MINUTES OF THE COMMON COUNCIL REGULAR MEETING JUNE 6, 2023

A meeting of the Common Council of the City of Oneida, NY was held on the sixth day of June 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 | \boxtimes | | □ | |
| Councilor Szczerba | \boxtimes | | | |
| Councilor Laureti | \boxtimes | | | |
| Councilor Rossi | \boxtimes | | | |
| Councilor Kinville | \boxtimes | | | |
| Councilor Pagano | \boxtimes | | □ | |
| Councilor Simchik | | | □ | |
| Also Present | | | | |
| City Attorney Nadine Bell | \boxtimes | Fire Chief Scott Jones | | \boxtimes |
| City Clerk Sandy LaPera | \boxtimes | Police Chief Steve Lowell | | \boxtimes |
| City Engineer Jeff Rowe | | Public Safety Com. Kevin Salerno | | \boxtimes |
| Codes Director Bob Burnett | \boxtimes | Supervisor Matt Roberts | | \boxtimes |
| Comptroller Lee Ann Wells | \boxtimes 9 | Supervisor Mary Cava | anagh | \boxtimes |
| | 9 | Supervisor Joe Magli | осса | \boxtimes |

Call to Order/Pledge of Allegiance/Roll Call

The Mayor welcomed three students from the Town of Stockbridge who were present to observe the Council meeting for their Government class.

PUBLIC COMMENT

SUPERVISOR JOE MAGLIOCCA-429 GRAND ST., ONEIDA

Supervisor Joe Magliocca addressed the Council to discuss the Feral Cat Program through the Oneida Community Cat Committee, a subcommittee of the Oneida Improvement Committee. Also present were the Committee Chair, Christine Robertson, along with John Nichols, noted as two of the most stalwart volunteers. Mr. Magliocca stated that he was present as the President of the Oneida Improvement Committee, to review and update Council on what the Committee has been up to and the

accomplishments to date to include the following:

- Budget with funding coming from the City, Community Volunteers, and the Gorman Foundation
- TNR Program and Statistics: (2021)-3 cats; (2022)-24 cats; (2023)-YTD 17 cats. The TNR Program also includes a rabies shot
- Benefits of the TNR Program:
 - Slows down the reproduction cycle
 - Stabilizes the colonies over time
 - Improves the neighborhoods' quality of life-reduced disturbance
 - o Healthier cats in the community
- Public Survey to obtain a census within the City of Oneida to gather information on known colonies
- Colony caregivers, building relationships and trust
- The addition of a second Vet added in early 2023, which doubled the number of TNR that can be scheduled each month
- Committee driven fundraising, including bottle and can redemptions, the "Got Sneakers" Program and volunteers
- All money raised goes directly toward vet services. Volunteers out of pocket expenses includes time, money, and gas/transportation
- Average Vet cost is \$165 (female) and \$128 (male)
- To date in 2023, the Committee has TNR'd a total of 17 cats, almost \$1,800 on vet bills alone

Supervisor Magliocca noted that the current budget of \$5,600 (including \$1,000 from the City, \$2,000 from the Gorman Foundation and \$2,560 to date obtained through fundraising) will likely be exhausted by Labor Day.

Supervisor Magliocca asked Council (the City of Oneida) to consider increasing their annual contribution to the Oneida Community Cat Committee, as this Committee continues to prove that it provides an invaluable service to the community and has proven to be a successful program.

OLD BUSINESS

The Mayor provided an update on the DRI, stating that the City is still waiting on the State for contracts and cannot move forward until we have them. She also noted that the Hotel (The Oneida), was prepared to start the first week of June, but they cannot do anything until they have a signed contract from the State. She advised that the City is close with the public funding for people starting up businesses and fixing repairs.

The Mayor advised that she spoke to the City Engineer regarding stump removal, and the DPW is working on this, which depends on time, available labor, and weather.

The Mayor also thanked Councilor Rossi for the yearly City cleanup that took place on Sunday and noted that although she was not able to attend, she heard they did a great job.

Police Chief Steve Lowell advised that the Oneida City Police Department recently kicked off a new grant-funded program (using Federal dollars) which provides for safer streets and neighborhoods. This is a data-

driven and "boots on the ground" tactic to fight violent crime, which includes foot patrols and stopping into businesses. He noted that feedback is important and encouraged all to reach out. The program was announced in late 2022, and more information is available on their Facebook page (https://www.facebook.com/OneidaCityPoliceDepartmentNY). Chief Lowell advised that the response so far from the community has been great.

APPROVAL OF MINUTES

Moved by Councilor Kinville Seconded by Councilor Rossi

RESOLVED, that the minutes of the regular meeting of May 16, 2023, are hereby approved as presented.

Ayes: 6 Nays: 0

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Kinville Seconded by Councilor Simchik

RESOLVED, that Warrant No. 11, checks and ACH payments in the amount of \$648,823.24 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

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

RESOLUTION 23-94

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 Article VI, Section 6.1(B)(1) of the Oneida City Charter" was presented and introduced at a Regular Meeting of the Common Council of the City of Oneida held on May 2, 2023; and

WHEREAS, a public hearing was held on such proposed local law on May 16, 2023 by the Common Council of the City of Oneida and proofs of publication of notices of such public hearings, 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 an unlisted action for purposes of environmental review under the State Environmental Quality Review Act (SEQRA), an environmental impact statement (EIS) was not required, and a negative declaration was issued on May 2, 2023 pursuant to SEQRA determining that this action will have no significant effect on the environment thus concluding the SEQRA review process; and

WHEREAS, the enactment of the Proposed Local Law is subject to a permissive referendum pursuant to Municipal Home Rule Law § 24; 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 as follows:

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

Be it enacted by the Common Council of the City of Oneida, that this Local Law amends Article VI, Section 6.1(B)(1) of the Oneida City Charter in the following manner:

SECTION 1. LEGISLATIVE INTENT

The City of Oneida currently imposes different sidewalk assessments based upon the circumstances of replacement. Accordingly, at times, either the full cost, fifty percent (50%) of the full cost, or none of the costs of sidewalk construction and repair is assessed against the abutting property owner; such deviations in assessments results in unpredictable, and sometimes lump-sum, charges against property owners and/ or unanticipated reconstruction costs by the City that have not been budgeted for. As a result, the construction and repair of sidewalks throughout the City has been discouraged and neglected. It has been determined by the City of Oneida that: a comprehensive and high-quality network of sidewalks is beneficial to residents, businesses, organizations, and individual property owners beyond the abutting property; and City of Oneida residents are better served by paying an annual assessment for the construction and repair of sidewalks rather than face unpredictable, large, lump-sum assessments for construction and repair of abutting sidewalks.

SECTION 2. AUTHORITY

Pursuant to Municipal Home Rule Law § 10, the City of Oneida is authorized to adopt a local law relating to the authorization, making, confirmation and correction of benefit assessments for local improvement.

SECTION 3. AMENDING ARTICLE VI, SECTION 6.1(B)(1) OF THE ONEIDA CITY CHARTER

So that Subsection 1, "Assessment for sidewalks," of Subsection B, titled "Sidewalks" of Section 6.1, titled "Local improvements," of the Oneida City Charter, shall be amended so as to read, in its entirety, as follows:

"1. Assessment for sidewalks.

- a. The Common Council may, by a 2/3 vote of all the Council persons in office, authorize or direct the construction or reconstruction of public sidewalks anywhere in the City, and said Common Council shall determine the type of materials to be used therein and the specifications therefor.
- b. In the event said Common Council mandates the reconstruction of a public sidewalk that has been uplifted or damaged by the root structure of a tree located within the City of Oneida highway or street right-of-way, the cost thereof for said sidewalks shall be borne 100% by the City as a whole.
- c. In all other cases, the payment for the cost of construction or reconstruction of a public sidewalk shall be paid for by the collection of an annual assessment fee levied against each real property lot or parcel located within the City of Oneida.
 - i. Such annual assessment fee shall be established by resolution of the Common Council which may be thereafter amended from time to time by like resolution.
 - ii. Such annual assessment fee shall be a lien upon the real property so assessed. Such annual assessment fee shall be collected in the manner provided in this Charter and the Code of the City of Oneida for the enforcement, levy, and collection of City taxes."

SECTION 4. VALIDITY & SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. PERMISSIVE REFERENDUM

Pursuant to Municipal Home Rule Law § 24, this Local Law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition, or a referendum has been conducted approving this Local Law.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York State Department of State."

| Councilor Szczerba | YES |
|--------------------|------------|
| Councilor Laureti | NO |
| Councilor Rossi | <u>YES</u> |
| Councilor Kinville | YES |
| Councilor Pagano | YES |
| Councilor Simchik | <u>YES</u> |
| MOTION CARRIED | |

DISCUSSION: The Mayor advised that this Local Law pertains to the Sidewalk Replacement Program that is being changed.

Councilor Laureti asked for clarification if this would change the 50/50 split to 100% City contribution. City Attorney Bell advised that with this, there will be an assessment that is established by resolution, and costs will be assumed entirely by the City using that amount. Council will decide the amount, but there will no longer be a 50/50 contribution by each property owner who has sidewalks being repaired (for example in front of their house). She noted that In the past, part of the problem was that it did not provide for a comprehensive or City-wide plan for addressing sidewalks. The anticipated amount, which would be voted on by Council, was \$50. The Mayor advised that there would be a 45 day wait period due to the Permissive Referendum.

Councilor Laureti inquired as to why this couldn't be bundled into the taxes. City Attorney Bell advised that this was previously discussed by Council, and in the past there has been concerns with the 2% levy, and an amount of even \$50 could affect that. She noted that by doing it this way, it would be a separate entry on the tax bills, and property owners could see exactly where the money was going, as opposed to just more taxes. Comptroller Wells advised that if done the way Councilor Laureti suggested, the tax rate would need to be increased to accommodate this.

City Attorney Bell explained that this is subject to a Permissive Referendum, as opposed to a Mandatory Referendum. She stated that the law does not allow just anything to go to a public vote just because a municipality does not want to decide and wants the people to do it. She explained that Permissive Referendum is based on a percentage of the qualified electors who voted in the last Gubernatorial election who can file petitions with the City Clerk within a specific time-period (45 days) demanding that it go to a Public Referendum. This would only go to a Public Referendum if qualified petitions were received.

City Attorney Bell stated that whether something is subject to Mandatory or Permissive Referendum is established by statute, and because the tax structure is changing, it is subject to Permissive Referendum, with the theory being that if people care, they will file petitions. The Mayor and City Attorney confirmed that Council was not voting on a dollar amount tonight, but rather the structure. Councilor Kinville commented that people have not been able to fix their sidewalks, because they have not been able to afford the 50/50 split. Councilor Simchik also advised that the City has not had the money for the split either because of tree removal.

The Comptroller advised that there is currently a Sidewalk Reserve Account that has \$45,000 in it and confirmed that money could be put into that account if there is any left over at the end of the year. It was also noted that bonding for sidewalks would cost more due to interest rates.

ADVERTISE FOR BIDS-CONCRETE FLOOR-WATER DEPARTMENT POLE BARN

RESOLUTION 23-95

Moved by Councilor Rossi Seconded by Councilor Kinville

RESOLVED, to authorize the Purchasing Agent to advertise for bids for concrete flooring for the Water Department Pole Barn (50 ft. wide by 80 ft. long by 6 inches thick).

Ayes: 6 Nays: 0

MOTION CARRIED

ADVERTISE FOR BIDS-LIQUID CAUSTIC SODA (WATER DEPARTMENT)

RESOLUTION 23-96

Moved by Councilor Kinville Seconded by Councilor Rossi

RESOLVED, to authorize the Purchasing Agent to advertise for bids for Liquid Caustic Soda for the second half of 2023 and an Option for the first half of 2024.

Ayes: 6 Nays: 0

MOTION CARRIED

AUTHORIZATION-LAKE STREET PUMP STATION

RESOLUTION 23-97

Moved by Councilor Rossi Seconded by Councilor Pagano

A Resolution authorizing that Michelle Kinville, who is the Deputy Mayor, is empowered to act on behalf

of The City of Oneida as the Authorized Official.

Resolved by the City Common Council of the City of Oneida as follows:

WHEREAS, the City requires the Common Council to designate the source of any money appropriated after the budget is adopted; and

WHEREAS, the City of Oneida has been awarded \$1,000,000 for the Lake Street Pump Station Project;

NOW THEREFORE, Michelle Kinville, Deputy Mayor, is hereby authorized, on behalf of the City of Oneida, to apply for, accept, and expend grant funds from the Northern Borders Regional Commission. The named authorized official has permission to sign all NBRC investment documents that bind the applicant.

Ayes: 5 Nays: 0

Abstain:1 (Kinville)
MOTION CARRIED

AUTHORIZATION-GLENMORE CLEAR WELL PROJECT

RESOLUTION 23-98

Moved by Councilor Kinville Seconded by Councilor Rossi

A Resolution authorizing that Helen B. Acker, who is the Mayor, is empowered to act on behalf of The City of Oneida as the Authorized Official.

Resolved by the City Common Council of the City of Oneida as follows:

WHEREAS, the City requires the Common Council to designate the source of any money appropriated after the budget is adopted; and

WHEREAS, the City of Oneida has been awarded \$1,000,000 for the Glenmore Clear Well Project;

NOW THEREFORE, Helen B. Acker, Mayor, is hereby authorized, on behalf of the City of Oneida, to apply for, accept, and expend grant funds from the Northern Borders Regional Commission. The named authorized official has permission to sign all NBRC investment documents that bind the applicant.

Ayes: 6 Nays: 0

MOTION CARRIED

CELLULAR TELEPHONE ADMINISTRATIVE POLICY

RESOLUTION 23-99

Moved by Councilor Kinville Seconded by Councilor Simchik

RESOLVED, that the Employee Acknowledgement of Receipt and Understanding of the Cellular Telephone Administrative Policy from Fire Chief, Scott Jones, be hereby received and placed on file.

RESOLVED, that the Telephone Request Form from Scott Jones, 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: 6 Nays: 0

MOTION CARRIED

RECEIVE/FILE 2022 AUDITED FINANCIAL STATEMENTS

RESOLUTION 23-100

Moved by Councilor Simchik Seconded by Councilor Kinville

RESOLVED, to receive and place on file the 2022 Audited Financial Statements from Bonadio & Co., LLP, 432 North Franklin Street #60, Syracuse, NY 13204.

Ayes: 6 Nays: 0

MOTION CARRIED

DISCUSSION: The Comptroller advised that \$70,944 was taken out of the General Fund Balance, that leaves the City ending 2023 at about 20.03%, which was better than anticipated.

A BOND RESOLUTION AUTHORIZING THE PURCHASE OF A STREET SWEEPER, IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$263,046, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$263,046 BONDS OF SAID CITY TO PAY THE COST THEREOF

PULLED FROM THE AGENDA BY MAYOR ACKER

RESOLUTION 23-

Moved by Councilor Seconded by Councilor

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. The purchase of a street sweeper in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$263,046.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of not to exceed \$263,046 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 fifteen years, pursuant to subdivision 28 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
- 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.

| Councilor Szczerba | VOTING | |
|--------------------|--------|---|
| Councilor Laureti | VOTING | 1 |
| Councilor Rossi | VOTING | |
| Councilor Kinville | VOTING | |
| Councilor Pagano | VOTING | |
| Councilor Simchik | VOTING | |
| MOTION CAPPIED | | |

CAPITAL PROJECT 23-10 STREET SWEEPER

PULLED FROM THE AGENDA BY MAYOR ACKER

RESOLUTION 23-

Moved by Councilor Seconded by Councilor

RESOLVED, to authorize the City Engineer to proceed with Capital Project 23-10 for the purchase of a new street sweeper with a maximum not to exceed \$263,046.

Ayes:

Nays:

MOTION CARRIED

CELLULAR TELEPHONE ADMINISTRATIVE POLICY

RESOLUTION 23-101

Moved by Councilor Kinville Seconded by Councilor Simchik

RESOLVED, that the Employee Acknowledgement of Receipt and Understanding of the Cellular Telephone Administrative Policy from Mark Buss, Water Maintenance Supervisor, be hereby received and placed on file.

RESOLVED, that the Telephone Request Form from Mark Buss, 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: 6 Nays: 0

MOTION CARRIED

AGREEMENT-KRISTIE MORRIS (PARKS AND RECREATION/POOL)

RESOLUTION 23-102

Moved by Councilor Simchik Seconded by Councilor Kinville

RESOLVED, to authorize the Mayor to sign an Agreement with Kristie Morris, an Independent Contractor, 7171 Old County Rd., Canastota, NY 13032, to provide discounted Lifeguarding, CPR, AED and First Aid certification and recertification classes to the City of Oneida pool recreation staff; and be it further

RESOLVED, that Kristie Morris does further agree to offer Lifeguarding, CPR, AED and First Aid certification and recertification classes and instruction to the public at the Howard T. Chapman Pool, located at 360 North Main Street in the City of Oneida during the months of June, July, and August in 2023, on such days and times as are established by the Director of Parks and Recreation.

Ayes: 6 Nays: 0

MOTION CARRIED

DISCUSSION: Justin Acker, Recreation Coordinator, explained that the City was not charging for these services in response to a question from Councilor Kinville, but rather the Contractor would be charging the fees. He noted that in the past, the fee for lifeguard certification was approximately \$350-\$400 depending on who was doing it, and her discounted rate would be \$200 for people in Oneida and surrounding areas for example. Mr. Acker advised that the goal was to get more lifeguards, so the pool could be open for more hours and to make recruiting easier.

NEW BUSINESS

Councilor Kinville advised that she forgot to mention Madison Street Debris Removal during Old Business but would like an update, as this was previously tabled. Councilor Simchik stated that the bid packet was still being worked on and re-written, as far as what needs to be done by a licensed contractor and what can be done in house. The Mayor advised that as soon as something has been determined, it would be brought to Council.

Councilor Szczerba expressed concern over the guardrails on Brewer Road that are in disrepair, advising that it could be a potential lawsuit. City Engineer Rowe advised that the City does not, unfortunately, have the equipment to re-install them but may be able to repair them. City Engineer Rowe advised that they would try to repair them first. It was noted that the County does not have the equipment either, but a possible shared service with the NYSDOT could be an option. The Mayor advised that she would talk with the City Engineer about the options and follow through with Council as soon as she knows anything.

The Mayor commended the Department Heads for their astute dealing with their budgets that made the City come in so well and especially to City Comptroller, Lee Ann Wells, for her steadfast accounting and

keeping everyone in line. She noted that she has such dedication to the City of Oneida to keep us fiscally responsible and keeping us solvent, and with her guidance, the City has a good, solid rating, which when looking for future bonds, will get the City good interest rates. She gave kudos to Lee Ann and the rest of the Department Heads for keeping things all in check. Comptroller Wells received a round of applause.

Motion to adjourn by Councilor Kinville Seconded by Councilor Rossi

Ayes: 6 Nays: 0

MOTION CARRIED

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

CITY OF ONEIDA

Sandra LaPera, City Clerk