. The City finds that the establishment of a Traffic Safety Board is essential to promoting, overseeing and ensuring the safety and security of its streets, roadways, highways, sidewalks, visitors, businesses and residents. A Traffic Safety Board

can achieve these goals by engaging in a variety of activities supporting law enforcement agencies to reduce the number of accidents, and fostering cooperation and partnerships between all public and private stakeholders including law enforcement, educators, business leaders and community members.”

**SECTION 3.**

So that Section 172-2(4) shall be deleted in its entirety and Section 172-2(3) of the Oneida City Code shall be amended to read, in its entirety, as follows:

“3. Each member shall be a resident of the City of Oneida and a qualified elector of the City. Each member shall be appointed from the City at large for a term of three (3) years.”

**SECTION 4.**

So that a new Section 172-3(D) of the Oneida City Code is hereby added to read, in its entirety, as follows:

“D. On an annual basis, the Board shall submit a budget proposal for the funds necessary to carry out the purposes of this Chapter, through the Department of Public Works, to the Common Council.”

**SECTION 5.**

So that Section 172-4(4) of the Oneida City Code shall be amended to read, in its entirety, as follows:

“4. To study traffic conditions on streets and highways within the City and analyze reports of accidents and causes thereof, and recommend to the Public Safety Commissioner, Common Council, or appropriate departments or commissions, such changes in rules, orders, regulations, and existing law as the board may deem advisable.”

**SECTION 6. Effective Date.**

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

Councilor Szczerba: YES  
Councilor Laureti: YES  
Councilor Rossi: YES  
Councilor Kinville: YES  
Councilor Pagano: YES  
Councilor Simchik: YES

**MOTION CARRIED**

**MEMORANDUM OF AGREEMENT-CSEA**

**RESOLUTION 22-182**

Moved by Councilor Kinville  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign a Memorandum of Agreement with the Civil Service Employees Association, Inc. (CSEA) Union, whereby the City of Oneida will pay for employees to attend training to obtain a CDL driver's license.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**UNFINISHED BUSINESS-RESOLUTION 22-169 CAPITAL PROJECT 22-11/CHIPPER TRUCK EQUIPMENT  
REPLACEMENT TABLED FROM 9-6-22**

**RESOLUTION 22-183**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**WHEREAS**, at the September 6, 2022 regular meeting of the Common Council, a motion to table Resolution 22-169, relating to Capital Project 22-11/Chipper Truck Equipment Replacement, was moved by Councilor Kinville and seconded by Councilor Rossi, **and**

**WHEREAS**, a discussion was held at the September 6, 2022 Common Council meeting relating to said tabled motion, **now therefore be it**

**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: 6  
Nays: 0

**MOTION TABLED**

**CLOSEOUT CAPITAL PROJECTS**

**RESOLUTION 22-184**

Moved by Councilor Kinville  
Seconded by Councilor Simchik

**RESOLVED**, that the following Capital Projects be hereby closed and approved unexpended funds as indicated be transferred back to the stated fund.

<b>CAPITAL PROJECT</b>	<b>PROJECT TITLE</b>	<b>AMOUNT</b>	<b>TRANSFER BACK TO</b>
Capital Project 19-13	ROV Tank Cleaning (Water)	\$ 9,845.00	Water Fund
Capital Project 17-03	Baker Dam Engineering Assessment and Tree Removal (Water)	\$ 10,495.70	Water Fund
Capital Project 14-1	Oneida Rail Trail-Wampsville to Oneida Connector Enhancement Project	\$ 275,245.28	General Fund

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**DISCUSSION:** The Mayor stated that this is a good thing, as the City is getting money back, and the projects have been completed.

**INTRODUCE A LOCAL LAW-PROPERTY TAX CAP LEVY-SCHEDULE PUBLIC HEARING**

**RESOLUTION 22-185**

Moved by Councilor Simchik  
Seconded by Councilor Kinville

**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 (SEQR) 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 to said Local Law is an unlisted action for purposes of environmental review under SEQR; and

**WHEREAS**, the Common Council has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

**WHEREAS**, the said EAF has been prepared and has been reviewed by the Common Council; and

**WHEREAS**, the Common Council has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED** that the enactment of proposed Local Law is an unlisted action, there are no other involved agencies and this Council shall act as lead agency in this matter for purposes of SEQR review; and it is further

**RESOLVED AND DETERMINED** 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**, 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:

**CITY OF ONEIDA  
PROPOSED LOCAL LAW**

**A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW  
§3-C IN THE CITY OF ONEIDA**

**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, 2023 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, 2023 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 October 4, 2022 at 6:30 pm.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**COMMENCE LEGAL ACTION IN SUPREME COURT  
ON THE PROPERTY LOCATED AT 140 MADISON STREET**

**RESOLUTION 22-186**

Moved by Councilor Kinville

Seconded by Councilor Simchik

**WHEREAS**, in accordance with Article III of Chapter 34 of the Oneida City Code, as amended, at the June 7, 2022 meeting, the Common Council, having duly considered the documentary evidence, as well as the oral testimony presented by the Fire Marshal and the Property Owner, declared the property located at 140 Madison Street, Tax Map No. 30.72-1-66 ("Property"), to be a public nuisance; **and**

**WHEREAS**, having declared the Property to be a public nuisance, the Common Council ordered the Property Owner, or persons with an interest in such Property, to undertake corrective action in accordance with the recommendations of the Fire Marshal; **and**

**WHEREAS**, the Common Council ordered that the owner or persons with an interest in the Property that corrective action must occur on or before September 7, 2022; **and**

**RESOLVED**, that the Common Council hereby authorizes the commencement of legal action in Supreme Court on the property located at 140 Madison St., Tax Map No. 30.72-1-66, to facilitate the initial order of the Common Council on June 7, 2022.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**DISCUSSION:** The City attorney reminded Council that on June 7, 2022, a resolution was passed that consisted of an order declaring 140 Madison Street a Public Nuisance and requiring its demolition within 90 days. As this time as passed, this order is now taken to court- filing a verified petition, so that there is no dispute as to whether or not the municipality has the right to put this on and that the procedure was done correctly, noting the cost of demolition can be expensive. She advised that she has prepared the petition and has sent it to the Fire Marshal for his review. Once the court receives it, it should be heard within a relatively short time period, as it is not standard and does not involve extensive litigation, noting that due to the nature of it being an unsafe structure, is typically heard sooner.

The Mayor stated that the City cannot do anything until we hear from the court, and then the engineers have to come in, an asbestos abatement has to be done and to obtain estimates on pricing. The preliminary pricing is \$350,000, and she noted that we are allowed to bond for unsafe structures, which is most likely what would be done. The Mayor stated that we also have 210 Sconodoa Street that is a mess and needs to be dealt with also. The City Attorney stated that the owner of 140 Madison Street is a corporation, and the Mayor said that she was advised that they are declaring that they have no money to do anything with the building.

#### CODE INSPECTION FEE SCHEDULE

#### **RESOLUTION 22-187**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**WHEREAS**, in accordance with the Oneida City Charter, Article VII, §33-17, a fee schedule shall be established by resolution of the Common Council and may thereafter from time to time be amended by like resolution, **and**

**WHEREAS**, the City of Oneida adopted Resolution 12-108 on April 3, 2012 as per the attached fee schedule, **and**

**WHEREAS**, the Common Council more recently, by Resolution 21-100, approved an amended fee schedule for Inspections performed by the City of Oneida Department of Code Enforcement; **and**

**WHEREAS**, it is the desire of the Common Council to further amend the attached fee schedule so as to remove the reference to "Residential, Large residential complexes with 20 or more units" and to include an Inspection fee for "Community Apartment Complexes," which are defined as a multiple-family dwelling containing twenty (20) or more units on a single tax map parcel in the following manner:

1. Base fee of \$40 per unit; **now therefore be it**

**RESOLVED**, to approve the following Inspection Fee Schedule:



## INSPECTION FEE SCHEDULE

1.	Public Assembly: Yearly	\$35
2.	Business: Every 3 years	\$60
3.	Educational: Yearly	\$60
4.	Factory: Every 3 years	***See Below
5.	High Hazard: Every 3 years	\$60
6.	Institutional: Every 3 years	***See Below
7.	Mercantile: Every 3 years	***See Below
8.	Residential: Every 3 years	***See Below
9.	Storage Facilities: Every 3 years	\$60
10.	Utility and Misc.: Every 3 years	\$60
11.	Solid Fuel Devices: New and transfer of property	\$60

Scheduled appointments: when a property owner is sent notification for inspection and doesn't respond to reschedule, and doesn't show for the inspection, a fee of \$40 will be assessed.

\*\*\*Factory, Institutional and Mercantile fees will be based on square footage of structure with the following fees associated with footage. The footage will be based on Assessor's records.

<u>Sq. Ft.</u>	<u>Fee</u>
0-1,499	\$60
1,500-3,999	\$70
4,000-9,999	\$80
10,000-29,999	\$100
30,000-59,999	\$120
60,000-150,000	\$150
150,000+	\$200

\*\*\* Community Apartment Complexes, with 20 or more units on a single tax map parcel

**1. Base fee of \$40 per unit**

Residential, Less than 20 units

1. Fee of \$75 per housing unit

All fees include the initial inspection and one reinspection. A Certificate of Compliance will not be issued until the fee has been paid. Second and consequence reinspections will be charged \$150 per unit and no shows will be \$150 per unit.

All bills will be sent to the property owner, failure to pay will result in the bill added to the next year's property tax bill.

Ayes: 5  
Nays: 1 (Simchik)  
**MOTION CARRIED**

**SALARY SCHEDULE CHANGE**

**RESOLUTION 22-188**

Moved by Councilor Kinville  
Seconded by Councilor Pagano

**RESOLVED**, to authorize a change in the 2022 City of Oneida Budget Salary Schedule, to eliminate the Housing Inspector Position (zero budget) and adding an Assistant Code Enforcement Officer position with a base rate of \$25 per hour.

Ayes: 6  
Nays: 0  
**MOTION CARRIED**

**BUDGET TRANSFERS/AMENDMENTS**

**RESOLUTION 22-189**

Moved by Councilor Kinville  
Seconded by Councilor Simchik

***2022 Budget Adjustments***

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

	<b><u>To</u></b>	<b><u>From</u></b>
\$ 40,000.00	001.8020.0101.0000 Planning Salaries	001.0001.0912.0000 General Fund Balance
<b><i>To allocate funds for retirement payout from department in early 2022</i></b>		
\$ 14,000.00	030.3410.0201.0000 ARPA-Fire EMS Equipment	030.3410.0401.0000 ARPA-Fire Auto pulse Equipment

*To allocate funds for the purchase of a needed cardiac monitor*

Ayes: 6

Nays: 0

**MOTION CARRIED**

**NEW BUSINESS:** The Mayor encouraged all to attend the upcoming Fall Fest on October 1, stating that it was a great event last year with over 1,000 attendees and based on the responses so far, should be even more this year.

**WATER/SEWER DUE PROCESS HEARINGS CONTINUATIONS**

**RESOLUTION 22-190**

**Pamela Purcell-522 Stone Street**

Moved by Councilor Kinville

Seconded by Councilor Rossi

**RESOLVED**, that the City of Oneida Common Council hereby approves the following:

Pamela Purcell of 522 Stone Street, Oneida, NY (Account # 09-020001-00) for the bill date from September 2020 to June 2022 in the amount of \$1,015.65 shall not result in the termination of water services by providing a Guarantee of Payment Letter from the New York State Low Income Household Water Assistance Program (LIHWAP), dated 9/16/2022. Failure to pay the monies in full on or before October 30, 2022 shall result in the unpaid monies being levied onto the 2023 tax bill.

Ayes: 6

Nays: 0

**MOTION CARRIED**

The continuation of the Water/Sewer Due Process Hearings be hereby closed at 7:13 p.m.

**EXECUTIVE SESSION**

**RESOLUTION 22-191**

Motioned by Councilor Kinville  
Seconded by Councilor Simchik

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 7: 15 p.m. to seek advice of Counsel.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**PRESENT:** Mayor, Council, City Attorney, Comptroller, City Chamberlain Anna Hood and Codes Director, Bob Burnett

1. Discussion was held to seek advice of Counsel.

Motioned by Councilor Kinville  
Seconded by Councilor Simchik

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 7:35 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

The regular meeting is hereby adjourned at 7:36 p.m.

**CITY OF ONEIDA**

---

Sandra LaPera, City Clerk