

**MINUTES OF THE COMMON COUNCIL  
REGULAR MEETING  
MARCH 19, 2024**

A meeting of the Common Council of the City of Oneida, NY was held on the nineteenth day of March 2024 at 6:30 p.m. at the Common Council Chambers, 109 N. Main, Oneida, NY 13421.

The meeting was called to order by Mayor Rick Rossi.

<u>Attendees</u>	<b>Present</b>	<b>Absent</b>	<b>Arrived Late</b>
Mayor Rossi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Cit Manager Selby	<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 Hitchings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Winchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Pagano	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 6:31p.m.
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"/>
Brandee DuBois	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Michelle Kinville	<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. Dave Jones	<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"/>	Other _____	<input type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll Call

**CEREMONIAL:**      None

**OLD BUSINESS:**    None

Mayor Rossi advised that he did not have a report to present, and as no Supervisors were present, there would also be no Supervisor's Report this evening. City Manager Selby also advised that he did not have a report to present.

- **MAYOR'S REPORT:** None
- **SUPERVISOR'S REPORT:** None
- **CITY MANAGER'S REPORT:** None

#### **APPROVAL OF MINUTES**

Moved by Councilor Hitchings  
Seconded by Councilor Szczerba

**RESOLVED**, that the minutes of the regular meeting of March 5, 2024, are hereby approved as presented.

Ayes: 7

Nays: 0

**MOTION CARRIED**

#### **APPROVAL OF WARRANT**

Moved by Councilor Simchik  
Seconded by Councilor Hitchings

**RESOLVED**, that Warrant No. 6, checks and ACH payments in the amount of \$3,004,894.36 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 7

Nays: 0

**MOTION CARRIED**

#### **MONTHLY REPORTS**

#### **RESOLUTION 24-54**

Moved by Councilor Hitchings  
Seconded by Councilor Laureti

**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: 7

Nays: 0

**MOTION CARRIED**

**SPECIAL EVENT-FALL FEST 2024**

**RESOLUTION 24-55**

Moved by Councilor Hitchings

Seconded by Councilor Winchell

**WHEREAS**, pursuant to Section 9-11 of the Oneida City Code, the possession or consumption of alcohol is permitted on City-owned property if properly authorized by the City of Oneida Common Council; **and**

**WHEREAS**, the John R. Deschamps Sr., Police Benevolent Association, and employee organization representing the full-time, permanent police officers of the Oneida Police Department, and the Oneida City Parks and Recreation Department is sponsoring a "Fall Fest" to be held on October 5, 2024, during the hours of 11:00 a.m. and 4:00 p.m., on property owned by the City of Oneida located at Mott Street; **and**

**WHEREAS**, the Fall Fest is intended to provide a celebration that is recreational in nature for City residents and serves to improve the quality of life for residents; **and**

**WHEREAS**, as part of the Fall Fest activities, wines and alcoholic beverages will be available for purchase by the public; **and**

**WHEREAS**, it is the desire of the Common Council to promote public interest and participation in community events and to allow such sales by vendors; **now, therefore be it**

**RESOLVED**, that the City of Oneida Common Council does hereby authorize the distribution and consumption of wine and alcoholic beverages in a restricted area of 223 Mott Street during the hours of the Fall Fest on October 5, 2024; **and be it further**

**RESOLVED**, that the City of Oneida Common Council does permit such distribution and sales of wine and alcoholic beverages by private vendors upon application to the City of Oneida Clerk and submission of proof of a general liability insurance policy in the amount of \$1,000,000, with the City of Oneida named as an additional insured, no less than 30 days prior to the event.

Ayes: 7

Nays: 0

**MOTION CARRIED**

**AGREEMENT-ONEIDA MEMORIAL ASSOCIATION (MEMORIAL DAY PARADE)**

**RESOLUTION 24-56**

Moved by Councilor Hitchings  
Seconded by Councilor Szczerba

**RESOLVED**, to authorize the City Manager to sign an agreement with the Oneida Memorial Association, P.O. Box 93, Oneida, NY 13421 to be a co-sponsor of the 2024 Memorial Day Parade to be held on Friday, May 24, 2024.

Ayes: 7  
Nays: 0

**MOTION CARRIED**

**STANDARD WORKDAY RESOLUTION**

**RESOLUTION 24-57**

Moved by Councilor Winchell  
Seconded by Councilor Pagano

**RESOLVED**, that the Common Council hereby establishes the following as standard workdays for elected officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the Record of Activities maintained and submitted by these officials to the Clerk of this body:

Name	SS#	(Last four digits) Reg #	Title	Term begins and end dates	Standard Workday	Records of Activity Results	Not submitted	Pay Frequency	Tier I
Stephen Laureti	****	****	Councilor	01/01/2023 12/31/2024	6			bi-monthly	

Ayes: 6  
Nays: 0  
Abstain:1 (Laureti)

**MOTION CARRIED**

**SPECIAL COMMITTEE-HARBORING OF HENS WITHIN THE CITY OF ONEIDA**

**RESOLUTION 24-58**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**WHEREAS** pursuant to Section 3.11.B. of the Charter of the City of Oneida, the Mayor may designate and appoint, subject to approval by the Common Council, a special committee consisting of residents of the City to make studies, investigations, recommendations, and reports on any subject or matter properly before the Common Council, **and**

**WHEREAS**, the Common Council of the City of Oneida concludes it would be desirable to have organized forums for discussions by committees of city residents, **now therefore be it**

**RESOLVED**, that the Common Council of the City of Oneida hereby approves the creation of a special committee to determine the City's need for revision of a local law that was introduced on February 6, 2024, amending Section 17-1 of the Code of the City of Oneida, and establishing a new chapter regulating the harboring of hens within the City of Oneida, **and be it further**

**RESOLVED**, that said committee shall comply with the Open Meetings Law, be authorized to meet, hold hearings, and provide advice and recommendations with respect to its particular committee assignment to the Mayor and the Common Council, **and be it further**

**RESOLVED**, that the members of the Special Committee for harboring hens within the City of Oneida shall be Karen Fauls-Traynor, Gary Reisman, Kelly Lewin, Melisa Mannix, Lynne McHugh, Cherish Eastman, and Brian Bortree.

Ayes: 7

Nays: 0

**MOTION CARRIED**

**AUTHORIZATION FOR DESIGNATED REPRESENTATIVE TO EXECUTE ENGINEERING PLANNING GRANT (EPG) AND AUTHORIZATION AND APPROPRIATION OF LOCAL MATCH**

**RESOLUTION 24-59**

Moved by Councilor Simchik  
Seconded by Councilor Hitchings

**RESOLVED**, the City Manager is hereby authorized to execute an Engineering Planning Grant (EPG) Agreement with the New York State Environmental Facilities Corporation (NYS EFC) and any and all other contracts, documents, and/or instruments necessary to facilitate the EPG project referenced herein and to fulfill the City of Oneida's obligations thereunder; **and be it further**

**RESOLVED**, the source of the local match, and any amount in excess of the required match, shall be provided by Sewer Fund Balance.

Ayes: 7

Nays: 0

**MOTION CARRIED**

**BUDGET TRANSFERS/AMENDMENTS**

**RESOLUTION 24-60**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

	<b><u>To</u></b>		<b><u>From</u></b>
<b><i>2024 Budget Adjustments</i></b>			
\$	2,500.00	001.8020.0403.0000 Planning Contracts	001.0001.0912.0000 General Fund Balance

***To allocate funds for the abstract contract required as part of the 2/6/24 resolution #24-25 for appraisal/survey***

Ayes: 7

Nays: 0

**MOTION CARRIED**

**RECEIVE/FILE STANDARDIZED NOTICE FORM FOR PROVIDING 30-DAY ADVANCE NOTICE TO A LOCAL MUNICIPALITY OR COMMUNITY BOARD-WAIVE 30-DAY ADVANCE NOTIFICATION**  
**KANON VALLEY COUNTY CLUB**

**RESOLUTION 24-61**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**RESOLVED**, to receive and place on file the Standardized Notice Form for providing 30-day advance notice to a local municipality or community board for live music from Kanon Valley Country Club, 8623 Lake Rd., Oneida, NY 13421: **and be it further**

**RESOLVED**, to waive the 30-day advance notification to a local municipality or community board for Kanon Valley Country Club, 8623 Lake Rd., Oneida, NY 13421.

Ayes: 7

Nays: 0

**MOTION CARRIED**

**REVISE APPROVED SALARY SCHEDULE-SEASONAL MAINTENANCE WORKER**  
**PARKS AND RECREATION DEPARTMENT**

**RESOLUTION 24-62**

Moved by Councilor Hitchings

Seconded by Councilor Simchik

**RESOLVED**, to approve the revision of the approved salary schedule to include an additional Seasonal Recreation Maintenance Worker for 32 weeks, 40 hours per week, at a rate of \$16.50 per hour.

Ayes: 7

Nays: 0

**MOTION CARRIED**

**UNFINISHED BUSINESS-RESOLUTION 24-49 CAPITAL PROJECT 23-4/FLEET FUEL TANK REPLACEMENTS**  
**TABLED FROM MARCH 5, 2024**

**RESOLUTION 24-63**

Moved by Councilor Hitchings

Seconded by Councilor Simchik

**WHEREAS**, at the March 5, 2024, regular meeting of the Common Council, a motion to table Resolution 24-49, relating to Capital Project 23-4/Fleet Fuel Tank Replacements, was moved by Councilor Hitchings, and seconded by Councilor Laureti, **and**

**WHEREAS**, a discussion was held at the March 5, 2024, Common Council meeting relating to said tabled motion, **now therefore be it**

**RESOLVED**, to approve Capital Project 23-4 Fleet Fuel Tank Replacements, and to expend funds for monthly rental of fuel tank up to the budgeted amount of \$5,000 for said Capital Project, **and be it further**

**RESOLVED**, that the City Manager is hereby authorized to sign all documents related to Capital project 23-4, Fleet Fuel Tank Replacements.

Ayes: 7

Nays: 0

**MOTION CARRIED**

**INTRODUCE A LOCAL LAW AMENDING SECTION 12.1 OF THE ONEIDA CITY CHARTER TO CHANGE THE QUALIFICATIONS OF THE CITY MANAGER POSITION-SCHEDULE PUBLIC HEARING**

**RESOLUTION 24-64**

Moved by Councilor Hitchings

Seconded by Councilor Szczerba

**WHEREAS**, the City of Oneida Common Council introduces this Local Law to amend Section 12.1 of the Oneida City Charter to change the qualifications of the City Manager position; 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.

**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 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 April 2, 2024, 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**, 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: 4

Nays: 3 (Mayor Rossi/Councilor Simchik/Councilor Pagano)

**MOTION CARRIED**



LOCAL LAW 2024

A LOCAL LAW AMENDING SECTION 12.1 OF THE ONEIDA CITY CHARTER TO CHANGE THE QUALIFICATIONS OF THE CITY MANAGER POSITION

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. AMEND ONEIDA CITY CHARTER SECTION 12.1

So that Section 12.1 of the Oneida City Charter, titled "City Manager, Appointment and Qualifications," shall be revised 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, it is preferred that the City Manager shall be qualified by at least five (5) years' management experience and shall have a Bachelor's degree in business and/or public administration and/or substantially similar field. In the alternative, a candidate for the position of City Manager must have a minimum of ten (10) years' management experience that is satisfactory to the Council. The City Manager need not be a resident of the City, but it is preferred."

Section 3. EFFECTIVE DATE

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

DISCUSSION: Before voting on this matter, Mayor Rossi prompted the Council for any desired discussion, proposing that whoever added the item to the agenda should explain the rationale behind the proposed alterations in regulations and qualifications for the City Manager position. He stated that this is a local law, reminding the Council of the significant support it garnered 15 weeks ago with over 1,300 affirmative votes, and noted the interest among present attendees in speaking about this. Councilors Szczerba, Laureti, and Hitchings indicated that a Public Hearing would address these concerns that would be taking place in 2 weeks. Councilor Simchik recommended tabling the issue and forming a committee for further discussion; however, this was not motioned or voted on.

**NEW BUSINESS:** None

## PUBLIC COMMENT

### SUE PULVERENTI-217 MAPLE DRIVE

Former City Clerk, Sue Pulverenti advised that Local Law No. 6 was passed on July 18, 2023, with the qualifications of City manager as part of that Local Law. She noted that the Local Law was submitted for mandatory referendum, which was approved by the electorate on November 7, 2023. Ms. Pulverenti asked how it is that the Council can now decide that they want to change those qualifications, when that is not what was agreed upon in the referendum. She also asked Council why they would want to “dumb down” the qualifications to make them less intellectually challenging, noting that it would seem logical to her that the City would want the best candidate to be in control. She advised this candidate should be someone who has all the abilities of a qualified candidate to handle all the facets of the City and not just some of them. She concluded by commenting that this was the whole purpose of hiring a City Manager, advising that she will return to speak at the Public Hearing.

### DAVID SCHOLL-230 COTTAGE PLACE

Dave Scholl stated that he has been a resident of the City of Oneida for over 33 years and came to speak about the position of City Manager. He stated that, in his opinion, the Common Council wants to change the qualifications of this position to better their needs and wants and not necessarily the needs and wants of the City. He advised that on Election Day in 2023, the citizens of Oneida voted in good conscience to allow the creation of the City Manager position as presented to them and stated in Local Law No. 6 of 2023. He commented that now, less than 5 months later, the Common Council wants to change the qualifications for that position to additionally except lesser qualifications.

In his opinion, Mr. Scholl advised that this is unfair and unnecessary to do to the citizens and taxpayers of the City of Oneida who voted in favor of creating the position of City Manager, asking what is “satisfactory” to the Council to run the City, stating that this is open-ended. It is his belief that this could potentially be discriminatory when the Council is selective as to who can be in this position. Mr. Scholl stated that it is his belief that the Common Council wants to lessen the qualifications of the City Manager position, because they ultimately want a specific person in that position so they can dictate their agenda to that person. He feels that the specific person they have in mind for the position does not meet the minimum educational requirements to be the City Manager, and in order to put this person into the position, they need to lessen the qualifications.

Mr. Scholl further advised that if the Council wants the City to move forward and grow and be a welcoming community, we need to have qualified people in leadership positions. Lowering the requirements for the City Manager position, he assumed, was designed to meet typical job requirements in other like local communities and is a poor leadership managerial move. He asked Council if they have been actively looking to find a new City Manager, noting that the current City Manager was hired on an interim basis. He encouraged the Council not to lower the standards for this position and strongly suggested that individuals wanting the City Manager position better themselves by getting the education and training needed to obtain the position. He concluded by stating that if the standards and qualifications of the City Manager position are lowered, the City will have a hard time attracting and keeping Department Heads and other highly educated City employees that have the education, training, and experience needed for their specific positions, noting that people do not want to work for people who are lesser qualified than

they are, especially if they know the job requirements were lowered so they can be in that position.

DARLEEN SCHOLL-230 COTTAGE PLACE

Darleen Scholl stated that she has been a resident of the City of Oneida for over 33 years and has worked for the City of Oneida Water Department for 25 years as the Billing Clerk. As there have been questions and comments regarding the billing practices of the City, as City Clerk, I am including the full context of her speech by way of explaining the current policies and procedures used by the Water Department per her experience during her tenure with the City (further details are available in Attachment A).

GREGG MYERS-427 S. WILLOW ST.

Gregg Myers stated he is a lifelong resident of the City, was born and raised here, and worked for the City of Oneida for 38 years, noting he has never seen so many problems in the City. He advised that he was present to address what is going on next to his building (Myers & Co Storage and Fire Extinguishers-118 Vanderbilt Ave.) since June of last year. He advised that unfortunately, there was a collapse in December, and to this day, the City is still exposed to lead, asbestos, and potentially other things that are sitting in the debris pile next to his building. He stated that nothing has been done, and he has spoken to the owner, who claims the issue is with the insurance company. Mr. Myers is now addressing this with Council. He would like to know when the City is going to do something about this.

Mr. Myers stated that the City has had knowledge of problems with that building since June of last year. There is a 3-story wall leaning against his building and is in a worse condition today than in December when the building was torn down. He also questioned when the Owls Club was going to be able to re-open their dining room and use their facility, noting that they are still getting taxed and still having problems. He noted that the City has a history of demolishing buildings and should have a procedure in place. He would like to know when he is going to be able to work on his building to make necessary repairs that occurred during the demolition of this building. Mayor Rossi advised that he would reach out to Mr. Myers and provide him with answers soon.

KELLY LEWIN-616 DEERFIELD DRIVE

Kelly Lewin stated that she sat on the Committee that first weighed the pros and cons of having a City Manager vs City Administrator, and others were also present who were on the committee. She advised that they listened to each other, set recommendations of like size cities, discussed job qualifications, and where to list the job, among other topics, before giving their recommendation to Council. Prior to sending the idea of a Charter change, to include a City Manager to be voted on, an informational meeting was held at the American Legion. She stated that Mr. Roberts led this informational forum that made reference to a close friend who was a City Manager in Las Vegas. Mr. Roberts explained what role he (Mr. Selby) played in certain situations.

She stated that Brandon Lovett, City Manager from Sherrill, was also in attendance and helped explain his daily routine and overall vision for the City of Sherrill. Ms. Lewin stated that the City Manager position was voted on and approved, and our City Charter was changed, and a job description was written with the help of Corning, NYCOM, and others. She noted that it was known that this change to the City Charter was going to be a work in progress and needed it to fit within the budget. She advised the position was advertised on the likes of Indeed and asked Council how many applicants applied. Mayor Rossi later advised that there were over 10 qualified applicants that applied for the position.

Ms. Lewin mentioned that Mr. Selby was serving as the new City Manager on a temporary basis and was being paid by the month until a more permanent replacement could be found. She inquired about the status of the search for a permanent City Manager, expressing confusion over rumors she had heard about someone else being appointed as Acting City Manager. Additionally, she noted that Mayor Rossi had informed her that the Council was considering lowering the qualifications for the position.

In recent research, Ms. Lewin pointed out that Brandon Lovett from Sherrill wouldn't meet the qualifications for the City Manager position in Oneida. She also noted that the current City Manager, despite having an impressive resume, doesn't meet the existing qualifications for the role as outlined. Ms. Lewin reiterated her inquiry about the actions taken by the Council since January to secure a permanent candidate and expressed her inability to locate the job listing on the City website. She questioned the resistance to altering the qualifications, which would attract more applicants, which was a topic discussed in their committee meetings. This included considering a salary of \$120,000 to entice candidates to relocate to Oneida, acknowledging the challenges in achieving this based on consultations with industry professionals. She urged the Council to initiate the search process and reach a consensus on the job description. Ms. Lewin emphasized the importance of the Mayor and Council working together and not against each other.

#### MARGARET MILMAN-BARRIS-1855 WEST ROAD

Margaret Milman-Barris expressed agreement with previous speakers regarding the City Manager position and the proposed change in requirements. She voiced concern over what she perceived as a secretive meeting by five Councilors to appoint the Codes Department Head, Bob Burnett, as the Acting City Manager. She mentioned having to file two separate Freedom of Information Law (FOIL) requests to obtain information and highlighted key points from the results of these requests:

- City Manager, Doug Selby had appointed City Comptroller, Lee Ann Wells, to be the Acting City Manager in his absence, and she was working alongside him to learn from his experience, and Comptroller Wells was not notified of any deficiency in her performance as Acting City Manager.
- Five of the 6 Council members held a meeting and took a vote to change the Acting City Manager without notifying the City Clerk that the meeting was taking place; the meeting did not have public notice; and there was no agenda and no minutes for the meeting, which to the best of Ms. Barris' knowledge is in violation of New York's Open Meetings Law.
- The five Councilors noted above were named as Ward 1-Jim Szczerba, Ward 2-Steve Laureti, Ward 3-Andrea Hitchings, Ward 4-Rob Winchell, and Ward 5-Bill Pagano, all who signed the letter dated February 26 to City Manager, Doug Selby, notifying him that they had changed the Acting City Manager to the Codes Director Bob Burnett. She also acknowledged that Councilor Simchik and Mayor Rossi did not sign the letter.

Ms. Barris advised that the five that signed the letter did not respond to her second Foil request. She expressed concern over this, and stated she does not believe that secret meetings to change who is in charge of the City is a good idea.

Ms. Barris asked Councilor Simchik what he meant by a statement made by him in one of the documents she received, whereby he said he was left out of the discussion. Councilor Simchik stated that if there was any discussion, he was unaware of it. She then asked Mayor Rossi if he was included in the discussion, to which Mayor Rossi responded that he was not included in a discussion; however, he was made aware that they were sending the letter.

Ms. Barris concluded by stating that the five Councilors took a vote without one of their Councilors, without the Mayor and without the City Clerk, without public notice, without an agenda and without minutes to change who the Acting City Manager was, who in their mind, was in charge of the whole entire City Government, and inquired as to how was that ok.

#### DAN JONES-257 E. WALNUT STREET

Mr. Jones pointed out that the scheduled Public Comment (Public Hearing) is on Tuesday, April 2nd, which is Primary Day. He questioned whether this scheduling was an oversight and whether Election Day was taken into account when scheduling public comments. He also inquired about the possibility of changing the date to allow poll workers to attend.

*\*\*\*Note: The City Clerk advised Mr. Jones after the meeting that because the Resolution, as prepared stating the date of the Public Hearing was approved by the majority of Council vote, and no change was made prior, the April 2<sup>nd</sup> date was publicized. Also noted was that any person who is unable to attend may submit written comments to the City Clerk prior to the meeting and they will be included (4pm).*

#### BRAHIM ZOGBY-114 E. SANDS STREET

Mr. Zogby stated that he is concerned that there are some issues with the City Manager, and he advised that he also was on the City Manager Committee with Kelly Lewin and a number of other people who spent July of 2022 to October of 2022 on that Committee, which was 4 months' worth of work. He advised that Councilwoman Hitchings was "sort of" the Chairperson and was very good at sourcing people to talk to about how to create the position, noting that they looked at a number of charters and City Managers, and also held interviews with a number of them prior to making their suggestion to the Council to go ahead with this process. He reminded Council that they all ran on the fact that a City Manager was needed and that all encouraged people to get out and vote, noting that gratefully, 65% of the people that voted in Councilwoman Hitchings' area were in favor of it.

Mr. Zogby expressed concern about the perceived rush to change the criteria for the City Manager position. He once again stated that the Committee spent four months working on this, doing the homework for them, and making a recommendation. However, in less than a week or two weeks, and not even three months since appointing a City Manager, they are now considering changing the criteria. Mr. Zogby advised that this action would disregard all the work done by those who committed themselves to helping the Council make a decision. He also expressed the belief that none of the Council members read the actual recommendation or what was on the ballot and challenged them to advise him otherwise.

Mr. Zogby requested and recommended that this resolution be tabled until they can re-employ the people who were kind enough to do their work for them, so they don't only "cherry pick" one item-qualifications, but also address other items they might want to change in the legislation. He asked Councilors Szczerba and Laureti if there was a rush or emergency in City government that others should be aware of. Mr. Zogby stated that as Councilor Hitchings ran the Committee, she was welcome to come to their meetings, as was all the other members of the Council and provide input and questions. He stated that he would welcome this, as it is more of a judicious approach to making changes that are going to impact all citizens, not only those that are present today, but those that will follow. He concluded by stating that if we were going to become a City that is "revered" and a City where people want to live, we can't just take care of things today for personalities. Mr. Zogby asked that Council consider this and questioned Mayor Rossi that he (Mr. Zogby) did not know what he (Mayor Rossi) had to do legally, or if they could go back and

vote to table it and pick another date, Set up framework to get the Committee back together, and get it done the right way to make more changes that really need to be made, if in fact they do.

*City Clerk's Note: Council did not go back to the resolution and table it.*

GARY LAURETI-613 BIRCHWOOD DR.

Mr. Laureti stated that he preferred to stand to the side so he could address the audience and the Council rather than having his back to people. He commented that he used to walk the beat and talked to others about revitalizing downtown and does not see any revitalizing taking place. He mentioned that there are some newer people on this Council and that maybe they are trying to work some things out. He suggested that people try to help them instead of arguing with them and give them some ideas, suggesting that maybe there *is* a rush to get something else done.

Mr. Laureti asked if there was a description of what the City Manager is responsible for, noting that he personally had an issue involving snow removal, whereby he had to take kids to school, and the sidewalks were not plowed after a major storm. He feels this is totally unacceptable. Mr. Laureti suggested that sometimes you might have someone with qualifications, such as two PhD's, and a Masters, and someone else with years' worth of experience. He cited an example whereby he had been to a doctor's office to get his leg wrapped up, and there were all interns present with degrees working on this, but an older guy with 30 years' experience came in and put the cast on right away, immediately resolving the issue. He stated that sometimes degree vs experience depends on what people are looking for. He asked whether any progress had been made in 3 or 4 months, and if the City had saved any money. He asked if the City Manager position is something that is working out, advising that he did not know. Mr. Laureti commented that it was his hope that some of the older people, including himself, try to help and make Oneida a nicer place. Mr. Laureti advised that he has not seen a big new business come to the City since Walmart, and he would like to see more businesses and improvements come, suggesting that everyone work together.

PETER HEDGLON-449 BROAD STREET

Mr. Hedglon stated that he was not present to talk about the merits of the subject of the Public Referendum that will be happening in 2 weeks, and he wasn't present to talk about the qualifications of the City Manager, or the fact that he has been on 3 City Charter Review Committees, all of which recommended the City Manager form of government.

Peter Hedglon advised that he was present to talk about the Open Meetings Law. He stated that he became aware of the letter that was sent to Mr. Selby dated February 26, 2024, and he has a problem with that letter. He urged the Common Council to rescind that letter, formally, even though the Common Council did not approve it formally in compliance with the Charter and the Open Meetings Law. He advised that it can be rescinded formally, in a meeting that is properly noticed and there is a quorum where the City Clerk is present and where there is a resolution that is offered and seconded, subject to discussion, with a vote taken and the votes are counted and recorded, which is required for a resolution or a Local Law or Ordinance to be valid.

Mr. Hedglon advised that the Open Meetings Law was passed in 1976, and he was admitted to practice law in 1977. He stated that in his first job, he was charged by his boss, who was a municipal attorney, to determine what this means, so he is "pretty familiar with it." Attorney Hedglon advised that when he was Chairman of the Board of Managers at Oneida City Hospital, he lived with the Open Meetings Law for over

10 years in that capacity, and in his role as Mayor of the City of Oneida for 2 years.

He stated that it is his opinion that that letter as it is, is in fact invalid, and would be found invalid if it were taken to court in an Article 78 proceeding. Not only was the Open Meetings Law not complied with, but the City Charter was not complied with in many respects. He explained that when a court decides that an action by a government body is invalid under the Open Meetings Law, it may exercise its discretion and order the losing party to pay the winning parties' legal fees. The Court also has the authority to impose sanctions on the party that makes a frivolous argument. In Attorney Hedglon's opinion, that letter is the result of valid action by this Common Council, is very possible and likely to be considered by a court to be frivolous, because the violations of the Open Meeting Law, the Charter, and the intention of the Open Meetings Law as articulated by the Court of Appeals and would be considered blatant and willful.

Mr. Hedglon stated that Councilors Szczerba, Laureti, Hitchings, Winchell and Pagano all signed a Constitutional Oath of Office, which calls upon them to swear or affirm that they will support the Constitution of the United States, the Constitution of the State of New York and any Local Laws or Ordinances of the City of Oneida, which includes the Charter. He advised that everyone who discharges that oath, has a duty to obey the law, and he does not think there is any doubt that a Councilor of the City of Oneida, has among his or her duties, obeying the law, noting that there should not be an issue as to whether they conducted themselves properly.

Mr. Hedglon encouraged Council to just rescind the law and avoid embarrassment and save the taxpayers money by not having to get involved with a legal fight, which could include paying the legal fees of someone who challenges them and avoid the risk of sanctions. In conclusion, Mr. Hedglon distributed a handout to each Council member, the Mayor, and the City Attorney.

### **EXECUTIVE SESSION**

### **RESOLUTION 24-65**

Motioned by Councilor Hitchings  
Seconded by Councilor Jim

**RESOLVED**, that the meeting is hereby adjourned to Executive Session at 7:12p.m. to discuss a personnel matter and discussion of negotiations related to a collective bargaining agreement.

Ayes: 7  
Nays: 0

### **MOTION CARRIED**

**PRESENT:**    Mayor            City Manager            Council            City Attorney Nadine Bell  
Public Safety Commissioner Dave Jones; Police Chief Steve Lowell; Fire Chief Scott Jones

Discussion was held to 1.) Discuss a personnel matter

- 2.) Discussion of negotiations related to a collective bargaining agreement.

Motioned by Councilor Hitchings  
Seconded by Councilor Winchell

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 8:12p.m.

Ayes: 7

Nays: 0

**MOTION CARRIED**

Motion to adjourn by Councilor Hitchings  
Seconded by Councilor Winchell

Ayes: 7

Nays: 0

**MOTION CARRIED**

The regular meeting is hereby adjourned at 8:12 p.m.

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Sandra LaPera, City Clerk



## ATTACHMENT A

“My name is Darleen Scholl, I have been a homeowner in the City of Oneida for 33 years and have been employed by the City of Oneida Water Department for 25 years. I am here to address the billing procedures. During my time here, water and sewer rates adopted for the new year have always been implemented for the March Bills (consumption period ranging from October through January or November through February). This would mean that the rates that were adopted for 2024 would be applied to the March 2024 Bills. Rates are based on the year we bill them and recognize the revenue, not when water is used.

Prorating based on dates is not accurate. Customers could be gone for the months of November and December, all their water could be used in the new year, but if the consumption is prorated by days, they would pay the lower rate on most of it. They could leave at the end of December, as many of our residents do, and their account is not read until February. They would be paying the higher 2024 rates for some of their usage even though it was all used in 2023. The only way to accurately bill based on when the water was used would be for all the meters to be read at the same time. It currently takes our meter reader 6 weeks to read all the accounts for a billing cycle. The only way to bill accurately based on usage dates would be to have an AMI type system where you could collect all the data in one day or go to all radio reads and change the billing cycle.

The city uses a modified accrual basis for accounting. This means that the revenue is recognized when it is billed, not when it is earned. That is why rates are effective based on the bill date not when people used the water. The city auditors are aware of our billing procedures and have found them to be acceptable.

I understand the council wants to give people a credit based on how many days they had water available during the billing period. I have some concerns regarding this.

How will we go about this next year? There is no way with our current meter reading system to read all the accounts in one day.

Prorating based on days is not accurate, there is no way to know when they actually used the water. How is this fair to the residents who leave the area after the Holidays? None of their water is used in the new year.

Why is this suddenly a problem now but never has been before?

We have had years where the water rates went down, and people paid the lower amounts for water and sewer used in the prior year.

The way we currently bill, all accounts pay for 12 months of water at the rate for the year. People generally use water the same way every year. The amount of water they use from October to December is going to be relatively consistent from year to year.

What about the cost involved in crediting all these accounts. The amount of time it will take to manually go in and prorate and adjust every account based on days in their individual billing cycle. This is going to

be a very time-consuming and costly process.

If the way we are billing customers is going to change, then a policy needs to be put in place stating how we are to do this.

What is the impact of this on water and sewer rates next year since our revenue for 2024 was based on March Bills using the 2024 rates.

How are we going to make up for this loss of income? Will water rates have to go up even more in 2025 to make up for this?

Finally, why are we even considering giving money back when we did not bill these accounts incorrectly. If changes are to be made, it should be going forward.

Thank you.”