

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
OCTOBER 3, 2023**

A meeting of the Common Council of the City of Oneida, NY was held on the third day of October 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	<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

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 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"/>	Supervisor Matt Roberts	<input checked="" type="checkbox"/>
Comptroller Lee Ann Wells	<input checked="" type="checkbox"/>	Supervisor Mary Cavanagh	<input checked="" type="checkbox"/>
		City Chamberlain Anna Hood	

Call to Order/Pledge of Allegiance/Roll Call

PUBLIC HEARING: Unsafe Building-136 Madison Street, Oneida, NY 13421

OPEN PUBLIC HEARING – PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III, UNSAFE BUILDINGS– 136 MADISON STREET, ONEIDA NY

RESOLUTION 23-172

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, that the Public Hearing Pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings –136 Madison Street, Oneida NY be hereby opened at 6:32 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

City Attorney Nadine Bell stated that normally with the unsafe structure process, the Fire Marshal is present to give a brief overview and asked Fire Chief Scott Jones, who was present, to confirm that efforts were made to reach out to and communicate with the property owner, what those efforts were and if they were receptive, and to confirm that the time has passed to take any corrective action.

Chief Jones advised that the process started earlier this year, and the Codes Department was involved with the upper portions of the building, which was vacated by them due to unsafe conditions, noting there were structural deficiencies in the building. These included the roof, rear wall and foundation areas that were noted in the violations of the Fire Marshal's report, which was previously provided to Council. He advised that all steps were followed in giving notice to the property owner to remedy these, and no steps have been taken by the property owner to date that have satisfied the violations. Chief Jones stated that at this point, there is significant enough damage to deem this building unsafe, and something needs to be done. He advised that in order to get the building back up to a safe condition, an engineer should be brought in to assess the condition and advise of what needs to be done.

Attorney Bell asked Chief Jones to confirm that demolition was not being requested, only that it be declared a public nuisance and an unsafe structure and to order the remediation, with the recommendation that the property owner have a structural engineer or a design professional with the appropriate credentials evaluate the property and undertake the offered recommendations. She asked if 90 or 120 days would be more appropriate, to which the Fire Chief advised they were willing to work with the property owner as long as something is done and confirmed that demolition was not being requested at this time.

There was discussion about using a tiered recommendation, to which within 60 days, a report will be prepared by a design professional recommending the necessary repairs, and within 60 days thereafter, having the repairs complete.

The City Attorney, for purposes of the Public Hearing, acknowledged that the Unsafe Structure Notice was prepared by her office and was filed with the Madison County Clerk's office, as required Under Chapter 34 of the Oneida City Code, and it was served on all parties with an interest in the property, including those with a lien or mortgage interest, or any entity noted in a title search that was prepared by a title

company. She stated the property owner and any of those parties with an interest in the property could speak first at the Public Hearing, followed by any members of the public.

APPEARANCES

FREDERICK SCRIBNER-OWNER-136 MADISON STREET

Frederick Scribner advised that he was the owner of 136 Madison Street. In response to a comment by Mr. Scribner questioning the qualifications of the person(s) making the determination that this is an unsafe structure, City Attorney Bell advised that the information that Mr. Scribner received was prepared by the Fire Marshal, who does have the qualifications for reviewing properties and determining whether they are code compliant.

City Attorney Bell stated that the Fire Marshal has provided documentation of the code violations that he observed and references to those violations, with information supporting why it does not comply, and asked Mr. Scribner if he had any information that would contradict this information. Mr. Scribner noted that he is aware the building needs work, and he is in the process of selling it, but he does not have the money to hire a structural engineer. He stated that he can do a lot of the work himself and does not believe a building permit should be required, as he is not doing anything structural to the building. The City Attorney advised that based on the information provided, a building permit is required.

Councilor Rossi commented that the City is in the process of cleaning up the buildings, and that is why Codes was at his door. Mr. Scribner asked if the City was going to give him money to do these repairs, to which Councilor Rossi advised the City does not give money to private business owners.

KEITH SIMPSON-OWNER-138 MADISON STREET

Mr. Simpson stated that he owns the building next to 136 Madison Street and stated that he has questions about if his building will be lost in the process if the City tears down the building at 136 Madison Street. He would like to know what happens to his building and his business, which is being affected by this, and it is not just affecting one person individually. The Mayor stated that the debris removal for 140 Madison St. is scheduled for the week of October 11 and advised that she will look into this situation and get back to him when she has a response. City Attorney Bell stated that part of this process is in place to protect properties such as his. For informational purposes for those in the audience, she also provided a timeline of the process that took place and the efforts made since the beginning of January to work with the property owner to have the corrections taken. There has been no plan of action by the property owner, and the City has a responsibility to neighboring/attached building owners. The City does not want other properties affected and to have a domino effect.

CLOSE PUBLIC HEARING – PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III, UNSAFE BUILDINGS– 136 MADISON STREET, ONEIDA NY

RESOLUTION 23-173

Moved by Councilor Kinville
Seconded by Councilor Szczerba

RESOLVED, that the Public Hearing Pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings –136 Madison Street, Oneida NY be hereby closed at 6:50 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

PUBLIC COMMENT

DANA SEIFERT-262 WILLIAMS STREET, ONEIDA

Ms. Seifert would like to reintroduce the hen law and bring it back for discussion. She stated that they would like to change the zoning laws and have the opportunity to answer questions and discuss the benefits of owning and keeping hens/chickens. The Mayor acknowledged receiving the information that was provided previously by Ms. Seifert and noted that she would discuss it with the City Attorney.

ROBERT EATON-407 WEST ELM STREET, ONEIDA

Mr. Eaton stated that most of the neighboring communities have amended codes to allow for hening and the benefits this provides to the children and community. He would like the opportunity to address any questions or concerns anyone has and noted that even larger cities allow hens and chickens. The laws regulate this and allow for inspections to ensure that no harm is done to the community.

PHIL HUBBARD-442 WASHINGTON AVE., ONEIDA

Mr. Hubbard addressed Council regarding a code violation he received for leaving hanging planters out in front of his house and inquired about the cost of sending letters certified mail, which is an expense to taxpayers. Codes Director Bob Burnett stated that they have to pay the postage, because New York State says that they have to, noting that a resident cannot be taken to court unless a notice has been sent by registered mail. He advised that he does not see this as an expense, but rather an investment. In an effort to attract new businesses and bring in people who want to live here, his department is working to clean up the City. The Mayor suggested that Mr. Hubbard meet with Director Burnett to address his concerns.

RANDY JONES-521 WEST ELM STREET, ONEIDA

Mr. Jones advised that semis were still driving down Elm Street. He reached out to Public Safety Commissioner Kevin Salerno and Mr. Pagano asking if better signage could be posted. Mr. Salerno advised

that they would be looking at this. He stated this is unsafe and beats the roads up.

Mr. Jones also wanted to publicly thank Commissioner Salerno and Mr. (Bob) Anderson for their quick response and turnaround time to get flood lights up at the sight of the recent explosion to deter people from scrummaging through what was left of the owner's belongings. There was no security after the police left, and he reached out to Mr. Anderson, who got back to him the next day and had this taken care of the within 8 days, which included 2 weekends.

TROY TILLER-1325 MT. HOPE, ONEIDA

Troy Tiller advised that he was present regarding a building permit refund. He applied in August for a renovation permit for his property on Mount Hope Ave, but was not able to do the renovations, as it was discovered that there were foundation issues, and the best safety option was to build a new house on the existing property. He would like either a refund for the renovation permit, or that the amount be subtracted from the new pending permit for the new house. Based on his calculations, he believes it would be approximately \$40 difference. Director Burnett advised that the City does not give refunds whence something is billed and paid for. He stated that they only reviewed the plans, but that it wasn't up to him to give a refund, that it was up to Council if they would make an exception. Council briefly discussed and agreed to allow it to be applied to the new permit.

APPROVE FEES PREVIOUSLY PAID FOR RENOVATION PERMIT TO BE APPLIED TO NEW BUILD BUILDING PERMIT-1325 MT. HOPE AVE.

RESOLUTION 23-174

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, to approve the application of the building permit fees that were received from Troy Tiller, for property located at 1325 Mt. Hope Ave., Oneida, for the construction of a renovation to be applied to his "New Build" building permit.

Ayes: 6
Nays: 0

MOTION CARRIED

OLD BUSINESS

- Mayor Acker advised that the debris removal for 140 Madison Street is set for the week of October 11 and will take approximately 4 days.
- The City was awarded \$600,000 as part of the DRI Program, with the Downtown Business Assistance Fund, of which 10% will go toward administrative fees for the companies the City hired to handle and process this for the City. The Mayor advised that City representatives will be going out in the next couple of weeks to the businesses downtown providing them with information

and the application. She noted the first round of the application process is due Monday, November 20th at 5:00p.m. There will also be a public meeting on Monday, October 16th at 5:30 p.m. for anyone interested in obtaining more information.

Mayor Acker advised that there is a critical proposal on the ballot for November 7 (Proposal No. 4). This will authorize the construction of improvements at the Glenmore Dam in Annsville at a new maximum cost of \$13,940,000. The City has an \$8 million dollar bond in place for this from 2018; however, with rising costs over the last 5 years, it has increased by \$5,940,000 (which is the amount voters will be voting for).

The Mayor provided the following things to consider voting YES to this proposal:

- The dam is 99 years old and was constructed between 1924 and 1926
- The Dam is critical to Public Health and Safety, noting Oneida will no longer exist as we know it if the Dam fails
- There will be no flushing toilets, no showers or baths, no cleaning, and most importantly, no drinking water
- If the Dam fails, the City is 100% responsible for everything downstream, including dependent communities/municipalities who purchase water from the City of Oneida
 - Annsville
 - Stockbridge
 - Munnsville
 - Vernon
 - Verona
 - Sherrill
 - Durhamville
 - Wampsville
- Currently, the DEC has deemed the Dam unsafe and a “High Hazard.” The City cannot get insurance because of this. Failure of the Dam will cost a great deal more, as the City would have to pay all expenses related to a failure. With this classification, the term is considered potential and probable, which includes the loss of life, economic, environmental, and lifeline losses.
- If the Dam fails, there are 323 million gallons of water that would instantly be released downstream from Annsville.

Mayor Acker advised that if this proposal passes, the City can start this project immediately, noting that it would take approximately 2 years to complete.

She noted that it has taken some time from the beginning of this project in 2018 to come together with the DEC, but the time has come to act now.

APPROVAL OF MINUTES

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, that the minutes of the regular meeting of September 19, 2023, are hereby approved as presented.

Ayes: 6

Nays: 0

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Rossi

Seconded by Councilor Kinville

RESOLVED, that Warrant No. 19, checks and ACH payments in the amount of \$737,325.45 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

City Attorney Bell advised that before a motion is made for the next resolution, she would like to add to it based upon the discussion with the Fire Chief and what he recommended, and that the resolution be revised to reflect the 60 days to obtain the recommendation of an appropriate design professional, and the additional 60 days to undertake (or more time if appropriate) the remediation that is deemed necessary by that design professional.

DISCUSSION: Council agreed to allow 60 days to obtain the recommendation of an appropriate design professional with remediation to occur within the time frame recommended by such professional. Councilor Laureti was concerned that the owner will not act in a timely manner; however, Attorney Bell advised that if the owner does not obtain an appropriate design professional within the 60- day timeframe, he will already be in violation. The City will then have the right to do the work themselves and assess those costs back to the property owner. City Attorney Bell explained with all unsafe buildings, the money is charged to the property owner and if they fail to pay, it is assessed against the property. This is why the notice served on the owner and all others with an interest, is also filed at the County Clerk's office so if the owner sells the property, the abstract will have this notice on it. Further discussion ensued about the notice process and examples of what could happen if the property owner does not comply.

DECLARE THE PROPERTY AT 136 MADISON STREET AS A PUBLIC NUISANCE AND ORDER CORRECTIVE ACTION TO BE TAKEN IN ACCORDANCE WITH ARTICLE III OF CHAPTER 34 OF THE ONEIDA CITY CODE

Moved by Councilor Kinville

Seconded by Councilor Rossi

WHEREAS, in accordance with Article III of Chapter 34 of the Oneida City Code, as amended, a public hearing was conducted on October 3, 2023, for purposes of receiving and considering evidence presented by the City of Oneida Fire Marshal to determine whether real property located at 136 Madison Street, Tax Map No. 30.72-1-64, in the City of Oneida (“Property”) is a public nuisance; **and**

WHEREAS, the City Attorney confirmed issuance of the Notice of Unsafe Building/Collapsed Structure, dated September 21, 2023, such Notice having been duly filed in accordance with Section 34-11 of the Oneida City Code with the Madison County Clerk’s Office by Index No. EF2023-1749; **and**

WHEREAS, in addition, notice of the due process hearing was properly served upon all interested persons, posted on the Property, and published in the official newspaper and on the City of Oneida website; **and**

WHEREAS, the Fire Marshal presented his report, dated August 20, 2023, documenting the unsafe condition of the Property and informed the Common Council of the efforts made by the City to obtain voluntary compliance; **and**

WHEREAS, the Fire Marshal testified to having inspected the Property and observed extensive damage to the attached-row structure situated upon the Property; more specifically, the Fire Marshal presented photographs depicting the partial or complete collapse of the structure’s west and south exterior walls, the deterioration of structural members of the building such that the members are not capable of supporting the imposed dead and live loads, exterior walls containing holes, breaks, and loose or rotting materials, and the roof in a condition that is neither sound nor tight and containing defects; **and**

WHEREAS, the Fire Marshal determined that the condition of the Property violated Chapter 34 of the Oneida City Code, Section 108.1.1 of the 2020 NYS Fire Code, and Sections 107.1, 107.1.1, 304.1, 304.1.1, 304.4, 304.6, 304.7, and 308.1 of the 2020 NYS Property Maintenance Code; **and**

WHEREAS, the Fire Marshal opined that the Property, in its current condition, presents a danger to the health, safety and welfare of the public; **and**

WHEREAS, the Fire Marshal concluded his presentation, recommending that an order be issued requiring the structure be remediated within ninety (90) days; **and**

WHEREAS, the property owner appeared / no one appeared on behalf of the property owner, during the hearing, and the property owner failed to submit any materials for the Common Council’s consideration; **and**

WHEREAS, as a result, the findings and conclusions offered by the Fire Marshal were uncontested; **and**

WHEREAS, the Common Council closed the public hearing on October 3, 2023; **and**

WHEREAS, because it is the desire of the Common Council to undertake any and all measures permitted in the Oneida City Code and City of Oneida Charter necessary to protect the public’s

health, safety and welfare, the Common Council determined that the exigent circumstances caused by the condition of the structure and the imminent danger posed to the health, safety and welfare of the public necessitated the waiver of its standard procedure and render a decision and order on the information received.

NOW THEREFORE, BE IT RESOLVED that the Common Council, having duly considered the documentary evidence, as well as the oral testimony presented by the Fire Marshal, hereby declares the property located at 136 Madison Street, Tax Map No. 30.72-1-64, in the City of Oneida, to be unsafe and a public nuisance; and

BE IT FURTHER RESOLVED, that the Common Council, having duly declared the Property to be a public nuisance, hereby orders the owner or persons with an interest in such Property to undertake the following corrective action within ninety (90) days in accordance with the recommendations of the Fire Marshal:

- The building shall be remediated in the following manner, the western and southern exterior walls shall be repaired and made structurally sound, the roof shall be repaired or replaced, as appropriate, and the floors shall be repaired, on or before January 3, 2024.

BE IT FURTHER RESOLVED, that in the event corrective action does not occur within the time provided, the Common Council hereby authorizes the Fire Marshal and the City Engineer to undertake any and all such measures as are necessary to effectuate the remedial action recommended by the Fire Marshal, and shall assess the cost of same against the Property; and

BE IT FURTHER RESOLVED, that the cost of such remedial action, if undertaken by the City, shall thereupon become a lien against the Property and shall be collectible in the same manner as taxes levied thereon; and

BE IT FURTHER RESOLVED, that notice of the Common Council's declaration and order shall either be served personally or by certified mail, to the last known address as shown by the records of the City Assessor's office.

NO VOTE: Council discussed this as presented and agreed to amend said resolution (See Below)

**DECLARE THE PROPERTY AT 136 MADISON STREET AS A PUBLIC NUISANCE AND ORDER
CORRECTIVE ACTION TO BE TAKEN IN ACCORDANCE WITH ARTICLE III OF CHAPTER 34 OF THE
ONEIDA CITY CODE-(AMENDED)**

RESOLUTION 23-175

Moved by Councilor Kinville
Seconded by Councilor Rossi

WHEREAS, in accordance with Article III of Chapter 34 of the Oneida City Code, as amended, a public hearing was conducted on October 3, 2023, for purposes of receiving and considering evidence presented

by the City of Oneida Fire Chief to determine whether real property located at 136 Madison Street, Tax Map No. 30.72-1-64, in the City of Oneida (“Property”) is a public nuisance; and

WHEREAS, the City Attorney confirmed issuance of the Notice of Unsafe Building/Collapsed Structure, dated September 21, 2023, such Notice having been duly filed in accordance with Section 34-11 of the Oneida City Code with the Madison County Clerk’s Office by, Index No. EF2023-1749; and

WHEREAS, in addition, notice of the due process hearing was properly served upon all interested persons, posted on the Property, and published in the official newspaper and on the City of Oneida website; and

WHEREAS, the Fire Chief presented a report, dated August 20, 2023, prepared by the Fire Marshal documenting the unsafe condition of the Property and informed the Common Council of the efforts made by the City to obtain voluntary compliance; and

WHEREAS, the Fire Chief acknowledged the Fire Marshal having inspected the Property and observed extensive damage to the attached-row structure situated upon the Property; more specifically, the Fire Marshal included photographs in his report depicting the partial or complete collapse of the structure’s west and south exterior walls, the deterioration of structural members of the building such that the members are not capable of supporting the imposed dead and live loads, exterior walls containing holes, breaks, and loose or rotting materials, and the roof in a condition that is neither sound nor tight and containing defects; and

WHEREAS, in his report, the Fire Marshal determined that the condition of the Property violated Chapter 34 of the Oneida City Code, Section 108.1.1 of the 2020 NYS Fire Code, and Sections 107.1, 107.1.1, 304.1, 304.1.1, 304.4, 304.6, 304.7, and 308.1 of the 2020 NYS Property Maintenance Code; and

WHEREAS, the Fire Chief, relying upon the Fire Marshal’s report, opined that the Property, in its current condition, presents a danger to the health, safety and welfare of the public; and

WHEREAS, the Fire Chief concluded his presentation, recommending that an order be issued requiring the structure be evaluated by a design professional within 60 days and remediated as recommended; and

WHEREAS, the property owner appeared at the public hearing and voiced his objection to the City’s unsafe procedure, however, no one appeared on behalf of the property owner during the hearing and the property owner failed to submit any materials for the Common Council’s consideration; and

WHEREAS, Keith Simpson, the owner of 138 Madison Street, an adjoining property, appeared and expressed concern with the condition of the structure and the possible impact upon his property; and

WHEREAS, as a result, the findings and conclusions offered by the Fire Marshal were uncontested; and

WHEREAS, the Common Council closed the public hearing on October 3, 2023; and

WHEREAS, because it is the desire of the Common Council to undertake any and all measures permitted in the Oneida City Code and City of Oneida Charter necessary to protect the public’s health, safety and welfare, the Common Council determined that the exigent circumstances caused by the condition of the

structure and the imminent danger posed to the health, safety and welfare of the public necessitated the waiver of its standard procedure and render a decision and order on the information received.

NOW THEREFORE, BE IT RESOLVED that the Common Council, having duly considered the documentary evidence, as well as the oral testimony presented by the Fire Chief, hereby declares the property located at 136 Madison Street, Tax Map No. 30.72-1-64, in the City of Oneida, to be unsafe and a public nuisance; and

BE IT FURTHER RESOLVED, that the Common Council, having duly declared the Property to be a public nuisance, hereby orders the owner or persons with an interest in such Property to undertake the following corrective action in accordance with the recommendations of the Fire Marshal:

- within 60 days the property owner shall have the structure evaluated by an appropriate design professional and shall obtain a recommendation on the remediation necessary to make the structure safe; and
- Upon receipt of the recommendation of the design professional, which recommendation shall be provided to the Fire Marshal, the structure shall be remediated as recommended within the time recommended.

BE IT FURTHER RESOLVED, that in the event corrective action does not occur within the time provided, the Common Council hereby authorizes the Fire Marshal and the City Engineer to undertake any and all such measures as are necessary to effectuate the remedial action recommended by the Fire Marshal, and shall assess the cost of same against the Property; and

BE IT FURTHER RESOLVED, that the cost of such remedial action, if undertaken by the City, shall thereupon become a lien against the Property and shall be collectible in the same manner as taxes levied thereon; and

BE IT FURTHER RESOLVED, that notice of the Common Council's declaration and order shall either be served personally or by certified mail, to the last known address as shown by the records of the City Assessor's office.

Ayes: 6

Nays: 0

MOTION CARRIED

RELEASE, DISCHARGE, OR COMMUTE CITY/COUNTY TAXES FOR REAL PROPERTY

RESOLUTION 23-176

Moved by Councilor Kinville
Seconded by Councilor Szczerba

RESOLVED, pursuant to Section 5.44 of the Oneida City Charter, the Common Council does hereby exercise its discretion to release, discharge, or commute City/County taxes for real property according to attached Exhibit A, for the years 2007-2014, in the amount of \$119,267.08, which includes the taxes owed and interest incurred.

Ayes: 6

Nays: 0

MOTION CARRIED

DISCUSSION: City Chamberlain, Anna Hood, advised that this money is to write off 2007-2014 taxes to clear the person's names of any liens due to what the previous City Chamberlain stole. She advised that she will be sending out letters to those affected advising them of this. Councilor Rossi thanked the City Chamberlain for going through this process and working hard to get some of the money back.

She stated that 2018 unpaid taxes went out to auction and were sold. These properties were previously in the City's name and are now in the name of new owners.

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 23-177

Moved by Councilor Kinville
 Seconded by Councilor Rossi

		<u>To</u>		<u>From</u>
<i>2023 Budget Adjustments</i>				
\$	5,942.91	001.1910.0400.0000		001.1680.0403.0000
		Insurance		IT Contracts
<i>To re-allocate funds to cover general liability insurance coverage 7/1-12/31/23</i>				
\$	1,582.00	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>				
\$	300.00	001.1410.0300.0000		001.1410.0200.0000
		Clerk Materials and Supplies		Clerk Equipment Line
<i>To re-allocate funds to purchase needed supplies for the Clerk's office</i>				
\$	119,267.08	001.1364.0406.0000	\$ 118,500.00	001.0022.2660.0000

		Write off of Tax Sale		Sale of Real Property
			\$ 767.08	001.0001.0912.0000
				General Fund Balance
<i>To re-allocate funds to clear property liens for 2007-2014</i>				
\$ 28,500.00		030.1620.0401.0000		030.0030.0912.0000
		ARPA-Building Improvements		ARPA Funds
<i>To allocate funds to improve building security, improve controlled access to each floor and relocate the planning dept to a more secure location on the 1st floor</i>				
\$ 3,000.00		001.1430.0403.0000		001.1315.0416.0000
		Civil Service Contracts		Comptroller Training/Meals
<i>To re-allocate funds to cover CDL Drug Testing and new hire physicals</i>				
\$ 26,000.00		001.9785.0600.0003		001.0001.0889.0000
		Fire Lease		Vehicle Reserves
<i>To allocate funds to cover lease upfit costs on Fire lease</i>				

Ayes: 6
Nays: 0
MOTION CARRIED

AGREEMENT-THE GIBBY GROUP, LLC

RESOLUTION 23-178

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED. to authorize the Mayor to sign an agreement with The Gibby Group, LLC for the acceptance of high strength organic waste at the Wastewater Treatment Plant.

Ayes: 6
Nays: 0
MOTION CARRIED

RETIREE HEALTH INSURANCE RENEWAL (2024)

RESOLUTION 23-179

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, that the Mayor be authorized to sign the Retiree Health Insurance Renewal Plan for 2024 with Humana Group Medicare.

Ayes: 6
Nays: 0

MOTION CARRIED

DISCUSSION: The Comptroller advised that this represents a zero percent increase from last year for retirees.

LEASE AGREEMENT-ENTERPRISE FLEET MANAGEMENT

RESOLUTION 23-180

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, to authorize the Purchasing Agent to proceed with a Lease Agreement with Enterprise Fleet Management for a 2024 Chevrolet Silverado 2500HD for the Fire Department.

Ayes: 0
Nays: 6

MOTION FAILED

DISCUSSION: Councilor Laureti advised that he would like to put this off a year and further discuss it during the budget review process. Chief Jones advised that the milage is not indicative of the condition of the truck. He stated that is the most used piece of apparatus by the department. Councilor Laureti asked Chief Jones to obtain a quote for a purchase as opposed to a lease, and Council confirmed this will be put off for now.

NEW BUSINESS

- Real Property Tax Law Section 487 Discussion
City Attorney Bell advised that Councilor Szczerba had a great request for the City to opt out of Real Property Tax Law, Section 487; however, she wanted to provide information and answer any

questions prior to taking any action.

She explained that under Section 487, Solar Systems are exempt for 15 years in NYS. She advised that the exemption is based solely on the value of the solar system and not the entire assessment of a property. This is an exemption that goes to everyone, not just commercial, but residential as well. She advised that PILOTS are allowed for 15 years, and the argument against opting out, is homeowners will no longer get this exemption. The PILOT agreement cannot be for more than what the taxes would have been per NYS Law. She wanted to confirm with Council if they would like her to prepare a Local Law to opt out and taking away this exemption or remain in, and if and when the solar entities come into the municipality, the City could enter into a PILOT Agreement. There was discussion among Council, and it was determined that a Local Law would be drafted for the next Common Council meeting, followed by a Public Hearing. It was noted that other municipalities have opted out, and Council would know at the Public Hearing for this Local Law if anyone was opposed.

The Mayor inquired as to who would be hurt the most if the City opted out, to which the City Attorney responded residents, as they do not have PILOT Agreements. City Attorney Bell also confirmed that this pertains to renewable energy systems, including solar electric systems. City Attorney Bell stated that with PIOLT agreements, they often go less than what the normal tax rates are, and often when they are negotiated, you are allowed to negotiate for the same amount as the taxes, but that does not always happen. She advised that NYS just applied a new formula for assessing large scale solar systems. This has been changed, as NYS is pushing renewable energy.

Supervisor Matt Roberts advised that Madison County opted out, as with most PILOTS, less taxes are paid. NYS is pushing anything over 20 megawatts capacity, the State is removing Home Rule and municipalities have no say. NYS is going to tell you what it is worth and how much taxes the PILOT will be, and there is no negotiating with the locality. He stated that under 20 megawatts, local law is in effect, and you can negotiate a PILOT, which allows a municipality to say they are not going to assess a PILOT, but rather assess it for a value and for a local homeowner, this can be assessed differently. He stated that what they are trying to do is give some control back to the municipalities and that is why they did it in the county.

- Chief Lowell-Grant Award

Mayor Acker gave a shout out to Police Chief Lowell, as he was just awarded a grant for \$300,000. Chief Lowell commented that this funding is a national grant for a crime reduction initiative from the Department of Justice, which is a competitive grant and was based on work they have done with previous money awarded in large, by their criminal investigation division and support personnel (collecting data and scheduling appointments). He noted they have already done a lot of great work and will continue to move forward.

- Mayor Acker-Fall Fest

Mayor Acker also thanked the Oneida Parks and Rec Department, the Police and Fire Departments, the City Clerk, and all involved with Fall Fest, noting that it was fantastic and had a very good turnout.

Motion to adjourn by Councilor Kinville
Seconded by Councilor Rossi

Ayes: 6

Nays: 0

MOTION CARRIED

The regular meeting is hereby adjourned at 8:00 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk