

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
MARCH 7, 2023**

A meeting of the Common Council of the City of Oneida, NY was held on the seventh day of March 2023, 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 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"/> _____

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 Steve Lowell	<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"/>	Water Superint. John Monaghan	<input checked="" type="checkbox"/>
Comptroller Lee Ann Wells	<input checked="" type="checkbox"/>	Supervisor Mary Cavanagh	<input checked="" type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll Call

PROCLAMATION: American Red Cross Month

Proclamation

City of Oneida - Office of the Mayor

WHEREAS, the tradition of proclaiming March as American Red Cross month began in 1943 by President Franklin D. Roosevelt and has continued throughout the years to recognize how the Red Cross helps people throughout the country and around the world, **and**

WHEREAS, each year for the month of March, the City of Oneida honors those in our community who dedicate their time through volunteer work, giving blood or making a financial donation to the Red Cross, **and**

WHEREAS, here in the City of Oneida, local families have relied on volunteers from the Central and Northern New York **Chapter for comfort and hope while coping with home fires and other local disasters. Volunteers have supported local families in other ways too** by providing lifesaving blood, teaching skills that save lives, and supporting military, veterans, and their families, **and**

WHEREAS, this lifesaving work is vital to strengthening our community's resilience. Nearly 200 years since the birth of American Red Cross founder Clara Barton, we dedicate this month of March to all those who continue to advance her noble legacy, **and now therefore**

I, **Helen B. Acker, Mayor** of the City of Oneida do hereby proclaim March 2023 as;

American Red Cross Month

in the City of Oneida, and I ask others to join in their commitment to care for people in need.

IN WITNESS WHEREOF, I have hereunto set my hand and affix the official seal of the City of Oneida on this 7th day of March 2023.

Mayor Helen B. Acker

PUBLIC COMMENT

VALERIE COE-1063 HUBBARD PLACE, ONEIDA

Ms. Coe addressed Council advising that there is a littering problem on her street (Hubbard Place) that goes from Walmart to the Green Houses, including both sides, and she is afraid that it is going to attract wild animals and rats. She stated that there is a lot of foot traffic there, and people just throw trash everywhere, including glass and food waste, noting that it is not as noticeable in the winter due to snow. The Mayor asked the City Engineer to have the DPW investigate this. The City Attorney asked if there were signs there pertaining to littering/fines, and the City Engineer responded that there were none. The Mayor thanked Ms. Coe for bringing this to the City's attention and advised that she would look into posting signs as well, which might help deter the littering.

OLD BUSINESS

None

APPROVAL OF MINUTES

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the minutes of the regular meeting of February 21, 2023, are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Rossi
Seconded by Councilor Simchik

RESOLVED, that Warrant No. 5, checks and ACH payments in the amount of \$2,060,557.79 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

2022 SIDEWALK REPLACEMENT PROGRAM ASSESSMENT ROLL

RESOLUTION 23-38

Moved by Councilor Kinville
Seconded by Councilor Rossi

WHEREAS, on or about February 7, 2023, the City of Oneida Common Council received and placed on file the Assessment Roll that has been prepared for the 2022 Sidewalk Replacement Program; **and**

WHEREAS, on or about February 8, 2023, due notice of the completion of said Assessment Roll and of the filing of same with the City Clerk, and of the time and place when and where this Council would meet to hear and consider any objections to the said Assessment Roll, and for the purpose of receiving, correcting, or amending the same, was duly provided by the City Clerk to each property owner on said Assessment Roll, as was publication of a notice thereof in the official newspaper; **and**

WHEREAS, the Council duly met at the time and place specified in said notice, to wit; in Council Chambers, Oneida Municipal Building, 109 N. Main St., Oneida, NY on the twenty first day of February, 2023 at 6:30 p.m. and a hearing was duly held upon said assessment roll; **now therefore be it**

RESOLVED, that in accordance with Article VI of the Oneida City Charter, titled "Assessments for Local Improvements," Section 6.5, the sidewalk replacement program having been completed, the Common Council does hereby assess the cost and expense incidental thereto; **and be it further**

RESOLVED, that in furtherance of such assessment, the Common Council does hereby confirm the Assessment Roll for the 2022 Sidewalk Replacement Program as amended, corrected, or altered by this Council, and does further deem the report of assessment to be final and correct; **and be it further**

RESOLVED, that the Common Council does hereby authorize the Mayor and the City Clerk to sign said Assessment Roll and file same with the City Chamberlain for collection. The amount assessed against each parcel of real property shall become and be a first lien upon such parcel of real property until fully paid.

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

MOTION CARRIED

WATER BOARD RECOMMENDATION-GRANT APPLICATION-NEW YORK STATE DEPARTMENT OF HEALTH-FUNDING TO STUDY THE TECHNICAL AND ECONOMIC FEASIBILITY OF STARTING WATER FLUORIDATION

RESOLUTION 23-39

Moved by Councilor Kinville
Seconded by Councilor Rossi

WHEREAS, the City of Oneida Water Board recommends that the City seek to obtain a grant to study the technical and economic feasibility of starting fluoridation of Oneida’s water; **and**

WHEREAS, the New York State Department of Health has released a rolling Request for Application (RFA) to support municipalities’ increasing community access to optimally fluoridated water; **and**

WHEREAS, the Madison County Health Department recommends that the City of Oneida apply for the NYSDOH funding, and they are available to provide technical assistance for the grant application process and subsequent planning and implementation related to the grant award; **now therefore be it**

RESOLVED, to authorize the submission of a grant application to the New York State Department of Health (NYSDOH) for funding to study the technical and economic feasibility of starting water fluoridation for the City of Oneida water.

Ayes: 0

Nays: 6

MOTION FAILED

DISCUSSION:

The Mayor advised that she was asked how this got to be on the Council Agenda, noting that it was a recommendation from the State that went down to the County, who presented it to the Water Board. The Water Board made the decision to put it before the Council for their approval or disapproval.

AGREEMENT – NY URGENT CARE PRACTICE P.C. (WELLNOW)

RESOLUTION 23-40

Moved by Councilor Kinville
Seconded by Councilor Laureti

RESOLVED, to authorize the Mayor to sign a service agreement with NY Urgent Care Practice P.C., 7375 Oswego Road, Liverpool NY 13090 (WellNow Occupational Medicine) to provide occupational health services for the City’s drug and alcohol testing and annual physicals.

Ayes: 6

Nays: 0

MOTION CARRIED

**INTRODUCE A LOCAL LAW AMENDING CHAPTER 5, TITLED "ALARM SYSTEMS," OF THE CITY OF ONEIDA
CODE RELATING TO ALARM SYSTEM FEES AND SCHEDULE A PUBLIC HEARING**

RESOLUTION 23-41

Moved by Councilor Kinville

Seconded by Councilor Pagano

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 proposed Local Law is intended to amend Chapter 5 of the Oneida City Code so as to amend Section 5.5, titled "User Permits, fees," to allow delinquent fees to be assessed against real property; **and**

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of local laws in the City of Oneida, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law.

NOW, THEREFORE, it is

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

RESOLVED 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 March 21, 2023, 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: 6

Nays: 0

MOTION CARRIED

"CITY OF ONEIDA

**A LOCAL LAW AMENDING CHAPTER 5, TITLED "ALARM SYSTEMS,"
OF THE CITY OF ONEIDA CODE RELATING TO ALARM SYSTEM FEES**

Be it enacted by the Common Council of the City of Oneida, that this local law amends the Code of the City of Oneida in the following manner:

SECTION 1.

So that § 5.5, titled "User Permits; fees," Subsection B(2) shall be amended so as to read, in its entirety, as follows:

“(2) Every application for an alarm user permit shall be accompanied by the appropriate fee. No alarm user permit shall be granted unless the fee is submitted at time of application. Fees shall be established by resolution of the Common Council, which may thereafter be amended from time to time by resolution. Any fee not paid shall be assessed against the property and collected as part of the annual tax levy, or in the statute manner for the collection of civil penalties.”

SECTION 2. EFFECTIVE DATE

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

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 23-42

Moved by Councilor Kinville
Seconded by Councilor Rossi

	<u>To</u>	<u>From</u>
	2023 Budget Adjustments	
\$5,000.00	001.1989.0400.0000 Printing	001.0001.0912.0000 General Fund Balance
	<i>To allocate funds for printing as the General Code printing of local laws for 2023 has come in much higher than expected due to volume of changes</i>	
\$1,500.00	001.3620.0403.0000 Structural Engineering Assessment	001.0001.0912.0000

To allocate funds for the structural assessment of the shared wall at 138 Madison St

Ayes: 6

Nays: 0

MOTION CARRIED

DISCUSSION:

Councilor Laureti inquired about the printing transfer of \$5,000. The Comptroller advised that this was for General Code (eCode) and asked the City Clerk to explain. The City Clerk advised that Local Laws are submitted to General Code, and the fee is dependent on the number of laws submitted. She noted that for this submission there were approximately 8 or 9 included. The City Clerk advised that it is difficult to budget for this expense, as no one knows how many Local Laws there will be each year.

The City Attorney further explained that years ago, a lot of municipalities would have a compilation of Local Laws and the City, Town and Village Clerks would have binders full them that were not easily accessible. She noted that most now send them to a publishing company, such as General Code, for easy access which allows users the ability to search items more efficiently.

CAPITAL RESERVE FUND-KALLET

RESOLUTION 23-43

Moved by Councilor Kinville

Seconded by Councilor Simchik

RESOLVED, that pursuant to General Municipal Law Section 6-c, as amended, the City of Oneida Common Council does hereby establish a Capital Reserve Fund for the Kallet to accumulate moneys to finance the cost of capital improvements and equipment as per the signed agreement between the City of Oneida and William Di Paolo, Inc., **and be it further**

BE IT FURTHER RESOLVED, that the City Comptroller, pursuant to General Municipal Law Section 10, is hereby directed to deposit and secure moneys of this Reserve Fund into a separate bank account to be known as the "Kallet Capital Reserve" Fund, **and be it further**

RESOLVED, that the City Comptroller is hereby authorized to invest the moneys of this Capital Reserve Fund for the Kallet pursuant to the provisions of Section 11 of General Municipal Law, and any interest earned and/or capital gains or losses realized on said investments shall accrue to, and become part of, this Reserve Fund, **and be it further**

RESOLVED, that no expenditures shall be made of this Kallet Capital Reserve Fund, except upon authorization of the Common Council, pursuant to Section 6-c of the General Municipal Law.

Ayes: 6

Nays: 0

MOTION CARRIED

DISCUSSION:

The Mayor stated that the City gets a percentage per ticket for events held at the Kallet and a percentage of the bar. The Comptroller advised that the City receives \$2.00 per ticket and provided an example of the January revenue, whereby there were 111 tickets sold for a profit of \$222.00, which she will transfer into the reserve account upon approval at the next Council meeting. Councilor Laureti asked if there was another portion of the ticket that goes to general revenue, to which she stated that there was, and \$348.33 for January would go to that. The Mayor talked about recent shows held there and encouraged all residents to go and enjoy themselves, citing a comedy show that she attended, and a Stevie Nicks tribute show that she heard did very well and should generate some good revenue.

NEW BUSINESS

- The Mayor stated that up until 9 o'clock this evening, the library was open for the yearly library vote for three trustees and their budget.
- Councilor Szczerba stated that he received a call from a resident inquiring if there was any information regarding a turbine/windmill that was being considered on Brewer Road. The Mayor advised that as far as she knew, it was still being worked on with the State.; however, she was not sure where they were at with it right now. The City Attorney stated that although she did not have the City Code in front of her, she believed that turbines will require site plan and special use permit approval and would require a public hearing through the Planning Commission/ZBA, who has the jurisdiction over any applications pertaining to this. Councilor Szczerba inquired as to whether Council had any say in this. The City Attorney confirmed that Council does not; however, the Mayor recommended that any who had interest, attend the Public Hearing and voice their opinion when it is scheduled. The City Attorney explained the process, whereby the Planning Commission/ZBA will have a first meeting where the application will be presented with possible discussion, and a public hearing will be scheduled and noticed for the next meeting. She advised that approval could come the night of the public hearing, or they might have additional comments and questions heard before a decision is made.

There was discussion about moratoriums that were previously approved by Council, and the Mayor noted that there is only one site in Oneida where this could happen, and that property on Brewer Road is the site.

- Fire Chief Dennis Fields publicly announced his retirement that will take place on May 5. The Mayor and Council thanked him for his service to the City and advised that he will be missed.
- The Mayor invited all to attend a ceremonial swearing In event for the Police Department that will take place on Thursday, March 9 at 6:00 p.m. in Common Council Chambers. This event is to support and recognize new officers, as well as the career advancement of existing members and is open to the public. This will be an opportunity for them to interact with and build relationships with the community that they so proudly serve and protect.

The Mayor read off the names of those who would be recognized:

Officer Alyssa LaPerla
Officer Nicholas Weber
Officer Zachary Przybyla
Sergeant Matthew Mosack
Lieutenant Keith Hudson
Assistant Chief Matthew Colella
Polic Chief Steven Lowell

NEW BUSINESS

Motion to adjourn by Councilor Kinville
Seconded by Councilor Rossi

Ayes: 6
Nays: 0

MOTION CARRIED

The regular meeting is hereby adjourned at 6:50 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk