

**MINUTES OF THE COMMON COUNCIL  
REGULAR MEETING  
MARCH 21, 2023**

A meeting of the Common Council of the City of Oneida, NY was held on the twenty first day of March 2023 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 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 checked="" 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"/>	Planning Director Chris Henry	<input checked="" type="checkbox"/>
Comptroller Lee Ann Wells	<input checked="" type="checkbox"/>	Other _____	<input type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll Call

**PUBLIC HEARING:** Amend Chapter 5 of the Code of the City of Oneida relating to Fire Alarm Fees

**OPEN PUBLIC HEARING**

**AMEND CHAPTER 5 OF THE CODE OF THE CITY OF ONEIDA RELATING TO ALARM SYSTEM FEES**

**RESOLUTION 23-44**

Moved by Councilor Rossi  
Seconded by Councilor Kinville

**RESOLVED**, that the Public Hearing to amend Chapter 5 of the Code of the City of Oneida relating to Fire Alarm Fees be hereby opened at 6:31 p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**APPEARANCES**

None

**CLOSE PUBLIC HEARING**

**AMEND CHAPTER 5 OF THE CODE OF THE CITY OF ONEIDA RELATING TO ALARM SYSTEM FEES**

**RESOLUTION 23-45**

Moved by Councilor Rossi  
Seconded by Councilor Szczerba

**RESOLVED**, that the Public Hearing to amend Chapter 5 of the Code of the City of Oneida relating to Fire Alarm Fees be hereby closed at 6:32 p.m.

Ayes: 5

Nays: 0

**MOTION CARRIED**

**PUBLIC COMMENT**

**Senior Companions Program Introduction/Information**

The Mayor introduced and invited Serena Jackson from InterFaith Works of Central New York to speak before Council and the audience about their Senior Companionship Program, which is hereto attached

to the minutes.

Ms. Jackson was also joined by Bambi Niles, a local resident of Oneida, who has been involved with the program for approximately 8 years. Mrs. Niles stated that she was asked to join the Advisory Council for the Senior Companion Program as a representative of the City of Oneida and Madison County, starting in Oneida, which she noted was a great place to start and thanked the Mayor and Council for allowing them to speak.

WAYNE WINCHELL-223 WILLIAMS STREET, ONEIDA

Mr. Winchell stated that he has brought attention to and has had meetings with the City about issues, whereby he asked Council to reply and has not received a response. He stated that there is a public safety issue on Madison Street that is pushing people out into the road to walk without a proper barricade protecting them from traffic. He noted that a building was torn down and a snow fence put up as a barrier, but that nothing has changed and there is glass and debris everywhere. He stated this is affecting local businesses and is a safety issue that he feels should be addressed.

Mr. Winchell also advised that he reached out to the City regarding fire inspections. He stated that the inspectors are not only paid the additional \$1,000 stipend to perform the inspections that they agreed to, but also are paid their regular salary, as inspections are performed during working hours. Mr. Winchell stated that Council should reply to people with concerns and safety issues, noting that he was not asking them to discuss the investigation itself, but rather advise on who was performing the investigation.

VERN HOWE-382 STONE STREET, ONEIDA

Mr. Howe requested that his three minutes be given to Mr. Winchell

WAYNE WINCHELL (SEE ABOVE)

Wayne Winchell continued his comments, noting that the issues were not just his, but that of others as well. He would like the City to communicate better by stating what actions they plan to take to address the concerns he has brought to their attention. Mr. Winchell asked the Council to make a change, noting that it was not just this administration, but others from the past as well. He stated that he does not feel it is fair that taxpayers of the City have to pay for buildings that are coming down. He asked that Council do a "no competency" vote on the people in charge of this, specifying the Mayor, the Public Safety Commissioner, and the Fire Chief.

Councilor Rossi responded by making a statement to the audience that Council does not respond to Public Comment, with Mr. Winchell replying that they do have a right to vote.

**OLD BUSINESS**

Sidewalk Replacement Program Discussion

The Mayor reviewed the total number of parcels in the City that was provided in the Council Packet, to include residential and commercial, both inside and outside districts, stating that one of the

recommendations given from a resident was to charge \$50 per parcel toward the Sidewalk Replacement Program and asked Council if they would like to discuss this. City Attorney Bell advised Council that any changes from what the City currently has will require a local law to revise the City Charter.

Councilor Kinville stated that she supports this, as opposed to bonding, adding that it would go into a separate account specifically for Sidewalk Replacement. Councilor Rossi concurred that this was a good option. There was discussion that involved the amount of time for the project, crediting residents who have already had this done, and a rating system to determine which sidewalks would be done first. City Attorney Bell read the current Charter pertaining to Sidewalks as a reference (Article VI §6.1), stating that 50% of the cost of sidewalks is already borne by the City as a whole. In addition, she stated that if City trees are causing the upheaval of sidewalks, then the cost of the sidewalk replacement is 100% borne by the City. She also advised that if there is any other reason that the sidewalk is replaced, then it is the responsibility of the property owner.

The City Engineer advised that last year in 2022, roughly 11,000 square feet of sidewalks were replaced for \$189,000 in response to a question from Councilor Simchik who inquired if there was a projection on how long this would take. Councilor Laureti asked if there was a rating system used to determine which should be done first, similar to what they do for streets, and City Engineer Rowe advised that they do prioritize those that are damaged by City trees and those that are worse than others.

The Comptroller advised that there is already a Capital Reserve account set up for sidewalks that currently has \$45,000 in it and can be used only for sidewalks. There was further discussion pertaining to bonding, which will cost more in the long run, or having a surcharge, with Council ultimately agreeing to having the City Attorney draft a Local Law changing the assessment/payment and not put in an amount, which would be part of the budget process. Comptroller Wells explained that if the City does bond this year, it would be a 10-year payback, and the residents would be paying this back for the next 9 years for sidewalks done this year. Councilor Kinville suggested waiting one year and not bonding for this. The Comptroller also advised that they may be able to use residual ARPA funds (approximately \$100,000) that are available that were not put into the budget this year, that was left for emergencies or other things that might arise.

City Attorney Bell asked, so that she was clear, if it is the desire of the Council to have a surcharge structure verses tax increase, which goes into General Fund that then goes into Capital Reserve and that Council prefers a surcharge on each lot, both residential and commercial treated the same, and including both inside and outside districts. The City Attorney inquired if monies in the Sidewalk Reserve can also be used for curbing, and Comptroller Wells advised that could be stipulated, as long as it was designated what the Capital Improvement Reserve is for and you authorize any expenses that come out of it. Council agreed that they would like to proceed with the surcharge option, and City Attorney Bell advised that she will prepare a local law and circulate it for review.

#### Auction Update

Councilor Laureti advised that the auction raised \$47,500 for 2 parcels and thanked all involved, especially City Chamberlain, Anna Hood, for this. It was noted that there will be another auction in September that will coincide with the next county auction.

## **SUPERVISORS REPORT**

### SUPERVISOR MARY CAVANAGH

Supervisor Mary Cavanagh advised that she wanted to go on record to state “you all are doing a great job and should be proud of the work you do and the time you commit to serve the community.”

She advised at the last Board meeting, the County Administrator, Mark Scimone, gave the 2022 year-end review, talking about the Phase I Improvement Project at Delphi Falls County Park, which includes many upgrades, including a rim trail with several overlooks, a new bridge to connect both sides of the park and upgrades to the parking lot; accomplishments some of the departments underwent, including the Mental Health School Program, which offers mental health services to children in schools in the Cazenovia and Hamilton school districts; the Community Health Assessment, which identifies health issues most important to residents; the Employee Engagement Survey, which showed that Madison County employees are increasingly proud to work at Madison County and the Broadband Project.

Supervisor Cavanagh advised that there will be a Business Matchmaker event at the Hub in Hamilton on March 22<sup>nd</sup>, where local businesses and farms come together to network, make connections, and learn about resources through Madison County. She encouraged everyone to visit the County website to view the 2022 year-end video.

### SUPERVISOR MATT ROBERTS

Supervisor Roberts advised that the City is seeing a continued increase in sales tax over last year of approximately 15%.

Supervisor Roberts discussed FMAP (Federal Medical Assistance Percentages), whereby funds from the Affordable Care Act were supposed to go from Washington, DC to each county (creating the State as a federal pass-thru); however, the State has been withholding the money and will not pay it to the counties. He noted that in Madison County, the figure is over \$4 million dollars from the last few years that is owed from Covid, which will end up costing the taxpayers approximately \$1.6 million dollars per year if something doesn't happen. They are working with the legislature on this, advising that there was no reason provided by the State for doing this, other than the County is getting a lot of extra sales tax revenue, to which Supervisor Roberts advised the State gets half of.

Supervisor Roberts advised that there will be an article in the Dispatch on March 22, whereby Supervisor Brandee DuBois will provide more detail on FMAP and the healthcare industry and how it affects the county. He also discussed the Madison County Podcast, called “The Madison County Milkhouse,” which is on the County website and will also be on Facebook. Supervisor Roberts advised that Cindy Edick, (Madison County Treasurer), learned that Signature Bank was failing, and because Madison County has \$8.1 million dollars invested in CD's and Money Markets there, they were able move these to JP Morgan Chase, and the money is safe.

## APPROVAL OF MINUTES

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, that the minutes of the regular meeting of March 7, 2023, 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. 6, checks and ACH payments in the amount of \$1,313,738.63 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**

## MONTHLY REPORTS

### RESOLUTION 23-46

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 (January/February) and Police Department are hereby received and placed on file.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**POWER AUTHORITY PERMITS AND RELEASES**

**RESOLUTION 23-47**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, to authorize the Mayor to sign two (2) Permits and Releases with the New York Power Authority for the cutting of danger trees identified adjacent to the Fitzpatrick-Edic Transmission Line ROW in the Town of Annsville in consideration of \$960.00 respectively.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

**DISCUSSION:** The Mayor advised that there are a lot of trees in Annsville that are causing problems for the Power Authority, and they are paying the City \$960 to take the trees out.

**FEE SCHEDULE-DEPARTMENT OF PLANNING AND DEVELOPMENT**

**RESOLUTION 23-48**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**WHEREAS**, on December 21, 2010, by Resolution 10-327, the City of Oneida Common Council approved changes to the Fee Schedule for the Department of Planning and Development; **and**

**WHEREAS**, fees for the Department of Planning and Development have not been increased in 13 years and there has been an increase in that time to the cost of printing, mailing, publishing legal notices, tasks required by local law, and costs to conducting a SEQRA review; **now therefore be it**

**RESOLVED**, that the following proposed changes to the Department of Planning and Development Fee Schedule be hereby adopted; **and be it further**

**RESOLVED**, that said Department of Planning and Development Fee Schedule shall take effect immediately following approval of said Resolution.

	<b>Current</b>	<b>Proposed</b>	<b>Difference</b>
Site Plan Review– 1,000 sq ft or less	\$50	\$100	\$50
Site Plan Review– 1,001 to 5,000 sq ft	\$100	\$150	\$50
Site Plan Review– 5,001 to 10,000 sq ft	\$300	\$350	\$50
Site Plan Review– 10,001 sq ft or larger	\$1,000	\$1,100	\$100
Conditional Use Permit	\$100	\$150	\$50
Site Plan Modification	\$50	\$100	\$50

Area Variance	\$50	\$100	\$50
Use Variance	\$200	\$200	\$0
Zoning Amendment	\$200	\$200	\$0
Sketch Plat	\$75 per lot	\$100 per lot	\$25 per lot
Preliminary Plat	\$75 per lot	\$100 per lot	\$25 per lot
Waiver of Subdivision	\$150	\$175	\$25
Amendment of Plat	\$150	\$200	\$50

**New**

Zoning Interpretations/appeals	\$0	\$75	\$75
Zoning Permit	\$0	\$50	\$50
SEQR Short EAF Review	\$0	\$25	\$25
SEQR Full EAF Review	\$0	\$100	\$100
SEQR Coordinated Review	\$0	\$50	\$50

Ayes:

Nays:

**NO VOTE TAKEN**

DISCUSSION: The Planning Director, Chris Henry, advised that the last time the Fee Scheule was revised was in 2010 and the authority of the DEC has expanded increasing environmental review costs and the cost of Legal Notices have gone up, so it is appropriate to justify increasing the fees.

Council discussed this and would like public input, and therefore recommended having a Public Hearing for that purpose.

**AMEND RESOLUTION 23-48 AND SCHEDULE PUBLIC HEARING**

**RESOLUTION 23-49**

Moved by Councilor Kinville

Seconded by Councilor Simchik

**RESOLVED**, to amend Resolution 23-48 Fee Schedule-Department of Planning and Development, to reflect a change in "Zoning Amendment" as described in the revised Fee Schedule below; **and be it further**

	<b>Current</b>	<b>Proposed</b>	<b>Difference</b>
Site Plan Review– 1,000 sq ft or less	\$50	\$100	\$50
Site Plan Review– 1,001 to 5,000 sq ft	\$100	\$150	\$50
Site Plan Review– 5,001 to 10,000 sq ft	\$300	\$350	\$50
Site Plan Review– 10,001 sq ft or larger	\$1,000	\$1,100	\$100
Conditional Use Permit	\$100	\$150	\$50
Site Plan Modification	\$50	\$100	\$50



Area Variance	\$50	\$100	\$50
Use Variance	\$200	\$200	\$0
Zoning Amendment	\$100	\$200	\$100
Sketch Plat	\$75 per lot	\$100 per lot	\$25 per lot
Preliminary Plat	\$75 per lot	\$100 per lot	\$25 per lot
Waiver of Subdivision	\$150	\$175	\$25
Amendment of Plat	\$150	\$200	\$50
<b>New</b>			
Zoning Interpretations/appeals	\$0	\$75	\$75
Zoning Permit	\$0	\$50	\$50
SEQR Short EAF Review	\$0	\$25	\$25
SEQR Full EAF Review	\$0	\$100	\$100
SEQR Coordinated Review	\$0	\$50	\$50

**RESOLVED**, to schedule a Public Hearing on the motion as amended for Tuesday, April 4, 2023, at 6:30 in Common Council Chambers, 109 N. Main Street, Oneida, NY 13421.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**CAPITAL PROJECT 23-1-ANNUAL STREET RESURFACING**

**RESOLUTION 23-50**

Moved by Councilor Rossi

Seconded by Councilor Kinville

**RESOLVED**, to authorize the City Engineer to proceed with Capital Project 23-1 – Annual Street Resurfacing; **and be it further**

**RESOLVED**, to authorize the use of Unit Prices established for 2023 by Madison County, and further authorize the Purchasing Agent to advertise for bids for any portions of the project not covered under the County’s Unit Pricing; **and be it further**

**RESOLVED**, to authorize the City Engineer to expend funds up to the programmed amount dispersed by NYSDOT (CHIPS, PAVENY, EWR); **and be it further**

**RESOLVED**, to authorize the Mayor to sign any/all documents related to Capital Project 23-1 – Annual Street Resurfacing.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**2022 SIDEWALK REPLACEMENT PROGRAM-TERMS OF PAYMENT**

**RESOLUTION 23-51**

Moved by Councilor Simchik  
Seconded by Councilor Rossi

**WHEREAS**, in accordance with Section 6.1(B)(1)(e) of the Oneida City Charter, the owner or owners of real property shall be billed for their portion of the construction that was completed as part of the City of Oneida 2022 Sidewalk Replacement Program at the time of completion; and

**WHEREAS**, on or about March 7, 2023, the City of Oneida Common Council confirmed the Assessment Roll for the 2022 Sidewalk Replacement Program, and deemed the Report of Assessment to final and correct, thereby authorizing the City Chamberlain to collect same; and

**WHEREAS**, as set forth in Section 6.1 of the Oneida City Charter, the owner or owners may pay the billed amount within 30 days after billing without penalty of interest; and

**WHEREAS**, as an alternative, the Common Council of the City of Oneida has the authority to determine that the cost of said construction may be paid over a period of years, and in that event, the amount due each year shall be added to the taxes, together with interest thereon; and

**WHEREAS**, the Common Council does hereby deem it appropriate to offer property owners the choice of payment in full at the time of billing or payment over a five (5) year period, together with interest at a rate of 6%; now therefore be it

**RESOLVED**, pursuant to the authority set forth in Section 6.1(B)(1)(e) of the Oneida City Charter, the Common Council of the City of Oneida does hereby determine that the owner or owners who choose not to pay the costs billed within 30 days, shall have five (5) years to pay their portion of the construction associated with the Sidewalk Replacement Program; and be it further

**RESOLVED**, that the City Engineer shall certify to the City Chamberlain any such charge unpaid to the general City taxes, together with interest at a rate of 6%, as owed each year for a five (5) year period.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**BUDGET TRANSFERS/AMENDMENTS**

**RESOLUTION 23-52**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

To From

**2023 Budget Adjustments**

\$222.00	001.0019.2413.0000 Kallet Revenue	001.0001.0885.0000 Kallet Capital Improvement Reserve
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*To re-allocate funds from the ticket sales to the capital improvement reserves as per the contract*

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

**LEASE AGREEMENT-ENTERPRISE FLEET MANAGEMENT**

**RESOLUTION 23-53**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, to authorize the Comptroller to sign an agreement with Enterprise Fleet Management for a 2023 Chevrolet Traverse for the Police Department.

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

The Mayor asked Council to waive the rule to accept another agenda item that was not on the current agenda. She stated that this is for getting bids for the removal of demolition debris that is at 140 Madison Street.

**WAIVE RULE TO ACCEPT AGENDA ITEMS**

**RESOLUTION 23-54**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**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**

ADVERTISE FOR BIDS-140 MADISON STREET

**RESOLUTION 23-55**

Moved by Councilor Rossi  
Seconded by Councilor Kinville

**RESOLVED**, to authorize the City Engineer to advertise for bids for the removal of demolition debris at 140 Madison Street.

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

**NEW BUSINESS:** None

EXECUTIVE SESSION

**RESOLUTION 23- 56**

Motioned by Councilor Kinville  
Seconded by Councilor Simchik

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 7:22 p.m. to seek advice of Counsel, with no action being taken.

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

**PRESENT:** Mayor, City Attorney, Councilors

1. Discussion was held to seek advice of Counsel with no action being taken.

Motioned by Councilor Kinville  
Seconded by Councilor Simchik

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 8:54 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Motion to adjourn by Councilor Kinville  
Seconded by Councilor Simchik

Ayes: 6  
Nays: 0

**MOTION CARRIED**

The regular meeting is hereby adjourned at 8:56 p.m.

**CITY OF ONEIDA**

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Sandra LaPera, City Clerk