

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
APRIL 18, 2023**

A meeting of the Common Council of the City of Oneida, NY was held on the eighteenth day of April 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>	Present	Absent	Arrived Late
Mayor Acker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Szczerba	<input type="checkbox"/>	<input checked="" 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 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"/>	Other _____	<input type="checkbox"/>
Comptroller Lee Ann Wells	<input checked="" type="checkbox"/>	Other _____	<input type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll Call

PROCLAMATION: YMCA Healthy Kids Day

Proclamation

City of Oneida - Office of the Mayor

WHEREAS, the tradition of proclaiming YMCA HEALTHY KIDS DAY (April 29, 2023) is the Y's national initiative to improve the health and well-being of kids and families. For over 30 years, YMCAs and their communities hosted free community events aimed to inspire kids and families to keep their minds and bodies active throughout the summer months and beyond.

WHEREAS, each year, the YMCA of the Greater Tri-Valley celebrates in concert with the YMCA of the USA, Healthy Kids Day, and the City of Oneida honors those staff and volunteers at the YMCA who dedicate their time, talent, and resources, and

WHEREAS, here in the City of Oneida, local families have relied on the YMCA to serve as a leading youth-serving organization in our community as can be seen in its many programs and services engaging youth in a variety of healthy activities dedicated to the betterment of children and families, and

WHEREAS, this important work is vital to strengthening our community's resilience. Nearly 33 years since the Oneida YMCA was constructed, we dedicate April 29th to all those who continue to advance healthy choices for children and their families, and now therefore

I, **Helen B. Acker**, Mayor of the City of Oneida do hereby proclaim April 29, 2023, as;

YMCA Healthy Kids Day

in the City of Oneida, and I ask others to join in their commitment to care for and support children of all ages.

IN WITNESS WHEREOF, I have hereunto set my hand and affix the official seal of the City of Oneida on this 18th day of April 2023.

Mayor Helen B. Acker

PUBLIC COMMENT

HEATHER RYERSON-333 STONE STREET, ONEIDA

Heather Ryerson advised that she was present to respond to comments made regarding the Drag Show in Oneida. She stated that she has been a homeowner in Oneida for 12 years and, she has a problem with the further erosion of free speech and government interfering in free enterprise in determining what entertainment is acceptable for free adults of the City. She noted that she reached out to Councilor Szczerba regarding comments he made that she felt were supportive of unacceptable government intrusion into the entertainment choices of residents. Based on the response she received, she questioned if Oneida was now in the business of government censorship panels. Ms. Ryerson stated that the show is proceeding per the City's contract with the independent General Manager of the Kallet, which the Council signed. She stated that the Council should not be surprised about the parameters of the contract they presumably already had a chance to review, noting that if they do not like the terms of the current contract, they could make the next one what they want it to be. She also stated that she was told that Oneida was not interested in importing immoralities from big cities like Boston and New York. She stated that she has a Master's degree in art and took classes in New York, theater trips to Boston and studied Hollywood pop makers, and to have her influences and studies called "unwelcome immoralities" by City leadership, has made her feel very unwelcome to continue sharing her art and being a part of her neighborhood.

MARGARET MILMAN-BARRIS-1855 WEST ROAD, ONEIDA

Margaret Milman-Barris stated that she drove past a sign hanging downtown that she was happy to see that read "All are welcome; hate has no home here", and she hoped that is something the City lives up to, noting that although she did not know what the particular reason for it was, she liked the sentiment. She stated she was present to support the ability of an independent operator to put on a Drag Show, advising that she did not feel Drag or Transgenderism is immoral, and she supports transgender visibility and Drag artistic enterprises. She stated that she was disappointed that her Common Councilor, Jim Szczerba, was not present to hear these things, as he was the one who spoke at the last meeting wanting to create a panel of City Government to determine what shows are allowed. She advised that other governments do this, such as in Iran, but this is America, and she did not vote for Jim Szczerba to be the Minister of Culture; we have the First Amendment and diversity, which she is very proud of. She said that we all should be proud of it, and all should courage it, whether you personally care for it or not.

DANIELLE KROL-543 MAIN STREET, ONEIDA

Danielle Krol advised that she lives in Ward 1 on Main Street and was also disappointed that Councilor Szczerba was not present. She said that although a Drag Show might not be appropriate for her 15-year-old son, she would like to think that her children have been raised well enough that when they are 18 and adults, they are old enough to make those decisions for themselves. She does not think it is the right of the government to decide what events people can and cannot attend. She echoed the sentiment of the earlier speakers in that she was not present to judge lifestyle choices, and she is ok with any and all forms of who you are and who you want to be or aspire to be. She commented that the minutes from the April 4th Common Council meeting were not posted on the website, so she had to go by what was in the Oneida Dispatch, as far as tonight goes.

Ms. Krol advised that she does not agree with what her Ward 1 representative suggested in that the Common Council should have a say in anything that is presented at the Kallet and wants to be sure that he knows that it is not just her that feels that way.

JONATHAN BURNS-137 GENESEE STREET, CANASTOTA

Mr. Burns said that he was not prepared to speak, but appreciates what happens here in town, such as saying the Pledge and things that honor our community. He said that he is with Heritage Baptist Church in Wampsville, who is involved in the Community, such as going door to door and helping people by giving out items of food and so forth, and they seek to help those that are struggling in various ways. He commented that he appreciates the Police and the Fire and Rescue people as well. He stated that he was present to speak in opposition of promotion of the Drag Show, as he does not feel this would be beneficial for the community, and the Drag Queen scene highlights sexuality in a way that lacks healthy ends, advising that there is a better way for the City of Oneida and residents here. He thanked Council for their service to the Community.

OLD BUSINESS

None

SUPERVISOR'S REPORT

Supervisor Mary Cavanagh advised that there will be a 22-kilometer Veterans Hike on April 29th at 9:00 am (gathering at 8:00am) at the Madison County Complex. The hike departs from the WAVEM Memorial in Wampsville and goes through Oneida and Canastota and back. The number 22 represents the number of veterans' lives lost each year to suicide, noting this is the third consecutive year for this event.

Supervisor Matt Roberts stated that sales tax continues to trend above last year, currently at about 6.5%. FMAP (Federal Medical Assistance Percentage) is still up in the air, as the Governor and Assembly have not agreed on a budget.

APPROVAL OF MINUTES

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the minutes of the regular meeting of April 4, 2023, are hereby approved as presented.

Ayes: 4

Nays: 0

Absent: 2 (Szczerba/Pagano)

MOTION CARRIED

DISCUSSION: The Mayor advised Danielle Krol that the minutes from the April 4th meeting will now be put up, as the Council has to approve the minutes before they go on the website.

APPROVAL OF WARRANT

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that Warrant No. 8, checks and ACH payments in the amount of \$532,876.83, as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 4
Nays: 0
Absent: 2 (Szczerba/Pagano)

MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 23-66

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 and Police Department are hereby received and placed on file.

Ayes: 4
Nays: 0
Absent: 2 (Szczerba/Pagano)

MOTION CARRIED

ADOPT FEE SCHEDULE-PLANNING AND DEVELOPMENT

RESOLUTION 23-67

Moved by Councilor Kinville
Seconded by Councilor Rossi

WHEREAS, on March 21, 2022, Resolution 23-48, Fee Schedule-Department of Planning and Development, was presented to Common Council that contained a typographical error; **and**

	Current	Proposed	Difference
Zoning Amendment	\$200	\$200	\$0

WHEREAS, Common Council voted unanimously 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 by Resolution 23-49 and to schedule a public hearing to allow for public comment; **and**

	Current	Proposed	Difference
Zoning Amendment	\$100	\$200	\$100

WHEREAS, a public hearing was held on such proposed amendment on April 4, 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 amendment having been heard; now therefore be it

RESOLVED, to approve the amended Fee Schedule as presented in Resolution 23-49 on March 21, 2023.

Ayes: 4

Nays: 0

Absent: 2 (Szczerba/Pagano)

MOTION CARRIED

A RESOLUTION AUTHORIZING PHASE ONE OF THE HIGINBOTHAM BROOK CULVERT REPLACEMENT, IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$840,000, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$840,000 BONDS OF SAID CITY TO PAY THE COST THEREOF.

RESOLUTION 23-68

Moved by Councilor Kinville

Seconded by Councilor Rossi

BE IT RESOLVED by the affirmative vote of not less than two thirds of the total voting strength of the Common Council of the City of Oneida, Madison County, New York (the “City”), as follows:

Section 1. Phase I of the Higinbotham Brook Culvert replacement, including improvements and costs incidental thereto, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$840,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of not to exceed \$840,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purposes is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Oneida, Madison County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the

Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City for such purpose, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilor James Szczerba	ABSENT	
Councilor Stephen Laureti	VOTING	<u>YES</u>
Councilor Richard Rossi	VOTING	<u>YES</u>
Councilor Michelle Kinville	VOTING	<u>YES</u>
Councilor William Pagano	ABSENT	

Councilor Thomas Simchik VOTING YES

The resolution was thereupon declared duly adopted.

FEE SCHEDULE-CODES DEPARTMENT

RESOLUTION 23-69

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, to approve the revised Fee Schedule for the Codes Department as attached hereto.

Ayes: 4
Nays: 0
Absent: 2 (Szczerba/Pagano)

MOTION CARRIED

DISCUSSION: Councilor Laureti mentioned that they had a few people come to them regarding some of the Codes fees for building permits, and council thinks the new system will encourage more renovations and more building, with Councilor Kinville adding that it will also be more consumer friendly

APPROVE BID-POTASSIUM PERMANGANATE

RESOLUTION 23-70

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the lowest bid meeting specifications for Potassium Permanganate from Carus Chemical LLC. 315 5th Street, Peru, IL 61354, as the apparent low bidder, is hereby approved.

Ayes: 4
Nays: 0
Absent: 2 (Szczerba/Pagano)

MOTION CARRIED

ADD JOB DESCRIPTION-SEWER MAINTENANCE WORKER GRADE II

RESOLUTION 23-71

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, to add a new job description for Sewer Maintenance Worker Grade II to the City of Oneida approved CSEA positions with a base wage of \$25.00 per hour, as approved by the Civil Service Commission on March 28, 2023.

Ayes: 4
Nays: 0
Absent: 2 (Szczerba/Pagano)

MOTION CARRIED

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 23-72

Moved by Councilor Kinville
Seconded by Councilor Simchik

	<u>To</u>	<u>From</u>
2023 Budget Adjustments		
\$		
9,880.00	001.9785.0600.0001 Police Leased Vehicles	001.0022.2665.0001 Sale of Vehicles-Enterprise

To re-allocate funds for the sale of a Police vehicle to cover 2023 costs on newly leased vehicle

Ayes: 4
Nays: 0
Absent: 2 (Szczerba/Pagano)

MOTION CARRIED

NEW BUSINESS

Police Chief Steve Lowell:

Police Chief Steve Lowell addressed Council requesting the ability to offer a hiring incentive to new police officers, specifically to lateral transfers and not new hires. He noted that this request is for a discussion point, as any action would take a negotiation between the City and the Police Benevolent Association (PBA). He wanted to bring this forward to Council to see if they would be interested in allowing him to pursue this. Councilor Kinville asked how many officers this would involve. Chief Lowell stated that currently he has two openings, one slated to be hired May 11th and one still open. Chief Lowell advised that the issue of hiring incentives is not a new concept but is one that the City has not incorporated yet. The current Civil Service list has been exhausted, and the State offers the entry level exam once a year, in September. The results go to Albany to get scored, and they don't get them back until February, if they are lucky. They can't afford to wait that long, as shifts are being covered with overtime, as seen in the Monthly Report. They have a new Records Management System coming out that requires training, which also involves overtime to cover shifts. He would like the ability to hire experienced police officers and entice those candidates with a hiring incentive.

Chief Lowell discussed current staffing concerns and coverage. Councilor Laureti asked to see a proposal and information on what other agencies are doing. Chief Lowell said he would be looking for an incentive to be somewhere between \$5,000-\$7,000, which would save money in salaries that are paid to new officers while they attend the academy, and we would see a return quicker. He said that he has not brought this to the PBA as a whole yet, but did bring it up to the President. Chief Lowell said that he was looking for permission to go forth with negotiating an agreement with the PBA, which would then be brought before the Council for approval. The City Attorney said that this would be a Memorandum to alter the contract. In response to a question about the parameters, Chief Lowell advised that there were different options to address if a new hire decided to leave. The options include paying out one lump sum at the completion of a probationary period or they could pay out half up front and the balance at the one-year anniversary date. The Comptroller advised that there are funds available in the salary line, and this would be a minimal dollar amount. She said that this should not be a problem but could always be addressed later in the year if necessary. Chief Lowell advised with years going forward, it would become part of the general contract. The current contract expires December 31, 2024, so at that point it could be further negotiated.

The Council granted Chief Lowell permission to move forward with negotiations for this change.

There was no other New Business from the Council.

Motion to adjourn by Councilor Kinville
Seconded by Councilor Rossi

Ayes: 4

Nays: 0

Absent: 2 (Szczerba/Pagano)

MOTION CARRIED

The regular meeting is hereby adjourned at 6:58 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk