

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
DECEMBER 5, 2023**

A meeting of the Common Council of the City of Oneida, NY was held on the fifth day of December 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 type="checkbox"/>
City Clerk Sandy LaPera	<input checked="" type="checkbox"/>	Police Chief Steve Lowell	<input checked="" type="checkbox"/>
City Engineer Jeff Rowe	<input type="checkbox"/>	Public Safety Com. Kevin Salerno	<input checked="" type="checkbox"/>
Codes Director Bob Burnett	<input checked="" type="checkbox"/>	Supervisor Matt Roberts	<input checked="" type="checkbox"/>
Comptroller Lee Ann Wells	<input checked="" type="checkbox"/>	Councilor Elect Andrea Hitchings	<input checked="" type="checkbox"/>
		Councilor Elect Rob Winchell	<input checked="" type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll Call

PUBLIC COMMENT

MATT WINCHELL-121 MADISON ST.

Matt Winchell advised that he was present, as he had not received the requested information from a Foil he submitted. He stated that he requested all documents and was told in an appeal that the documents did not exist. Mr. Winchell advised that it was his position, if the records are not produced, he will be filing an Article 78 Hearing to get the documents he has requested.

ALEX TEMBELIS-432 MAIN ST.

Mr. Tembelis stated that he is a local landlord, and he has noticed that a lot of buildings are collapsing in the area, and he cannot understand why the Codes Department is concerned over other things. He

commented that other places where he owns property do not have taxes as high as the City of Oneida, and he would like to see more improvements and change with the new administration.

VINCENT BAILEY-105 E. SANDS ST.

Mr. Bailey came to reaffirm his position on the proposed Local Law regarding Solid Waste and Disposal that is on the Agenda for a Council vote. He stated that he feels there are much larger issues to deal with in the City. Councilor Szczerba advised that he thought Mr. Bailey and Codes Director Bob Burnett were in communication regarding this issue. Director Burnett stated that Mr. Bailey had not contacted him yet, and he would be willing to discuss this with him and go look at the property in question. Other Council members were also invited to accompany them. Councilor Szczerba stated that he feels by meeting with Director Burnett, this could possibly be rectified, and Councilor Rossi agreed and offered to go with Director Burnett to view the situation as well.

MELISA MANNIX-341 STONE ST.

Melisa Mannix approached the Council to see where they stand to allow chickens in the Inside District of the City of Oneida. She provided a handout that included the Pros and Cons of housing chickens to address any questions or concerns the Council might have. She stated that one concern that had been mentioned was the risk of salmonella, which she advised is typically found in larger, commercial egg laying areas. Mrs. Mannix commented that there is currently an applesauce salmonella outbreak and a cantaloupe salmonella outbreak, so this is not just chicken related. She also noted that salmonella can come from multiple areas.

Mrs. Mannix discussed the possibility of having a PILOT Program that could be run for a limited time. If everything went well with the Program, then City Codes could potentially be changed down the road. She advised there could be a limit on the number of participants who would be required to submit an application and who could be grandfathered in should the City make any changes. She advised that she would be willing to set any plans or programs into motion, and cited Johnson City as an example of a City that allows chickens and is very comparable to Oneida in many aspects. Moving forward, they want to “think Green”, and chickens are excellent biomass recyclers, and their waste can be used for composting. Councilor Szczerba asked for confirmation that the chickens would be in a confined area, to which Mrs. Mannix confirmed they would be. The council advised they would like to look over the material presented before having further discussions on this matter.

DAVA SEIFERT-262 WILLIAMS ST.

Dava Seifert advised that she was present to support Melisa (Mannix) regarding allowing chickens in the City. She commented that she would like to know where the Council stands, as she currently must transport herself back and forth with a disability to take care of her birds that are currently housed elsewhere. She stated that she understands Council’s concerns but would like to move forward with getting this approved.

ROBERT EATON-407 W. ELM ST.

Mr. Eaton stated that he was present also to support getting the Hen Law moved forward, noting that he too must travel to care for his chickens and would like to bring them home. He advised that a proposed law that they are working on in a neighboring community sets forth many boundaries, more so than cat and dog laws, and this could be the case in Oneida. He stated that he appreciates Council looking at this and would like to see it move forward.

OLD BUSINESS: None

APPROVAL OF MINUTES

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the minutes of the regular meeting of November 21, 2023, are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

APPROVAL OF MINUTES

BUDGET MEETINGS-COUNCIL DISCUSSION

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, that the minutes of the special budget meetings for Council Discussion of November 14, 2023, are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

APPROVAL OF MINUTES

BUDGET MEETINGS-WATER DEPARTMENT

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the minutes of the special budget meetings for the Water Department of November 16, 2023, are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

APPROVAL OF MINUTES

BUDGET MEETINGS-COUNCIL DISCUSSION

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, that the minutes of the special budget meetings for Council Discussion of November 16, 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. 23, checks and ACH payments in the amount of \$2,147,775.80 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

2024 CITY OF ONEIDA BUDGET

RESOLUTION 23-220

Moved by Councilor Kinville

Seconded by Councilor Rossi

RESOLVED, that agreeable to the estimates of the expenses and disbursements for the year 2024 constituting the budget, including Capital Plan, for the City of Oneida, the same is hereby approved by the Common Council on the fifth day of December, 2023 as set forth in the minutes of this meeting; there shall be levied and raised on the taxable property of the entire city, not including pension, pastor and over sixty-five (65) exempt property as follows:

Total Gross Budget: \$26,614,433

Less estimated revenues: \$26,009,739

Taxable balance: \$5,332,376

Of which, \$2,808,838 shall be levied on the entire city establishing a tax rate of \$5.78074 per thousand and \$1,918,722 shall be levied on the corporation tax district at a rate of \$5.65311 per thousand; thereby establishing a combined rate of \$11.43385 per thousand inside tax district; **and be it further**

RESOLVED, that \$570,816 shall be levied and a rate of \$4.33872 per thousand shall be established for the outside fire district, **and be it further**

RESOLVED, that \$34,000 shall be levied and a rate of \$0.078553 per thousand shall be established for hydrant tax, **and be it further**

RESOLVED, that the total tax levy for the City of Oneida 2023 budget is \$5,332,376.

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

MOTION CARRIED

DISCUSSION: Deputy Mayor Kinville thanked the Councilors, the City Comptroller and the City Clerk for the time and effort dedicated to the Budget meetings, noting that a lot of time was spent on this budget.

MISCELLANEOUS UTILITY BILLING

RESOLUTION 23-221

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, that the Miscellaneous Utility Billing for unpaid service charges, water rents and sewer taxes in the amount of \$67,104.79 be hereby inserted into the 2023 assessment roll to be re-levied into the 2024 tax roll.

Ayes: 6
Nays: 0

MOTION CARRIED

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 23-222

Moved by Councilor Kinville
Seconded by Councilor Rossi

<u>To</u>		<u>From</u>
2023 Budget Adjustments		

\$	11,690.00	002.9010.0806.0000 Water ERS Retirement			002.9060.0805.0000 Water Health Insurance
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To re-allocate funds to cover cost of ERS Retirement Invoice

\$	2,330.00	003.9010.0806.0000 Sewer ERS Retirement			003.9060.0805.0000 Sewer Health Insurance
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To re-allocate funds to cover cost of ERS Retirement Invoice

\$	335.66	001.1410.0300.0000 Clerk Supplies			001.1410.0200.0000 Clerk Equipment
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To re-allocate funds to cover supplies for Clerk's office

\$	7,003.00	001.3410.0114.0000 Fire Short Shirt OT			
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\$	20,000.00	001.3410.0102.0000 Fire Overtime			
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\$	2,000.00	001.3410.0112.0000 Fire Personal Leave		\$ 29,003.00	001.1620.0401.0000 General Electric & Gas
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To re-allocate funds to cover Fire overtime costs for remainder of 2023

Ayes: 6

Nays: 0

MOTION CARRIED

SCHEDULE YEAR-END CLOSEOUT MEETING

RESOLUTION 23-223

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, to schedule to 2023 year-end closeout meeting for Friday, December 29, 2023, at 8:00a.m. in Common Council Chambers, 109 N. Main Street, Oneida, NY 13421.

Ayes: 6

Nays: 0

MOTION CARRIED

**ADOPT A LOCAL LAW TO AMEND CHAPTER 147 OF THE CODE OF THE CITY OF ONEIDA
REGARDING SOLID WASTE AND DISPOSAL WITHIN THE CITY OF ONEIDA**

RESOLUTION 23-224

Moved by Councilor Kinville

Seconded by Councilor Simchik

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled “A Local Law Amending Chapter 147 the Code of the City of Oneida Regarding Solid Waste and Disposal” was presented and introduced at a Regular Meeting of the Common Council of the City of Oneida held on November 8, 2023; and

WHEREAS, a public hearing was held on such proposed local law on November 21, 2023 by the Common Council of the City of Oneida and proofs of publication of notices of such public hearings, 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 the State Environmental Quality Review Act (SEQRA), an environmental impact statement (EIS) was not required, and a negative declaration was issued on November 8, 2023, pursuant to SEQRA determining that this action will have no significant effect on the environment thus concluding the SEQRA 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 as follows:

**“A LOCAL LAW AMENDING CHAPTER 147 THE CODE OF THE CITY OF ONEIDA REGARDING SOLID WASTE
AND DISPOSAL**

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

Section 1. AUTHORITY.

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

Section 2. PURPOSE.

The purpose of this local law is to promote the public safety and welfare of the City and its residents by clarifying the means of disposing of solid waste within the City.

Section 3. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA SECTION 147-1, TITLED "DEFINITIONS."

Section 147-1, titled "Definitions," is hereby amended to add the following provision, which shall read in its entirety as follows:

"DUMPSTER – A bulk storage container for garbage, junk, refuse, rubbish, construction debris, demolition debris and/or other waste materials, and which may be of the open or enclosed variety and is typically hoisted onto or mechanically emptied into a specifically equipped truck for transporting said waste to a designated facility but can also be hauled directly to the point of disposal or other conveyance for disposal."

Section 4. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA SECTION 147-3, TITLED "COLLECTION AND DISPOSAL GENERALLY."

So that Subsection A of Section 147-3, titled "Collection and disposal generally" is hereby amended to read in its entirety:

"A. Collection containers, as approved by the Department of Code Enforcement, shall be made of adequate material, shall be of substantial construction, shall have handles and shall have attached tight-fitting covers tethered to the can. They shall be watertight and shall be fly- and rodent-tight. No can, bag, container or other receptacle used for the purpose of holding garbage, junk, refuse, rubbish, construction debris, demolition debris or any other waste materials, shall at any time, within the established inside district, be placed or kept on ground level of any premises at any point nearer the street line fronting such premises than the rear line of the main building, except on the designated curbside collection day provided for herein."

Section 5. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA SECTION 147-4, TITLED "CURBSIDE COLLECTION REQUIREMENTS."

So that Subsection (3) of Subsection C of Section 147-4, titled "Curbside collection requirements" is hereby amended to read in its entirety:

“(3) Dumpsters servicing commercial establishments and/or apartments shall be placed in a suitable location on said premises as approved by the Department of Code Enforcement such that the dumpster does not constitute a public nuisance. Waste in these dumpsters must be collected at least once per week.”

Section 6. VALIDITY & SEVERABILITY

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

Section 7. EFFECTIVE DATE

This local law shall be effective upon filing with the office of the Secretary of State.”

Councilor Szczerba YES
Councilor Laureti YES
Councilor Rossi YES
Councilor Kinville YES
Councilor Pagano YES
Councilor Simchik YES

MOTION CARRIED

AGREEMENT-VILLAGE OF WAMPSVILLE

RESOLUTION 23-225

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, to authorize the Mayor to sign an agreement with the Village of Wampsville to compensate Wampsville for snow and ice removal on certain portions of Daniels Drive.

Ayes: 6
Nays: 0

MOTION CARRIED

CONTRACT EXTENSION-LIQUID CAUSTIC SODA (WATER DEPARTMENT)

RESOLUTION 23-226

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, to approve a 6-month Contract Extension Option (January-June 2024) for the 2023 Liquid Caustic Soda Bid Contract from JCI Jones Chemical, 100 Sunny Sol Blvd., Caledonia, NY 14423.

Ayes: 6

Nays: 0

MOTION CARRIED

**CONTRACT EXTENSION-LIQUID ZINC ORTHOPHOSPHATE AND LIQUID POLYPHOSPHATE
(WATER DEPARTMENT)**

RESOLUTION 23-227

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, to approve a 1-year Contract Extension Option for the 2023 Liquid Zinc Orthophosphate and Liquid Polyphosphate Contract from Slack Chemical Co. Inc., PO Box 30, 465 S. Clinton St., Carthage, NY 13169.

Ayes: 6

Nays: 0

MOTION CARRIED

NEW BUSINESS

MAYOR: the Mayor advised that as the City was not able to do the Tree Lighting Ceremony on December 1st, the ceremony would take place on December 6th at Higinbotham Park at 6:30p.m. There will also be hot chocolate and cookies provided for anyone who would like them.

SUPERVISOR ROBERTS:

Supervisor Matt Robert advised that there is a big discussion/vote coming up about the Landfill. The County is contemplating a Public/Private partnership with Casella Waste Systems from Rutland, VT who operates 3-4 landfills in NYS, the oldest of which is Clinton County. He advised that every citizen in Madison County will be receiving information in the mail regarding this, and he encouraged all to read the material and understand it. There will be an informational meeting on December 19 at 6:00p.m. at the County Office Building, whereby citizens can come and ask questions. Representatives from Casella will be present at the meeting. He noted that it is important to understand what is going on today versus

what will be going on tomorrow, and it is important that citizens understand what is being done. Supervisor Roberts advised that the County has been working on this for 2 years, has had 2 engineering studies done, and has spent time on 5 different options that they have looked at. They feel this is the best option. Supervisor Roberts advised that this has not been voted on yet, and is not a done deal, but communication is very important, and people in the County need to read the material when it arrives, understand it, and be informed. He stated that if anyone has any questions, they can call him or the County for answers. This has been contemplated for some time and will be voted on soon.

One of the most important things that he has heard in opposition to this is that the Transfer Stations are going to be dissolved, which is not the case. He also heard that the Punch Cards are going to go up in cost, which he stated is also not the case.

Mr. Roberts advised that from a customer service perspective, this will be good for the County. The information will be ready by the end of the week and will be mailed out on Monday, December 11. Please visit <https://www.madisoncounty.ny.gov/3013/Solid-Waste> for information in the upcoming weeks.

MADISON COUNTY DEPARTMENT OF SOLID WASTE

Main office: (315) 361-8408

Email: sw@madisoncounty.ny.gov

Amy Miller

Director

Gregory Gelewski

Deputy Director

Kristin Welch

Recycling Coordinator

COUNCILOR ROSSI:

Councilor Rossi provided an update that the job posting for the City Manager position has been put out, and they have had some qualified applicants come through. They will be starting interviews next week.

Motion to adjourn by Councilor Kinville

Seconded by Councilor Rossi

Ayes: 6

Nays: 0

MOTION CARRIED

The regular meeting is hereby adjourned at 6:55 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk