

**MINUTES OF THE COMMON COUNCIL**  
**REGULAR MEETING**  
**JUNE 4, 2024**

A meeting of the Common Council of the City of Oneida, NY was held on the fourth day of June 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><b>Attendees</b></u>	<b>Present</b>	<b>Absent</b>	<b>Arrived Late</b>
Mayor Rossi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Acting City Manager John Monaghan	<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 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"/>	Other _____	<input type="checkbox"/>
Comptroller Lee Ann Wells	<input type="checkbox"/>	Other _____	<input type="checkbox"/>

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Call to Order/Pledge of Allegiance/Roll Call

**OLD BUSINESS**

Councilor Hitchings requested an update from Acting City Manager John Monaghan regarding 238 Allen Park Place. Monaghan reported that he spoke with the owner, who applied for a permit about 1.5 weeks ago. The Codes Department has been addressing the application and identified a need for clarification on the design, specifically concerning a staircase issue. The Code Enforcement officer is collaborating with the engineer to obtain better drawings. Once this is resolved, the permit will be issued. Additionally, the dumpster remains on the property and has not yet been emptied.

Councilor Hitchings inquired with the City Attorney about possible actions if the cleanup at 238 Allen Park Place did not progress as required. Attorney Bell explained that the resolution included specific directives and deadlines. If the owner fails to comply with these terms, the City is authorized to undertake the necessary work and charge the costs to the owner. She recommended that the City should inform the owner that he has 24 hours to comply, or the City will proceed with the cleanup and bill him for the expenses.

Attorney Bell advised that it should be made clear to the property owner, that any costs incurred by the City will more likely than not be more than what he would incur, which would typically be an incentive for him to get this done.

Councilor Winchell asked for an update on Madison St., to which Acting City Manager Monaghan advised that he has not had any dealings with this.

Regarding 125 Oneida St. (f/k/a 122 Vanderbilt Ave.), Attorney Bell advised that she spoke to the property owner's attorney, Michele DeTraglia, noting the lack of progress. The response indicated that the debris pile has been wetted down to control asbestos. It was noted that the debris must be removed by July 22, per resolution 24-97 approved on May 7, 2024. Attorney Bell added that the contractor has been in constant contact with the property owner and Attorney DeTraglia, who are aware of the obligations and time frame. The necessary permits have been obtained, and the property owner is progressing as planned.

<b>MAYOR'S REPORT:</b>	None
<b>ACTING CITY MANAGER'S REPORT:</b>	None

#### **APPROVAL OF MINUTES**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**RESOLVED**, that the minutes of the regular meeting of May 21, 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 Winchell

**RESOLVED**, that Warrant No. 11, checks and ACH payments in the amount of \$1,053,042.63 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**

**ADOPT 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**

**RESOLUTION 24-133 TABLED**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed Local Law, titled “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” was presented and introduced at a Regular Meeting of the Common Council of the City of Oneida held on February 6, 2024; and

**WHEREAS**, a public hearing was held on such proposed Local Law on February 20, 2024, and continued to May 21, 2024, by the Common Council of the City of Oneida and proofs of publication of notices of such public hearings, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed Local Law having been in the possession of the members of the Common Council of the City of Oneida in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, the enactment of the Proposed Local Law has previously been determined to be an unlisted action and will have no significant effect on the environment, thus concluding the environmental review process; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law.

**NOW, THEREFORE**, it is

**RESOLVED**, that the Common Council of the City of Oneida, Madison County, New York, does hereby enact a Local Law as follows:

**“A Local Law Amending 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; “hens” 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 72 square feet if the property is less than one acre and a maximum of 144 square feet for properties equal to or greater than one acre.

**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 Police Department.
- 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 Code Enforcement 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 Police Department 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 permit for the first 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 are equal to or 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."

DISCUSSION: Councilor Hitchings asked City Attorney Bell to explain how this will affect the Inside and Outside Districts. Attorney Bell stated that under Section 71-1, Legislative Findings and Intent, it acknowledges that the Local Law shall allow the harboring of small flocks of hens subject to a permit. She read as follows:

"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."

Attorney Bell confirmed that this would apply to residents in both the Inside and Outside Districts equally, noting that the permit fee would be set by resolution, separate and apart from the Local Law, so it could change from time to time without going through the Local Law process. The permit structure would be used as a means of being able to regulate the hens so that the impact that may or may not be realized by neighboring property owners can be minimized. She advised that having a permit creates this process, and without it there is no control. The intent is not necessarily as a revenue generator.

Councilor Szczerba and Mayor Rossi advised that it was their opinion that this would not affect the Outside District at all. Councilor Simchik also stated that by doing this, those living in the Agricultural District would lose the benefit of living in the Agricultural District. Attorney Bell advised of the different types of

Zoning Districts throughout the City and noted that just because a property is zoned Agricultural does not mean that any agricultural use is taking place. This law says that any single-family residence in the City can have hens, with a permit, whereas before this was not the case. She referenced the concern of the Kenwood area. There was further discussion about options, such as grandfathering in those in the Outside District who already have hens or having a permit waiver. It was decided to table this resolution for further discussion. It was noted that tabling this will require another Public Hearing.

Police Chief Lowell advised that the Outside District is not just to the south, but also to the north and will include other areas, such as Palmer Drive, Deerfield Dr., Foxwood Terrace, West Elm St. and Route 46 going south.

Motion to Table by Councilor Hitchings  
Seconded by Councilor Simchik

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

**MOTION TABLED**

**INTRODUCE A LOCAL LAW AMENDING SECTION 3-5 OF THE CITY CODE REGARDING REMOVAL OF  
SHOPPING CARTS BY THE SUPERVISOR OF PUBLIC WORKS-SCHEDULE PUBLIC HEARING**

**RESOLUTION 24-134**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**WHEREAS**, the City of Oneida Common Council introduces this Local Law to revise the Code of the City of Oneida to promote the public safety and welfare of the City and its residents by clarifying the procedure for the removal of shopping carts by the Supervisor of Public Works; and

**WHEREAS**, the proposed Local Law has been introduced and will be considered for enactment pursuant to provisions of the Municipal Home Rule Law; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of 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, with the result that the Common Council shall act as lead agency in this matter; and

**WHEREAS**, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA and the Common Council has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and



**WHEREAS**, said EAF has been prepared and has been reviewed by the Common Council; and

**WHEREAS**, the Common Council has considered the adopted of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that there are no other involved agencies, the Common Council shall act as lead agency, and that the enactment of this proposed local law is an unlisted action for purposes of SEQRA review; and it is further

**RESOLVED AND DETERMINED**, that the Common Council has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

**RESOLVED AND DETERMINED**, that the Common Council shall conduct a public hearing as to the enactment of proposed local law at the Oneida City Hall located at 109 North Main Street, in the City of Oneida on June 18, 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 AND DETERMINED**, 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**

**“A Local Law Amending Section 3-5 of the City Code Regarding Removal of Shopping Carts by the Supervisor of Public Works**

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

**Section 1. AUTHORITY**

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

**Section 2. PURPOSE**

The purpose of this local law is to amend Section 3-5 to allow for the removal of shopping carts on private property by the Supervisor of Public Works with the permission of the property owner.

**Section 3. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA SECTION 3-5, TITLED “Removal by Supervisor of Public Works”**

So that Section 3-5 shall be amended to read in its entirety as follows:

- “A. The Supervisor of Public Works or their designee, shall have the authority to remove or cause to be removed any shopping cart they determine is abandoned that is found on public property or on private property, with the consent of the owner of the private property, and to hold and store said cart in their possession until redeemed or otherwise disposed of in accordance with this chapter.
- B. The Supervisor of Public Works or their designee shall immediately remove, pursuant to Section 3-5A, take possession of and impound for a period of up to 15 days any shopping cart that does not comply with the identification requirements of Section 3-4A. Any shopping cart that remains unrecovered after this period shall be destroyed or otherwise disposed of by the City.”

#### **Section 4.      **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 5.      **EFFECTIVE DATE****

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

DISCUSSION: Attorney Bell advised that this Local Law was drafted to correct language in the previous Local Law that stated the Supervisor of Public Works could remove shopping carts “without” the permission of the property owner, and it should have stated “with.”

### **INTRODUCE A LOCAL LAW AMENDING THE CITY CHARTER AND THE CITY CODE REGARDING APPOINTMENTS BY THE MAYOR-SCHEDULE PUBLIC HEARING**

#### **RESOLUTION 24-135**

Moved by Councilor Winchell  
Seconded by Councilor Hitchings

**WHEREAS**, the City of Oneida Common Council introduces this Local Law to revise the Code of the City of Oneida to give the power to make certain appointments of board members and commission members to the mayor; and

**WHEREAS**, the proposed Local Law has been introduced and will be considered for enactment pursuant to provisions of the Municipal Home Rule Law; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of 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, with the result that the Common Council shall act as lead agency in this matter; and

**WHEREAS**, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA and the Common Council has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

**WHEREAS**, said EAF has been prepared and has been reviewed by the Common Council; and

**WHEREAS**, the Common Council has considered the adopted of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that there are no other involved agencies, the Common Council shall act as lead agency, and that the enactment of this proposed local law is an unlisted action for purposes of SEQRA review; and it is further

**RESOLVED AND DETERMINED**, that the Common Council has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

**RESOLVED AND DETERMINED**, that the Common Council shall conduct a public hearing as to the enactment of proposed local law at the Oneida City Hall located at 109 North Main Street, in the City of Oneida on June 18, 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 AND DETERMINED**, 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**

**“A Local Law Amending the City Charter and the City Code  
Regarding Appointments By the Mayor**

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

**Section 1.      AUTHORITY**

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

## **Section 2. PURPOSE**

The City of Oneida recently created the position of city manager. Under the creation of the position, the power to make certain appointments of board members and commission members was given to the city manager. However, because the city manager is not required to reside within the City of Oneida, they may be unfamiliar with individuals best fit to serve on such boards and commissions, such that it is more appropriate for the mayor to make such appointments. As reflected in the meeting minutes and recording of the public hearing considering the local law creating the position of city manager, the council recognized the difficulties the city manager may encounter appointing appropriately qualified individuals from within the community and clearly expressed an interest in reserving the power of appointment to the mayor. The purpose of this local law is to amend the City Charter and the City Code to allow for the mayor to make such appointments.

## **Section 3. AMENDMENT OF SECTION 5.26, "BOARD OF ASSESSMENT REVIEW," OF ARTICLE V, "BUDGET AND FINANCIAL ADMINISTRATION," OF THE CHARTER OF THE CITY OF ONEIDA**

Subsection A of Section 5.26, "Board of Assessment Review," of Article V, "Budget and Financial Administration," of the City Charter shall be repealed and replaced with a new Subsection A, which shall read in its entirety as follows:

- "A. There shall be a Board of Assessment Review appointed by the Mayor to consist of three members who shall be appointed in accordance with the Real Property Tax Law and shall have all the powers and duties prescribed therein. Each appointment shall be subject to the majority affirmative vote of the total voting power of the City of Oneida Common Council. Compensation for each member of the Board of Assessment Review shall be established by resolution of the Common Council."

## **Section 4. AMENDMENT OF SECTION 9.5, "BOARD OF WATER COMMISSIONERS," OF ARTICLE IX, "DEPARTMENT OF PUBLIC WORKS," AND SECTION 11.5, "RECREATION COMMISSION," OF ARTICLE XI, "YOUTH AND RECREATION," OF THE CHARTER OF THE CITY OF ONEIDA**

Reference to "City Manager" in the following provisions of the City Charter shall be repealed and replaced with "Mayor":

- Section 9.5, "Board of Water Commissioners," of Article IX, "Department of Public Works"; and
- Section 11.5, "Recreation Commission," of Article XI, "Youth and Recreation."

## **Section 5. AMENDMENT OF SECTION 49-7, "BOARD OF ETHICS," OF CHAPTER 49, "ETHICS, CODE OF," OF THE CODE OF THE CITY OF ONEIDA**

Subsection A of Section 49-7, "Board of Ethics," of Chapter 49, "Ethics, Code of," of the City Code shall be repealed and replaced with a new Subsection A, which shall read in its entirety as follows:

- "A. Establishment; members; terms of office. There is hereby established a Board of Ethics consisting of the Mayor and four members to be appointed by the Mayor and shall serve without compensation and at the pleasure of the Mayor. Terms shall be for four years and staggered. (Initial member appointments shall be for one-, two-, three- and four-year terms, with subsequent four-year appointments.) A majority of such members shall be persons other than officers or employees of the City of Oneida."

**Section 6. AMENDMENT OF SECTION 174-11, "MEMBERS," OF ARTICLE II, "SHADE TREE COMMISSION," OF CHAPTER 174, "TREES," OF THE CODE OF THE CITY OF ONEIDA**

Reference to "City Manager" in Section 174-11, "Members," of Article II, "Shade Tree Commission," of Chapter 174, "Trees," of the City Code shall be repealed and replaced with "Mayor."

**Section 7. AMENDMENT OF SECTION 172-2, "TRAFFIC SAFETY BOARD ESTABLISHED," OF CHAPTER 172, "TRAFFIC SAFETY BOARD," OF THE CODE OF THE CITY OF ONEIDA**

Subsection B of Section 172-2, "Traffic Safety Board established," of Chapter 172, "Traffic Safety Board," of the City Code shall be repealed and replaced with a new Subsection B, which shall read in its entirety as follows:

"B. Each Traffic Safety Board member shall be appointed by the Mayor subject to the majority affirmative vote of the total voting power of the City of Oneida Common Council."

**Section 8. AMENDMENT OF SECTION 190-45, "JOINT ZONING BOARD OF APPEALS/PLANNING COMMISSION," OF ARTICLE VI, "ADMINISTRATION AND ENFORCEMENT," OF CHAPTER 190, "ZONING," OF THE CODE OF THE CITY OF ONEIDA**

Subsection A of Section 190-45, "Joint Zoning Board of Appeals/Planning Commission," of Article VI, "Administration and Enforcement," of Chapter 190, "Zoning," of the City Code shall be repealed and replaced with a new Subsection A, which shall read in its entirety as follows:

"A. Administrative/general provisions.

- (1) Establishment of Joint Board. The City of Oneida Joint Zoning Board of Appeals/Planning Commission is hereby established in order that the objectives and competent administration of this chapter and Chapters 143 and 155 of the Code of the City of Oneida may be fully and equitably achieved.
- (2) Appointment of members. The Mayor shall appoint seven members to the Joint Zoning Board of Appeals/Planning Commission. The initial appointments to the Joint Board shall be such that the term of one member shall expire each consecutive year. Thereafter, members of the Joint Board shall be appointed by the Mayor, with each appointment subject to the majority affirmative vote of the total voting power of the City of Oneida Common Council, for a term of seven years from and after the expiration of each initial term of office.
- (3) Chairperson. The Mayor shall annually appoint one of the members of the Joint Zoning Board of Appeals/Planning Commission to act as Chairperson to preside at all meetings and hearings, to supervise the affairs of the Joint Board and to fulfill the customary functions of that office.
- (4) Secretary. A secretary of the Joint Zoning Board of Appeals/Planning Commission shall be designated by the Mayor on an annual basis. The secretary shall keep minutes of all of the Joint Board's proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact and shall also keep records of all of the Joint Board's official actions."

**Section 9. 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 10. EFFECTIVE DATE**

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

**RECEIVE AND PLACE ON FILE-LIQUOR LICENSE APPLICATION-THE BLIND SQUIRREL**

**RESOLUTION 24-136**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**RESOLVED**, to receive and place on file the Standardized Notice Form for providing 30-Day Advance Notice to a Local Municipality or Community Board for a new application for an On-Premises Alcoholic Beverage License for Say I Do Events, LLC d/b/a The Blind Squirrel-161 Phelps St., Oneida, NY 13421.

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

**APPROVE BID-RAM 1500 WATER DEPARTMENT**

**RESOLUTION 24-137**

Moved by Councilor Hitchings  
Seconded by Councilor Pagano

**RESOLVED**, to approve the lowest bid meeting specifications for a Ram 1500 for the Water Department to Ferrario Ford, 2472 Corning Rd., Elmira, NY 14903; **and be it further**

**RESOLVED**, to authorize the Acting City Manager to sign any and all documents associated with the purchase of a Ram 1500 for the Water Department, **and be it further**

**RESOLVED**, to approve the purchase of a Ram 1500 to be funded by the Water Vehicle Reserves Account.

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

## **BUDGET TRANSFERS/AMENDMENTS**

### **RESOLUTION 24-138**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

	<b><u>To</u></b>	<b><u>From</u></b>
<b><i>2024 Budget Adjustments</i></b>		
\$ 60,000.00	003.8110.0329.0000 Sewer-Liquid Iron Salts	003.0003.0912.0000 Sewer Fund Balance
<b><i>To allocate funds to cover Iron Salts expense for remainder of the year</i></b>		
\$ 500.00	001.0023.2705.0000 Police Donations	001.3120.0420.0000 Police-Crime Prevention
<b><i>To re-allocate donation received from Walmart to Crime Prevention budget</i></b>		
\$ 43,245.00	002.8300.0447.0000 Water Vehicles	002.0002.0889.0000 Water Vehicle Reserves

***To allocate funds form the water vehicle reserves to purchase a new Ram 1500***

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

**MOTION CARRIED**

### **NEW BUSINESS**

Mayor Rossi advised that the 9<sup>th</sup> Annual Run for the Fallen to honor and remember those military service members who died as a result of the War on Terror will be taking place June 6-9. They will be going through the City of Oneida on the second day of the relay event, Friday, June 7, at approximately 3:21pm, stopping at Nye Automotive on Genesee St. and encouraged all to attend.

Mayor Rossi also advised that the City Manager Search Committee has met twice so far, and he believes progress has been made. He stated that information will be presented to the Council at the next meeting.

### **PUBLIC COMMENT**

BRIAN BORTREE-ONEIDA

Mr. Bortree stated that he was not sure how many of the public were aware that Comptroller, Lee Ann Wells, had put in her notice to resign and he blames the first four councilors for this. Mr. Bortree stated that they had a City Manager that was never given the chance, who assigned Lee Ann Wells to the position of Acting City Manager, and the Council removed her and put in Bob Burnett. Advising that this was nothing against Bob, it should not have been accepted.

Mr. Bortree stated that he feels Comptroller Wells was treated poorly. Mr. Bortree commented that Council was put in by the citizens of and to work for the City of Oneida, and they are not doing this. He feels they have their own agendas and are putting people in that are not qualified for the position. Due to unacceptable language, Councilors requested that Mr. Bortree leave. Due to communications between Mr. Bortree and Councilor Szczerba, Mayor Rossi requested that all comments be addressed to the Council and not individuals.

ROBERT BRITTON-ONEIDA

Mr. Britton advised that since this Council has been elected, the City has lost the City Comptroller and the City Planner and asked who will be next. He stated that instead of working together, they are always feuding. He also advised that for the first time in City history, the first four councilors were not in the parade, and they should be respectful.

JIM CHAMBERLAIN-W. ELM ST. ONEIDA

Jim Chamberlain addressed the Council and stated that while he was on Council he worked with Lee Ann Wells, who he described as being "fantastic," advising that the City is losing a huge asset. Mr. Chamberlain also stated that at the last few meetings, there was discussion about the Fire Department and DPW doing things to clean up some of the unsafe properties and inquired as to whether some of the money from their time taken away from normal duties could be legally recouped.

Attorney Bell advised that if this is done after an order is issued and the person does not comply, the City can recoup the cost.

DEE SCHAEFER-240 ALLEN PARK PLACE

Ms. Schaefer asked if anything could be done about boards coming into her property from 238 Allen Park Place. Acting City Manager Monaghan advised that he is on top of this, and if he can't get the property owner to take care of these things, a local, licensed contractor will be hired by the City to do it, and the property owner will be charged back.

DAN JONES-EAST WALNUT ST.

Mr. Jones asked about the fate of the old vehicle in the Water Department once the new Ram is purchased. Water Superintendent Monaghan responded that the old vehicle would either be handed down for use by seasonal help or sent to auction if it has any remaining value. Moving forward, Superintendent Monaghan will review the Annual Report and monitor the maintenance costs to determine if it is worth keeping the vehicle.



Motion to adjourn by Councilor Winchell  
Seconded by Councilor Simchik

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

The regular meeting is hereby adjourned at 7:04 p.m.  
**CITY OF ONEIDA**

Sandra LaPera, City Clerk