

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
MAY 16, 2023**

A meeting of the Common Council of the City of Oneida, NY was held on the 16th day of May 2023 at 6:30 p.m. at the Common Council Chambers, 109 N. Main, Oneida, NY 13421.

The meeting was called to order by Deputy Mayor Michelle Kinville.

<u>Attendees</u>	Present	Absent	Arrived Late
Mayor Acker	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> _____
Councilor Szczerba	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Laureti	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> _____
Councilor Rossi	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Mary Cavanagh	<input type="checkbox"/>	<input checked="" 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 Scott Jones	<input 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

PUBLIC HEARING: A Local Law amending Article VI, Section 6.1(B)(1) of the Oneida City Charter to revise the procedure for the payment for the construction/reconstruction of sidewalks and to improve the system of sidewalks

OPEN PUBLIC HEARING

A LOCAL LAW AMENDING ARTICLE VI, SECTION 6.1(B)(1) OF THE ONEIDA CITY CHARTER

RESOLUTION 23-84

Moved by Councilor Simchik
Seconded by Councilor Pagano

RESOLVED, that the Public Hearing for a Local Law amending Article VI, Section 6.1(B)(1) of the Oneida City Charter, be hereby opened at 6:31pm.

Ayes: 4
Nays: 0
Absent: 2 (Laureti/Rossi)

MOTION CARRIED

APPEARANCES

None

CLOSE PUBLIC HEARING

A LOCAL LAW AMENDING ARTICLE VI, SECTION 6.1(B)(1) OF THE ONEIDA CITY CHARTER

RESOLUTION 23-85

Moved by Councilor Pagano
Seconded by Councilor Simchik

RESOLVED, that the Public Hearing for a Local Law amending Article VI, Section 6.1(B)(1) of the Oneida City Charter, be hereby closed at 6:31pm.

Ayes: 4
Nays: 0
Absent: 2 (Laureti/Rossi)

MOTION CARRIED

PUBLIC HEARING: A Local Law to amend the Zoning Map of the City of Oneida to change the zoning designation for certain property from being zoned M-I (Manufacturing-Industrial) to A (Agricultural) in the City of Oneida

OPEN PUBLIC HEARING

A LOCAL LAW AMENDING THE ZONING MAP OF THE CITY OF ONEIDA TO CHANGE THE ZONING DESIGNATION FOR CERTAIN PROPERTY FROM BEING ZONED M-I (MANUFACTURING-INDUSTRIAL) TO A (AGRICULTURAL) IN THE CITY OF ONEIDA

RESOLUTION 23-86

Moved by Councilor Simchik
Seconded by Councilor Pagano

RESOLVED, that the Public Hearing for a Local Law to amend the Zoning Map of the City of Oneida to change the zoning designation for certain property from being zoned M-I (Manufacturing-Industrial) to A (Agricultural) in the City of Oneida, be hereby opened at 6:32pm.

Ayes: 4
Nays: 0
Absent: 2 (Laureti/Rossi)
MOTION CARRIED

APPEARANCES
None

CLOSE PUBLIC HEARING

A LOCAL LAW AMENDING THE ZONING MAP OF THE CITY OF ONEIDA TO CHANGE THE ZONING DESIGNATION FOR CERTAIN PROPERTY FROM BEING ZONED M-I (MANUFACTURING-INDUSTRIAL) TO A (AGRICULTURAL) IN THE CITY OF ONEIDA

RESOLUTION 23-87

Moved by Councilor Pagano
Seconded by Councilor Simchik

RESOLVED, that the Public Hearing for a Local Law to amend the Zoning Map of the City of Oneida to change the zoning designation for certain property from being zoned M-I (Manufacturing-Industrial) to A (Agricultural) in the City of Oneida, be closed at 6:32pm.

Ayes: 4

Nays: 0

Absent: 2 (Laureti/Rossi)

MOTION CARRIED

PUBLIC COMMENT: None

OLD BUSINESS: None

SUPERVISOR'S REPORT

City Clerk, Sandy LaPera, advised that the Supervisors were not able to attend the meeting; however, she was provided with information to share by Supervisors Mary Cavanagh and Matt Roberts. The New York State Department of State's Local Government Assistance and Community Development Programs are now accepting grant applications through New York's web-based Consolidated Funding Application (CFA) portal. This year the Department of State is dedicating nearly \$27 million to fund transformational and impactful improvements in New York Communities through five programs:

- Local Waterfront Revitalization Program (LWRP)-\$16.3 million
- Local Government Efficiency Program (LGE)-\$4 million
- Brownfield Opportunity Area Program (BOA)-\$2.5 million
- Smart Growth Community Planning and Zoning Program (SGCP)-\$2 million
- Smart Growth Countywide Resiliency Program (CWRP)-\$2 million

The attached Statement from Madison County on Migrant Relocation was made available to the public. Both can also be found on the City Website: <https://www.oneidacityny.gov> under "Latest News."

APPROVAL OF MINUTES

Moved by Councilor Pagano

Seconded by Councilor Szczerba

RESOLVED, that the minutes of the regular meeting of May 2, 2023, are hereby approved as presented.

Ayes: 4

Nays: 0

Absent: 2 (Laureti/Rossi)

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Pagano
Seconded by Councilor Szczerba

RESOLVED, that Warrant No. 10, checks, and ACH payments in the amount of \$1,443,000.59 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 (Laureti/Rossi)
MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 23-88

Moved by Councilor Simchik
Seconded by Councilor Szczerba

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 (Laureti/Rossi)
MOTION CARRIED

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 23-89

Moved by Councilor Simchik
Seconded by Councilor Pagano

	<u>To</u>	<u>From</u>
2023 Budget Adjustments		
\$ 20,000.00	002.8300.0200.0000 Water Equipment	002.8300.0436.0000 Water Contingency

To allocate funds to equipment, line running short due to unexpected costs at Munnsville Pump Station

\$ 656.00	001.0001.0885.0000	001.0019.2413.0000
	Kallet Capital Improvement Reserve	Kallet Revenue

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

\$ 71,049.00	001.3410.0116.0000	001.0025.3401.0000
	Fire Healthcare Worker Bonus Reimbursements	State Healthcare Worker Bonus Issuance

To re-allocate funds from revenue received as a pass through for NY State. We are mandated by New York State to pay out the Healthcare Worker Bonus to the state approved Firefighters in their salary. Additional funds were received from the state to cover the City's FICA expenses

Ayes: 4
Nays: 0
Absent: 2 (Laureti/Rossi)
MOTION CARRIED

**UNFINISHED BUSINESS-RESOLUTION 23-81 APPROVE BID-
140 MADISON STREET DEBRIS REMOVAL**

RESOLUTION 23-90

Moved by Councilor Simchik
Seconded by Councilor Szczerba

WHEREAS, at the May 2, 2023, regular meeting of the Common Council, a motion to table Resolution 23-81, relating to Approve Bid-140 Madison Street Debris Removal, was moved by Councilor Simchik, and seconded by Councilor Szczerba, **and**

WHEREAS, a discussion was held at the May 2, 2023, Common Council meeting relating to said tabled motion, **now therefore be it**

RESOLVED, to approve the bid for 140 Madison Street Debris Removal to Dan's Hauling & Demo, PO Box 409, Wynantskill, NY 12198 as the Apparent Low Bidder.

Ayes: 0
Nays: 4
Absent: 2 (Laureti/Rossi)
MOTION FAILED

DISCUSSION: Councilor Simchik stated that looking into this further, there were a number of things in the bid that can be done in house, and the City could still back charge the property, but those items would not have to be bid out and would save a significant amount of money.

ADVERTISE FOR BIDS-140 MADISON STREET

RESOLUTION 23-91

Moved by Councilor Simchik
Seconded by Councilor Pagano

RESOLVED, to authorize the City Engineer to advertise for bids for the removal of demolition debris at 140 Madison Street with modifications to the original advertisement approved by the Common Council on March 21, 2023, Resolution 23-55.

Ayes: 4

Nays: 0

Absent: 2 (Laureti/Rossi)

MOTION CARRIED

NEW BUSINESS

The Deputy Mayor reminded everyone to go vote for the school budget, noting that the polls were open until 9pm.

Resident George Clark asked Council if it was possible to discuss the Local Law pertaining to the Zoning map change. City Attorney Bell advised that the Public Hearing was held, whereby no one spoke and that the Common Council put into effect a number of years ago, that they don't vote on Local Laws the same night they have the Public Hearing, advising that it will be voted on at the next meeting. She also advised, at the time the agenda went out, the 239 Referral from the County had not yet been received, which the City must have before they can act. Mr. Clark asked if the positive recommendation from the Planning Commission had been received in time, and the City Attorney advised that she did not know. The City Attorney advised that the recommendation from the County and the recommendation from the City were two different things.

Mr. Clark advised that the City Planning Department gave a positive recommendation that this should go through and sent it back to the Common Council, so he was under the impression that if someone had a problem with this house being built at this site and it being rezoned, then they would have brought it to Council's attention tonight, and no one did. He stated that time is of the essence, and he has a tight plan and needs to get this house done before Labor Day. He did not want to wait the two weeks until the next meeting to have this voted on and asked if there was any way the Council could vote on this tonight. He asked for an exception to be made.

City Attorney Bell advised that Council would have to waive the rule to accept an agenda item, and she

asked if anyone knew if there was a return of the 239 from the County. The City Clerk advised she believed it was received. There was discussion over concerns with the 239 Referral and the way it is phrased, including any comments and/or modifications, and the Board might be required to have a "super majority" (which she noted we do not have) in order to make a decision that would be anything other than exactly what the County Planning Department made a recommendation of.

The City Attorney asked Council if they first wanted to waive the rule to accept the agenda item. Councilor Simchik commented that he would not be opposed to it, because generally when they hold a public hearing and hold off a vote, it changes a lot. This would be changing one parcel for one individual. It was noted that the Planning Board meeting was held after the Council meeting, and the minutes have not been provided to Council yet by the City Planning Board. The City Attorney reviewed the 239 Referral from the County to determine if a super majority was required. She advised based on the Planning Board's recommendation, it was up to Council if they wanted to vote now or wait until the June 6 meeting. It was determined that in her opinion, a super majority was not needed to override this, as it is not saying no to the zone change and is not recommending any modifications. City Attorney Bell did note that the referral for this was confusing and different from how they are normally worded.

Mr. Clark also produced a copy of a letter he received from Chris Henry, the Planning Director, advising that the Planning Commission approved this request and provided a positive recommendation to the Common Council, which was not conditional.

The Council agreed to waive the rule to accept the agenda item, and the City Attorney provided a resolution to be used for the enactment of this Local Law.

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 23-92

Moved by Councilor Simchik
Seconded by Councilor Szczerba

RESOLVED, that per Resolution 08-180 adopted by the Common Council on August 19, 2008, the provisions of the procedure to accept agenda items are hereby waived.

Ayes: 4
Nays: 0
Absent: 2 (Laureti/Rossi)

MOTION CARRIED

ADOPT A LOCAL LAW AMENDING THE ZONING MAP OF THE CITY OF ONEIDA TO CHANGE THE ZONING DESIGNATION FOR CERTAIN PROPERTY FROM BEING ZONED M-I (MANUFACTURING-INDUSTRIAL) TO A (AGRICULTURAL) IN THE CITY OF ONEIDA

RESOLUTION 23-93

WHEREAS, a letter from George Clark dated February 27, 2023, introducing himself and explaining his plans for requesting a zone change for a portion of his property, identified as tax map parcel 29.-2-41.1, located at 1445 W. Elm Street, Oneida, NY from Manufacturing-Industrial (M-I) to Agricultural (A), was received and placed on file on May 2, 2023, **and**

WHEREAS, the Oneida Common Council at its May 2, 2023, meeting declared itself Lead Agency for purposes of SEQR, and classified the proposed enactment of the Local Law an unlisted action, and rendered a negative declaration in accordance with 6 NYCRR, Part 617, **and**

WHEREAS, a Public Hearing on the Local Law amending the Zoning Map of the City of Oneida to change the zoning designation for the property was held on May 16, 2023, and no one from the public appeared in opposition to the proposed change, **and**

WHEREAS, a proposed Local Law to amend the Zoning Map of the City of Oneida to change the zoning designation for such property from Manufacturing-Industrial (M-I) to Agricultural (A) was introduced and referred to the City of Oneida Planning Commission/Zoning Board of Appeals and subsequently considered at the Planning Commission/Zoning Board of Appeals' May 9, 2023, meeting, **and**

WHEREAS, at its May 9, 2023, meeting, the City of Oneida Planning Commission/Zoning Board of Appeals rendered a recommendation to the Oneida City Common Council that the zone change be granted, **and**

WHEREAS, by recommendation of the Madison County Planning Department pursuant to 239 of the General Municipal Law, Log No. 049-2023, the Madison County Planning Department opined that changing the zoning of the property from Manufacturing-Industrial (M-I) to Agricultural (A) was "justifiable", **now therefore it is hereby**

RESOLVED, that the City of Oneida Common Council does hereby approve the enactment of Local Law No. 4 of 2023 to amend the Zoning Map of the City of Oneida, titled "A Local Law amending the Zoning Map of the City of Oneida to Change the Zoning Designation for Certain Property from being Zoned M-I (Manufacturing-Industrial) to A (Agricultural) in the City of Oneida for Certain Land Situated on West Elm Street", identified as Tax Map Parcel Number 29.-2-41.1 consisting of approximately 1.633 acres as set forth in the Local Law previously circulated and attached hereto as follows:

"A LOCAL LAW AMENDING THE ZONING MAP OF THE CITY OF ONEIDA TO CHANGE THE ZONING DESIGNATION FOR CERTAIN PROPERTY FROM BEING ZONED M-I (Manufacturing-Industrial) TO A (Agricultural) IN THE CITY OF ONEIDA

Be it enacted by the Common Council of the City of Oneida, as follows:

Section 1.

The Zoning Map of the City of Oneida, as provided for in Section 190-9 of the Code of the City of Oneida, shall be amended to change the zoning use designation of certain lands situated off West Elm Street, identified as Tax Map Parcel No. 29.-2-41.1, from M-I (Manufacturing-

Industrial) to A (Agricultural), as such zoning districts are defined and regulated pursuant to the provisions of Chapter 190 of the Code of the City of Oneida.
Section 2.

The parcel of land, which shall be the subject of said zone change totaling approximately 1.633 acres, is situated on West Elm Street – *see Schedule "A"*.

Section 3.

The City of Oneida Zoning Map shall be amended and shall incorporate the change of zoning classification, as herein provided.

Section 4.

This Local Law shall become effective upon filing with the office of the New York Secretary of State."

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

MOTION CARRIED

Motion to adjourn by Councilor Simchik
Seconded by Councilor Pagano

Ayes: 4

Nays: 0

Absent: 2 (Laureti/Rossi)

MOTION CARRIED

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

CITY OF ONEIDA

Sandra LaPera, City Clerk

Schedule A

SURVEYOR'S DESCRIPTION 1.633 ACRES FOR REZONING

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF ONEIDA, COUNTY OF MADISON, AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

Beginning at a point standing on the nominal centerline of West Elm Street, said point standing at the intersection of said nominal centerline of West Elm Street with the westerly boundary of Brian R. Scanlon (now or formerly) as described in a Warranty Deed dated March 27, 1998, and filed in the Madison County Clerk's Office in Liber 1093 of Deeds, at Page 4;

Thence **S05°56'00"W 265.35 feet** along the westerly boundary of Brian R. Scanlon (now or formerly) to an iron rod standing on the northerly boundary of Curtain Dairy (now or formerly);

Thence **N70°42'00"W 424.01 feet** along the northerly boundary of Curtain Dairy (now or formerly) to an iron pipe standing on the easterly boundary of Curtain Dairy (now or formerly);

Thence **N07°18'00"E 64.92 feet** along the easterly boundary of Curtain Dairy (now or formerly) to a point standing on the nominal centerline of West Elm Street;

Thence **N75°37'00"E 106.40 feet** along the nominal centerline of West Elm Street to a point;

Thence **N81°54'00"E 113.94 feet** continuing along the nominal centerline of West Elm Street to a point;

Thence **N85°15'00"E 204.20 feet** still along the nominal centerline of West Elm Street to the **point and place of beginning**.

The above described parcel containing **1.633 acres** of land, more or less.

Subject to any easements, covenants, or restrictions of record.



MADISON COUNTY BOARD OF SUPERVISORS

JOHN M. BECKER

Chairman

MARK SCIMONE

County Administrator

EMILY C. BURNS

Clerk

138 N. Court St., PO Box 635

Wampsville, NY 13163

Phone: 315-366-2201

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For Immediate Release

May 16, 2023

Contact: Samantha Field (315) 366-2822

Samantha.field@madisoncounty.ny.gov

Madison County Issues Statement on Migrant Relocation

WAMPSVILLE, NY – Madison County has had numerous conversations with the New York State Association of Counties (NYSAC), fellow Counties, and New York State and federal representatives regarding the state of emergency issued last week due to the “arrival of increase numbers of migrants seeking shelter” in New York City and their relocation.

“Madison County understands that these individuals seeking asylum here in the U.S. are doing so out of desperation. However, rural Madison County does not have the resources or services to provide thousands of individuals if they were to be sent here,” said Madison County Board Chairman John M. Becker. “We are facing a humanitarian crisis here in our Country. The federal government needs to figure out a way to assist these individuals without just busing them to unprepared communities. Madison County is a welcoming community and recognizes the contributions immigrants, refugees and lawful migrants have here. However, this influx of large numbers of migrants would strain our social, health and emergency resources, not to mention fiscal resources.”

“Madison County struggles with meeting the housing demands of those who are currently living and working in Madison County,” said Madison County Department of Social Services Commissioner Michael A. Fitzgerald, MPA. “In the past several years, the Department of Social Services (DSS) has seen an ever-increasing number of our residents coming to us who are homeless. In 2022 alone, DSS saw nearly 250 of our Madison County residents who were homeless, many of whom were housed, but many who had to continue to live with other family members or in locations not meant for human habitation. Once the cold weather season comes back, DSS and our community partner agencies, will be trying to ensure our residents who are homeless are provided housing to get them off the street with what limited housing resources we have.”

“Madison County recently offered a request for proposal (RFP) to address the lack of adequate and safe housing in Madison County,” Fitzgerald added. “Through that process, Madison County hopes to engage with providers to increase the number of rental units available. However, even with those proposed additional housing units, Madison County will still fall short of meeting the current demands. Madison County needs to meet the needs of our current residents before considering the added pressure of additional populations who would be seeking housing in a community where none exists and, if it does, is out of reach for many of low-income.”

"These individuals are traveling to the United States, most of the time to escape horrible conditions, and their journey is often very difficult," said Madison County Board Vice-Chairman Matthew Roberts. "They want a better life for themselves and their family, by becoming part of the American melting pot. However, as part of the process, the federal government is preventing them from working or finding a new home most of the time as long as 12 to 18 months. In the meantime, our local services that are already stretched thin may fail. I wouldn't wish this on anyone, our federal government needs to do better."

"Both parties on the federal level need to work together, and address this humanitarian crisis," said City of Oneida Supervisor Joseph Magliocca. "By working together that is the only way any comprehensive immigration reform can happen."

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