



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

AGENDA

Date:	October 18, 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 to impose a six (6) month moratorium on Smoke Shop uses within the City of Oneida

PUBLIC HEARING: Proposed Local Law to amend Chapter 122 of the Oneida City Code to remove references to marijuana

PUBLIC COMMENT: Limited to 3 minutes

OLD BUSINESS:

SUPERVISOR'S REPORT:

Approval of the Minutes: October 4, 2022

Approval of Warrant: 20

Item	Title	Facilitator
1.	MONTHLY REPORTS: receive and place on file the Monthly Reports from the City Clerk, City Engineer, Codes Department, Comptroller, Fire Department, Parks & Recreation Department and Planning Department	CITY CLERK
2.	ADOPT LOCAL LAW: adopt a Local Law authorizing a Property Tax Levy in excess of the limit established in General Municipal Law §3-C (Roll Call Vote)	MAYOR
3.	INTRODUCE LOCAL LAW: introduce a Local Law to amend Chapter 151 of the Oneida City Code to add Article VII, Obstructions in Public Places and schedule a Public Hearing for Tuesday, November 1, 2022 at 6:30 p.m. in Common Council Chambers, 109 N. Main St., Oneida	MAYOR
4.	COMMITTEE RECOMMENDATION: to receive and place on file a recommendation from the City Administrator/Manager Special Committee that a local law amending the Oneida City Charter be	SPECIAL COMMITTEE

Item	Title	Facilitator
	prepared for introduction and consideration, subject to mandatory referendum, which shall revise the City of Oneida's form of government to create the position of professional City Manager who shall serve as the administrative head of the City of Oneida and which local law shall further abolish, transfer or curtail the power of the Oneida City Mayor as appropriate to facilitate the change in form of City government	
5.	CLOSE OUT CAPITAL PROJECT: close out Capital Project 16-07- WWTP FEMA Flood Mitigation Project and transfer unexpended funds of \$254,311.26 back to the Sewer Fund	WELLS
6.	BUDGET TRANSFERS/AMENDMENTS: approve the Budget Transfers and amendments as outlined by the Comptroller	WELLS
7.	WATER BOARD RECOMMENDATION: approve the recommendation from the City of Oneida Water Board to waive the late fees of \$6,980.97 assessed to the Town of Verona for the September water bill due to extenuating circumstances caused by the US Postal Service and their excellent payment history	ROWE/ SMOLINSKI

NEW BUSINESS

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
OCTOBER 18, 2022**

A meeting of the Common Council of the City of Oneida, NY was held on the eighteenth day of October, 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>	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"/> _____

Supervisors

Matt Roberts	<input type="checkbox"/>	<input type="checkbox"/>
Mary Cavanagh	<input type="checkbox"/>	<input type="checkbox"/>
Joe Magliocca	<input type="checkbox"/>	<input type="checkbox"/>
Brandee DuBois	<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: Proposed Local Law to impose a six (6) month moratorium on Smoke Shop uses within the City of Oneida

OPEN PUBLIC HEARING

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

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the Public Hearing on a proposed Local Law to impose a six (6) month moratorium on Smoke Shop uses in the City of Oneida be hereby opened at ____p.m.

Ayes:

Nays:

MOTION CARRIED

APPEARANCES

CLOSE PUBLIC HEARING

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

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the Public Hearing on a proposed Local Law to impose a six (6) month moratorium on Smoke Shop uses in the City of Oneida be hereby closed at ____p.m.

Ayes:

Nays:

MOTION CARRIED

PUBLIC HEARING: Proposed Local Law to amend Chapter 122 of the Oneida City Code to remove references to marijuana

OPEN PUBLIC HEARING

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

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the Public Hearing on a proposed Local Law to amend Chapter 122 of the Oneida City Code to remove references to Marijuana be hereby opened at ____p.m.

Ayes:

Nays:

MOTION CARRIED

APPEARANCES

CLOSE PUBLIC HEARING

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

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the Public Hearing on a proposed Local Law to amend Chapter 122 of the Oneida City Code to remove references to Marijuana be hereby closed at ____p.m.

Ayes:

Nays:

MOTION CARRIED

PUBLIC COMMENT:
OLD BUSINESS:
SUPERVISOR'S REPORT:

APPROVAL OF MINUTES

Moved by Councilor
Seconded by Councilor

RESOLVED, that the minutes of the regular meeting of October 4, 2022 are hereby approved as presented.

Ayes:
Nays:

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor
Seconded by Councilor

RESOLVED, that Warrant No. 20, checks and ACH payments in the amount of \$1,408,403.83 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	20
DATE:	October 18, 2022

FUND		PAYMENT NUMBER (S)	AMOUNT
Capital	4740	4773-4777	\$ 1,091,283.51
Library Fund	025		
Fund	027		
ARPA Fund	030	1251-1253	\$ 138,155.67
Current Funds		70555-70626	\$ 150,606.79
ACH			\$ 28,357.86

WARRANT #1 TOTAL	\$ 1,408,403.83
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1. MONTHLY REPORTS

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

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

Ayes:

Nays:

MOTION CARRIED

2. **ADOPT LOCAL LAW-AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the Common Council hereby enacts and adopts a Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Oneida to adopt a budget for the fiscal year commencing January 1, 2023 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Common Council of the City of Oneida, County of Madison, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2023 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the 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 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Councilor Szczerba

Councilor Laureti

Councilor Rossi

Councilor Kinville

Councilor Pagano

Councilor Simchik

MOTION CARRIED

3. **INTRODUCE A LOCAL LAW AMENDING CHAPTER 151 OF THE ONEIDA CITY CODE TO ADD ARTICLE VII, OBSTRUCTIONS IN PUBLIC PLACES**

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 Local Law will prevent the unreasonable interference with the public's use and enjoyment of public property from the erection and use of tents and related activities associated with camping on public property not otherwise designated for such activities; 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

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 1, 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 AMENDING CHAPTER 151 OF THE ONEIDA CITY CODE
TO ADD ARTICLE VII, OBSTRUCTIONS IN PUBLIC PLACES**

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

SECTION 1. Intent.

The purpose of this local law is to protect public property and the public health, safety and welfare from unreasonable interference with the public's use and enjoyment of public property from the erection and use of tents and related activities associated with camping on public property not otherwise designated for such activities.

SECTION 2. Authority.

This local law is adopted pursuant to the statutory powers vested in the Oneida City Code to regulate and control land use, and to protect the health, safety and welfare of its residents. This local law is adopted under the authority of the New York State Municipal Home Rule Law § 10.

SECTION 3. Amend Chapter 151 of the Oneida City Code to Add Article VII, Obstructions In Public Places.

The Chapter 151 of the Oneida City Code, "Streets, Sidewalks and Public Places," is hereby amended to add Article VII, "Obstructions in Public Places," which shall read in its entirety as follows:

"§ 151-20. Obstructions to public places prohibited.

Unless otherwise authorized by a permit issued by the Director of Parks and Recreation pursuant to the provisions of this Article, there shall be no camping and/or erection of tents or other structures on public property. Further, there shall be no placement of tarps or sleeping bags or other coverings and no storage or placement of personal property on the ground, benches, sitting areas or walkways which unreasonably interferes with the use of such public property by others.

§ 151-21. Permit.

- A. No person shall be allowed to camp and/or erect a tent or other structure on public property within the City of Oneida without a written permit from the Director of Parks and Recreation, unless no permit is required pursuant to the provisions of this Article.

- B. A person desiring such a permit shall file an application with the Director of Parks and Recreation on forms provided by the Department of Parks and Recreation.
- C. The application for such a permit shall set forth the following information:
 - (1) The name, address and telephone number of the person seeking to camp and/or erect a tent or other structure on public property.
 - (2) The date(s) when the camping and/or erection of a tent or other structure on public property shall occur.
 - (3) The number of people who, and animals and vehicles which, will be present for the specified camping and/or erection of a tent or other structure on public property.
 - (4) The location where the camping and/or erection of a tent or other structure on public property shall occur.
 - (5) Any additional information which the Director of Parks and Recreation shall find reasonably necessary to a fair determination as to whether a permit should be issued.
- D. There shall be paid at the time of filing the application for a permit, a fee established by the Common Council.

§ 151-22. Exceptions.

Permits are not required for the camping and/or erection of tents at the following designated location(s) or for the following designated reason(s):

- A. Funeral tents not exceeding 700 square feet when used at cemeteries.

§ 151-23. Penalties.

Any person committing an offense against any provision of this Article shall be guilty of a violation punishable as follows: by imprisonment for a term not exceeding 15 days or by a fine not exceeding \$250, or both such fine and imprisonment. The continuation of an offense against the provisions of this Article shall constitute, for each the offense is continued, a separate and distinct offense hereunder.”

SECTION 4. 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 5. Effective date.

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

4. COMMITTEE RECOMMENDATION-CITY ADMINISTRATOR/MANAGER

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, to receive and place on file a recommendation from the City Administrator/Manager Special Committee that a local law amending the Oneida City Charter be prepared for introduction and consideration, subject to mandatory referendum, which shall revise the City of Oneida's form of government to create the position of professional City Manager who shall serve as the administrative head of the City of Oneida and which local law shall further abolish, transfer or curtail the power of the Oneida City Mayor as appropriate to facilitate the change in form of City government.

Ayes:

Nays:

MOTION CARRIED

**Focus Committee for City of Oneida
Administrator/Manager Discussion**

Memo

To: Honorable Members of the City of Oneida Common Council

From: City Administrator/Manager Committee Members: Jim Betro, Brian Bortree, Mark Flynn, Ralph Jordan, Kelly Lewin, Maureen Mosack, Edward Reid, Brahim Zogby

cc: Mayor Helen B. Acker, City Clerk Sandra LaPera

Date: October 18, 2022

Re: City Administrator/Manager Committee Recommendation

We, the above-mentioned committee members, appointed by Mayor Helen B. Acker, and tasked with the duty of determining if our City Government would benefit from the addition of either a City Administrator or City Manager, do hereby render our final decision to the Common Council, effective today, October 18, 2022. The Committee hereby officially recommends that the Common Council introduce a Local Law to amend the current City Charter to add the position of a City Manager. It is our hope that Common Council begin the process of bringing this recommendation to a formal vote and move forward in the process to modify the City of Oneida Charter to bring the Committee's recommendation, for the City Manager position, to fruition.

We understand that the magnitude of this change requires a complete modification to the current City Charter, among other things, and, thus, attach hereto our meeting minutes, research, and findings revealed during our discovery process. Of which, all are requested to be formally placed on file with the City Clerk and should be made available for review during subsequent steps in the process.

We look forward to next steps and would like to extend our sincere thanks and appreciation for the opportunity to be involved in this process. A process that, we believe, is so vital to the continued improvement and growth of our wonderful City.

5. CLOSE OUT CAPITAL PROJECT 16-07-WWTP FEMA FLOOD MITIGATION PROJECT

RESOLUTION 22-

Moved by Councilor

Seconded by Councilor

RESOLVED, to authorize the Comptroller to close out Capital Project 16-07-WWTP FEMA Flood Mitigation Project and to transfer unexpended funds of \$254,211.26 back to the Sewer Fund.

Ayes:

Nays:

MOTION CARRIED

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>
\$ 49,000.00	030.7140.0200.0000 ARPA Bleachers for Vet's Field	030.7140.0400.0000 ARPA Bathroom repairs to Vet's Field

To re-allocate funds to purchase additional bleachers for Vet's Field

Ayes:

Nays:

MOTION CARRIED

7. WATER BOARD RECOMMENDATION-TOWN OF VERONA

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

WHEREAS, the Town of Verona, 6600 Germany Road, Durhamville, NY 13054 was charged late fees in the amount of \$6,980.97 for the September 2022 water bills for the Durhamville Water District, Account No. 52-010002-00 (\$325.78) and the Route 365 Water/Sewer District, Account No. 52-01502-00 (\$6,655.19); **and**

WHEREAS, the Town of Verona submitted a letter dated October 11, 2022, to the City of Oneida Water Board requesting that the late fees be waived due to extenuating circumstances caused by the US Postal Service and their excellent payment history with the City of Oneida; **now therefore be it**

RESOLVED, that the Common Council hereby approves the waiver of \$6,980.97 in late fees assessed to the Town of Verona, 6600 Germany Rd., Durhamville, NY 13054, Account No. 52-010002-00 and 52-01502-00.

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