

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
APRIL 4, 2023**

A meeting of the Common Council of the City of Oneida, NY was held on the fourth day of April, 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> _____

Also Present

Attorney Chris Militello	<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 type="checkbox"/>	Public Safety Com. Kevin Salerno	<input type="checkbox"/>
Codes Director Bob Burnett	<input checked="" type="checkbox"/>	Recreation Director Luke Griff	<input checked="" type="checkbox"/>
Comptroller Lee Ann Wells	<input checked="" type="checkbox"/>	Planning Director Chris Henry	<input checked="" type="checkbox"/>
Supervisor Brandee Dubois	<input checked="" type="checkbox"/>	Supervisor Matt Roberts	<input checked="" type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll Call

PROCLAMATION: Oneida Varsity Boys Championship

Mayor Acker began the meeting by presenting Proclamations to the Oneida Boys Varsity Swim Team and the Oneida Boys Varsity Volleyball Team.

She also acknowledged 2 female athletes:

- Molly Myatt, who is a 7th grade student, continued her success from Cross Country in the Fall to Section III Class B Indoor Track Champion in the 1500 Meter and 3000 Meter.
- Elana Cook, who is a Senior, achieved Section III Class B champion in the Shot Put.

Both athletes qualified and competed in the State Qualifying Meet.

PROCLAMATION

City of Oneida -Office of the Mayor

WHEREAS, the City of Oneida would like to acknowledge and celebrate the Oneida Boys Swim Team for their outstanding accomplishments and success; **and**

WHEREAS, the Oneida Varsity Swim team has always been small, but mighty, and ever since 2013, Oneida swimmers have been paving the way to make their mark in Section 3 and be recognized by name; **and**

WHEREAS, Varsity Swim Team member and Team Captain, senior, Drew Hicks, marks the first swimmer in Oneida to ever sign on to a Division 1 swimming program, with accomplishments to include titles of Tri-Valley League Champion and Class B Champion in two events, with State qualifying time, Section III Champion in the 50 Freestyle, second place in the section for 100 Freestyle, 15th place at the NYSPHSAA State Meet in the 50 Freestyle, Tri-Valley League Record Holder, First Team All-Star, and Section III representative for Sportsmanship at the State Meet; **and**

WHEREAS, Varsity Swim Team member and Captain, Junior, Ethan Schmitt, celebrated a Class B Sectional win in the 200 Freestyle, with State times in 100 and 200 Freestyle and holds both Tri-Valley League Records, team records, Tri-Valley League First Team All-Star status, and the All CNY Swimming and Diving Team; **and**

WHEREAS, the City of Oneida commends all of the Oneida Swim Team members for their hard work and dedication to the sport, and Swim Team Captains, Drew Hicks and Ethan Schmitt for their excellent leadership; **now therefore**

I, **Helen B. Acker, Mayor** of the City of Oneida do hereby proclaim April 4, 2023, as;

ONEIDA BOYS' VARSITY SWIM TEAM CHAMPIONSHIP DAY

in the City of Oneida, and I ask others to join in celebrating their success and accomplishments.

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

Mayor Helen B. Acker

PROCLAMATION

City of Oneida -Office of the Mayor

WHEREAS, the City of Oneida would like to acknowledge and congratulate the Oneida Boys Volleyball Team for their outstanding accomplishments and success; **and**

WHEREAS, the Oneida Varsity Boys Volleyball team holds a League Record of 8 wins and 2 losses and an Overall Record of 17 wins and 2 Losses, and holds the prestigious titles of Class B Section 3 Champions and Class B Regional Champions; **and**

WHEREAS, through conscientious work and determination, the team went on to totally dominate the tournament, which resulted in the aforementioned titles of Class B Section 3 Champions and Class B Regional Champions ; **and**

WHEREAS, the City of Oneida commends all of the Oneida Varsity Volleyball Team members for their hard work and dedication to the sport; **now therefore**

I, **Helen B. Acker, Mayor** of the City of Oneida do hereby proclaim April 4, 2023, as;

ONEIDA BOYS' VARSITY VOLLEYBALL TEAM CHAMPIONSHIP DAY

in the City of Oneida, and I ask others to join in celebrating their success and accomplishments.

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

Mayor Helen B. Acker

PUBLIC HEARING: Fee Schedule-Department of Planning and Development

OPEN PUBLIC HEARING

FEE SCHEDULE-DEPARTMENT OF PLANNING AND DEVELOPEMENT

RESOLUTION 23-57

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the Public Hearing to revise the Fee Schedule for the Department of Planning and Development be hereby opened at 6:40 p.m.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

APPEARANCES

None

CLOSE PUBLIC HEARING

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

RESOLUTION 23-58

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, that the Public Hearing to revise the Fee Schedule for the Department of Planning and Development be hereby closed at 6:41 p.m.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

PUBLIC COMMENT

TARI PETERS-1580 UNION ST., ONEIDA

Tari Peters addressed Council to express her objection to a show that is being presented at the Kallet Civic Center (Sirens of the Hive) on May 6. She stated that it was her understanding that the person who booked the show is an independent that was hired by the City. She feels that Council should set parameters as to what should be booked. She stated that going forward, Council should find an avenue to have acts that are booked at the Kallet to be Council approved. She stated that the post suggested that this show will be lewd in nature, and she did not see an age requirement. She stated that this is provocative and immoral and has no place in a community Civic Center, which has held a high reputation of wholesome and family-oriented events. She advised that she was not present to violate anyone's First Amendment rights or to judge lifestyle choices but is asking Council to decide what transpires in the City. The rental fees were also mentioned and acknowledged that the fees were probably put into place due to the cost of keeping the building open, but she is hopeful that some of the grant money coming into the City could offset some of these expenses. She stated that if practices like this continue, she will be leaving the Oneida City District.

ROBERT BRITTON-313 ELIZABETH STREET, ONEIDA

Mr. Britton asked Council why the pile of rubble at 140 Madison Street is not covered with a special tarp, stating that when he took a house down on Glenwood, he was required to buy a special tarp to make sure it was covered. He advised that if he had to buy one, then the City should have to as well.

DARREN POLLACK-525 SAYLES STREET, ONEIDA

Mr. Pollack thanked the Mayor and Council for allowing him to speak. He noted that he was not aware of the show discussed earlier by Tari Peters at first, but was shocked that this type of show, which in his opinion is equivalent to a Las Vegas Burlesque or Chippendale's Show, is being allowed at a City Venue. He also noted that there was not an age limit, and kids should not be allowed, advising that the subject matter is too mature for them. He stated that minors cannot attend other forms of adult entertainment and there should be an age limit stated. He advised that if the Kallet wants to go down that road, which is their right, then children should be left out of it.

OLD BUSINESS

None

APPROVAL OF MINUTES

Moved by Councilor Kinville
Seconded by Councilor Rossi

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

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, that Warrant No. 7, checks and ACH payments in the amount of \$528,204.07 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 (Simchik)
MOTION CARRIED

ADOPT A LOCAL LAW TO AMEND CHAPTER 5 OF THE CODE OF THE CITY OF ONEIDA RELATING TO ALARM SYSTEM FEES

RESOLUTION 23-59

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 Amending Chapter 5, titled "Alarm Systems," of the City of Oneida Code Relating to Alarm System Fees" was presented and introduced at a regular meeting of the Common Council of the City of Oneida held on March 7, 2023; **and**

WHEREAS, a public hearing was held on such proposed local law on March 21, 2023 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 a Type II action for purposes of environmental review under SEQRA thus concluding the SEQR 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 of 2023 as follows:

"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."

Councilor Szczerba	<u>YES</u>
Councilor Laureti	<u>YES</u>
Councilor Rossi	<u>YES</u>
Councilor Kinville	<u>YES</u>
Councilor Pagano	<u>YES</u>
Councilor Simchik	<u>ABSENT</u>

MOTION CARRIED

BOARD APPOINTMENT-PARKS AND RECREATION COMMISSION

RESOLUTION 23-60

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, to approve the Mayor's appointment of Colleen Samura, 557 Elizabeth Street, Oneida, NY 13421 to the Parks and Recreation Commission for a term to expire on December 30, 2023.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

WAIVER OF LIABILITY-MADISON COUNTY HEALTH DEPARTMENT

RESOLUTION 23-61

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, to authorize the Mayor to sign a Waiver of Liability with Madison County Health Department for a JennSwing that is being provided to the City by the Madison County Health Department through the Children with Special Health Care Needs Grant.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

DISCUSSION: Councilor Pagano advised that there is one currently at Allen Park, and the Mayor stated that the one at Allen Park was donated, and it was great to have another.

CELLULAR TELEPHONE ADMINISTRATIVE POLICY

RESOLUTION 23-62

Moved by Councilor Rossi
Seconded by Councilor Kinville

RESOLVED, that the Employee Acknowledgement of Receipt and Understanding of the Cellular Telephone Administrative Policy from Senior Water Maintenance Worker, Andrew Sheldon, be hereby received and placed on file.

RESOLVED, that the Telephone Request Form from Andrew Sheldon, pursuant to the City of Oneida Cellular Telephone Policy adopted June 15, 2010, Resolution 10-153 and reaffirmed on May 17, 2016, be hereby approved.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

BOARD REAPPOINTMENT-TRAFFIC SAFETY BOARD

RESOLUTION 23-63

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, approve the Mayor's reappointment of Erwin Smith, 346 Cleveland Avenue, Oneida, NY to the Traffic Safety Board for a three-year term.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

DISCUSSION: That Mayor thanked God for Irwin Smith, stating that he always puts himself out there and gets on whatever Board the City needs him on and stated that he does a great job.

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 23-64

Moved by Councilor Kinville
Seconded by Councilor Rossi

	<u>To</u>	<u>From</u>
2023 Budget Adjustments		
390.00	001.0001.0885.0000 Kallet Capital Improvement Reserve	001.0019.2413.0000 Kallet Revenue

To re-allocate funds from the ticket sales to the capital improvement reserves as per the contract

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

ADVERTISE FOR BIDS-WATER METERS

RESOLUTION 23-65

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, to authorize the Purchasing Agent to advertise for bids for Water Meters for 2023.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

NEW BUSINESS

The Mayor informed the audience that the Annual Easter Egg Hunt will be held at Allen Park on Saturday (April 8) starting at 11:00a.m. There will be 12,000 eggs thrown all over Allen Park, and this year Cricket Wireless and IFIX are the sponsors for the event. She noted that the Oneida Fire Department is also donating new bicycles for each age group. She gave a special "thank you" to All Seasonings for donating over 2,000 pieces of chocolate for age groups 0-3.

Councilor Szczerba asked what provisions the City has in the contract with the Kallet that allows for oversight of what shows are being presented. He stated that he does not want this type of show in Oneida and was appalled. The Mayor advised that she did not have a copy of the contract with her, but that it was signed by Council when it came out, and she would look at it and get back to them to advise on the terms. Councilor Laureti suggested that someone should sign off on them, and that it wouldn't hurt to have a checks and balances in place. The Mayor advised that when the new contract comes up, they could look at it, but the current contract stands as is, but also advising that she would have the City Attorney look at it to see if any changes could be made now. She noted that there are 6 different people on Council, all with different opinions. Attorney Militello advised that if they wish to change the contract, it would have to be negotiated. The Mayor advised that there was an age limit on the show, which is 18 and considered an adult. The Mayor asked Councilor Laureti (who is also a musician and works for the Sheriff's Department) if someone looked at all his contracts, to which he replied that at the Sheriff's office, the department will look it over, the attorney will look it over and the Finance Department will look it over, and with regard to the music, the contract would not be signed if the person/venue did not agree to the terms.

Motion to adjourn by Councilor Kinville
Seconded by Councilor Pagano

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

The regular meeting is hereby adjourned at 7:00 p.m.

Discussion for Advice of Counsel

CITY OF ONEIDA

Sandra LaPera, City Clerk