

**MINUTES OF THE COMMON COUNCIL**  
**REGULAR MEETING**  
**JULY 2, 2024**

A meeting of the Common Council of the City of Oneida, NY was held on the second day of July 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 <i>John Monaghan</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Szczerba	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Laureti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Hitchings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Winchell	<input type="checkbox"/>	<input checked="" 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"/>	Public Safety Comm. Dave Jones	<input type="checkbox"/>
City Clerk Sandy LaPera	<input checked="" type="checkbox"/>	Other: _____	<input type="checkbox"/>
Fire Chief Scott Jones	<input type="checkbox"/>	Other: _____	<input type="checkbox"/>
Police Chief Steve Lowell	<input checked="" type="checkbox"/>	Other: _____	<input type="checkbox"/>

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Call to Order/Pledge of Allegiance/Roll

**PUBLIC HEARING:** A Local Law to amend Section 17-1 of the Code of the City of Oneida and to establish a new chapter regulating the harboring of hens within the City of Oneida Inside District

Mayor Rossi received and placed on file emails in support of the Hen Law from eight (8) Oneida residents prior to opening the Public Hearing.

## OPEN PUBLIC HEARING

### A LOCAL LAW TO AMEND SECTION 17-1 OF THE CODE OF THE CITY OF ONEIDA AND TO ESTABLISH A NEW CHAPTER REGULATING THE HARBORING OF HENS WITHIN THE CITY OF ONEIDA INSIDE DISTRICT

#### RESOLUTION 24-155

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**RESOLVED**, that a Public Hearing for a Local Law to amend Section 17-1 of the Code of the City of Oneida and to establish a new chapter regulating the harboring of hens within the City of Oneida Inside District is hereby opened at 6:31p.m.

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

**MOTION CARRIED**

#### APPEARANCES

##### ROBERT BRITTON-ONEIDA

Mr. Britton raised questions regarding the enforcement of the rules, specifically asking what the consequences will be for those who do not comply, who will be tasked with enforcing these regulations, and if there will be any provisions for giving offenders a second chance.

##### MELISA MANNIX-341 STONE ST.

Ms. Mannix voiced her support for the Hen Law, hoping for its approval. She mentioned that others in attendance also supported the law. She reminded the Council of the petition and supporting letters that were previously submitted.

##### ASZARIA COOPER-WILLIAMS ST.

Ms. Cooper addressed the Council to counter comments she had heard in previous meetings. She emphasized that the numerous meetings and public hearings have affected the appearance of community support for the Hen Law. She mentioned that many people have jobs, children, and other commitments that made it difficult to attend every meeting. She urged the Council to recall the overwhelming turnout at the first Public Hearing, where the lack of seating forced many attendees to stand.

Ms. Cooper provided her comments, including statistics, which are attached to these minutes, titled **"ATTACHMENT A."**

##### JEROME COOPER-WILLIAMS ST.

Jerome Cooper responded to comments regarding the potential health impacts of chicken coops, such as

causing dizziness, headaches, nausea, and fainting. He argued that for residents on the north side, the odor from the sewer plant is far more unpleasant than that of any chicken coop. He also pointed out that the smell from multiple dogs in the Madison Street apartments is worse than that of chicken coops. Additionally, he mentioned that people are more adversely affected by the smoke from charcoal and wood burning at chicken barbecues than they would be by chicken coops.

#### ROBERT EATON-ELM ST.

Mr. Eaton advised that he has been a longtime supporter of the Hen Law and has been advocating for its passage for quite some time. He addressed concerns about predators, noting that they are already present and visible to all. He commented that if those with chickens use responsible methods for food management, as will be ensured through the permit process, they will not face this issue. He believes the benefits of having chickens in the community outweigh any negatives. Mr. Eaton reminded everyone that not long ago, many places within the City still had chickens. He further stated that with grocery bills being as high as they are now, having chickens and gardens can help feed families. He emphasized that the number of supporters exceeds those against the Hen Law and noted that the government also supports it. Mr. Eaton concluded by stating that it is time to reintroduce chickens and further noted that it would not be many, as 46% of the community are renters who could not have them anyway.

#### BRAHIM ZOGBY-ONEIDA

Brahim Zogby highlighted that after serving 25% of their term, the Council would vote on a new addition to the City's Code. He emphasized that the proposed law, while aiming to provide a food source, only benefits single-family homeowners, leaving out multifamily homes, renters, and those needing food insurance. He criticized the proposal, driven by a small group of single-family homeowners, as discriminatory, arguing that it unfairly excludes a significant portion of the community.

Mr. Zogby noted that the law had been revised, because residents in the Outside District objected to the permit fee, while it was deemed acceptable for those in the Inside District, which has many single-family, owner-occupied residences. He questioned whether the Council considered the impact on residents in the Inside District when proposing this law. He further commented that without this law, the Outside District would be unaffected, rendering further discussion unnecessary. Questioning the three-year term of the contract, Mr. Zogby asked if the officer enforcing the law would also be paid every three years. He pointed out that dog licenses are valid for one year, and cats aren't licensed at all, yet permits would be issued to single-family homeowners for three years, which he believes would burden all taxpayers.

Mr. Zogby inquired about the consequences if a chicken owner broke the law and the chickens escaped from their coop. He suggested that the use of the word "may" regarding fines, instead of "shall," leaves the penalty to the discretion of the Codes officer. He pointed out that the law, as written, is flawed and urged the Council to vote against this discriminatory legislation. He clarified that he does not challenge any other comments made pertaining to chickens by other residents in support of the legislation. Mr. Zogby advised that enforcing this law in the City would be difficult, and it does not serve the general public, but rather a small group of individuals who want to pursue a hobby within the Inside District.

#### RALPH KOHLER-ONEIDA

Mr. Kohler voiced his opposition to the presence of chickens outside the Agricultural District, supporting Mr. Zogby's insights. He acknowledged that Ms. Copper and other supporters have presented accurate facts, but he argued that these facts are not applicable to the Inside District of Oneida. He pointed out strong policy reasons for not approving this measure beyond the Agricultural District, emphasizing that chickens are agricultural animals and do not belong in the residential or commercial zones of the City.

Mr. Kohler suggested that individuals wishing to raise chickens should relocate to the Agricultural District, where this practice is permitted. He referenced Ms. Cooper's strong arguments for having chickens but emphasized that these do not apply to the Inside District, which is primarily for residential use, not for raising farm animals. He further expressed concerns about the City's ability to regulate this matter, given their ongoing difficulties in managing the feral cat population, concluding that in his opinion the idea is a bad one.

#### **CLOSE PUBLIC HEARING**

#### **A LOCAL LAW TO AMEND SECTION 17-1 OF THE CODE OF THE CITY OF ONEIDA AND TO ESTABLISH A NEW CHAPTER REGULATING THE HARBORING OF HENS WITHIN THE CITY OF ONEIDA INSIDE DISTRICT**

#### **RESOLUTION 24-156**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**RESOLVED**, that a Public Hearing for a Local Law to amend Section 17-1 of the Code of the City of Oneida and to establish a new chapter regulating the harboring of hens within the City of Oneida Inside District is hereby closed at 6:50 p.m.

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

**OLD BUSINESS:** None

**MAYOR'S REPORT:** None

**ACTING CITY MANAGER'S REPORT:** Acting City Manager Monaghan announced that the City of Oneida is once again seeking a Comptroller, as Mr. Gasser resigned last Monday after only five days on the job, stating that he was not suited for the position. He also mentioned that the search for a City Planner is still ongoing.

Acting City Manager Monaghan stated that there will be fireworks on Saturday, July 6<sup>th</sup> at the American Legion that are being sponsored by the Legion and the Owls Club, which should be a fun time for all.

#### **APPROVAL OF MINUTES**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**RESOLVED**, that the minutes of the regular meeting of June 18, 2024, are hereby approved as

presented.

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

#### **APPROVAL OF WARRANT**

Moved by Councilor Simchik  
Seconded by Councilor Hitchings

**RESOLVED**, that Warrant No. 13, checks and ACH payments in the amount of \$749,418.23 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Acting City Manager.

Ayes: 6  
Nays: 0  
Absent: 1 (Winchell)  
**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 INSIDE DISTRICT**

#### **RESOLUTION 24-157**

Moved by Councilor Simchik  
Seconded by Councilor Pagano

**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 Inside District” was presented and introduced at a Regular Meeting of the Common Council of the City of Oneida held on February 6, 2024, and subsequently re-introduced on June 18, 2024; and

**WHEREAS**, a public hearing was held on such proposed Local Law on February 20, 2024, May 21, 2024, and July 2, 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 Inside District**

**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 within the Inside District**

**§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 within the Inside District 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 Inside District. This Local Law shall allow the harboring of small flocks of hens subject to permit, by residents of single-family dwellings within the Inside District, 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.

**INSIDE DISTRICT** – The area of the City bounded by a line beginning at the point where the Conrail tracks cross Oneida Creek just south of the New York State Thruway, thence westerly along the Conrail tracks to the point where an extension of the west inside/outside corporation line intersects, thence southerly along the inside/outside corporation line to Genesee Street (New York State Route 5), thence easterly along Genesee Street to the point where the same crosses Oneida Creek, thence northerly along Oneida Creek to its starting point.

**§71-3 Permit required.**

It shall be unlawful for any person, association, group or organization within the limits of the Inside District 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 Office of the City Clerk.
- B. With the "Harboring of Pens 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 Police Department/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 Service 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 within the Inside District, 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 four (4) square feet of space for each hen. The Run is not included in this calculation.
- C. A Run shall provide ten (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. This Chapter shall be enforced by the Community Service Officer. The Community Service Officer shall establish such procedure and make such inspections as are necessary to carry out their duties in the administration and enforcement of this Chapter.
- B. Any resident or property owner may file with the Community Service Office a written, signed complaint alleging a violation of this Chapter. The receipt of such a 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.
- C. If the Community Service Officer determines that a violation of this Chapter 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.
- D. 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.
- E. 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.
- F. 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.”

Mayor Rossi	NO
Councilor Szczerba	YES
Councilor Laureti	YES
Councilor Hitchings	YES
Councilor Winchell	ABSENT
Councilor Pagano	YES
Councilor Simchik	YES

**MOTION CARRIED**

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

**RESOLUTION 24-158**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled “A Local Law Amending Section 3-5 of the City Code Regarding Removal of Shopping Carts by the Supervisor of Public Works” was presented and introduced at a Regular Meeting of the Common Council of the City of Oneida held on June 4, 2024; and

**WHEREAS**, a public hearing was held on such proposed local law on June 18, 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 for purposes of environmental review under the State Environmental Quality Review Act (SEQRA), an environmental impact statement (EIS) was not required, and a negative declaration was issued on June 4, 2024, pursuant to SEQRA determining that this action will have no significant effect on the environment thus concluding the SEQRA 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 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.”

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

**MOTION CARRIED**

**ADOPT A LOCAL LAW AMENDING THE CITY CHARTER AND THE CITY CODE REGARDING  
APPOINTMENTS BY THE MAYOR**

**RESOLUTION 24-159**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled “A Local Law Amending the City Charter and the City Code Regarding Appointments By the Mayor” was presented and introduced at a Regular Meeting of the Common Council of the City of Oneida held on June 4, 2024; and

**WHEREAS**, a public hearing was held on such proposed local law on June 18, 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 for purposes of environmental review under the State Environmental Quality Review Act (SEQRA), an environmental impact statement (EIS) was not required, and a negative declaration was issued on June 4, 2024, pursuant to SEQRA determining that this action will have no significant effect on the environment thus concluding the SEQRA review process; and

**WHEREAS**, the Proposed Local Law was duly referred to the Madison County Planning Department pursuant to General Municipal Law (GML) 239-m and, by GML Recommendation Report #065-2024, dated June 17, 2024, the County Planning Department returned the matter for local determination, concluding that “no county-wide impact will occur;” 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 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.”

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

**MOTION CARRIED**

**APPROVE STIPEND-ACTING CITY MANAGER**

**RESOLUTION 24-160**

Moved by Councilor Hitchings  
Seconded by Councilor Szczerba

**WHEREAS**, since April 3, 2024, the position of City Manager has been vacant; as a result, pursuant to Section 12.3 of the Oneida City Charter, the Acting City Manager must serve in the roll of City Manager until the City Council has appointed a new City Manager; and

**WHEREAS**, effective April 16, 2024, the Oneida City Common Council duly designated John Monaghan, the Oneida City Water Superintendent, to be the Acting City Manager while continuing to serve in the capacity of Water Superintendent and fulfill such duties and responsibilities that are related thereto; and

**WHEREAS**, the Common Council acknowledges that the designation of Acting City Manager has increased the duties and responsibilities of Superintendent Monaghan and does accordingly wish to compensate Superintendent Monaghan for such increased duties and responsibilities on a temporary basis.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Oneida City Common Council does hereby approve payment of a stipend to Water Superintendent John Monaghan in the amount of \$500.00 per week for his performance of duties and responsibilities as Acting City Manager, retroactive to June 17, 2024, until such time as a City Manager is duly appointed by the Common Council.

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

**MOTION CARRIED**

**AMEND FEE SCHEDULE-DEPARTMENT OF PLANNING AND DEVELOPMENT**

**RESOLUTION 24-161**

Moved by Councilor Hitchings  
Seconded by Councilor Pagano

**WHEREAS**, Section 190-43 of the Oneida City Code states that all fees for permits in conjunction with Chapter 190-Zoning, shall be established by the Common Council, as may be required from time to time; **and**

**WHEREAS**, on April 18, 2023, by Resolution 23-67, the City of Oneida Common Council approved changes to the Fee Schedule for the Department of Planning and Development; **and**

**WHEREAS**, it is the desire to amend the fee schedule to include Short-term Rental Application Fee;

**NOW THEREFORE BE IT**

**RESOLVED**, that the following change to the Department of Planning and Development Fee Schedule be hereby adopted; **and be it further**

**RESOLVED**, that said Department of Planning and Development Fee Schedule shall take effect immediately following approval of said Resolution.

- Short-term rental application fee: \$150

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

**MOTION CARRIED**

**NEW BUSINESS:** None

**PUBLIC COMMENT:** Gregg Myers-Oneida

Mr. Myers stated that on Tuesday, June 18<sup>th</sup> there was a house explosion in the City of Syracuse, and by Friday, all of the debris had been removed less than a week later. He further stated that on December 1<sup>st</sup> of last year, a partial wall collapsed at 122 Vanderbilt Ave. in Oneida, and the Fire Chief at the time required the rest of the building to be demolished. He advised that this was 214 days ago, and there is still a debris pile there. He is dealing with water in his basement that he never had before and people inquiring as to what is going on with the building next to his. Although he understands that the owner has until July 8<sup>th</sup> to begin, he stated that something needs to be done about buildings the City chooses to demolish due



Motioned by Councilor Simchik  
Seconded by Councilor Laureti

**RESOLVED**, that Executive Session is hereby adjourned to the regular meeting at 7:23 p.m.

Ayes: 6

Nays: 0

Absent: 1 (Winchell)

**MOTION CARRIED**

Motion to adjourn by Councilor Szczerba

Seconded by Councilor Simchik

Ayes: 6

Nays: 0

Absent: 1 (Winchell)

**MOTION CARRIED**

The regular meeting is hereby adjourned at 7:23 p.m.