

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
NOVEMBER 21, 2023**

A meeting of the Common Council of the City of Oneida, NY was held on the twenty first day of November 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 type="checkbox"/>	<input checked="" 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 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 type="checkbox"/>
Codes Director Bob Burnett	<input type="checkbox"/>	Councilor Elect Rob Winchell	<input checked="" type="checkbox"/>
Comptroller Lee Ann Wells	<input type="checkbox"/>	Councilor Elect Andrea Hitchings	<input checked="" type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll Call

PROCLAMATION: Zonta Says No to Violence Against Women's Day

Proclamation

City of Oneida - Office of the Mayor

WHEREAS, Zonta International is a leading global organization of professionals with more than 28,000 members in 62 countries working together to make gender equality a worldwide reality for women and girls, **and**

WHEREAS, Zonta International has contributed to help achieve a world free of violence against women and girls for more than 100 years, and, since 2012, continues to raise awareness of crimes of violence against women and girls through their yearly “Zonta Says No To Violence” Campaign for 16 consecutive days from November 25th through December 10th, **and**

WHEREAS, the World Health Organization estimates that one in three women worldwide have experienced physical and/or sexual violence, **and**

WHEREAS, more than 650 million women alive today were married as children and 12 million girls are married before the age of 18 each year, **and**

WHEREAS, the crime of violence against women and girls continues to be the most pervasive human rights violation, and a global epidemic, due to systemic use of physical, emotional, verbal, sexual, psychological, and economic control and/or abuse; such crimes do not know any national or cultural barriers and affect millions of women and girls of all races and socioeconomic backgrounds, in peacetime and conflict, **and**

WHEREAS, Zonta International envisions and continues to strive for a world where every woman is able to achieve her full potential, have access to all resources, is treated with dignity and respect, and is represented on an equal basis with men; **and now therefore**,

I, **Helen B. Acker, Mayor** do hereby proclaim November 21, 2023 as:

“Zonta Says No to Violence Against Women Day”

in the City of Oneida and encourage all residents to practice and promote gender equality, to advocate for survivors of gender-based violence, and to act in service on their behalf.

IN WITNESS WHEREOF, I have hereunto set my hand and affix the official seal of the City of Oneida on this 21st day of November 2023.

Mayor Helen B. Acker

PUBLIC HEARING: 2024 Mayor's Budget

OPEN PUBLIC HEARING

2024 CITY OF ONEIDA BUDGET

RESOLUTION 23-205

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, that the Public Hearing for the 2024 City of Oneida Budget be hereby opened at 6:34 p.m.

Ayes: 5
Nays: 0
Absent: 1 (Rossi)

MOTION CARRIED

APPEARANCES

None

CLOSE PUBLIC HEARING

2024 CITY OF ONEIDA BUDGET

RESOLUTION 23-206

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, that the Public Hearing for the 2024 City of Oneida Budget be hereby closed at 6:35 p.m.

Ayes: 5
Nays: 0
Absent: 1 (Rossi)

MOTION CARRIED

PUBLIC HEARING: Miscellaneous Utility Billing-unpaid service charges, water rents and sewer taxes and to authorize the charges in the 2023 assessment roll to be re-levied onto the 2024 tax roll.

OPEN PUBLIC HEARING

MISCELLANEOUS UTILITY BILLING

RESOLUTION 23-207

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, that the Public Hearing for the City of Oneida Miscellaneous Utility Billing for unpaid service charges, water rents and sewer taxes, and to authorize the charges in the 2023 assessment roll to be re-levied onto the 2024 tax roll be hereby opened at 6:35 p.m.

Ayes: 5
Nays: 0
Absent: 1 (Rossi)

MOTION CARRIED

APPEARANCES

None

CLOSE PUBLIC HEARING

MISCELLANEOUS UTILITY BILLING

RESOLUTION 23-208

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, that the Public Hearing for the City of Oneida Miscellaneous Utility Billing for unpaid service charges, water rents and sewer taxes, and to authorize the charges in the 2023 assessment roll to be re-levied onto the 2024 tax roll be hereby closed at 6:35 p.m.

Ayes: 5
Nays: 0
Absent: 1 (Rossi)

MOTION CARRIED

PUBLIC HEARING: Amend Chapter 147 of the Code of the City of Oneida regarding Solid Waste and Disposal

OPEN PUBLIC HEARING

**AMENDING CHAPTER 147 OF THE CODE OF THE CITY OF ONEIDA
REGARDING SOLID WASTE AND DISPOSAL**

RESOLUTION 23-209

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, that the Public Hearing to amend Chapter 147 of the Code of the City of Oneida regarding Solid Waste and Disposal be hereby opened at 6:36p.m.

Ayes: 5
Nays: 0
Absent: 1 (Rossi)
MOTION CARRIED

APPEARANCES

VINCENT BAILEY-105 E. SANDS ST., ONEIDA

Mr. Bailey stated that the purpose of Chapter 147 of the City Code was for the health and safety of the public. He feels that if trash receptacle storage is to become a nuisance, it should be addressed whether in the Inside District or the Outside District. He questioned why Kenwood was not held up to the same laws. He discussed a court case involving one of his properties and the resulting costs to the City that could have been spent somewhere else more productively. He stated that he feels this proposed amendment does not solving any real problems and is not practical.

CLOSE PUBLIC HEARING

**AMENDING CHAPTER 147 OF THE CODE OF THE CITY OF ONEIDA
REGARDING SOLID WASTE AND DISPOSAL**

RESOLUTION 23-210

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, that the Public Hearing to amend Chapter 147 of the Code of the City of Oneida regarding Solid Waste and Disposal be hereby closed at 6:46p.m.

Ayes: 5
Nays: 0
Absent: 1 (Rossi)
MOTION CARRIED

PUBLIC COMMENT

SCOTT PARKER-1260 MIDDLE RD

Mr. Parker came before Council to discuss the Police Department's gun range that is adjacent to his property on Middle Rd. He stated that he was advised that all the neighbors had been contacted, but through discussions with them, that was not the case. Mr. Parker said that he has questions including how far the range is from his property line and how high the range is, to which he has received no answers. He stated there is no fencing, only one small sign, and he is concerned about the safety of his family, noting this is not directed at the Police Department in any way, but rather the safety issue.

Mr. Parker advised that he found live ammo left on the ground and had collected a bag of shell casings near where people walk, hunt, and ride a horse. Mayor Acker advised that this has been in the works for a while, and as far as she knows, everything they have done is legal. She stated she spoke to Officer Grisolini from the DEC earlier in the day and was advised that the berm, thickness, and height are all legal. She stated that the range is on City owned property, to which "No Trespassing" signs are posted, and this is normally used twice a year for training. Councilor Szczerba asked if a range needs to be 500 feet from a residence, which was confirmed by Police Chief Lowell. Mr. Parker advised that although he has not measured it, he felt it was close, as his son had droned it. It was acknowledged that Mr. Parker also has a shooting range on his property that he stated was not pointing at anyone and is further back on the property, with a bank that is taller than Council Chambers.

Chief Lowell advised that this is a cost saving measure and works better for scheduling, in response to a question from Councilor Szczerba as to why they chose that location. The reason they do not use other locations, such as Randall Rd. (as suggested) is because it is not a training facility, and they do not take on OSHA Standards to be a training facility. He stated that although they had previously practiced at Canastota Conservation Club, because everyone uses this facility, scheduling was an issue. Chief Lowell wanted to be clear that there were no structures or residences beyond the direction they are shooting, and that they are shooting at dirt, not loose leaves as indicated in a statement made by Mr. Parker.

According to Mr. Parker, this has been an ongoing issue, and the damage might not come from a City employee, but someone who wanders up there to shoot, as they have established a range. Chief Lowell responded that due to its location, someone would have to work very hard to get to the range, noting there was not a trail that runs directly behind it. He stated that it is in a heavily wooded, thick area, and notifications are made to the bus garage, which is the closest business in the area. He stated the DPW

closes all the gates and access when they are training, and that an offer was extended to Mr. Parker as well, to be notified when the training would take place. Sustained shooting, which is done during the day, appears to be an issue also. Chief Lowell confirmed that the property is owned by the City, posted with no trespassing signs, and anyone who violates that will be arrested.

There was discussion about how close this is to the bus garage and the Rail Trail, and Council agreed to look into this further to address some of the concerns. Parks and Recreation Director, Luke Griff, clarified that this is not official Rail Trail and is not officially open. He commented that they are looking to make it part of the Rail Trail, but this has not been done yet. Councilor Laureti suggested they get more information and look at possibly using other locations such as Verona. Mayor Acker suggested Council visit the site with Chief Lowell.

OLD BUSINESS: None
SUPERVISOR'S REPORT: None

APPROVAL OF MINUTES

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, that the minutes of the regular meeting of November 8, 2023, are hereby approved as presented.

Ayes: 5
Nays: 0
Absent: 1 (Rossi)
MOTION CARRIED

APPROVAL OF MINUTES BUDGET MEETINGS-CODES/PLANNING

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, that the minutes of the special budget meetings for the Codes and Planning Departments of November 8, 2023, are hereby approved as presented.

Ayes: 5
Nays: 0
Absent: 1 (Rossi)
MOTION CARRIED

APPROVAL OF MINUTES
BUDGET MEETINGS-DPW-SEWER-POLICE

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, that the minutes of the special budget meetings for the DPW, Sewer and Police Departments of November 13, 2023, are hereby approved as presented.

Ayes: 5
Nays: 0
Absent: 1 (Rossi)
MOTION CARRIED

APPROVAL OF MINUTES
BUDGET MEETINGS-PARKS AND RECREATION-FIRE

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, that the minutes of the special budget meetings for the Parks and Recreation Department and Fire Department of November 14, 2023, are hereby approved as presented.

Ayes: 5
Nays: 0
Absent: 1 (Rossi)
MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, that Warrant No. 22, checks and ACH payments in the amount of \$119,750.52 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5
Nays: 0
Absent: 1 (Rossi)
MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 23-211

Moved by Councilor Kinville
Seconded by Councilor Simchik

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: 5
Nays: 0
Absent: 1 (Rossi)
MOTION CARRIED

ADOPT 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 23-212

Moved by Councilor Kinville
Seconded by Councilor Szczerba

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law to amend Chapter 165 of the Code of the City of Oneida titled "Solar and Wind Energy Systems; Farm Waste Energy Systems," pursuant to Real Property Tax Law § 487 was presented and introduced at a Regular Meeting of the Common Council of the City of Oneida held on October 17, 2023; and

WHEREAS, a public hearing was held on such proposed local law on November 8, 2023 and 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 said proposed local law having been in the possession of the members of the Common Council of the City of Oneida in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of the Proposed Local Law has previously been determined to be an unlisted action for purposes of environmental review under SEQRA, an environmental impact statement (EIS) was not required, and a negative declaration was issued on October 17, 2023, pursuant to the State Environmental Quality Review Act (SEQR) determining that this action will have no significant effect on the environment thus concluding the SEQR review process; and

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

NOW, THEREFORE, it is

RESOLVED that the Common Council of the City of Oneida, Madison County, New York, does hereby enact a Local Law of 2023 as follows:

**“CITY OF ONEIDA
A LOCAL LAW OF 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.”

Councilor Szczerba	<u>YES</u>
Councilor Laureti	<u>YES</u>
Councilor Rossi	<u>ABSENT</u>
Councilor Kinville	<u>YES</u>
Councilor Pagano	<u>YES</u>
Councilor Simchik	<u>NO</u>

MOTION CARRIED

DISCUSSION: Councilor Simchik stated he wanted to confirm that this would affect residential solar and will remove their exemption, to which Attorney Bell stated that was correct. Mayor Acker asked Attorney Bell if those that currently have solar would be grandfathered in or if this would take that away. Attorney Bell responded that she believed this would take it away, as the law would be changing, and residential with solar are relying on the underlying law. In response to a question from Councilor Laureti regarding PILOT Programs, she advised that PILOT Programs are for commercial and are different and will not change. Councilor Laureti stated that it was his understanding that the City can work with residents that have solar through assessments, to which Attorney Bell stated that they should talk to the Assessor about this, who would know what the limitations and abilities are.

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

RESOLUTION 23-213

Moved to Councilor Kinville
Seconded by Councilor Simchik

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. 2023, “A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the City of Oneida,” was presented and introduced at a regular meeting of the Common Council of the City of Oneida held on October 17, 2023; and

WHEREAS, a public hearing was held on such proposed local law on the 8th day of November, 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 said proposed local law having been in the possession of the members of the Common Council of the City of Oneida in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of proposed Local Law No. 2023 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said proposed Local Law No. 2023.

NOW, THEREFORE, it is

RESOLVED that the Common Council of the City of Oneida, Madison County, New York, does hereby enact a proposed Local Law of 2023 as follows:

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

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

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the City of Oneida, County of Madison pursuant to General Municipal Law §3-c, and to allow the City of Oneida to adopt a City budget for City purposes for the fiscal year 2024, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law §3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law §3-c, which expressly authorizes the Common Council to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Common Council.

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 2024 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. EFFECTIVE DATE

This local law shall take effect upon enactment by the Common Council.”

Councilor Szczerba	<u>NO</u>
Councilor Laureti	<u>NO</u>
Councilor Rossi	<u>ABSENT</u>
Councilor Kinville	<u>NO</u>
Councilor Pagano	<u>NO</u>
Councilor Simchik	<u>NO</u>

MOTION FAILED

BOARD REAPPOINTMENT-TRAFFIC SAFETY BOARD

RESOLUTION 23-214

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, to approve the Mayor’s reappointment of Bruce Burke to the Traffic Safety Board for a 3-year term.

Ayes: 5
Nays: 0
Absent: 1 (Rossi)
MOTION CARRIED

AGREEMENT-SERVOMATION REFRESHMENTS, INC.

RESOLUTION 23-215

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, to authorize the Mayor to sign an agreement with Servomation Refreshments, Inc. for a vending machine at the Rec Center.

Ayes: 5
Nays: 0
Absent: 1 (Rossi)
MOTION CARRIED

APPROVE CONTRACT EXTENSION-HELMER'S TREE & LANDSCAPE LLC

RESOLUTION 23-216

Moved by Councilor Kinville
Seconded by Councilor Szczerba

RESOLVED, to approve 1-year contract extension option for Tree Removal and Trimming Contract from Helmer's Tree & Landscape, LLC, 3849 Sconodoa Rd., Oneida, NY 13421.

Ayes: 5
Nays: 0
Absent: 1 (Rossi)
MOTION CARRIED

AGREEMENT-SCOTT DICKAN-ENTERTAINMENT SERVICES

RESOLUTION 23-217

Moved by Councilor Kinville
Seconded by Councilor Szczerba

RESOLVED, to authorize the Mayor to sign an Agreement with Scott Dickan, 6594 Bartlett Rd., Rome, NY 13440 to provide entertainment services at the Kallet Civic Center on December 1, 2023, between the hours of 7:30p.m. and 9:00p.m. for the sum of \$800 following the Parade of Lights and Tree Lighting Ceremonies.

Ayes: 5
Nays: 0
Absent: 1 (Rossi)
MOTION CARRIED

APPROVE REDUCED FEE-USAGE FEE-RECREATION CENTER BATTING CAGES

RESOLUTION 23-218

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, to approve a reduced rate of \$5.00 per session usage fee for use of the Recreation Center batting cages for Mike Curro, Crush Academy Ground Up Hitting.

Ayes: 0
Nays: 5
Absent: 1 (Rossi)
MOTION FAILED

DISCUSSION: Councilor Laureti advised that some or most of Council was in favor of paying Mr. Curro for his services in exchange for not reducing the rate. They do not want to get involved with picking who gets a reduced rate.

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 23-219

Moved by Councilor Kinville
Seconded by Councilor Simchick

	<u>To</u>	<u>From</u>
<i>2023 Budget Adjustments</i>		
\$ 6,434.00	001.9010.0806.0000 ERS Retirement	001.1620.0401.0000 Electric & Gas
<i>To re-allocate funds to cover cost of ERS Retirement Invoice</i>		
\$ 11,936.00	001.9011.0807.0000 Police & Fire Retirement	001.1620.0401.0000 Electric & Gas
<i>To re-allocate funds to cover cost of Police & Fire Retirement Invoice</i>		

Ayes: 5
Nays: 0
Absent: 1 (Rossi)
MOTION CARRIED

COUNCIL DISCUSSION-CITY MANAGER

Attorney Chris Militello, who is a Partner at Costello, Cooney and Fearon, came before Council to discuss the newly passed Local Law creating the position of City Manager and what steps need to be taken as Council to fill the position. Attorney Militello advised that he reviewed the Local Law that was passed to create the City Manager position, as well as Civil Service Law provisions, and the biggest concern that will need Council's attention is the time frame. He noted that they only allowed a 45-day time period between the Referendum date and the start date that the City Manager will need to be in place. Based on his review, if there is not a City Manager in place by January 1st, the City will have no one to administer City functions, as that function would be taken away from the Mayor's position by that date.

He stated that he is not aware of where Council is with regard to a search for and identifying candidates for the City Manager position and noted this process might take a while. He discussed with the Mayor what options are available if they do not have a suitable candidate to be appointed to the position permanently by or in advance of January 1st-noting the appointment would need to be made in December for that person to actually be in the position. City Attorney Bell asked Council if they have done a preliminary search. She advised that if they have someone in mind, if they have had some discussions, and if they feel they are likely to fill this appointment by January 1. If yes, then the conversation about what options are available in the interim would be mute and not necessary. Councilor Kinville stated they were waiting for this conversation of what they had to do for their next steps before moving forward. Attorney Militello advised that they need to post for the position and potentially identify candidates that they might have in mind who meet the qualifications. Council agreed that they would like to know what their options are for a temporary appointee in the event they are unable to have someone in place by January 1, which will be a challenging task.

Attorney Militello advised that Council now has the obligation to fill this position and noted that Civil Service's expectation is that this will be an Exempt Class position, because it has political ramifications; however, the process can take anywhere from a few weeks to months, depending on how quickly the local Civil Service Commission finalizes its recommended job classification and sends this to the State Commission so they can review it. He noted that none of this is required to happen before the City can appoint someone. He stated that it was very unlikely that this would be considered a Competitive Class job, and with that being the case, the City has the ability to temporarily appoint someone to that position pending whatever classification it receives. Attorney Bell stated that Council has an obligation to have someone in this role, because they have removed, through the Referendum, the power of the Mayor to administer City functions, and there will be no one with the responsibility other than the City Manager. She noted that historically, the City has been a strong mayoral-run City, and these duties will not be doable by anybody, but the City Manager come January 1st. Attorney Bell clarified that there is not a situation whereby the State will say that you won't have a City Manager position, it is just a matter of how this will be classified.

Attorney Militello explained the difference between temporarily appointing someone to the position and provisionally appointing a person pending the classification being established. The provisional appointed position is determined by Civil Service Law when you are in a situation creating a new position. The temporary appointment would be the power to put someone in the position until the City has a permanent candidate. He stated that if the Council cannot conduct a search whereby, they feel comfortable offering the position to a candidate by January 1st, they will likely have to have a temporary appointment.

He stated that from a Civil Service perspective, this is very doable, and there are really no complications with it. However, under the language of the Local Law that was adopted and the Referendum, Section 12.3 speaks of and recognizes the possibility of the need for an Acting City Manager.

Attorney Bell stated that before this Local Law, the Mayor had the ability to appoint, with few instances where Council needed to approve the Mayor's appointment. The new law changed this to either Common Council appoints, or City Manager appoints with Common Council approval. She noted that the Mayor would no longer have the ability to appoint. Council was encouraged to post for the position and appoint someone to the position, either permanent or temporary by the December 29th Special Meeting. Councilor Laureti stated that they would not want any major changes done in the first couple of months. Attorney Militello advised that under Civil Service Law, the maximum amount of time a temporary appointee can be in place is 9 months (can be extended under an emergency situation), and Council would want to minimize the amount of time this appointee is in place. He noted that this can be done in 3 month increments if needed. Councilor Szczerba commented that he felt this could be wrapped up within 3 months. Councilor Laureti stated he would like to get this posted within the next couple of weeks. Councilor Elect Hitchings asked about the job description and if this needed to come from Civil Service or if Council can move forward with one they prepared and have been working on. Attorney Militello responded that they can move forward, as there is no uniform set of requirements for a City Manager position, and different cities can have different responsibilities structured into it. Depending on what is put in or not put in, this is something the Commission will take into consideration when classifying the job. If Council has a draft of what they want, this will go before the local commission and then to the State. Councilor Laureti concluded by stating they need to get moving with this.

NEW BUSINESS

Councilor Kinville reminded everyone about the upcoming Christmas Tree Lighting and Parade of Lights scheduled for Friday, December 1st. Santa arrives at 6:00p.m., with the tree lighting at 6:30p.m. The Parade of Lights will begin at 7:00p.m. with live music and snacks at the Kallet following the parade. All are welcome and encouraged to attend.

Motion to adjourn by Councilor Kinville
Seconded by Councilor Simchick

Ayes: 5
Nays: 0
Absent: 1 (Rossi)
MOTION CARRIED

The regular meeting is hereby adjourned at 7:25 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk