



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

AGENDA

Date:	September 17, 2024	Presiding:	Rick Rossi, 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

CEREMONIAL: Childhood Cancer Proclamation (read Proclamation only)

PUBLIC COMMENT: Limited to 3 minutes

OLD BUSINESS: Discussion on 136-138 Madison Street

REPORTS:

- **MAYOR'S REPORT**
- **SUPERVISOR'S REPORT**

Approval of the Minutes: September 3, 2024

September 4, 2024 (Special Meeting)

September 10, 2024 (Special Meeting)

September 11, 2024 (Special Meeting)

Approval of Warrant: 19

Item	Title	Facilitator
1.	MONTHLY REPORTS: receive and place on file the Monthly Reports from the City Clerk, City Engineer, Codes Department, Fire Department, Parks & Recreation Department and Police Department	CITY CLERK
2.	APPROVE STIPEND: authorize a stipend for Rick Rossi, Mayor, for an additional \$500 per week for Acting City Manager duties, retroactive to August 23, 2024	SIMCHIK
3.	BUDGET TRANSFERS/AMENDMENTS: to approve the following budget transfers and amendments as outlined by the Comptroller, or a third party duly retained by the City of Oneida to perform such services	WELLS
4.	INTRODUCE LOCAL LAW: introduce a Local Law amending Chapter 116 of the Code of the City of Oneida regarding Peddling and Solicitation and	HITCHINGS

Item	Title	Facilitator
	schedule a Public Hearing for Tuesday, October 1, 2024, Common Council Chambers, 109 N. Main St., Oneida	

NEW BUSINESS

MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
SEPTEMBER 17, 2024

A meeting of the Common Council of the City of Oneida, NY was held on the seventeenth day of September 2024 at 6:30 p.m. at the Common Council Chambers, 109 N. Main, Oneida, NY 13421.

The meeting was called to order by Mayor Rick Rossi.

Attendees

Present

Absent

Arrived Late

Mayor Rossi	<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 Hitchings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Winchell	<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"/>
Brandee DuBois	<input type="checkbox"/>	<input type="checkbox"/>
Michelle Kinville	<input type="checkbox"/>	<input type="checkbox"/>

Also Present

City Attorney Nadine Bell	<input type="checkbox"/>	Public Safety Comm. Dave Jones	<input type="checkbox"/>
City Clerk Sandy LaPera	<input type="checkbox"/>	Other: _____	<input type="checkbox"/>
Fire Chief Scott Jones	<input type="checkbox"/>	Other: _____	<input type="checkbox"/>
Police Chief Steve Lowell	<input type="checkbox"/>		

Call to Order/Pledge of Allegiance/Roll Call

PROCLAMATION: Childhood Cancer Month

Proclamation

City of Oneida - Office of the Mayor

WHEREAS, September is National Childhood Cancer Awareness Month and every September, there is a renewed commitment to curing childhood cancer, **and**

WHEREAS, in the City of Oneida, we want to recognize the courage, bravery and determination of the children and families affected by childhood cancers, **and**

WHEREAS, this month and throughout the year, we honor children currently battling cancer, the families who love them, the clinicians and other caregivers treating them, the researchers working to conquer childhood cancer, the survivors of childhood cancer, and the children who lost their lives to childhood cancer, **and**

WHEREAS, February 15th is International Childhood Cancer Day and is celebrated annually in September to raise awareness and to express support for children with cancer, their families and survivors, **and**

WHEREAS, the average age a child is diagnosed with cancer is six years old, and each year more than 15,000 kids and young adults are diagnosed... approximately 47 per day in the United States alone, **and**

WHEREAS, although the five-year survival rate for childhood cancers has reached 85%, nearly 2,000 kids under the age of 19 die each year, making cancer the #1 cause of death by disease in children, **and**

I, **Rick Rossi, Mayor** of the City of Oneida do hereby proclaim the month of September as Childhood Cancer Awareness Month and September 17th as

Childhood Cancer Awareness Day

in the City of Oneida and urge all citizens to celebrate our young cancer survivors, remember those children taken too soon, applaud the progress made in treatment and recovery, and emphasize the importance of supporting research of these devastating conditions. Go Gold for Childhood Cancer!

IN WITNESS WHEREOF, I have hereunto set my hand and affix the official seal of the City of Oneida on this 17th day of September 2024.

Mayor Rick Rossi

PUBLIC COMMENT: Limited to 3 minutes
OLD BUSINESS:

REPORTS:

- Mayor's Report
- Supervisor's Report

APPROVAL OF MINUTES

Moved by Councilor
Seconded by Councilor

RESOLVED, that the minutes of the regular meeting of September 3, 2024, are hereby approved as presented.

Ayes:

Nays:

MOTION CARRIED/FAILED

APPROVAL OF MINUTES

Moved by Councilor
Seconded by Councilor

RESOLVED, that the minutes of the special meeting of September 4, 2024, are hereby approved as presented.

Ayes:

Nays:

MOTION CARRIED/FAILED

APPROVAL OF MINUTES

Moved by Councilor
Seconded by Councilor

RESOLVED, that the minutes of the special meeting of September 10, 2024, are hereby approved as presented.

Ayes:

Nays:

MOTION CARRIED/FAILED

APPROVAL OF MINUTES

Moved by Councilor

Seconded by Councilor

RESOLVED, that the minutes of the special meeting of September 11, 2024, are hereby approved as presented.

Ayes:

Nays:

MOTION CARRIED/FAILED

APPROVAL OF WARRANT

Moved by Councilor

Seconded by Councilor

RESOLVED, that Warrant No. 19, checks and ACH payments in the amount of \$585,108.16 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/FAILED

WARRANT	19
DATE:	September 17, 2024

FUND		PAYMENT NUMBER (S)	AMOUNT
Capital		4922-4923	\$ 3,475.52
DRI Fund	031		
Liberty Operating Fund	025		
ARPA Fund	030	1310-1311	\$ 3,240.00
Current Funds		75047-75114	\$ 576,838.69
ACH			\$ 1,553.95

WARRANT #1 TOTAL	\$ 585,108.16
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1. MONTHLY REPORTS

RESOLUTION 24-

Moved by Councilor
Seconded by Councilor

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

Ayes:

Nays:

MOTION CARRIED/FAILED

2. APPROVE STIPEND-ACTING CITY MANAGER

RESOLUTION 24-195

Moved by Councilor

Seconded by Councilor

WHEREAS, on November 7, 2023, the registered voters in the City of Oneida approved a proposition creating the office of City Manager through the adoption of a Local Law and delegating certain powers and duties that were previously held by the Mayor to the City Manager; and

WHEREAS, effective January 1, 2024, the Mayor's salary was reduced from \$30,000, as allocated in the 2023 Budget to \$11,755 as allocated in the 2024 Budget due to the approval of hiring and compensating the position of City Manager; and

WHEREAS, the Common Council has previously determined a stipend to be appropriate for the position of Acting City Manager to assume the duties and responsibilities of the City Manager position in the absence of someone fulfilling this role;

NOW THEREFORE BE IT

RESOLVED, to approve a stipend for Mayor Rick Rossi in the amount of \$500 per week for assuming the duties and responsibilities of Acting City Manager, retroactive to August 23, 2024, to be consistent with the Common Council's decision to compensate the previous Acting City Manager by Resolution 24-197 on September 3, 2024.

Ayes:

Nays:

MOTION CARRIED/FAILED

3. BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 24-

Moved by Councilor
Seconded by Councilor

RESOLVED, to approve the following budget transfers and amendments as outlined by the Comptroller, or a third party duly retained by the City of Oneida to perform such services:

	<u>To</u>	<u>From</u>
2024 Budget Adjustments		
\$ 11,900.00	003.8110.0400.0001 Sewer Contracts	003.0022.2680.0000 Sewer Insurance Recovery

To re-allocate funds to apply insurance proceeds to reimburse the expenses of the Chlorine Leak.

\$ 13,100.00	001.1910.0400.0000 General Fund Insurance	001.0001.0912.0000 General Fund Balance
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To allocate funds for the insurance premium 9/1-12/31/24

Ayes:

Nays:

MOTION CARRIED/FAILED

4. **INTRODUCE A LOCAL LAW AMENDING CHAPTER 116 OF THE ONEIDA CITY CODE REGARDING PEDDLING-SCHEDULE PUBLIC HEARING**

RESOLUTION 24-

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 116 of the Oneida City Code so as to revise the regulations pertaining to mobile food vendors; 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 2, 2024, 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

**A LOCAL LAW AMENDING CHAPTER 116 THE CODE OF THE CITY OF ONEIDA
REGARDING PEDDLING AND SOLICITATION**

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

Section 1. AUTHORITY.

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

Section 2.

So that Section 116-1, titled "Definitions," is hereby amended to add or amend the following terms, which shall read in their entirety as follows:

"PUBLIC PLACE - All publicly owned property between the property lines on a street as such property lines are shown on City records which shall include, but not be limited to, a park, plaza, street, roadway, highway, shoulder, tree space, sidewalk, parking space or parking lot, between such property lines, as well as publicly owned lands.

PRIVATE PLACE – All privately owned or leased property where use of the property for commercial purposes, including mobile food vending, is restricted to persons who have the written permission of the owner or lessee of the property.

MOBILE FOOD VENDOR – A peddler who sells or offers for sale, from a vehicle, pushcart or stand, ready-to-eat food and/or beverage items, prepackaged, pre-prepared, or prepared on location."

Section 3.

So that Subsection A of Section 116-5, titled "Issuance and fees," is hereby amended to read in its entirety as follows: (changed from 116-3)

"A. Upon the filing of a complete application and payment of the applicable application fees, as determined from time to time by resolution of the Common Council, and upon receipt of an approved local background check from the City Police Department and an approved Operational Permit from the Fire Department, the City Clerk shall, upon the approval of such application, issue to the applicant a license."

Section 4.

So that Subsections A, B, C, D, E, and F of Section 116-7, titled "Additional regulations for mobile food vendor licenses," are hereby amended to read in their entirety as follows and whereby subsections H through O will become G through N respectively:

"All of the provisions of Article I of this chapter shall apply to all mobile food vendors conducting business within the City, whether on a daily (one-time) or annual basis, in any Public Place. The following additional requirements shall also apply to mobile food vendors:

A. All mobile food vendors must obtain a daily (one-time) or annual mobile food vendor's license. Such licenses shall be issued by the City Clerk in accordance with the provisions of this article and chapter.

B. In the case of Private Places, permits are required per the provisions of this local law, but the City shall not have authority over the approval of the location of the mobile food vendor.

C. In the case of Public Places, permits shall be required subject to the following:

1. Each mobile food vendor license shall state the specific location(s) from which the mobile food vendor shall be authorized to conduct business pursuant to such license.

Each license shall be valid for the location (s) specified in the application and approved by the Chief of Police. (Formerly B)

2. Locations for licensed mobile food vendors shall be reviewed and approved by the Chief of Police, along with the Director of Parks and Recreation and/or the City Engineer as needed, with respect to potential risk to public safety. In no event shall any such authorized location be less than 20 feet from a street intersection. (Formerly C)

3. All mobile food vendors shall state, in order of preference, their preferred location(s) in their license application. In the event more than one prospective vendor desires the same location the City Clerk shall compile a list of vendors requesting the same location. From this list, vendor names shall be drawn on a lottery basis for each multiple request location. Once a vendor's name is drawn for a location, that vendor shall not be placed in any other location drawings until all vendors have been assigned a requested location from the multiple vendor/location drawing. The City Clerk shall notify the vendor of the locations that were approved and assigned for the annual license. (Formerly D)

D. Annual licenses shall be renewable annually and shall be valid from January 1 to December 31 of each calendar year. The City Clerk shall publish a notice in the City's official newspaper between November 1 and November 15 of the preceding calendar year stating that, for annual mobile food vendor licenses, applications shall be submitted to the City Clerk by the following 10th day of December and shall be acted upon by the City Clerk in accordance with these regulations within three business days thereafter. (Formerly E)

E. Daily licenses may be issued only for locations not previously assigned to an annual licensee. In the event more than one application is received for the same location for the same day, the City Clerk shall compile a list of vendors requesting the same location. From this list, vendor names shall be drawn on a lottery basis for each multiple request location. Once the vendor's name is drawn for a location, that vendor shall not be permitted to participate in any other location drawing until all vendors have been assigned a requested location from the multiple vendor/location drawing. The City Clerk shall notify the vendor of the locations that were approved and assigned for the daily (one-time) license. (Formerly F)

F. All mobile food vendors shall agree to defend and indemnify the City of Oneida from all claims, losses and liabilities the City may incur as a consequence of the operations of the mobile food vendor. In addition, each mobile food vendor must submit to the City Clerk proof of the following required insurance coverage: general liability insurance with personal injury coverage limits per occurrence of not less than \$1,000,000 naming the City of Oneida as additional insured, as well as worker's compensation and disability insurance as statutorily required under New York State Law." (Formerly G)

Section 5. **VALIDITY & SEVERABILITY**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in

its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. EFFECTIVE DATE

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

- E. The period of time for which the applicant desires the license;
- F. A signed release providing consent for the Oneida City Police Department to conduct a local background check on the applicant and all individuals identified as being associated with the peddling and/or soliciting activities; and
- G. Such other information as may be required by the City Clerk.

§ 116-5. Issuance and fees.

- A. Upon the filing of a complete application and payment of the applicable application fees, as determined from time to time by resolution of the Common Council, and upon receipt of an approved local background check from the City Police Department, the City Clerk shall, upon the approval of such application, issue to the applicant a license.
- B. Upon the approval of a license to peddle or solicit at parades, block parties or similar events where the public is gathered en masse, an arm band shall be provided by the City Clerk to each authorized individual signifying his or her status as a licensed peddler or solicitor. It shall be unlawful for a vendor not to conspicuously display the arm band on his or her person during such event.

§ 116-6. Revocation of permits; penalties for offenses.

- A. Any permit or license issued under the provisions of this chapter may be revoked upon determination of any one or more of the following conditions:
 - (1) The making of any false or fraudulent statement by the applicant;
 - (2) The suspension or revocation of an applicant's Health Department permit or New York State Sales Tax Certificate of Authority;
 - (3) The City's determination, upon three days' prior notice to the permit holder or licensee, that the permit holder or licensee is in violation of any provision of this chapter.
- B. In addition to constituting grounds for revocation of a permit or license, any violation of any provision of this chapter shall be an offense punishable by a maximum fine of \$250 or by imprisonment for not more than 15 days, or both such fine and imprisonment.

Article II. Special Regulations for Mobile Food Vendors

§ 116-7. Additional regulations for mobile food vendor licenses.

All of the provisions of Article I of this chapter shall apply to all mobile food vendors conducting business within the City, whether on a seasonal, weekly, or one-time basis, in any public place. The following additional requirements shall also apply to mobile food vendors:

- ✓ A. All mobile food vendors must obtain a seasonal, weekly or one-time mobile food vendor's license. Such licenses will be issued by the City Clerk in accordance with the provisions of this article and chapter.
- ✓ B. Each mobile food vendor license shall state the specific location(s) from which the mobile food vendor shall be authorized to conduct business pursuant to such license. Each license shall be valid for a single location only.
- ✓ C. Locations available to licensed mobile food vendors shall be specifically designated from time to time by resolution of the Common Council following review and recommendation by the Chief of

Police, the Director of Parks and Recreation and the City Engineer with respect to potential risk to public safety. In no event shall any such authorized location be less than 20 feet from a street intersection.

- D. All mobile food vendors shall state, in order of preference, their three preferred location(s) in their license application. In the event more than one prospective vendor desires the same location, the City Clerk shall give preference in the assignment of the permit locations to the applicant(s) who have held a mobile food vendor's license from the City for the most consecutive years prior to the year in question.
- E. Seasonal licenses shall be renewable annually and shall be valid from January 1 to December 31 of each calendar year. The City Clerk shall publish a notice in the City's official newspaper between November 1 and November 15 of the preceding calendar year stating that, for seasonal mobile food vendor licenses, applications shall be submitted to the City Clerk by the following 10th day of December, and shall be acted upon by the City Clerk in accordance with these regulations within three business days thereafter.
- F. Daily or weekly licenses may be issued only for locations not previously assigned to a seasonal licensee. In the event more than one application is received for the same location for the same day(s) or week(s), the City Clerk shall give preference in the assignment of the permit locations to the applicant(s) who have held a mobile food vendor's license from the City for the most consecutive years prior to the year in question.
- G. All mobile food vendors shall agree to defend and indemnify the City of Oneida from all claims, losses and liabilities the City may incur as a consequence of the operations of the mobile food vendor. In addition, each mobile food vendor must submit to the City Clerk proof of the following required insurance coverage: general liability insurance with personal injury coverage limits per occurrence of not less than \$300,000 naming the City of Oneida as additional insured, as well as worker's compensation and disability insurance as statutorily required under New York State Law.
- H. Prior to commencement of business activities under a mobile vendor's license, the applicant shall provide to the City Clerk proof of the issuance of a valid permit from the Madison County Health Department for such business operations and a valid New York State sales tax certificate.
- I. Upon the approval of a mobile food vendor's license, the City shall provide the licensee with a license document signifying his or her status as a licensed mobile food vendor. It shall be unlawful for a mobile food vendor to not conspicuously display the license on his or her vehicle, pushcart or stand during business operations. Preservation of the integrity of the license document from the elements while displayed shall be the responsibility of the vendor.
- J. Food vendors shall provide suitable disposal receptacles for use by patrons and shall be responsible for all cleanup and removal of all debris and trash resulting from the operation of their individual sites.
- K. No food vendor shall place his vehicle, pushcart or stand on lawn areas of parks or other public places, or otherwise operate his or her business in such manner as to cause damage to any such green areas.
- L. Food vendors shall be responsible for the repair of any damage whatsoever to any public grounds or other public property caused by, or in association with, their business. The City shall have the right, at any time and without prior notice to the license holder, to repair any such damage and invoice the license holder for all such costs. Failure to pay any such invoice within 10 days shall be grounds for immediate revocation of the mobile food vendor's license.
- M. No alcoholic beverage may be sold or offered for sale by a mobile food vendor.
- N. Hours of operation shall be limited to 1/2 hour after sunrise to one-half hour before sunset.
- O. All mobile food vendor licenses shall be subject to the condition that all licensees agree to comply with the direction of any police officer, or any City employee or representative acting within the scope of his or her employment, directing the licensee to temporarily suspend or alter operations,

NEW BUSINESS:

Motion to adjourn by Councilor

Seconded by Councilor

Ayes:

Nays:

MOTION CARRIED/FAILED

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

CITY OF ONEIDA

Sandra LaPera, City Clerk