

PUBLIC HEARING
DECEMBER 19, 2022
6:30 P.M.
COMMON COUNCIL CHAMBERS
109 N. MAIN ST., ONEIDA, NY. 13421

PURPOSE: Annexation of territory from the City of Oneida, New York to the Town of Lenox, New York, and the Village of Wampsville

AFFECTED PROPERTIES:

- 215 Daniels Drive Tax Map No. 37.14-1-11
- 217 Daniels Drive Tax Map No. 37.14-1-15.3
- 220 Daniels Drive Tax Map No. 37.14-1-15.2
- 224 Daniels Drive Tax Map No. 37.14-1-15.4
- 228 Daniels Drive Tax Map No. 37.14-1-15.5
- 232 Daniels Drive Tax Map No. 37.14-1-15.1
- 118 Daniels Drive Tax Map No. 37.14-1-14
- 115 Daniels Drive Tax Map No. 37.14-1-13
- Adjacent lot next to/attached to 208 Daniels Drive Tax Map No. 37.14-1-12

City of Oneida Mayor Helen Acker called the meeting to order at 6:30 p.m. Following the Pledge of Allegiance, Mayor Acker welcomed all in attendance and thanked everyone for coming. Mayor Acker stated the purpose of the Public Hearing, as noted above, and outlined the guidelines for the hearing, stating that normally comments are limited to three minutes; however, she was going to forego that for this hearing to allow for questions and discussion.

Mayor Acker advised if anyone is rude or is repetitive with their comments, they will be cut off. She asked that the Mayors and their respective attorneys, as well as any Board members from each municipality identify themselves for the purpose of record keeping.

Those present included:

CITY OF ONEIDA

- Mayor Helen Acker
- Stacy Marris-Attorney, Costello, Cooney & Fearon as Counsel for the City of Oneida
- Joe Magliocca-Madison County Supervisor for the City of Oneida (Wards 4-5-6)
- Ward 1 Councilor Jim Szczerba
- Ward 2 Councilor Steve Laureti
- Ward 3 Councilor Rick Rossi
- Ward 4 Councilor/Deputy Mayor Michelle Kinville
- Ward 5 Councilor Bill Pagano
- Ward 6 Councilor Tom Simchik

VILLAGE OF WAMPSVILLE

- Mayor Jerry Seymour
- Joseph Frateschi-Counsel for the Village of Wampsville
- Marcia Rafte-Trustee
- Dawn Collins-Trustee
- Doug Bailey-Trustee

TOWN OF LENOX

- John Pinard-Town Supervisor
- John Langey-Town Attorney
- Tom Bush-Councilman
- Richard Wimmer-Councilman
- Wesley Hood-Councilman
- Dominick Perretta-Councilman

Designation of Lead Agency-SEQRA

Mayor Acker stated the municipality that is requesting the action to take place is normally designated as Lead Agency for SEQRA purposes. She proposed that the Village of Wampsville be designated as Lead Agency, and the City of Oneida would be the Interested Party. Mayor Jerry Seymour, Village of Wampsville and John Pinard, Town Supervisor, Town of Lenox, were asked if they agreed with this designation, to which they affirmed. Mayor Acker asked all Board members present if they understood this designation, to which they affirmed. A Board vote was taken to include all representatives in attendance from each municipality, with all voting in favor of this designation and no one voting against or opposing this designation. Mayor Acker advised that the motion was passed, and the Village of Wampsville will be Lead Agency for SEQRA, and the City of Oneida would be the Interested Party, along with the Town of Lenox.

All in Favor: YES

Any Opposed: NO

MOTION CARRIED

The Mayor then opened the meeting for Public Comment:

KELLY LEWIN-616 DEERFIELD DRIVE-ONEIDA

Kelly Lewin stated that she did not understand why Wampsville would like to annex from the City of Oneida but assumed this question would be answered during the meeting. Board Trustee from the Village of Wampsville, Marsha Rafte, advised that she could answer part of this, in that the Village of Wampsville did not make the request, stating eight residents asked for and petitioned for it. Ms. Lewin inquired as to the reasoning, to which Trustee Rafte responded that the most common reason was trash pickup, which the Village takes care of, among other reasons not stated.

ED CHASE-228 DANIELS DRIVE

Mr. Chase advised that he has lived on Daniels Drive for 28 years, and the City of Oneida has always taken care of them. He stated the City has a paid Fire Department and a paid Police Department, and he does not want to give up this service. Regarding trash pickup, Mr. Chase advised that he pays for this himself, and noted that the Village of Wampsville will not pick up their trash, as they have too many recyclables. He stated that this annexation would do no good for them. He does not want to separate from the City of Oneida and moved there with the intention of having paid Fire and Police Departments and has stayed for that reason. Mr. Chase commented that the Village of Wampsville cannot provide this service. It was noted by another member of the audience that the Village does have a volunteer Fire Department; however, Mr. Chase does not feel the needs can be met with volunteers, who may or may not be there when needed. He stated that what they do is phenomenal, but there is no guarantee there will always be someone there to take care of their needs.

Mayor Acker asked Mayor Seymour to explain the reason (s) for the request to annex.

Mayor Jerry Seymour explained that he was approached by Shawn Chase several times to pursue this, including 2-3 other residents, noting that the law states the residents must do the petition. However, after the petition was presented, Shawn Chase told him no. Mayor Seymour stated the reason they did this was because he felt it was his moral duty as Mayor to do as residents requested, advising that 6 out of the 9 residents wanted this, except for one who wants it but cannot sign, as her property is in probate. He stated that the residents would save in taxes and free trash pickup, which would equate to approximately \$700 to \$800 per year per person (residence).

SHAWN CHASE-228 DANIELS DRIVE

Shawn Chase explained that she did approach Mayor Seymour at first, as her husband is self-employed and was getting shipments to their address that she was told they could no longer have. She stated they were told that Wampsville would be able to do this, but since then, she found out that she was misinformed and told no, and that is why she changed her position. Mayor Seymour stated that he did not know who told them they could do this. She also stated that the garbage pickup is limited, and because of this, their neighbor also pays for their own trash service.

MAYOR SEYMOUR

Mayor Seymour explained he was just doing his due diligence, as he was approached by residents, and he also owns one of the properties. His taxes have gone up due to having no fire tax, as it is a bare lot. He stated he is not getting anything out of doing this, but because it is what the majority of the residents wanted, is why he initiated this request.

DOMINICK PERRETTA-TOWN OF LENOX

Mr. Perretta asked Mayor Seymour who plows that area, and Mayor Seymour advised they pay the Town of Lincoln to provide this service. He stated they were looking at the Town of Lenox doing it next year. He stated the same was for brush pickup and acknowledged that this was being done basically for free.

ED CHASE-228 DANIELS DRIVE

Mr. Chase refutes that the Town of Lincoln/Town of Lenox does plowing/brush pick-up for them. Rather, he said that the City of Oneida does it for them.

DEBBIE MACK-224 DANIELS DRIVE

Regarding the plowing, during a recent snowstorm, the City of Oneida plow came by at 9:00 a.m. and did not come back until 2:00 p.m., which was an issue that she will address. She does not feel they are benefitting by having the Town of Lenox or the Town of Lincoln perform these services.

KELLY LEWIN

Ms. Lewin spoke again concerning Mayor Seymour's statement pertaining to his own taxes going up, as mentioned earlier. She stated that this is somewhat a misrepresentation, as his taxes would only go up approximately \$5, to which Mayor Seymour responded that \$5 is \$5, and if it bothered him, he would not have started the process.

A member of the audience asked Mayor Seymour for clarification about the number of residents involved, stating that there were originally 7 out of 9, and now 6-asking what happened to the 7th person. Mayor Seymour stated that the 7th person does not own the property, and therefore cannot sign the petition. Her husband passed away, and the property is in probate.

Kelly Lewin asked if there was an empty parcel there, to which Mayor Seymour responded was his property. She asked if someone could build on this property (if sold), so there would be potential for more tax revenue. Mayor Seymour confirmed this.

Mayor Acker stated that everything done should be in the overall public interest, and as far as monies go, it is her understanding that the Village of Wampsville will have trash included along with the property and hydrant taxes. Mayor Acker noted that the Town of Lenox would gain approximately \$1,200 in taxes. Mayor Seymour confirmed that the \$700-\$800 figure represented is the total between the Town of Lenox and Village of Wampsville that each resident would save. Supervisor Magliocca stated that this is assuming that each person pays for trash pickup service, or if they use one of the county's transfer stations.

Supervisor Magliocca stated that the total assessed value of all the properties involved is \$1,089,000.00, which is a little over \$10,000 for 2022 for the City taxes and almost \$11,000 for 2023, with a modest increase. He noted the average property is \$135,500, with one resident at \$133,000 in assessed value, which he used as a comparable of going from the City of Oneida to the Village of Wampsville/Town of Lenox. The net savings is \$393 for that average parcel. He noted of those 8 properties with homes on them (the exception of the vacant lot owned by Mayor Seymour), only 3 are above that range, with the other 5 below, so their net savings is less than \$393. Mayor Seymour added that the price of garbage would be in addition to this, to which Supervisor Magliocca stated that it was "if" they chose to do that, which would be approximately \$400 in savings.

Supervisor Magliocca stated that he focused primarily on public safety and stated he reached out to Oneida Fire Chief, Dennis Fields, who advised him that one of the residents who signed the petition had a structure fire this summer that started in the garage. The Fire Chief advised Supervisor Magliocca that he was convinced the Fire Department was able to save that structure by being able to be there quickly and

noted, with no disrespect to volunteer departments, the response time is greater in the City of Oneida than it is in other municipalities. He stated that doing this would set a dangerous precedent in his opinion.

Mayor Seymour commented that the residents approached him, to which Supervisor Magliocca stated that the Village Board has the vote, the Town of Lenox has the vote, and the City of Oneida has the vote, noting that if any one of the three bodies vote in favor of this, it will go to judicial review. Supervisor Magliocca used the Green House (old Brewer farm) as an example, stating it was diligently worked for through the City for over 2 decades to make it a business/industrial park. He advised that two thirds of this is in the City of Oneida and one third is in the Village of Wampsville, stating that it was a good thing the City never tried to annex the one third from the Village, as it is an enormous amount of revenue. When the pilot agreement tops out, the valuation of that one third of the greenhouse will be greater than the revenue from the 8 homes. He stated that although it would be a few hundred dollars in savings, the residents need to look at the protection of the health and safety of themselves, their families, and their neighbors.

He asked that the residents and the Boards, have to either all agree, or all disagree on this, as it would then have to go before a judge, stating that this sets a "horrible" precedent for the City of Oneida and could do great damage to the City.

Mayor Acker explained that there are the 3 municipalities that would be voting on these as separate entities and asked attorney Frateschi to explain this further. Attorney Frateschi stated that if there is any holdout between any of the municipalities, any of the other municipalities can file a petition, not with Supreme Court, but with the Appellate Division, which is the higher level, and then the Appellate Division would look at all comments made and determine whether the annexation is in the overall public interest or not.

Mayor Acker stated that her job as Mayor is to look at the health and safety of every individual and every business owner that is in the City, and the next is money. She stated the City would lose, as of the end of this year (2022), \$10,051.13, which includes the property tax, fire tax and hydrant tax for those 9 properties. Next year, with the 2% property tax, it would be slightly higher, stating the budget this year is extremely tight and to lose \$10,000+ forever would be a concern. Village of Wampsville Trustee, Marcia Rafte inquired as to how much this would be per \$1,000 by the residents of Oneida to make up the difference (loss), to which Mayor Acker advised that she did not have that information, but she would provide it to Trustee Rafte as soon as she has the figure.

Trustee Rafte asked if any of the signatories of the petition were present, noting that they did not have to speak, but to identify themselves. A member of the audience, Randy Bonville, accompanied by his wife, who live at 115 Daniels Drive, has no objection to the annexation, noting that when he purchased his house, it was supposed to be in the Village of Wampsville, and due to a surveying error, he found out that their property is split, as is the case with 3 others, and they pay taxes to all three municipalities. They would like to be part of the community that they walk in and know people. Trustee Rafte stated that the purpose they were there was for the sense of community that was presented to their Mayor who was only doing his due diligence by bringing forward the petition.

Kelly Lewin advised that this was bad timing, as the City has already lost a tax base due to the flood and confirmed that this must be in the overall public interest for all three municipalities and does not believe this is in Oneida's best interest, questioning what the Town of Lenox would benefit from this. Mayor Seymour advised that it would be very little. The Town of Lincoln is currently doing the plowing and they

have ordered a 6-wheeler from the Town of Lenox. They also have the Village of Wampsville Fire Department, with several volunteers that work in the municipal building at the county, and the response time is minimal. Town of Lenox Supervisor Pinard stated that the Town of Lenox also does brush pickup for the Village of Wampsville, both on a set schedule and as needed-if they see brush when going by, they pick it up. Supervisor Pinard advised that Lenox, Wampsville and Canastota are all one community, being the same town, just that there are two villages within the town.

LORI SEYMOUR-WAMPSVILLE

Mrs. Seymour stated that based on the comments made, she feels that some feel this is Wampsville against Oneida. This was brought to the Mayor's attention, including 9 people, 2 of which subsequently backed out. She advised that she is the one who brought around the petition and explained the pros and cons, noting that she did not force anyone to sign it and let them make their own decision, which was made by the people involved.

The Mayor asked the attorneys present if there was anything else that they would like to say or clarify, and Attorney Langey spoke, advising that everything that has been said at the hearing is what the City had to solicit from the audience, and it was kept within the parameters of the statute. He stated that he feels all the proceedings have been according to the law. Mayor Acker asked if any of the Board members would like to say anything else before the hearing is closed. Mr. Chase inquired as to when the vote would take place and if the residents would be notified of the decision. Mayor Acker advised that they have 90 days from the date of the hearing (December 19, 2022). She stated that the decision would be publicized on the City Agenda for the January 17 Common Council Meeting, as well as posted on the City website if all preparation is done according to the City Attorney. Mayor Seymour also stated that he would notify the residents of any decision made. Mr. Chase attempted to make further comments directed toward Mayor Seymour that Mayor Acker would not allow as per her initial guidelines stated at the beginning of the meeting.

The Town of Lenox will have their first meeting on the second Monday of January in 2023, and the Village of Wampsville will have a meeting the first Tuesday of January 2023 if both are prepared to vote.

Debbie Mack inquired as to after the vote, is there any recourse at that point. Mayor Acker advised that the Boards of each municipality would make the final decision for their residents, and if they have an issue with anything, they should talk to their Council person or representative for their ward, or the Mayor, suggesting that this be done prior to the meeting, which will help to make their decision.

Mayor Acker stated that she did not know how each municipality would vote, but if one votes no, it would be up to the Village of Wampsville if they would like to take this further and take the City of Oneida to court. Mayor Seymour stated that he did not feel it was worth breaking the relationship they have with the City of Oneida, and he only brought it to this point as it came to him from residents. Mayor Acker advised that she does the same, and Supervisor Pinard concurred that it is the same with his Board-if anything comes to him from the Town, he approaches the Board members, and it is a 5-person vote. The Town of Lenox supervisor was asked if they were leaning one way or the other. Supervisor Pinard stated that the Board looks out for the people, and if there are people that want to become part of the Town of Lenox or the Village of Wampsville and want to become part of the community, they need to look at the situation and decide if it is better for them. He stated that in today's economy, any money they can save them is a benefit.

The Mayor advised that the meeting was being recorded, and the minutes would be available and provided in a couple of days, noting that there was a written comment submitted as well that would be provided with the minutes.

CLOSE PUBLIC HEARING

Motion to adjourn by: Councilor Michelle Kinville, City of Oneida
Seconded by: Councilor Jim Szczerba, City of Oneida

Motion to adjourn by: Trustee Marsha Rafte, Village of Wampsville
Seconded by: Trustee, Doug Bailey, Village of Wampsville

Motion to adjourn by: Tom Bush, Councilman, Town of Lenox
Seconded by: Wesley Hood, Councilman, Town of Lenox

All in favor: YES

Any opposed: NO

MOTION CARRIED

The Public Hearing is hereby adjourned at 7:12 p.m.

CITY OF ONEIDA



Sandra LaPera, City Clerk

crossed out
get paper
pin me



12/8/22

Dear Mayor & Common Council,

I have heard that you are willing to give Daniels to Wampsville, the oldest.

Have you thought of

1. How much total assessment you will donating?
2. The people residing there that vote or serve on committees like ZBA? Randy

The whole earth is full of his glory.
Isaiah 6:3



Donville?

Please consider not doing this for the above reasons,

Now if Oneida County wants to annex the old Animal Hospital, that would be a different matter

Please reconsider
Pat Thorpe

The whole earth is full of his glory.
Isaiah 6:3

