

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
JUNE 20, 2023**

A meeting of the Common Council of the City of Oneida, NY was held on the twentieth day of June 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

Supervisors

Matt Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mary Cavanagh	<input checked="" type="checkbox"/>	<input 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 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 type="checkbox"/>	Public Safety Com. Kevin Salerno	<input checked="" type="checkbox"/>
Codes Director Bob Burnett	<input checked="" type="checkbox"/>	Attorney Stacy Marris	<input checked="" type="checkbox"/>
Comptroller Lee Ann Wells	<input type="checkbox"/>	Other _____	<input type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll Call

PUBLIC COMMENT

NICOLE SAWNKO-426 EARL AVE., ONEIDA

Nicole Sawnko addressed Council regarding stump removal and inquired if there is a plan in process to have this done. She noted that there were several locations throughout the City where she saw stumps that need to be removed. The Mayor responded that she spoke to Jeff Rowe, the City Engineer, and was advised that there is a system they do throughout the summer, starting with paving, and when that is done, they will be going around the City pulling out as many tree stumps as they can. She noted they will grind them themselves, unless they are large stumps. She advised the City would have to contract out for those, as we don't have the equipment to handle large stump removal.

She stated that many trees had to be taken down last year due to the Borer Ash disease, and the City does not have the money in the budget to replace all of them. Ms. Sawnko inquired as to what research goes into choosing the trees that replace those taken down, also asking if they would be sidewalk friendly that will not cause any problems in the future. The Mayor stated that the City was talking with Cornell to determine what would be best for a suburban area. Mayor Acker advised that she was hoping this could be done this summer, in response to Ms. Sawnko's question as to a time frame for this to take place.

OLD BUSINESS

None

SUPERVISOR'S REPORT

Supervisor Mary Cavanagh stated that now that the County is not concentrating on Covid, the Health Department is rebranding and is reintroducing programs that they offered over the past 20 years. The new name will be Madison County Public Health, and they have a new App to help engage with the community in a positive way and to achieve National Accreditation. Through the App, they are hoping to post services, clinics, Farmer's Markets, restaurant grades, etc., noting that this information has also been provided to the City Clerk to share.

Supervisor Cavanagh stated that Senator Gilibrand was at the HUB in Hamilton on Tuesday, June 20th, to announce that she will reintroduce the \$50B Rebuild Rural America Act which would have a direct benefit for the region's rural towns and villages. The HUB offers assistance to small businesses and has many resources available to help, such as workforce development, grant funding and grant writing, marketing assistance and research, capital lending, business advisement and training and is considered a State certified Business Incubator.

With regard to sales tax revenue, Supervisor Cavanagh advised that it is basically the same as it was this time last year.

APPROVAL OF MINUTES

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the minutes of the regular meeting of June 6, 2023, are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that Warrant No. 12, checks, and ACH payments in the amount of \$677,329.30, 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 23-103

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

RESCHEDULE MEETING-COMMON COUNCIL

RESOLUTION 23-104

Moved by Councilor Kinville
Seconded by Councilor Pagano

WHEREAS, the Fourth of July holiday is observed on Tuesday, July 4, 2023, which is a regularly scheduled Common Council meeting time, **now therefore be it**

RESOLVED, that the first Common Council meeting in July shall be scheduled for Wednesday, July 5, 2023, at 6:30p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

CELLULAR TELEPHONE ADMINISTRATIVE POLICY

RESOLUTION 23-105

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the Employee Acknowledgement of Receipt and Understanding of the Cellular Telephone Administrative Policy from Water Maintenance Worker/Meter Reader, Robert Mumford, be hereby received and placed on file.

RESOLVED, that the Telephone Request Form from Robert Mumford, pursuant to the City of Oneida Cellular Telephone Policy adopted June 15, 2010, Resolution 10-153 and reaffirmed on May 17, 2016, be hereby approved.

Ayes: 6
Nays: 0

MOTION CARRIED

RESCHEDULE MEETING-COMMON COUNCIL

RESOLUTION 23-106

Moved by Councilor Rossi
Seconded by Councilor Kinville

WHEREAS, Election Day is scheduled for Tuesday, November 7, 2023, which is a regularly scheduled Common Council meeting time, **now therefore be it**

RESOLVED, that the first Common Council meeting in November shall be scheduled for Wednesday, November 8, 2023, at 6:30p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

INTRODUCE A LOCAL LAW AMENDING THE ONEIDA CITY CHARTER TO CREATE THE OFFICE OF CITY MANAGER AND AMENDING THE CODE OF THE CITY OF ONEIDA SO AS TO ACCURATELY REFLECT THE DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER AND SCHEDULE PUBLIC HEARING

RESOLUTION 23-107

Moved by Councilor Kinville

Seconded by Councilor Rossi

WHEREAS, the City of Oneida Common Council introduces this Local Law to revise the Oneida City Charter and the Code of the City of Oneida to create the office of city manager and to delegate certain powers and duties to the city manager; 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; and

WHEREAS, the enactment of said Local Law is subject to a mandatory referendum pursuant to Municipal Home Rule Law § 23.

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 is further

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 SEQRA; 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 July 5, 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; and it is further

RESOLVED, that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the City of Oneida; and it is further

RESOLVED, that this Local Law shall be submitted for approval to the electors of the City of Oneida at the next general City election to be held on November 7, 2023.

Ayes: 6

Nays: 0

MOTION CARRIED

“A LOCAL LAW AMENDING THE ONEIDA CITY CHARTER TO CREATE THE OFFICE OF CITY MANAGER AND AMENDING THE CODE OF THE CITY OF ONEIDA SO AS TO ACCURATELY REFLECT THE DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER

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.

A full-time city manager has the education and experience required to administer the City of Oneida’s operations and has expertise in managing departments and preparing budgets. A professional manager who understands how to motivate and evaluate staff will make the City of Oneida more responsive to citizens and better enable the City to hire and maintain qualified individuals.

Section 3. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE XII

So that a new Article XII of the Oneida City Charter, titled “City Manager,” shall be created to read, in its entirety, as follows:

“Section 12.1 City Manager; Appointment and qualifications.

The City Council by a majority vote of its total membership shall appoint a City Manager for an indefinite term and fix the City Manager’s compensation periodically. The City Manager shall be an employee of the City. The City Manager shall be appointed solely

on the basis of executive and administrative qualifications for the duties of the office. Prior to the appointment, the City Manager shall be qualified by at least five (5) years' management experience and must have a Bachelor's degree in business and/or public administration and/or substantially similar field. The City Manager need not be a resident of the City, but it is preferred.

Section 12.2 Removal.

The City Manager may be suspended or removed by a resolution approved by a majority of the whole number of the City Council which shall set forth the reasons for the proposed suspension or proposed removal. A copy of such resolution shall be served immediately upon the City Manager. The City Manager shall have fifteen (15) days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur no less than ten (10) days nor more than fifteen (15) days after such hearing is requested. After the public hearing, if one be requested, and after full consideration, the City Council by a majority vote of the whole number of the City Council may adopt a final resolution of suspension or removal.

Section 12.3 Acting City Manager.

By letter addressed and forwarded to the City Council and filed within thirty (30) days of their appointment and maintained on file or replaced from time to time with the City Clerk, the City Manager shall designate a City officer or employee to exercise the powers and perform the duties of the City Manager during the City Manager's temporary absence or disability.

The City Council may revoke such designation at any time and appoint another qualified individual to serve until the City Manager returns.

In the event of removal of the City Manager, the Acting City Manager shall serve in the role as City Manager until the City Council has appointed a new City Manager.

The Acting City Manager, when serving as City Manager, shall hold the same powers and duties of the City Manager.

Section 12.4 Powers and duties of the City Manager.

The City Manager shall be the chief executive officer and chief administrative officer of the City, and shall be responsible to the City Council for the administration of all City affairs placed in the City Manager's charge by or under this Charter and the Code of the City of Oneida. The City Manager shall:

- A. See that all laws, provisions of this Charter and the Code of the City of Oneida, acts of City Council, and all State laws subject to enforcement by City action, are faithfully enforced and executed;
- B. When necessary for the good of the service, suspend or remove any City employees and appointive administrative officers provided for, by or under this Charter, excepts as otherwise provided for by law, this Charter, or personnel rules adopted pursuant to this

Charter. The City Manager may authorize any administrative officer subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

- C. Appoint, with the approval of the City Council, all officers of the City, including the City Engineer, a City Comptroller, the Deputy City Comptroller, the City Clerk, Deputy City Clerk, Deputy City Chamberlain, the City Attorney, the Assessor, the Acting City Judge, the Director of Parks and Recreation, the Recreation Commission, the Board of Water Commissioners, the Park and Playground Commissioners, the Commissioner of Public Safety and as many patrolmen and special patrolmen as may be determined by the Commissioner of Public Safety subject to the approval of the Common Council, the members of the Joint Zoning Board of Appeals/Planning Commission, and all other boards, commissioners, agencies, officers and employees of the City except as otherwise provided in this Charter or other provision of law.
- D. Have, exercise and perform all functions, powers and duties vested by state or local law or ordinance in the Chief Executive Officer and/or Chief Administrative Officer of the City, except as may be otherwise specifically provided by this Charter;
- E. Attend all meetings of the City Council with the right to take part in the discussions, including all Executive Sessions excepting discussions pertaining to the City Manager, but without the right to vote;
- F. Serve as Chief Financial Officer of the City;
- G. Serve as the Personnel Officer of the City;
- H. Serve as the Director of Public Safety;
- I. Develop and implement a program of annual evaluation of all City employees for the purpose of maintaining and improving employee performance;
- J. Provide for the exercise of budgetary control for each separate appropriation account; establish procedures and practices for the pre-auditing and control of all City revenues and expenditures; provide for the safety and investment of all City funds; provide for the management of the City debt; develop policies to safeguard the City's financial interest in the fullest extent;
- K. Designate any qualified person to be the acting head of any department, office, board, bureau, commission or agency appointed by the City Manager during the period of any vacancy, absence or disability until a permanent appointment can be made or the disability of the permanent head is removed;
- L. Whenever the interest of the City requires, temporarily assign any officer or employee of any department, agency, board, bureau, commission or office to perform similar duties in another department, agency, board, bureau, commission or office;

- M. Prepare the current expense and revenue estimates for the annual budget in cooperation with department heads;
- N. Compile the capital expenditures estimates for the annual budget;
- O. Study the governmental and administrative operations and needs of the City government and prepare and recommend to the City Council necessary and desirable plans and programs to meet present and foreseeable needs;
- P. Assign and transfer administrative functions, powers and duties among and within departments, as the best interest of the City may appear subject to the Charter and local law;
- Q. Delegate to department heads such power as may be deemed necessary for efficient administration;
- R. Hear and entertain any complaint against any of their appointees for misconduct or neglect of duty and to suspend such appointee until the next regular meeting of the City Council, when such complaint shall be investigated by it, and the appointee reinstated, removed or suspended for such additional time as it may deem just or proper;
- S. Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- T. Communicate to the City Council, not later than its second regularly scheduled meeting after the beginning of his/her term of office, a general statement of the affairs of the City in relation to its finances, government and improvements, with such recommendations as they may deem proper;
- U. Sign all warrants ordered by the City Council for the payment of moneys and when authorized by the City Council to do so, they shall execute on behalf of the City, all contracts and other such papers to be executed as an act of the City;
- V. The City Manager or their designee shall be responsible for ensuring that all public records are kept by the appropriate department in accordance with New York State laws;
- W. Investigate and to conduct hearings into the official conduct of all the City officers, department, boards, bureaus, commissions and agencies and have access to all records and papers kept by every City officer, department, board, bureau, commission and agency and have the power to compel the attendance of witnesses and the production of books, papers or other evidence to any such hearings and for that purpose may issue subpoenas signed by them;
- X. Perform such other duties as are specified in this Charter or may be required by the City Council."

So that Section 2.6 of the Oneida City Charter, titled "Vacancies," is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 5. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE II, SECTION 3.0
[2.10]

So that Section 3.0 [2.10], titled "Procedure in the event of an extraordinary emergency," Subsections E and F, of the Oneida City Charter are hereby amended to read, in their entirety, as follows:

"E. If any City officer except the Mayor, Councilor or Supervisor shall, from sickness, absence, suspension from office by the Common Council or from any other cause, be unable to discharge the duties of his office, in the event of or during such extraordinary emergency, the Common Council or if vacancies have reduced its membership to less than a majority then a majority of the remaining members of the Common Council shall appoint some suitable person to discharge such duties during such disability, and the person so appointed shall have and exercise all the powers and discharge all the duties and be subject to all of the provisions of law applicable to the officer whose place they shall supply or to the officer or the duties of the office at which they are appointed and shall receive such salary as shall be fixed by the members of the Common Council making such appointment."

F. If the office of the Mayor and of all the Councilors shall from sickness, absence, suspension from office or from any other cause be vacated and there is no one to discharge the duties of the office of Mayor, in the event of and during such extraordinary emergency, it is hereby established the continuity of leadership which requires the office of Mayor to be filled at all times. Next in order of succession to the last Councilor for the purpose of acting as Mayor shall descend in the following order upon the following City officials dependent on their availability and presence in the City in the order named: City Manager, City Comptroller, City Judge, City Attorney, City Engineer, Acting City Judge, City Clerk, Police Chief and Fire Chief."

Section 6. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE IV

So that Article IV, titled "Executive Department: City Mayor" shall be renamed "City Mayor" and shall be amended to read in its entirety as follows:

"Section 4.1. Mayor.

At each regular election a Mayor shall be elected for a term of two years. The Mayor shall be a member of the City Council and shall preside at meetings of the City Council, represent the City in intergovernmental relationships, appoint with the advice and consent of the City Council the members of citizen advisory boards and commissions, and perform other duties specified by the City Council. The Mayor shall be recognized as head of the city government for all ceremonial purposes and by the Governor for purposes of military law but shall have no administrative duties.

Section 4.2. Election and term of office.

The Mayor shall be elected and serve as specified in Article II.

Section 4.3. Duties of the Mayor, Deputy Mayor.

- A. The Mayor shall have the power to hear and entertain any complaint against any of his/her appointees for misconduct or neglect of duty and to suspend such appointee until the next regular meeting of the City Council, when such complaint shall be investigated by it, and the appointee reinstated, removed or suspended for such additional time as it may deem just or proper.
- B. The Mayor shall recommend to the City Council and to the City Manager, from time to time, such measures as he/she may deem necessary or expedient for the City Council to adopt in order to expedite or carry into effect any order, resolution, ordinance or act which it shall have passed.
- C. The Mayor shall nominate, with the approval of the City Council, in a nonpartisan manner, the Board of Assessment Review and City Health Officer(s).
- D. The Mayor shall sign, when authorized by the City Council, all deeds to be executed as an act of the city, and shall sign appointments made to office by the City Council.
- E. In case the Mayor shall be unable to perform the duties of the office in consequence of sickness, absence from the City or other cause, the Deputy Mayor shall preside at meetings and be vested with the powers and duties of the Mayor until the Mayor shall resume office or until the vacancy is filled.

Section 4.4. Powers of the Mayor.

- A. The Mayor shall have the power within the City to administer oaths and take affidavits. Upon filing with the Clerk of Madison County a certificate under the seal of the City, signed by the City Clerk, of his/her election and filing of oath, the Mayor may take proof and acknowledgment of deeds and other instruments.
- B. The Mayor shall possess all the powers and authority conferred upon mayors of cities by any general statute of this state."

Section 7. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE V

So that Article V, titled "Budget and Financial Administration," is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 8. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE VII

So that Article VII, titled "City Clerk," is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 9. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE VIII

So that Article VIII, titled "City Attorney," is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 10. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE IX

So that Article IX, titled "Department of Public Works," is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 11. AMENDMENT OF THE ONEIDA CITY CHARTER ARTICLE XI

So that Article XI, titled "Youth and Recreation," is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 12. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 13

So that Chapter 13, titled "Amusement Devices," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 13. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 17

So that Chapter 17, titled "Animals," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 14. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 33

So that Chapter 33, titled "Building Code Administration and Enforcement," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 15. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 34

So that Chapter 34, titled "Buildings, Vacant, Abandoned, Unsafe and Collapsed," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 16. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 40

So that Chapter 40, titled "Curfew," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 17. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 49

So that Chapter 49, titled "Ethics, Code of," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 18. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 85

So that Chapter 85, titled "Junkyards," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 19. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 92

So that Chapter 92, titled "Mobile Homes and Mobile Home Parks," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 20. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 104

So that Chapter 104, titled "Officers and Employees," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 21. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 110

So that Chapter 110, titled "Parades," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 22. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 112

So that Chapter 112, titled "Special Events," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 23. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 122

So that Chapter 122, titled "Public Nuisance Abatement," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 24. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 169

So that Chapter 169, titled "Taxicabs," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 25. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 174

So that Chapter 174, titled "Trees," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 26. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 180

So that Chapter 180, titled "Vehicles and Traffic," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 27. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 190

So that Chapter 190, titled "Zoning," of the Code of the City of Oneida is hereby amended such that the reference to "Mayor" shall be replaced with the term "City Manager."

Section 28. MANDATORY REFERENDUM

Pursuant to Municipal Home Rule Law § 23(2)(e), this Local Law shall be submitted for approval to the electors of the City of Oneida at the next general City election to be held on November 7, 2023.

Section 29. 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 30. EFFECTIVE DATE

This Local Law shall be effective upon filing with the office of the Secretary of State. Pursuant to Municipal Home Rule Law § 23, this Local Law is subject to a mandatory referendum, and this may not be filed with the Secretary of State until a referendum has been conducted approving this Local Law."

**INTRODUCE A LOCAL LAW AMENDING THE CODE OF THE CITY OF ONEIDA REGARDING APPEARANCE
TICKETS AND ISSUING AND SERVICE OF THE SAME AND SCHEDULE PUBLIC HEARING**

RESOLUTION 23-108

Moved by Councilor Kinville
Seconded by Councilor Rossi

WHEREAS, the City of Oneida Common Council introduces this Local Law to revise Code of the City of Oneida to ensure public servants are appropriately authorized with the power to issue and serve appearance tickets; 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 is further

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 July 5, 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; and it is further

RESOLVED, that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the City of Oneida.

Ayes: 6

Nays: 0

MOTION CARRIED

"A LOCAL LAW AMENDING THE CODE OF THE CITY OF ONEIDA REGARDING
APPEARANCE TICKETS AND ISSUING AND SERVICE OF THE SAME

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 ensuring that public servants are appropriately authorized with the power to issue and serve appearance tickets.

Section 3. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA SECTION 21-1, TITLED "APPEARANCE TICKETS TO ENFORCE ORDINANCES."

So that Section 21-1, titled "Appearance tickets to enforce ordinances," is hereby amended to read in its entirety as follows:

"The officer charged by ordinance or other provision of law with enforcement of the provisions of the City of Oneida health and sanitation, solid waste and recycling, subdivision regulations and zoning regulations ordinances is hereby authorized to issue and serve an appearance ticket, as defined in the New York State Criminal Procedure Law, for violation of any of the provisions of such ordinances or any lawful orders or directions issued pursuant thereto, after providing any required notice and period of time for correction or compliance."

Section 4. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA SECTION 17-15, TITLED "PENALTIES FOR OFFENSES; VIOLATIONS; APPEARANCE TICKETS"

So that Subsection C of Section 17-15, titled "Penalties for offenses; violations; appearance tickets" is hereby repealed in its entirety.

Section 29. 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 30. EFFECTIVE DATE

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

DISCUSSION: The Mayor explained that a representative from the State came to the City to look at the court system-how it works, what we do and the guidelines that we have in place. It was found that in our Codes, we need to have the words "and serve" for violations, which gives our Codes Department the ability to serve a notice.

NEW BUSINESS

- **Cops and Bobbers Kids' Fishing Derby-held on June 17th** – the Mayor congratulated the Police Department and Parks and Recreation Department for another successful event that is a wonderful tradition that she hopes continues.
- **Oneida High School Graduation-10:00a.m. at Oneida High School**
- **Grand Opening-Dog Park**-Tuesday, June 27 at 6:00p.m. will be the Grand Opening of the Barks and Recreation Dog Park. Most who donated to this park will be in attendance.
- **Update on DRI**-the Mayor advised that we are still waiting on the State, but we did receive a message that they formed the contract for the downtown business section, which is currently in the Finance Department, and it will take approximately 4 more weeks to finalize it before sending back to us

Motion to adjourn by Councilor Kinville
Seconded by Councilor Szczerba

Ayes: 6

Nays: 0

MOTION CARRIED

The regular meeting is hereby adjourned at 6:42 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk