

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

A meeting of the Common Council of the City of Oneida, NY was held on the eighteenth day of July 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 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 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> |
| City Clerk Sandy LaPera | <input checked="" type="checkbox"/> | Police Chief Steve Lowell | <input type="checkbox"/> |
| City Engineer Jeff Rowe | <input 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

The Mayor advised that City Engineer, Jeff Rowe, was not able to attend the Council meeting; however, Amy H. Weils, P.E. from Barton & Loguidice, was present to answer any questions on agenda items pertaining to the Inflow and Infiltration Study Grant.

PUBLIC HEARING: ***Continued from July 5, 2023:*** A Local law amending the Oneida City Charter to create the office of City Manager and amending the Code of the City of Oneida so as to accurately reflect the duties and responsibilities of the City Manager.

REOPEN PUBLIC HEARING

A LOCAL LAW AMENDING THE ONEIDA CITY CHARTER TO CREATE THE OFFICE OF CITY MANAGER AND AMENDING THE CODE OF THE CITY OF ONEIDA SO AS TO ACCURATELY REFLECT THE DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER

RESOLUTION 23-117

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the Public Hearing for a Local Law amending the Oneida City Charter to create the office of City Manager and amending the Code of the City of Oneida so as to accurately reflect the duties and responsibilities of the City Manager be hereby reopened at 6:30p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES

MATT ROBERTS-535 SAYLES ST., ONEIDA

Matt Roberts discussed the benefits of the City Manager/Council-Mayor form of government, noting that he was not talking about anyone on the diocese, but rather data and facts that have been analyzed over the years. He advised that although change is often met with resistance, he feels very strongly that the Council plus Mayor and a City Manager, is the best long-term method to improve the operations of the City, while giving the community the best service.

Mr. Roberts noted the following:

- The City Manager form of government today is the most popular form of government in all communities in the United States.
- 92 million Americans live in Council-Manager communities, and this is the fastest form of government, because it works.
- This form of government offers consistency of policy and financial planning, citing an example whereby when a new Mayor is elected in the City of Oneida on January 1, 2024, they are operating under the last Mayor's budget their first year in office; in the second year, the budget is passed during an election year, noting that in an election year, decisions are sometimes made that are out of the control of the Mayor or can be politically motivated.
- City Manager form of government allows for long-term planning between the Council-Mayor, and the City Manager, which is impossible to do otherwise.
- Balance of powers: In a Strong Mayor form of government, the Mayor has the ability to hire, fire and appoint, and other elected officials have no say.

- A City Manager form of government encourages open communication between the citizens and their government. A Strong Mayor form of government concentrates power and eliminates input and influence of other elected officials when working to represent their constituents.
- Merit based decisions made vs partisan politics: with a Council-Manager form of government, merit and performance are the methods elected officials use. City Managers do not have guaranteed employment and need to perform and provide the best service to the community, minimizing special interests' influence. A Strong Mayor form of government can be influenced by political support or other reasons when deciding upon policy rather than professional and personal qualifications.
- Day to day management skill sets: very few elected officials have the skill sets necessary for grant writing, infrastructure planning, hiring and firing, dealing with local, state and federal governments and finance.

Mr. Roberts concluded by stating that the time has come for the City of Oneida to make this change.

KELLY LEWIN-616 DEERFIELD DRIVE, ONEIDA

Kelly Lewin advised that she was one of those on the Committee last year that came up with a plan and met with City Managers from Sherrill (in person) and Corning (via Zoom), stating she left excited that this form of government could come to Oneida. She advised that both the City Manager from Sherrill and the City Manager from Corning offered to meet with Council to answer any questions they might have and to offer insight into how this form of government works. She stated that Brandon Lovett, the City Manager from Sherrill who is doing a great job, was close by, used to work for the City of Oneida, and was a great resource. She also noted that the City Manager from Corning was phenomenal.

Mrs. Lewin expressed that having a point of contact and efficiently getting issues taken care of, were benefits of having a City Manager, as well as working on the City Budget. She stated that having a professional, non-partisan person who is not in and out every two years, is the way to go.

She advised that currently, she feels there is no accountability, and she does not like having to call the Mayor for every issue she has.

JOE MAGLIOCCA-GRAND ST., ONEIDA

Joe Magliocca discussed the terms and conditions of the second revision made to the local law, specifically 12.4 C pertaining to the Acting City Judge and it being subject to the approval of the Common Council. City Attorney Bell advised that she left it in, because she felt Council wanted that left alone, noting that she may have been mistaken. She advised that the current Acting City Judge is an appointed position, advising that Judge Misiaszek is elected, and the other (Judge James Betro) is appointed. After a brief discussion, it was decided to leave this as stated in the last revision (7-13-23). Although Council normally does not get involved with personnel matters, it offers a check and balance to the process and was determined that this could be changed later should Council decide it was not working for them.

Mr. Magliocca concluded reiterating his statement from the last meeting, that this referendum is the most important thing on the ballot and is the most transformative change for this community. He encouraged every individual running for election in the fall who supports this, to have discussions with and sell this positively to the public.

Kelly Lewin asked if Council planned on coming up with unified bullets for a flyer when they campaign (if in favor) to sell this and asked if any of the Council members had reached out to Brandon Lovett from Sherrill, or the City Manager from Corning. She stated both were more than willing to meet with anyone at any time and would answer any questions and assist in any way they could.

Councilors Rossi and Laureti advised that this was borrowed from another City (Corning), and they were trying to get it back to something that works for the City of Oneida. He stated that pros and cons for both the City Manager and City Administrator positions were taken into consideration, and information and recommendations from the Committee were received and reviewed.

Supervisor Matt Roberts added his own point of view, that “whatever the Council does, if it is good for the taxpayer, and is better for the constituents and the people who voted for them, do it that way.”

There was further discussion about the role Council would like involving personnel matters, as they currently are not involved in this. City Attorney Bell advised that regardless of how Council wished to proceed, it can be changed through a local law that does not have to go to referendum, noting that whichever way Council decides to go, if they decide it does not work, they have the ability to change it. She advised that time is of the essence on this now though. Attorney Bell stated that in order for it to be on the November 7 ballot, it needs to be passed by the August 1st meeting to get it to the Board of Elections on time. In response to a question from Councilor Simchik regarding a possible residency requirement, City Attorney Bell advised that this can also be changed later.

CLOSE PUBLIC HEARING

A LOCAL LAW AMENDING THE ONEIDA CITY CHARTER TO CREATE THE OFFICE OF CITY MANAGER AND AMENDING THE CODE OF THE CITY OF ONEIDA SO AS TO ACCURATELY REFLECT THE DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER

RESOLUTION 23-118

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the Public Hearing for a Local Law amending the Oneida City Charter to create the office of City Manager and amending the Code of the City of Oneida so as to accurately reflect the duties and responsibilities of the City Manager be hereby closed at 6:54p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

PUBLIC HEARING: Hear public comments on Oneida’s community development needs and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2023 program year.

OPEN PUBLIC HEARING

TO HEAR PUBLIC COMMENTS ON ONEIDA’S COMMUNITY DEVELOPMENT NEEDS, AND TO DISCUSS THE POSSIBLE SUBMISSION OF ONE OR MORE COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG) APPLICATIONS FOR THE 2023 PROGRAM YEAR

RESOLUTION 23-119

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the Public Hearing to hear public comments on Oneida’s community development needs and to discuss the possible submission of one or more Community Development Block Grants (CDBG) applications for the 2023 program year be hereby opened at 7:55p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES

None

CLOSE PUBLIC HEARING

TO HEAR PUBLIC COMMENTS ON ONEIDA’S COMMUNITY DEVELOPMENT NEEDS, AND TO DISCUSS THE POSSIBLE SUBMISSION OF ONE OR MORE COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG) APPLICATIONS FOR THE 2023 PROGRAM YEAR

RESOLUTION 23-120

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the Public Hearing to hear public comments on Oneida’s community development needs and to discuss the possible submission of one or more Community Development Block Grants (CDBG) applications for the 2023 program year be hereby closed at 7:00p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

DISCUSSION: Amy Weils from Barton & Loguidice, a consultant engineer to the City, was asked to speak about the Block Grant and advised that they are submitting a Community Development Block Grant (CDBG) application this year, in which they are saying to the State that they would like to do a study on the sewer system, and they are applying for money to perform this study. They are applying for \$50,000 to look at the sewer system to find sources of inflow and infiltration (storm water that leaks into the sewer) which makes the Wastewater Treatment Plant inefficient and can cause backups in the sewer. They are trying to investigate where there might be damage to infrastructure. She stated the purpose of the Public Hearing is to provide information on this project and to answer any questions anyone has.

Councilor Laureti asked if there would be any cost to the City. Ms. Weils advised that there was a fee of \$4,000 for them to prepare the grant application and for submission. She advised that the study is a total cost of \$110,000, of which \$50,000 is being applied for through CDBG, and another \$50,000 from a DEC Program called "Engineering Planning Grant", which requires a \$10,000 match from the City. She noted that the study has yet to be approved by the City but is what they are targeting as they go after these grants.

PUBLIC COMMENT

JOE MAGLIOCCA-GRAND STREET, ONEIDA

Supervisor Magliocca addressed Council representing the Oneida Community Cats Committee (Oneida Improvement Committee) and the Feral Cat Program. He stated that they are down to \$1,480 from \$5,700, stating that they have done 34-38 cats this year under the TNR Program. He shared the funding obtained to date, which includes \$2,000 from the Gorman Foundation, \$1,000 from the City of Oneida, and the Cats Committee, through fundraising efforts, has raised \$2,700, including bottle and can redemptions and the sneaker drive. He stated that he came to Council to ask that they consider waiving the rule to accept an additional agenda item and include a resolution to authorize \$1,000 from the General Fund to provide to the Oneida Improvement Committee for the benefit of the Feral Cat Program.

He also asked for consideration in the 2024 Budget, to contribute \$2,500 for the benefit of this program. He stated that this committee is made up solely of volunteers, and all money goes to the TNR Program, with the volunteers often using money from their own pocket to support this, as well as their time.

Councilor Szczerba asked where they were at now regarding the trapping season, to which Supervisor Magliocco advised they have between 32 and 36 cats done. He discussed the trapping process and how the timeline works. There currently are two vets participating in the program-Village Vet and Paris Hill. Paris Hill has a standing 2 appointments a week, and it was noted that although both are giving enormous discounts, Paris Hill was more expensive. It was also noted that it is more expensive to spay a female as opposed to neutering a male.

There was further discussion about the percentages of colonies that could be done, the goal of the program, and the limitations due to lack of funding. Councilor Laureti inquired, at which point does this complete, to which Supervisor Magliocco advised that it doesn't. The issues caused by feral cats in the community is ongoing and needs to be addressed, including being an animal control issue, health and sanitation issue, and quality of life issue etc., noting that historically money had been given to private groups to try to solve this problem. He stated that this is a City problem, and if it were not for this

organization stepping up to attempt to deal with it, the City could not do it on its own. Councilor Szczerba also suggested moving the cats to farms.

Eric Hall from 333 Earl Ave, stated that he owns 214 Sconodoa St., and there is a large colony there. He suggested having events to raise money to help fund the program, which could potentially bring in larger sums all at once. Supervisor Magliocca stated they did have an event called "Cat Stock", which was very successful, but they are a volunteer group and do not have the people that have the time to invest in this on a consistent basis.

Margaret Milman-Barris, added that she was on the Cats Committee and advised that they have a Facebook Page that is linked to the Oneida Improvement Committee where people can donate if they want to at any time. She stated that relocating cats to farms is against DEC regulations, but they can rehome kittens adopted to a family; however, they cannot transport cats to a different location other than where they found them. Regarding the number of cats there are, she stated they have been very successful and try to do two adjacent colonies at a time. Mrs. Milman-Barris advised that they did a census of the colonies in the City and created a Google form inviting people to advise them of any colonies they knew of so they could come up with a long-term plan to address this. She also reminded the Council that they did put out an Annual Report of their activities for the second half of 2021 and all of 2022, which was provided to Council.

Councilor Szczerba stated that he would like more information before he would be willing to vote on this. Supervisor Magliocca reminded Council that this information was included in the Annual Report and advised that people care about cats and that is something they cannot overcome, and suggested the City consider putting as many stipulations on the owners of cats as they do dogs-asking for licensing, as well as the number of cats allowed per household, noting this has been attempted before.

OLD BUSINESS

Councilor Laureti asked about the sidewalk tax that may go to ballot in November. The City Clerk advised that the public has until the 21st of July to submit petitions. The City Attorney stated that if petitions are submitted having this go to referendum, it will be on the ballot on November 7, confirming that this would be alongside the City Manager proposition should it be voted on and passed this evening. Councilor Laureti does not feel that a hot topic issue such as sidewalks, should be on the same ballot as the City Manager, stating that he was afraid that if someone does not want the sidewalks and it is on the same ballot as the City Manager, they might vote no for both things, which would hurt the City Manager proposition. The Mayor noted that these are two different things entirely, and the voters should be able to decide. Supervisor Magliocca advised that it would be up to those running for office to inform the public of the choices.

Councilor Laureti also inquired about a possible grant for the sidewalks, which the Mayor advised was a 5-year program coming up later on the agenda. There was discussion about options for delaying or rescinding the local law. Comptroller Wells advised that they do not need to fund this or put the charge on it, even though the local law was passed. City Attorney Bell advised that now that the local law has been enacted, whether they choose to put it in the budget and have it be implemented will not be determined until budget time, noting that if anyone wants to challenge this, it is left to the discretion of those who may or may not want to pursue it.

Supervisor Roberts asked if there could be a resolution to rescind the local law. Attorney Bell stated she would have to research this.

Brahim Zogby spoke and stated that there seems to be conflicting things going on, with a political undertone of attempting to get the sidewalk situation put on the ballot. He stated that the Oneida Improvement Committee has done a lot of good things for the City, and Mr. Magliocca has come to Council asking for monies from the General Fund, which are paid for by everyone, and stated that Mrs. Milman-Barris is trying to figure out a way to undo the sidewalk law by circulating petitions, so next year it will come up again and can be changed. He stated there seems to be a misunderstanding about the sidewalk law that was passed, noting there was an assessment, but no determination was made about how much the assessment would be or if there would be grants.

Mr. Zogby discussed the amount it would cost per parcel per year for the sidewalk program, and this would cover all the sidewalks in the City over a 3-year period, estimating at approximately \$22 per parcel, which he hoped would not break anyone. He stated that Mrs. Milman-Barris was recommending that people who don't have sidewalks not pay for this.

He cited examples asking would it be right to only have those affected by cat colonies to pay for the Cat Program, and should it be where only those who have dogs pay taxes for the City employees' time and salaries to maintain the City Dog Park.

He asked if this is how the City of Oneida should work, stating that they are all residents of the City, and everyone should pitch in and do what they can to get things done moving forward for the benefit of all. Mr. Zogby feels it would be a great idea to not put this up for referendum, by virtue of Margaret Milman-Barris' petition, noting that if she withdrew it, then the City could move forward and not borrow money every year for sidewalks, but rather collect a little from everyone and take care of the project once and for all, noting that after 5, 6, or 7 years this will not need to be touched again. He advised that if the petition goes away, the City can focus on a City Manager for the betterment of the City, and he commended all who voted on the sidewalk law.

A member of the audience, Tanya Davis, spoke advising that she has been out canvassing neighborhoods, and in her ward, many people are talking about this, and the amount Mr. Zogby referenced was a lot of money for many people.

Kelly Lewin commented that she did not feel there should be a surcharge, and the money paid for taxes should go toward sidewalks, stating that they pay a lot of taxes in the City and asked if quotes had been obtained and whether grants had been looked into. The Mayor advised that it was on the agenda (tonight). Councilor Rossi advised that they changed the way the sidewalk fee worked, eliminating the 50/50 program, stating they may add new sidewalks or may just replace the old ones, but they did not have a number yet. The Mayor advised that the City Attorney was going to find out if the law can be changed pertaining to sidewalks, noting that it was not on the agenda tonight to decide on an amount, but as we go on with the agenda, they would see that there is a request to put in an application for a 5-year grant for this.

SUPERVISORS REPORT

Supervisor Mary Cavanagh stated that at the last Board meeting, the Mental Health Director, Teisha Cook, discussed Mental Health Clinics in the schools. The findings were that the sessions and the number of children needing services is escalating. She advised that Cazenovia was adding a second full-time social worker, and Chittenango was adding a third full-time social worker. This is a 50/50 split with the schools and the county, which Oneida does not currently have. She stated that kids are being referred by the school councilors who feel those kids need dedicated mental health services that they do not usually provide or offer often due to grief, depression, and trauma, noting that these kids would not otherwise be seen by anybody.

She advised that some of these kids are seen at the county, but often transportation issues are a problem. With this service, kids would not have to go anywhere and could just be seen during the school day. Supervisor Cavanagh feels this would be a great thing for our school district to have as well, to which the Mayor asked why we do not have this in Oneida.

Supervisor Roberts stated this was a decision by the Superintendent and the School Board and encouraged all residents of the City of Oneida to talk to the administration, as this is a huge problem in the United States. He stated that the demand is far exceeding the supply. He said this is great for the children and the families, and these are highly trained professionals who do a tremendous job.

Supervisor Cavanagh also commented on an email she circulated from the Youth Bureau Director on the RFP informational sessions coming up for available funding for programs, staff, salaries, and others. She advised that programs and agencies are awarded Youth Development Program funding by the Madison County Youth Board and the programs may cover all activities or used to offset the overall cost. A comment was made that this could possibly be used for the splash pad at Vets Field.

Supervisor Roberts stated that sales tax was 6.7% above last year, and internet retail purchases are 73% higher than they have been.

They had a solid waste informational meeting at the Town of Lincoln and noted they will be in Sullivan next. He advised that the landfill is so small that it doesn't have the economies of scale to deal with the rising costs, and the newest regulations from the DEC are not going away. He stated they are looking at a possible public-private partnership that is being done in many places throughout the state. With the public-private partnership, the county would be able to get more competitive with tipping fees and help the residents to keep all the transfer stations. This is still up in the air, and a decision should be made by the end of the year.

Supervisor Roberts also advised that a local law regarding renewable energy was passed opting out of supporting the Pilot Agreement (RPTL §487), meaning any renewable energy project below 20 megawatts will be assessed a tax just like any other piece of property, as municipalities are getting negotiated down and they are taking a hit on the tax revenue side. Supervisor Roberts suggested the City also think seriously about doing this.

APPROVAL OF MINUTES

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the minutes of the regular meeting of July 5, 2023, are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that Warrant No. 14, checks and ACH payments in the amount of \$1,191,229.31 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

MONTHLY REPORTS

RESOLUTION 23-121

Moved by Councilor Rossi
Seconded by Councilor Kinville

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: 6
Nays: 0

MOTION CARRIED

AGREEMENT-AUCTIONS INTERNATIONAL INC.

RESOLUTION 23-122

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, to authorize the Mayor to sign an agreement with Auctions International Inc., 11167 Big Tree Rd., East Aurora, NY 14052, for the sale of government vehicles, machinery, equipment, and all other surplus assets.

Ayes: 6
Nays: 0

MOTION CARRIED

APPROVE BID

RESOLUTION 23-123

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, to approve the lowest bid meeting specifications for Pole Barn Concrete Floor Slab (Water Department) to McGinnis Nelson Construction, 4833 Appletree Ridge, Manlius, NY 13164 as the apparent low bidder.

Ayes: 6
Nays: 0

MOTION CARRIED

CAPITAL PROJECT 23-7

RESOLUTION 23-124

Moved by Councilor Simchik
Seconded by Councilor Kinville

RESOLVED, to authorize the City Engineer to proceed with Capital Project 23-7, Pole Barn Concrete Floor Slab (Water Department), and authorize the Mayor to sign any and all agreements pertaining to Capital Project 23-7 up to the programmed amount of \$60,000.

Ayes: 6

Nays: 0

MOTION CARRIED

DISCUSSION: Councilor Laureti inquired where the \$60,000 amount came from. The Comptroller advised this is what was allocated in the budget, noting there might be additional charges other than the concrete company pouring the floor.

PROPOSED ACTION: CITY OF ONEIDA INFLOW & INFILTRATION STUDY

RESOLUTION 23-125

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLUTION DECLARING THAT THE PROPOSED ACTION QUALIFIES AS A TYPE II ACTION AND IS NOT SUBJECT TO FURTHER REVIEW UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, the City of Oneida (City) is proposing the City of Oneida Inflow and Infiltration Study (Project), located in the City of Oneida, Madison County, New York; and

WHEREAS, wet weather events have caused surcharging in the City's sanitary system due to inflow and infiltration (I&I) in the wastewater collection network; and

WHEREAS, the Project involves summarizing flow monitoring and pump station data and prioritizing sewer shed areas that appear to be the most impacted by wet weather events; and

WHEREAS, the Project is classified as a "Type II Action" as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.5; and

WHEREAS, the Project qualifies as a Type II action under 6 NYCRR Part 617.5(c)(24): "information collection, including basic data collection and research; water quality and pollution studies, traffic counts, engineering studies; surveys; subsurface investigations; and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action" and

WHEREAS, the Project does not meet or exceed any of the thresholds established in section 617.4; and

WHEREAS, actions defined in 617.5(c) are not subject to environmental review under the SEQRA;

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED, that the proposed Project qualifies as a Type II action under SEQRA; and it is further

RESOLVED, that no further environmental review under SEQRA is required for the Project.

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

| | |
|----------------------------|------------|
| Councilor Jim Szczerba | <u>YES</u> |
| Councilor Steve Laureti | <u>YES</u> |
| Councilor Rick Rossi | <u>YES</u> |
| Councilor Michele Kinville | <u>YES</u> |
| Councilor Bill Pagano | <u>YES</u> |
| Councilor Tom Simchik | <u>YES</u> |

The foregoing resolution was thereupon declared duly adopted.

Dated: July 18, 2023

I hereby certify that this resolution was adopted on July 18, 2023, and is recorded in the Meeting Minutes of the City of Oneida Common Council.

Sandra L. LaPera, City Clerk

DISCUSSION: Amy Weils advised that the State Environmental Quality Review Act (SEQRA) requires that all activities be submitted for review. This study, which will investigate the sewer system, was determined to be a Type II action having no environmental impact. She advised that a second SEQRA review will need to be completed during the construction phase.

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 23-126

Moved by Councilor Kinville
Seconded by Councilor Rossi

| | <u>To</u> | <u>From</u> |
|-------------|--|---------------------------------------|
| | <i>2023 Budget Adjustments</i> | |
| \$ 1,000.00 | 001.1355.0403.0000 Assessor Contracts | 001.1355.0101.0000 Assessor Salary |

To re-allocate funds from salary to cover administrative support from prior Assessor Aide.

| | | |
|-------------|------------------------------|--------------------------------|
| \$ 2,500.00 | 001.7140.0409.0000 | 001.7140.0205.0000 |
| | Rec Equipment Repair & Maint | Wood fiber Playground Mulch |

To re-allocate funds for replacement of 2 steel doors

| | | |
|-------------|--------------------|--------------------|
| \$ 1,400.00 | 001.7140.0403.0000 | 001.7140.0219.0000 |
| | Rec Contracts | Rec Ferris Mower |

To re-allocate funds for port-potties from unanticipated funds received in Ferris trade

| | | |
|-------------|--------------------|----------------------|
| \$ 5,000.00 | 001.1420.0411.0000 | 001.0001.0912.0000 |
| | Labor Services | General Fund Balance |

| | | |
|--------------|--------------------|----------------------|
| \$ 10,000.00 | 001.1420.0410.0000 | 001.0001.0912.0000 |
| | Law Litigation | General Fund Balance |

To allocate funds for legal services

| | | |
|--------------|------------------------|----------------------|
| \$ 12,000.00 | 001.1640.0403.0001 | 001.0001.0912.0000 |
| | Police Vehicle Repairs | General Fund Balance |

To allocate funds for increased costs in oil, tires and break work needed for police vehicles

Ayes: 6

Nays: 0

MOTION CARRIED

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 23-127

Moved by Councilor Kinville
Seconded by Councilor Rossi

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

Ayes: 6

Nays: 0

MOTION CARRIED

NEW YORK STATE CLIMATE SMART COMMUNITIES GRANT PROGRAM

RESOLUTION 23-128

Moved by Councilor Simchik
Seconded by Councilor Kinville

Whereas, the City of Oneida is interested in collaborating with the Central New York Regional Planning and Development Board (CNY RPDB) on a Walkable Oneida Project to make the community more sustainable, to increase safe public access, improve the quality of life of residents, and provide a positive benefit to attracting and retaining local businesses and visitors in the City of Oneida; **and**

Whereas, the proposed collaboration is in furtherance of other efforts undertaken by the City, with the assistance of the CNY RPDB, in becoming a NYSERDA designated Clean Energy Community which include, but are not limited to, adopting a municipal energy benchmarking resolution, adopting Open C-PACE financing, completing energy code enforcement training workshops, converting both decorative and cobra head streetlights to LEDs, and adopting the New York State unified solar permit; **and**

Whereas, to improve pedestrian infrastructure for the Walkable Oneida Project, the City of Oneida hereby requests financial assistance from the New York State Climate Smart Communities grant program pursuant to Environmental Conservation Law Article 54, Title 15; **and**

Whereas, the City of Oneida certifies that it has identified \$175,000.00 of matching funds from **the General Fund municipal budget** pursuant to the requirements of Environmental Conservation Law Article 54 Title 15.

Therefore, be it

Resolved, that the City of Oneida hereby authorizes **City Engineer, Jeffrey Rowe**, an official or employee, to act on its behalf in submittal of an application through the Consolidated Funding Application for \$175,000.00, to be used for the Walkable Oneida Project.

Ayes: 6

Nays: 0

MOTION CARRIED

Adopted this 18th day of July 2023. I hereby certify that the foregoing resolution was duly adopted by the City of Oneida at a legal meeting on the 18th day of July 2023.

Sandra L. LaPera, City Clerk

DISCUSSION: the Mayor advised this is for an application to put in for a grant for \$175,000, which is a matching grant, whereby the City would put in \$175,000, and the State would match it. This is a 5-year program that would go directly toward the sidewalks. She advised we do not have the grant yet, but if

we get it, we would have up to 5-years to do this. Councilor Laureti stated that he assumed the City Engineer's office was estimating that the total cost would be \$350,000, to which the Mayor advised this was a guess at this point, and this is the most the City could get.

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 23-129

Moved by Councilor Kinville
Seconded by Councilor Pagano

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

Ayes: 6
Nays: 0

MOTION CARRIED

A LOCAL LAW AMENDING THE ONEIDA CITY CHARTER TO CREATE THE OFFICE OF CITY MANAGER AND AMENDING THE CODE OF THE CITY OF ONEIDA SO AS TO ACCURATELY REFLECT THE DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER

RESOLUTION 23-130

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 the Oneida City Charter to Create the Office of City Manager and Amending the Code of the City of Oneida so as to Accurately Reflect the Duties and Responsibilities of the City Manager," was presented and introduced at a meeting of the City of Oneida Common Council held on June 20, 2023; and

WHEREAS, a public hearing was held on such proposed local law on the 5th day of July, 2023 and continued until the 18th of July, 2023, 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

WHEREAS, the enactment of the Proposed Local Law has previously been determined to be an unlisted action for purposes of environmental review under SEQRA, an environmental impact statement (EIS) was not required, and a negative declaration was issued on June 20, 2023,

pursuant to the State Environmental Quality Review Act (SEQRA) determining that this action will have no significant effect on the environment thus concluding the SEQRA review process; and

WHEREAS, this local law is subject to a mandatory referendum pursuant to Municipal Home Rule Law § 23; and

WHEREAS, it is in the public's interest to enact said Proposed Local Law.

NOW, THEREFORE, it is

RESOLVED, that the Common Council of the City of Oneida, Madison County, State of New York, pursuant to the Authority vested in it by law does hereby enact a Local Law amending the Oneida City Charter and the Code of the City of Oneida to create the office of city manager and delegate certain powers and duties to the city manager as follows:

“A LOCAL LAW AMENDING THE ONEIDA CITY CHARTER TO CREATE THE OFFICE OF CITY MANAGER AND AMENDING THE CODE OF THE CITY OF ONEIDA SO AS TO ACCURATELY REFLECT THE DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER

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

Section 1. AUTHORITY.

This local law is enacted pursuant to New York State Constitution and New York Municipal Home Rule Law § 10.

Section 2. PURPOSE.

A full-time city manager has the education and experience required to administer the City of Oneida's operations and has expertise in managing departments and preparing budgets. A professional manager who understands how to motivate and evaluate staff will make the City of Oneida more responsive to citizens and better enable the City to hire and maintain qualified individuals.

Section 3. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE XII

So that a new Article XII of the Oneida City Charter, titled “City Manager,” shall be created to read, in its entirety, as follows:

“Section 12.1 City Manager; Appointment and qualifications.

The City Council by a majority vote of its total membership shall appoint a City Manager for an indefinite term and fix the City Manager's compensation periodically. The City Manager shall be an employee of the City. The City Manager shall be appointed solely on the basis of executive and administrative qualifications for the duties of the office. Prior to the appointment, the City Manager shall be qualified by at least five (5) years' management experience and must have a Bachelor's degree in business and/or public administration and/or substantially similar field. The City Manager need not be a resident of the City, but it is preferred.

Section 12.2 Removal.

The City Manager may be suspended or removed by a resolution approved by a majority of the whole number of the City Council which shall set forth the reasons for the proposed suspension or proposed removal. A copy of such resolution shall be served immediately upon the City Manager. The City Manager shall have fifteen (15) days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur no less than ten (10) days nor more than fifteen (15) days after such hearing is requested. After the public hearing, if one be requested, and after full consideration, the City Council by a majority vote of the whole number of the City Council may adopt a final resolution of suspension or removal.

Section 12.3 Acting City Manager.

By letter addressed and forwarded to the City Council and filed within thirty (30) days of their appointment and maintained on file or replaced from time to time with the City Clerk, the City Manager shall designate a City officer or employee to exercise the powers and perform the duties of the City Manager during the City Manager's temporary absence or disability.

The City Council may revoke such designation at any time and appoint another qualified individual to serve until the City Manager returns.

In the event of removal of the City Manager, the Acting City Manager shall serve in the role as City Manager until the City Council has appointed a new City Manager.

The Acting City Manager, when serving as City Manager, shall hold the same powers and duties of the City Manager.

Section 12.4 Powers and duties of the City Manager.

The City Manager shall be the chief executive officer and chief administrative officer of the City and shall be responsible to the City Council for the administration of all City affairs placed in the City Manager's charge by or under this Charter and the Code of the City of Oneida. The City Manager shall:

- A. See that all laws, provisions of this Charter and the Code of the City of Oneida, acts of City Council, and all State laws subject to enforcement by City action, are faithfully enforced and executed;
- B. When necessary for the good of the service, suspend or remove any City employees and appointive administrative officers provided for, by or under this Charter, excepts as otherwise provided for by law, this Charter, or personnel rules adopted pursuant to this Charter. The City Manager may authorize any administrative officer subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

- C. Appoint all officers of the City, including the City Engineer, the City Comptroller, the City Clerk, the City Attorney, the Assessor, the Acting City Judge, the Director of Parks and Recreation, the Director of Planning and Development, the Director of Code Enforcement, and the Commissioner of Public Safety, subject to the approval of the Common Council, and all other officers and employees of the City except as otherwise provided in this Charter or other provision of law.
- D. Have, exercise and perform all functions, powers and duties vested by state or local law or ordinance in the Chief Executive Officer and/or Chief Administrative Officer of the City, except as may be otherwise specifically provided by this Charter;
- E. Attend all meetings of the City Council with the right to take part in the discussions, including all Executive Sessions excepting discussions pertaining to the City Manager, but without the right to vote;
- F. Develop and implement a program of annual evaluation of all City employees for the purpose of maintaining and improving employee performance;
- G. Designate any qualified person to be the acting head of any department, office, or agency appointed by the City Manager during the period of any vacancy, absence or disability until a permanent appointment can be made or the disability of the permanent head is removed;
- H. Whenever the interest of the City requires, temporarily assign any officer or employee of any department, agency, or office to perform similar duties in another department, agency, or office;
- I. With the assistance of the City Comptroller, prepare the current expense and revenue estimates for the annual budget in cooperation with department heads and compile the capital expenditures estimates for the annual budget;
- J. Study the governmental and administrative operations and needs of the City government and prepare and recommend to the City Council necessary and desirable plans and programs to meet present and foreseeable needs;
- K. Assign and transfer administrative functions, powers and duties among and within departments, as the best interest of the City may appear subject to the Charter, Civil Service, and local law;
- L. Delegate to department heads such power as may be deemed necessary for efficient administration;
- M. With the assistance of the City Comptroller, submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- N. Communicate to the City Council, not later than its second regularly scheduled meeting after the beginning of his/her term of office, a general statement of the affairs of the City

in relation to its finances, government and improvements, with such recommendations as they may deem proper;

- O. Upon approval of the warrants ordered by the City Council, they shall execute on behalf of the City, in coordination with the City Comptroller, all checks for payment; in addition, the City Manager shall, upon authorization by the City Council, execute any and all contracts and other such papers on behalf of the City;
- P. The City Manager or their designee shall be responsible for ensuring that all public records are kept by the appropriate department in accordance with New York State laws;
- Q. Subject to the jurisdiction and authority of the Public Safety Commissioner and department heads, as set forth in applicable City Code and City Charter provisions, the City Manager shall have the authority to investigate and to conduct hearings into the official conduct of all the City officers, departments, and agencies and have access to all records and papers kept by every City officer, department, and agency and have the power to compel the attendance of witnesses and the production of books, papers or other evidence to any such hearings and for that purpose may issue subpoenas signed by them; and
- R. Perform such other duties as are specified in this Charter or may be required by the City Council.”

Section 4. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE III, SECTION 3.4

So that Section 3.4 of the Oneida City Charter, titled “Legislative Acts,” Subsection (A) is hereby amended so as to read, in its entirety, as follows:

- “A. All of the legislative acts of the Common Council shall be by local law, ordinance or resolution. The passage of a local law shall be by an affirmative vote of at least a majority of the Councilmen then in office. The passage of resolutions and ordinances shall be by a majority of the total voting strength of the members of the Common Council present and voting. Amendments to the Zoning Ordinance shall be governed by the provisions of the General City Law. The Mayor shall be deemed a member of the Common Council for computing the vote upon local laws, ordinances or resolutions.

In acting upon legislative acts, the Common Council shall comply with the Municipal Home Rule Law and the Local Finance Law, in addition to the requirements imposed by this section or by any other provisions of law. No ordinance shall be passed by the Common Council on the same day it is introduced, except by unanimous consent of all of the Councilmen present at the meeting and at which at least 2/3 of all of the Councilmen then in office are present. A resolution may be passed by the Common Council on the same day it is introduced, unless otherwise provided by law.”

Section 5. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE II, SECTION 3.0
[2.10]

So that Section 3.0 [2.10], titled “Procedure in the event of an extraordinary emergency,”

Subsections E and F, of the Oneida City Charter are hereby amended to read, in their entirety, as follows:

“E. If any City officer except the Mayor, Councilor or Supervisor shall, from sickness, absence, suspension from office by the Common Council or from any other cause, be unable to discharge the duties of his office, in the event of or during such extraordinary emergency, the Common Council or if vacancies have reduced its membership to less than a majority then a majority of the remaining members of the Common Council shall appoint an individual to discharge such duties during such disability, and the person so appointed shall have and exercise all the powers and discharge all the duties and be subject to all of the provisions of law applicable to the officer whose place they shall supply or to the officer or the duties of the office at which they are appointed and shall receive such salary as shall be fixed by the members of the Common Council making such appointment.”

F. If the office of the Mayor and of all the Councilors shall from sickness, absence, suspension from office or from any other cause be vacated and there is no one to discharge the duties of the office of Mayor, in the event of and during such extraordinary emergency, it is hereby established the continuity of leadership which requires the office of Mayor to be filled at all times. Next in order of succession to the last Councilor for the purpose of acting as Mayor shall descend in the following order upon the following City officials dependent on their availability and presence in the City in the order named: City Manager, City Comptroller, City Attorney, Fire Chief and Police Chief.”

Section 6. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE IV

So that Article IV, titled “Executive Department: City Mayor” shall be renamed “City Mayor” and shall be amended to read in its entirety as follows:

“Section 4.1. Mayor.

At each regular election a Mayor shall be elected for a term of two years. The Mayor shall be a member of the City Council and shall preside at meetings of the City Council, represent the City in intergovernmental relationships, appoint with the advice and consent of the City Council the members of citizen advisory boards and commissions, and perform other duties specified by the City Council. The Mayor shall be recognized as head of the city government for all ceremonial purposes and by the Governor for purposes of military law but shall have no administrative duties.

Section 4.2. Election and term of office.

The Mayor shall be elected and serve as specified in Article II.

Section 4.3. Duties of the Mayor, Deputy Mayor.

- A. The Mayor shall have the power to hear and entertain any complaint against any appointees for misconduct or neglect of duty and to suspend such appointee until the next regular meeting of the City Council, when such complaint shall be investigated by it,

and the appointee reinstated, removed or suspended for such additional time as it may deem just or proper.

- B. The Mayor shall recommend to the City Council and to the City Manager, from time to time, such measures as he/she may deem necessary or expedient for the City Council to adopt in order to expedite or carry into effect any order, resolution, ordinance or act which it shall have passed.
- C. The Mayor shall nominate, with the approval of the City Council, in a nonpartisan manner, the members of the Board of Assessment Review, the members of the Joint Zoning Board of Appeals/Planning Commission, the members of the Board of Water Commissioners, and all other boards, commissions, agencies, officers and employees of the City except as otherwise provided in this Charter or other provision of law.
- D. The Mayor shall sign, when authorized by the City Council, all deeds to be executed as an act of the City and shall sign appointments made to office by the City Council.
- E. In case the Mayor shall be unable to perform the duties of the office in consequence of sickness, absence from the City or other cause, the Deputy Mayor shall preside at meetings and be vested with the powers and duties of the Mayor until the Mayor shall resume office or until the vacancy is filled.

Section 4.4. Powers of the Mayor.

- A. The Mayor shall have the power within the City to administer oaths and take affidavits. Upon filing with the Clerk of Madison County a certificate under the seal of the City, signed by the City Clerk, of his/her election and filing of oath, the Mayor may take proof and acknowledgment of deeds and other instruments.
- B. The Mayor shall possess all the powers and authority conferred upon mayors of cities by any general statute of this state.”

Section 7. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE V

So that Article V, titled “Budget and Financial Administration,” is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 8. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE VII

So that Article VII, titled “City Clerk,” is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 9. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE VIII

So that Article VIII, titled “City Attorney,” is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 10. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE IX

So that Article IX, titled "Department of Public Works," is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 11. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE XI

So that Article XI, titled "Youth and Recreation," is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 12. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 13

So that Chapter 13, titled "Amusement Devices," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 13. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 17

So that Chapter 17, titled "Animals," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 14. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 33

So that Chapter 33, titled "Building Code Administration and Enforcement," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 15. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 34

So that Chapter 34, titled "Buildings, Vacant, Abandoned, Unsafe and Collapsed," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 16. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 40

So that Chapter 40, titled "Curfew," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 17. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 49

So that Chapter 49, titled "Ethics, Code of," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 18. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 85

So that Chapter 85, titled "Junkyards," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 19. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 92

So that Chapter 92, titled “Mobile Homes and Mobile Home Parks,” of the Code of the City of Oneida is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 20. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 104

So that Chapter 104, titled “Officers and Employees,” of the Code of the City of Oneida is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 21. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 110

So that Chapter 110, titled “Parades,” of the Code of the City of Oneida is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 22. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 112

So that Chapter 112, titled “Special Events,” of the Code of the City of Oneida is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 23. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 122

So that Chapter 122, titled “Public Nuisance Abatement,” of the Code of the City of Oneida is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 24. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 169

So that Chapter 169, titled “Taxicabs,” of the Code of the City of Oneida is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 25. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 174

So that Chapter 174, titled “Trees,” of the Code of the City of Oneida is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 26. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 180

So that Chapter 180, titled “Vehicles and Traffic,” of the Code of the City of Oneida is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 27. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 190

So that Chapter 190, titled “Zoning,” of the Code of the City of Oneida is hereby amended such that the reference to “Mayor” shall be replaced with the term “City Manager.”

Section 28. MANDATORY REFERENDUM

Pursuant to Municipal Home Rule Law § 23(2)(e), this Local Law shall be submitted for approval to the electors of the City of Oneida at the next general City election to be held on November 7, 2023.

Section 29. VALIDITY & SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or 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 30. EFFECTIVE DATE

This Local Law shall be effective upon filing with the office of the Secretary of State. Pursuant to Municipal Home Rule Law § 23, this Local Law is subject to a mandatory referendum, and this may not be filed with the Secretary of State until a referendum has been conducted approving this Local Law."

and it is further

RESOLVED, that a proposition will be put before the voters at the General Election to be held on November 7, 2023, and the Clerk of said City is hereby authorized and directed to cause to be included in the Notice of the Election the following proposition which shall read as follows: "Shall the City of Oneida Local Law of 2023, which creates the office of city manager and delegates certain powers and duties, currently held by the Mayor, to the city manager be approved?"

| | |
|--------------------|------------|
| 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>YES</u> |

MOTION CARRIED

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 23-131

Moved by Councilor Kinville
Seconded by Councilor Rossi

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

Ayes: 6
Nays: 0
MOTION CARRIED

SPECIAL EVENT APPLICATION-ODD & OLD ANTIQUE FARM LLC

RESOLUTION 23-132

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, to approve the Special Event Application from Odd & Old Antique Farm, LLC, 214 Sconooda Street, Oneida, NY for a Classic Car Show event to be held on Saturday, July 29, 2023, from 10:00a.m. to 4:00p.m. on same property; **and be it further**

RESOLVED, to waive the 30-day advance notification requirement for Special Events; **and be it further**

RESOLVED, to waive the Special Event Insurance requirement of having to provide an insurance policy of \$1,000,000.00 naming the City of Oneida as an additional insured.

Ayes: 6
Nays: 0
MOTION CARRIED

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 23-133

Moved by Councilor Kinville
Seconded by Councilor Rossi

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

Ayes: 6
Nays: 0
MOTION CARRIED

Proposed Action: City of Oneida Inflow & Infiltration Study

RESOLUTION 23-134

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLUTION ESTABLISHING THE CITY OF ONEIDA MAYOR AS THE CERTIFYING OFFICER FOR THE CITY OF ONEIDA INFLOW & INFILTRATION STUDY ENVIRONMENTAL REVIEW RECORD

WHEREAS, the City of Oneida (the “City”) is proposing the City of Oneida Inflow & Infiltration Study in the City of Oneida, Madison County, New York (the “Project”); and

WHEREAS, the City must prepare an Environmental Review Record (ERR) in accordance with regulations governing the CDBG Small Cities, Towns and Villages Program; and

WHEREAS, the City must appoint an Environmental Certifying Officer to be responsible for the activities associated with the preparation of the ERR;

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor of the City of Oneida is hereby designated as the Certifying Officer for the City’s ERR; and be it further

RESOLVED, that the Mayor is authorized to sign all necessary certifications leading to the completion of the ERR.

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

| | |
|----------------------------|------------|
| Councilor Jim Szczerba | <u>YES</u> |
| Councilor Steve Laureti | <u>YES</u> |
| Councilor Rick Rossi | <u>YES</u> |
| Councilor Michele Kinville | <u>YES</u> |
| Councilor Bill Pagano | <u>YES</u> |
| Councilor Tom Simchik | <u>YES</u> |

The foregoing resolution was thereupon declared duly adopted.

Dated: July 18, 2023

I hereby certify that this resolution was adopted on July 18, 2023, and is recorded in the Meeting Minutes of the City of Oneida Common Council.

Sandra L. LaPera, City Clerk

Mayor Acker asked Council if they would like to waive the rule to accept an additional agenda item requested by Supervisor Joe Magliocca regarding providing additional funding for the Cats Committee. After a brief discussion, Council decided they would prefer to wait and add it to the August 1 agenda.

NEW BUSINESS

Councilor Kinville advised that she wanted to give a shout out to the Oneida Fire Department thanking them for the great job they did of battling a house fire over the weekend. She stated we are very lucky to have a paid Fire Department. Councilor Rossi added that there was a lot of support from different agencies, and our department did a great job.

The Mayor congratulated Eric Hall on his Grand Opening of Odd & Old Antique Farm which will take place on July 29. Mr. Hall advised they bought 214 Sconondoa Street, where they would like to have events on an ongoing basis and have other businesses involved. He stated they are mainly an antique store, and it is their desire is to get things going on that end of town. He thanked Council for allowing them to have this by waiving the items stated.

Mr. Hall had questions about the permits that are required and his desire to bring business to Oneida, stating that this was a premise when he bought the property. They stated they had food vendors and retail vendors that would be participating in the events. The City Attorney asked who they spoke to with the City regarding getting a use variance and suggested she speak with them after the meeting to get more information on what was discussed at the time of purchase. She advised that some events involve the assistance from the Police and/or Fire Departments which would impact this whether it was on public or private property, noting that if they do have a use variance, that could address these issues.

City Attorney Bell advised that she had been researching the issue of the referendum for sidewalks during the meeting. She stated that Municipal Home Rule Law, Section 26, states:

“At any time prior to the election at which a local law adopted by a legislative body is to be submitted to the electors for approval because it is subject to mandatory or permissive referendum, the legislative body, not later than fifteen days prior to the election, may reconsider its action thereon and repeal such local law, whereupon the proposition for its approval shall not be submitted at such election or, if submitted, the vote of the electors thereon shall be without effect.”

City Attorney Bell confirmed that any time up until 15 days before the election, action can be taken. Margaret Milman-Barris stated that she has been circulating a petition and when asked by the Mayor how many figures she needed and how many she thought she had, she advised she thought it was 338 but was unsure how close she was without checking with others who were also circulating it.

Motion to adjourn by Councilor Kinville
Seconded by Councilor Szczerba

Ayes: 6

Nays: 0

MOTION CARRIED

The regular meeting is hereby adjourned at 8:05 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk