

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
SEPTEMBER 3, 2024**

A meeting of the Common Council of the City of Oneida, NY was held on the third day of September 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>	Present	Absent	Arrived Late
Mayor Rossi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Szczerba	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Laureti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Hitchings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Winchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Pagano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Simchik	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

Also Present

City Attorney Nadine Bell	<input checked="" type="checkbox"/>	Public Safety Comm. Dave Jones	<input checked="" type="checkbox"/>
City Clerk Sandy LaPera	<input checked="" type="checkbox"/>	Parks & Rec Director Luke Griff	<input checked="" type="checkbox"/>
Fire Chief Scott Jones	<input checked="" type="checkbox"/>	Other: _____	<input type="checkbox"/>
Police Chief Steve Lowell	<input checked="" type="checkbox"/>	Other: _____	<input type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll

PUBLIC COMMENT

RALPH KOHLER-ONEIDA

Mr. Kohler raised a question about the new format, asking why the City was considering paying the Mayor \$500 per week to take on the responsibilities of the Acting City Manager. He also noted that Councilor Szczerba explained the reasoning, stating that the Mayor's salary had been reduced from its previous level. Mr. Kohler thanked Councilor Szczerba for the clarification.

ROBERT BRITTON-ONEIDA

Mr. Britton remarked that he has been attending Council meetings for many years and has never

witnessed such a dysfunctional council, where members are constantly feuding. He noted that in the past, there was no need for security, and no one being thrown out of meetings, or asked to leave. He further pointed out that the first City Manager was pushed out, the next Acting City Manager, Bob Burnett, left after just two weeks because he didn't want the job, and then John Monaghan stepped in as Acting City Manager, handling four different roles without anyone saying it was bad for business. However, when the Mayor took on the position, the Dispatch published half a page criticizing it as bad for business, with the only person quoted in the article being the first ward councilman.

Mr. Britton also remarked that the City has been rehiring former employees as consultants and questioned the cost of this practice. He pointed out that City Hall is currently short six positions, noting that one employee left and took a pay cut to work elsewhere. Additionally, he commented on the shortage of eight police officers, a situation he emphasized has never happened before.

Mr. Britton discussed candidates for the City Manager position and expressed his desire to get this position filled, questioning why it has taken so long.

WAYNE WINCHELL-ONEIDA

Wayne Winchell stated that two years ago, he had a meeting with the City to address concerns about commercial inspections not being completed, which negatively impacted tax revenue and public safety. He also mentioned an incident where an employee, during a 911 call, contacted his "buddy" to warn him that the police were on their way. According to Mr. Winchell, this employee was subsequently rewarded with a promotion instead of being disciplined.

Mr. Winchell continued to express concerns about commercial inspections, noting that since his initial discussions with the City, two buildings have been demolished, which, in his opinion, posed a public safety risk, as they were not properly barricaded. He further stated that under the Mayor's leadership, the City has lost several key employees, including the Director of Planning, Comptroller, Economic Development employee, Water Superintendent, City Manager, Acting City Manager, Deputy Comptroller, and Police Clerk. Mr. Winchell expressed his belief that the Mayor has not implemented any positive changes, highlighting serious issues the city is facing, such as problems with the Dam, the loss of water customers, vacant buildings, and rising taxes.

Mr. Winchell referenced an email involving the City Attorney, the Acting City Manager, and the Codes Department, accusing Mayor Rossi of issuing a directive to lie to a complainant. In response, Mayor Rossi denied the claim, stating that Mr. Winchell was spreading false accusations.

Mayor Rossi stated that a work stop order had been issued for 121 E. Railroad St., clarifying that the property in question is not his. He also mentioned that the City Attorney's emails had been made public, which should not have happened, as such communications are typically exempt from FOIL requests, and he was unsure how this occurred. The Mayor acknowledged that one of the emails indicated the City could be at fault, and as a result, it was suggested that pursuing further action might not be advisable. He accused Mr. Winchell of making personal attacks against him, stating that this had been ongoing for some time. Mayor Rossi concluded by asserting that personal matters should not be discussed during Common Council meetings, to which Mr. Winchell inferred that his personal business is directly tied to city business.

ANGEL VARGAS-ONEIDA

Mr. Vargas, identifying himself as Rick Rossi's father and a business owner in the city, expressed his concern about what he views as the weaponization of the Codes Department. He described the personal

attack on their building as shocking, especially in a small city like Oneida. He also criticized the decision made by four council members to dismiss Dr. Selby, whom he believes was the most qualified candidate the City Manager position will ever see.

Mr. Vargas responded to Mr. Winchell's reference regarding two recent tickets issued to his building. He expressed concern about how Mr. Winchell obtained the information, which should only have been accessible to councilors and department heads. The fact that Mr. Winchell had this knowledge led Mr. Vargas to believe there is bias at play. He asserted that his building complies with all codes and has received a Certificate of Occupancy, stating that he will fight this issue to the end. He also expressed sympathy for those who are used as political pawns.

Mr. Vargas advised that he could stop the situation, but he has chosen to let it unfold, believing that some legitimate issues will stop. He expressed his intent to wait and see how everything unfolds. He also expressed hope that the council will select a City Manager from the qualified candidates, as the position is urgently needed. Additionally, he corrected Mr. Winchell's claim, clarifying that the loss of positions was not the result of Mr. Rossi's actions, but rather the responsibility of four council members. He concluded by stating that the ongoing pursuit against his businesses will stop.

JIM COULTHART-ONEIDA

Jim Coulthart, who is a member of the City Manager Search Committee, advised that 5 candidates had been selected by the Committee to move forward in the process. He advised that the information is available on the City website and reviewed the schedule, noting the following:

- Applicants will meet with Department Heads and any interested City employees at 3:30 p.m.
- Council will interview the applicant at 5:30 p.m. in Executive Session
- Public meet and greet, Q and A at 7:00 p.m.

Dates: September 4, 2024
September 10, 2024
September 11, 2024
September 12, 2024

Common Council Chambers

Resumes for the first candidate is currently on the City website, the remaining three will be added on September 6.

OLD BUSINESS

Councilor Szczerba asked for an update on the status of filling the Comptroller position. Mayor Rossi responded by explaining that the Bonadio Group is currently handling the Comptroller responsibilities and, for the time being, he considers the position filled. He added that the individual currently running the department has prior experience in the role and is familiar with the City, which he believes is important, especially with budget season approaching. Mayor Rossi indicated a preference for continuity with someone who knows the City's operations well.

Mayor Rossi advised that it was his understanding that there have been one or two candidates that have

been interviewed, but that he has not personally interviewed anyone since becoming Acting City Manager. Mayor Rossi stated that it is his position, that it is hard to move away from someone during budget season when the Comptroller is needed the most.

REPORTS:

- Mayor's Report:
Mayor Rossi advised that there will be a 9-11 Remembrance Ceremony on Wednesday, September 11 at 9:30 a.m. This will be held at the Fire Department Memorial on the Oneida St. side of City Hall.

APPROVAL OF MINUTES

Moved by Councilor Hitchings
Seconded by Councilor Simchik

RESOLVED, that the minutes of the regular meeting of August 20, 2024, are hereby approved as presented.

Ayes: 7
Nays: 0

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Hitchings
Seconded by Councilor Szczerba

RESOLVED, that Warrant No. 17, checks and ACH payments in the amount of \$456,717.73 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller or a third party duly retained by the City of Oneida to perform such services.

Ayes: 7
Nays: 0

MOTION CARRIED

APPROVE STIPEND-ACTING CITY MANAGER

RESOLUTION 24-195

Moved by Councilor Hitchings
Seconded by Councilor Simchik

RESOLVED, to authorize a stipend for Rick Rossi, Mayor, for an additional \$500 per week for Acting City Manager duties, retroactive to August 23, 2024.

Ayes: 3
Nays: 3 (Szczerba/Laureti/Winchell)
Abstain: 1 (Rossi)
MOTION FAILED

DISCUSSION: City Attorney Bell explained that, under the new rules, the Mayor is considered a member of the council. However, she raised the issue of whether the Mayor believes there would be a conflict of interest if he were to vote on his own resolution, given the clear personal interest involved. She further clarified that if there is a 3-3 tie in the vote, the resolution fails.

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 24-196

Moved by Councilor Hitchings
Seconded by Councilor Simchik

RESOLVED, to approve the following budget transfers and amendments as outlined by the Comptroller, or a third party duly retained by the City of Oneida to perform such services:

	<u>To</u>	<u>From</u>
2024 Budget Adjustments		
\$ 100,000.00	001.3120.0102.0000 Police Overtime	001.0001.0912.0000 General Fund Balance
<i>To allocate funds to cover cost Police Overtime for remainder of 2024</i>		
\$ 5,000.00	001.3310.0200.0000 Street Light Equipment	001.0001.0912.0000 General Fund Balance
<i>To allocate funds to purchase necessary street light equipment for remainder of 2024</i>		
\$ 3,000.00	001.3120.0403.0000 Police Contracts	001.3120.0101.0000 Police Salary

To re-allocate funds to cover contracted payroll services

Ayes: 7
Nays: 0
MOTION CARRIED

AGREEMENT-JOHN MONAGHAN CONSULTING SERVICES

RESOLUTION 24-197

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, the City of Oneida Common Council does hereby authorize the Acting City Manager to sign an agreement, in a form approved by the City Attorney, with John Monaghan, with a mailing address of 317 Chemung Street, Syracuse, NY 13204, for consulting services to be rendered in connection and to assist with those duties performed by and assigned to the City of Oneida Water Superintendent for a period commencing September 3, 2024, and ending December 31, 2024, at a rate of \$40.00 per hour.

Ayes: 7
Nays: 0

MOTION CARRIED

ACCEPTANCE OF AWARD-US DEPT. OF HOMELAND SECURITY

RESOLUTION 24-198

Moved by Councilor Hitchings
Seconded by Councilor Simchik

RESOLVED, to authorize Fire Chief, Scott Jones, to accept the award through the FEMA Grants Outcomes for the 2023 Assistance to Firefighters Grant funding opportunity per the terms outlined in the award.

Ayes: 7
Nays: 0

MOTION CARRIED

DISCUSSION: Fire Chief Jones explained that he applied for a federally funded grant through the Department of Homeland Security (FEMA) for paramedic training, which would include tuition for the training of 8 firefighters, travel to and from training, and overtime to back fill the 8 firefighter positions while training, which would include overtime. The City's contribution would be \$24,971, with the grant funding approved amount of \$499,429, for a total of \$524,400.

This will allow his department to provide the highest level of pre-hospital emergency care.

A RESOLUTION AUTHORIZING THE PURCHASE OF A LOADER, IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$140,000, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$140,000 BONDS OF SAID CITY TO PAY THE COST THEREOF

RESOLUTION 24-199

Moved by Councilor Hitchings
Seconded by Councilor Simchik

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 a loader for the Department of Public Works, 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 \$140,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of not to exceed \$140,000 bonds of said City hereby authorized to be issued therefor 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 fifteen years, pursuant to subdivision 28 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 Rossi	YES
Councilor Szczerba	YES
Councilor Laureti	YES
Councilor Hitchings	YES
Councilor Winchell	YES

Councilor Pagano YES
Councilor Simchik YES

MOTION CARRIED

DISCUSSION: Councilor Winchell inquired if the matter could be postponed until the budget process. City Attorney Bell responded by clarifying that the resolution pertains to a bond set at a maximum amount. While she was not involved in preparing the resolution and is unfamiliar with the specific process for this bond, she noted that the bond amount would not exceed the maximum set. If funds became available during the budget process, the council could always bond for a lesser amount. However, she was unsure whether this was a time-sensitive issue. Councilor Hitchings stated that based on an email they received, it is time-sensitive and that this is needed. There was discussion about the current loader and the condition of the loader that needs replacing.

CAPITAL PROJECT 24-5 PURCHASE OF A LOADER-DPW

RESOLUTION 24-200

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, to authorize the City Engineer to proceed with Capital Project 24-5 for the purchase of a loader.

Ayes: 7
Nays: 0

MOTION CARRIED

AGREEMENT-ROBERT MURANO (FALL FEST)

RESOLUTION 24-201

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, to authorize the Acting City Manager to sign an agreement with Robert Murano of Deep State Jive, for services provided at the City of Oneida Fall Festival on October 5, 2024, for \$750.

Ayes: 7
Nays: 0

MOTION CARRIED

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 24-202

Moved by Councilor Hitchings
Seconded by Councilor Simchik

RESOLVED, that per Resolution 08-180 adopted by the Common Council on August 19, 2008, the provisions of the procedure to accept agenda items is hereby waived.

Ayes: 7
Nays: 0

MOTION CARRIED

DISCUSSION: Mayor Rossi advised that this item did not make the noon deadline for the submission of agenda items.

Councilor Winchell raised a concern, pointing out that two weeks prior, when he attempted to add an agenda item, he was told it couldn't be done after the Thursday deadline. Mayor Rossi explained that this situation was an exception, as employees would not receive their paychecks if they didn't act. While Councilor Winchell acknowledged this, he emphasized that he had tried to bring up a resolution on a Thursday afternoon and was told it could not be added under any circumstances after the deadline. He questioned why this resolution was allowed now but not in his case, adding that Mayor Rossi was the one who informed him of the rule. In response, Mayor Rossi denied ever telling Councilor Winchell that and stated that he had not been asked about it by Councilor Winchell. He requested to see the email that Councilor Winchell was referring to. Councilor Winchell then recanted, stating that it was actually John Monaghan (Acting City Manager) that said this and not Mayor Rossi.

CLERK'S NOTE:

The procedure for accepting agenda items per Resolution 08-180 adopted on August 19, 2008, states that any person seeking to place an item on the agenda for a regularly scheduled meeting of the Common Council shall file it with the City Clerk by noon of the Thursday before the regularly scheduled Council meeting. The provisions of this procedure can be waived by a two thirds majority of the Council for items that need to be done at a meeting that did not make the deadline.

In the situation being referenced, the request was not to add a new agenda item but to modify an existing one. It was advised at the time that any changes could be requested and voted on during the meeting itself, following the directive of the Acting City Manager.

AGREEMENT-JESSICA KAISER CONSULTING SERVICES

RESOLUTION 24-203

Moved by Councilor Hitchings
Seconded by Councilor Simchik

RESOLVED, that the City of Oneida Common Council does hereby authorize the Acting City Manager to sign an agreement, in a form approved by the City Attorney, with Jessica Kaiser, with a mailing address of 396 Genesee St., Oneida, NY 13421, for consulting services to be rendered in connection and to assist with those duties performed by and assigned to the City of Oneida Deputy Comptroller/Executive Secretary to the Civil Service Commission according to the terms below, to be reevaluated on a month by month basis until which time the position(s) is filled:

- Executive Secretary to the Civil Service Commission
Rate: \$55 per hour 5-10 hours every other week (non-payroll weeks)
- Payroll:
Rate: \$75 per hour 8-12 hours every other week (payroll weeks)

Ayes: 7

Nays: 0

MOTION CARRIED

NEW BUSINESS: None

OPEN DUE PROCESS HEARINGS-WATER/SEWER BILLS

RESOLUTION 24-204

Motioned by Councilor Hitchings

Seconded by Councilor Winchell

RESOLVED, that the Due Process Hearings for Water/Sewer Bills be hereby opened at 7:06 p.m.

Ayes: 7

Nays: 0

MOTION CARRIED

DUE PROCESS HEARINGS-WATER/SEWER BILLS

COMMON COUNCIL CHAMBERS

109 N. MAIN ST. ONEIDA, NY 13421

SEPTEMBER 3, 2024

Mayor Rick Rossi called the Water and Sewer Due Process Hearings to order at 7:06 p.m.

Attendees	Present	Absent	Arrived Late
Mayor Rossi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
ACM 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Hitchings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Winchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Pagano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Simchik	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

ALSO PRESENT: Sandy LaPera, City Clerk and Nadine Bell, City Attorney

DUE PROCESS HEARING-WATER/SEWER BILLS

Gail Diamond-463 Seneca St.

RESOLUTION 24-205

Moved by Councilor Hitchings
Seconded by Councilor Simchik

WHEREAS, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled "Termination of Service," the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a Due Process Hearing prior to terminating a customer's water service, **and**

WHEREAS, Gail Diamond-463 Seneca St./ 12-113001-00 properly requested a Due Process Hearing before the Common Council to contest the Water Department's decision to terminate his/**her**/their water service, **and**

WHEREAS, a Due Process Hearing was thereafter timely held on September 3, 2024, by the City of Oneida Common Council, **and**

WHEREAS, Gail Diamond-463 Seneca St., **APPEARED** before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**

RESOLVED, that the following action has been approved by the Common Council:

NAME:	Gail Diamond		
ADDRESS:	463 Seneca St.		
ACCOUNT #:	12-113001-00		
BILL DATES:	1/1/17-8/20/24	AMOUNT:	\$666.97
	Partial payment received 8/15/24		(300.00)
	Balance Due:		\$366.97

ACTION BY COUNCIL:	Pay by September 6, 2024	(150.00)
	Pay by October 3, 2024	(150.00)
	Pay by October 25, 2024	(66.97)

RESOLVED, to approve a payment schedule as indicated above, with the final payment to be made on or before October 25, 2024.

Ayes: 7

Nays: 0

MOTION CARRIED

CLOSE DUE PROCESS HEARINGS-WATER/SEWER BILLS

RESOLUTION 24-206

Motioned by Councilor Hitchings

Seconded by Councilor Simchik

RESOLVED, that the Due Process Hearings for Water/Sewer Bills be hereby closed at 7:10 p.m.

Ayes: 7

Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Hitchings

Seconded by Councilor Winchell

Ayes: 7

Nays: 0

MOTION CARRIED

The regular meeting is hereby adjourned at 7:10 p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk