

**MINUTES OF THE COMMON COUNCIL  
REGULAR MEETING  
APRIL 16, 2024**

A meeting of the Common Council of the City of Oneida, NY was held on the sixteenth day of April 2024 at 6:30 p.m. at the Kallet Civic Center, 159 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"/> _____
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Simchik	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

Supervisors

Matt Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mary Cavanagh	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 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

The Mayor offered a moment of silence for Onondaga Sheriff's Lieutenant Michael Hoosock and Syracuse Police Officer Michael Jensen who lost their lives in the line of duty on Sunday, April 14, 2024.

**PUBLIC HEARING:** Notice of Unsafe Building/Collapsed Structure-125 Oneida St.

**OPEN PUBLIC HEARING**  
**PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III, UNSAFE BUILDINGS**  
**125 ONEIDA STREET, ONEIDA NY**

**RESOLUTION 24-79**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**RESOLVED**, that the Public Hearing Pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings –125 Oneida St., Oneida NY be hereby opened at 6:32p.m.

Ayes: 7

Nays: 0

**MOTION CARRIED**

**APPEARANCES**

City Attorney Nadine Bell stated that before taking any comment from the property owner or his representative, she noted for the record that the notice was properly filed with the Madison County Clerk's office on March 25, 2024, and that notice to any interested parties as identified in a last owner search was properly provided. With that, she invited the property owner and his Counsel to approach, as well as the Fire Marshal, who had previously presented his report, which was a pre cursor to scheduling this Public Hearing. She advised that typically she would have the Fire Marshal review everything and give a summary of what the report has established and then give the property owner an opportunity to provide an explanation or response.

Fire Marshal, Brian Burkle reviewed his report, which is attached to these minutes, noted as **ATTACHMENT A**. Property owner Anthony Barnaba appeared with his Attorney, Michele Detraglia. Attorney Detraglia advised that they were in receipt of all the documents that the Fire Marshal had referred to and confirmed that there were efforts being made to address the cleanup. She advised that due to factors that were outside of their control, they were not in a position to say precisely, a timeline for the plan, and she requested an adjournment to allow them the opportunity to communicate with the Fire Marshal and address things in a timely manner. She suggested that they be allowed to adjourn this to the first meeting in June.

Attorney Bell stated that if the Council were to allow the property owner to continue to work out some issues, with her understanding being that the property owner was not challenging whether the demolition debris needs to be removed, it would be a question of timing. She suggested that the Public Hearing be left open, and if the Council is inclined to hold it open to the second meeting in May, which would be May 21, the property owner and his representative could provide a report on the status. The council could then require a plan of action based on the Fire Marshal's recommendation. City Attorney Bell asked if there was a proposal from the Fire Department regarding the time frame for the debris removal. Fire Chief Scott Jones advised that the immediate concern is the wall connecting to the building directly to the

East, where there are still 2 layers of bricks that are 3 stories high connecting to Mr. Myers building. He advised that his recommendation was to have a Demo permit pulled within 30 days and have a cleanup done within 90 days, which was prior to the property owner's request. With that recommendation, Attorney Bell provided the Council with options:

- Adjourn the Public Hearing until the second meeting in May, which would be May 21, 2024, and find out what the status and proposal is;
- Take under advisement what the Fire Marshal is proposing and wait until May 21 and adopt a resolution for demolition of the partial wall, as well as the 30-day period to pull the Demo permit and then within 90 days do the demolition;
- Wait until the next meeting to see what the property owner has to offer and then have the 30-day period from there and shorten the demolition time period.

Attorney Bell inquired about what a typical timeframe would be for the cleanup of debris, to which Fire Chief Jones advised that it depends on the contractor and the farther we get into summer, contractors will get tied up on other projects and that is why it is their recommendation that they get this taken care of as soon as possible to avoid dragging it out any longer than it needs to. Attorney Detraglia advised that the reason for asking for the Council's consideration with time is because of the insurance factor, which they have no control of.

Attorney Bell also shared that she did hear from one interested party from the last owner search that was performed, and she was advised that had no plans to show at the Public Hearing and they were aware that this was being handled by the property owner and his Counsel.

Councilor Laureti asked if there were any immediate safety concerns, to which Chief Jones stated that because of the pile of debris, there were always concerns. A contractor cannot gain access to selective demolition, along with the asbestos issue, which was briefly discussed as a concern. Councilor Simchik inquired as to how receptive the insurance company has been, to which Attorney Detraglia responded that she respectfully declined to answer that question due to pending litigation that included other aspects to the claim. She advised that the property owner was in constant communication with the Fire Marshal and not ignoring the issue.

There was discussion among Council pertaining to health concerns, including the assumed presence of asbestos and the timeline to remedy by correct professionals, which would take a longer time. Fire Marshal Burkle added that the adjoining property owner has already made it known that he wants to correct and fix his building as soon as possible, and the farther this gets pushed out will affect him as well.

Mayor Rossi reviewed the options, as well as the proposal from the property owner and his Counsel. Attorney Bell stated that this is a 2-step process from Chapter 34 of the City Code, whereby first the property is declared a public nuisance and then when that determination has been made, Council can impose whatever order affecting remedial measures. Attorney Detraglia advised that their goal is to get this taken care of and be able to have the advice of professionals, for the safe, economical removal of the debris pile in a way that is not financially irresponsible.

The council discussed this and agreed that a motion be made to keep the Public Hearing open until May 7, whereby the Council can then decide if action will be taken. Attorney Bell offered as a follow-up that the last item on the Agenda identified as number 11, would then be tabled and no action be taken on that agenda item.

**LEAVE PUBLIC HEARING OPEN**

**PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III, UNSAFE BUILDINGS**  
**125 ONEIDA STREET, ONEIDA NY**

**RESOLUTION 24-80**

Moved by Councilor Winchell  
Seconded by Councilor Hitchings

**RESOLVED**, that the Public Hearing Pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings –125 Oneida St., Oneida NY hereby be kept open until May 7, 2024.

Ayes: 7

Nays: 0

**MOTION CARRIED**

**OLD BUSINESS:** None

**REPORTS:** None

**APPROVAL OF MINUTES**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**RESOLVED**, that the minutes of the regular meeting of April 2, 2024, are hereby approved as presented.

Ayes: 7

Nays: 0

**MOTION CARRIED**

## **APPROVAL OF WARRANT**

Moved by Councilor Winchell  
Seconded by Councilor Simchik

**RESOLVED**, that Warrant No. 8, checks and ACH payments in the amount of \$595,388.35 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 24-81**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**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**

## **COMMUNITY GARDEN PLOTS-ESTABLISH APPLICATION PROCESS AND FEE**

### **RESOLUTION 24-82**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**WHEREAS**, in 2016, the Federal Emergency Management Agency (hereinafter "FEMA") completed its review of the New York State Division of Homeland Security and Emergency Services' submission of the Hazard Mitigation Grant Program (hereinafter "HMGP") sub-grant application from the City of Oneida and approved funding for the acquisition and demolition of 154 properties meeting HMGP eligibility criteria; **and**

**WHEREAS**, in accordance with such approval, the City of Oneida, upon acquisition, demolished and removed all of above ground structures, disposed of demolition debris, performed site restoration, and imposed deed restrictions requiring that the properties acquired be permanently converted to open space and unavailable for future development; and

**WHEREAS**, FEMA has approved the use of the parcels acquired through the HMGP for community garden plots; and

**WHEREAS**, to cover the administrative costs incurred for the community garden plot use, the City of Oneida Common Council does desire to impose an annual permit and fee, upon submission of a satisfactory application.

**NOW THEREFORE**, be it hereby

**RESOLVED**, that to facilitate the community garden use and ensure the use of such plots in a manner that is equitable, effective, and efficient, the City of Oneida Common Council does hereby establish an application process for an annual permit, which shall be subject to the payment of a fee to cover the administrative costs realized by the City; **it is further**

**RESOLVED**, that upon submission of an application for an annual permit, which shall be received and processed on a first-come first-served basis, the annual fee to be charged is hereby set at \$20.00 per each individual 4' X 8' plot utilized for the season.

Ayes: 7

Nays: 0

**MOTION CARRIED**

#### **BOARD APPOINTMENT-BOARD OF ASSESSMENT REVIEW**

##### **RESOLUTION 24-83**

Moved by Councilor Hitchings

Seconded by Councilor Winchell

**RESOLVED**, to appoint Mark Flynn, 341 Broad St., Oneida, NY to the Board of Assessment Review to fill the vacancy of the late Douglas Lippert. The term will expire on September 5, 2027.

Ayes: 7

Nays: 0

**MOTION CARRIED**

#### **BOARD REAPPOINTMENT-WATER BOARD**

##### **RESOLUTION 24-84**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**RESOLVED**, to approve the reappointment of Sandra Hicks, 238 Valenti Country Estates, Oneida, NY to the Water Board for a 5-year term.

Ayes: 7  
Nays: 0

**MOTION CARRIED**

**REVOKE COMMON COUNCIL'S DESIGNATION OF ROBERT BURNETT, DIRECTOR OF CODE ENFORCEMENT, AS ACTING CITY MANAGER AND DESIGNATE JOHN MONAGHAN, WATER SUPERINTENDENT, AS ACTING CITY MANAGER**

**RESOLUTION 24-85**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**RESOLVED**, the Oneida City Common Council does hereby revoke its designation on April 2, 2024, of the Director of Code Enforcement, Robert Burnett, as Acting City Manager, effective immediately; **be it further**

**RESOLVED**, that the Common Council does further, in accordance with Section 12.3 of the City Charter, designate Water Superintendent, John Monaghan, to the position of Acting City Manager, effective immediately.

Ayes: 6  
Nays: 1 (Simchik)

**MOTION CARRIED**

DISCUSSION: Mayor Rossi thanked Mr. Burnett for taking this role on for two weeks, advising that he knew it wasn't easy for him.

**BUDGET TRANSFERS/AMENDMENTS**

**RESOLUTION 24-86**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

		<u>To</u>	<u>From</u>
<b>2024 Budget Adjustments</b>			

\$	3,285.71	001.5110.0403.0000 DPW Contracts	001.0001.0912.0000 General Fund Balance
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*To allocate funds for emergency repair to DPW garage roof. A 10% portion blew off in windstorm*

Ayes: 7

Nays: 0

**MOTION CARRIED**

**GRANT APPLICATION-PARKS & RECREATION**

**RESOLUTION 24-87**

Moved by Councilor Hitchings

Seconded by Councilor Pagano

**RESOLVED**, to approve for the Director of Parks and Recreation to submit a grant application through Madison County Youth Bureau, Youth Sports, and Education Opportunity Funding for the purchase of equipment for the baseball and softball fields, bases, and infield drag.

Ayes: 7

Nays: 0

**MOTION CARRIED**

**TO APPLY FOR FUNDING UNDER ROUND 8 OF THE RESTORE NY COMMUNITIES' INITIATIVE  
MUNICIPAL GRANT PROGRAM FOR THE REHABILITATION OF MADISON STREET**

**RESOLUTION 24-88**

Moved by Councilor Hitchings

Seconded by Councilor Winchell

**WHEREAS**, the City of Oneida is eligible for grant funding under Round 8 of the Restore NY Communities Initiative Municipal Grant Program, and

**WHEREAS**, the City Council has considered proposals that qualify for funding under the program and selected one project to be included in an application that will be submitted to Empire State Development Corporation (ESDC) as follows: The rehabilitation of the following properties on Madison Street: 126 Madison Street parcel id number 30.72-1-63; 136 Madison Street parcel id number 30.72-1-64; 138 Madison Street parcel id number 30.72-1-65; 140 Madison Street parcel



id number 30.72-1-66 (Madison Street Revitalization Project). The project will rehabilitate the 30,468 sq.ft. structure into mixed-use buildings containing commercial uses on the first floor, and 28 live work units.

**WHEREAS**, this project is consistent with all existing local plans, the proposed financing is appropriate for the project, the project will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities in City of Oneida.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that the Common Council hereby supports and will sponsor an application for Restore NY funding for the Rehabilitation of the following properties on Madison Street: 126 Madison Street parcel id number 30.72-1-63; 136 Madison Street parcel id number 30.72-1-64; 138 Madison Street parcel id number 30.72-1-65; 140 Madison Street parcel id number 30.72-1-66 in Oneida, NY 13421 and will administer the grant in accordance with all applicable rules and regulations established by ESDC, and

**RESOLVED AND DETERMINED**, that the City Manager or Acting City Manager of the City of Oneida is hereby authorized to submit applications, expend funds including application fees, and sign any agreements required by ESDC for grant funding that results from the application.

**RESOLVED AND DETERMINED**, that the Common Council shall conduct a public hearing as to the enactment of the proposed application at the Oneida City Hall located at 109 North Main Street, Oneida, New York on May 7, 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**, 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: 7

Nays: 0

**MOTION CARRIED**

### **MEDICARE PART B REIMBURSEMENT**

#### **RESOLUTION 24-89**

Moved by Councilor Hitchings

Seconded by Councilor-None

**RESOLVED**, to reimburse John R. Deschamps \$6,076.80 for the increase in his Medicare Part B premium reimbursements for the period of 2018-2023.

Ayes:  
Nays:  
MOTION FAILED

APPOINT SPECIAL COMMITTEE-CITY MANAGER SEARCH COMMITTEE

**RESOLUTION 24-90**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**WHEREAS**, having been vacated by the resignation of the Interim City Manager, the City of Oneida is commencing the process of searching for a qualified City Manager to fill such position; and

**WHEREAS**, the Oneida Common Council deems it desirable to provide some assurance to City residents that the search for a City Manager will be conducted in an open and competent manner.

**NOW, THEREFORE, it is**

**RESOLVED AND DETERMINED**, that to facilitate the effective and efficient search for a qualified City Manager, the following procedure shall be implemented:

1. The Mayor, pursuant to Section 3.11(B) of the Oneida City Charter, shall appoint a special committee to conduct the search for a City Manager, the "City Manager Search Committee" (the "Committee"), subject to the approval of the Common Council, consisting of the following individuals:
  - a. ~~two senior members of the Common Council;~~ The Mayor and Deputy Mayor
  - b. ~~the Oneida Chief of Police and City Engineer;~~
  - c. ~~one officer, who shall be selected from of one of the unions with which the City has collective bargaining units; and~~
  - d. ~~and two residents of the City of Oneida.~~ Five (5) residents from each of the wards other than that served by the Deputy Mayor to be appointed by the Council as a Special Committee

The members of the Committee shall select a Chairperson and Vice-Chairperson by majority vote.

2. The City shall advertise and solicit applications from persons interested in being considered for the position of the City Manager of the City of Oneida, consistent with the PURPOSE, as set forth in Local Law No. 6 of 2023, that "[a] full time city manager has the education and experience to administer the City of Oneida's operations 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," and who meet the qualifications as set forth in the Oneida City Charter Section 12.1, which provides that "[t]he 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 or a substantially similar field. The City Manager need not be a resident of the City, but it is preferred."

3. Recognizing the possibility that no candidate for the position of City Manager may have experience in all of the following, experience in the following is desirable:
  - a. Five years of employment experience in a municipality located in New York State with progressive increases in level of responsibility for personnel and budgets;
  - b. Possession of a Master of Public Administration or Master of Business Management from an accredited institution of higher learning; and
  - c. Experience in managing municipal employees subject to New York State Civil Service Law and public employee collective bargaining, including, but not limited to, negotiating, and implementing contracts with public employee unions, public employee discipline, hiring in compliance with Civil Service requirements and decisions rendered by the Public Employment Relations Board.
4. Applications for the position of City Manager shall be due on or before May 31, 2024. The Committee shall review all applications and supporting documents, and shall invite all applicants who satisfy the Bachelor's degree and five years of management experience to be interviewed, either in person or virtually, at his or her expense, by the Committee.
5. The Committee shall select those applicants that the Committee by majority vote desires to interview in person.
6. Those candidates selected for in person interviews shall be interviewed as follows (not necessarily in the following order):
  - a. Candidates shall be interviewed, for at least one hour, by all Department heads who chose to participate, chaired by the Committee Chairperson;
  - b. Candidates shall be interviewed by the Committee in a meeting scheduled for one hour; and
  - c. Candidates shall make a 10–15-minute presentation to members of the public regarding his/her qualifications, experience, why he/she wants to be City Manager of Oneida, and goals for his/her first six months as City Manager if appointed, and answer question and engage in dialogue with such members of the public for at least 45 minutes. This opportunity for members of the public shall be publicized with at least 10 days' notice, shall be conducted in the City Council Chamber in City Hall, and chaired by the Committee chair or, if the Committee Chair is unavailable, the Mayor. Councilors and members of the Committee may participate.
  - d. Candidates shall be interviewed, presided over by the Mayor, by Councilors who wish to participate, for up to one hour, subject to mutual agreement to extend the length of this interview, with each candidate making a 10-15 minute presentation to the Councilors regarding their qualifications, experience, why they want to be City Manager of Oneida, his/her understanding of the role of City Manager, and goals for their first six months as City Manager if appointed, contract terms, and answer question and engage in dialogue with Councilors for up to 45 minutes. Such interview with the Councilors shall be in an executive session duly entered into from a regular or special meeting conducted in accordance with the City Charter and the Open Meetings Law. Members of the Committee shall be invited to attend as observers.

7. After the interview process has been completed, the Committee shall solicit and receive comments from the Department heads, the Councilors, and the public.
8. The Committee shall review all documents, comments, and input received, and recommend in writing three candidates to the Common Council, ranked first, second and third with a summary of each of the three candidates and the reasons why the Committee ranked them in the recommended order.
9. The Common Council in executive session shall reject recommended candidates or independently rank the remaining recommended candidates in preferred order and authorize the Mayor to offer the position of Oneida City Manager first to the Council's first preferred candidate, consistent with the approved budget for such position in the 2024 City of Oneida budget and to negotiate terms of a contract. If the Council's first ranked candidate declines the offer, then the Mayor is hereby authorized to make the offer to and negotiate with the Council's second preferred candidate, and so on with the third Council ranked candidate. The contract of employment with the City Manager is subject to approval by the Common Council.

DISCUSSION: Councilor Hitchings expressed support for the idea of a committee to ensure alignment and impartiality but raised questions about the rationale behind certain appointments. Specifically, she asked why the Chief of Police, and the City Engineer were chosen for the Committee, to which Mayor Rossi confirmed that it was because they oversee the largest departments in the City.

She proposed changes to the composition of the Committee, suggesting that the two senior members of the Common Council be replaced by the Mayor and Deputy City Mayor. Additionally, instead of two residents from the City of Oneida, she recommended that each Council member from the other 5 wards not represented (Wards 1, 3, 4, 5, 6) appoint someone from their ward with leadership and professional experience.

Councilor Laureti shared research he had conducted on how other municipalities structure committees for similar positions, emphasizing the importance of including more residents. Councilor Hitchings also suggested setting a deadline, such as May 1, for accepting applications, as well as establishing a timeline for the search and interviews. She proposed that to maintain fairness, the Mayor and Deputy Mayor could collaborate with the Council members on the selection of residents from their wards.

Councilor Laureti asked about the order in which the interviewing process would take place. Mayor Rossi advised that there was no specific order and that some things, such as interviews by the Committee and by Department Heads could happen on the same day. Councilor Laureti sought confirmation regarding the multiple people involved in the interview process. Mayor Rossi explained that there would be interviews with the Committee members and interviews with the Department Heads. The Committee would then come together and present the top 3 candidates to the Council. Councilor Laureti suggested this be changed to the top 5 candidates, to which Mayor Rossi agreed and expressed the hope of attracting as many candidates as possible to ensure the selection of the best candidate to move forward.

Attorney Bell confirmed that the changes would be made as follows:

1. From Item No. 1-Subsection A shall read Mayor and Deputy Mayor, and Subsection B and C shall be stricken; Subsection D shall refer to 5 residents from each of the wards other than that served by the Deputy Mayor to be appointed by the Council as a Special Committee.

2. Regarding the deadlines, Item No. 4 would be revised to reflect applications for the position of City Manager shall be due on or before May 31, 2024.

The council agreed that they will later decide on a deadline for the interview process, and this will be left open for now.

Councilor Hitchings recommended that any interested resident reach out to their ward representative via email with their credentials and reason as to why they would like to be on the committee.

Councilor Hitchings also inquired about the process after the committee members have been selected by the councilors. Attorney Bell advised that according to the City Charter (Section 3.11 A and B of Article III), the Committee in accordance with this resolution outlining the procedure, along with the names of the appointees, would then have to be approved by the Council.

Councilor Hitchings clarified that the selection of the resident from each ward would be done by the individual councilors in collaboration with the Mayor and Deputy Mayor and input from the Council as a whole. This clarification was in response to a question asked by a member of the audience asking if the residents would be selected by the Council, subject to the Open Meetings Law. Attorney Bell stated that under the terms of the Charter, Special Committee appointments would be subject to the vote by Council and yes, would be subject to the Open Meetings Law. She assumed that at the next meeting (May 7), if the Council has their choices made, there would be a resolution for the establishment of the committee and the designation of the members of that committee.

Motion to amend the above resolution to reflect changes as described above made by Councilor Hitchings and Seconded by Councilor Szczerba.

Mayor Rossi	YES
Councilor Szczerba	YES
Councilor Laureti	YES
Councilor Hitchings	YES
Councilor Winchell	YES
Councilor Pagano	YES
Councilor Simchik	YES

**MOTION CARRIED**

**DECLARE THE PROPERTY AT 125 ONEIDA STREET/ FKA 122 VANDERBILT AVENUE AS A PUBLIC NUISANCE  
AND ORDER CORRECTIVE ACTION TO BE TAKEN IN ACCORDANCE WITH ARTICLE III  
OF CHAPTER 34 OF THE ONEIDA CITY CODE**

**RESOLUTION 24  
24-91  
TABLED**

Motion to table by Councilor Hitchings  
Seconded by Councilor Winchell

**WHEREAS**, in accordance with Article III of Chapter 34 of the Oneida City Code, as amended, a public hearing was conducted on April 16, 2024, for purposes of receiving and considering evidence presented by the City of Oneida Fire Chief to determine whether real property located at 125 Oneida Street, fka 122 Vanderbilt Avenue, Tax Map No. 30.71-2-45, in the City of Oneida ("Property") is a public nuisance; **and**

**WHEREAS**, the City Attorney confirmed issuance of the Notice of Unsafe Building/Collapsed Structure, dated March 14, 2024, such Notice having been duly filed in accordance with Section 34-11 of the Oneida City Code with the Madison County Clerk's Office on March 25, 2024, Index No. EF2024-1268; **and**

**WHEREAS**, in addition, notice of the due process hearing was properly served upon all interested persons, posted on the Property, and published in the official newspaper and on the City of Oneida website; **and**

**WHEREAS**, the Fire Marshal presented his report, dated February 28, 2024, documenting the unsafe condition of the Property and informed the Common Council of the efforts made by the City to obtain voluntary compliance; **and**

**WHEREAS**, the Fire Marshal having inspected the Property and observed extensive damage to the attached-row structure situated upon the Property concluded that the building is in an unsafe condition and is an imminent danger to the life, health, safety and general welfare of the public citing the structure's partial or complete collapse, the deteriorated condition of the remaining structural members of the building which are deemed not capable of supporting the imposed dead and live loads, the existence of exterior walls containing holes, breaks, and loose or rotting materials, allowing for further deterioration, and the condition of the roof which is neither sound nor tight and containing defects; **and**

**WHEREAS**, in his report, the Fire Marshal determined that the condition of the Property violated Chapter 34 of the Oneida City Code, Sections 108.1.1 and 109.1 of the 2020 NYS Fire Code, and Sections 107.1, 107.1.1, 302.1, 302.3, 304.1, 304.1.1, 304.4, 304.6, 304.7, 304.11, and 308.1 of the 2020 NYS Property Maintenance Code; **and**

**WHEREAS**, the Fire Marshal opined that the Property, in its current condition, presents a danger to the health, safety and welfare of the public; **and**

**WHEREAS**, the Fire Marshal concluded his presentation, recommending that an order be issued requiring the structure be either repaired or removed, including the removal of any demolition debris; **and**

**WHEREAS**, the property owner appeared at the public hearing with his legal counsel and \_\_\_\_\_; **and**

**WHEREAS**, the Common Council closed the public hearing on April 16, 2024; **and**

**WHEREAS**, because it is the desire of the Common Council to undertake any and all measures permitted in the Oneida City Code and City of Oneida Charter necessary to protect the public's

health, safety and welfare, the Common Council determined that the exigent circumstances caused by the condition of the structure and the imminent danger posed to the health, safety and welfare of the public necessitated the waiver of its standard procedure and render a decision and order on the information received.

**NOW THEREFORE, BE IT**

**RESOLVED** that the Common Council, having duly considered the documentary evidence, as well as the oral testimony presented by the Fire Chief, hereby declares the property located at 125 Oneida Street, fka 122 Vanderbilt Avenue, Tax Map No. 30.71-2-45, in the City of Oneida, to be unsafe and a public nuisance; **be it further**

**RESOLVED**, that the Common Council, having duly declared the Property to be a public nuisance, hereby orders the owner or persons with an interest in such Property to undertake the following corrective action in accordance with the recommendations of the Fire Marshal:

- \_\_\_\_\_; **be it further**

**RESOLVED**, that in the event corrective action does not occur within the time provided, the Common Council hereby authorizes the Fire Marshal and the City Engineer to undertake any and all such measures as are necessary to effectuate the remedial action recommended by the Fire Marshal, and shall assess the cost of same against the Property; **be it further**

**RESOLVED**, that the cost of such remedial action, if undertaken by the City, shall thereupon become a lien against the Property and shall be collectible in the same manner as taxes levied thereon; **be it further**

**RESOLVED**, that notice of the Common Council's declaration and order shall either be served personally or by certified mail, to the last known address as shown by the records of the City Assessor's office.

Ayes: 7

Nays: 0

**MOTION TABLED**

**NEW BUSINESS:** None

**PUBLIC COMMENT**

ROBERT BRITTON-ONEIDA

Mr. Britton stated that at the last meeting there was a City Manager that was forced out of town for no reason, stating that he ran Las Vegas, a multi-billion-dollar City, yet he wasn't qualified to run the City of

Oneida. He then stated that Ms. Wells was Acting City Manager, and they didn't like that either, stating that she knows all the Department Heads, she knows her budget, and knows the City Budget, yet she is not qualified either, because of checks and balances.

Mr. Britton further commented that every now and then, the issue pertaining to the former City Chamberlain keeps getting brought up. As she passed away before being convicted, according to New York State, she is innocent. He advised that there is no reason to keep bringing this issue up and dragging the family through the mud. He advised the Council that this happened, it is in the past and we need to move forward. Councilor Szczerba commented that we were still \$300,000 short, and we still owe the money.

Mr. Britton also advised that it was brought to his attention that comments were made that Chief Lowell was not a leader, and he was present to state that Chief Lowell is a leader. He stated that those men and women put their uniforms on every day and fight for this City every day, putting their lives on the line for this City every day, and we should back them and not "kick them under the bus."

#### BRIAN BORTREE-ONEIDA

Brian Bortree asked if the Council could respond to his questions. Attorney Bell advised that it is subject to the discretion of the Council, and there was no legal obligation to do so.

Mr. Bortree's first question was directed at the Mayor, asking if he had considered convening the Ethics Committee considering the way council members had been acting. Mayor Rossi responded that he had not considered this, to which Mr. Bortree suggested that it be done.

His second question was to the Council, asking if when Mr. Burnett comes back from vacation, would they be replacing Mr. Monaghan and putting Mr. Burnett back in the position.

Mr. Bortree addressed Councilor Szczerba from Ward 1 stating that his actions at the last meeting were "ridiculous" and that he owed the Mayor, Mr. Hedglon and the public an apology for the way he acted, stating that he was way out of line.

He then addressed Councilor Laureti about a comment made at the last meeting pertaining to him being too busy to do this job and suggested that if he is too busy to handle this job, then he should leave. Councilor Laureti responded that he said that he was too busy to have Special Meetings in between meetings.

Mr. Bortree stated that he had asked Councilor Hitchings if she would be willing to meet with people from Ward 3 but did not receive a response. He inquired if she had missed his message, which was sent the day after the last Council meeting. Councilor Hitchings responded that she no longer has instant messages and did not receive the message.

Mr. Bortree expressed disappointment that the Councilors, who were elected on promises of transparency, have not upheld that commitment. He referred to a comment made by Councilor Laureti regarding a letter that was passed around for signatures, suggesting that this process lacked transparency. He questioned why the letter was not given to Councilor Simchik to sign and why the Mayor was not informed about it.

Councilor Szczerba interjected, stating that the Mayor was fully aware of the letter and its contents. Mayor



Rossi confirmed that he was made aware that the letter happened, while Councilor Simchik stated that he was not aware of it. Councilor Hitchings explained that the letter originated from discussions during an Executive Session and that everyone was aware of the plan, to which Mr. Bortree responded that everyone was aware but the public. Mr. Bortree concluded by stating that the Council has lost the confidence of the City and that he believes all should resign.

ABBEY WOODCOCK-134 MAIN ST.

Abbey Woodcock read from a prepared statement which is attached to these minutes under **ATTACHMENT B.**

PETER HEDGLON-449 BROAD ST.

Attorney Peter Hedglon addressed the Council to discuss his concern over the buildings in the City that are public safety hazards that have lingered for a long time. He stated that it saddened him to see the former "Gussies" on Madison St. go down. He advised that the City has a responsibility to deal with dangerous buildings, and the failure to deal with them can lead to a significant liability for the City. He stated that when he was Mayor, the former High School building on Elizabeth St. that was deteriorating was taken down, as well as the remains of the Casket Factory on Warner and West Elm Streets. As there were people going into those buildings, and they were deemed unsafe, had someone been hurt in those buildings, the City probably would have been liable for a lot of money.

Similarly, he stated, as Mr. Myers' building is further damaged because of what would appear to be "inactivity" by the City to be aggressive in dealing with the Vanderbilt property, the City probably could be liable for that as well. Mr. Hedglon feels that the time has come for the City to "get their ducks in a row" and question the owner and owners of these buildings as to why they haven't been dealt with and any insurance issues there might be.

RANDY JONES-521 W. ELM ST.

Mr. Jones expressed that while the Council might feel like they are being attacked, he believes they have brought some of this scrutiny upon themselves. He mentioned that while he has friends and acquaintances on the Council, he wanted to make it clear that his comments were directed at them as a Council and not as a friend or acquaintance.

Mr. Jones pointed out the fact that meetings have been held at the High School and now the Kallet makes him believe that perhaps the Council has fallen off track. Mr. Jones highlighted that this Council has experienced more controversy in four months than he has seen in the past 40 years.

He reminded Council that they are the face of Oneida, whose job is to invoke the will of their supporters and their citizens, which is he stated is "our will, through you." He asked Council to remember the number of 63%, which he would later address. In his conversations with this Council over time, 4 goals came up, with only one being achieved:

- Trust
- Genuine
- Respect
- Transparency

He shared a story involving trust with a young boy in a small group of snowmobilers that he knows very well and his overprotective father, whereby "Coach Jones" and his father trusted him to experiment, to step outside the box, but not outside of himself, advising that it is ok to be true to yourself and those who

trust you, but don't abuse it or give up that trust.

He shared another story emphasizing how important it is to remain genuine. Regarding respect, he noted that a Council member falsely accused a mayoral candidate of wanting to make Oneida a Sanctuary City in a public meeting, which "was a complete lie and complete nonsense." He advised that the same person also stated that this candidate was on Council to raise taxes. What that person did not mention is that that person (the mayoral candidate) voted no. Recently in public, the same person insulted a former Mayor of this City referring to his age by stating "well that's good you still have your memory." Mr. Jones advised that he is 65 years old, and he still has his memory.

Finally, transparency, this is the only area where Council, in his opinion, has succeeded. He stated that candidates for the City Council pushed for the City Manager with, he believes, outside influence, but prior to voting, answers to their questions regarding residency, salary, qualifications, and term limits went unanswered, were vague, and inconsistent at best. Mr. Jones concluded by stating that the Council has met their transparency goal, as 37% of the residents could see what was going to happen when this started, and 63% know when it comes to the City Manager.

#### DEE SCHAEFER-240 ALLEN PARK PLACE

Dee Schafer stated that she lives in Ward 1 and has never been political; however, what has been going on in City government over the last month or so is forcing her out of her comfort zone. After the last Council meeting, she stated that she feels the need to say something to Council: "You are the elected officials. You all promised before you got elected that you were going to listen to us-your constituents." She advised that only one ward member did, and the other 5 showed an unbelievable lack of respect for those they represent. She quoted a statement made by Ward 1 Councilman, Jim Szczerba, to News Channel 9, in part, "there was more decorum when Jesus was brought before Pontius Pilot than there was at that meeting last night."

Ms. Schaefer stated that this comment was completely out of line. She stated that she is a Christian and is not afraid to say it, and that statement was reprehensible. She asked Councilor Szczerba how he dared place himself on that level. She further stated that he disrespected the Mayor and disrespected his constituents. She also warned that if Wards 2 and 4 continue to support him as their spokesperson, their positions might be in jeopardy come the next election.

Ms. Schaefer further commented that she expects more from our elected officials and expects them to listen to their constituents, noting that it was obvious from their demeanors after the last meeting that they don't care what the people say-adding that some were even scrolling on their phones. She concluded by saying if they (Council) want to select who is going to represent their wards when the next City Manager is hired, they are just going to "get a mouthpiece," which is what they want. Her final comment was that she does not like politics, but at this point, she plans on being at each Council meeting she is able to attend, because from now on she wants her voice heard in the City of Oneida.

#### FRED MEYERS-209 COTTAGE PLACE

Mr. Meyers provided a written letter with his comments and resignation, which is attached to these minutes under **ATTACHMENT C**.

#### DAVID SCHOLL-230 COTTAGE PLACE

Mr. Scholl advised that he was once again present to speak about the proposed changes to the City Manager and the Acting City Manager positions. In his opinion, the fact that Agenda Item No. 5 was added to the meeting shows the citizens of Oneida that the Common Council acted hastily in their decision to

appoint an Acting City Manager or, if there was another reason for the change. Councilor Szczerba advised that Mr. Burnett resigned, because he did not want to put up with what is going on.

Mr. Scholl asked Council if they were going to provide an honest answer going forward, stating that there also need to be job qualifications, time limits, and requirements added to the Acting City Manager position. He advised that this is for the betterment of the City to eliminate future problems that we have had in the recent past. Mr. Scholl stated that while most of the Common Council members have had their own agenda, he was happy that Mayor Rossi added Item No. 10 to the agenda. While changes were made, he feels the resolution was very well written and thorough, adding that this should, to the City's benefit, solicit very solid candidates for the position of City Manager, and feels he also believes that Abbey (Woodcock) should be interviewed for the position as well.

In conclusion, Mr. Scholl stated that this hopefully is a small but positive outcome and move forward from the past 2 negative meetings of the Common Council. He thanked Mayor Rossi and Councilman Simchik for their steadfast support. He stated that it is his belief that when the hiring process is held, all Civil Service laws will be followed and, in the future, he strongly urged and requested that the members of the Common Council act professionally in meetings and in the public while discussing and acting on behalf of the City of Oneida, as they represent the citizens of Oneida and are the face of the public. He added that he was embarrassed recently while at work when co-workers asked what was going on in Oneida and that it was a joke.

He also asked that the Council seek the advice and opinions from the Mayor, Department Heads, and key City employees, as they are in these positions for a reason, and they have experience and the trust of the citizens of Oneida, he believes, to be in these positions. He thinks that the Council should ask them their opinions, as the City has excellent Department Heads, and they should treat them as such.

#### RALPH KOHLER-ONEIDA

Mr. Kohler advised that he is a resident of Ward 1, and like most people present, he has been disappointed with the Council, mainly for their lack of transparency. This is not just for the position of City Manager, but also for an earlier resolution to put a charge on a City garden plot. He noted that they had a chance to explain this but chose not to. He stated that although this is a small thing, he does a lot with the City gardens, and he would like to know why, especially after having sent a note expressing concerns about this.

Mr. Kohler questioned the Council's failure to mention Mr. Burnett's resignation when the resolution was brought up, indicating a lack of transparency in the process. He expressed doubt about the effectiveness of the City Manager Search Committee, given the Council's recent actions, suggesting that the current environment may deter qualified candidates from applying. Mr. Kohler pointed out a key problem with the City Manager position, noting that the candidate would essentially be an at-will employee, as the contract would be negotiated after selection. He compared this hiring process unfavorably to that of a superintendent of schools, where the contract is typically established before the candidate is selected, providing more security and stability. He advised that a contract is typically given using a professionally run search committee. Mr. Kohler expressed concern that the current hiring process may discourage potential candidates from applying, as they would be taking on a position with uncertain job security.

Another problem he has is with the Search Committee is the fact that Council members are on it. He stated that it is not the Council's job to hire and fire people on a day-to-day basis, reminding Councilor Laureti that he stated that he does not have time and can only meet twice a month. Mr. Kohler stated

that the Council's job is legislating and not hiring and firing. He advised that applicants need to be told before they interview what the terms of the contract are, and the Committee should report to the Common Council on their progress and make recommendations to be voted on. Also, Mr. Kohler suggested the use of an outside headhunter to help the citizens of the committee make these decisions. A resolution Mr. Kohler would like to see is one that says the acting City Manager should have the same pre-qualifications as the City Manager. When appointing Bob Burnett at the last meeting, the law that was passed was unclear, as you cannot have an Acting City Manager who is unqualified any more than a City Manager that is unqualified according to the legislation that most of the people present approved four months ago.

Councilor Szczerba stated it would need to be a Charter change, to which Mr. Kohler agreed that was an excellent idea and suggested it be done at the next election. In conclusion, Mr. Kohler stated that he has a long list of questions about the improper actions of the Council in the past but would like one addressed. A couple of months ago, the Common Council signed a letter without proper authority, as it was done in the absence of a public meeting. At the recent Council meeting, the letter was rescinded without any explanation or acknowledgment of its legality. He stated it was clear to him that they acted improperly, and he believed it was clear to them as well. Mr. Kohler stated that at the last meeting, Mr. Hedglon suggested that the Council's actions were either due to arrogance or ignorance. He stated that if it was ignorance, they should apologize in the spirit of transparency, but instead, they doubled down on their actions.

In response to an email sent to him by Mr. Kohler, Councilor Szczerba stated that he responded by offering to talk to him about any questions he has, stating that he has nothing to hide, has no hidden agenda, and has no personality conflicts. He continued by saying that he gets paid \$5,000 for doing this and is not doing it for the money, stating that if someone else wants it, they are welcome to run against him. Mr. Kohler again stated that if Council thinks they acted improperly, they should apologize, and if they think they acted properly they should be judged on that basis.

Mayor Rossi added that the Council did put a resolution on the agenda to find a headhunter, but with his resolution coming in, they rescinded that (previous Agenda Item No. 10).

**Clerk's Note:** The original resolution submitted for the agenda by Council read:

**COMMENCE PROCESS TO FILL POSITION OF CITY MANAGER-SOLICIT PROPOSALS FOR SERVICES OF A CONSULTANT CAPABLE OF OFFERING SUCH RECRUITMENT AND SELECTION SERVICES**

**WHEREAS**, as set forth in Section 2 of Local Law No. 6 of 2023, the City of Oneida Common Council has determined that the City Manager position requires an individual with the expertise to administer the City of Oneida's operations, manage departments, and prepare budgets, and have the management skills necessary to motivate and evaluate staff to make the City of Oneida more responsive to its citizens and better enable the City to hire and maintain qualified individuals; and

**WHEREAS**, to locate an individual with such qualifications and experience, the Oneida Common Council does desire to retain the services of a consultant who can assist the Council in the recruitment and selection process, which services may include, but may not be limited to, assistance with the process of advertising, sourcing, interviewing, screening, selection, and hiring; now therefore be it

**RESOLVED**, to commence the process to fill the position of City Manager with a qualified candidate, the City of Oneida Common Council does hereby authorize the Acting City Manager to solicit proposals for the services of a consultant capable of offering such recruitment and selection services.

JIM COULTHART-544 BROADWAY

Mr. Coulthart stated that he felt it fair to say at this point, that there is a “huge cry” for citizen oversight of things. He advised that he would be happy to serve on the Search Committee and will be providing his resume to the Council and Mayor. Mr. Coulthart said that he has over 40 years of business experience, including for profit and not-for-profit, and he is currently teaching a business class at a local college. Reflecting on his two terms on the Council, Mr. Coulthart assumed this issue had been resolved. He is keen to understand why it persists and is open to receiving clarification from relevant authorities, whether it be the Director of Parks and Recreation, the Comptroller’s Office, or the Mayor’s office.

Motion to adjourn by Councilor Hitchings  
Seconded by Councilor Simchik

Ayes: 7

Nays: 0

**MOTION CARRIED**

The regular meeting is hereby adjourned at 7:59 p.m.

**CITY OF ONEIDA**

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Sandy LaPera, City Clerk

## CITY OF ONEIDA FIRE DEPARTMENT

DEPARTMENT OF PUBLIC SAFETY  
BUREAU OF FIRE

Fire Marshal's Office  
Brian B. Burkle Jr., Fire Marshal  
Andrew P. Bennett, Assistant Fire Marshal



109 North Main Street  
Oneida, New York 13421  
TEL: 315-363-1910  
FAX: 315-363-3437  
bburkle@oneidacity.com  
abennett@oneidacity.com

To: City of Oneida Common Council

From: Fire Marshal Brian B. Burkle Jr.

Date: February 28, 2024

Re: Unsafe Buildings

**Please take notice** that the building situated upon the real property located at 125 Oneida Street in the City of Oneida, Tax Map No. 30.71-2-45 (the "Property") must be repaired or removed.

On September 16, 2023, an Order to Remedy notice was issued and sent via U.S. Certified Mail service, notifying Anthony Barnaba, the property's owner, that the building was in violation of the Code of the City of Oneida, Section 73-7, titled "Growth and maintenance restrictions". The building was also in violation of the 2020 Fire Code of New York State, Section 304.2, titled "Protective treatment" and Section 304.13, titled "Window, skylight and door frames".

On September 28, 2023, the Fire Marshal's Office received an email from Deputy Chief Cowles who advised he received a notification from a citizen about concerns of the building next door to the Owls Club. DC Cowles investigated and made recommendations to the building owner prior to taking any further action.

On October 3, 2023, an Unsafe Structure notice was issued, notifying Anthony Barnaba, the property's owner, that the building was in violation of the 2020 Fire Code of New York State, Section 108.1.1, titled "Unsafe structures and equipment".

On October 4, 2023, the Fire Marshal's Office received an email from Code Enforcement Officer Jay Ackerman who advised he was investigating a verbal complaint about a pile of bricks between Auto Finishers and the Owls Nest. CEO Ackerman advised a portion of the wall had collapsed and that in his opinion, this building is an unsafe structure.

On October 5, 2023, Assistant Fire Marshal Andrew Bennett responded to CEO Ackerman's email advising him that the property's owner was issued an unsafe structure notice on October 3, 2023. At this time, the property's owner was advised to contact the Codes Department for any permitting.

On October 13, 2023, an Order to Remedy notice was re-issued and sent via U.S. Certified Mail service, notifying Anthony Barnaba, the property's owner, that the building was still in violation of the 2020 Fire Code of New York State, Section 304.2, titled "Protective treatment" and Section 304.13, titled "Window, skylight and door frames".

On November 2, 2023, the Fire Marshal's Office received an email containing a copy of the "West wall brick replacement plan" prepared by Zangrilli Engineering on October 31, 2023.

On November 6, 2023, the Fire Marshal's Office forwarded the "West wall brick replacement plan" prepared by Zangrilli Engineering to the Department of Code Enforcement.

On November 7, 2023, the Department of Code Enforcement received a building permit application from Anthony Barnaba.

On November 29, 2023, the Fire Marshal's Office received an email from the Director of Code Enforcement Bob Burnett expressing concerns for 122 Vanderbilt and advised he does not have a completed building permit.

On December 1, 2023, the Oneida Fire Department responded to a building collapse at 125 Oneida Street. An Order to Vacate notice was issued notifying Anthony Barnaba, the property's owner, that the building was in violation of the 2020 Fire Code of New York State, Section 108, titled "Unsafe structures and equipment" and Section 109.1, titled "Imminent danger". At 1000 hours, the building was condemned by Fire Marshal Brian Burkle. A structural engineer was contacted by Anthony Barnaba, the property's owner. Zangrilli Engineering responded and a report was generated evaluating the collapsed wall and surrounding portions of the building. Mr. Zangrilli recommended that the southern portion of the building be razed as soon as possible. The building was ordered to be demolished by FM Burkle.

On December 2, 2023, an updated Unsafe Structure notice was issued, notifying Anthony Barnaba, the property's owner, that the building was in violation of the 2020 Fire Code of New York State, Section 108.1.1, titled "Unsafe structures and equipment". This notice explained the following additional requirements. "A structural engineering report shall be completed for the remaining 3 story tower as well as the west and south walls of the remaining structure. The southeast corner of the roof shall be secured to prevent further deterioration and to protect the building from the elements. The roof shall also be shored to prevent further collapse."

On December 5, 2023, Zangrilli Engineering provided a report on the roof damage from an inspection on December 4, 2023. This report also included the recommendation of removing the "tower" portion of the building. Fire Marshal Burkle also met with the property's owner and the insurance adjuster.

On January 5, 2024, an Emergency Demo letter was drafted and provided to the property's owner.

On February 10, 2024, the Fire Marshal's Office provided an update to the property's owner requesting a notice of intentions to repair and remove the building with an estimate timeline for completion.

Since the building collapse on December 1, 2023, the property's owner has provided several communications updating the Fire Marshal's Office on the status of his building. However, actions have not been taken at this time to repair or remove the building.

Based upon my inspection of the property and my knowledge of the Oneida City Code, the 2020 Fire Code of New York State, and the 2020 Property Maintenance Code of New York State, I have determined that the property is in an unsafe condition and is dangerous to the health, safety, and general welfare of the public.

The preceding are violations of the following;

- **2020 NYS Fire Code Section 108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or to the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire; or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, or structurally unsafe; or is of such faulty construction or unstable foundation that partial or complete collapse is possible. A vacant structure that is not secured against unauthorized entry as required by Section 311 of this code shall be deemed unsafe.
- **2020 Fire Code of NYS Section 109.1 Imminent danger.** The occupants shall vacate premises when any of the following exists:
  1. Imminent danger of failure or collapse of a building or structure which endangers life;
  2. A structure where the entire structure, or part of the structure, has fallen and life is endangered by the occupation of the structure;
  3. Actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials; or
  4. Operation of defective or dangerous equipment.
- **Code of the City of Oneida, Chapter 34, Article III "Unsafe Buildings and Collapsed Structures", Section 34-9. Repair or removal by owner required.** The owner or person having any interest in any wall, building, structure or foundation in the City, which for any reason shall have become unsafe, dangerous, unsightly or in any way endangers the health, safety, or welfare of the



public shall, upon being directed thereto by the Common Council, forthwith repair or remove the same.

- **Code of the City of Oneida, Chapter 34, Article III “Unsafe Buildings and Collapsed Structures”, Section 34-10. Determination of status; service of notice upon owner.**
  - A. Whenever any wall, building or other structure has in any manner become unfit for occupancy or shall be unsafe, detrimental or dangerous to the public health, safety or general welfare, upon inspection and report by the office of the Fire Marshal to the Common Council and hearing held thereon as hereinafter set forth, the Common Council may declare the premises a public nuisance and order the owner, or person or persons having an interest therein, to repair or remove the wall, building, structure or foundation and to clear away any and all debris caused thereby and to fill in the excavation to the lot level, requiring the same to be made safe and secure. After having received and placed on file the report from the Fire Marshal's office, the Common Council, if it appears that a nuisance exists, shall hold a hearing thereon and shall serve notice upon the owner, and all others having an interest therein, of the unsafe condition and the times and place of said hearing.
  - B. The service of said notice shall be either by personal service or by certified mail, addressed to the last known address as shown by the records of the City Assessor's office. Said notice shall contain a description of the premises and a clear and concise statement of the particulars in which the building or structure is unsafe or dangerous, shall set forth the date, time and place for a hearing thereon before the Common Council and shall be served at least 10 days prior to said hearing. If such service is by certified mail, a copy of said notice shall also be posted by firmly affixing a copy thereof on said premises.

## 2020 NYS Property Maintenance Code

- **Section 107.1 General.** If the *authority having jurisdiction* determines, during the inspection or otherwise, that a *premises, building or structure*, or any building system or equipment, in whole or part, constitutes a clear and immediate threat to human life, safety or health, the *authority having jurisdiction* shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of threat to human life, safety, or health.
- **Section 107.1.1 Unsafe structures.** An unsafe *structure* is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such *structure* contains unsafe equipment or is so

damaged, decayed, dilapidated, structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

- **302.1 Sanitation.** *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.
- **302.3 Sidewalks and driveways.** Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- **Section 304.1 General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- **Section 304.1.1 Unsafe Conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *Building Code of New York State* or the *Existing Building Code of New York State* as required for existing buildings:
  - 1.. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
  2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
  3. Structures or components thereof that have reached their limit strength.
  4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors, and skylights are not maintained, weather resistant or water tight.
  5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects.
  6. Foundation systems that not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and load effects.
  7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
  8. Roofing or roofing components that have defects that emit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
  9. Flooring and flooring components with defects that effect serviceability or flooring components that show signs of *deterioration* or fatigue, are not

properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects.

- **Section 304.4 Structural members.** Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.
- **Section 304.6 Exterior walls.** Exterior walls should be free from holes, breaks, and loose or rotting materials; and maintained waterproof and properly surface coated where required to prevent *deterioration*.
- **Section 304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that emit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- **304.11 Chimneys and towers.** Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- **Section 308.1 Accumulation of rubbish and garbage.** *Exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

In light of the foregoing, I hereby request that the Common Council hold a hearing pursuant to Section 34-10 of the Oneida City Code to determine and declare that the Property is a public nuisance, and to order the repair to or removal of the remaining building as well as the removal of the debris from the demolition of the south part of the building.

**Sandy Lapera**

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**From:** Abbey Woodcock <abbey@abbeywoodcock.com>  
**Sent:** Wednesday, April 17, 2024 2:56 PM  
**To:** Sandy Lapera  
**Subject:** Abbey Woodcock statement for 4/16 minutes

Hi Sandy!

Here you go:

-Abbey

I went back and forth about speaking today. Mainly because it will be easy to dismiss my remarks as bitter, I didn't get a job.

I've decided to take that risk because to me, it's important that the public understands the process this council is using to hire its next city manager. It's not about me, but about the city and how it's moving forward after hundreds of residents expressed their frustration just 2 weeks ago.

As this council knows, last week I applied for the position of city manager. I am not going to go into all my credentials here, but I have a Master's Degree in Communications and Information Management, decades of Incident Management and working across multiple city departments across the country in the wake of disasters, and I helped this very city secure and execute many grants and programs, most recently the DRI.

My references included the Senior Training Manager of an international disaster response organization, the CEO of an operations consultancy firm, the PIO of Madison County, and the former mayor of Oneida.

Despite all this, just an hour after receiving my application, the council dismissed my application and refused to even interview me, saying I was not qualified.

I'd like to read a small section of the email I received from Jim Szczerba.

"I believe that plays to my point about reworking the qualifications for city manager.

...he goes on to cite examples.

"So, as of now, we must adhere to the credentials as posted, because the mayor vetoed any modifications.

I don't know you personally, so that aspect does not come into play, but I would have no issues in interviewing you, when and if these are ever changed.

I suggest you reach out to Mayor Rossi and maybe he can give you clarification regarding his stance on the current prerequisites for city manager."

I was so frustrated when I read this because I feel that I ... and my sincere job application... are being used as a political pawn to fight mayor Rossi.

Now of course, I did reach out to the mayor who asked me about my degree. The current qualifications for city manager read: "Bachelor Degree in Public Administration, Business Administration, Planning and Development, or other substantially similar business related degree combined with a minimum of 5 years of experience in management"

As I mentioned, my Master's Degree is in Communications and Information Management.

This is the description of my degree program from my university's website: The MS in Communications & Information Management prepares graduates to thrive in an economy defined by accelerated technology development, as well as, providing them with access to the knowledge and skills needed to face challenges of a dynamic and global business environment. Making cross-disciplinary connections among functional areas of business are core elements of the program.

The curriculum includes competitive analysis, decision support systems, fiscal management, business law, and strategic innovation.

I can't see how anyone would conclude that this degree is not "substantially similar" to a bachelor in either Public Administration or Business Administration.

I can see however, the council not knowing what the degree entails, which would be an excellent question for an interview.

I found it telling that Councilor Szczerba mentioned personal feelings having no part in this. I have never seen that on a job reply.

And, this council does know me personally. On election night, I hosted this entire council as they won their elections. I opened my shop on our day off for the republican party and even had a few of their election signs in our window, one of the most prominent windows on main street.

But, I did answer the phone last week when Channel 9 news wanted a local business owner's perspective after the meeting. I said two things in that interview – that I felt council was ignoring their constituents and that Bob Burnett was not qualified for city manager – despite me liking Bob personally and working well with him as director of codes.

I know that these remarks came into play as my application was ignored and I think it's important the public sees what's going on behind the scenes.

Frederick H. Meyers, Jr.  
209 Cottage Place  
Oneida, NY 13421

April 16, 2024

Rick Rossi  
City of Oneida Mayor  
City of Oneida  
109 North Main Street  
Oneida, NY 13421

Dear Honorable Mayor Rossi:

I wanted to thank you for my reappointment this year as the Chairman for the Oneida City PCZBA.

I have worked for 8 different Mayors and 16 different Councils in my 31 years of service as a member of the PC and then the PCZBA. I served as Chairman for more than half of my years. Also, without pay for my efforts.

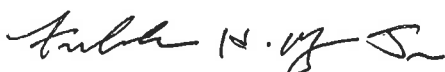
Through the years there have been some difficult times with projects ranging from Hood, Walmart, Solar Farms to Subdivisions and Variances. For most of those issue the Mayor and Common Council have left the Board to do its duties while following State and Local Laws. Through the years our Board has done it's best to follow City's Codes and Laws. Codes and Laws that were put in place by previous Mayors and Common Councils.

My first point is that when the new Wind Energy section of the Code was passed 5 of you were on the council at the time. Now that we have a project in front of the Board for a Wind Turbine, it seems that all of you are now against a Code that you took part in passing. I realize that passing the Wind Turbine would require a Height Variance and an approval from the Department of Defense. As a Board it is our responsibility to get all facts and relative information before we make an informed and intelligent decision. No matter how long it takes. We as a Board are not political and work for the good of the city, its residents and the project applicants and sponsors. All that are involved in this project deserve our full attention to make an informed decision and not be arbitrary and capricious.

My second point and more disturbing, is how the new City Manager position has been handled. As a Board with must follow all the Open Meeting rules and regulations. It was very disturbing to me that our City Council did not follow those rules and regulations. It also disturbs me that after a city-wide vote for a City Manager and subsequent Qualifications were established that as a City we did not follow our own rules and procedures. This makes me re-think my willingness to work for a city that can do such an underhanded thing as this.

Therefore, I am putting my resignation in as of today.

Sincerely,



Frederick H. Meyers Jr.  
Chairman of the City of Oneida PBZBA