

MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
JUNE 18, 2024

A meeting of the Common Council of the City of Oneida, NY was held on the eighteenth day of June 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.

<u>Attendees</u>	Present	Absent	Arrived Late
Mayor Rossi	☒	☐	☐ _____
Acting City Manager	☒	☐	☐ _____
John Monaghan			
Councilor Szczerba	☒	☐	☐ _____
Councilor Laureti	☒	☐	☐ _____
Councilor Hitchings	☒	☐	☐ _____
Councilor Winchell	☒	☐	☐ _____
Councilor Pagano	☒	☐	☐ _____
Councilor Simchik	☒	☐	☐ _____

Supervisors

Matt Roberts	☐	☒
Mary Cavanagh	☒	☐
Brandee DuBois	☒	☐
Michelle Kinville	☒	☐

Also Present

City Attorney Nadine Bell	☐	Parks & Rec Director Luke Griff	☒
City Clerk Sandy LaPera	☒	Police Chief Steve Lowell	☒
City Engineer Jeff Rowe	☐	Public Safety Com. Dave Jones	☒
Codes Director Bob Burnett	☐	Attorney Wendy Loughnot	☒
Fire Chief Scott Jones	☒	Comptroller Ben Gasser	☒

Call to Order/Pledge of Allegiance/Roll Call

Mayor Rossi advised that going forward as part of the meetings, to protect everyone's safety, there will be security.

PUBLIC HEARING: A Local Law to Amend Section 3-5 of the Oneida City Code regarding the removal of shopping carts by the Supervisor of Public Works

OPEN PUBLIC HEARING
A LOCAL LAW TO AMEND SECTION 3-5 OF THE ONEIDA CITY CODE REGARDING
THE REMOVAL OF SHOPPING CARTS BY THE SUPERVISOR OF PUBLIC WORKS

RESOLUTION 24-139

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, that the Public Hearing to amend Section 3-5 of the Oneida City Code regarding the removal of shopping carts by the Supervisor of Public Works be hereby opened at 6:31p.m.

Ayes: 7

Nays: 0

MOTION CARRIED

APPEARANCES

None

CLOSE PUBLIC HEARING
A LOCAL LAW TO AMEND SECTION 3-5 OF THE ONEIDA CITY CODE REGARDING
THE REMOVAL OF SHOPPING CARTS BY THE SUPERVISOR OF PUBLIC WORKS

RESOLUTION 24-140

Moved by Councilor Winchell
Seconded by Councilor Szczerba

RESOLVED, that the Public Hearing to amend Section 3-5 of the Oneida City Code regarding the removal of shopping carts by the Supervisor of Public Works be hereby closed at 6:31p.m.

Ayes: 7

Nays: 0

MOTION CARRIED

PUBLIC HEARING: A Local Law to amend the City Charter and the City Code regarding appointments by the Mayor

OPEN PUBLIC HEARING
A LOCAL LAW TO AMEND THE CITY CHARTER AND THE CITY CODE
REGARDING APPOINTMENTS BY THE MAYOR

RESOLUTION 24-141

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, that the Public Hearing to amend the City Charter and the City Code regarding appointments by the Mayor be hereby opened at 6:32p.m.

Ayes: 7

Nays: 0

MOTION CARRIED

APPEARANCES

None

CLOSE PUBLIC HEARING
A LOCAL LAW TO AMEND THE CITY CHARTER AND THE CITY CODE
REGARDING APPOINTMENTS BY THE MAYOR

RESOLUTION 24-142

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, that the Public Hearing to amend the City Charter and the City Code regarding appointments by the Mayor be hereby closed at 6:32p.m.

Ayes: 7

Nays: 0

MOTION CARRIED

OLD BUSINESS

Mayor Rossi asked Peter Hedglon, Chairman of the City Manager Search Committee, to provide a report to Council. Chairman Hedglon provided a handout, which he reviewed and is attached to these minutes. **(See Attachment A)**

Councilor Winchell inquired about the status of 136 Madison St. Fire Chief Jones reported that this property, deemed an Unsafe Structure by the Council in February, requires either repair or demolition. Chief Jones noted the property's severe deterioration and mentioned that the owner is unable to address the issue, thus leaving the responsibility to the City. Though not an engineer, Chief Jones recommended demolition due to the structure's condition. The Council discussed various options and decided to continue the discussion, planning to provide an update at the next Council meeting on July 2. It was also noted that while 136 Madison St. is unoccupied, the neighboring building at 138 Madison St. is occupied.

Director Luke Griff from the Parks and Recreation Department reported that the Fishing Derby took place this past weekend. He expressed gratitude to the off-duty members of the Police and Fire Departments who volunteered their time to help with the event. Director Griff advised that they had a great turnout, with over 50 kids in attendance.

REPORTS:

Mayor's Report: None

Supervisor's Report: Supervisor Mary Cavanagh announced new leadership at the Board of Supervisors. James Cunningham from the Town of Nelson will be the new Chairman, replacing John Pinard from the Town Lenox. She further advised that sales tax is up 1.5% from this time last year. Supervisor Kinville stated that Committee roles will remain the same.

Acting City Manager's Report: Acting City Manager Monaghan introduced Ben Gasser as the new Comptroller for the City of Oneida. Mr. Gasser holds a bachelor's degree in accounting from SUNYIT and brings over 30 years of experience in the automotive and banking sectors. Since 2008, he has served as the bookkeeper/Comptroller for the Town of Vienna, a role he will continue to fulfill on a part-time basis, while also serving Oneida.

Acting City Manager Monaghan also mentioned that the community has been discussing the Dam in Taberg since 2006, and with the resolution being presented tonight, the project will finally be put out to bid. He stated that this will be a massive undertaking, and he will provide pictures and updates to share as things progress.

APPROVAL OF MINUTES

Moved by Councilor Hitchings
Seconded by Councilor Simchik

RESOLVED, that the minutes of the regular meeting of June 4, 2024, are hereby approved as presented.

Ayes: 7

Nays: 0

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Hitchings

Seconded by Councilor Simchik

RESOLVED, that Warrant No. 12, checks and ACH payments in the amount of \$368,335.92 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 7

Nays: 0

MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 24-143

Moved by Councilor Hitchings

Seconded by Councilor Winchell

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: 7

Nays: 0

MOTION CARRIED

ADVERTISE FOR BIDS-GLENMORE DAM IMPROVEMENTS

RESOLUTION 24-144

Moved by Councilor Winchell

Seconded by Councilor Hitchings

RESOLVED, to authorize the Purchasing Agent to advertise for bids for Glenmore Dam Improvements.

Ayes: 7

Nays: 0

MOTION CARRIED

2023 AUDITED FINANCIAL STATEMENTS

RESOLUTION 24-145

Moved by Councilor Hitchings

Seconded by Councilor Pagano

RESOLVED, to receive and place on file the 2023 Audited Financial Statements from Bonadio & Co., LLP, 432 North Franklin Street, #60, Syracuse, NY 13204.

Ayes: 7

Nays: 0

MOTION CARRIED

REINTRODUCE A LOCAL LAW AMENDING SECTION 17-1 OF THE CODE OF THE CITY OF ONEIDA AND ESTABLISHING A NEW CHAPTER REGULATING THE HARBORING OF HENS WITHIN THE CITY OF ONEIDA INSIDE DISTRICT

RESOLUTION 24-146

Moved by Councilor Hitchings

Seconded by Councilor Szczerba

WHEREAS, by Resolution 24-31, the City of Oneida Common Council introduced a proposed Local Law amending Section 17-1 of the Oneida City Code and establishing a new Chapter 71 to regulate the harboring of hens within the City of Oneida; and

WHEREAS, the Common Council completed its environmental review of the proposed action in accordance with New York State Environmental Quality Review Act (SEQRA) on February 6, 2024, having classified the action to be an Unlisted Action and rendering a negative declaration; and

WHEREAS, a public hearing on the proposed local law was held on February 20, 2024, and May 21, 2024; and

WHEREAS, in response to public comment and concerns expressed, a special committee was convened to evaluate the regulations to be adopted to properly harbor hens and recommendations from the committee were received and incorporated; and

WHEREAS, upon receipt of additional comment from the public, the Common Council does desire to introduce a further revised local law that amends Section 17-1 of the Oneida City Code and establishes a new Chapter 71 to regulate the harboring of hens within the City of Oneida Inside District, which incorporates the concerns expressed by the public.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the Common Council shall conduct a public hearing as to the enactment of the proposed Local Law, as revised, at the Oneida City Hall located at 109 North Main Street, Oneida, New York on July 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: 7

Nays: 0

MOTION CARRIED

**“A Local Law Amending Section 17-1 of the City Code and Establishing
a New Chapter Regulating the Harboring of Hens Within the City of Oneida Inside District**

BE IT ENACTED by the Common Council of the City of Oneida as follows:

Section 1.

So that the definition of “Domestic Animal” set forth in Section 17-1 of Chapter 17 of the City Code, titled “Animals,” is hereby amended so as to read, in its entirety, as follows:

“DOMESTIC ANIMAL – Includes domesticated sheep, horses, cattle, goats, swine, ducks, geese, turkeys, and game birds raised in confinement under permit or license from the State Department of Environmental Conservation; “hens” are specifically excluded from the definition of “domestic animal” and are subject to regulation pursuant to Chapter 71.”

Section 2.

The Code of the City of Oneida is hereby amended to include a new Chapter 71, titled “Harboring of Hens,” which shall read as follows:

“Chapter 71. Harboring of Hens within the Inside District

§71-1 Legislative Findings and Intent.

The Common Council of the City of Oneida hereby finds that the keeping of hens can play a role in ensuring a source of local food and a sustainable environment, but that the improper maintenance of hens in residential neighborhoods within the Inside District may cause nuisances to nearby residential properties and can create conditions which are unsanitary and unsafe. Therefore, it is the intent of the Common Council, pursuant to Article IX of the New York State Constitution, Article 18 of the General Municipal Law and Sections 10 and 20 of the Municipal

Home Rule Law of New York State, to permit and regulate the keeping of hens within the City of Oneida Inside District. This Local Law shall allow the harboring of small flocks of hens subject to permit, by residents of single-family dwellings within the Inside District, which are not otherwise defined as or used for agricultural farming uses. The conditions imposed by this Local Law are intended to facilitate the harboring of hens in a manner that is consistent with the residential character of the City and so as to not cause or contribute to nuisances, pollution or otherwise adversely impact neighboring property owners in any way.

§71-2 Definitions.

COMMUNITY SERVICE OFFICER – City of Oneida Community Service Officer, or his/her duly authorized representative.

COOP – A permanent or mobile structure that is designed to shelter hens from the weather and predators and has a maximum size of 72 square feet if the property is less than one acre and a maximum of 144 square feet for properties equal to or greater than one acre.

HEN – Any female chicken also scientifically known as a female Gallus domesticus.

NEIGHBOR – Any property owner or resident contiguous of the property to be affected by said appeal.

RUN – An enclosed, covered area for chickens to roam and eat.

CITY – City of Oneida.

INSIDE DISTRICT – The area of the City bounded by a line beginning at the point where the Conrail tracks cross Oneida Creek just south of the New York State Thruway, thence westerly along the Conrail tracks to the point where an extension of the west inside/outside corporation line intersects, thence southerly along the inside/outside corporation line to Genesee Street (New York State Route 5), thence easterly along Genesee Street to the point where the same crosses Oneida Creek, thence northerly along Oneida Creek to its starting point.

§71-3 Permit required.

It shall be unlawful for any person, association, group or organization within the limits of the Inside District of the City to harbor hens without first having obtained, paid for and having in force and affect, a valid, current permit. Roosters (male chickens) are prohibited within the City.

§71-4 Permit application and approval process.

- A. Any person, association, group or organization, interested in harboring hens within the City limits must submit a completed “Harboring of Hens Permit Application” to the Office of the City Clerk.
- B. With the “Harboring of Pens Permit Application,” the applicant shall submit: (1) a site plan depicting the property in its current condition and the location of the proposed Coop and Run with a minimum setback distance of ten (10) feet from the side and rear yards, unless the property is enclosed with a privacy/ stockade fence, whereupon the Coop and Run may be situated against the fence structure; and (2) an application fee as prescribed by resolution of the Common Council. Upon submission of an Application with a site plan and application fee, the

application, once deemed complete, shall be provided to the Community Service Officer, who shall arrange for a site inspection of the property within two (2) weeks of such Application having been deemed complete.

- C. A permit allowing hens to be harbored may be issued by the City Clerk upon confirmation by the Police Department/Community Service Officer that a site inspection of the property was performed and adequate space exists for the proposed Coop and Run. Upon issuance of a permit and payment of the permit fee, as prescribed by resolution of the Common Council, a follow-up inspection of the Coop and Run shall be performed by the Community Service Officer to confirm compliance with this Chapter.
- D. The permit shall initially be valid for a period of one year, and the cost of such permit for the first shall be included in the application fee. Subsequent renewals of the permit shall be valid for a period of three (3) years. Every permit application shall require an inspection.

§71-5 Permit conditions.

- A. The harboring of hens shall only be permitted on an owner-occupied parcel with a single-family residential unit situated thereon within the Inside District, which parcel is not otherwise defined as or used for agricultural farming purposes. If the property for which the permit is requested cannot adhere to all City building setback requirements and construction guidelines, as outlined in §71-6 of this Law, or if the property's lot size does not permit compliance with the dimensional requirements for the Coop and Run, then a permit shall not be granted.
- B. Hens must be kept either in a Coop and a Run that complies with the requirements set forth in §71-6 of this Chapter or a fenced enclosure that is covered or of sufficient height to prevent chickens from flying out with access to a Coop. Chickens are not allowed to run free or at large anytime, from the Coop or Run.
- C. The maximum number of hens to be harbored shall, at no time, exceed 12 on parcels that are less than one (1) acre. On parcels that are equal to or exceed one acre, the maximum number of hens to be harbored shall, at no time, exceed 24.
- D. Commercial operations are prohibited. This includes but is not limited to the sale and advertisement of eggs and hens on the property.
- E. The outdoor slaughtering of hens is prohibited.
- F. Feed for the hens must be kept in covered, fastened containers that cannot be accessed by rodents or pests.
- G. Hen manure and bedding must be managed so as to minimize odors and not attract rodents and pests. On-site accumulation of treated or untreated hen manure and bedding is prohibited.

§71-6 Coop and Run and enclosure requirements and restrictions.

- A. The Coop shall be enclosed on all sides with walls (with or without windows), a roof and an entrance.
- B. The Coop shall be well ventilated. The minimum Coop size shall be four (4) square feet of space for each hen. The Run is not included in this calculation.
- C. A Run shall provide ten (10) square feet of space for each hen. Runs shall be fenced and covered.
- D. Coops and Runs may only be located in the rear yard of the property. Coops must be situated a minimum setback distance of ten (10) feet from the side and rear yards, unless the property is enclosed with a privacy/ stockade fence, whereupon the Coop and Run may be situated against the fence structure.
- E. The Coop and Run shall be kept clean, dry and sanitary. Hen manure and soiled bedding shall be removed at a minimum of once a week. The accumulation of hen manure and bedding may result in noncompliance and the revocation of the permit. Chicken waste shall not be composted or mulched on site.
- F. The Coop and Run must be maintained and be kept structurally sound and in good repair. Only one Coop and one Run are allowed on any parcel.

§71-7 Enforcement and permit revocation.

- A. This Chapter shall be enforced by the Community Service Officer. The Community Service Officer shall establish such procedure and make such inspections as are necessary to carry out their duties in the administration and enforcement of this Chapter.
- B. Any resident or property owner may file with the Community Service Office a written, signed complaint alleging a violation of this Chapter. The receipt of such a complaint shall result in a site visit by the Community Service Officer and an inspection of the property to determine if there exists a violation(s) of the permit.
- C. If the Community Service Officer determines that a violation of this Chapter exists, the permit holder shall be notified of the nature of the violation(s) and shall have 30 days to correct the violation(s). Failure to correct the violation(s) in the time provided may result in the revocation of the permit and the removal of the hens.
- D. In addition to a determination that the terms and conditions of a permit have been violated, a permit may be revoked for any of the following reasons:
 - 1. hens are found outside of the Coop, Run and/or the fenced enclosure;
 - 2. the Community Service Officer determines that a public nuisance exists or there is a violation of this Chapter;
 - 3. predators or pests have become a nuisance to the property or surrounding area; and

4. the Community Service Officer determines that the hens have been abandoned.
- E. Any person or persons who violate or cause to be violated any provision of this Chapter shall, upon conviction for such violation, be subject to a fine not to exceed \$250, imprisonment not to exceed 15 days, or both, for each such violation; and every week (seven days) that said violation continues shall constitute a separate and additional violation.
- F. If a permit holder's permit is revoked, the permit holder shall be responsible to rehome the hens at their expense, remove the Coop and Run from the property, and shall be prohibited from applying for another permit."

Section 3. Validity and Severability

Should any section or provision of this Law be deemed invalid or unconstitutional, such decision shall not be held to invalidate or impair the validity, force or affect any other provision of this Law.

Section 4. Effective Date

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

AGREEMENT-VERNON CENTER MAINTENANCE AGREEMENT

RESOLUTION 24-147

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, to authorize the Acting City Manager to sign an agreement with the Town of Vernon to perform certain services for the Vernon Center Water District in the operation and maintenance of its water system for a period of one (1) year from the start-up of the water system (TBD).

Ayes: 7
Nays: 0

MOTION CARRIED

CITY MANAGER SEARCH COMMITTEE-DEADLINE EXTENSION

RESOLUTION 24-148

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, to approve a deadline extension to July 1, 2024, to receive applications for the position of City Manager in accordance with the terms outlined in Resolution 24-90 that was approved by the City of Oneida Common Council on April 16, 2024; **and be it further**

RESOLVED, to authorize the Comptroller to allocate \$2,500 to cover advertising fees for said extension.

Ayes: 7

Nays: 0

MOTION CARRIED

CAPITAL PROJECT # 24-11-ONEIDA RAIL TRAIL IMPROVEMENTS

RESOLUTION 24-149

Moved by Councilor Hitchings

Seconded by Councilor Simchik

RESOLVED, to authorize the Director of Parks and Recreation to proceed with Capital Project # 24-11-Oneida Rail Trail Improvements.

Ayes: 7

Nays: 0

MOTION CARRIED

FORESTRY CONTRACTS-FORESTRY MANAGEMENT PLAN

RESOLUTION 24-150

Moved by Councilor Hitchings

Seconded by Councilor Simchik

RESOLVED, to authorize the Acting City Manager to sign any and all documents associated with services rendered by those listed below in connection with the Forestry Management Plan:

Murphy Forest Management Phase I
3889 Pratt Drive
Oneida, NY 13421

F & W Forestry Phase II
80 Park Street, Suite 4
Tupper Lake, NY 12986

Ayes: 7
Nays: 0
MOTION CARRIED

APPROVE BID-LIQUID CAUSTIC SODA

RESOLUTION 24-151

Moved by Councilor Hitchings
Seconded by Councilor Szczerba

RESOLVED, to approve the lowest bid meeting specification for Liquid Caustic Soda to Surpass Chemical Company Inc., 1254 Broadway, Albany, NY 12204.

Ayes: 7
Nays: 0
MOTION CARRIED

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 24-152

Moved by Councilor Hitchings
Seconded by Councilor Simchik

	<u>To</u>	<u>From</u>
<i>2024 Budget Adjustments</i>		
\$ 25,000.00	003.8110.0312.0000 Sewer-Polymer	003.0003.0912.0000 Sewer Fund Balance
<i>To allocate funds to cover polymer for remainder of 2024</i>		
\$ 25,000.00	003.8110.0308.000 Sewer-Chlorine	003.0003.0912.0000 Sewer Fund Balance
<i>To allocate funds to cover chlorine for remainder of 2024</i>		
\$ 9,636.00	002.8300.0403.0000 Water Contracts	002.8300.0436.0000 Water Contingency
<i>To allocate funds for the Forestry Management Plan</i>		

\$	15,000.00	001.3410.0409.0000	001.3410.0114.0000
		Fire-Equip repair & maint	Fire-Short Shift Staffing

To re-allocate funds to repair Fire Engine

\$	2,500.00	001.1430.0403.0000	001.0001.0912.0000
		Civil Service Contracts	General Fund Balance

To allocate funds to advertise for the City Manager position

Ayes: 7

Nays: 0

MOTION CARRIED

AGREEMENT-PARKS AND RECREATION

RESOLUTION 24-153

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, to authorize the Acting City Manager to sign an agreement with Kristie Zupan, to offer certification classes for Lifeguarding to the public at the Howard T. Chapman Pool, located at 360 N. Main St., Oneida, NY at standard, non-discounted rates, during the months of June, July, and August of 2024, on such days and times as established by the Director of Parks and Recreation.

Ayes: 7

Nays: 0

MOTION CARRIED

NEW BUSINESS: None

PUBLIC COMMENT: Melisa Mannix of 341 Stone Street addressed the Council, informing them that the City now owns 345-347 Stone Street, and the DPW was recently present to mow that property. She shared her positive experience with DPW employee Paul Ward, whom she described as “super sweet” and a very nice gentleman. Ms. Mannix pointed out an area in the rear of the property to Mr. Ward where the previous owners had left wire fencing, garbage, and a rock garden, and expressed her concern about it being damaged by his zero-turn lawn mower. Within hours, Mr. Ward returned, weed whacked the entire area, and removed all the garbage. She wanted everyone to know what an asset he is to the City.

EXECUTIVE SESSION

RESOLUTION 24-154

Motioned by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, that the meeting is hereby adjourned to Executive Session at 6:54 p.m. to

- Discuss a personnel matter in the Fire Department and the Police Department with no action taken
- Discuss the employment of a particular person in the Planning Department with no action taken

Ayes: 7
Nays: 0

MOTION CARRIED

PRESENT: Mayor Rossi, Acting City Manager John Monaghan, all members of the Common Council, Public Safety Commissioner Dave Jones, Police Chief Steve Lowell and Fire Chief Scott Jones (Part 1)

Mayor Rossi, Acting City Manager John Monaghan, all members of the Common Council, Community Development Assistant Barb Henderson (Part 2)

Discussion was held to discuss a personnel matter in the Fire Department and the Police Department with no action taken (Part 1) and to discuss the employment of a particular person in the Planning Department with no action taken (Part 2).

Motioned by Councilor Winchell
Seconded by Councilor Simchik

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:12 p.m.

Ayes: 7
Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Winchell
Seconded by Councilor Simchik

Ayes: 7
Nays: 0

MOTION CARRIED

The regular meeting is hereby adjourned at 8:12 p.m.