

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
OCTOBER 17, 2023**

A meeting of the Common Council of the City of Oneida, NY was held on the seventeenth day of October 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 6:31p.m.

Supervisors

Matt Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mary Cavanagh	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Magliocca	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brandee DuBois	<input checked="" 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"/>	Parks & Rec Director Luke Griff	<input checked="" type="checkbox"/>
Comptroller Lee Ann Wells	<input checked="" type="checkbox"/>	City Chamberlain Anna Hood	<input checked="" type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll Call

PROCLAMATION: Extra Mile Day (Rose and Fred Bavo)

The Mayor acknowledged Rose and Fred Bavo as this year’s recipients of the Extra Mile Day Proclamation, noting that every year for the last 3 years, they have been watering the Community Gardens and help with clean-up. She stated they do this 7 days a week throughout the entire season and that it is very much appreciated.

Proclamation

City of Oneida - Office of the Mayor

EXTRA MILE DAY

WHEREAS, Oneida, New York, is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; **and**

WHEREAS, Oneida, New York, is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment and conviction to their individual ambitions, family, friends, and community; **and**

WHEREAS, Oneida, New York, is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; **and**

WHEREAS, Oneida, New York, acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2023; **and now therefore**

I, **Helen B. Acker, Mayor** do hereby proclaim November 1, 2023, to be Extra Mile Day. I urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

WITNESS WHEREOF, I have hereunto set my hand and affix the official seal of the City of Oneida on this 17th day of October 2023.

Mayor Helen B. Acker

PUBLIC COMMENT

DAVID SCHOLL-230 COTTAGE PLACE

David Scholl addressed the Council regarding a Notice of Violation he received from the Codes Department for leaving a leaf catcher for the back of a push lawn mower on the curb side of his home for scrappers to pick up. He stated that his property is neat and well kept and is not a junk yard. He stated that although he did remove this to avoid the legal process against him, the Codes Department should not give a Notice of Violation, but rather call and talk to him personally or leave a note first.

He feels this is petty, and this is not how citizens deserve to be treated. He also stated that "junk" is not clarified, and the City should be realistic.

JOE MAGLIOCCA-429 GRAND STREET

Supervisor Magliocca took the opportunity to remind everyone about Ballot Propositions No. 3 and No. 4 on the back of the ballot, as Election Day is just 3 weeks away. He stated he has been doing a lot of door-to-door campaigning and that candidates should be having a conversation about this to inform the public of the importance of these propositions. He advised there is a Facebook Page called "Vote Yes to Oneida City Manager" for those that have Facebook and encouraged the administration to reach out to the local newspapers and get something out about the City Manager position, similar to what was done by the Mayor with the Glenmore Dam Proposition. He offered extra signs he has for any who wants them.

ROBERT EATON-407 WEST ELM STREET

Mr. Eaton addressed the Council about the possibility of having a chicken law passed to allow residents to have chickens by having the codes modified. He asked what needs to be done to get this to move forward. He stated that kids love chickens, and dogs barking make more noise than chickens. Mr. Eaton stated he and others are available to answer any questions or concerns.

LINDA MOODY-104 E. ELM STREET

Linda Moody stated that she came before Council to ask why the City does not have a shelter for the homeless. She feels the City should not leave these people out in the cold and should have a place for them, such as buildings that are currently vacant.

Rose Bavo responded that Melissa King (Karing Kitchen/Salvation Army) has been trying for years to get a Homeless Shelter in Oneida, and if anyone needs any information, they should contact her.

Mayor Acker advised that the City is aware of this situation and is looking into what programs are out there to help.

OLD BUSINESS

None

SUPERVISOR'S REPORT

MARY CAVANAGH -Supervisor Cavanagh advised that the County had a Budget Meeting earlier in the day, and although they came up with some ideas, they did not come up with any solutions, and as soon as she has something to report, she will let everyone know.

BRANDEE DUBOIS-Supervisor DuBois advised that on November 18th, there will be an annual Shared Services Meeting in Chambers at 2:30p.m., and the public is welcome to attend.

JOE MAGLIOCCA

Supervisor Magliocca advised that earlier there was a meeting in City of Oneida Common Council Chambers with Madison County IDA regarding the Oneida Group LLC for the reuse and renovation of the former Hotel Oneida. This was a standard public hearing, and after listening to this, he felt confident that things were moving forward. He advised the IDA looks at everything with a cost-benefit ratio, with 10:1 being good to bad. This project was given a 13:1 ratio, which is a compelling case to encourage investment and development.

Supervisor Magliocca also advised that Madison County recently put out a request for bids for Phase 1 of the Madison County Reconnect for the Fiber Construction Project. Phase 1 includes southern portions of the County, portions of Cazenovia, New Woodstock, Hamilton, Morrisville, and a portion of Munnsville. This includes the installation of fiber, both above ground pole to pole and below direct burial where applicable, noting that it is his understanding that the system will go live at the end of this Phase, without having to wait for all 4 Phases to be done. He advised that bids were due back on Tuesday, November 14.

In response to a question from Councilor Szczerba, Supervisor Magliocca advised that Oneida is in the yellow zone which can be found on the map on the County website.

<https://www.madisoncounty.ny.gov/2765/Madison-County-ReConnect>

APPROVAL OF MINUTES

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the minutes of the regular meeting of October 3, 2023, are hereby approved as presented.

Ayes: 6

Nays: 0

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Rossi
Seconded by Councilor Szczerba

RESOLVED, that Warrant No. 20, checks and ACH payments in the amount of \$297,985.50 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 23-181

Moved by Councilor Kinville
Seconded by Councilor Pagano

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

ADVERTISE FOR BIDS-2024 WATER TREATMENT CHEMICALS- WASTEWATER TREATMENT PLANT-LAB SERVICES

RESOLUTION 23-182

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, to authorize the Purchasing Agent to advertise for bids for 2024 Water Treatment Chemicals, Wastewater Treatment Plant Chemicals and Lab Services.

Ayes: 6
Nays: 0

MOTION CARRIED

EXCELLUS PLAN RENEWALS-2024 HEALTH AND DENTAL INSURANCE

RESOLUTION 23-183

Moved by Councilor Kinville
Seconded by Councilor Szczerba

RESOLVED, to authorize the Mayor to sign the 2024 Excellus Health and Dental Insurance Plan renewals.

Ayes: 6
Nays: 0

MOTION CARRIED

DISCUSSION: Comptroller Wells advised that this represents a 5.5% increase for Health and a 7.68% increase for Dental.

AGREEMENT-GREATER ONEIDA LITTLE LEAGUE INC.

RESOLUTION 23-184

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign an Agreement with Greater Oneida Little League Inc., a not-for-profit corporation, for the use of a parcel located to the immediate north of and contiguous to Maxwell Field, designated as SBL # 38.34-1-1, owned by the City of Oneida, to grant a license to enter upon and use said parcel for the purpose of conducting its Little League and City-assumed functions for City and area residents, for a term to extend to December 31, 2032.

Ayes: 6
Nays: 0

MOTION CARRIED

DISCUSSION: The Mayor advised that this is to renew the agreement and clean up some of the language.

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

RESOLUTION 23-185

Moved by Councilor Rossi
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 2019-2021, in the amount of \$132,138.07, which includes the taxes owed and interest incurred.

Ayes: 6

Nays: 0

MOTION CARRIED

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 23-186

Moved by Councilor Kinville
Seconded by Councilor Simchik

To

From

2023 Budget Adjustments

\$ 41,995.00	003.8110.0446.0000 Reclaimed Water Pump Station	003.0003.0912.0000 Sewer Fund Balance
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To allocate funds to cover up front expense to be reimbursed by customer

\$ 26,000.00	001.0001.0889.0000 Vehicle Reserves	001.9785.0600.0003 Fire Lease
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To re-allocate funds back to the vehicle reserve due to Fire Lease being voted down on 10/3/23

\$ 132,138.07	001.1364.0406.0000 Write off of Tax Sale	001.0022.2680.0000 Insurance recovery
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To re-allocate funds received from insurance for former Chamberlain fraud to clear corresponding liens 2019-2021

Ayes: 6

Nays: 0

MOTION CARRIED

**A LOCAL LAW TO AMEND CHAPTER 165 OF THE CODE OF THE CITY OF ONEIDA TO ADD A NEW
ARTICLE X, TITLED “SOLAR AND WIND ENERGY SYSTEMS; FARM WASTE ENERGY SYSTEMS,”
PURSUANT TO REAL PROPERTY TAX LAW § 487**

RESOLUTION 23-187

Moved by Councilor Rossi
Seconded by Councilor Kinville

WHEREAS, the City of Oneida Common introduced proposed Local Law of 2023 to amend Chapter 165 of the Code of the City of Oneida to add new Article X, titled “Solar and Wind Energy Systems; Farm Waste Energy Systems,” pursuant to Real Property Tax Law § 487; and

WHEREAS, New York Real Property Tax Law § 487 provides a real property tax exemption to solar and wind energy systems and farm waste energy systems; and

WHEREAS, New York Real Property Tax Law § 487(8) authorizes municipalities to enact a local law to opt-out of the real property tax exemption for solar and wind energy systems and farm waste energy systems; and

WHEREAS, proposed Local Law, if enacted, would have the effect of the City of Oneida opting out of the real property tax exemption for solar and wind energy systems and farm waste energy systems thereby subjecting said systems to real property tax within the City of Oneida; and

WHEREAS, the proposed Local Law has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the City of Oneida, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Common Council shall act as lead agency in this matter; and

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA and the Common Council has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, said EAF has been prepared and has been reviewed by the Common Council; and

WHEREAS, the Common Council has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that there are no other involved agencies, that the Common Council shall act as lead agency and that the enactment of the proposed Local Law is an unlisted action for purposes of SEQRA review; and it **RESOLVED AND DETERMINED**, that the Common Council has determined this action shall have no significant adverse impact on the environment;

that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQR; and it is further

RESOLVED AND DETERMINED, that the Common Council shall conduct a public hearing as to the enactment of the proposed Local Law at the Oneida City Hall located at 109 North Main Street, Oneida, New York on November 8, 2023, at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

Ayes: 6

Nays: 0

MOTION CARRIED

**CITY OF ONEIDA
PROPOSED LOCAL LAW 2023**

A LOCAL LAW TO AMEND CHAPTER 165 OF THE CODE OF THE CITY OF ONEIDA TO ADD A NEW ARTICLE X, TITLED "SOLAR AND WIND ENERGY SYSTEMS; FARM WASTE ENERGY SYSTEMS," PURSUANT TO REAL PROPERTY TAX LAW § 487

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

SECTION 1. LEGISLATIVE FINDINGS AND INTENT

It is the intent of the Common Council of the City of Oneida to opt-out of the real property tax exemption for wind and solar energy systems and farm waste energy systems within the jurisdiction and geographic boundaries of the City of Oneida. The City has received applications for solar and wind energy systems and farm waste energy systems to be located within the City and additional applications are anticipated in the future. These systems are eligible for a real property tax exemption under New York State Real Property Tax Law which would otherwise eliminate real property tax revenue generated for the City from these systems. New York State Real Property Tax Law authorizes municipalities to opt-out of the real property tax exemption for solar, wind systems and farm waste energy systems provided the municipality enacts a local law "opting out" of the tax exemption. In accordance with Real Property Tax Law § 487, it is the intent of this Local Law that the City of Oneida opt-out of the real property tax exemption for solar and wind energy systems and farm waste energy systems.

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to New York Real Property Tax Law § 487(8), the New York State Constitution, and New York Municipal Home Rule Law §10.

SECTION 3.

Chapter 165 of the Code of the City of Oneida is amended to add a new Article X thereto, as follows:

“Article X

Solar and Wind Energy Systems; Farm Waste Energy Systems

§ 165-23 Opt-out of real property tax exemption.

Pursuant to and consistent with New York State Real Property Tax Law § 487(8) the City of Oneida Common Council hereby declares that solar and wind energy systems and farm waste energy systems shall not be exempt from real property taxes within the jurisdiction and geographic boundaries of the City of Oneida.”

SECTION 4. SEVERABILITY

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

SECTION 5. FILING

Pursuant to New York Real Property Tax Law § 487(8), following the enactment of this Local Law a copy of this Local Law shall be filed with the Commissioner of the New York State Department of Taxation and Finance and the President of the New York State Energy Research and Development Authority (NYSERDA).

SECTION 6. EFFECTIVE DATE

This Local Law shall be effective upon filing with the office of the Secretary of State.

INTRODUCE A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C IN THE CITY OF ONEIDA-SCHEDULE PUBLIC HEARING

RESOLUTION 23-188

Moved by Councilor Kinville
Seconded by Councilor Rossi

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the City of Oneida, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Common Council shall act as lead agency in this matter; and

WHEREAS, the adoption to said Local Law is an unlisted action for purposes of environmental review under SEQR; and

WHEREAS, the Common Council has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the said EAF has been prepared and has been reviewed by the Common Council; and

WHEREAS, the Common Council has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED that the enactment of proposed Local Law is an unlisted action, there are no other involved agencies, and this Council shall act as lead agency in this matter for purposes of SEQR review; and it is further

RESOLVED AND DETERMINED the Common Council has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQR; and it is further

RESOLVED, that a proposed Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C be hereby received and placed on file as follows:

**CITY OF ONEIDA
PROPOSED LOCAL LAW**

**A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW
§3-C IN THE CITY OF ONEIDA**

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Oneida to adopt a budget for the fiscal year commencing January 1, 2024, that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Common Council of the City of Oneida, County of Madison, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2024, that requires a real property tax levy in excess of the amount otherwise prescribed in General

Municipal Law §3-c.

Section 4. Severability

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

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

BE IT FURTHER RESOLVED, that a Public Hearing on the proposed Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C be scheduled for Wednesday, November 8, 2023, at 6:30 pm.

Ayes: 6

Nays: 0

MOTION CARRIED

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 23-189

Moved by Councilor Kinville

Seconded by Councilor Simchik

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

AGREEMENT-CARNE I CORP

RESOLUTION 23-190

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED. to authorize the Mayor to sign an agreement with Carne I Corp. for the acceptance of high strength organic waste at the Wastewater Treatment Plant.

Ayes: 6
Nays: 0

MOTION CARRIED

DISCUSSION: The Mayor and City Engineer advised that the City would be getting money for this, and every little bit helps. In response to a question from Councilor Kinville who asked if this amount was the standard, City Engineer Rowe advised that it depends on the amount of material that is going to be sent. This is reviewed by ESG based on what is being sent to us and this is negotiated, varying between six and eight cents so far.

NEW BUSINESS

Parks and Recreation Director, Luke Griff, advised that the City is having the annual Halloween Party on October 28th from 4:00 to 6:00p.m., and are also teaming up with the elementary schools for the annual Trunk or Treat, which is at the same time as the Halloween Party (across the street), Currently there are approximately 25-30 cars participating.

Trunk or Treat will be on 223 Mott Street (Right by the Rec Center!)

-We will have a crossing guard so everyone can safely cross the street.

-The Halloween Party will be inside at the Oneida Rec Center and the Trunk or Treat event will be on Mott Street both at the same time (4 PM-6 PM)

-If you want to put a car in for Trunk or Treat please FB message us (Oneida Parks & Recreation) or email Justin at jmacker@oneidacityny.gov

Motion to adjourn by Councilor Kinville
Seconded by Councilor Rossi

Ayes: 6
Nays: 0

MOTION CARRIED

The regular meeting is hereby adjourned at 6:53 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk