



# CITY OF ONEIDA COMMON COUNCIL MEETING MINUTES

<b>Date:</b>	April 21, 2026	<b>Presiding:</b>	Rick Rossi, Mayor
<b>Time:</b>	6:30pm	<b>Clerk:</b>	Sandy LaPera, City Clerk
<b>Location:</b>	Common Council Chambers	<b>Meeting Type:</b>	Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>

### CALL TO ORDER

The meeting was called to order by Mayor Rick Rossi, followed by the Pledge of Allegiance and roll call.

### Attendees

	Present	Absent	Arrived Late
Mayor Rossi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> : _____
City Manager Lovell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> : _____
Councilor McHugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> : _____
Councilor Cimpi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> : _____
Councilor Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> : _____
Councilor Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> : _____
Councilor Pagano	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> :6:49pm
Councilor Simchik	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> : _____

### Also Present

City Attorney Bell	<input checked="" type="checkbox"/>	Supervisor: _____	<input type="checkbox"/>
Attorney (Other)	<input type="checkbox"/>	Supervisor: _____	<input type="checkbox"/>
Fire Chief Jones	<input checked="" type="checkbox"/>	HR Manager Jessica Kaiser	<input checked="" type="checkbox"/>
Police Chief Lowell	<input checked="" type="checkbox"/>	Other: _____	<input type="checkbox"/>

**SWEARING IN CEREMONY:** City of Oneida Police and Fire Departments-Ceremony starts at 5:30pm

**PROCLAMATION:** National Autism Day-Benjamin and Jennifer Bailey, Recipients

**PROCLAMATION:** Al Broski Day-Al Broski, Recipient

# PROCLAMATION

## CITY OF ONEIDA, NEW YORK National Autism Awareness Day

**WHEREAS**, autism spectrum disorder (ASD) is a developmental condition that affects many children and adults and can impact communication, behavior, and social interaction; and

**WHEREAS**, individuals on the autism spectrum are valued members of our community whose unique talents, perspectives, and abilities enrich our schools, workplaces, and civic life; and

**WHEREAS**, National Autism Awareness Day, observed annually on April 2, provides an opportunity to increase public understanding of autism and highlight the importance of acceptance, early identification, and supportive services for individuals and families; and

**WHEREAS**, the City of Oneida is committed to fostering a community that values inclusion and supports individuals with autism in reaching their full potential; and

**WHEREAS**, local organizations, educators, healthcare providers, and advocates continue to work together to provide important resources and support to individuals with autism and their families;

**NOW, THEREFORE**, I, Rick Rossi, Mayor of the City of Oneida, do hereby proclaim April 2, 2026, as National Autism Awareness Day in the City of Oneida and encourage all residents, businesses, and organizations to promote understanding, acceptance, and inclusion for individuals with autism and their families.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Oneida to be affixed this 21<sup>st</sup> of April 2026.

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**Rick Rossi, Mayor, City of Oneida**

# *Proclamation*

*City of Oneida - Office of the Mayor*

**WHEREAS**, Al Broski began his service to the City of Oneida on December 5, 1979, and will retire with over 46 years of continuous dedication; and

**WHEREAS**, throughout his career, he has played a critical role in ensuring the safe and reliable operation of the City's water treatment systems, contributing directly to the health, safety, and quality of life of our residents; and

**WHEREAS**, his commitment and expertise reflect the highest standards of public service and have made a lasting impact on the City; and

**WHEREAS**, his years of service represent not only technical excellence, but also a deep sense of responsibility and pride in serving the community; and

**WHEREAS**, recognizing employees like Al Broski highlights the value of dedication, institutional knowledge, and service to the community, while fostering pride within our workforce;

**WHEREAS**, it is fitting to recognize his achievements at the Common Council meeting on April 21, allowing family, friends, and colleagues to join in honoring his years of service;

**NOW, THEREFORE**, be it proclaimed, that the Common Council of the City of Oneida hereby honors Al Broski for his 46 years of exemplary service and extends its sincere gratitude and best wishes upon his retirement.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affix the official seal of the City of Oneida on this 21<sup>st</sup> day of April 2026.

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Rick Rossi, Mayor

## **PUBLIC COMMENT**

### RANDY JONES-ELM ST. ONEIDA

Mr. Jones spoke in support of establishing a memorial to honor members of the armed forces but expressed concern that the proposed retired fighter jet would not adequately represent all branches of service. He noted the estimated project cost of \$400,000–\$600,000 and stated that use of grant funding or taxpayer dollars for this purpose would be inappropriate, suggesting those funds could instead be used for improvements at Veterans Field. He recommended that the project be placed on hold and that a committee with representation from each ward be formed to consider alternative memorial options. Mr. Jones also indicated his willingness to serve on such a committee. He concluded by thanking all who served in the military and their families.

### MIKE RUSSELL-629 DEERFIELD DR., ONEIDA

Mr. Russell expressed concerns regarding the proposed development on Genesee St. and requested careful consideration prior to any zoning changes or site plan approvals. He emphasized the need for comprehensive studies, including stormwater runoff, drainage, traffic, environmental impacts, and effects on public water and sewer infrastructure. He raised concerns about potential flooding impacts, neighborhood character and density, declining property values, and existing water pressure deficiencies. Mr. Russell questioned the financial viability of the project and who would bear the cost of necessary infrastructure improvements. He urged the Council to require completion and public review of all required studies, consider alternative zoning with lower density, implement buffering measures, and evaluate potential impacts to surrounding properties and municipal systems before taking action.

### WEAL BARAHMEH-111 N. WARNER ST.

Mr. Barahmeh inquired about the status of a prior sidewalk concern and whether there had been follow-up communication from the City Engineer's office. Discussion indicated that the Assistant City Engineer had recently responded via email, and per the Mayor and City Manager, the cost associated with the sidewalk work, including a section impacted by a tree, would be covered by the City.

## **OLD BUSINESS**

Councilor Jones expressed appreciation to City Manager Lovell for sharing the original engineer's budget for the DRI field project and stated support for moving the project forward. Mayor Rossi noted that the City will utilize the original budget framework and maintain the same percentage allocations, with only updated figures as needed, to proceed as originally intended. Clarification was provided that the proposed aircraft display is a separate initiative under the Afterburner Committee and is not funded through or impacting DRI funds.

## **SUPERVISOR'S REPORT/MAYOR'S REMARKS**

Mayor Rossi announced on behalf of the supervisors who were not able to attend that there will be a Veterans Awareness Hike scheduled for Saturday, May 9, beginning at 8:30 a.m. at the County Complex, with options to run, walk, or bike. Additional activities include a resource fair from 11:00 a.m. to 1:00 p.m. and a reception lunch at noon. Information is available on the website.

Mayor Rossi also highlighted the upcoming Autism Awareness Walk to be held on Saturday, the 25th, beginning at 10:00 a.m. at the City Library. He noted that the event was very successful in the prior year, and community participation was encouraged.

## **CITY MANAGER'S REPORT**

The City Manager advised that with the arrival of warmer weather, roadwork activities will increase, and Department of Public Works crews will be active throughout the City. Residents were urged to exercise caution, reduce speed, and move over when encountering work zones to ensure the safety of workers, noting prior close calls and the goal of preventing incidents.

## **APPROVAL OF MINUTES**

Motion by Councilor Jones  
Seconded by Councilor Smith

**RESOLVED**, that the minutes of the meeting held on April 7, 2026, are approved as presented.

Ayes: 5  
Nays: 0  
Absent: 1 (Pagano)  
Abstain: 1 (McHugh)

**MOTION RESULT:**  Passed  Failed

Councilor McHugh was not present at the April 7 meeting and abstained from voting on the approval of the minutes.

## **APPROVAL OF WARRANT**

Motion by Councilor McHugh  
Seconded by Councilor Smith

**RESOLVED**, that Warrant No. 8, including checks and ACH payments totaling \$255,271.74, as audited by the Voucher Committee, is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 6

Nays: 0

Absent: 1 (Pagano)

**MOTION RESULT:**  Passed  Failed

DISCUSSION: Councilor Simchik requested that Councilor Smith be appointed as an alternate to cover in the absence of one of the designated members. It was agreed that this appointment would be added to the next agenda.

### ACTING CITY MANAGER DESIGNATION

#### RESOLUTION 26-59

Moved by Councilor Simchik

Seconded by Councilor Jones

**RESOLVED**, to receive and place on file a letter from City Manager, Kyle Lovell dated April 21, 2026, designating Fire Chief Scott Jones to serve as Acting City Manager during periods of temporary absence or disability, in accordance with Section 12.3 of the Oneida City Charter.

Ayes: 7

Nays: 0

Absent: 0

**MOTION RESULT:**  Passed  Failed

#### DISCUSSION:

Discussion was held in response to a question from Councilor Smith regarding whether the term “temporary absence” should be defined within the City Charter. City Attorney Bell noted that the Charter does not currently provide a definition, and caution was advised against establishing strict timeframes, as past experiences demonstrated that absences could vary significantly in duration and circumstances. Concerns were raised that defining either a minimum or maximum timeframe could create operational challenges and limit the City’s ability to respond to urgent matters.

Attorney Bell discussed scenarios where the City Manager may be unavailable for short or unexpected periods and emphasized the importance of maintaining continuity of operations. It was noted that any designated Acting City Manager would likely be a department head, which could present potential conflicts of interest. However, existing checks and balances were identified, including Council approval of agreements, budgetary authority, and limitations within collective bargaining agreements.

Further discussion included the potential need for future Charter language or local law to address conflicts of interest when an Acting City Manager is serving in that role. No formal action was taken.

**2025 SIDEWALK REPLACEMENT PROGRAM ASSESSMENT ROLL**

**RESOLUTION 26-60**

Moved by Councilor Simchik  
Seconded by Councilor Jones

**WHEREAS**, on or about March 17, 2026, the City of Oneida Common Council received and placed on file the Assessment Roll that has been prepared for the 2025 Sidewalk Replacement Program; **and**

**WHEREAS**, on or about March 18, 2026, due notice of the completion of said Assessment Roll and of the filing of same with the City Clerk, and of the time and place when and where this Council would meet to hear and consider any objections to the said Assessment Roll, and for the purpose of receiving, correcting, or amending the same, was duly provided to each property owner on said Assessment Roll, as was publication of a notice thereof in the official newspaper; **and**

**WHEREAS**, the Council duly met at the time and place specified in said notice, to wit; in Council Chambers, Oneida Municipal Building, 109 N. Main St., Oneida, NY on the seventh day of April 2026 at 6:30 p.m. and a hearing was duly held upon said Assessment Roll; **now therefore be it**

**RESOLVED**, that in accordance with Article VI of the Oneida City Charter, titled "Assessments for Local Improvements," Section 6.5, the Sidewalk Replacement Program having been completed, the Common Council does hereby assess the cost and expense incidental thereto; **and be it further**

**RESOLVED**, that in furtherance of such assessment, the Common Council does hereby confirm the Assessment Roll for the 2025 Sidewalk Replacement Program as amended, corrected, or altered by this Council, and does further deem the report of assessment to be final and correct; **and be it further**

**RESOLVED**, that the Common Council does hereby authorize the City Manager and the City Clerk to sign said Assessment Roll and file same with the City Chamberlain's office for collection. The amount assessed against each parcel of real property shall become and be a first lien upon such parcel of real property until fully paid.

Councilor McHugh      YES  
Councilor Cimpi        YES  
Councilor Smith        YES

Councilor Jones        RECUSED  
Councilor Pagano      YES  
Councilor Simchik     YES  
Mayor Rossi            YES  
**MOTION RESULT:**  Passed     Failed

DISCUSSION:

Councilor Jones recused herself from this resolution and subsequently, Resolution 26-62, as she is included in the 2025 Sidewalk Replacement Program and on the Assessment Roll.

Councilor Jones asked for clarification regarding the potential need for a correction to the assessment amount for Mr. Barahmeh on the presented 2025 Assessment Roll and whether any charge would apply. It was confirmed by the Mayor and City Manager that no charge would be issued regardless of whether the item was included.

It was agreed that the resolution language already allows for amendments, and the amount could be revised accordingly without additional changes to the resolution text. Direction was given to reflect the revision in the meeting minutes, specifically noting the correction as it pertains to Mr. Barahmeh.

**NOTE:** It was the consensus of the Council to remove the fee originally assessed in the amount of \$443.75 on the 2025 Assessment Roll for Mr. Barahmeh, 111 N. Warner Street, in accordance with paragraphs 2 and 5 of Resolution 25-60, resulting in a zero-balance due by the resident.

**WATER BOARD REAPPOINTMENT**

**RESOLUTION 26-61**

Moved by Councilor Simchik  
Seconded by Councilor Cimpi

**RESOLVED**, to approve the Mayor’s reappointment of Zak Kristan to the Water Board for a 5-year term.

Ayes:     7  
Nays:     0  
Absent:   0

**MOTION RESULT:**  Passed     Failed

DISCUSSION:

The Council approved the Mayor’s reappointment of Zach Kristen to the Water Board for a five-year term. It was noted that Mr. Kristen had previously been appointed to complete the remainder of another member’s term and is now being reappointed to a full term.

**2025 SIDEWALK REPLACEMENT PROGRAM-TERMS OF PAYMENT**

**RESOLUTION 26-62**

Moved by Councilor Simchik  
Seconded by Councilor Pagano

**WHEREAS**, in accordance with Section 6.1(B)(1)(e) of the Oneida City Charter, the owner or owners of real property shall be billed for their portion of the construction that was completed as part of the City of Oneida 2025 Sidewalk Replacement Program at the time of completion; and

**WHEREAS**, on or about April 21, 2026, the City of Oneida Common Council confirmed the Assessment Roll for the 2025 Sidewalk Replacement Program, and deemed the Report of Assessment to be final and correct, thereby authorizing the City Chamberlain's office to collect same; and

**WHEREAS**, as set forth in Section 6.1 of the Oneida City Charter, the owner or owners may pay the billed amount within 30 days after billing without penalty of interest; and

**WHEREAS**, as an alternative, the Common Council of the City of Oneida has the authority to determine that the cost of said construction may be paid over a period of years, and in that event, the amount due each year shall be added to the taxes, together with interest thereon; and

**WHEREAS**, the Common Council does hereby deem it appropriate to offer property owners the choice of payment in full at the time of billing or payment over a five (5) year period, together with interest at a rate of 6%; now therefore be it

**RESOLVED**, pursuant to the authority set forth in Section 6.1(B)(1)(e) of the Oneida City Charter, the Common Council of the City of Oneida does hereby determine that the owner or owners who choose not to pay the costs billed within 30 days, shall have five (5) years to pay their portion of the construction associated with the Sidewalk Replacement Program; and be it further

**RESOLVED**, that the City Engineer shall certify to the City Chamberlain's office any such charge unpaid to the general City taxes, together with interest at a rate of 6%, as owed each year for a five (5) year period.

Ayes: 6

Nays: 0

Absent: 0

Abstain: 1 (Jones)

**MOTION RESULT:**  Passed  Failed

**STANDARD WORKDAY RESOLUTION**

**RESOLUTION 26-63**

Moved by Councilor Smith  
Seconded by Councilor Cimpi

**RESOLVED** that the Common Council hereby establishes the following as standard workdays for elected officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

Name	SS#	(Last four digits) Reg #	Title	Term begins and end dates	Standard Workday	Records of Activity Results	Not submitted	Pay Frequency	Tier I
Lynne McHugh	****	****	Councilor	01/01/2026-12/31/2027	6	14.75		Bi-weekly	

Ayes: 6  
Nays: 0  
Absent: 0  
Abstain: 1 (McHugh)

**MOTION RESULT:**  Passed  Failed

**STANDARD WORKDAY RESOLUTION**

**RESOLUTION 26-64**

Moved by Councilor Jones  
Seconded by Councilor McHugh

**RESOLVED** that the Common Council hereby establishes the following as standard workdays for elected officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

Name	SS#	(Last four digits) Reg #	Title	Term begins and end dates	Standard Workday	Records of Activity Results	Not submitted	Pay Frequency	Tier I
Nathan Smith	****	****	Councilor	01/01/2026-12/31/2027	6	1.38		Bi-weekly	

Ayes: 6

Nays: 0

Absent: 0

Abstain: 1 (Smith)

**MOTION RESULT:**  Passed  Failed

**BUDGET TRANSFERS/AMENDMENTS**

**RESOLUTION 26-65**

Moved by Councilor Simchik  
Seconded by Councilor Pagano

**RESOLVED**, to approve the 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>
<b>2026 Budget Adjustments</b>		
\$ 28,000.00	001.1620.0403.0001 Contracts MB/FD	001.0001.0912.0000 General Fund Balance
<b><i>To allocate funds to cover expenses associated with operational expenses and maintenance contracts for the municipal building including correcting identified deficiencies in the fire protection systems</i></b>		

Ayes: 6

Nays: 1 (Jones)

Absent: 0

**MOTION RESULT:**  Passed  Failed

DISCUSSION:

Councilor Jones expressed concern over expenditure on operational and maintenance costs, including approximately \$25,000 for building-related expenses as noted in the resolution. Concern was expressed that such costs represent ongoing expenses that should be anticipated within the annual budget rather than funded through the general fund balance. It was noted that a budget line does exist but had been underfunded in recent years due to lower prior usage.

Councilor Jones expressed concern about continued reliance on the general fund balance, particularly in light of anticipated significant costs, including the potential demolition of multiple condemned properties.

City Manager Lovell advised that preliminary estimates for demolition of certain downtown structures were discussed in the range of approximately \$300,000 to \$400,000, with additional properties also identified as potential future demolition candidates. The possibility of bonding or addressing multiple demolitions collectively was discussed.

Additional discussion included previously approved repairs to building systems, insurance reimbursement for certain costs, and the need to address outstanding maintenance issues, including HVAC and required fire safety inspections. It was noted that some items had been deferred from prior budgets to limit tax increases.

Council members emphasized the need for improved budgeting practices to better anticipate recurring expenses, as well as broader discussion regarding fiscal sustainability, fund balance management, and long-term financial planning. City Manager Lovell expressed the importance of economic development as a means to strengthen the City's financial position.

Further discussion included acknowledgment that the prior year's budget increased approximately 7%, with reductions made to keep the increase below double digits. It was noted that some expenses had been deferred or underfunded, and that certain costs are necessary to maintain services and operations.

Concern was expressed regarding taxpayer impact and overall fiscal conditions, including comparison to the local school district budget and upcoming budget vote. It was suggested that additional review of the City's general fund balance may be warranted, including potential input from the Comptroller, to better understand current financial standing and future planning needs.

In response to a question from Councilor McHugh regarding whether the City is responsible for making the school district whole, City Attorney Bell explained that the City of Oneida collects taxes and is responsible for making the taxing jurisdictions whole. This differs from surrounding towns in Madison County, where the County assumes responsibility for unpaid taxes. Attorney Bell further noted that the City has the authority to enforce collection through tax foreclosure on delinquent properties.

City Manager Lovell emphasized that the City's primary revenue sources are taxes and fees, and that long-term financial stability will depend on economic development rather than increased taxation. It was noted that attracting new business and investment is essential to improving quality of life, growing the population, and strengthening the City's financial position.

Comparisons were made to other municipalities that have successfully pursued development initiatives, with the view that similar progress is achievable. It was acknowledged that the current budget has already undergone reductions, and while additional efficiencies may be identified, future decisions will require careful consideration and potential trade-offs.

Council members discussed the importance of exploring alternative revenue opportunities, evaluating existing services, and reviewing factors such as equalization rates and property assessments as part of a broader financial strategy. It was noted that further discussion and planning will be necessary to address upcoming fiscal challenges.

**INTRODUCE A LOCAL LAW AMENDING CHAPTER 190 (ZONING) OF THE CODE OF THE CITY OF ONEIDA REGARDING WIRELESS COMMUNICATION FACILITIES AND TOWERS-SCHEDULE PUBLIC HEARING**

**RESOLUTION 26-66**

Moved by Councilor Jones

Seconded by Councilor McHugh

**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**, this amendment to the Code of the City of Oneida will amend Chapter 190 to provide comprehensive standards governing large-scale wireless communication facilities and towers; 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 a Type I Action for purposes of environmental review under SEQRA and a Full Environmental Assessment Form (EAF) in support of this Local Law has been prepared for review by the Common Council.

**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 a Type 1 action for purposes of SEQRA review; and it is further

**RESOLVED AND DETERMINED**, that this proposed Local Law will be referred to the City of Oneida Planning Commission/ Zoning Board of Appeals and the Madison County Planning Department pursuant to New York General Municipal Law § 239; 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 May 19, 2026, 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

Absent: 0

**MOTION RESULT:**  Passed  Failed

**A LOCAL LAW AMENDING CHAPTER 190 (ZONING) OF THE CODE OF THE CITY OF ONEIDA REGARDING WIRELESS COMMUNICATION FACILITIES AND TOWERS**

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

Section 1. Authority.

This local law is adopted pursuant to the Municipal Home Rule Law of the State of New York, the General City Law, and Section 3.4 of the Charter of the City of Oneida.

Section 2. Legislative Intent.

The Common Council finds that the City's existing zoning regulations do not contain comprehensive standards governing large-scale wireless communication towers. The purpose of this local law is to establish clear siting, dimensional, design, safety, co-location, and removal standards to protect the public health, safety, and general welfare while permitting telecommunications infrastructure in appropriate zoning districts.

Section 3. Amendment to Chapter 190.

Chapter 190 of the Code of the City of Oneida is hereby amended as follows:

A. Section 190-5, titled "Definitions," is hereby amended to include the following additional definitions:

“Co-location. The placement of antennas or wireless communication equipment on an existing or approved tower or structure.

Large-scale wireless communication tower. A wireless communication facility mounted on an existing building, structure, or utility pole, or constructed as a freestanding support structure, including but not limited to a monopole or lattice tower, exceeding fifty (50) feet in total height and designed primarily to support antennas and related wireless communication equipment.

Small wireless facility. A wireless communication facility mounted on an existing building, structure, or utility pole that does not exceed fifty (50) feet in total height as measured from finished grade.

Total height (wireless communication facilities and towers). The vertical distance measured from finished grade at the base of the structure to the highest point of the tower or wireless facility, including all antennas and appurtenances.”

B. Chapter 190 is further amended by adding a new section, § 190-26.4, to read, in its entirety, as follows:

“§ 190-26.4. Wireless Communication Facilities and Towers.

A. Applicability and Review.

(1) Small wireless facilities shall be permitted only in the zoning districts authorized by Schedule A and shall require approval of a Conditional Use Permit pursuant to § 190-28 and Site Plan Review pursuant to § 190-29, except to the extent otherwise required or preempted by applicable federal or state law. Small wireless facilities located within the public right-of-way shall also be subject to the requirements of Chapter 145 of the City Code, where applicable.

(2) Large-scale wireless communication towers shall be permitted only in the zoning districts authorized by Schedule A and shall require approval of both a Conditional Use Permit pursuant to § 190-28 and Site Plan Review pursuant to § 190-29.

B. Permitted Districts.

(1) Small wireless facilities shall be permitted only as Conditional Uses in the Agricultural (A), Light Industrial (L-I), and Manufacturing-Industrial (M-I) Districts and shall be prohibited in all other zoning districts.

(2) Large-scale wireless communication towers shall be permitted only as Conditional Uses in the following zoning districts:

(a) Agricultural (A) District, on parcels of ten (10) acres or greater;

(b) Light Industrial (L-I) District;

(c) Manufacturing-Industrial (M-I) District.

(3) Large-scale wireless communication towers shall be prohibited in all other zoning districts.

C. Dimensional Standards.

(1) Maximum height: 199 feet, measured in accordance with the definition of total height set forth in § 190-5.

(2) Towers exceeding 199 feet shall not be permitted.

(3) Minimum setback from all property lines shall be one hundred ten percent (110%) of the total height.

(4) Where a tower abuts or is adjacent to a residential zoning district, the minimum setback shall be one hundred fifty percent (150%) of the total height.

D. Co-Location and Shared Use.

(1) The City strongly encourages shared use of existing and approved towers and structures to minimize construction of new facilities.

(2) Prior to approval of any application for construction of a new tower or for substantial modification of an existing tower, the applicant shall demonstrate that co-location on an existing or approved tower or structure within the geographic area necessary to meet the applicant's demonstrated service objectives is not reasonably feasible.

(3) Applicants shall submit written documentation of good-faith efforts to secure shared use and shall demonstrate technical, structural, or economic reasons why such shared use is not practicable. Such documentation shall include an analysis of alternative locations, structures, and technologies and an explanation as to why such alternatives are not feasible.

(4) All newly approved towers shall be designed and constructed to accommodate future co-location where technically feasible.

E. Design Standards.

(1) Monopole design is preferred unless the applicant demonstrates that an alternative design is necessary.

(2) Towers shall have a neutral, non-reflective finish.

(3) No signage pertaining to advertising shall be permitted on any wireless facility or tower. Required safety signage, owner identification signage, and emergency contact signage shall be permitted, provided that such signage shall not exceed five (5) square feet in total area and shall comply with Subsection (7) below.

(4) Ground equipment and accessory structures shall be screened from public view and adjacent properties to the maximum extent reasonably practicable by fencing, landscaping, existing vegetation, topography, or a combination thereof, as determined through Site Plan Review.

(5) Lighting shall be permitted only as required by the Federal Aviation Administration or other applicable authority.

(6) The Joint Zoning Board of Appeals/Planning Commission may require visual simulations or other documentation as part of Site Plan Review.

(7) Wireless facilities shall include clearly visible and properly maintained hazard warning signage, including but not limited to high-voltage and radio frequency exposure notices, in accordance with applicable federal, state, and local regulations. All required signage shall be maintained in good condition and remain clearly legible. The name and emergency contact information of the facility owner or operator shall be clearly posted at the primary facility access point. Such signage shall be limited to safety, owner identification, and emergency contact purposes.

(8) All access and egress to wireless communication facilities shall comply with the current edition of the International Fire Code, including but not limited to Section 503 relating to fire apparatus access roads, as adopted and enforced by the State of New York. Fire apparatus access roads shall be maintained in an unobstructed condition at all times. A road and parking sufficient for at least one service vehicle shall be provided to assure adequate emergency and maintenance access. Maximum use of existing roads and drives shall be made, and ground and vegetation disturbance shall be minimized to the maximum extent reasonably practicable.

(9) Utility connections. All utility connections to wireless facilities shall be installed beneath the ground surface to the maximum extent reasonably practicable.

(10) Wireless facilities and associated access roads shall be designed and constructed to prevent erosion, sedimentation, and adverse stormwater runoff impacts to adjacent properties and public rights-of-way. All site disturbance shall comply with applicable local, state, and federal stormwater regulations, including but not limited to the New York State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity, where applicable.

(11) Structural Certification. All large-scale wireless communication towers shall be designed and certified by a professional engineer licensed in the State of New York. Plans submitted for building permit shall include sealed structural calculations demonstrating compliance with the New York State Uniform Fire Prevention and Building Code, including applicable wind load, ice load, and structural design requirements.

(12) Geotechnical Investigation. A geotechnical report prepared by a qualified professional shall be submitted demonstrating that subsurface soil conditions are adequate to support the proposed tower and foundation system. The report shall include soil characteristics, bearing capacity, groundwater conditions, and recommended foundation design parameters.

(13) Security Fencing. All large-scale wireless communication towers and associated ground

equipment shall be enclosed by security fencing not less than seventy-eight (78) inches in height, or otherwise secured by equivalent anti-climb measures to prevent unauthorized access. Access gates shall remain locked except during authorized maintenance or service activity.

#### F. Abandonment and Removal.

(1) A wireless communication tower that is not operated or providing wireless communication service for a period of twelve (12) consecutive months shall be deemed abandoned.

(2) The owner shall remove the tower and all associated equipment and restore the site to its pre-existing condition, reasonable wear and tear excepted, within ninety (90) days of written notice from the City.

(3) In the event that the owner fails to remove the tower and restore the site within the required time period, the City may cause such removal and restoration to be completed and may recover the cost thereof from the owner or from any security provided pursuant to this section.

#### (4) Security.

(a) Prior to the issuance of any permit for a large-scale wireless communication tower, the applicant shall deposit with the City Clerk cash, bond, or other form of security reasonably acceptable to the City Attorney and/or City Engineer in an amount sufficient to ensure the faithful performance of the terms and conditions of the permit and to provide for the removal and restoration of the site upon abandonment or decommissioning of the tower.

(b) The amount of such bond or security shall be one hundred twenty-five percent (125%) of the cost of removal of the large-scale wireless communication tower and restoration of the property, as determined by a professional engineer licensed in the State of New York, with an annual escalator of two percent (2%) for the life of the facility. The decommissioning amount shall be reduced by the estimated salvage value of the facility.

(c) In the event of default upon performance of such conditions, after proper notice and expiration of any cure period, the cash deposit, bond, or security shall be forfeited to the City, which shall be entitled to maintain an action thereon. The security shall remain in full force and effect until site restoration is completed to the satisfaction of the City.

#### G. Annual Certification.

(1) The owner of any approved large-scale wireless communication tower shall submit annual certification prepared by a professional engineer licensed in the State of New York verifying the structural integrity of the tower and continued compliance with the New York State Uniform Fire Prevention and Building Code and all other applicable safety standards.

(2) Such certification shall be submitted to the City on or before the anniversary date of the issuance of the original permit or approval, unless otherwise specified by the City.

(3) Failure to submit the required annual certification may result in enforcement action by the City, including but not limited to revocation of any applicable permit or approval, in accordance with applicable law.”

#### Section 4. Amendment to Schedule A.

Schedule A (Schedule of Uses) of Chapter 190 of the Code of the City of Oneida is hereby amended by deleting the existing entry for “Wireless communication facility” and replacing it with the following use categories:

“Small wireless facility – Conditional Use in the Agricultural (A), Light Industrial (L-I), and Manufacturing-Industrial (M-I) Districts; prohibited in all other zoning districts.

Large-scale wireless communication tower – Conditional Use in the Agricultural (A) District (minimum ten (10) acres), Light Industrial (L-I) District, and Manufacturing-Industrial (M-I) District; prohibited in all other zoning districts.

All such uses shall be subject to the requirements of § 190-26.4.”

#### Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### Section 6. Effective Date.

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

#### DISCUSSION:

Councilor Smith raised concerns that the current language, particularly regarding tower height, co-location requirements, and new pole installation, could unintentionally discourage expansion of wireless infrastructure, including 5G networks.

City Attorney Bell clarified that the action before the Council is to introduce the local law and schedule a public hearing, and that the proposal is not final. The draft will be referred to the Planning Commission/ZBA and the Madison County Planning Department for review and comment pursuant to required procedures.

Council was advised that additional feedback may be provided during the public hearing process and that revisions can be made as needed. Members were encouraged to submit specific questions or concerns to the Planning Director for further clarification prior to the public hearing.

**CAPITAL PROJECT 26-10-ANNUAL STREET RESURFACING**

**RESOLUTION 26-67**

Moved by Councilor McHugh  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the City Engineer to proceed with Capital Project 26-10; authorize the use of Unit Prices established for 2026 by Madison County; authorize the Purchasing Agent to advertise for bids for any portions of the project not covered under the County's Unit Pricing; authorize the City Engineer to expend funds up to the programmed amount dispersed by NYSDOT; and authorize the City Manager to sign any and all documents related to Capital Project 26-10.

Ayes: 7

Nays: 0

Absent: 0

**MOTION RESULT:**  Passed  Failed

**INTRODUCE A LOCAL LAW AMENDING CHAPTER 80, TITLED "INSURANCE," OF THE CODE OF THE CITY OF ONEIDA-SCHEDULE PUBLIC HEARING**

**RESOLUTION 26-68**

Moved by Councilor Simchik  
Seconded by Councilor McHugh

**WHEREAS**, the City of Oneida Common Council introduces this Local Law to amend the Code of the City of Oneida to update regulations pertaining to the use of fire insurance proceeds; and

**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**, 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 SEQRA; 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 May 5, 2026, 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

Absent: 0

**MOTION RESULT:**  Passed  Failed

## **CITY OF ONEIDA**

### **A LOCAL LAW AMENDING CHAPTER 80, TITLED "INSURANCE," OF THE CODE OF THE CITY OF ONEIDA**

Be it enacted by the Common Council of the City of Oneida 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. PURPOSE.**

This City of Oneida finds that it is essential to the public health, safety and welfare that once a fire has damaged or destroyed a building, cleanup must occur, and when necessary, demolition and removal of buildings and debris from the premises by the property owner. The intent of this Local Law is to compel property owners to clean up properties and where necessary complete demolition and removal of buildings and debris before collecting insurance proceeds pursuant to §22 of the General Municipal Law.

**Section 3. AMENDMENT OF THE CODE OF THE CITY OF ONEIDA CHAPTER 80, ARTICLE I**

So that Chapter 80, Article I of the City Code of the City of Oneida, titled "Use of Fire Insurance Proceeds to Satisfy Municipal Liens," be amended to read in its entirety as follows:

**“§80-1 Notice of Intention to Claim.**

Whenever the City of Oneida has an existing lien for taxes, special ad valorem taxes, special assessments or municipal charges arising by operation of law against real property, as defined in §22 of the General Municipal Law, which have remained undischarged for a period of one year or more and there is fire damage to the real property for which a claim for proceeds of a fire insurance policy insuring the interests of an owner of the real property may be made, the City Chamberlain shall file a notice of intention to claim against the proceeds of fire insurance policies with the State Superintendent of Insurance for entry in accordance with §22 of the General Municipal Law, the New York State Insurance Law and all rules and regulations promulgated by the New York State Department of Insurance with respect to this procedure.

**§80-2 Conflict with Other Provisions.**

The provisions of this Article shall not be deemed or construed to alter or impair the right of the City to acquire or enforce any lien against property but shall be in addition to any other power provided by law to acquire or enforce such right.

**§80-3 Release of Proceeds.**

Whenever the proceeds of a policy of fire insurance will be or have been paid to the City instead of an insured, all or part of such proceeds may be paid or released to the insured if the insured satisfies to the City Chamberlain that the affected premises have been or will be repaired or restored, that such repairs or restoration are in the public interest, and the insured is issued and complies with an agreement entered into pursuant to this Article. To secure such payment or release of proceeds the insured must notify the City Chamberlain, within 30 days after the mailing to the insured of a notice of the service of the certificate of special lien pursuant to this Article, of the intention to restore or repair the affected premises and must file with the City Chamberlain a

completed application with all required supporting documentation, unless the City Chamberlain grants an extension for a stated period of time.

**§80-4 Conditions of Release of Proceeds.**

The release or return to the insured of any amount to which he or she or it would otherwise be entitled to claim shall be subject to the following conditions:

- A. Such release or return shall be subject to the repair or restoration of the affected premises, in accordance with applicable building laws, to the condition it was in prior to the time the lien of the City of Oneida arose, or to an improved condition.
- B. The insured shall file with the City Chamberlain an application, in affidavit form, with such supporting documentation as the City Chamberlain shall require, containing the following:
  - 1) A complete description of the nature and extend of the damage to the insured premises and of the condition of the premises prior to the time the lien of the City arose;
  - 2) A complete description of the nature of the repairs or restoration to be undertaken and the cost thereof;
  - 3) A statement as to the source of funds needed to complete such repairs or restoration if the insurance proceeds are not sufficient therefor;
  - 4) The name and address of each contractor who will effect such repairs or restoration;
  - 5) An estimated time schedule showing how long the repairs or restoration, and each phase thereof, will take; and
  - 6) Such other information as may be required by the City to enable it to determine whether the repairs or restoration are in the public interest and will be or have been timely and properly made.
- C. Upon a preliminary approval of an application by the City Chamberlian and the Code Enforcement Officer and/ or Fire Marshal, the City Chamberlain may enter into a written agreement with the insured, which shall set forth the terms and conditions for the release and return of all or part of the proceeds, and the City Chamberlain is hereby authorized to enter into such an agreement of behalf of the City of Oneida.
- D. The repairs or restoration required by the City Chamberlain, upon the advice and recommendation of the Code Enforcement Officer and/ or Fire Marshal, shall be completed in compliance with the terms and conditions of the agreement prior to the release or return of any part of the insurance proceeds; provided, however, that the City Chamberlain may, upon the written request of the insured and in its sole discretion, approve a prior release of such proceeds or a portion thereof, in a lump sum or installments, where the insured certifies and demonstrates that such release is required to permit such repairs or restoration to go forward. Any such insurance proceeds released or returned prior to the completion of the repairs or restoration required by the City

Chamberlain may be paid directly to the contractors responsible for making such repairs or restoration. Such payment shall, to the extent thereof, release the City Chamberlain from further liability to the insure.

- E. Whenever the City Chamberlain releases the entire amount of the proceeds prior to compliance with the terms and conditions of the agreement, the insured shall post an undertaking in an amount sufficient to assume the restoration or improvement of the property.

**§80-5 Termination of the Right of Insured to Assert Claim.** If the insured (1) fails to notify the City of his or her or its intention to repair or restore the affected premises, (2) fails to file a completed application pursuant to this Article, or (3) fails to enter into an agreement with the City Chamberlain or comply therewith within the time set forth, the right of the insured to assert a claim against the insurance proceeds, except to the extent they exceed the amount of the lien, shall terminate.

**§80-6 Fund for Insurance Proceeds.**

There shall be established in the City a fund for the deposit of fire insurance proceeds to be held and applied in accordance with this Article. Such funds shall not be held together with the general tax levies in the general fund.

**§80-7 Disposition of Funds.**

Until such termination, any insurance proceeds received by the City of Oneida shall be deposited in a special fund and shall be retained therein. Upon termination of the insured's right to claim against the proceeds, the proceeds and any interest accrued thereon shall be applied to the liens affecting the premises in a manner to be determined by the City Chamberlain and may be transferred to the general fund.

**§80-8 Continuance of Liens in Effect Until Paid.**

The lien or liens against the affected premises upon which the special lien against proceeds is based shall continue in full force and effect, except that such lien or liens are or have been paid.

**§80-9 Purpose of Agreements**

Any agreement entered into by the City Chamberlain pursuant to this Article shall be for the purpose of preserving and evidencing the right of release of the special lien created pursuant to this procedure and shall be subject solely to the provisions of this Chapter. Any repair or restoration performed in anticipation of a release of insurance proceeds shall not be deemed to be a public work or City project nor to have been done pursuant to a City contract."

**Section 4. SEVERABILITY.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part thereof directly involved in the controversy.

## **Section 5. EFFECTIVE DATE.**

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with the provisions of the New York State Municipal Home Rule Law.

### DISUSSION:

Clarification was provided by the City Attorney that the proposed local law does not require referral to the Planning Commission/ZBA or Madison County for §239 review, as it is not a zoning-related matter.

It was noted that the local law includes reference to the City Chamberlain. While the position is scheduled to be abolished at a future date, it currently remains in effect. To ensure continuity and avoid compliance issues, it was recommended that the published notice include language referencing the "City Chamberlain or their designee."

Discussion indicated that the purpose of the proposed local law is to address issues related to damaged properties, including the ability to place liens on insurance proceeds to ensure recovery of municipal costs. It was noted that State Insurance Law permits such measures, and that the City Chamberlain would be responsible for administering the lien process while the position remains in place.

Discussion clarified that responsibilities related to liens will be administered through the Finance Office. It was noted that staff within that office, including the Comptroller and supporting personnel, will oversee and process lien-related matters.

It was further explained that, while the local law references the City Chamberlain, those functions are effectively being performed within the Comptroller's Office, and all related decisions will be handled through that office's established processes.

Councilor Smith requested further clarification on the process, to which Fire Chief Jones responded with input from the City Attorney who clarified the conditions and process related to the proposed local law governing liens on insurance proceeds. It was noted that the intent of the law is to protect the City's financial interests when properties are damaged, particularly by fire, and to ensure funds are available to address unsafe conditions if property owners fail to do so.

It was explained that, in the event of property damage and an associated insurance claim, the City may file a notice of claim to secure a portion of the insurance proceeds. These funds may then be held to ensure compliance with required repairs or remediation. If the property owner fails to address the issues, the City may utilize those funds or pursue further action through the lien process.

Discussion also addressed the reference to a one-year period within the law, noting that the language aligns with State Insurance Law requirements. It was clarified that the City's ability to place a lien and protect its interests is not limited by that timeframe, and that liens may still be filed and enforced through standard collection and foreclosure processes if necessary.

The purpose of the law was emphasized as preventing situations where insurance proceeds are paid to property owners, but necessary repairs are not completed, leaving the City responsible for unsafe or deteriorated properties.

## **NEW BUSINESS**

Discussion was held regarding the condition and status of properties located at 136 and 138 Madison St. in response to a question from Councilor Smith. City Manager Lovell noted that 136 has been condemned and must be demolished, while 138, though in poor condition, is not currently condemned and may be structurally salvageable.

It was further noted that the City has taken ownership of 136 through the condemnation process. Ongoing challenges were discussed regarding lack of progress and communication with prior developers associated with a State Restore grant project. Efforts to engage the developers and Empire State Development have not resulted in forward movement, and certified correspondence has been initiated.

Council discussed the likelihood that demolition will be necessary and acknowledged the potential financial and liability implications for the City. Consideration was given to future use of the site, including the possibility of creating green space or a pocket park, given the extent of vacant or underutilized land in the area.

Discussion continued regarding options for demolition and cost recovery for unsafe structures. City Attorney Bell explained that under Chapter 34 of the City Code, the City may declare a structure unsafe, provide notice to the property owner, and hold a hearing. If the owner fails to remedy the condition within the prescribed timeframe, the City may perform the necessary work and charge the costs back to the property as a lien.

It was noted, however, that this approach may be ineffective in situations where property owners lack the financial means or have abandoned the property, as recovery of costs would depend on future sale or transfer of the property. Concerns were also raised that significant liens may discourage redevelopment by making properties less attractive to potential buyers.

The matter was discussed in the context of balancing public safety, financial impact, and long-term redevelopment goals.

## **ADJOURNMENT**

Motion to adjourn by Councilor Smith  
Seconded by Councilor McHugh

Ayes: 7

Nays: 0

Absent: 0

**MOTION RESULT:**  Passed  Failed

The meeting adjourned at 7:45p.m.

CITY OF ONEIDA

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Sandra LaPera, City Clerk

DRAFT