

**MINUTES OF THE COMMON COUNCIL  
REGULAR MEETING  
AUGUST 15, 2023**

A meeting of the Common Council of the City of Oneida, NY was held on the fifteenth day of August 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>	<b>Present</b>	<b>Absent</b>	<b>Arrived Late</b>
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 type="checkbox"/>	<input checked="" type="checkbox"/>
Mary Cavanagh	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Joe Magliocca	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Brandee DuBois	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Also Present**

City Attorney Nadine Bell	<input checked="" type="checkbox"/>	Fire Chief Scott Jones	<input type="checkbox"/>
City Clerk Sandy LaPera	<input checked="" type="checkbox"/>	Police Chief Steve Lowell	<input checked="" type="checkbox"/>
City Engineer Jeff Rowe	<input checked="" type="checkbox"/>	Public Safety Com. Kevin Salerno	<input checked="" type="checkbox"/>
Codes Director Bob Burnett	<input checked="" type="checkbox"/>	Recreation Director Luke Griff	<input checked="" type="checkbox"/>
Comptroller Lee Ann Wells	<input checked="" type="checkbox"/>	Other _____	<input type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll Call

**PUBLIC COMMENT**

CHRISTINE ROBERTSON-114 E. WALNUT ST.

Christine Robertson addressed Council on behalf of the Oneida Community Cats Committee to give an

update on their activities. She advised that they will be having a fundraiser through the Recovery Sports Grill on Thursday (August 17, 2023), from 4p.m. to 8:00p.m. with online ordering and take out available all day. Ms. Robertson passed out coupons, which are required, and advised that they are also available at various locations throughout the City, which are noted on their Facebook Page. There will also be a basket raffle at the fundraiser event. She advised that CNY Tuesdays (the weekly campaign recognizing non-profits by providing grants) has not yet announced a date to nominate; however, they are monitoring this for updates.

Christine also advised that they had a meeting with the Eclectic Chic yesterday, who agreed to donate a booth for them to utilize to sell items and suggested that anyone who has anything that would be appropriate for this, to please reach out to her. She acknowledged that they now have 14 traps and thanked the Mayor for her donation of one. In conclusion, Ms. Robertson asked Council to reach out to the Committee if there was any other information they were missing, as they were split on their voting to fund this at the last meeting. She stated that they have proven to be effective and would like to continue to move forward.

#### **OLD BUSINESS**

The Mayor shared that 140 Madison St. clean-up is expected for September 11-15, which will take a couple of days.

#### **SUPERVISOR'S REPORT**

None

#### **APPROVAL OF MINUTES**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, that the minutes of the regular meeting of August 1, 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. 16, checks and ACH payments in the amount of \$1,083,966.74 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 23-146**

Moved by Councilor Pagano  
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**

### **WAIVE INSPECTION FEE-406 STONE ST., ONEIDA**

#### **RESOLUTION 23-147**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, to approve a request from Gina Nassar, owner of property located at 406 Stone Street, Oneida, NY 13421, SBL # 38.22-2-55, to waive the \$150 missed Inspection Fee for April 20, 2023.

Ayes: 0

Nays: 6

**MOTION FAILED**

**DISCUSSION:** the Mayor reminded Council that this resolution pertains to the resident who came to the last meeting requesting that her Missed Inspection Fee be waived. Councilor Rossi added that the Codes Officer stated that he was at the residence, no one answered, and they had a certified letter telling them when to be there.

### **LIQUOR LICENSE RENEWAL APPLICATION NOTICE**

#### **RESOLUTION 23-148**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**RESOLVED**, that the Standardized Notice Form for providing 30-Day Advance Notice to a Local Municipality or Community Board for the filing of a renewal application for an On-Premises Alcoholic Beverage License by the Order of Owls Nest #1606, 130 Vanderbilt Ave., Oneida, NY 13421 be hereby received and placed on file.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**AGREEMENT-SHANE YOXALL-PAINTED BLACK-ENTERTAINMENT AT FALL FEST**

**RESOLUTION 23-149**

Moved by Councilor Kinville  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Mayor to sign an agreement with Shane Yoxall of Painted Black, to provide entertainment services at Fall Fest on September 30, 2023 for a sum of \$900.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**DISCUSSION:** Councilor Rossi asked if this was for one act, to which Parks and Recreation Director, Luke Griff advised that it was, and they would be playing from 1p.m. to 4:00p.m. Director Griff advised that they would be having another act that would be opening.

**BUDGET TRANSFERS/AMENDMENTS**

**RESOLUTION 23-150**

Moved by Councilor Kinville  
Seconded by Councilor Simchik

	<u>To</u>	<u>From</u>		
<b>2023 Budget Adjustments</b>				
\$ 1,638.92	001.3410.0116.0000	001.0025.3401.0000		
	Fire Healthcare Worker Bonus Reimbursements	State Healthcare Worker Bonus Issuance		
<i>To re-allocate funds from revenue received as a pass through for NY State. We are mandated by New York State to pay out the Healthcare Worker Bonus to the state approved Firefighters in their salary. Additional funds were received from the state to cover the city'e FICA espenses</i>				
\$ 2,038.00	001.0001.0885.0000	001.0019.2413.0000		
	Kallet Capital Improvement Reserve	Kallet Revenue		
<i>To re-allocate funds from the ticket sales to the capital improvement reserves as per the contract</i>				
\$ 3,999.00	001.1680.0403.0000	001.0001.0912.0000		
	IT Contracts	General Fund Balance		
<i>To allocate funds for the purchase of a social media platform archiving vendor to assist in FOIL recovery and record retention on public posts on our electronic media platforms. Can be used on all citywide social media platforms.</i>				

Ayes: 6

Nays: 0

**MOTION CARRIED**

DISCUSSION: Councilor Laureti asked what the archiving vendor for \$4,000 was for. Comptroller Wells deferred to Police Chief, Steve Lowell, to explain this. Chief Lowell advised that he was approached by a social media archiving vendor (ArchiveSocial), which offers a service that would preserve the City's records to satisfy Foil requests. This would cover up to 12 social media accounts (Facebook/Instagram/City Website) and could be used for other department's pages as well.

He stated that as soon as the contract is signed, they will archive everything on the social media platforms. He advised they currently cover Madison County, the City of Syracuse Police, the Village of Canastota, and other local governments. The cost of \$3,999 is the first-year cost, and it would go down after that. He also noted that this is operated through Civic Plus, who also currently operates the City Website.

Councilor Laureti asked if the County uses this, would they have any extra accounts or licenses that could be used by the City. Chief Lowell responded that the issue is we have to have people assigned as ultimate users on the account, and due to the confidential nature of the Police, he did not feel it was a good idea to share that type of service based on who has it. Councilor Laureti asked if this would cover all public comments or messages, to which Chief Lowell responded that it was for the entire platform.

Comptroller Wells advised that no money from the budget has been allocated for this at this point, and it would be coming from the General Fund. Councilor Laureti asked if this was something that we could put off until next year's budget and could it be looked at in November. Chief Lowell suggested that this is something that is putting the City at risk, and non-compliance would be an issue. The fee was discussed, and it was noted that this is the Economy Plan, which is a bare minimum plan, the same as held by the

County, and is based on how active the City's social media accounts are and the number of posts. Expanding on the plan can be addressed in the future as time goes on. It was discussed that this would be paid now from the General Fund and then would need to be budgeted for in next year's budget. There was also an incentive discount offered for signing now of approximately \$689. The contract would be a one-year contract, and payment would not be required again until next September. Councilor Szczerba asked if this quote would stay "static" or would it increase. Chief Lowell advised that the cost is based on the package, and like anything else, it could increase over time, but there was no cost to discontinue service, at which time all data would be downloaded and provided to us. Comptroller Wells advised that there has been no increase to date from Civic Plus for the website.

There was discussion about options for payment for this service, aside from taking money from the General Fund, such as the Water/Sewer Fund or DPW. The Comptroller noted that the majority would still come from the General Fund, as Water/Sewer and DPW do not currently have social media accounts, and only a portion of the Website was dedicated to those departments. It was also suggested that each department contribute to this cost from their respective budgets; however, it still would be coming from the General Fund and budgets are tight as it is.

Chief Lowell advised that this involves Cloud Storage and makes searching for conversation history, including hidden comments, easily accessible, in response to a question from Councilor Laureti who asked if the data would be downloaded via PDF.

### **AMERICANS WITH DISABILITIES ACT (ADA)**

#### **RESOLUTION 23-151**

Moved by Councilor Rossi

Seconded by Councilor Kinville

**WHEREAS**, under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA), local governments receiving federal assistance are required to make their programs, activities, and services accessible to individuals with disabilities; **and**

**WHEREAS**, the ADA requires the City of Oneida, as a local government receiving federal assistance, to appoint an ADA Coordinator and establish a grievance procedure to be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City; **and**

**WHEREAS**, the City of Oneida ADA Grievance Procedure has been reviewed by the City Attorney and compared to the current United States Department of Justice recommended Grievance Procedure to be assured of compliance with the ADA; **now therefore be it**

**RESOLVED**, that the City of Oneida Common Council hereby appoints Lee Ann Wells, Comptroller and Personnel Officer, as the ADA Coordinator for the City of Oneida; **and be it further**

**RESOLVED**, that the City of Oneida Americans with Disabilities Act Grievance Procedure, in the form attached and in accordance with the "Notice under the Americans with Disabilities Act," be and hereby is approved.

Ayes: 6

Nays: 0

**MOTION CARRIED**

DISCUSSION: it was noted that this is to appoint the Comptroller as ADA Coordinator to fill this position, as the person stated in Resolution 16-69 no longer works for the City of Oneida.

### **NEW BUSINESS**

Councilor Rossi discussed his 2<sup>nd</sup> Annual Back to School Haircut Donation Event at his barbershop. He advised that free haircuts start August 24<sup>th</sup>, and donations will be accepted through August 26. He noted that last year they did 79 free haircuts and were hoping to do more this year. Financial donations can be made at the barbershop, and the typical cost for a haircut is \$20.

The Mayor also shared that on September 11 at 10:00a.m., there will be a Memorial Service honoring the memories of all those who lost their lives on 9/11. This will take place on Oneida Street on the lawn by the Fire Department, and she encouraged all to invite their family and friends.

### **OPEN DUE PROCESS HEARINGS-WATER/SEWER BILLS**

#### **RESOLUTION 23-152**

Motioned by Councilor Kinville

Seconded by Councilor Rossi

**RESOLVED**, that the Due Process Hearings for Water/Sewer Bills be hereby opened at 6:50p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**DUE PROCESS HEARINGS-WATER/SEWER BILLS  
COMMON COUNCIL CHAMBERS  
109 N. MAIN ST. ONEIDA, NY 13421  
AUGUST 15, 2023**

Mayor Helen Acker called the Water and Sewer Due Process Hearings to order at 6:50p.m.

<b>Attendees</b>	<b>Present</b>	<b>Absent</b>	<b>Arrived Late</b>
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"/> _____

**ALSO PRESENT:** Sandy LaPera, City Clerk and Nadine Bell, City Attorney

The witnesses for each hearing were sworn in by the City Clerk.

CUSTOMER NAME	PROPERTY ADDRESS	OWNER	ACCOUNT #	AMOUNT
Samuel Brown	214 Brooks Street	SAME	16-018001-00	\$2,213.61
Kerwin L. Hughes	106 N. Court Street	SAME	27-054001-00	\$ 340.57
Pamela Purcell	522 Stone Street	SAME	09-020001-00	\$ 774.35
Amber Wilson	2406 Middle Road	SAME	26-072001-00	\$ 207.25

**DUE PROCESS HEARING-WATER/SEWER BILLS**  
Samuel Brown-214 Brooks St., Oneida, NY 13421

**RESOLUTION 23-153**

Moved by Councilor Simchik  
Seconded by Councilor Pagano

**WHEREAS**, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled "Termination of Service," the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a Due Process Hearing prior to terminating a customer's water service, **and**



**WHEREAS**, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled "Termination of Service," the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a Due Process Hearing prior to terminating a customer's water service, **and**

**WHEREAS**, Kerwin Hughes / 106 N. Court St. / 27-054001-00 properly requested a Due Process Hearing before the Common Council to contest the Water Department's decision to terminate **his/her/their** water service, **and**

**WHEREAS**, a Due Process Hearing was thereafter timely held on August 15, 2023, by the City of Oneida Common Council, **and**

**WHEREAS**, Kerwin Hughes / 106 N. Court St., appeared before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**

**RESOLVED**, that the following action has been approved by the Common Council:

<b>NAME:</b>	<u>Kerwin L. Hughes</u>		
<b>ADDRESS:</b>	<u>106 N. Court St.</u>		
<b>ACCOUNT #:</b>	<u>27-054001-00</u>		
<b>BILL DATES:</b>	<u>1/1/17-8/15/23</u>	<b>AMOUNT:</b>	<b>\$ 340.57</b>
<b>ACTION BY COUNCIL:</b>	<u>Extension Granted with Partial Payments</u>		
EXTENSION GRANTED UNTIL	<u>September 30, 2023</u>	AMOUNT:	<u>\$ 171.00</u>
FURTHER GRANTED UNTIL	<u>October 30, 2023</u>	AMOUNT:	<u>\$ 169.57</u>
FURTHER GRANTED UNTIL	<u></u>	AMOUNT:	<u></u>
FURTHER GRANTED UNTIL	<u></u>	AMOUNT:	<u></u>
FURTHER GRANTED UNTIL	<u></u>	AMOUNT:	<u></u>
		<b>TOTAL</b>	<b>\$ 340.57</b>

Ayes: 6

Nays: 0

**MOTION CARRIED**

DISCUSSION: Mr. Hughes stated that he has never had a problem with the water bill for this residence for the ten years he lived there; however, he moved out of state two years ago, and his daughter and son-in-law had been living in the house and had been paying the water bill while he was away. When he moved back, he stated he had not received any water bills until the recent shut off notice. He requested that he be allowed to make payments on this. There was discussion that payments need to be made by October 31<sup>st</sup>, which is the cutoff date before the water bills are relieved onto the property taxes. Council agreed to splitting this into 2 monthly payments.

**DUE PROCESS HEARING-WATER/SEWER BILLS**  
Pamela Purcell-522 Stone St., Oneida, NY 13421

**RESOLUTION 23-155**

Moved by Councilor Kinville  
Seconded by Councilor Pagano

**WHEREAS**, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled "Termination of Service," the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a Due Process Hearing prior to terminating a customer's water service, **and**

**WHEREAS**, Pamela Purcell / 522 Stone St. / 09-020001-00 properly requested a Due Process Hearing before the Common Council to contest the Water Department's decision to terminate his/**her**/their water service, **and**

**WHEREAS**, a Due Process Hearing was thereafter timely held on August 15, 2023, by the City of Oneida Common Council, **and**

**WHEREAS**, Pamela Purcell / 522 Stone St., appeared before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**

**RESOLVED**, that the following action has been approved by the Common Council:

<b>NAME:</b>	<u>Pamela Purcell</u>		
<b>ADDRESS:</b>	<u>522 Stone Street</u>		
<b>ACCOUNT #:</b>	<u>09-020001-00</u>		
<b>BILL DATES:</b>	<u>1/1/17-8/15/23</u>	<b>AMOUNT:</b>	<b>\$ 774.35</b>
<b>ACTION BY COUNCIL:</b>	<u>Extension Granted with Partial Payments</u>		
EXTENSION GRANTED UNTIL	<u>August 29, 2023</u>	AMOUNT:	<u>\$ 154.87</u>
FURTHER GRANTED UNTIL	<u>September 12, 2023</u>	AMOUNT:	<u>\$ 154.87</u>
FURTHER GRANTED UNTIL	<u>September 26, 2023</u>	AMOUNT:	<u>\$ 154.87</u>
FURTHER GRANTED UNTIL	<u>October 10, 2023</u>	AMOUNT:	<u>\$ 154.87</u>
FURTHER GRANTED UNTIL	<u>October 24, 2023</u>	AMOUNT:	<u>\$ 154.87</u>
		<b>TOTAL</b>	<b>\$ 774.35</b>

Pre-payment in full is permitted.

Ayes:

Nays:

**MOTION CARRIED**

DISCUSSION: Pamela Purcell stated that she has had medical issues since last year, is struggling, and works part-time as a waitress trying to make ends meet. It was noted that she received assistance last year, and the City Clerk confirmed that payment in full was made on September 29, 2022, through the NYS Grant Program (LIHWAP). It was suggested that she apply for this grant again, and the City Clerk will provide her with the information. Council agreed to permit extensions, with making payments every two weeks of \$154.87 until October 24th. If the grant is awarded, it would be applied to her account, and the payments would not be necessary, as pre-payment in full is permitted. The City attorney advised that if the grant is applied for and not awarded, the bill would be relieved if not paid by the October 31<sup>st</sup> deadline.

Ms. Purcell advised that she is looking for full-time work, but due to her health issues and upcoming surgery, she has not been able to secure anything.

**DUE PROCESS HEARING-WATER/SEWER BILLS**

Amber Wilson-2406 Middle Rd., Oneida, NY 13421

**RESOLUTION 23-156**

Moved by Councilor Kinville  
Seconded by Councilor Rossi

**WHEREAS**, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled "Termination of Service," the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a Due Process Hearing prior to terminating a customer's water service, **and**

**WHEREAS**, Amber Wilson / 2406 Middle Rd. / 26-072001-00 properly requested a Due Process Hearing before the Common Council to contest the Water Department's decision to terminate his/**her**/their water service, **and**

**WHEREAS**, a Due Process Hearing was thereafter timely held on August 15, 2023, by the City of Oneida Common Council, **and**

**WHEREAS**, Amber Wilson / 2406 Middle Rd., appeared before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**

**RESOLVED**, that the following action has been approved by the Common Council:

<b>NAME:</b>	<u>Amber Wilson</u>	
<b>ADDRESS:</b>	<u>2406 Middle Rd.</u>	
<b>ACCOUNT #:</b>	<u>26-072001-00</u>	
<b>BILL DATES:</b>	<u>3/1/17-8/15/23</u>	<b>AMOUNT: \$ 207.25</b>
<b>ACTION BY COUNCIL:</b>	<u>Extension Granted with Partial Payments</u>	

EXTENSION GRANTED UNTIL	September 30, 2023	AMOUNT:	\$ 103.63
FURTHER GRANTED UNTIL	October 30, 2023	AMOUNT:	\$ 103.62
FURTHER GRANTED UNTIL		AMOUNT:	
FURTHER GRANTED UNTIL		AMOUNT:	
FURTHER GRANTED UNTIL		AMOUNT:	
	Pre-Payment in full is permitted.	<b>TOTAL</b>	<b>\$ 207.25</b>

Ayes: 6

Nays: 0

**MOTION CARRIED**

DISCUSSION: Amber Wilson requested an extension, because she is applying for assistance but is waiting for a letter from her landlord stating that the water is not included in the rent. She is currently on unemployment and has not been able to pay her bill. Council agreed to 2 payments, one in September and one in October, with pre-payment in full permitted.

**CLOSE DUE PROCESS HEARINGS-WATER/SEWER BILLS**

**RESOLUTION 23-157**

Motioned by Councilor Kinville

Seconded by Councilor Rossi

**RESOLVED**, that the Due Process Hearings for Water/Sewer Bills be hereby closed at 7:18p.m.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**EXECUTIVE SESSION**

**RESOLUTION 23-158**

Motioned by Councilor Kinville

Seconded by Councilor Rossi

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 7:25p.m. to seek advice of Counsel.

Ayes: 6

Nays: 0

**MOTION CARRIED**

**PRESENT:** Mayor Helen B. Acker, Comptroller Lee Ann Wells, Councilors, Attorney Chris Militello, Police Chief Steve Lowell, Public Safety Commissioner Kevin Salerno

1. Discussion was held to seek advice of Counsel.

Motioned by Councilor Kinville  
Seconded by Councilor Simchik

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 8:15 p.m.

Ayes: 6  
Nays: 0

**MOTION CARRIED**

Motion to adjourn by Councilor Kinville  
Seconded by Councilor Rossi

Ayes: 6  
Nays: 0

**MOTION CARRIED**

The regular meeting is hereby adjourned at 8:17 p.m.

**CITY OF ONEIDA**

---

Sandra LaPera, City Clerk