



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

AGENDA

Date:	November 15, 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:** 2023 City of Oneida Budget
- PUBLIC HEARING:** Miscellaneous Utility Billing
- PUBLIC HEARING:** Wind Energy Regulations
- PUBLIC HEARING:** Short-Term Rental Provisions

PUBLIC COMMENT: Limited to 3 minutes

OLD BUSINESS:

SUPERVISOR'S REPORT:

Approval of the Minutes: November 1, 2022

Special Budget Work Sessions/Meetings (11/2-11/3-11/7-11/8)

Approval of Warrant: 22

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, Planning Department and Police Department	CITY CLERK
2.	ADOPT LOCAL LAW: to amend Chapter 151 of the Oneida City Code to add Article VII, Obstructions in Public Places (Roll Call Vote)	MAYOR
3.	BOARD REAPPOINTMENT: approve the Mayor's re-appointment of Pat Thorpe to the joint Zoning Board/Planning Commission for a 7-year term	MAYOR
4.	ADVERTISE FOR BIDS: authorize the Purchasing Agent to advertise for bids for Water Meters for 2022	SMOLINSKI

Item	Title	Facilitator
5.	ANNUAL REPORT: receive and place on file the 2021 Water Department Annual Report	SMOLINSKI
6.	INTRODUCE LOCAL LAW: introduce a Local Law updating the Code Enforcement Program in the City of Oneida and schedule a Public Hearing for Tuesday, December 6, 2022, at 6:30 p.m., 109 N. Main St., Oneida	MAYOR/BELL
7.	BOARD RECOMMENDATIONS: approve the Mayor's appointments and reappointments to the Traffic Safety Board for a term of three (3) years	MAYOR
8.	RELEASE/DISCHARGE, OR COMMUTE CITY/COUNTY TAXES: approve the release, discharge, or commute of city/county taxes for property located at 321 Pleasant Ave. Oneida, known as Tax Map No. 30.80-2-10 for the years 2015, 2016, 2019, and part of 2020 in the amount of \$6,431.15 which includes the taxes owed and interest incurred	HOOD
9.	BUDGET TRANSFERS/AMENDMENTS: approve the Budget Transfers/Amendments as outlined by the Comptroller	WELLS

NEW BUSINESS

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
NOVEMBER 15, 2022**

A meeting of the Common Council of the City of Oneida, NY was held on the fifteenth day of November 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: 2023 City of Oneida Budget

OPEN PUBLIC HEARING

2023 CITY OF ONEIDA BUDGET

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the Public Hearing for the 2023 City of Oneida Budget be hereby opened at
_____p.m.

Ayes:

Nays:

MOTION CARRIED

APPEARANCES

CLOSE PUBLIC HEARING

2023 CITY OF ONEIDA BUDGET

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the Public Hearing for the 2023 City of Oneida Budget be hereby closed at
_____p.m.

Ayes:

Nays:

MOTION CARRIED

PUBLIC HEARING: Miscellaneous Utility Billing

OPEN PUBLIC HEARING

MISCELLANEOUS UTILITY BILLING

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the Public Hearing for the City of Oneida Miscellaneous Utility Billing for unpaid service charges, water rents and sewer taxes, authorizing the charges in the 2022 assessment roll to be re-levied onto the 2023 tax roll be hereby opened at ____ p.m.

Ayes:

Nays:

MOTION CARRIED

APPEARANCES

CLOSE PUBLIC HEARING

MISCELLANEOUS UTILITY BILLING

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the Public Hearing for the City of Oneida Miscellaneous Utility Billing for unpaid service charges, water rents and sewer taxes, authorizing the charges in the 2022 assessment roll to be re-levied onto the 2023 tax roll be hereby closed at ____ p.m.

Ayes:

Nays:

MOTION CARRIED

PUBLIC HEARING: Proposed Local Law to amend Chapter 190 titled "Zoning" and Chapter 143, titled "Site Plan Review" of the Code of the City of Oneida to include Wind Energy Regulations

OPEN PUBLIC HEARING

PROPOSED LOCAL LAW TO AMEND CHAPTER 190 TITLED "ZONING" AND CHAPTER 143, TITLED "SITE PLAN REVIEW" OF THE CODE OF THE CITY OF ONEIDA TO INCLUDE WIND ENERGY REGULATIONS

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the Public Hearing to amend chapter 190 titled "Zoning" and Chapter 143, titled "Site Plan Review" of the Code of the City of Oneida to include Wind Energy Regulations be hereby opened at ____p.m.

Ayes:

Nays:

MOTION CARRIED

APPEARANCES

CLOSE PUBLIC HEARING

PROPOSED LOCAL LAW TO AMEND CHAPTER 190 TITLED "ZONING" AND CHAPTER 143, TITLED "SITE PLAN REVIEW" OF THE CODE OF THE CITY OF ONEIDA TO INCLUDE WIND ENERGY REGULATIONS

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the Public Hearing to amend chapter 190 titled "Zoning" and Chapter 143, titled "Site Plan Review" of the Code of the City of Oneida to include Wind Energy Regulations be hereby closed at ____p.m.

Ayes:

Nays:

MOTION CARRIED

PUBLIC HEARING: Proposed Local Law adding Short-Term Rental Provisions to Chapter 190, Zoning, of the City of Oneida Code

OPEN PUBLIC HEARING

PROPOSED LOCAL LAW ADDING SHORT-TERM PROVISIONS TO CHAPTER 190, ZONING, OF THE CITY OF ONEIDA CODE

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the Public Hearing to add Short-Term Provisions to Chapter 190, Zoning, of the City of Oneida Code be hereby opened at ____p.m.

Ayes:

Nays:

MOTION CARRIED

APPEARANCES

CLOSE PUBLIC HEARING

PROPOSED LOCAL LAW TO ADDING SHORT-TERM PROVISIONS TO CHAPTER 190, ZONING, OF THE CITY OF ONEIDA CODE

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, that the Public Hearing to add Short-Term Provisions to Chapter 190, Zoning, of the City of Oneida Code 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 November 1, 2022, are hereby approved as presented.

RESOLVED, that the minutes from the special budget work sessions/meetings of November 2, November 3, November 7, and November 8, 2022, are hereby approved as presented.

Ayes:

Nays:

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor
Seconded by Councilor

RESOLVED, that Warrant No. 22, checks and ACH payments in the amount of \$2,007,582.01 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	22
DATE:	November 15, 2022

FUND		PAYMENT NUMBER (S)	AMOUNT
Capital		4779-4781	\$ 1,731,024.00
Library Fund	025		
Fund	027		
ARPA Fund	030	1258-1260	\$ 85,086.11
Current Funds		70709-70775	\$ 188,353.28
ACH			\$ 3,118.62

WARRANT #1 TOTAL	\$ 2,007,582.01
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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, Planning Department and Police Department are hereby received and placed on file.

Ayes:

Nays:

MOTION CARRIED

2. ADOPT 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, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled "A Local Law Amending Chapter 151 of the Oneida City Code to Add Article VII, Obstructions In Public Places" was presented and introduced at a Regular Meeting of the Common Council of the City of Oneida held on October 18, 2022; and

WHEREAS, a public hearing was held on such proposed local law on November 1, 2022 and by the Common Council of the City of Oneida and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Common Council of the City of Oneida in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of the Proposed Local Law has previously been determined to be an Unlisted action for purposes of environmental review under SEQRA and will have no significant effect on the environment thus concluding the SEQR process;

WHEREAS, it is in the public interest to enact said Proposed Local Law.

NOW, THEREFORE, it is

RESOLVED that the Common Council of the City of Oneida, Madison County, New York, does hereby enact a Local Law as follows:

"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."

Councilor Szczerba: _____
Councilor Laureti: _____
Councilor Rossi: _____
Councilor Kinville: _____
Councilor Pagano: _____
Councilor Simchik: _____
MOTION CARRIED

3. BOARD REAPPOINTMENT-ZBA/PLANNING COMMISSION

RESOLUTION 22-

Moved by Councilor

Seconded by Councilor

RESOLVED, to approve the reappointment of Patricia Thorpe, 432 Washington Ave., Oneida, NY 13421 to the joint Zoning Board of Appeals/Planning Commission for a 7-year term.

Ayes:

Nays:

MOTION CARRIED

4. ADVERTISE FOR BIDS-WATER METERS

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, to authorize the Purchasing Agent to advertise for bids for Water Meters for 2022.

Ayes:

Nays:

MOTION CARRIED

5. ANNUAL REPORT-WATER DEPARTMENT

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

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

Ayes:

Nays:

MOTION CARRIED

6. INTRODUCE A LOCAL LAW UPDATING THE CODE ENFORCEMENT PROGRAM IN 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, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned 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 (SEQR) with respect to the proposed enactment of said Local Law;

NOW, THEREFORE, IT IS

RESOLVED AND DETERMINED, that there are no other agencies, 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 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 December 6, 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

7. BOARD APPOINTMENT/REAPPOINTMENTS-TRAFFICE SAFETY BOARD

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, to approve the Mayor's appointments/reappointments of the following individuals to the Traffic Safety Board for a three (3) year term:

- Barbara Buehner Reappointment
- James Sweet Reappointment
- Brahim Zogby Appointment
- Michael Geer Appointment

Ayes:

Nays:

MOTION CARRIED

8. RELEASE, DISCHARGE, OR COMMUTE CITY/COUNTY TAXES FOR REAL PROPERTY-321 PLEASANT AVENUE, ONEIDA, NY (TAX MAP NO. 30.80-2-10)

RESOLUTION 22-

Moved by Councilor
Seconded by Councilor

RESOLVED, pursuant to Section 5.44 of the Oneida City Charter, the Common Council does hereby exercise its discretion to release, discharge, or commute city/county taxes for real property located at 321 Pleasant Avenue, Oneida, NY, Tax Map No. 30.80-2-10, for the years 2015, 2016, 2019 and part of 2020 in the amount of \$6,431.15, which includes the taxes owed and interest incurred.

Ayes:

Nays:

MOTION CARRIED

9. 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>
\$ 3,500.00	001.8020.0200.0000 Planning Equipment		001.8020.0403.0000 Planning Contracts
<i>To re- allocate funds to use for the purchase of 2 new computers</i>			
\$ 2,800.00	001.8664.0200.0000 Codes Equipment		001.8664.0102.0000 Codes Overtime
<i>To re- allocate funds to use for the purchase of needed equipment</i>			
\$ 9,800.00	030.7140.0202.0000 ARPA- Rec Center Scoreboard	\$ 8,500.00	030.7140.0201.0000 ARPA Fence for Vets Field
		\$ 1,300.00	030.7140.0401.0000 ARPA Roof Repairs at Vets Field
<i>To re- allocate funds to purchase a new scoreboard</i>			
\$ 69,457.00	001.9010.0806.0000 ERS Retirement	\$ 66,320.00	001.0001.0827.0000 Retirement Invoice Reserve
		\$ 3,137.00	001.7521.0101.0000 Kallet Salaries
\$ 22,736.69	001.9011.0806.0000 Police & Fire Retirement		001.7521.0101.0000 Kallet Salaries
<i>To re- allocate funds to pay the annual ERS & P&F retirement invoice</i>			
\$ 1,852.75	001.1420.0410.0000		001.1620.0401.0000

	Law Litigation	Utilities
\$ 1,930.08	001.1420.0411.0000	001.1620.0401.0000
	Labor Services & negotiations	Utilities

To re-allocate funds to pay for legal services rendered

Ayes:

Nays:

MOTION CARRIED

NEW BUSINESS:

Motion to adjourn by Councilor
Seconded by Councilor

Ayes:

Nays:

MOTION CARRIED

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

CITY OF ONEIDA

Sandra LaPera, City Clerk