

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
NOVEMBER 8, 2023**

A meeting of the Common Council of the City of Oneida, NY was held on the eighth day of November 2023 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 Helen Acker

<u>Attendees</u>	Present	Absent	Arrived Late
Mayor Acker	<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 Rossi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Kinville	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Pagano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Simchik	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

Also Present

City Attorney Nadine Bell	<input checked="" type="checkbox"/>	Fire Chief Scott Jones	<input type="checkbox"/>
City Clerk Sandy LaPera	<input checked="" type="checkbox"/>	Police Chief Steve Lowell	<input checked="" type="checkbox"/>
City Engineer Jeff Rowe	<input checked="" type="checkbox"/>	Public Safety Com. Kevin Salerno	<input type="checkbox"/>
Codes Director Bob Burnett	<input checked="" type="checkbox"/>	Supervisor Mary Cavanagh	<input checked="" type="checkbox"/>
Comptroller Lee Ann Wells	<input checked="" type="checkbox"/>	Supervisor Matt Roberts	<input checked="" type="checkbox"/>
		Councilor Elect Andrea Hitchings	
		Councilor Elect Rob Winchell	

Call to Order/Pledge of Allegiance/Roll Call

Mayor Acker welcomed everyone and acknowledged Boy Scouts, Troop 2, who were in attendance to observe the meeting for a badge they were working on. She started out by congratulating the victors of the local election, as well as the passage of both the propositions (City Manager and Glenmore Dam), which she noted were very important for the city.

PUBLIC HEARING: Proposed Local Law to amend Chapter 165 of the Code of the City of Oneida to add a new Article X, titled "Solar and Wind Energy Systems; Farm Waste Energy Systems," pursuant to Real Property Tax Law §487.

OPEN PUBLIC HEARING

A LOCAL LAW TO AMEND CHAPTER 165 OF THE CODE OF THE CITY OF ONEIDA TO ADD A NEW ARTICLE X, TITLED "SOLAR AND WIND ENERGY SYSTEMS; FARM WASTE ENERGY SYSTEMS," PURSUANT TO REAL PROPERTY TAX LAW §487

RESOLUTION 23-191

Moved by Councilor Kinville
Seconded by Councilor Szczerba

RESOLVED, that the Public Hearing to amend Chapter 165 of the Code of the City of Oneida to add a new Article X, titled "Solar and Wind Energy Systems; Farm Waste Energy Systems," pursuant to Real Property Tax Law §487 be hereby opened at 6:32p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES

RANDY BONVILLE-115 DANIELS DRIVE-WAMPSVILLE

Mr. Bonville stated that his concern is if the City pulls out of this exemption, they will have to come up with a different assessment system for private residents, so they do not get assessed for the cost of the panels, noting that the panels depreciate while the house appreciates in value. Mr. Bonville advised his panels raised his assessment by \$53,000 and right are now worthless-after 20 years they are no good. With the exemption, the \$53,000 came off, noting that this was not a good time to do this when the State wants everyone to change everything over to electric. He stated that pulling out will only hurt the private residents and not the big companies who depreciate their panels under Federal and State Income Taxes and end up paying nothing for the panels. As a member of the Planning Board, he advised that he is aware these larger companies are doing everything they can to "bribe" cities and towns to get this passed, and the only ones coming out ahead are the big companies who are making millions on this. He advised that private people would get a 10% reduction on their bill, while the large companies are making the other 90%. Mr. Bonville received a round of applause from the audience as he concluded his comments.

Councilor Laureti stated that it was his understanding if the person already had an agreement, they would be grandfathered in. City Attorney Bell advised this is the case only if a PILOT Agreement was in place (Payment in Lieu of Taxes), which private, residential properties do not have. Attorney Bell stated that the argument against adopting this Local Law is to say that there is a PILOT available. This is saying "no", we are going to tax them in the regular course of calculation and taxation. This is not to impose a PILOT, which is what one currently has as a choice (alternative) as opposed to saying there is just no taxation at all when they notify a municipality that they have an intent to locate within that municipality's jurisdictional boundaries. This is when the municipality can say that it is fine, but they need to enter into this agreement.

CLOSE PUBLIC HEARING

A LOCAL LAW TO AMEND CHAPTER 165 OF THE CODE OF THE CITY OF ONEIDA TO ADD A NEW ARTICLE X, TITLED "SOLAR AND WIND ENERGY SYSTEMS; FARM WASTE ENERGY SYSTEMS," PURSUANT TO REAL PROPERTY TAX LAW §487

RESOLUTION 23-192

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the Public Hearing to amend Chapter 165 of the Code of the City of Oneida to add a new Article X, titled "Solar and Wind Energy Systems; Farm Waste Energy Systems," pursuant to Real Property Tax Law §487 be hereby closed at 6:35p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

PUBLIC HEARING: Proposed Local Law to override the Tax Levy limit established in General Municipal Law §3-C in the City of Oneida.

OPEN PUBLIC HEARING

A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C IN THE CITY OF ONEIDA

RESOLUTION 23-193

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, that the Public Hearing on a Proposed Local Law overriding the Tax Levy limit established in General Municipal Law §3-C in the City of Oneida by hereby opened at 6:35p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

APPEARANCES

None

CLOSE PUBLIC HEARING

**A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED IN GENERAL
MUNICIPAL LAW §3-C IN THE CITY OF ONEIDA**

RESOLUTION 23-194

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the Public Hearing on a Proposed Local Law overriding the Tax Levy limit established in General Municipal Law §3-C in the City of Oneida by hereby closed at 6:36p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

PUBLIC COMMENT: None

OLD BUSINESS: Mayor Acker advised the Codes Department is now using a new “revised” door hanger, which is a *Courtesy Notice* that is left at residents’ homes when there is an apparent violation, as many people are not aware that there is a violation of a particular code. This notice communicates the code compliance and is not a fine or citation and allows them 48 hours to address the issue before a code violation is imposed.

The notice has the phone number to the department and directions on how to get to the website to assist property owners and tenants with any questions they might have.

APPROVAL OF MINUTES

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, that the minutes of the regular meeting of October 17,2023 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Rossi
Seconded by Councilor Kinville

RESOLVED, that Warrant No. 21, checks and ACH payments in the amount of \$601,138.08 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 6
Nays: 0

MOTION CARRIED

MISCELLANEOUS UTILITY BILLING-SCHEDULE PUBLIC HEARING

RESOLUTION 23-195

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, to receive and place on file the City of Oneida Miscellaneous Utility Billing for unpaid service charges, water rents and sewer taxes; authorize the charges in the 2023 assessment roll to be re-levied onto the 2024 tax roll, and to schedule a Public Hearing for Tuesday, November 21, 2023, at 6:30p.m. in the Common Council Chambers, 109 N. Main Street, Oneida, NY 13421.

Ayes: 6
Nays: 0

MOTION CARRIED

2024 CITY OF ONEIDA MAYOR'S BUDGET-SCHEDULE PUBLIC HEARING

RESOLUTION 23-196

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, that the 2024 City of Oneida Mayor's Budget be hereby received and placed on file and schedule a Public Hearing on the proposed budget for Tuesday, November 21, 2023, at 6:30 p.m. at City of Oneida City Hall, Common Council Chambers, 109 N. Main St. Oneida, NY 13421.

Ayes: 6
Nays: 0

MOTION CARRIED

CONTRACT EXTENSION-WILLIAM DIPAULO, INC. D/B/A ENTERTAINMENT SERVICES

RESOLUTION 23-197

Moved by Councilor Kinville
Seconded by Councilor Simchik

WHEREAS, on October 4, 2022, by Resolution 22-200, the City of Oneida entered into a Facilities Management Agreement with William DiPaolo, Inc. (D/B/A Entertainment Services) with offices located at 606 North Madison St., Rome, NY 13440 to provide management services at the Kallet Civic Center; and

WHEREAS, the contract term expires on December 31, 2023, with an option to extend the term for an additional 5-year period on terms mutually agreed to by both parties not less than ninety (90) days prior to the end of the Management Term; and

WHEREAS, William DiPaolo has requested a four-month extension to the Facilities Management Agreement; now therefore be it

RESOLVED, that the Facilities Management Agreement executed on October 4, 2022, with William DiPaolo, D/B/A Entertainment Services, be hereby extended until April 30, 2024.

DISCUSSION: Councilor Simchik advised that he would like to propose extending this beyond the end of April to June 30th to accommodate 2 upcoming events (Promises Kept and Cat Stock) that are already scheduled for May and June. The Mayor advised that it was her understanding that the financials requested from Mr. DiPaolo, as part of the contract, have been provided to the Comptroller, who just received and will review them. After a brief discussion, Council agreed to allow the amended date.

Motion to amend the extension date to June 30, 2024, by Councilor Kinville and seconded by Councilor Rossi

Ayes: 6
Nays: 0

MOTION CARRIED

RECOMMENDATION OF AWARD-LAKE STREET PUMP STATION IMPROVEMENTS

RESOLUTION 23-198

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, to approve the Recommendation of Award to Dudley Construction (Contract No. 1G) and the Recommendation of Award to Patricia Electric (Contract No. 1E) for Lake Street Pump

Station Improvements.

Ayes: 6

Nays: 0

MOTION CARRIED

DISCUSSION: The Mayor advised that the City put in for a grant of \$1M that will go toward this; however, it has been held up in the House due to not having a Speaker for several weeks. It has now been passed and is in the Senate awaiting approval. She feels we should get this money in December or January, and any awarded amount will be applied.

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 23-199

Moved by Councilor Kinville
Seconded by Councilor Rossi

	<u>To</u>	<u>From</u>
2023 Budget Adjustments		
\$ 19,200.00	030.5110.0402.0000 ARPA Tree Contract	030.0030.0912.0000 ARPA Fund Balance

To allocate funds to cover cost of tree removal and trimming for 2023

Ayes: 6

Nays: 0

MOTION CARRIED

ADVERTISE FOR BIDS-HIGINBOTHAM BROOK CULVERT REPLACEMENT (PHASE 1)

RESOLUTION 23-200

Moved by Councilor Kinville
Seconded by Councilor Szczerba

RESOLVED, to authorize the Purchasing Agent to advertise for bids for Higinbotham Brook Culvert Replacement (Phase 1).

Ayes: 6

Nays: 0

MOTION CARRIED

DISCUSSION: City Engineer, Jeff Rowe, explained this Phase is for the eastern end of the culvert from Hartman Enterprises back toward the Library.

ADVERTISE FOR BIDS-WATER DEPARTMENT

RESOLUTION 23-201

Moved by Councilor Kinville
Seconded by Councilor Rossi

RESOLVED, to authorize the Purchasing Agent to advertise for bids for Chlorine (Liquid and Gas), Liquid Aluminum Sulfate and Zinc Orthophosphate & Poly Orthophosphate for the Water Department.

Ayes: 6

Nays: 0

MOTION CARRIED

CELLULAR TELEPHONE ADMINISTRATIVE POLICY

RESOLUTION 23-202

Moved by Councilor Simchik
Seconded by Councilor Kinville

RESOLVED, that the Employee Acknowledgement of Receipt and Understanding of the Cellular Telephone Administrative Policy from Assistant Codes Enforcement Officer, Brian Rose, be hereby received and placed on file.

RESOLVED, that the Telephone Request Form from Brian Rose, pursuant to the City of Oneida Cellular Telephone Policy adopted June 15, 2010, Resolution 10-153 and reaffirmed on May 17, 2016, be hereby approved.

Ayes: 6

Nays: 0

MOTION CARRIED

APPROVE CONTRACT EXTENSIONS-WWTP CHEMICALS AND LAB SERVICES

RESOLUTION 23-203

Moved by Councilor Kinville
Seconded by Councilor Pagano

RESOLVED, to approve 1-year contract extension options for WWTP Chemicals and Lab Services from Kemira, SNF Polydyne Inc, Carus, LLC and Certified Environmental Services, Inc.

Ayes: 6
Nays: 0

MOTION CARRIED

**INTRODUCE A LOCAL LAW AMENDING CHAPTER 147 OF THE CODE OF THE CITY OF ONEIDA
REGARDING SOLID WASTE AND DISPOSAL-SCHEDULE PUBLIC HEARING**

RESOLUTION 23-204

Moved by Councilor Kinville
Seconded by Councilor Rossi

WHEREAS, the City of Oneida Common Council introduces this Local Law to revise the Code of the City of Oneida to promote the public safety and welfare of the City and its residents by clarifying the means of disposing of solid waste within the City; and

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, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the City of Oneida, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Common Council shall act as lead agency in this matter; and

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

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

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

NOW, THEREFORE, it is

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

RESOLVED AND DETERMINED, that the Common Council has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQR; and it is 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 November 21, 2023, at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and it is further

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

Ayes: 6

Nays: 0

MOTION CARRIED

A LOCAL LAW AMENDING CHAPTER 147 THE CODE OF THE CITY OF ONEIDA
REGARDING SOLID WASTE AND DISPOSAL

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. PURPOSE.

The purpose of this local law is to promote the public safety and welfare of the City and its residents by clarifying the means of disposing of solid waste within the City.

Section 3. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA SECTION 147-1, TITLED "DEFINITIONS."

Section 147-1, titled "Definitions," is hereby amended to add the following provision, which shall read in its entirety as follows:

"DUMPSTER – A bulk storage container for garbage, junk, refuse, rubbish, construction debris, demolition debris and/or other waste materials, and which may be of the open or enclosed variety and is typically hoisted onto or mechanically emptied into a specifically

equipped truck for transporting said waste to a designated facility but can also be hauled directly to the point of disposal or other conveyance for disposal.”

Section 4. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA SECTION 147-3, TITLED “COLLECTION AND DISPOSAL GENERALLY.”

So that Subsection A of Section 147-3, titled “Collection and disposal generally” is hereby amended to read in its entirety:

“A. Collection containers, as approved by the Department of Code Enforcement, shall be made of adequate material, shall be of substantial construction, shall have handles and shall have attached tight-fitting covers tethered to the can. They shall be watertight and shall be fly- and rodent-tight. No can, bag, container or other receptacle used for the purpose of holding garbage, junk, refuse, rubbish, construction debris, demolition debris or any other waste materials, shall at any time, within the established inside district, be placed or kept on ground level of any premises at any point nearer the street line fronting such premises than the rear line of the main building, except on the designated curbside collection day provided for herein.”

Section 5. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA SECTION 147-4, TITLED “CURBSIDE COLLECTION REQUIREMENTS.”

So that Subsection (3) of Subsection C of Section 147-4, titled “Curbside collection requirements” is hereby amended to read in its entirety:

“(3) Dumpsters servicing commercial establishments and/or apartments shall be placed in a suitable location on said premises as approved by the Department of Code Enforcement such that the dumpster does not constitute a public nuisance. Waste in these dumpsters must be collected at least once per week.”

Section 6. 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 7. EFFECTIVE DATE

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

NEW BUSINESS:

Councilor Kinville thanked the Rec Center for all they did for the massive Trunk or Treat event. She stated there were approximately 35-40 cars present, with over 1,000 kids coming through for this fantastic event.

Mayor Acker also thanked the DPW for their work on the removal of 110 large tree stumps from diseased trees that had to be removed last year. She advised that normally this would be contracted out, as the City has a grinder that is not large enough. This year, a large stump removal grinder was rented for \$4,500, and the work was done in house within approximately 30 days, which resulted in a \$275,000 savings to the City.

Motion to adjourn by Councilor Kinville
Seconded by Councilor Rossi

Ayes: 6

Nays: 0

MOTION CARRIED

The regular meeting is hereby adjourned at 6:48p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk