

**MINUTES OF THE COMMON COUNCIL  
REGULAR MEETING  
OCTOBER 18, 2022**

A meeting of the Common Council of the City of Oneida, NY was held on the eighteenth day of October, 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Magliocca	<input type="checkbox"/>	<input checked="" 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 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:** Proposed Local Law to impose a six (6) month moratorium on Smoke Shop uses within the City of Oneida

**OPEN PUBLIC HEARING**

**PROPOSED LOCAL LAW TO IMPOSE A SIX (6) MONTH MORATORIUM ON SMOKE SHOP  
USES WITHIN THE CITY OF ONEIDA**

**RESOLUTION 22-203**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, that the Public Hearing on a proposed Local Law to impose a six (6) month moratorium on Smoke Shop uses in the City of Oneida be hereby opened at 6:31 p.m.

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

**APPEARANCES**

None

**CLOSE PUBLIC HEARING**

**PROPOSED LOCAL LAW TO IMPOSE A SIX (6) MONTH MORATORIUM ON SMOKE SHOP  
USES WITHIN THE CITY OF ONEIDA**

**RESOLUTION 22-204**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, that the Public Hearing on a proposed Local Law to impose a six (6) month moratorium on Smoke Shop uses in the City of Oneida be hereby closed at 6:32 p.m.

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

**PUBLIC HEARING:** Proposed Local Law to amend Chapter 122 of the Oneida City Code to remove references to marijuana

**OPEN PUBLIC HEARING**

**PROPOSED LOCAL LAW TO AMEND CHAPTER 122 OF THE ONEIDA CITY CODE  
TO REMOVE REFERENCES TO MARIJUANA**

**RESOLUTION 22-205**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, that the Public Hearing on a proposed Local Law to amend Chapter 122 of the Oneida City Code to remove references to Marijuana be hereby opened at 6:32 p.m.

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

**APPEARANCES**

**None**

**CLOSE PUBLIC HEARING**

**PROPOSED LOCAL LAW TO AMEND CHAPTER 122 OF THE ONEIDA CITY CODE  
TO REMOVE REFERENCES TO MARIJUANA**

**RESOLUTION 22-206**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, that the Public Hearing on a proposed Local Law to amend Chapter 122 of the Oneida City Code to remove references to Marijuana be hereby closed at 6:33 p.m.

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

## **PUBLIC COMMENT**

### LYNN MCHUGH-420 Wilbur St., Oneida (Ward 1)

Lynn McHugh stated that she saw on the agenda that a local Law was being introduced tonight involving tents and asked if this was regarding recreational tents and camping in inappropriate spaces or if this was a homelessness issue. The Mayor confirmed that it is a homelessness issue. Mrs. McHugh stated that there is a housing shortage in Oneida, and homelessness has been a part of the conversation for some time. She noted that previous efforts to create transitional housing have fallen flat and have resulted in significant expenses for the City.

She stated that we are a city that cares about its residents, and if these people who are setting up tents are homeless, in need of mental health care, or who are struggling with addiction, are there plans to engage our local mental health service systems to see what they can do, along with local government, through their existing services to support this. She pointed out that in other counties, there are agencies actively engaging with people who are experiencing homelessness and addiction through outreach.

She advised that there were counties that have their agencies and their staff/teams going to points in the community talking to people, developing a repour and building trust-connecting them with already existing services. She stated that these services are generally provided at no cost to the city and are largely funded through grants. Mrs. McHugh would like to see our local agencies answer the call and work with our community to identify and better understand the needs and actively support the legislative changes that are being proposed by the Council.

Lastly, she said that if these changes are already happening, it would be good to communicate this to the public to reassure the community that something is being done.

## **OLD BUSINESS**

None

## **SUPERVISOR'S REPORT**

Supervisor Matt Roberts provided the report, stating the following:

1. Sales tax had previously been trending at 20-25% above last year but has slowed down to approximately 4-5%. He noted that the last distribution was approximately 15% above last year, so we are still trending in double digits, which is important.
2. The City is going to start auctioning properties by working with the County. At the last auction held, the County made \$270,000 after making all the townships whole with taxes. By doing this, they hope to make some money for the City of Oneida.
3. The County is starting a Shared Services Panel, and the supervisors of the City of Oneida are very involved and working together to start looking at the future of government, noting that the City of Oneida would be a part of this. They are still working on the budget, but next year should be ok.

Supervisor Cavanagh reminded the Mayor that she was invited to a meeting of the Shared Services Panel that will take place on October 19 via Zoom.

She also stated that the County has a great Mental Health Department that can provide assistance to the City as well. The Mayor concurred that the Mental Health Department does a good job and that our Police Department reaches out to them often.

#### **APPROVAL OF MINUTES**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, that the minutes of the regular meeting of October 4, 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 Kinville

**RESOLVED**, that Warrant No. 20, checks and ACH payments in the amount of \$1,408,403.83 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**

#### **MONTHLY REPORTS**

#### **RESOLUTION 22-207**

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 and Planning Department are hereby received and placed on file.

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

**ADOPT LOCAL LAW-AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN  
GENERAL MUNICIPAL LAW §3-C**

**RESOLUTION 22-208**

Moved by Councilor Kinville  
Seconded by Councilor Simchik

**RESOLVED**, that the Common Council hereby enacts and adopts a Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C as follows:

**Section 1. Legislative Intent**

It is the intent of this local law to allow the City of Oneida to adopt a budget for the fiscal year commencing January 1, 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.

Councilor Szczerba	No
Councilor Laureti	No
Councilor Rossi	No
Councilor Kinville	Yes
Councilor Pagano	Absent
Councilor Simchik	Yes

**MOTION FAILED**

DISCUSSION: Councilor Laureti asked the Comptroller to explain the purpose of this again. The Comptroller said that the tax levy is based on assessed property value and is not a 2% tax increase on taxes-it is on the total levy, including the inside district, the outside district, hydrant, fire, and lighting, and is a formula set by NYS, whereby taxes cannot be raised more than 2%. She advised that as assessed values change from year to year, if you have a higher assessed value, at this point in time, that 2% may have already been reached.

**INTRODUCE A LOCAL LAW AMENDING CHAPTER 151 OF THE ONEIDA CITY CODE TO ADD  
ARTICLE VII, OBSTRUCTIONS IN PUBLIC PLACES**

**RESOLUTION 22-209**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**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**, the City of Oneida Common Council has the authority to adopt provisions to advance and protect the safety, welfare, and aesthetics of the community; and

**WHEREAS**, this proposed Local Law will prevent the unreasonable interference with the public's use and enjoyment of public property from the erection and use of tents and related activities associated with camping on public property not otherwise designated for such activities; 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

**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 SEQRA; 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, 2022, 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 (Pagano)  
**MOTION CARRIED**

## **CITY OF ONEIDA**

### **PROPOSED LOCAL LAW**

#### **A LOCAL LAW AMENDING CHAPTER 151 OF THE ONEIDA CITY CODE TO ADD ARTICLE VII, OBSTRUCTIONS IN PUBLIC PLACES**

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

#### **SECTION 1. Intent.**

The purpose of this local law is to protect public property and the public health, safety, and welfare from unreasonable interference with the public's use and enjoyment of public property from the



erection and use of tents and related activities associated with camping on public property not otherwise designated for such activities.

**SECTION 2. Authority.**

This local law is adopted pursuant to the statutory powers vested in the Oneida City Code to regulate and control land use, and to protect the health, safety, and welfare of its residents. This local law is adopted under the authority of the New York State Municipal Home Rule Law § 10.

**SECTION 3. Amend Chapter 151 of the Oneida City Code to Add Article VII, Obstructions In Public Places.**

The Chapter 151 of the Oneida City Code, "Streets, Sidewalks and Public Places," is hereby amended to add Article VII, "Obstructions in Public Places," which shall read in its entirety as follows:

"§ 151-20. Obstructions to public places prohibited.

Unless otherwise authorized by a permit issued by the Director of Parks and Recreation pursuant to the provisions of this Article, there shall be no camping and/or erection of tents or other structures on public property. Further, there shall be no placement of tarps or sleeping bags or other coverings and no storage or placement of personal property on the ground, benches, sitting areas or walkways which unreasonably interferes with the use of such public property by others.

§ 151-21. Permit.

- A. No person shall be allowed to camp and/or erect a tent or other structure on public property within the City of Oneida without a written permit from the Director of Parks and Recreation, unless no permit is required pursuant to the provisions of this Article.
- B. A person desiring such a permit shall file an application with the Director of Parks and Recreation on forms provided by the Department of Parks and Recreation.
- C. The application for such a permit shall set forth the following information:
  - (1) The name, address and telephone number of the person seeking to camp and/or erect a tent or other structure on public property.
  - (2) The date(s) when the camping and/or erection of a tent or other structure on public property shall occur.
  - (3) The number of people who, and animals and vehicles which, will be present for the specified camping and/or erection of a tent or other structure on public property.
  - (4) The location where the camping and/or erection of a tent or other structure on public property shall occur.

(5) Any additional information which the Director of Parks and Recreation shall find reasonably necessary to a fair determination as to whether a permit should be issued.

D. There shall be paid at the time of filing the application for a permit, a fee established by the Common Council.

§ 151-22. Exceptions.

Permits are not required for the camping and/or erection of tents at the following designated location(s) or for the following designated reason(s):

A. Funeral tents not exceeding 700 square feet when used at cemeteries.

§ 151-23. Penalties.

Any person committing an offense against any provision of this Article shall be guilty of a violation punishable as follows: by imprisonment for a term not exceeding 15 days or by a fine not exceeding \$250, or both such fine and imprisonment. The continuation of an offense against the provisions of this Article shall constitute, for each the offense is continued, a separate and distinct offense hereunder."

**SECTION 4. 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 effect of any other section of this local law.

**SECTION 5. Effective date.**

This local law shall be effective upon filing with the office of the Secretary of State.

**COMMITTEE RECOMMENDATION-CITY ADMINISTRATOR/MANAGER**

**RESOLUTION 22-210**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, to receive and place on file a recommendation from the City Administrator/Manager Special Committee that a local law amending the Oneida City Charter be prepared for introduction and consideration, subject to mandatory referendum, which shall revise the City of Oneida's form of government to create the position of professional City Manager who shall serve as the administrative head of the City of Oneida and which local law shall further abolish, transfer or

curtail the power of the Oneida City Mayor as appropriate to facilitate the change in form of City government.

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

**CLOSE OUT CAPITAL PROJECT 16-07-WWTP FEMA FLOOD MITIGATION PROJECT**

**RESOLUTION 22-211**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, to authorize the Comptroller to close out Capital Project 16-07-WWTP FEMA Flood Mitigation Project and to transfer unexpended funds of \$254,211.26 back to the Sewer Fund.

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

**BUDGET TRANSFERS/AMENDMENTS**

**RESOLUTION 22-212**

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>
\$ 49,000.00	030.7140.0200.0000 ARPA Bleachers for Vet's Field	030.7140.0400.0000 ARPA Bathroom repairs to Vet's Field

***To re-allocate funds to purchase additional bleachers for Vet's Field***

Ayes: 5  
Nays: 0

Absent: 1 (Pagano)  
**MOTION CARRIED**

**WATER BOARD RECOMMENDATION-TOWN OF VERONA**

**RESOLUTION 22-213**

Moved by Councilor Kinville  
Seconded by Councilor Simchik

**WHEREAS**, the Town of Verona, 6600 Germany Road, Durhamville, NY 13054 was charged late fees in the amount of \$6,980.97 for the September 2022 water bills for the Durhamville Water District, Account No. 52-010002-00 (\$325.78) and the Route 365 Water/Sewer District, Account No. 52-01502-00 (\$6,655.19); **and**

**WHEREAS**, the Town of Verona submitted a letter dated October 11, 2022, to the City of Oneida Water Board requesting that the late fees be waived due to extenuating circumstances caused by the US Postal Service and their excellent payment history with the City of Oneida; **now therefore be it**

**RESOLVED**, that the Common Council hereby approves the waiver of \$6,980.97 in late fees assessed to the Town of Verona, 6600 Germany Rd., Durhamville, NY 13054, Account No. 52-010002-00 and 52-01502-00.

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

**NEW BUSINESS:** None

Motion to adjourn by Councilor Kinville  
Seconded by Councilor Rossi

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

The regular meeting is hereby adjourned at 6:46 p.m.

**CITY OF ONEIDA**

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Sandra LaPera, City Clerk