



CITY OF ONEIDA
MEETING OF THE COMMON COUNCIL
109 N. MAIN ST., ONEIDA, NY 13421

AGENDA

| | | | |
|------------------|-------------------------|----------------------|--|
| Date: | October 4, 2022 | Presiding: | Helen B. Acker, Mayor |
| Time: | 6:30 p.m. | Clerk: | Sandy LaPera, City Clerk |
| Location: | Common Council Chambers | Meeting Type: | Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/> |

Call to Order/Pledge of Allegiance/Roll Call

PUBLIC HEARING: Proposed Local Law authorizing a Property Tax Levy in excess of the limit established in General Municipal Law §3-C

PUBLIC COMMENT: Limited to 3 minutes

OLD BUSINESS:

Approval of the Minutes: September 20, 2022

Approval of Warrant: 19

| Item | Title | Facilitator |
|------|--|-------------|
| 1. | WATER BOARD RECOMMENDATION: approve the Water Board recommendation to waive late penalties assessed to HP Hood, 252 Genesee St. | WATER BOARD |
| 2. | WATER BOARD RECOMMENDATION: approve the Water Board recommendation pertaining to property located at 609 Valley View Dr. for payment in full based on an adjusted June 2022 water bill, as per the Water Department Leak Adjustment Policy, or termination of water service by October 31, 2022 | WATER BOARD |
| 3. | LIQUOR LICENSE NOTIFICATION: receive and place on file the Standardized Notice Form from the American Legion Post 169 providing notice to the City of Oneida of a class change to their On-premises Alcoholic Beverage License | CITY CLERK |
| 4. | INTRODUCE LOCAL LAW: introduce a Local Law imposing a six (6) month moratorium on Smoke Shop uses within the City of Oneida and schedule a Public Hearing for Tuesday, October 18, 2022 at 6:30 p.m. in Common Council Chambers | MAYOR/BELL |
| 5. | INTRODUCE LOCAL LAW: introduce a Local Law to amend Chapter 122 of the Oneida City Code to remove references to marijuana and to schedule | MAYOR |

| Item | Title | Facilitator |
|------|--|-------------|
| | a Public Hearing for Tuesday, October 18, 2022 at 6:30 p.m. in Common Council Chambers | |
| 6. | BUDGET TRANSFERS: approve Budget Transfers and Amendments as outlined by the Comptroller | WELLS |
| 7. | AGREEMENT: authorize the Mayor to sign a Facilities Agreement with Entertainment Services of New York, 606 N. Madison St., Rome, NY 13440 for services at the Kallet Civic Center for a one-year term | MAYOR/GRIFF |

NEW BUSINESS

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
OCTOBER 4, 2022**

A meeting of the Common Council of the City of Oneida, NY was held on the fourth day of October, 2022 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Szczerba | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Laureti | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Rossi | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Kinville | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Pagano | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Councilor Simchik | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> _____ |

Also Present

| | | | |
|----------------------------|--------------------------|----------------------------------|--------------------------|
| City Attorney Nadine Bell | <input type="checkbox"/> | Fire Chief Dennis Fields | <input type="checkbox"/> |
| City Clerk Sandy LaPera | <input type="checkbox"/> | Police Chief John Little | <input type="checkbox"/> |
| City Engineer Jeff Rowe | <input type="checkbox"/> | Public Safety Com. Kevin Salerno | <input type="checkbox"/> |
| Codes Director Bob Burnett | <input type="checkbox"/> | Other _____ | <input type="checkbox"/> |
| Comptroller Lee Ann Wells | <input type="checkbox"/> | Other _____ | <input type="checkbox"/> |

Call to Order/Pledge of Allegiance/Roll Call

PUBLIC HEARING: A proposed Local Law overriding the tax levy limit established in General Municipal Law §3-C in the City of Oneida

PUBLIC COMMENT:

OLD BUSINESS:

OPEN PUBLIC HEARING

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

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

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 be hereby opened at ____p.m.

Ayes:

Nays:

MOTION CARRIED

APPEARANCES

CLOSE PUBLIC HEARING

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

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

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 be hereby closed at ____p.m.

Ayes:

Nays:

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Councilor
Seconded by Councilor

RESOLVED, that the minutes of the regular meeting of September 20, 2022 are hereby approved as presented.

Ayes:

Nays:

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor
Seconded by Councilor

RESOLVED, that Warrant No. 19, checks and ACH payments in the amount of \$548,592.26 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes:

Nays:

MOTION CARRIED

| | |
|----------------|-----------------|
| WARRANT | 19 |
| DATE: | October 4, 2022 |

| FUND | | PAYMENT NUMBER (S) | AMOUNT |
|---------------|------|--------------------|---------------|
| Capital | 4740 | 4772 | \$ 14,245.50 |
| Library Fund | 025 | | |
| Fund | 027 | | |
| ARPA Fund | 030 | 1245-1250 | \$ 93,930.41 |
| Current Funds | | 70387-70548 | \$ 397,880.61 |
| ACH | | | \$ 42,535.74 |

| | | | |
|-------------------------|--|--|----------------------|
| WARRANT #1 TOTAL | | | \$ 548,592.26 |
|-------------------------|--|--|----------------------|

1. **WATER BOARD RECOMMENDATION-HP HOOD**

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

WHEREAS, HP Hood, 252 Genesee Street, Oneida, NY, Account No. 52-002002-00 was charged late fees in the amount of \$92,184.65 for six water bills that were paid late after the due date; **and**

WHEREAS, HP Hood representatives appeared at the Water Board meeting on September 13, 2022 to request that the stated late fees be waived due to extenuating circumstances involving the implementation of a new accounting system which caused delays in payments; **and**

WHEREAS, HP Hood has not been late on any payments prior to the implementation of the new accounting system and has been a customer in good standing with the City of Oneida; **and**

WHEREAS, the City of Oneida Water Board recommends that the six late fees be hereby waived due to extenuating circumstances; **now therefore be it**

RESOLVED, that the Common Council approves the waiver of \$92,184.65 in late fees assessed to HP Hood, 252 Genesee St., Oneida, NY, Account No. 52-002002-00.

Ayes:

Nays:

MOTION CARRIED

2. **WATER BOARD RECOMMENDATION-HILLARY HASKELL, 609 VALLEY VIEW DRIVE**

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

WHEREAS, Hillary Haskell, 609 Valley View Drive, Oneida, NY Account No. 20-122001-00 requested a Due Process Hearing to avoid termination of water services on August 16, 2022; **and**

WHEREAS, the Common Council granted an extension, with no termination of water services at the Due Process Hearing until September 6, 2022 to allow the Water Department the opportunity to check the meter and usage to date for comparison purposes; **and**

WHEREAS, an extension was granted at the September 6, 2022 meeting of the Common Council to October 31, 2022 for payment in full, and recommendation was also made that Ms. Haskell appear before the City of Oneida Water Board to determine if any adjustments would be considered; **and**

WHEREAS, Hillary Haskell appeared before the Water Board on September 13, 2022 to seek an adjustment to her June 2022 water bill; **and**

WHEREAS, the City of Oneida Water Board hereby recommends to the Common Council that the June 2022 water bill be adjusted in accordance with the Leak Adjustment Policy; **now therefore be it**

RESOLVED, that Hillary Haskell, 609 Valley View Drive, Oneida, NY, Account No. 20-122001-00, pay \$3,274.41 in full on or before October 31, 2022, which represents all amounts due on account 20-122001-00 and reflecting the adjustment to the June 2022 water bill, or the Water Department is hereby authorized to terminate water service to 609 Valley View Drive, Oneida, NY 13421.

Ayes:

Nays:

MOTION CARRIED

3. LIQUOR LICENSE APPLICATION NOTICE-AMERICAN LEGION POST 169

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the Standardized Notice Form for providing 30-day advance notice to a Local Municipality or Community Board for the filing of a Class Change application for an On-Premises Alcoholic Beverage License by the Oneida American Legion Post 169, 398 North Main Street, Oneida, NY 13421, be hereby received and placed on file.

Ayes:

Nays:

MOTION CARRIED



OFFICE USE ONLY
 Original Amended Date _____

Standardized NOTICE FORM for Providing 30-Day Advance Notice to a Local Municipality or Community Board

1. Date Notice Sent:

1a. Delivered by:

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License:
For premises outside the City of New York:

- New Application Removal Class Change

For premises in the City of New York:

- New Application New Application and Temporary Retail Permit Temporary Retail Permit Removal
 Class Change Method of Operation Corporate Change Renewal Alteration

For New and Temporary Retail Permit applicants, answer each question below using all information known to date
 For Renewal applicants, answer all questions
 For Alteration applicants, attach a complete written description and diagrams depicting the proposed alteration(s)
 For Corporate Change applicants, attach a list of the current and proposed corporate principals
 For Removal applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation
 For Class Change applicants, attach a statement detailing your current license type and your proposed license type
 For Method of Operation Change applicants, although not required, if you choose to submit, attach an explanation detailing those changes
Please include all documents as noted above. Failure to do so may result in disapproval of the application.

This 30-Day Advance Notice is Being Provided to the Clerk of the Following Local Municipality or Community Board:

3. Name of Municipality or Community Board:

Applicant/Licensee Information:

4. Licensee Serial Number (if applicable): Expiration Date (if applicable):

5. Applicant or Licensee Name:

6. Trade Name (if any):

7. Street Address of Establishment:

8. City, Town or Village: , NY Zip Code:

9. Business Telephone Number of applicant/ Licensee:

10. Business E-mail of Applicant/Licensee:

11. Type(s) of alcohol sold or to be sold: Beer & cider Wine, Beer & Cider Liquor, Wine, Beer & Cider

12. Extent of Food Service: Full Food menu; full kitchen run by a chef/cook Menu meets legal minimum food requirements; food prep area required

13. Type of Establishment:
 Seasonal Establishment Juke Box Disc Jockey Recorded Music Karaoke

14. Method of Operation: (check all that apply)
 Live Music (give details i.e., rock bands, acoustic, jazz, etc.):
 Patron Dancing Employee Dancing Exotic Dancing Topless Entertainment
 Video/Arcade Games Third Party Promoters Security Personnel
 Other (specify):

15. Licensed Outdoor Area: (check all that apply) None Sidewalk Cafe Patio or Deck Rooftop Garden/Grounds Freestanding Covered Structure
 Other (specify): _____

RECEIVED

SEP 16 2022

CITY CLERK

| | | |
|--------------------------------|-------------------------------|------------|
| OFFICE USE ONLY | | |
| <input type="radio"/> Original | <input type="radio"/> Amended | Date _____ |

16. List the floor(s) of the building that the establishment is located on:

17. List the room number(s) the establishment is located in within the building, if appropriate:

18. Is the premises located within 500 feet of three or more on-premises liquor establishments? Yes No

19. Will the license holder or a manager be physically present within the establishment during all hours of operation? Yes No

20. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee:
 Name Serial Number

21. Does the applicant or licensee own the building in which the establishment is located? Yes (if YES, SKIP 23-26) No

Owner of the Building in Which the Licensed Establishment is Located

22. Building Owner's Full Name:

23. Building Owner's Street Address:

24. City, Town or Village: State: Zip Code:

25. Business Telephone Number of Building Owner:

Representative or Attorney Representing the Applicant in Connection with the Application for a License to Traffic in Alcohol at the Establishment Identified in this Notice

26. Representative/Attorney's Full Name:

27. Representative/Attorney's Street Address:

28. City, Town or Village: State: Zip Code:

29. Business Telephone Number of Representative/Attorney:

30. Business E-mail Address of Representative/Attorney:

I am the applicant or licensee holder or a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

31. Printed Principal Name: Title:

Principal Signature: 
RECEIVED
 SEP 16 2022

4. INTRODUCE A LOCAL LAW IMPOSING A SIX (6) MONTH MORATORIUM ON SMOKE SHOP USES WITHIN THE CITY OF ONEIDA-SCHEDULE PUBLIC HEARING

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

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 safety, welfare, and aesthetics of the community; **and**

WHEREAS, this proposed moratorium will enable the City to undertake review and comprehensively address the issues involved with smoke shop uses; **and**

WHEREAS, the Common Council has deemed this moratorium urgent and immediately necessary in order to preserve the status quo while this issue is examined by the City; **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 18, 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:

Nays:

MOTION CARRIED

**CITY OF ONEIDA
PROPOSED LOCAL LAW**

**A LOCAL LAW IMPOSING A SIX (6) MONTH MORATORIUM
ON SMOKE SHOP USES WITHIN THE CITY OF ONEIDA**

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

SECTION 1. Intent.

It is the intent of the Common Council of the City of Oneida to impose a six (6) month moratorium on the establishment, creation, maintenance, advertisement and/or operation of new smoke shop uses within the City of Oneida because of the exponential increase of the same within the City of Oneida.

SECTION 2. Legislative Purpose.

Pursuant to the statutory powers vested in the City of Oneida to regulate and control land use, and to protect the health, safety and welfare of its residents, the Common Council of the City of Oneida hereby declares a temporary moratorium on the establishment, creation, maintenance, advertisement and/or operation of new smoke shop uses within the City of Oneida.

Because of the exponential increase of smoke shop uses within the City of Oneida, the Common Council of the City of Oneida desires to address, in a careful manner, the issues raised by smoke shops on a comprehensive basis, rather than on an ad hoc basis, with the goal of adopting appropriate zoning or other land use laws or by amending its current laws to properly regulate the same.

SECTION 3. Definitions.

SMOKE SHOP – This term includes any premises dedicated to the display, sale distribution, delivery, offering, furnishing or marketing of tobacco and/or cannabis, tobacco and/or cannabis products, and/or tobacco and/or cannabis paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells tobacco and/or cannabis as an ancillary sale shall not be defined as a “smoke shop.”

SECTION 4. Moratorium.

A. Unless permitted pursuant to Section 5 hereafter, from and after the date of this Local Law, no application for a permit, zoning permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other City-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official agent of the City of Oneida, for the construction, establishment, use, creation, maintenance, advertisement and/or operation of any land, building or structure within the City of Oneida for any new smoke shop use, as defined above.

B. This moratorium shall be in effect for a period of six (6) months from the effective

date of this Local Law and shall expire on the earlier of: (i) the date six (6) months from said effective date of this Local Law, unless renewed; or (ii) the enactment by the Common Council of a resolution indicating the Common Council is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the City of Oneida.

D. Under no circumstances shall the failure of the Common Council of the City of Oneida, the Planning Department, the Planning Commission/Zoning Board of Appeals, or the Code Enforcement Office for the City of Oneida to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other City-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

SECTION 5. Relief from provisions of this Local Law.

A. The Common Council of the City of Oneida reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for relief shall be filed in triplicate with the Planning Department together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney's fees, incurred by the City, shall be reimbursed to the City by the Applicant. The Common Council shall apply Use Variance criteria as set forth in the New York State General City Law, Section 81-b in reviewing any application for relief.

C. The Common Council of the City of Oneida may refer any applications for relief herein to the City of Oneida Planning Commission/Zoning Board of Appeals for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Common Council after determining whether the requested relief is compatible with any contemplated amendments to the Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Common Council shall deny the application.

D. The Common Council shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Planning Department and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

SECTION 6. Penalties.

Any individual, partnership, firm or corporation that shall establish, construct, reconstruct, relocate, enlarge or modify any site to be used for a smoke shop use in violation of the provisions of this Local Law, shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the City to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this Local Law.

SECTION 7. Enforcement.

This Local Law shall be enforced by the City of Oneida Code Enforcement Office or such other zoning enforcement individual(s) as designated by the Common Council. It shall be the duty of the enforcement individual(s) to advise the Common Council of all matters pertaining to the enforcement of this Local Law.

SECTION 8. Validity and severability.

If any section or part of this Local Law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this Local Law.

SECTION 9. Effective date.

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

GML 239 Referral Notice

To: Madison County Planning Board
 Attn: Scott Ingmire, Director
 P.O. Box 606
 North Court Street
 County Office Building
 Wampsville, NY 13163
 Phone: 366-2376
 Fax: 366-2742

From: Municipal Board: City of Oneida Common Council
 Referring Officer: Hon. Helen Acker, Mayor
 Mail Original: City of Oneida
 resolution to: 109 North Main Street
 Oneida, New York 13421

Copy to: Nadine C. Bell, Esq.
 Costello, Cooney & Fearon, PLLC
 211 West Jefferson Street
 Syracuse, New York 13202

Re: General Municipal Law § 239 Referral Informal Review _____ 3-Mile Limit Review _____

1. **Applicant:** City of Oneida Common Council 2. **Site Address:** City Wide
3. **Tax Map Number(s):** N/A 4. **Acres:** N/A
5. **Is the site within the county sanitary district?** Yes No N/A
6. **Is the site currently serviced by public water?** Yes No N/A
7. **On-site wastewater treatment is currently provided by:** Public Sewer or Septic System N/A
8. **Current Zoning:** N/A 9. **Current Land Use:** N/A
10. **Project Description:** Enact a Local Law to impose a six (6) month moratorium on the establishment, creation, maintenance, advertisement and/or operation of new smoke shop uses within the City of Oneida.

11. MCPB Jurisdiction

| | | |
|--|--|--|
| <input checked="" type="checkbox"/> Text Adoption or Amendment | <input type="checkbox"/> Site is located within 500' of: | |
| | | <i>(Specify by Name)</i> |
| Check All That Apply | } | <input type="checkbox"/> a municipal boundary <input type="checkbox"/> a state or county thruway/highway/roadway <input type="checkbox"/> an existing or proposed state or county park/recreation area <input type="checkbox"/> an existing or proposed county-owned stream or drainage channel <input type="checkbox"/> a state or county-owned parcel on which a public building or institution is situated <input type="checkbox"/> a farm operation located in an agricultural district (Incl Ag Data Statement pursuant to AML §305-a) |

Referred Action(s)

If referring multiple, related actions, please identify the referring municipal board if different from above.

12. Text Adoption or Amendment Referring Board: City of Oneida Common Council

Comprehensive Plan Local Law Zoning Ordinance Other _____

13. Zone Change Referring Board: _____

Proposed Zone District: _____ Number of Acres: _____

Purpose of the Zone Change: _____

14. Site Plan Project Site Review Referring Board: _____

Proposed Improvements: _____

Intended Use: _____

Will the proposed project require a variance? Yes No Type: Area Use

Specify: _____

Is a state or county DOT work permit needed? If Yes: State or County No

Specify: _____

15. Special Permit **Referring Board:**

Section of local zoning code that requires a special permit for this use: _____

Will the proposed project require a variance? Yes No Type: Area Use

16. Subdivision **Referring Board:**

Name of Subdivision: _____ Preliminary Final

Number of Lots: _____ Type: Commercial/Industrial Residential Single/Multi/Both
(Circle One) (Circle One)

Is this a cluster subdivision pursuant to Section 278 of the New York State Town Law? Yes No

Will the proposed subdivision require a variance? Yes No Type: Area Use

Is a state or county DOT work permit needed? If Yes: State or County No

Specify: _____

17. Variance **Referring Board:**

Area Use

Section(s) of local zoning code to which the variance is being sought: _____

Describe how the proposed project varies from the above code section: _____

SEQR Determination

| | |
|---|---|
| <p>Action:</p> <p>Check One { <input type="checkbox"/> Type I <input checked="" type="checkbox"/> Type II <input type="checkbox"/> Unlisted Action <input type="checkbox"/> Exempt</p> | <p>Findings:</p> <p><input type="checkbox"/> Positive Declaration - Draft EIS <input type="checkbox"/> Conditional Negative Declaration <input type="checkbox"/> Negative Declaration <input checked="" type="checkbox"/> No Finding (Type II Only) <input type="checkbox"/> Pending</p> |
|---|---|

SEQR determination made by (Lead Agency): City of Oneida Common Council Date: _____

Attachments

Survey Subdivision Plat (map) Environmental Assessment Form Proposed Text

Site Plan Local Application Form Ag Data Statement

Other: Introductory Resolution

This referral, as required by GML § 239 l, m & n, includes complete information and supporting materials to assist the Madison County Planning Board (MCPB) in its review. If no formal action is taken by the MCPB within 30 days, the referring board may proceed without the MCPB's recommendation, unless an extension of time is agreed upon or unless the MCPB's recommendation is received 2 days prior to municipal review.

Sandra LaPera, City of Oneida City Clerk
Name and Title of Person Completing this Form

Transmittal Date

5. INTRODUCE A LOCAL LAW TO AMEND CHAPTER 122 OF THE ONEIDA CITY CODE TO REMOVE REFERENCES TO MARIJUANA-SCHEDULE PUBLIC HEARING

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

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 122 of the Oneida City Code so as to remove any references to marijuana to be consistent with recent changes to the State Penal 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 October 18, 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:

Nays:

MOTION CARRIED

**CITY OF ONEIDA
PROPOSED LOCAL LAW**

**A LOCAL LAW TO AMEND CHAPTER 122 OF THE ONEIDA CITY CODE TO REMOVE REFERENCES TO
MARIJUANA**

Be it enacted by the Common Council of the City of Oneida, that this local law amends Chapter 122 of the Oneida City Code, 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 the definition of "Illegal Drug Activity," as set forth in Section 122-2 of the Oneida City Code, is hereby amended to read, in its entirety, as follows:

"ILLEGAL DRUG ACTIVITY – The use or possession of a controlled substance, as defined by the State Penal Law."

SECTION 3.

So that the definition of "Public Nuisance," as set forth in Section 122-2(A)(1) of the Oneida City Code, is hereby amended to read, in its entirety, as follows:

"(1) Any building, structure or real property used for the illegal use, possession or distribution of a controlled substance, as defined by the State Penal Law."

SECTION 4.

So that Section 122-4(A)(3)(a) of the Oneida City Code is hereby amended to read, in its entirety, as follows:

"(a) Service of a search warrant on the premises where controlled substances and/or weapons are seized."

SECTION 5. EFFECTIVE DATE.

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

6. BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

2022 Budget Adjustments

RESOLVED, to approve the following 2022 Budget Amendment/Transfers

| | <u>To</u> | <u>From</u> |
|-------------|--|--|
| \$ 7,500.00 | 001.1315.0417.0000 CDL CSEA Training Expenses | 001.0001.0912.0000 General Fund Balance |

To allocate funds for approved CSEA CDL Training Expenses

Ayes:

Nays:

MOTION CARRIED

7. AGREEMENT-ENTERTAINMENT SERVICES OF NEW YORK

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, to authorize the Mayor to sign a Facilities Agreement with Entertainment Services of New York, 606 N. Madison St., Rome, NY 13440 for services at the Kallet Civic Center, 159 Main Street, Oneida, NY 13421 for a one-year term.

Ayes:

Nays:

MOTION CARRIED

NEW BUSINESS

Motion to adjourn by Councilor

The regular meeting is hereby adjourned at _____ p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk