

**MINUTES OF THE COMMON COUNCIL**  
**REGULAR MEETING**  
**MAY 7, 2024**

A meeting of the Common Council of the City of Oneida, NY was held on the seventh day of May 2024 at 6:30 pm at the City of Oneida Common Council Chambers, 109 N. Main Street, Oneida NY 13421.

The meeting was called to order by Mayor 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 type="checkbox"/>	<input checked="" 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"/> _____

**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 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 type="checkbox"/>	Supervisor Mary Cavanagh	<input checked="" type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll Call

**PROCLAMATION:** Rick Meyers Appreciation Day

Mayor Rossi thanked Mr. Meyers for everything he has done for the City. Mr. Meyers advised all to be a part of the community, and even though bad things are happening now, he feels people still need to get involved and move forward, advising that is how changes are made and people are held accountable.

# *Proclamation*

## *City of Oneida - Office of the Mayor*

**WHEREAS**, the exemplary service, outstanding contributions and betterment of the City of Oneida for 31 years should be recognized **and**

**WHEREAS**, having worked for 8 different Mayors and 16 different Councils during the tenure, as well as Chairman for more than half the time being with the City of Oneida, **and**

**WHEREAS**, the leadership, expertise and unwavering commitment have left a permanent mark in our community **and**

**WHEREAS**, this dedication and inspiration should be a testament to our City for generations to come to ensure a sustainable and vibrant future honoring his legacy, **and now therefore**

I, **Rick Rossi, Mayor** of the City of Oneida do hereby proclaim;

*Frederick Meyers, Jr.*

as an exemplary Chairman of the Joint Zoning Board of Appeals/Planning Commission for the City of Oneida.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affix the official seal of the City of Oneida on this **5th day of March 2024**.

---

Rick Rossi, Mayor

**PUBLIC HEARING:** Continuance of Public Hearing-Unsafe Structure-125 Oneida St. On April 16, 2024, by Resolution 24-80, the City of Oneida Common Council voted to keep the public hearing open until May 7, 2024.

#### APPEARANCES

**TONY BARNABA-PROPERTY OWNER**  
**MICHELE DETRAGLIA-ATTORNEY**

Attorney Michele Detraglia requested a 30-day permit acquisition period, ending on June 7th, followed by debris removal six weeks later on July 22nd. She noted the estimated four-day debris removal timeframe, with the permit allowing for 10 days. City Attorney Bell inquired if their contractors could accommodate the schedule, to which Detraglia affirmed. Councilor Winchell sought clarification if this schedule was for the demolition or just debris removal, with Attorney Detraglia specifying it was for debris removal only.

Fire Chief Jones inquired about the remaining standing portion of the demolished building. Mr. Barnaba indicated that after the cleanup, he would assess the repair needs for the structure. Chief Jones specified his query was about the brick portion of the building, not the single-story section, and inquired if it would be removed. Mr. Barnaba confirmed it would be, along with any unfinished work on the partial standing wall, excluding the tower. Chief Jones questioned the 30-day permit acquisition timeline, suggesting it could start immediately, and proposed a two-week limit for obtaining the permit.

Attorney Bell clarified the proposed timeline: securing a demolition permit by June 7, 2024, and completing debris removal by July 22, 2024. The discussion covered permit acquisition duration and contractor availability, with potential for earlier work commencement if permits arrive sooner. Mr. Barnaba noted some schedule flexibility, albeit uncertain to what extent. Councilor Winchell recalled prior assurance against extension requests, suggesting the permit be obtained within 10 days as previously discussed.

Council discussed this and agreed to the following:

- On or before May 17, 2024, the property owner must obtain a demolition permit, and
- On or before July 22, 2024, complete the demolition and debris removal, which includes the remaining brick adjacent to 114-116 Vanderbilt Ave.-not including the tower and the commercial business known as Auto Finishers.

**CLOSE PUBLIC HEARING**  
**PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III, UNSAFE BUILDINGS**  
**125 ONEIDA ST., ONEIDA NY**

**RESOLUTION 24-92**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**RESOLVED**, that the Public Hearing Pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings –125 Oneida St., Oneida NY be hereby closed at 6:44p.m.

Ayes: 6  
Nays: 0  
Absent: 1 (Laureti)  
**MOTION CARRIED**

**PUBLIC HEARING:** Unsafe Structure-238 Allen Park Place

**OPEN PUBLIC HEARING**  
**PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III, UNSAFE BUILDINGS**  
**238 ALLEN PARK PLACE, ONEIDA NY**

**RESOLUTION 24-93**

Moved by Councilor Hitchings  
Seconded by Councilor Pagano

**RESOLVED**, that the Public Hearing Pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings –238 Allen Park Place, Oneida NY be hereby opened at 6:45 p.m.

Ayes: 6  
Nays: 0  
Absent: 1 (Laureti)  
**MOTION CARRIED**

**DISCUSSION:** Attorney Nadine Bell stated that before the neighbors or other interested parties speak, she recommended that the Fire Marshal go over the report and recommendation to the Council and then give those who would like to speak can do so. This will provide information and a basis first. She advised that the notices went out via Certified Mail, and she did not receive confirmation from anyone.

Fire Chief Scott Jones reviewed the report, outlining the timeline of events and violation notices, including issued orders. He noted his awareness of the property's sale only in January 2024 and confirmed that all violation notices were forwarded to the new owner, Utica Property LLC. On February 10, 2024, the Fire Marshal issued a Stop Work Order to Utica Property LLC for unauthorized demolition of the roof area without a permit. Consequently, the Fire Marshal is declaring the structure as Unsafe and Dangerous to the Health and Safety of the Public. Additionally, on March 26, the DPW boarded up the building due to vandalism concerns.

## APPEARANCES

### UTICA PROPERTY LLC-OWNER

The property owner advised that he was an investor in Utica and this property was his first in the City of Oneida. He stated that he is in the process of getting a permit but is waiting for the asbestos survey. He stated that he has hired an engineering firm, Zangrilli Engineering, Inc. to inspect the site for the purposes of preparing a report, as well as recommendations relative to restorability.

He said that he just received the letter yesterday and is requesting more time. The cost of electricity was discussed and the water damage. City Attorney Bell clarified the request from the property owner as being 1.) that the asbestos survey be completed by next week, which is needed to get the building permit and 2.) obtain a building permit to remodel the building within 2 weeks.

He suggested completing the work within 8-12 weeks. The City Attorney specified that the building permit would be acquired by May 24th, with completion targeted for July 18th (8 weeks) or July 26th (9 weeks). Chief Jones mentioned that the Fire Marshal allowed the roof to be tarped, but there has been no communication since late April when the property owner spoke to the Codes Department. He noted that no action has been taken since then. Chief Jones expressed that while they try to work with property owners, by the time such issues reach the Council, all other attempts have failed. He cautioned against further extensions. He stated that nothing is preventing the owner from securing the building and cleaning up the debris, actions that can be done immediately. The owner indicated a preference to wait until the permit is obtained before starting work, to which Chief Jones clarified that although work on the roof requires a permit, debris cleanup can proceed without it.

Councilor Hitchings, representing the ward where the property is located, expressed dismay at its current state, labeling it a disgrace. She stated that she would only support an extension if the property owner cleaned up and ensures its safety, emphasizing that neighbors should not have to endure such conditions. It was concluded that no permit is required for the cleanup, but it needs to be a priority.

City Attorney Bell said the resolution would reflect the following:

- Debris removal to commence immediately; and
- Building Permit to be obtained on or before May 24, 2024

Chief Lowell echoed Chief Jones' sentiment that the exterior should be properly boarded up and secured.

### DEE SCHAEFER-240 ALLEN PARK PLACE

Ms. Schaefer stated that she lives next door to the property at 240 Allen Park Place and is present regarding the structure at 238 Allen Park Place. She distributed pictures and mentioned reaching out to her councilperson (Councilor Hitchings), expressing gratitude for receiving several responses.

Ms. Schaefer reported that the property owner attempted to tarp the roof in January, but it failed, with boards now hanging off the roof, including one in her yard. Debris has been falling into her yard for ten months. She expressed frustration with the situation, noting issues such as swarms of mosquitoes, inability to sleep with windows open, restrictions on letting her dogs out, mowing the lawn between the homes, and inability to let her grandson play due to dangerous conditions, including glass slates. She mentioned the front of the house is starting to bow down, and the flashing moves in the slightest breeze.

Ms. Schaefer described seeing rats in the backyard among the debris, posing a health hazard. She noted finding rat feces on her front porch, which had never occurred before. She described the infestation of vermin and bugs in the house as unbelievable. At the April 2nd meeting, she stated that if no satisfactory progress was made on the structure, she would have to contact the media, because she cannot continue living in these conditions, stating that her home is no longer her safe haven. Ms. Schaefer respectfully requested that a final decision be made on the structure "tonight" and that a reasonable timeline be set for removal, as she cannot wait until July. She reiterated that it has already been ten months, and her quality of life and health are being affected.

#### CONNIE COULTHART-544 BROADWAY

Mrs. Coulthart stated that she lives at 544 Broadway and has a "scary" view of the building in question. She fully supports everything that Ms. Schaefer stated and thanked her councilperson, Andrea Hitchings, for being very responsive and explaining things to her about the matter. She also thanked the Fire, Police, and Codes departments, but expressed that it has been a long time, and everyone's patience is wearing thin.

She expressed concern that noise is now becoming a factor and voiced skepticism regarding the owner's commitment to addressing the issues. She emphasized the need for someone from the City to monitor the owner's timeline closely. Mrs. Coulthart highlighted the risk pedestrians face due to the deteriorating condition of the structure, especially considering the small lawn in front of the house. She expressed worry about potential hazards from the vermin ending up in her home and raised concerns about asbestos, noting the age of the house and the potential risks if not dealt with properly.

Mrs. Coulthart expressed concern about potential hazards from the house's contents ending up in her home and raised concerns about asbestos, noting the age of the house and the potential risks if not dealt with properly. She also stated that while she wished the new property owner well, she keeps hearing a lot of "him" problems and doesn't want to take on a "him" problem. She emphasized that she doesn't want anyone to be hurt on the property, and she doesn't want the City of Oneida to have any responsibility for it, as she is a taxpayer. She wants the council to not allow the owner more time. She also inquired about the transparency and understanding of the process for dealing with such issues. She advised that although she appreciates what has been done so far, the property owner's problems are not the neighbors' problems or the City's problems.

#### MARK SPOONER-233 COTTAGE PLACE

Mr. Spooner stated that the pictures provided were taken from his attic and mentioned possessing a video showing workers on the roof in unsafe conditions. He commented on a large portion of the roof being completely gone and expressed concern about the water damage it may have caused. He noted damage to neighboring houses that also needs addressing and mentioned that a neighbor interested in purchasing the property was not given the opportunity to do so.

#### JOE SEMONES-234 ALLEN PARK PLACE

Mr. Semones, speaking on behalf of his daughter who owns 234 Allen Park Place, stated that no work has been undertaken at her address due to unresolved hazards at 238 Allen Park Place. He mentioned sending a letter to his daughter's Council member and thanked Councilor Hitchings for her response.

Mr. Semones expressed his belief that property owners have a responsibility to be aware of building codes and found it difficult to believe that the owner of 238 Allen Park Place was unaware of the need for an asbestos survey, especially since he had dealt with this requirement previously.

Mr. Semones raised a concern about the potential liability for injuries or death resulting from the condition of the property at 238 Allen Park Place if the situation persists.

Councilor Hitchings noted that the property owner acquired the property in January 2024. She sought clarification from City Attorney Bell regarding the process when an individual receives insurance funds for repairs but instead uses them to pay off the mortgage and sells the property. She inquired about the City's options in such circumstances.

City Attorney Bell explained that according to the General Municipal Law, local municipalities have the authority to take action, such as filing a lien against insurance proceeds, in cases where property damage results from fire. She referred to the specific language within the statute that outlines this provision.

Additionally, Attorney Bell outlined the procedure being followed that evening, which falls under Chapter 34 of the City Code, known as the Unsafe Building Chapter. This chapter allows for notice to be provided to the property owner and anyone with an interest in the property (obtained through a last owner search of the property). Following a public hearing, the Council has the authority to declare the property a public nuisance and issue an order requiring specific remedial action. This order is detailed in the resolution and is then served upon the property owner. The notice prepared for this Public Hearing is filed with the County Clerk's office, similar to a Lis pendens, which means that if anyone were to search the title for the property, they would see that this process has been undertaken. Consequently, if the property were to be sold, the new owner would discover this action during a title search and would likely inquire about the Council's determination and the required actions.

Attorney Bell elaborated that according to Chapter 34, if the Council issues an order declaring the property a public nuisance, they have the authority to demand or order remedial action, such as the removal of debris and completion of necessary work by a specified deadline. In the event of non-compliance by the property owner, the City reserves the right to undertake the required work, bill the property owner for the associated costs, and if necessary, place a lien on the property for the unpaid amount, similar to unpaid taxes. She emphasized that this process is followed by the City instead of simply issuing a violation ticket and resorting to court proceedings.

**CLOSE PUBLIC HEARING**  
**PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III, UNSAFE BUILDINGS**  
**238 ALLEN PARK PLACE, ONEIDA NY**

**RESOLUTION 24-94**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**RESOLVED**, that the Public Hearing Pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings –238 Allen Park Place, Oneida NY be hereby closed at 7:20 p.m.

Ayes: 6  
Nays: 0  
Absent: 1 (Laureti)  
**MOTION CARRIED**

**OLD BUSINESS:** None  
**MAYOR'S REPORT:** None  
**ACTING CITY MANAGER'S REPORT:** None

#### **APPROVAL OF MINUTES**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**RESOLVED**, that the minutes of the regular meeting of April 16, 2024, are hereby approved as presented.

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

**MOTION CARRIED**

#### **APPROVAL OF WARRANT**

Moved by Councilor Simchik  
Seconded by Councilor Hitchings

**RESOLVED**, that Warrant No. 9, checks and ACH payments in the amount of \$744,983.16 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

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

**MOTION CARRIED**

#### **CITY MANAGER SEARCH COMMITTEE**

#### **RESOLUTION 24-95**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**RESOLVED**, to approve the following appointees to the City Manager Search Committee in accordance with Resolution 24-90, which outlined the procedures at the April 16, 2024, City of Oneida Common Council meeting.



- Mayor Rick Rossi
- Deputy Mayor Steve Laureti-Ward 2
- Ward 1-Peter Hedglon
- Ward 3-Jim Coulthart
- Ward 4-Dan Jones
- Ward 5-Ariel Bero
- Ward 6-Mike Kaiser

Ayes: 6  
Nays: 0  
Absent: 1 (Laureti)  
**MOTION CARRIED**

**WATER BOARD RECOMMENDATION**

**RESOLUTION 24-96**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**WHEREAS**, Lisa Kirley, 337 MacArthur Parkway, Oneida, NY (Account No. 17-076001-00) submitted a Leak Adjustment Request for a leak adjustment due of a water/sewer high bill; **and**

**WHEREAS**, the high water/sewer amount was found to be due to a leaking toilet upstairs; **and**

**WHEREAS**, Lisa Kirley was incorrectly advised not to pay her water bill until the Water Board meeting on April 16, 2024, which resulted in a penalty of \$76.19 added to her bill; **and**

**WHEREAS**, the City of Oneida Water Board, at their April 16, 2024, meeting has recommended to the Common Council that a leak adjustment for the water bill be denied; however, the penalty assessed (\$76.19) as a result of the misinformation be removed; **now therefore be it**

**RESOLVED**, that the Common Council hereby approves a credit of \$76.19 to Account No. 17-076001-00 for Lisa Kirley, 337 MacArthur Parkway.

Ayes: 6  
Nays: 0  
Absent: 1 (Laureti)  
**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 24-97**

Moved 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, Michelle Detraglia; **and**

**WHEREAS**, the Common Council closed the public hearing on May 7, 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 and as proposed by the property owner:

- On or before May 17, 2024, the property owner shall obtain a demolition permit from the City of Oneida Department of Code Enforcement; and
- On or before July 22, 2024, the property owner shall complete demolition of the unsafe structure (excluding the tower and single-story structure known as "Oneida Finishers"), remove any and all demolition debris, and complete the fill and excavation of the Property, as necessary; **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: 6

Nays: 0

Absent: 1 (Laureti)

**MOTION CARRIED**

**RE-INTRODUCE A LOCAL LAW 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-SCHEDULE PUBLIC HEARING**

**RESOLUTION 24-98**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**WHEREAS**, by Resolution 24-31, the City of Oneida Common Council introduced a proposed Local Law amending Section 17-1 of the Oneida City Code and establishing a new Chapter 71 to regulate the harboring of hens within the City of Oneida; and

**WHEREAS**, the Common Council completed its environmental review of the proposed action in accordance with New York State Environmental Quality Review Act (SEQRA) on February 6, 2024, having classified the action to be an Unlisted Action and rendering a negative declaration; and

**WHEREAS**, a public hearing on the proposed local law was held on February 20, 2024; and

**WHEREAS**, in response to public comment and concerns expressed during the public hearing, a special committee was convened to evaluate the regulations to be adopted to properly harbor hens and recommendations from the committee have been received; and

**WHEREAS**, the Common Council does desire to introduce a revised local law amending Section 17-1 of the Oneida City Code and establishing a new Chapter 71 to regulate the harboring of hens within the City of Oneida, which incorporates the recommendations of the committee.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that the Common Council shall conduct a public hearing as to the enactment of the proposed Local Law, as revised, at the Oneida City Hall located at 109 North Main Street, Oneida, New York on May 21, 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: 6  
Nays: 0  
Absent: 1 (Laureti)  
**MOTION CARRIED**

**DISCUSSION:** Mayor Rossi announced that the Local Law is being reintroduced due to substantial changes in its language, necessitating another Public Hearing.

Councilor Hitchings expressed gratitude to the committee members who volunteered their time and efforts to ensure that the proposed changes were suitable and acceptable to the City of Oneida.

**A Local Law Amending Section 17-1 of the City Code and Establishing  
a New Chapter Regulating the Harboring of Hens Within the City of Oneida**

**BE IT ENACTED** by the Common Council of the City of Oneida as follows:

**Section 1.**

So that the definition of “Domestic Animal” set forth in Section 17-1 of Chapter 17 of the City Code, titled “Animals,” is hereby amended so as to read, in its entirety, as follows:

“**DOMESTIC ANIMAL** – Includes domesticated sheep, horses, cattle, goats, swine, ducks, geese, turkeys, and game birds raised in confinement under permit or license from the State Department of Environmental Conservation; “fowl” are specifically excluded from the definition of “domestic animal” and are subject to regulation pursuant to Chapter 71.”

**Section 2.**

The Code of the City of Oneida is hereby amended to include a new Chapter 71, titled “Harboring of Hens,” which shall read as follows:

**“Chapter 71. Harboring of Hens**

**§71-1 Legislative Findings and Intent.**

The Common Council of the City of Oneida hereby finds that the keeping of hens can play a role in ensuring a source of local food and a sustainable environment, but that the improper maintenance of hens in residential neighborhoods may cause nuisances to nearby residential properties and can create conditions which are unsanitary and unsafe. Therefore, it is the intent of the Common Council, pursuant to Article IX of the New York State Constitution, Article 18 of the General Municipal Law, and Sections 10 and 20 of the Municipal Home Rule Law of New York State, to permit and regulate the keeping of hens within the City of Oneida. This Local Law shall allow the harboring of small flocks of hens subject to permit, by residents of single-family dwellings, which are not otherwise defined as or used for agricultural farming uses. The conditions imposed by this Local Law are intended to facilitate the harboring of hens in a manner that is consistent with the residential character of the City and so as to not cause or contribute to nuisances, pollution or otherwise adversely impact neighboring property owners in any way.

**§71-2 Definitions.**

**COMMUNITY SERVICE OFFICER** – City of Oneida Community Service Officer, or his/her duly authorized representative.

**COOP** – A permanent or mobile structure that is designed to shelter hens from the weather and predators and has a maximum size of 30 square feet.

**HEN** – Any female chicken also scientifically known as a female Gallus domesticus.

**NEIGHBOR** – Any property owner or resident contiguous of the property to be affected by said appeal.

**RUN** – An enclosed, covered area for chickens to roam and eat.

**CITY** – City of Oneida.

**§71-3 Permit required.**

It shall be unlawful for any person, association, group, or organization within the limits of the City to harbor hens without first having obtained, paid for, and having in force and affect, a valid, current permit. Roosters (male chickens) are prohibited within the City.

**§71-4 Permit application and approval process.**

- A. Any person, association, group, or organization interested in harboring hens within the City limits must submit a completed “Harboring of Hens Permit Application” to the City Clerk.
- B. With the “Harboring of Hens Permit Application,” the applicant shall submit: (1) a site plan depicting the property in its current condition and the location of the proposed Coop and Run with a minimum setback distance of ten (10) feet from the side and rear yards, unless the property is enclosed with a privacy/ stockade fence, whereupon the Coop and Run may be situated against the fence structure; and (2) an application fee as prescribed by resolution of the Common Council. Upon submission of an Application with a site plan and application fee, the application, once deemed complete, shall be provided to the Community Service Officer, who shall arrange for a site inspection of the property within two (2) weeks of such Application having been deemed complete.
- C. A permit allowing hens to be harbored may be issued by the City Clerk upon confirmation by the Community Service Officer that a site inspection of the property was performed, and adequate space exists for the proposed Coop and Run. Upon issuance of a permit and payment of the permit fee, as prescribed by resolution of the Common Council, a follow-up inspection of the Coop and Run shall be performed by the Community Safety Officer to confirm compliance with this Chapter.
- D. The permit shall initially be valid for a period of one year, and the cost of such a permit for the first year shall be included in the application fee. Subsequent renewals of the permit shall be valid for a period of three (3) years. Every permit application shall require an inspection.

**§71-5 Permit conditions.**

- A. The harboring of hens shall only be permitted on an owner-occupied parcel with a single-family residential unit situated thereon, which parcel is not otherwise defined as or used for agricultural farming purposes. If the property for which the permit is requested cannot adhere to all City building setback requirements and construction guidelines, as outlined in §71-6 of this Law, or if the property’s lot size does not permit compliance with the dimensional requirements for the Coop and Run, then a permit shall not be granted.
- B. Hens must be kept either in a Coop and a Run that complies with the requirements set forth in §71-6 of this Chapter or a fenced enclosure that is covered or of sufficient height to prevent chickens from flying out with access to

a Coop. Chickens are not allowed to run free or at large anytime, from the Coop or Run.

- C. The maximum number of hens to be harbored shall, at no time, exceed 12 on parcels that are less than one (1) acre. On parcels that exceed one acre, the maximum number of hens to be harbored shall, at no time, exceed 24.
- D. Commercial operations are prohibited. This includes but is not limited to the sale and advertisement of eggs and hens on the property.
- E. The outdoor slaughtering of hens is prohibited.
- F. Feed for the hens must be kept in covered, fastened containers that cannot be accessed by rodents or pests.
- G. Hen manure and bedding must be managed so as to minimize odors and not attract rodents and pests. On-site accumulation of treated or untreated hen manure and bedding is prohibited.

**§71-6 Coop and Run and enclosure requirements and restrictions.**

- A. The Coop shall be enclosed on all sides with walls (with or without windows), a roof and an entrance.
- B. The Coop shall be well ventilated. The minimum Coop size shall be 4 square feet of space for each hen. The Run is not included in this calculation.
- C. A Run shall provide 10 square feet of space for each hen. Runs shall be fenced and covered.
- D. Coops and Runs may only be located in the rear yard of the property. Coops must be situated a minimum setback distance of ten (10) feet from the side and rear yards, unless the property is enclosed with a privacy/ stockade fence, whereupon the Coop and Run may be situated against the fence structure.
- E. The Coop and Run shall be kept clean, dry, and sanitary. Hen manure and soiled bedding shall be removed at a minimum of once a week. The accumulation of hen manure and bedding may result in noncompliance and the revocation of the permit. Chicken waste shall not be composted or mulched on site.
- F. The Coop and Run must be maintained and be kept structurally sound and in good repair. Only one Coop and one Run are allowed on any parcel.

**§71-7 Enforcement and permit revocation.**

- A. The receipt of a neighbor's written complaint shall result in a site visit by the Community Service Officer and an inspection of the property to determine if there exists a violation(s) of the permit. If the Community Service Officer determines that a violation exists, the permit holder shall be notified of the nature of the violation(s) and shall have 30 days to correct the violation(s). Failure to correct the violation(s) in the time provided may result in the revocation of the permit and the removal of the hens.

- B. In addition to a determination that the terms and conditions of a permit have been violated, a permit may be revoked for any of the following reasons:
1. hens are found outside of the Coop, Run and/or the fenced enclosure;
  2. the Community Service Officer determines that a public nuisance exists or there is a violation of this Chapter;
  3. predators or pests have become a nuisance to the property or surrounding area; and
  4. the Community Service Officer determines that the hens have been abandoned.
- C. Any person or persons who violate or cause to be violated any provision of this Chapter shall, upon conviction for such violation, be subject to a fine not to exceed \$250, imprisonment not to exceed 15 days, or both, for each such violation; and every week (seven days) that said violation continues shall constitute a separate and additional violation.
- D. If a permit holder's permit is revoked, the permit holder shall be responsible to rehome the hens at their expense, remove the Coop and Run from the property, and shall be prohibited from applying for another permit."

**Section 3. Validity and Severability**

Should any section or provision of this Law be deemed invalid or unconstitutional, such decision shall not be held to invalidate or impair the validity, force, or affect any other provision of this Law.

**Section 4. Effective Date**

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

**REVISED APPROVED SALARY SCHEDULE-POLICE DEPARTMENT**

**RESOLUTION 24-99**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**RESOLVED**, approve the revision of the Approved Salary Schedule in the adopted 2024 Budget to increase the number of Police Officers from 15 to 16 per the authorization of the Acting City Manager.

Ayes: 6  
Nays: 0  
Absent: 1 (Laureti)  
**MOTION CARRIED**



DISCUSSION: Mayor Rossi requested Police Chief Lowell to provide an overview of the resolution. Chief Lowell explained that he was seeking an increase in the number of Police Officer positions to prepare for anticipated vacancies. He clarified that this adjustment would not necessitate a budget transfer at the moment, as the required funds are already allocated in the salary line of his budget. This measure would offer flexibility, considering the extended duration of police training.

**ADVERTISE FOR BIDS-WATER DEPARTMENT**

**RESOLUTION 24-100**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Purchasing Agent to advertise for bids for Liquid Caustic Soda for the Water Department.

Ayes: 6  
Nays: 0  
Absent: 1 (Laureti)  
**MOTION CARRIED**

**ADVERTISE FOR BIDS-CHEVROLET PICKUP TRUCK-WATER DEPARTMENT**

**RESOLUTION 24-101**

Moved by Councilor Winchell  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Purchasing Agent to advertise for bids for a Chevrolet 1500 pickup truck for the Water Department to replace an aged 2014 Chevrolet pickup truck.

Ayes: 6  
Nays: 0  
Absent: 1 (Laureti)  
**MOTION CARRIED**

**ADVERTISE FOR BIDS-FIRE HYDRANTS-WATER DEPARTMENT**

**RESOLUTION 24-102**

Moved by Councilor Hitchings  
Seconded by Councilor Pagano

**RESOLVED**, to authorize the Purchasing Agent to advertise for bids for fire hydrants for the Water Department.

Ayes: 6  
Nays: 0  
Absent: 1 (Laureti)  
**MOTION CARRIED**

**BOARD APPOINTMENT-WATER BOARD**

**RESOLUTION 24-103**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**RESOLVED**, to approve the Mayor's appointment of Jim Chamberlain, 610 W. Elm St. to the Water Board for a 5-year term to expire April 30, 2029.

Ayes: 6  
Nays: 0  
Absent: 1 (Laureti)  
**MOTION CARRIED**

**2024 SECOND HALF YEAR CONTRACT EXTENSION**

**RESOLUTION 24-104**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**RESOLVED**, to exercise the Contract Extension Option under the same terms and conditions for the six (6) month period from the date of expiration (June 30, 2024) in the 2024 Liquid Chlorine and Sodium Hypochlorite Contract.

Ayes: 6  
Nays: 0  
Absent: 1 (Laureti)  
**MOTION CARRIED**

**BUDGET TRANSFERS/AMENDMENTS**

**RESOLUTION 24-105**

Moved by Councilor Hitchings  
 Seconded by Councilor Pagano

	<u>To</u>		<u>From</u>
<b>2024 Budget Adjustments</b>			
\$ 2,340.05	001.3410.0109.0000		001.0018.2226.0000
	Fire OT Training		Confined Space Training
<b>To allocate revenue received for combined space training to training overtime</b>			
\$ 2,000.00	001.3210.0445.0000		001.0001.0912.0000
	New Hire Expense		General Fund Balance
<b>To allocate funds for polygraph and physicals for new hires in Police Dept.</b>			
\$ 15,000.00	002.8300.0444.0000		002.8300.0436.0000
	Water Office Technology Expense		Water Contingency
<b>To allocate funds to cover the cost of the Administrative Order for a Risk and Resilience Assessment</b>			

Ayes: 6  
 Nays: 0  
 Absent: 1 (Laureti)  
**MOTION CARRIED**

**GLENMORE CLEARWELL TANK IMPROVEMENTS**

**RESOLUTION 24-106**

Authorizing Funding for the City of Oneida  
 Glenmore Clearwell Tank Improvements

Moved by Councilor Hitchings  
 Seconded by Councilor Winchell

**Project Description:** The City of Oneida is progressing the design and construction of improvements to the Glenmore Clearwell Tank Improvements which are needed to provide the required CT under all operating conditions, will provide the necessary redundancy for reliable WTP operation, and will allow the existing Clearwell to be taken offline for comprehensive rehabilitation.

**Grant Program Application:** New York State Water Infrastructure Improvement Act (WIIA) and New York State Intermunicipal Water Infrastructure Grants Program (IMG) Drinking Water

**WHEREAS,** the City of Oneida is progressing implementation of Glenmore Clearwell Tank Improvements; and

**WHEREAS,** the City of Oneida intends to pursue funding opportunities as available from the NYS Water Infrastructure Improvement Act (WIIA) and NYS Intermunicipal Water Infrastructure Grants Program (IMG) Drinking Water; and

**WHEREAS,** it is the intent of the City of Oneida to be the Applicant of the aforementioned grant funding programs; and

**WHEREAS,** it is the intent of the City of Oneida to comply with the application requirements of the aforementioned grant funding programs; and

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the City Engineer hereby it authorized to act as Authorized Representative of the Applicant for both the WIIA or IMG grant applications; and it is further

**RESOLVED,** that the City of Oneida hereby authorizes the expenditures necessary to pursue the grants and complete the project; and it is further

**RESOLVED,** that if the City of Oneida is successful in obtaining the grant, that the remaining project funds of up to \$2,000,000 would be expended from the City's Water Fund; and it is further

**RESOLVED,** that this Resolution shall take effect immediately.

Ayes: 6

Nays: 0

Absent: 1 (Laureti)

**MOTION CARRIED**

**AUTHORIZATION-RETAIN A FORESTER TO SURVEY POTENTIAL TIMBER HARVEST**

**RESOLUTION 24-107**

Moved by Councilor Hitchings

Seconded by Councilor Simchik

**RESOLVED,** to authorize the Water Superintendent to engage a Forester to survey the potential timber harvest on roughly 1200 acres of land located approximately 4 miles north of Taberg in

the Town of Annsville, Oneida County, State of New York.

Ayes: 6

Nays: 0

Absent: 1 (Laureti)

**MOTION CARRIED**

**A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) AUTO PULSE UNITS FOR THE FIRE DEPARTMENT, IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$45,354, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$45,354 BONDS OF SAID CITY TO PAY THE COST THEREOF.**

**RESOLUTION 24-108**

Moved by Councilor Simchik

Seconded by Councilor Hitchings

**BE IT RESOLVED** by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Oneida, Madison County, New York, as follows:

Section 1. The purchase of two (2) Auto Pulse units for the Fire Department, including incidental equipment and expenses, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$45,354.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of not to exceed \$45,354 bonds of said City hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Oneida, Madison County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein

authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form, and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities, and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City for such purpose, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Mayor Rick Rossi	YES
Councilor James Szczerba	YES
Councilor Steve Laureti	ABSENT
Councilor Andrea Hitchings	YES
Councilor Rob Winchell	YES
Councilor Bill Pagano	YES
Councilor Tom Simchik	YES

**The resolution was thereupon declared duly adopted.**

**CAPITAL PROJECT 24-7-AUTO PULSE-FIRE DEPARTMENT**

**RESOLUTION 24-109**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**RESOLVED**, to approve to move forward with Capital Project 24-7 two (2) Auto Pulse units for the Fire Department as required and authorize the Acting City Manager to sign any and all documents related to said Capital Project at a maximum not to exceed \$45,354.00.

Ayes: 6  
Nays: 0  
Absent: 1 (Laureti)  
**MOTION CARRIED**

DISCUSSION: Councilor Winchell asked Fire Chief Jones if there were any grants available for this, to which Chief Jones advised that there weren't any at this time. He stated that he has submitted grants for training purposes, but there were none available for equipment.

**LEASE AGREEMENT-BOCES**

**RESOLUTION 24-110**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**RESOLVED**, to authorize the Acting City Manager to sign a Lease Agreement with BOCES for use of space at the Recreation Center for a GED Class for one year, commencing July 1, 2024.

Ayes: 6  
Nays: 0  
Absent: 1 (Laureti)  
**MOTION CARRIED**

**GRANTS-MADISON COUNTY**

**RESOLUTION 24-111**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the Acting City Manager to sign an agreement with Madison County for the following in connection with a grant through the Madison County Youth Bureau:

- Parks Passport and Infrastructure 2024 Program (NYS OCFS Sports and Education Opportunity Funding RFP 3-24)
- Youth Sports, and Education Opportunity Funding for the purchase of equipment for the baseball and softball fields, bases, and infield drag;

**And further**

**RESOLVED**, to expend funds in the amount of \$14,469.00, which is 100% reimbursable through the grant.

Ayes: 6  
Nays: 0  
Absent: 1 (Laureti)  
**MOTION CARRIED**

**INTRODUCE A LOCAL LAW FOR A MORATORIUM ON WIND ENERGY CONVERSION SYSTEMS IN THE CITY OF ONEIDA-SCHEDULE PUBLIC HEARING**

**RESOLUTION 24-112**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**WHEREAS**, the City of Oneida recognizes the importance of renewable energy sources in mitigating climate change and promoting sustainability; and

**WHEREAS**, the City of Oneida acknowledges the potential benefits of Wind Energy Conversion Systems (WECS) in contributing to renewable energy goals; and

**WHEREAS**, the City of Oneida is committed to ensuring the safety and well-being of its residents, including considering potential impacts on national security and public safety; and

**WHEREAS**, recent communications with the U.S. Department of Defense and the Air Force Research Laboratory (AFRL) in Rome have raised concerns regarding potential impacts of WECS installations on existing communication systems and military operations; and



**WHEREAS**, the City of Oneida seeks to review and amend existing laws and regulations pertaining to WECS to address the concerns raised by the U.S. Department of Defense and AFRL;

**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 General City Law; and

**WHEREAS**, the Common Council has deemed this moratorium urgent and immediately necessary in order to preserve status quo while this issue is examined by the City; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of local laws 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.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED** that there are no other involved agencies, the Common Council shall act as lead agency, and that the enactment of this proposed local law is a Type II action under SEQRA, thus concluding the environmental review process; and be it further

**RESOLVED** that the Common Council shall conduct a public hearing as to the enactment of proposed local law at the Oneida City Hall located at 109 North Main Street, in the City of Oneida on May 21, 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; and be it further

**RESOLVED** that pending action on this local law, the City shall neither accept nor process any application pertaining to Wind Energy Conversion Systems (WECS).

Ayes: 6

Nays: 0

Absent: 1 (Laureti)

**MOTION CARRIED**

**CITY OF ONEIDA  
PROPOSED LOCAL LAW OF 2024**

**A LOCAL LAW IMPOSING A SIX (6) MONTH MORATORIUM ON  
WIND ENERGY CONVERSION SYSTEM (WECS) USES WITHIN  
THE CITY OF ONEIDA**

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

## **Section 1. Title**

This local law shall be known as the "Wind Energy Conversion Systems Moratorium Law of the City of Oneida."

## **Section 2. Findings and Purpose**

The City Council of the City of Oneida finds that the proliferation of Wind Energy Conversion Systems (WECS) within the City has raised concerns regarding potential impacts on national security and public safety, particularly as communicated by the U.S. Department of Defense and the Air Force Research Laboratory (AFRL) in Rome. Therefore, the purpose of this local law is to enact a temporary moratorium on the issuance of permits for the permitting, construction, and installation of new WECS and the processing of existing applications while the City Council conducts a review and proposes amendments to existing laws and regulations governing WECS installations.

## **Section 3. Moratorium on Wind Energy Conversion Systems**

A. Unless permitted pursuant to Section 5 hereafter, from and after the date of this local law, no application for a permit, zoning permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other City-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official agent of the City of Oneida, for the placement, construction, erection, or installation of a new Wind Energy Conversion System (WECS) within the City of Oneida.

- A. This moratorium shall be in effect for a period of six (6) months from the effective date of this local law and shall expire on the earlier of: (i) the date six (6) months from said effective date of this local law, unless renewed; or (ii) the enactment by the City Common Council of a resolution indicating the City Common Council is satisfied that the need for the moratorium no longer exists.
- B. This moratorium shall apply to all zoning districts and all real property within the City.
- C. Wind Energy Conversion Systems (WECS) which have previously been approved or are located on City-owned property are hereby expressly excluded from this moratorium.

## **Section 4. Review and Amendments**

During the moratorium period, the City Council shall conduct a comprehensive review of existing laws and regulations pertaining to WECS installations within the City of Oneida.

The City Council shall engage in dialogue and consultation with the U.S. Department of Defense, the Air Force Research Laboratory (AFRL), and other relevant stakeholders to address concerns regarding national security and public safety.

Based on the findings of the review and consultations, the City Council shall propose amendments to existing laws and regulations governing WECS installations within the City of Oneida.

## **Section 5. Relief from Provisions of this Local Law**

A. The City Common Council reserves to itself the power to vary or adapt the strict application of the requirements of this local law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for relief shall be filed in triplicate with the Planning Department together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney's fees, incurred by the City, shall be reimbursed to the City by the Applicant. The Common Council shall apply Use Variance criteria as set forth in the New York State General City Law, Section 81-b in reviewing any application for relief.

C. The Common Council may refer any applications for relief herein to the Planning Commission/Zoning Board of Appeals for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Common Council after determining whether or not the requested relief is compatible with any contemplated amendments to the City Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Common Council shall deny the application.

D. The Common Council shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Planning Department and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

#### **Section 6. Penalties**

Any person, who shall construct, reconstruct, relocate, enlarge, or modify any site to be used for a commercial wind energy conversion system (WECS) in violation of the provisions of this local law, shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the City to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

#### **Section 7. Enforcement**

This local law shall be enforced by the Code Enforcement Office of the City of Oneida or such other zoning enforcement individual(s) as designated by the Common Council. It shall be the duty of the enforcement individual(s) to advise the Common Council of all matters pertaining to the enforcement of this local law.

#### **Section 8. Severability**

If any provision of this local law is found to be invalid or unenforceable for any reason, the remaining provisions shall remain in full force and effect.

#### **Section 9. Repeal of Inconsistent Laws**

All laws, ordinances, rules, and regulations, or parts thereof, inconsistent with the provisions of this local law are hereby repealed to the extent of such inconsistency.

**Section 10. Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.

**DECLARE THE PROPERTY AT 238 ALLEN PARK PLACE 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 24-113**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**WHEREAS**, in accordance with Article III of Chapter 34 of the Oneida City Code, as amended, a public hearing was conducted on May 7, 2024, for purposes of receiving and considering evidence presented by the City of Oneida Fire Marshal to determine whether real property located at 238 Allen Park Place, Tax Map No. 38.48-1-57, 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 May 1, 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, Index No. 2024-1384; **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 Chief presented a report, dated March 21, 2024, prepared by the Fire Marshal 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 reported having inspected the Property and observed extensive damage to the residential structure situated upon the Property; more specifically, the Fire Marshal reported the partial or complete deterioration and destruction of the structure as a result of a fire and the dangers and hazards presented by the remaining debris and condition of the structure; **and**

**WHEREAS**, in his report, the Fire Marshal determined that the condition of the Property violated Chapter 34 of the Oneida City Code, Sections 105.2, 108.1.1, 108.4 and 109.1 of the 2020 NYS Fire Code, and Sections 107.1, 107.1.1, 302.1, 302.3, 302.7, 304.1, 304.1.1, 304.4, 304.6, 304.7, 304.10, 304.12, 304.13, 304.13.1, 304.15, 304.18, 305.1, 305.1.1, 305.2, 305.3, 305.4, 305.6, 306.1, 306.1.1, and 308.1 of the 2020 NYS Property Maintenance Code; **and**

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

**WHEREAS**, the Fire Chief concluded his presentation, recommending that an order be issued requiring the structure be either repaired or removed on a timely basis; **and**

**WHEREAS**, the property owner did appear at the public hearing and a number of neighboring property owners appeared to express their frustration with and concerns over the condition of the Property; and

**WHEREAS**, the Common Council closed the public hearing on May 7, 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 238 Allen Park Place, Tax Map No. 38.48-1-57, 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 Chief and as proposed by the property owner:

- the property owner shall immediately commence efforts to remove debris resulting from the fire and shall further immediately commence pest abatement efforts, such removal and abatement efforts shall be completed on or before May 14, 2024; and
- the property owner shall make the Property safe and secure (which shall include tarping the roof and securing access), so as to not endanger the health, safety and welfare of the public on or before May 14, 2024; and
- the property owner shall obtain a building permit from the City of Oneida Department of Code Enforcement on or before May 24, 2024; and
- the property owner shall complete such remedial repairs to the structure such that the structure is "dry and tight" on or before July 12, 2024; and
- the property owner is directed to contact the owners of adjacent properties to arrange for the removal and disposal of debris caused by the fire on the Property, subject to the receipt of such owners' written consent; and it is further recommended that the property owner indemnify and hold harmless such adjoining property owners for work performed in furtherance of debris removal; **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: 6

Nays: 0

Absent: 1 (Laureti)

**MOTION CARRIED**

DISCUSSION: City Attorney Bell stated that the resolution before the Council will acknowledge that the property owner did appear and acknowledges the issuance of the Notice of Unsafe Building and Collapsed Structure; it acknowledges the Public Hearing that was held, and she read aloud the following:

**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 238 Allen Park Place, Tax Map No. 38.48-1-57, in the City of Oneida, to be unsafe and a public nuisance; and

**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 and "as agreed to by the property owner" (added):

During the discussion about debris removal from neighboring properties, City Attorney Bell clarified that the City cannot legally order someone to trespass onto private properties. Speaking from the audience, Mrs. Shafer voiced her frustration, expressing discontent about bearing the cost of cleaning up someone else's mess, highlighting that they had promptly paid for the cleanup after the fire but received no reimbursement. Attorney Bell reiterated that the responsibility for such expenses lies with the property owner. Attorney Bell proposed that Mrs. Shafer meet with her and the Fire Chief after the meeting to explore potential ways in which the city could offer assistance.

Councilor Winchell suggested that neighbors could grant authorization for the property owner or contractors to enter their property, and it was acknowledged that an indemnification clause could be established. Attorney Bell confirmed that the Council had the authority to include any necessary provisions in the order. In the event of non-compliance by the property owner, the City could intervene, carry out the work, and later bill the property owner for the costs incurred. The Council deliberated on setting a compliance date and emphasized the urgency of debris cleanup, recognizing the potential for further damage if prompt action was not taken.

**NEW BUSINESS:** None

## **PUBLIC COMMENT**

### BRAHIM ZOGBY-114 EAST SANDS ST.

Mr. Zogby read from a prepared statement as follows (previously emailed to members of the Common Council)

“During some of the previous Council meetings, the topic of missing money in various departments has been brought up. While it is always an uncomfortable conversation to hear that a city employee or department has had an issue with mismanaged or missing funds, when it is discovered, a new, preventative protocol is usually put into place, until it happens again!

I know that this was an important issue for a previous council and so it is time to see how important this issue is to this council and the taxpayers.

Today marks 90 days until the deadline for changes to the City Charter must be submitted in order to be on the ballot this November. The current Charter was adopted in 1974 and while some changes have been made to parts of the Charter during the last 50 years, one section has been untouched.

Currently, the Office of City Chamberlain is an elected, not appointed position.

There was a brief initiative on the part of the Council to put this on the ballot a few years ago, but it failed.

It is time to look at this issue again and take action to change the accountability and oversight of this position.

While some safeguards of the people's money have been put into place, there is NOTHING IN THE CHARTER or job description that guarantees that this will always be the case. Currently, the City Chamberlain is following the current protocols and there are no financial issues. Because the Chamberlain is elected and not appointed as a city employee, there are NO SAFEGUARDS EXCEPT THE NEXT ELECTION!!

The charter needs to be changed to meet the needs of present-day Oneida! The first step is to make the position one that is appointed rather than elected. Perhaps it could become part of a newly created Finance Dept. to include the Comptroller, Chamberlain, City Clerk. Maybe ALL monies could be handled by that department with safeguards in place at each layer of collection.

If you feel this is an important issue

You can probably pull out the previous ballot referendum, edit it as necessary and have a public hearing before putting it on the ballot this November. Then, you will have to explain it to your constituents for implementation in 2026. That way the current City Chamberlain would not be displaced and you would have all of next year to create a new streamlined department to protect the City's monetary assets!”

GREGG MYERS-427 S. WILLOW ST.

Mr. Myers asserts ownership of the property located at 114-118 Vanderbilt Ave, adjacent to Auto Finishers. He reports utilizing a man lift to visually inspect the significant damages to his building. He notes the absence of surveys or samples taken of asbestos within the debris pile at 125 Oneida St. Expressing concern over the tight timeframe for obtaining a demolition permit and conducting an asbestos survey, he seeks clarity on the City's available options.

Attorney Bell stated that the property owner, Mr. Barnaba, is going on the assumption that there is asbestos and assuming it is "hot" and is treating it that way. She advised that his contractor is aware that it will need to go to a special landfill. She advised that an asbestos survey was completed at Auto Finishers, and there was no asbestos found.

Mr. Myers stated that this has been going on for 8.5 months, and he hopes that when the building is removed at the end of July, he hopes the City affords him 8.5 months to fix his building.

RALPH KOHLER-222 E. GROVE ST. ONEIDA

Mr. Kohler reported submitting a Freedom of Information Law (FOIL) request for all documents related to the City Manager and was surprised to find no warnings or documented deficiencies leading to Mr. Selby's dismissal. He noted that Mr. Szczerba and Mr. Winchell provided three reasons after the meeting, including Mr. Selby's two proposals for studies and his desire to work fewer than 40 hours per week.

Regarding the two study proposals, Mr. Kohler expressed that if they were serious endeavors, they would have been formally documented and presented to the Council for evaluation, given the high-level nature of the job. Instead, Mr. Selby was terminated. On the matter of working hours, Mr. Kohler expected some form of notice, especially since Mr. Laureti had previously discussed his management approach. He emphasized the importance of proper documentation and notification when terminating someone, stating that the lack thereof is troubling and contributes to public distrust, as firing someone without any formal communication is unacceptable.

He proposed that the council implements a fixed term of office for the search, emphasizing the necessity of this action to rebuild trust with prospective hires.

MARGARET MILMAN-BARRIS-1855 WEST RD., ONEIDA

Ms. Milman-Barris stated she was present to address the Hen Law and raised concerns about its application to the Outside District. Upon reviewing the Local Law, she stressed the need to ensure that it does not inadvertently impose restrictions on the Outside District, which currently lacks such regulations. She pointed out that while the law includes an exception for agricultural use, this term remains undefined, and many neighborhoods in the Outside District are zoned residential rather than agricultural.

Police Chief Lowell confirmed that the Hen Law was the result of a collaborative effort across multiple departments, with specific consideration given to Kenwood. He clarified that individuals in the Outer District would not be impacted by this law.

CODY SYLVESTER-473 Elizabeth St. ONEIDA

Ms. Sylvester inquired about Agenda Item No. 13, regarding the authorization to retain a forester to survey potential timber harvest and its relevance to the City. Water Superintendent/Acting City Manager John Monaghan explained that a Forestry Management Plan has not been conducted since 2010, noting the ample timber on the property that could be sold. Due to his lack of professional forestry expertise, he



indicated the need to hire a forester to assess the timber's sale ability and initiate the process, which would then be put out for bidding.

Motion to adjourn by Councilor Hitchings  
Seconded by Councilor Simchik

Ayes: 6

Nays: 0

Absent: 1 (Laureti)

**MOTION CARRIED**

The regular meeting is hereby adjourned at 8:13 p.m.

**CITY OF ONEIDA**

---

Sandra LaPera, City Clerk