MINUTES OF THE COMMON COUNCIL REGULAR MEETING MARCH 15, 2022

A meeting of the Common Council of the City of Oneida, NY was held on the fifteenth day of March, 2022 at 6:30 p.m. at the Common Council Chambers, 109 N. Main, Oneida, NY 13421.

The meeting was called to order by Mayor Helen Acker

<u>Attendees</u>	Preser	t Absent	Arrived Late
Mayor Acker Councilor Reisman Councilor Laureti Councilor Rossi Councilor Kinville Councilor Pagano Councilor Simchik			
Supervisors Matt Roberts Mary Cavanagh Joe Magliocca Brandee DuBois			
Also Present			
City Attorney Nadine Bell City Clerk Sandy LaPera City Engineer Jeff Rowe Codes Director Bob Burnett Comptroller Lee Ann Wells		Fire Chief Dennis Fields Police Chief John Little Public Safety Com. Kevi Other Other	

Call to Order/Pledge of Allegiance/Roll Call

PUBLIC COMMENT

<u>CINDY SCHENANDOAH-STANFORD</u>-(1052 Union Street, Oneida)

Ms. Shenandoah-Stanford advised that she was a business owner, cannabis entrepreneur and advocate and that she was here to ask the City to opt into Cannabis dispensaries and consumption lounges. She stated that opting in implies better control, and when controlled, it will serve people who need it for healing properties. She feels that people should be free to decide whether they want marijuana for recreational use or not at all. As there are no dispensaries or consumption lounges, she stated that without a place for people to purchase and consume marijuana, they will turn to the Black Market, which is dangerous. She shared her concerns about tainted marijuana and her desire to protect the children, consumers and the City. Ms. Shenandoah-Stanford stated that opting in will allow for control and safety, which she acknowledged is the main concern as business owners, as a community and as individuals.

JACOB CORNELL-(264 Genesee St., Oneida)

Mr. Cornell stated that it has been four months since he came before Council to ask that the City allow marijuana dispensaries and on-site consumption lounges within the City limits. He advised that the State has been moving to put legislation into place to allow for dispensary sales to begin and that they have already introduced provisional and conditional adult use marijuana licenses. He stated that as a licensed cannabinoid hemp retailer, he feels they are likely to qualify, noting that the Office of Cannabis Management has stated that licenses that are provisional will be issued to hemp retailers first, which might happen in the 2022 calendar year, as cultivation license applications opened today. He asked that the Council introduce a bill opting not only into marijuana dispensaries but also into on-site consumption lounges, so the City has adequate time to zone adult use marijuana businesses and establish hours of operation. Additionally, he asked the City to form a Cannabis, Vape, Tobacco and Alcohol Advisory Board, similar to what is being proposed in the City of Fulton, so business owners who sell age restricted products can stay better informed about City codes, share and communicate information with City leaders and local police and work together to keep cannabis, vape, tobacco and alcohol out of the hands of school children and prevent driving under the influence.

DAN BUTTERMAN-(14 Ford Ave., Oneonta)

Mr. Butterman came to the meeting to introduce himself as a candidate running for the Assembly for the 122nd District. He stated that Oneida was in a unique position in that we will be electing a new Assembly member, a new Senator and a new Congress member in November, noting that he hoped to be the City's next representative. Mr. Butterman advised that he has three goals: 1.) to get enough votes to be our representative, 2.) look at goals together in a nonpartisan way, looking past party issues to become a team and look for a better way to serve together, not only for Oneida, but for all the District, and 3.) to be a member of our community and work together on common interests, as well as things our elected officials ran on, to be successful. He cited the DRI as one example, stating that he was excited for the City and is looking forward to working with us throughout the process.

CARRIE BUCHANAN-(6131 Williams St., Munnsville)

Ms. Buchanan stated that she stands with Mr. Cornell with the request to form an Advisory Board and the importance of communication, noting that it was essential to be strong and preventative. She stated that Mr. Cornell is responsible and ethical and has invested in the community. She addressed potential revenue and said that these are the type of people we want in this business and discussed various examples of the benefits of hemp. Ms. Buchanan would like to see the City work together with the business owners and give them the right to have this chance.

OLD BUSINESS: None

SUPERVISOR'S REPORT

Supervisor Mary Cavanagh provided an update from the last County Board meeting, noting the following:

- The Oneida Elks Lodge recently donated a check for \$6,000 to the Madison County Veteran's Service Agency as part of their Operation Care Drop Program which provides temporary emergency financial assistance to veterans, such as gas, heating, groceries, etc. This goes to all the residents who are veterans in Madison County. This program has been in existence since 2021.
- The County Administrator gave a review of 2021, and some of the Department Heads provided highlights as follows:
 - Reconnect Grant to provide Broadband throughout the County in 2023, which was awarded at \$10M
 - A new highway facility was built in 2021 which houses the plow trucks, etc.
 - Paving of roads-27 miles of County roads; fixed 2 bridges that were funded by New York State and 2 culvert jobs
 - Mental Health calls to the crisis line have increased, almost doubled from 800-900 to nearly 1500, and 911 calls that are not emergent being forwarded to DSS
 - The impact of the Covid Study Survey, which identified areas of need
 - The Board of Elections provided a breakdown and talked about the implementation of 30 new election laws and early voting
 - The Veterans Department gave an update of all the great work they were doing with residents
 - The Youth Bureau discussed a leadership program that would help build confidence and team building within school settings, which has already been implemented in several schools and the new Visions Program
 - The Probation Department discussed the training of officers in 2021
 - Public Health gave the latest updates on Covid, testing and vaccines-noting that
 Madison County was one of the highest vaccination rates in NYS
 - Personnel discussed the hiring of 75 new employees
 - The 911 Center advised that they received 92,000 calls in 2021
 - Planning talked about renovations in Canastota and hiking trails in Delphi Falls

- Solid Waste talked about the 58,000 tons of waste they processed and data collections that they must test. They also referenced an online tool using the website regarding recycling
- DSS placed 40 homeless persons in temporary shelters last year

Supervisor Matt Roberts talked about tax revenue and stated that we continue to see a surge in on-line purchasing, noting that many people are avoiding shopping in malls due to issues such as what has been happening at Destiny lately. He advised that tax revenue was up 25% in the County, which was over \$900,000, and up from last year and the year before that. He stated that there were projects that the County was going to bond for, and with this additional cash flow, they may not need to do this. This would save the taxpayers money. He also advised that they just returned from the NYS Association of Counties in Albany, and one big takeaway from this was the Climate Protection Act involving the reductions in carbon. He noted that the farmers are starting to push back against Albany, because they are starting to take all the farm land and turn it into solar farms. He stated that last year in NYS for every dollar paid into the Federal government, we got .91 cents back; this year for every dollar put in, we get \$1.25 back due to the America Rescue Plan. He advised that this money would not continue forever though and that we need to be very conservative with our spending. He mentioned that it was important to have reserve funds and to avoid things such as spending with interest. Both Supervisor Roberts and the Mayor encouraged all to spend their money in the City of Oneida and in the County-to shop local!

In response to a question from the Mayor, Supervisor Roberts elaborated on the Mental Health calls previously mentioned, stating that there was a survey showing the impact based on the data collected, caused mainly by Covid, and that they were going to start implementing plans to fix the issues. Supervisor Roberts asked that we spread the news that we have a resource in Madison County, and they are professionals. He advised that many calls are diverted from 911, which is a large and growing number.

The Mayor commented that we are very fortunate that we live in Madison County, and that the County does a great job with all products. She thanked our supervisors for all of their hard work and stated that we are very fortunate to have them representing us. The Mayor asked that they continue to provide us with information, and we would share and promote it.

Moved by Councilor Kinville Seconded by Councilor Reisman

RESOLVED, that the minutes of the regular meeting of March 1, 2022 are hereby approved as presented.

Ayes: 6 Nays: 0

Moved by Councilor Kinville Seconded by Councilor Rossi

RESOLVED, that Warrant No. 6, checks and ACH payments in the amount of \$734,282.82 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

MONTHLY REPORTS

RESOLUTION 22-44

Moved by Councilor Kinville Seconded by Councilor Reisman

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

Ayes: 6 Nays: 0

MOTION CARRIED

The Mayor introduced and welcomed Mark Fintzel as the new Water Superintendent, replacing Art Smolinski who had retired but came out of retirement to help the City in the interim. She advised that Art's last day was Wednesday, March 16, and then he was heading on a walking trip to the Pacific Northwest, starting at the Mexican border going to Canada. The Mayor stated that he had already done the Appalachian Trail and was now doing the West Coast, which is amazing. The Mayor commented that Art has done a great job for the City and that she really appreciated it and wishes him well.

INTRODUCE LOCAL LAW TO AMEND CHAPTER 139 OF THE CODE OF THE CITY OF ONEIDA TO ALLOW FOR THE UPDATING OF SEWAGE DISPOSAL CHARGES-SCHEDULE PUBLIC HEARING

RESOLUTION 22-45

Moved by Councilor Simchik Seconded by Councilor Kinville

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 City of Oneida Common Council has the authority to adopt provisions to advance and protect the health, safety, and welfare of the community; and

WHEREAS, this amendment to the Code of the City of Oneida will promote the efficacy of sewage disposal within the City of Oneida; and

WHEREAS, this amendment shall allow for the updating of sewage disposal charges in order to account for rising, or falling, costs; 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 April 5, 2022, 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

CITY OF ONEIDA

PROPOSED LOCAL LAW

A LOCAL LAW TO AMEND CHAPTER 139 OF THE CODE OF THE CITY OF ONEIDA TO ALLOW FOR THE UPDATING OF SEWAGE DISPOSAL CHARGES

Be it enacted by the Common Council of the City of Oneida, that this local law amends Chapter 139 of the Code of the City of Oneida, as follows:

SECTION 1. AUTHORITY.

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

SECTION 2.

So that Section 139-8(A)(1) of the City of Oneida Code is hereby amended to read in its entirety, as follows:

"The sewage disposal charges, for other than significant industrial uses, to be paid by the owner, tenant or occupant of each lot of parcel which may be connected with or may use the sewage disposal system and to whom a bill shall be rendered for water furnished by the Water Department of the City of Oneida or whose sewage is otherwise metered or measured, shall be in accordance with such a rate as may be established from time to time by resolution of the Common Council." A sewage meter shall be installed at the request of either the consumer of the City Engineer's office, the expense thereof to be borne by the consumer."

SECTION 3. EFFECTIVE DATE.

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

<u>DISCUSSION</u>: The Mayor stated that this was to clean up our Codes and that every once in a while, it changes, and this will allow it to be reviewed every year.

ANNUAL REPORT-FIRE DEPARTMENT

RESOLUTION 22-46

Moved by Councilor Kinville Seconded by Councilor Rossi

RESOLVED, to receive and place on file the 2021 Fire Department Annual Report.

Ayes: 6 Nays: 0

MOTION CARRIED

Councilor Kinville gave kudos to Chief Fields for a job well done, and the Mayor also commented that Chief Fields does a great job.

LEASE AGREEMENT-DPW

RESOLUTION 22-47

Moved by Councilor Kinville Seconded by Councilor Simchik

RESOLVED, to authorize the Purchasing Agent to proceed with a Lease Agreement with Enterprise Fleet Management for a 2021 RAM 5500 and authorize the Mayor to sign the Agreement.

Ayes: 6 Nays: 0

MOTION CARRIED

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 22-48

Moved by Councilor Rossi Seconded by Councilor Kinville

2022 Budget Adjustments

RESOLVED, to approve the following 2022 & 2021 Budget Amendment/Transfers

		<u>10</u>	<u>From</u>
\$	13,265.00	001.9785.0600.0002	001.0001.0912.0000
		DPW Vehicle Lease	General Fund Balance
To allocate funds for a lease agreement with Enterprise			
\$	3,071.12	001.1640.0403.0001	001.0022.2680.0000
		Central Garage Police repairs	Insurance recovery

To allocate funds received from the insurance company to repair the damaged vehicle

\$ 1,000.00

001.1640.0403.0001

001.0001.0912.0000

Central Garage Police repairs

General Fund Balance

To allocate funds to cover damage to vehicle, deductible amount

2021 Budget Adjustments

\$ 20,300.00

003.8110.0401.0000

003.8110.0200.0000

Sewer Utilities

Sewer Equipment

To re-allocate funds to cover December 2021 utility costs

Ayes: 6

Nays: 0

MOTION CARRIED

CAPITAL PROJECT 22-1 ANNUAL STREET RESURFACING

RESOLUTION 22-49

Moved by Councilor Kinville Seconded by Councilor Pagano

RESOLVED, to authorize the City Engineer to proceed with Capital Project 22-1 Annual Street Resurfacing, and be it further

RESOLVED, to authorize the use of Unit Prices established for 2022 by Madison County, and further authorize the Purchasing Agent to advertise for bids for any portions of the project not covered under the County's Unit Pricing, **and be it further**

RESOLVED, to authorize the City Engineer to expend funds up to the programmed amount dispersed by NYSDOT (CHIPS, PAVENY, EWR), and be it further

RESOLVED, to authorize the Mayor to sign any and all documents related to Capital Project 22-1 Annual Street Resurfacing.

Ayes: 6 Nays: 0

CAPITAL PROJECT 22-2-REPAVING OF MAIN STREET

RESOLUTION 22-50

Moved by Councilor Rossi Seconded by Councilor Kinville

> RESOLVED, to authorize the City Engineer to proceed with Capital Project 22-2 Repaving of Main Street, and be it further

> RESOLVED, to authorize the City Engineer to expend funds up to the programmed amount dispersed by NYSDOT (CHIPS, PAVENY, EWR), and be it further

> RESOLVED, that the Mayor is hereby authorized to sign any and all documents related to Capital Project 22-2 Repaying of Main Street.

Ayes: 6 Nays: 0

MOTION CARRIED

<u>DISCUSSION:</u> Councilor Kinville stated that she was very excited about this, and the Mayor advised that this was money left over from last year from the CHIPS fund and that it should be done some time by mid-summer.

AGREEMENT-NYS OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

RESOLUTION 22-51

Moved by Councilor Simchik Seconded by Councilor Kinville

> RESOLVED, to authorize the Mayor to sign an Agreement with New York State Office of Temporary and Disability Assistance for the New York State Low Income Household Water Assistance Program.

Ayes: 6 Nays: 0

A RESOLUTION AUTHORIZING THE PURCHASE OF A 2023 FREIGHTLINER PLOW TRUCK, IN AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$307,602, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$307,602 BONDS OF SAID CITY TO PAY THE COST THEREOF.

RESOLUTION 22-52

Moved by Councilor Simchik Seconded by Councilor Kinville

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 2023 Freightliner Plow Truck for the Department of Public Works, in and for the City of Oneida, Madison County, New York, is hereby authorized at a maximum estimated cost of \$307,602.
- Section 2. The plan for the financing of such maximum estimated cost is by the issuance of not to exceed \$307,602 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
 - 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:

Councilor Gary Reisman Jr.	VOTING	YES
Councilor Steve Laureti	VOTING	YES
Councilor Rick Rossi	VOTING	YES
Councilor Michelle Kinville	VOTING	YES
Councilor Bill Pagano	VOTING	YES
Councilor Thomas Simchik	VOTING	YES

The resolution was thereupon declared duly adopted.

The Mayor noted that this is for a new truck that we need that we may get in 2024, as it takes a long time now with the supply chain issues to get any products. We would bond up to the stated amount, but noted that we have a vehicle that we would get credit for (\$115,000), leaving a balance of \$192,602. She advised that we have to bond up to the whole amount, but do not have to use the whole thing.

CAPITAL PROJECT 22-5 REPLACEMENT OF 6 WHEEL DUMP TRUCK (DPW)

RESOLUTION 22-53

Moved by Councilor Rossi Seconded by Councilor Pagano

RESOLVED, to authorize the City Engineer to proceed with Capital Project 22-5 Replacement of 6 Wheel Dump Truck, and be further authorized to expend funds in an amount not to exceed \$307,602, and be it further

RESOLVED, to authorize the Mayor to sign any and all documents related to Capital Project 22-5 Replacement of 6 Wheel Dump Truck.

Ayes: 6 Nays: 0

MOTION CARRIED

NEW BUSINESS

The Mayor advised that there will be an LPC (Local Planning Committee) meeting on March 16 at 6:30 p.m. at the Kallet. The public is invited to attend; however, she advised that this would be a working session for the LPC, and if there is time at the end of the meeting, the State will allow for public comment, limited to 3 minutes per person for a total of 15 minutes. She noted that comment cards would also be available to anyone who would like to submit one.

She advised that the next meeting would be on Wednesday, March 30 at 6:30 p.m. at the Kallet, and this would be an open public meeting.

In addition to the meeting notifications, the Mayor stated that the DRI Open Call deadline was extended to Monday, March 21. She asked that everyone take time to visit ONEIDADRI.COM, and if you have a project in mind, own a building or business in the City and would like to take advantage of the \$10M grant, to please submit the paperwork and become part of Oneida's future!

EXECUTIVE SESSION

RESOLUTION 22-54

Motioned	by Councilor	Rossi
Seconded	by Councilor	Kinville

Seconded by Councilor Kinville
RESOLVED , that the meeting is hereby adjourned to Executive Session at 7:13 p.m. to seek advice of Counsel.
Ayes: 6 Nays: 0 MOTION CARRIED
PRESENT: ☐ Mayor ☐ City Attorney ☐ Comptroller ☐ Councilors ☐ Absent ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
1. Discussion was held to seek advice of Counsel
Motioned by Councilor Reisman Seconded by Councilor Rossi
RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 7:54 p.m.
Ayes: 6 Nays: 0 MOTION CARRIED
Motion to adjourn by Councilor Kinville
The regular meeting is hereby adjourned at 7:55 p.m.
CITY OF ONEIDA
Sandra LaPera, City Clerk