

**MINUTES OF THE COMMON COUNCIL**  
**REGULAR MEETING**  
**SEPTEMBER 17, 2024**

A meeting of the Common Council of the City of Oneida, NY was held on the seventeenth day of September 2024 at 6:30 p.m. at the Common Council Chambers, 109 N. Main, Oneida, NY 13421.

The meeting was called to order by Mayor Rick Rossi.

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

**Supervisors**

Matt Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mary Cavanagh	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brandee DuBois	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Michelle Kinville	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Also Present**

City Attorney Nadine Bell	<input checked="" type="checkbox"/>	Public Safety Comm. Dave Jones	<input type="checkbox"/>
City Clerk Sandy LaPera	<input checked="" type="checkbox"/>	Fire Marshal Brian Burkle	<input checked="" type="checkbox"/>
Fire Chief Scott Jones	<input type="checkbox"/>	Other: _____	<input type="checkbox"/>
Police Chief Steve Lowell	<input type="checkbox"/>		

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Call to Order/Pledge of Allegiance/Roll Call

**PROCLAMATION:** Childhood Cancer Month

# *Proclamation*

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

**WHEREAS**, September is National Childhood Cancer Awareness Month and every September, there is a renewed commitment to curing childhood cancer, **and**

**WHEREAS**, in the City of Oneida, we want to recognize the courage, bravery and determination of the children and families affected by childhood cancers, **and**

**WHEREAS**, this month and throughout the year, we honor children currently battling cancer, the families who love them, the clinicians and other caregivers treating them, the researchers working to conquer childhood cancer, the survivors of childhood cancer, and the children who lost their lives to childhood cancer, **and**

**WHEREAS**, February 15th is International Childhood Cancer Day and is celebrated annually in September to raise awareness and to express support for children with cancer, their families and survivors, **and**

**WHEREAS**, the average age a child is diagnosed with cancer is six years old, and each year more than 15,000 kids and young adults are diagnosed... approximately 47 per day in the United States alone, **and**

**WHEREAS**, although the five-year survival rate for childhood cancers has reached 85%, nearly 2,000 kids under the age of 19 die each year, making cancer the #1 cause of death by disease in children, **and**

I, **Rick Rossi, Mayor** of the City of Oneida do hereby proclaim the month of September as Childhood Cancer Awareness Month and September 17<sup>th</sup> as

### *Childhood Cancer Awareness Day*

in the City of Oneida and urge all citizens to celebrate our young cancer survivors, remember those children taken too soon, applaud the progress made in treatment and recovery, and emphasize the importance of supporting research of these devastating conditions. Go Gold for Childhood Cancer!

IN WITNESS WHEREOF, I have hereunto set my hand and affix the official seal of the City of Oneida on this 17<sup>th</sup> day of September 2024.

Mayor Rick Rossi

## PUBLIC COMMENT

Receive and place on file an email from Oneida resident, Ralph Kohler, to Mayor Rossi and members of the Common Council in support of approving the stipend for the Mayor (**Attachment A**).

### WAYNE WINCHELL-ONEIDA

Mr. Winchell addressed the Council regarding the stipend under Agenda Item No. 2. He remarked that "this party" introduced the idea of a City Manager, with the support of a Committee, yet there was no mention of a stipend for an Acting City Manager. He noted that a previous Acting City Manager had all the necessary qualifications for the role. He also referenced another individual who, while lacking a degree, still met all other qualifications. Now, however, he pointed out that the current Acting City Manager lacks the required qualifications, yet the matter of a stipend continues to arise.

Mr. Winchell questioned what actions the Acting City Manager has taken in the past three weeks to justify being awarded a \$500 stipend. He went on to state that, under the current Council and Mayor, the only notable accomplishment he has observed is the passing of the chicken law. He expressed his hope that the Council would vote against the stipend, as he believes it is unfair to the taxpayers.

### KELLY LEWIN-616 DEERFIELD DR.

Kelly Lewin stated that she came with a couple of bullet points for the meeting:

- She conveyed that although she acknowledges the "Oneida For Change" Facebook page is private and respects the right to free speech, she feels that City employees should avoid making negative remarks about their employer on the platform. In her opinion, they ought to show greater pride in their City. It seems to her that the page is causing destruction to the City.
- She expressed concern about the City rehiring former employees as consultants. She questioned who is overseeing their responsibilities, what their job descriptions entail, and pointed out that if conditions were so unfavorable in Oneida, it raises the question of why they chose to return.
- Inferior product being used on the roads- When she spoke to Suit-Kote in June regarding the subpar material used on City streets, she was informed that the product had been chosen by the City Engineer and the Department of Public Works (DPW). She was also told they would return in late August or September to apply a sealer. Given this information, she questioned the absence of signage on the affected streets, such as Deerfield Drive, and expressed that this reflects a complete lack of communication and respect for residents' personal property, vehicles, and driveways.
- During a storm that affected several communities, including Rome and Canastota, she had a large maple tree fall, taking out her lamppost. Although it was not an emergency, within two hours and without her needing to call, Scott Hoffmeister arrived with a dedicated team of hard workers and top-notch equipment. Neighbors were impressed with how quickly the crew cleared the road and removed all the debris. Her request to save the lamppost was honored, and it has since been repaired and reinstalled. She commended the DPW for their efficient work that evening and also expressed her gratitude to Ward 2 Councilman, Steve Laureti, who came with his personal chainsaw to assist.

### HEATH PERRY/NICOLE DEJEAN-3498 CENTER ST. DURHAMVILLE (DNA TACOS)

Heath Perry stated that he was present to discuss the Agenda item regarding the location of Peddlers and

Solicitors (Mobile Food Vendors). He recommended that Oneida adopt a similar approach to the City of Rome, where vendors are allowed to set up on any City-owned property as long as they are not obstructing traffic. He expressed that he believes this is a great idea.

Mr. Perry further added that if the Council decides to designate specific locations for mobile food vendors, these spots should be made available to all vendors. He noted that with the anticipated increase in food trucks, it's important that everyone has a fair opportunity to operate throughout the City.

Speaking in support of her husband, Nicole DeJean expressed her deep love for the City and assured that she would never propose anything that could hinder its progress. She firmly believes that allowing more mobile food vendors will be a positive step for Oneida, particularly in the downtown area. Nicole emphasized that residents deserve a variety of options, especially when it comes to food choices downtown. She highlighted their efforts to revitalize and attract more people to the area. Additionally, she pointed to the popularity of the Food Truck Rodeo at Glenwood Plaza and mentioned that with the growth of downtown businesses, including new restaurants and renovations, having more than one food truck option for residents, even sharing time slots, would be a great benefit. She also thought it would be a great idea if the City came up with a list of designated areas where food trucks can set up and either share the spot or relocate to another location designated by the City.

## **OLD BUSINESS**

### **MADISON STREET DISCUSSION (136-138)**

The Mayor requested Fire Marshal Brian Burkle to provide a brief summary to the Council. Brian Burkle informed the Council that he had submitted the Engineering Report for 136 Madison Street, as requested. The report concluded that the west and south walls require immediate attention to prevent the building from collapsing. Additionally, the report indicated that safely and cost-effectively shoring up these two walls in the near future would be extremely challenging. Based on his understanding of the report, Burkle emphasized that the building either needs to be stabilized through shoring or demolished.

Fire Marshal Burkle noted that this issue was discussed back in January with then City Manager Selby, and it has appeared under Old Business since then; however, no action has been taken so far. He stated that he is ready to issue violations but is awaiting direction from the Council. He then addressed 138 Madison Street, explaining that when 140 Madison Street was demolished, the City had an engineering report done for the shared wall that required immediate attention, and violations were issued within the last month, but nothing has been done to address it. He further advised that the Engineering Report for 136 Madison Street specifies that the demolition of 136 would directly impact 138, and this should significantly influence the Council's decision on how to proceed.

Councilor Winchell asked if there had been a recent inspection of 138 Madison Street, to which Fire Marshal Burkle confirmed that an inspection had been conducted, and violations were issued. He explained that the delay in addressing the wall was due to discussions about who would be responsible for its repair. Mr. Burkle further noted that the violations have not yet been corrected but mentioned that the property owner has 30 days to remedy the situation. He added that as long as progress is being made and a plan of action is in place, the City is willing to work with the property owner, recognizing that it is a significant undertaking and cannot be resolved overnight.

Councilor Laureti inquired whether, if 136 Madison Street is repaired or stabilized, the owner would still retain ownership of the property. Councilor Winchell responded, stating that the property could not realistically be repaired. City Attorney Bell clarified that the City is not currently in a position to take ownership of any properties. She explained that any actions taken as a result of the orders previously issued by the Council would be done with the authority to proceed, with the costs of those actions initially billed to the property owner. In the likely event that the owner does not reimburse the City, those costs would become a lien against the property. She noted that this process has been used for other properties and would eventually go through the tax process, potentially leading to the City becoming the property owner. However, she emphasized that the City cannot immediately take the property and confirmed that the process could take up to three years.

Councilor Laureti asked if demolishing 136 Madison Street would cause the adjoining building to be destroyed as well. Attorney Bell responded, explaining that if the City does not proceed with the demolition, the adjoining building is at risk of collapsing in a domino effect. She then raised the question of the scope of the engineer's hiring. She asked whether the engineer was tasked solely with providing an analysis of the structure to determine if demolition was appropriate or if they were also supposed to recommend methods for safely securing the adjoining properties so that demolition could occur without further damage. She emphasized that there must be available engineering solutions to ensure that the demolition can be carried out as intended while protecting nearby buildings.

Fire Marshal Burkle informed the Council that the Engineering Report recommended that 138 Madison Street should also be demolished due to concerns over the shared wall. He read from the report, highlighting the risks associated with the structure. Burkle noted that the property owner of 138 Madison Street had not been included in any discussions regarding 136 Madison Street, as he was waiting for clear direction from the Council on potential actions before approaching the owner.

City Attorney Bell suggested that since there is a clear order stating that the building is unsafe and requires action, if the Council feels that the current report lacks sufficient recommendations on how to proceed, they may consider obtaining a second report with more specific guidance. This report could provide actionable steps for the Council to move forward. She emphasized that issuing further violations is not aligned with the existing order and will not help the City achieve the necessary outcome. Professional assistance, with clear parameters on what is needed, could help guide the Council's next steps. Councilor Winchell voiced his concern that the situation needs to be addressed immediately, as the building is unsafe and poses an uncontrollable risk, particularly with the challenges of the upcoming winter months. He stressed the urgency of taking action to prevent further danger. There was further discussion over the report and what further action needs to be done to secure 138 Madison Street.

The Fire Marshal, with the assistance of the City Engineer, can obtain approval to move forward with a bidding process for the necessary actions, depending on the extent of the action the Council wishes to pursue, as outlined by Attorney Bell. Council directed Fire Marshal Burkle to either obtain a second engineering report or request further clarification from the original engineer on what specifically needs to be done with 138 Madison Street, as detailed instructions are required for the bidding process. Attorney Bell also advised that the owner of 138 Madison Street should be involved in this process moving forward.

#### ONEIDA STREET DISCUSSION

Councilor Winchell asked for an update on 125 Oneida Street, noting that the work, originally scheduled for completion by July, still had not been done. Fire Marshal Burkle responded that, according to the latest

update from the Codes Department, the demolition permit remains open, and a letter is being sent to the property owner advising that the City will begin the bidding process to have the work done. Councilor Winchell questioned why this had not been done by the end of July, as the original deadline stipulated. He expressed concern that this delay is affecting the neighboring building, where the owner cannot proceed with necessary work, and emphasized that the City has "dropped the ball" on this matter. Mayor Rossi inquired whether the responsibility for 125 Oneida Street fell under the Codes Department or the Fire Department. As no one was able to provide a clear answer, Mayor Rossi stated that he would gather the necessary information. Councilor Winchell reiterated the urgency of addressing the situation, stressing the importance of resolving it as soon as possible.

#### MORATORIUM-BREWER RD.

Councilor Szczerba asked where the City is with the Moratorium pertaining to the wind turbines on Brewer Rd. Mayor Rossi advised that this is something he will discuss with Chris Henry, former Planning Director, who has been retained as a consultant.

#### **REPORTS:**

- Mayor's Report                      None
- Supervisor's Report              Supervisor Mary Cavanagh

Supervisor Mary Cavanagh read a report from Supervisor Matt Roberts, who was unable to attend. The report is attached to these minutes (**Attachment B**).

**Supervisors Matt Roberts, Mary Cavanagh and Michelle Kinville attended the Fall NYSAC (New York State Association of Counties) Conference September 9-September 11, 2024, which was held at Resorts World Catskills in Sullivan County (Attachment C).**

Every year, NYSAC hosts a Fall Seminar in mid to late September which features a program of more than 20 workshops, standing committees, affiliate meetings, and plenary sessions.

Unlike our Legislative Conference, which is held every year in Albany, the Fall Seminar moves around the state, highlighting our member communities and featuring programming on local issues and initiatives.

In addition to our regular content, the Fall Seminar features the inauguration of a new NYSAC president, officers and board members and often includes special training certification programs on specialized topics.

Supervisor Cavanagh stated that she is member of the Standing Committee on Intergovernmental Relations, General Government and Employee Relations. She advised that they recently passed two resolutions to help in the recruitment of county employees:

1. The first resolution called on the State to increase the salary cap for retired public employees seeking county employment from the \$35,000 cap to \$50,000
2. The second resolution expressed appreciation to the Department of Civil Service for authorizing the Health Program, which waives certain Civil Service examinations for specific job titles. This resolution also seeks to expand the list of eligible titles. Supervisor Cavanagh noted some

uncertainty regarding Oneida's participation, as the city would need to apply to Civil Service. She is available to provide further details if necessary. This will help with recruiting for hard to fill positions, noting that they use this at the county for Corrections, and it works great.

As Chair of the Health and Human Services Committee, Supervisor Cavanagh attended the Standing Committee on Medicare and Human Services. One of the key resolutions discussed urged the Governor and Legislature to become genuine partners in tackling homelessness.

The resolution from the Standing Committee on Medicare and Human Services calls for the city to become true partners in addressing homelessness. It emphasizes the importance of collaboration between government agencies, community organizations, and healthcare providers to create comprehensive solutions. The resolution seeks to commit resources, expand supportive services, and establish long-term partnerships aimed at reducing homelessness and improving the quality of life for affected individuals. It underscores the need for a unified approach to tackle the complex challenges of housing insecurity and social support.

The second resolution was aimed at urging the Governor to provide more direct resources to address the childcare services by increasing the incentives to attract and train more childcare workers.

The resolution from the New York State Standing Committee on Medicare and Human Services addresses the urgent need for expanded access to affordable and high-quality childcare. It calls for increased funding and resources to support childcare providers and ensure that working families have greater access to childcare services. The resolution highlights the importance of investing in early childhood education, improving wages and working conditions for childcare workers, and reducing the financial burden on families. It advocates for a collaborative effort between state and local governments, as well as private and nonprofit sectors, to create a sustainable childcare system that supports both economic growth and family well-being.

During one session she attended, titled *How to House the Hard to House*, a new initiative called “LEAD” (Law Enforcement Assisted Diversion) was introduced by a representative from Dutchess County. This program closely mirrors the one launched in Oneida a few months ago using Opioid funds. In this approach, the police are contacted by a caseworker to meet individuals directly on the street, a method similar to what we’ve already been implementing. She emphasized that intervention requires time to gain traction and shared some statistics demonstrating the program's success. She also mentioned that she has additional information available for those interested.

Visit: <https://www.dutchessny.gov/Departments/County-Executive/Dutchess-County-Launches-New-Law-Enforcement-Assisted-Diversion-Initiative.htm>

#### **UPDATES:**

- Supervisor Cavanagh announced that she was proud to have been asked to sit on the Advisory Council for the Madison County Office of the Aging, and the first meeting is October 2, 2024.
- She also advised that budget hearings are underway at the county, which started Tuesday, September 17<sup>th</sup>, and go through Thursday, September 19<sup>th</sup>.

- Supervisor Cavanagh informed the Council and City Clerk that she had shared slides from a session she attended at the NYSAC Conference, titled *Conflict to Conversation*. She emphasized that she found the session particularly valuable. The co-founder and managing director of Social Prosperity Partners gave the presentation, which inspires “courageous” community conversations.
- Supervisor Cavanagh announced that Mary Egger, an Elections Commissioner of Madison County, has been elected to serve as President of the New York State Election Commissioners Association. She highlighted this as a significant honor, considering it is awarded among representatives from 62 counties.

#### **APPROVAL OF MINUTES**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**RESOLVED**, that the minutes of the regular meeting of September 3, 2024, are hereby approved as presented.

Ayes: 7

Nays: 0

**MOTION CARRIED**

#### **APPROVAL OF MINUTES**

Moved by Councilor Hitchings  
Seconded by Councilor Winchell

**RESOLVED**, that the minutes of the special meeting of September 4, 2024, are hereby approved as presented.

Ayes: 7

Nays: 0

**MOTION CARRIED**

#### **APPROVAL OF MINUTES**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

**RESOLVED**, that the minutes of the special meeting of September 10, 2024, are hereby approved as presented.



Ayes: 7

Nays: 0

**MOTION CARRIED**

#### **APPROVAL OF MINUTES**

Moved by Councilor Hitchings

Seconded by Councilor Pagano

**RESOLVED**, that the minutes of the special meeting of September 11, 2024, are hereby approved as presented.

Ayes: 7

Nays: 0

**MOTION CARRIED**

#### **APPROVAL OF WARRANT**

Moved by Councilor Hitchings

Seconded by Councilor Simchik

**RESOLVED**, that Warrant No. 19, checks and ACH payments in the amount of \$585,108.16 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 7

Nays: 0

**MOTION CARRIED**

#### **MONTHLY REPORTS**

#### **RESOLUTION 24-213**

Moved by Councilor Hitchings

Seconded by Councilor Winchell

**RESOLVED**, that Monthly Reports from the City Clerk, City Engineer, Codes Department, Fire Department, Parks and Recreation Department, and Police Department are hereby received and placed on file.

Ayes: 7

Nays: 0

**MOTION CARRIED**

## **APPROVE STIPEND-ACTING CITY MANAGER**

### **RESOLUTION 24-214**

Moved by Councilor Hitchings  
Seconded by Councilor Pagano

**WHEREAS**, on November 7, 2023, the registered voters in the City of Oneida approved a proposition creating the office of City Manager through the adoption of a Local Law and delegating certain powers and duties that were previously held by the Mayor to the City Manager; and

**WHEREAS**, effective January 1, 2024, the Mayor's salary was reduced from \$30,000, as allocated in the 2023 Budget to \$11,755 as allocated in the 2024 Budget due to the approval of hiring and compensating the position of City Manager; and

**WHEREAS**, the Common Council has previously determined a stipend to be appropriate for the position of Acting City Manager to assume the duties and responsibilities of the City Manager position in the absence of someone fulfilling this role;

#### **NOW THEREFORE BE IT**

**RESOLVED**, to approve a stipend for Mayor Rick Rossi in the amount of \$500 per week for assuming the duties and responsibilities of Acting City Manager, retroactive to August 23, 2024, to be consistent with the Common Council's decision to compensate the previous Acting City Manager by Resolution 24-197 on September 3, 2024.

Ayes: 4 (Mayor Rossi-Hitchings-Pagano-Simchik)

Nays: 3 (Szczerba-Laureti-Winchell)

#### **MOTION CARRIED**

DISCUSSION: City Attorney Bell addressed the concern regarding the Mayor's actions during the last meeting based on comments that were circulating. She clarified that when the Mayor asked if he should abstain from voting, she advised that he should. However, she emphasized that her role is to give advice and make recommendations, and that choosing not to vote is the individual's form of abstention and one does not need to take her advice. Bell explained that there may have been some confusion over whether her guidance was a directive or an order to abstain. While she believed abstention was appropriate in this case—similar to how council members vote on budgets that include their salaries—this matter was more specific. She recommended that the Mayor abstain from this resolution as well.

Bell also clarified the nature of abstentions, noting that although an abstention is not technically a "no" vote, it functions similarly in effect. Since there are seven members present and four votes are still needed to pass a resolution, an abstention reduces the voting pool to six, making it act in the same capacity as a "no," even though it is not officially recorded as such.

Councilor Simchik acknowledged that he might have worded the resolution differently. He referenced previous discussions regarding the former Acting City Manager not immediately receiving a stipend, which

was correct at the time, but once it was brought to the Council's attention, they began issuing it. He mentioned that there had been discussions about making the stipend automatic whenever an Acting Manager takes over for more than a full week, although this had not been implemented for some reason. Councilor Simchik then questioned whether the Council would be having this same discussion if someone other than the Mayor were in the position, and whether it was appropriate to "pick and choose" who receives the stipend.

Councilor Simchik further expressed concern that once the City returns to full staffing, if a Department Head is placed in the position of Acting City Manager, they should not have to question whether they will be compensated for the additional responsibilities. He emphasized that it was a mistake not to pay the previous Acting City Manager from day one but noted that once the Council recognized the significant extra workload involved, they approved payment. He stressed that fair compensation should be ensured from the start in such situations.

Councilor Hitchings added that regardless of whether the individual has the proper credentials or whatever the case may be, he is doing the job and deserves the stipend, further adding that anybody who is doing the job of Acting City Manager, deserves the extra money. She stated that when John (Monaghan) took over as Acting City Manager, she had several conversations with him, noting that she did not feel anybody realized just how much of a burden of responsibility it would be and now that they know, it is only right to give a stipend for this, regardless of who it is.

Mayor Rossi acknowledged that previous Acting City Managers did an excellent job, and he is striving to do the same. He mentioned that he hasn't opened his business in two weeks, only continuing to teach at the Barber School. Unlike other Department Heads who are at City Hall daily, he has had to leave his business every day, particularly during this busy period with the budget and union negotiations. Mayor Rossi suggested that the resolution should be amended to include all Acting City Managers, not just his name, emphasizing that the workload is significant, and it is "ridiculous" to expect anyone to take on the extra responsibilities without compensation.

Councilor Laureti suggested that to be fair, the Mayor's salary should revert to the previous year's amount of \$30,000. In response, both Councilor Simchik and Mayor Rossi pointed out that the discussion was about the Acting City Manager position, which is separate from the Mayor's role. Councilor Simchik raised the question of whether this issue would need to be revisited each time a new person, such as a Department Head, steps into the Acting City Manager role.

Mayor Rossi expressed frustration, stating that the hesitation to approve the stipend seemed to be because it was him in the position, implying a reluctance to compensate him fairly. Councilor Laureti countered by saying that this situation was different because it would be in addition to the Mayor's current salary. Mayor Rossi responded by pointing out that the Mayor's salary amounted to less than \$200 per week, which is double what Council members receive, and emphasized that he was doing five times more work. Councilor Hitchings agreed with his statement, which received applause from the audience.

Councilor Simchik reminded the Council that the previous Acting City Manager received a stipend of \$500 per week in addition to his regular salary, reinforcing the argument for fair compensation. Councilor Winchell then raised a concern about staffing, specifically the Mayor's refusal to hire a City Comptroller. In response, Mayor Rossi stated that the Council wants to handpick the City Comptroller and other positions, and he refuses to allow that, asserting that it is not the Council's role to dictate who he should

hire or fire. Councilor Hitchings supported the Mayor's stance, emphasizing that the Council's role is to set policy, not to interfere in personnel decisions.

Councilor Winchell stated that there is an open City Comptroller position, and the Mayor has a viable employee that he refuses to hire. Mayor Rossi responded that we are in the middle of budget season right now with our old Comptroller in the position and that it would be the worst time to train a new person in response to Councilor Winchell's statement of what better time to train them. Councilor Hitchings stated that as the City is so close to hiring a City Manager, let that individual hire the Department Heads. Councilor Winchell advised that this wasn't the case at the time, to which Mayor Rossi and Councilor Hitchings responded that it was just a week ago.

Councilor Laureti remarked that last year, when the Mayor was responsible for staff, the position was compensated at \$30,000, and there were no raises given. Mayor Rossi responded by pointing out that he is now effectively performing an additional job. As some audience members began to speak, Councilor Laureti stated that he would not be pressured or "bullied" into making a decision.

Mayor Rossi then addressed Councilor Laureti, accusing him of being willing to support one person but not another, suggesting that it was due to personal bias against him. He further added that if Bob Burnett or any other individual had been in this position, he would have supported giving them the \$500 stipend as well, because he knows the work that goes into it. Councilor Hitchings further advised that she worked very closely with John (the previous Acting City Manager) throughout his tenure, and he put in a "ton of hours." She stated that for her, to increase the Mayor's salary to the \$30,000 as suggested by Councilor Laureti, they would have to change this each time there might be a new Acting City Manager. She advised that the Mayor is the Acting City Manager, and they need to compensate him the same as the previous Acting City Manager while he is doing the job and do this once.

There was further discussion about the role and compensation and the amount of time spent on the position. Councilor Hitchings clarified that when the Mayor stated he was not here all the time, he meant in the same capacity as a full-time employee that works here every day. Mayor Rossi advised that he was here every day a couple of times a day. Councilor Winchell added that the previous Acting City Manager complained that he was not able to get his job done, to which Mayor Rossi and Councilor Hitchings stated that as their point, that the workload was so much, noting that this is not a conventional 9-5 job, and called for a vote.

### **BUDGET TRANSFERS/AMENDMENTS**

#### **RESOLUTION 24-215**

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>
<b>2024 Budget Adjustments</b>			
\$	11,900.00	003.8110.0400.0001 Sewer Contracts	003.0022.2680.0000 Sewer Insurance Recovery

***To re-allocate funds to apply insurance proceeds to reimburse the expenses of the Chlorine Leak.***

\$	13,100.00	001.1910.0400.0000 General Fund Insurance	001.0001.0912.0000 General Fund Balance
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***To allocate funds for the insurance premium 9/1-12/31/24***

Ayes: 7

Nays: 0

**MOTION CARRIED**

**INTRODUCE A LOCAL LAW AMENDING CHAPTER 116 OF THE ONEIDA CITY CODE  
REGARDING PEDDLING-SCHEDULE PUBLIC HEARING**

**RESOLUTION 24-216**

Moved by Councilor Hitchings  
Seconded by Councilor Simchik

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

**WHEREAS**, the proposed Local Law is intended to amend Chapter 116 of the Oneida City Code so as to revise the regulations pertaining to mobile food vendors; 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 (SEQR) with respect to the proposed enactment of said Local Law.

**NOW, THEREFORE**, it is

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

**RESOLVED AND DETERMINED**, that the Common Council shall conduct a public hearing as to the enactment of the proposed Local Law at the Oneida City Hall located at 109 North Main Street, Oneida, New York on October 2, 2024, at 6:30 p.m., or as soon thereafter as the matter can be

heard, at which time all persons interested in the subject shall be heard; and it is further

**RESOLVED**, that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the City of Oneida.

Ayes: 7

Nays: 0

**MOTION CARRIED**

**A LOCAL LAW AMENDING CHAPTER 116 THE CODE OF THE CITY OF ONEIDA  
REGARDING PEDDLING AND SOLICITATION**

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

**Section 1. AUTHORITY.**

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

**Section 2.**

So that Section 116-1, titled "Definitions," is hereby amended to add or amend the following terms, which shall read in their entirety as follows:

"PUBLIC PLACE - All publicly owned property between the property lines on a street as such property lines are shown on City records which shall include, but not be limited to, a park, plaza, street, roadway, highway, shoulder, tree space, sidewalk, parking space or parking lot, between such property lines, as well as publicly owned lands.

PRIVATE PLACE – All privately owned or leased property where use of the property for commercial purposes, including mobile food vending, is restricted to persons who have the written permission of the owner or lessee of the property.

MOBILE FOOD VENDOR – A peddler who sells or offers for sale, from a vehicle, pushcart or stand, ready-to-eat food and/or beverage items, prepackaged, pre-prepared, or prepared on location."

**Section 3.**

So that Subsection A of Section 116-5, titled "Issuance and fees," is hereby amended to read in its entirety as follows: (changed from 116-3)

"A. Upon the filing of a complete application and payment of the applicable application fees, as determined from time to time by resolution of the Common Council, and upon receipt of an approved local background check from the City Police Department and an approved Operational Permit from the Fire Department, the City Clerk shall, upon the approval of such application, issue to the applicant a license."

#### **Section 4.**

So that Subsections A, B, C, D, E, and F of Section 116-7, titled "Additional regulations for mobile food vendor licenses," are hereby amended to read in their entirety as follows and whereby subsections H through O will become G through N respectively:

"All of the provisions of Article I of this chapter shall apply to all mobile food vendors conducting business within the City, whether on a daily (one-time) or annual basis, in any Public Place. The following additional requirements shall also apply to mobile food vendors:

A. All mobile food vendors must obtain a daily (one-time) or annual mobile food vendor's license. Such licenses shall be issued by the City Clerk in accordance with the provisions of this article and chapter.

B. In the case of Private Places, permits are required per the provisions of this local law, but the City shall not have authority over the approval of the location of the mobile food vendor.

C. In the case of Public Places, permits shall be required subject to the following:

1. Each mobile food vendor license shall state the specific location(s) from which the mobile food vendor shall be authorized to conduct business pursuant to such license. Each license shall be valid for the location (s) specified in the application and approved by the Chief of Police.

2. The Location list for licensed mobile food vendors shall be reviewed and approved annually by the Chief of Police, along with the Director of Parks and Recreation and/or the City Engineer when appropriate, with respect to potential risk to public safety. In no event shall any such authorized location be less than 20 feet from a street intersection.

3. All mobile food vendors shall state, in order of preference, their preferred location(s) in their license application. In the event more than one prospective vendor desires the same location the City Clerk shall compile a list of vendors requesting the same location. From this list, vendor names shall be drawn on a lottery basis for each multiple request location. In the event a location has been approved for more than one mobile food vendor, vendor names shall be drawn until such time as the location is fully occupied. Once a vendor's name is drawn for a location, that vendor shall not be placed in any other location drawings until all vendors have been assigned a requested location from the multiple vendor/location drawing. The City Clerk shall notify the vendor of the locations that were approved and assigned for the annual license.

D. Annual licenses shall be renewable annually and shall be valid from January 1 to December 31 of each calendar year. The City Clerk shall publish a notice in the City's official newspaper between November 1 and November 15 of the preceding calendar year stating that, for annual mobile food vendor licenses, applications shall be submitted to the City Clerk by the following 10th day of December and shall be acted upon by the City Clerk in accordance with these regulations within three business days thereafter.

E. Daily licenses may be issued only for locations not previously assigned to an annual licensee. In the event more than one application is received for the same location for the same day, the City Clerk shall compile a list of vendors requesting the same location. From this list, vendor names

shall be drawn on a lottery basis for each multiple request location. Once the vendor's name is drawn for a location, that vendor shall not be permitted to participate in any other location drawing until all vendors have been assigned a requested location from the multiple vendor/location drawing. The City Clerk shall notify the vendor of the locations that were approved and assigned for the daily (one-time) license.

F. All mobile food vendors shall agree to defend and indemnify the City of Oneida from all claims, losses and liabilities the City may incur as a consequence of the operations of the mobile food vendor. In addition, each mobile food vendor must submit to the City Clerk proof of the following required insurance coverage: general liability insurance with personal injury coverage limits per occurrence of not less than \$1,000,000 naming the City of Oneida as additional insured, as well as worker's compensation and disability insurance as statutorily required under New York State Law."

## **Section 5.      VALIDITY & SEVERABILITY**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

## **Section 6.      EFFECTIVE DATE**

This local law shall be effective upon filing with the office of the Secretary of State.

DISCUSSION: Councilor Hitchings clarified that, in reference to the locations mentioned earlier during Public Comment, they intentionally did not specify these in the local law. The goal was to allow Department Heads the flexibility to determine appropriate locations, manage the presence of multiple trucks at one site, and address other logistical considerations. She emphasized that they are open to receiving ideas and suggestions from the public, which can be emailed to the Council. Councilor Hitchings reassured that while location concerns will be addressed, they opted not to include them in the local law so that they can be adjusted periodically as needed.

Mayor Rossi advised that he felt public parks could be open to everyone and other City owned property. Councilor Hitchings stated that she previously sent an email to the City Clerk asking that Department Heads get together to discuss possible locations.

City Attorney Bell stated that if there are substantive changes to a local law after a public hearing, then it would require a new introduction and a new public hearing. She asked for clarification pertaining to Section 4 (C-3), and if Council was ok with this section as worded. Councilor Hitchings stated that added to this should be "for locations where one food truck is allowed only (one spot locations where multiple vendors request it)." The City Attorney confirmed that if a location is deemed appropriate for more than one vendor, then multiple vendors can be chosen, and she will make that change to the local law.

Councilor Hitchings explained that if a location only has room for one food truck and multiple vendors—such as six—want that spot, the decision will be made through a lottery system for that single-truck



location. However, for areas designated as multiple-truck locations, no lottery would be needed, and any vendor could park there. She also noted that the permit would be valid for one year, from January 1 to December 31.

Details will be further discussed at the upcoming Public Hearing, and there is sufficient time to address these issues as the current season winds down. Councilor Laureti proposed assigning spots by specific days of the week to give everyone a fair chance at using a requested location, which the group agreed was an excellent idea. Councilor Hitchings added that the goal is to avoid modifying the local law every time a location changes. She requested that the Department Heads involved meet to compile a list of acceptable locations. The City Attorney will include language in the local law, prior to the Public Hearing, stating that locations will be reviewed and identified on an annual basis.

#### CITY CLERK COMMENT:

As City Clerk, I wanted to thank Councilor Hitchings for all the hard work she has put into amending this local law. She has dedicated a great deal of time and energy to ensure everything was thoroughly reviewed and working with me to have everything worded properly. I also mentioned that in my almost 17 years with the City, we did only have one food truck vendor for a very long time, and thankfully, we are very fortunate now that we are getting a lot more food trucks that are phenomenal people and phenomenal vendors, who are very nice to work with, and it is helping the City to grow.

Sharing that I had the best burrito today from DNA Tacos, I have to say that I also was enlightened to the fact that often we get stuck in the same position where we have the same thing all the time, and maybe we should stick to that, but I realized that we don't need to do that. Why do we want this in Glenwood, move it downtown and put it where the streets are and where we can draw business for downtown.

I also shared an idea that Mayor Rossi previously mentioned, in that Oneida Street could possibly be used as a location for multiple vendors and acknowledged Councilor Laureti's suggestion as being wonderful, noting that I had not thought of anything like that, and it is something that we should implement.

As the City Clerk, and as the one who will be implementing this local law, I am grateful to all of you for putting in the time and effort to work with these vendors as people are using food trucks now for weddings and graduation parties and they are really benefiting the community, which is a great thing for the City.

#### **NEW BUSINESS**

Councilor Szczerba mentioned that he had sent a suggestion to Mayor Rossi the previous day, proposing Dave Stirpe as a strong candidate for the Director of Planning position, but had not received a response. Mayor Rossi acknowledged that he already had Stirpe's resume and noted that he had received inquiries from a few other interested candidates within the past three days. Councilor Szczerba expressed a desire to expedite the process, stating his discomfort with the city paying a former employee \$100 per hour in the interim. Mayor Rossi explained that hiring the former employee was necessary to keep the Planning meetings and the DRI project on track, and he hoped to make progress on the Planning position within the next couple of weeks.

Mayor Rossi also stated that he is very hesitant to hiring for positions when a new City Manager is coming by trying to get through this without overstepping his role. It was noted that the City should have a decision for a City Manager by next week and there will be a special meeting scheduled for September 24<sup>th</sup> at 6:30 p.m. in Common Council Chambers.

Motion to adjourn by Councilor Hitchings  
Seconded by Councilor Simchik

Ayes: 7

Nays: 0

**MOTION CARRIED**

The regular meeting is hereby adjourned at 7:40 p.m.

**CITY OF ONEIDA**

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Sandra LaPera, City Clerk