

**MINUTES OF THE COMMON COUNCIL
FEBRUARY 18, 2020**

A meeting of the Common Council of the City of Oneida, NY was held on the eighteenth day of February, 2020 at 6:30 o'clock P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

The meeting was called to order by Mayor Helen Acker

PRESENT: Councilors Carrie Earl, Michael Bowe, James Coulthart,
Michelle Kinville, Brandee DuBois and Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Eric Schuler
Comptroller Lee Ann Wells
Fire Chief Dennis Fields
Police Chief Paul Thompson
Public Safety Commissioner Kevin Salerno
Supervisor Matt Roberts
Supervisor Joseph Magliocca

POLICE DEPARTMENT CEREMONY

An Honor Guard consisting of Lt. John Little, Police Officer Tyler Iles and Police Officer Evidence Technician Daniel Slator presented the colors, and the multitude of police officers in attendance led the Pledge of Allegiance to open the Common Council meeting. Police Chief Paul Thompson introduced the newest Police Officer, Michael S. Gough II, and the City Clerk gave Officer Gough the Oath of Office with the Mayor and Public Safety Commissioner standing aside him. Police Chief Thompson then introduced Investigative Sgt. William Clark, Sgt. Ryan Warner, and Investigator Matthew Gacek who also received the Oath of Office for their promotions within the Department. Chief Thompson said that he wanted to recognize Investigator Gacek, who has been instrumental with his help involving the issues of mental health. Chief Thompson welcomed Tisha Cook, Madison County Mental Health Department Director of Community Services to the podium, who spoke about the crisis intervention team organized to deal with mental health concerns in our communities.

OLD BUSINESS

Kallet Fee Waivers

Councilor Earl asked that the Council revisit the fee waivers for the Kallet, and Councilor Coulthart said that the waivers should be eliminated, which will in turn eliminate the requests. Councilor Earl said that the City has to cover its costs. The Mayor said that the Comptroller is working on a policy, as part of that is financial. She said that we are looking at total costs to figure out what we need to charge. Councilor Coulthart suggested budget time to make changes to the fee schedule. The City Attorney said that one Resolution should be adopted to accept the policy, and a second where the fees can be changed by Resolution of the Council from time to time.

Gordman's Grand Opening

Councilor Bowe said that he, along with Mayor Acker, attended the grand opening at Gordman's. He said that the store was transformed from Pebbles to Gordmans in 80 hours by a staff of twelve. Mayor Acker said that she is grateful that the store is reimagining itself and wants to stay in Oneida. The Mayor

said that the store is very community oriented and is open to fundraising by local groups in the climate-controlled vestibule of the store. Councilor Bowe added that Gordman's also presented a check for \$1,000 to the Superintendent of Oneida Schools.

Feral Cat Meeting

Councilor Coulthart said the meeting relating to feral cats is scheduled for Thursday, February 27, 2020 at 7:00 p.m. in the Council Chambers. He said that this will be an educational meeting with Dee Schaefer from the ASPCA, as the featured speaker. Brian Bortree, committee member, said that TSC is donating four live traps to the cause. A brief discussion regarding use/return, deposit payment/refund, and trap responsibility ensued.

SUPERVISORS REPORT

Surcharges to landlines and cell phones

Supervisor Joe Magliocca said that the County is considering two Resolutions to add an additional 65 cent surcharge onto the existing charges for both landlines and wireless phones. He said that the funds will be used to maintain and update the Madison County 911 Center. A public hearing on these Resolutions will be held on Tuesday, March 10th at 2:00 pm at the County. Mayor Acker said that she toured the 911 Center and was very impressed.

Bail Reform Law

Supervisor Matt Roberts said the current NYS Bail Reform Law needs serious tweaking. He said that he has spoken with both Madison County Sheriff Todd Hood and Police Chief Thompson about this matter. Supervisor Roberts said that one of the plans possibly going forward is having regional jails rather than one in every county, which could be a benefit if the law is modified the right way.

Medicaid Costs

Supervisor Roberts said that another serious problem is with the rising Medicaid costs in Madison County. Supervisor Roberts said that the Governor says that the counties are causing the problems, yet the rules for eligibility are mandated by NYS. He said that by 2018 the State was to take over all the administration duties; however, that hasn't happened. He stated that in 2001, the County's cost was \$48M, and those costs rose to \$137M in 2019. Supervisor Roberts said that the average cost per capita in NYS is \$3,800, which is double the national average of \$1,800. He mentioned that in the state of Wyoming the cost is only \$700 per person. He said that the benefits in New York are too liberal, and it is the responsibility of the State to make any changes. Supervisor Roberts said that he will keep the Council updated as discussions on this matter move forward.

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, that the minutes of the regular meeting of February 4, 2020 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Coulthart
Seconded by Councilor Earl

RESOLVED, that Warrant No. 4, checks and ACH payments in the amount of \$148,642.05 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

MOTION CARRIED

**ADOPT LOCAL LAW NO. 1 OF 2020 IMPOSING A SIX-MONTH MORATORIUM ON
COMMERCIAL FREESTANDING SOLAR PV SYSTEMS WITHIN THE CITY**

RESOLUTION 20-36

Moved by Councilor Coulthart
Seconded by Councilor DuBois

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled "A Local Law Imposing a Six (6) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems Within the City of Oneida" was presented and introduced at a Regular Meeting of the Common Council of the City of Oneida held on January 21, 2020; and

WHEREAS, a public hearing was held on such proposed local law on February 4, 2020 by the Common Council of the City of Oneida and proofs of publication of notices of such public hearings, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Common Council of the City of Oneida in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of the Proposed Local Law has previously been determined to be a Type II action for purposes of environmental review under SEQRA, thus concluding the SEQR review process; and

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

NOW, THEREFORE, it is

RESOLVED that the Common Council of the City of Oneida, Madison County, New York, does hereby enact the Proposed Local Law No. as follows:

**A LOCAL LAW IMPOSING A SIX (6) MONTH MORATORIUM
ON COMMERCIAL FREE-STANDING SOLAR PHOTOVOLTAIC (PV)
SYSTEMS WITHIN THE CITY OF ONEIDA**

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

SECTION 1. INTENT.

It is the intent of the City Common Council of the City of Oneida to impose a six (6) month moratorium on commercial free-standing solar photovoltaic systems within the City of Oneida. This local law is enacted under the authority of Section 10 of the New York Municipal Home Rule Law.

SECTION 2. LEGISLATIVE PURPOSE.

The City of Oneida has in effect Chapter 46 of the Code of the City of Oneida (Code), titled "Energize NY Benefit Financing Program" and Chapter 190 of the Code, titled "Zoning" which address "Solar" uses within the City. The City Common Council is of the opinion that a period of time is necessary to determine whether additional regulation of commercial free-standing photovoltaic ("PV") systems is necessary in order to preserve and protect the health, safety and welfare of its residents. Commercial free-standing PV systems are generally larger, more obtrusive and can pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations may pose a risk. This moratorium will enable City officials to review and comprehensively address the various issues involved with commercial free-standing PV systems.

The City recognizes the potential benefits and desirability of solar power and renewable energy sources but determines that time and study is necessary in order to determine if and how to properly regulate such installations. The City Common Council deems this moratorium emergent and immediately necessary for the City.

SECTION 3. DEFINITIONS.

Commercial Free-standing Solar Photovoltaic (PV) Systems: A free-standing solar photovoltaic (PV) system and area of land principally used to convert solar energy to electricity with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

SECTION 4. MORATORIUM.

A. The City Common Council hereby enacts a moratorium which shall prohibit the placement, construction or erection of a commercial free-standing solar photovoltaic (PV) system anywhere within the City of Oneida.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of: (i) the date six (6) months from said effective date of this local law, unless renewed; or (ii) the enactment by the City Common Council of a resolution indicating the City Common Council is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the City.

D. Commercial free-standing solar photovoltaic systems which have previously been approved or are located on City-owned property are hereby expressly excluded from this moratorium.

SECTION 5. RELIEF FROM PROVISIONS OF THIS LOCAL LAW.

A. The City Common Council reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for relief shall be filed in triplicate with the Planning

Department together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney's fees, incurred by the City, shall be reimbursed to the City by the Applicant. The Common Council shall apply Use Variance criteria as set forth in the New York State General City Law, Section 81-b in reviewing any application for relief.

C. The Common Council may refer any applications for relief herein to the Planning Commission/Zoning Board of Appeals for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Common Council after determining whether or not the requested relief is compatible with any contemplated amendments to the City Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Common Council shall deny the application.

D. The Common Council shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Planning Department and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

SECTION 6. PENALTIES.

Any person, who shall construct, reconstruct, relocate, enlarge or modify any site to be used for a commercial free-standing solar photovoltaic system in violation of the provisions of this local law, shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the City to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

SECTION 7. ENFORCEMENT.

This local law shall be enforced by the Code Enforcement Office of the City of Oneida or such other zoning enforcement individual(s) as designated by the Common Council. It shall be the duty of the enforcement individual(s) to advise the Common Council of all matters pertaining to the enforcement of this local law.

SECTION 8. VALIDITY AND SEVERABILITY.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or affect any other section of this local law.

SECTION 9. EFFECTIVE DATE.

This local law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of six (6) months from the date of passage.

Councilor Earl - Yes
Councilor Bowe - Yes
Councilor Coulthart - Yes
Coulthart Kinville - Yes
Councilor DuBois - Yes
Councilor Simchik - Yes

MOTION CARRIED

Councilor Bowe suggested that the committee members check with Canastota to see how they are handling this, as a large solar array is being erected there. He said that Mrs. Christian Lynch is checking with the City of Rome, and the Planning Director and City Engineer are working on a template from NYSERDA that we could adapt. The Mayor said that the moratorium timeframe will end near the 2nd meeting in August, and the City Attorney said that the law should be in place before then or another moratorium will have to be approved. In response to a question from the audience, the City Attorney said that this Local Law is for commercial solar farms only; it doesn't affect residential.

LEASE AGREEMENT

RESOLUTION 20-37

Moved by Councilor Coulthart
Seconded by Councilor Kinville

RESOLVED, to authorize the Purchasing Agent to proceed with a Lease through Enterprise Fleet Management for a Pickup Truck Replacement for the Fire Department with the payments for said lease to be transferred from the General Fund Vehicle Reserve Fund.

Ayes: 6
Nays: 0

MOTION CARRIED

The Comptroller said this will be paid from the Vehicle Reserve Fund.

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$10,055,000 BONDS OF THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, TO PAY COSTS IN CONNECTION WITH VARIOUS IMPROVEMENTS AT THE WASTEWATER TREATMENT PLANT IN AND FOR SAID CITY

RESOLUTION 20-38

Moved by Councilor Simchik
Seconded by Councilor Coulthart

BE IT RESOLVED by the affirmative vote of not less than two thirds of the total voting strength of the Common Council of the City of Oneida, Madison County, New York, as follows:

Section 1. For the specific object or purpose of paying costs of various improvements at the Wastewater Treatment Plant, including incidental expenses in connection therewith, in and for the City of Oneida, Madison County, New York, there are hereby authorized to be issued an additional \$10,055,000 bonds pursuant to the provisions of the Local Finance Law. Said object or purpose is hereby authorized at the new maximum estimated cost of \$44,055,000.

Section 2. The plan for the financing of such \$44,055,000 maximum estimated cost is as follows:

- a) By the issuance of the \$34,000,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond resolution dated April 16, 2019; and
- b) By the issuance of the additional \$10,055,000 bonds of said City herein authorized; provided however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Oneida, Madison County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such bonds, including the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made

after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 10. This resolution, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City for such purpose, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Councilor Earl - Yes
Councilor Bowe - Yes
Councilor Coulthart - Yes
Coulthart Kinville - Yes
Councilor DuBois - Yes
Councilor Simchik - Yes

MOTION CARRIED

(The initial Resolution 19-12 was approved for \$34,000,000 on April 16, 2019. Then on 9/3/19, the Council approved Resolution 19-205 as an "intent to bond" for the remaining \$10,055,000 (on the NYSEFC UIP Project list total project cost is \$44,055,000). The above is the actual bond resolution for the additional \$10,055,000 that the EFC is requiring before our application for 0% financing moves forward.)

APPOINTMENT – TRAFFIC SAFETY BOARD

RESOLUTION 20-39

Moved by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED, that the Mayor's appointment of Erwin Smith to the Traffic Safety Board be hereby approved.

Ayes:

Nays:

MOTION CARRIED

The Mayor said that Mr. Smith will be an excellent addition to the Traffic Safety Board.

ORDINANCE AMENDMENTS

RESOLUTION 20-40

Moved by Councilor Bowe
Seconded by Councilor Earl

RESOLVED, that an Ordinance amending Chapter 190 Zoning, Section 190-14 Accessory buildings and uses, relating to aboveground pool fencing be hereby received and placed on file as follows:

Chapter 190 Zoning

§ 190-14 Accessory buildings and uses

H. (3)

A pool shall be surrounded by a fence at least four feet high and capable of preventing small children from entering. Aboveground pools with unclimbable vertical sides 46 48 inches or ~~more high~~ higher shall not have to be fenced.

BE IT FURTHER RESOLVED, that an Ordinance amending Chapter 159 Swimming Pools, Section 159-3 Construction permit and certificate of approval; fee be hereby received and placed on file as follows:

Chapter 159 Swimming Pools

§ 159-3 Construction permit and certificate of approval; fee.

It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances within the City unless a permit therefor shall have been first been obtained from the ~~City Engineer Building Inspector/Code Enforcement Officer~~. Such permits shall be obtained by the contractor or the person responsible for the actual construction. Said person must be prepared to show that he or she carries adequate liability, property damage and workers' compensation insurance. ~~The fee for such a permit shall be \$50, plus certificate of compliance fee, for any inground and any metal wall swimming pool that can contain more than 24 inches of water depth, or \$5 plus certificate of compliance fee for any seasonal, inflatable, inflatable ring, self-set or "kiddie" swimming pools that can contain more than 24 inches of water depth.~~ *Permit fees for any inground and any metal-wall swimming pool that can contain more than 24 inches of water depth or for any seasonal, inflatable, inflatable ring, self-set or "kiddie" swimming pools that can contain more than 24 inches of water depth shall be established by resolution of the Common Council. Such fees may thereafter be amended from time to time by like resolutions.* Fees shall be submitted with the plans and specifications submitted with the application for permit. The contractor obtaining a permit shall notify the ~~City Engineer Building Inspector/Code Enforcement Officer~~ when the work is in progress. Before the pool can be used, a certificate of approval shall be obtained from the ~~City Engineer Building Inspector/Code Enforcement Officer~~.

BE IT FURTHER RESOLVED, that a Public Hearing on said Ordinance amendments for be scheduled for March 3, 2020 at 6:30 pm in the Common Council Chambers.

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor said that this proposed Ordinance cleans up the City Code, as NYS law requires the height be 48 inches. She said that in Chapter 159, the height is correct and in Chapter 190, it is incorrect.

MONTHLY REPORTS

RESOLUTION 20-41

Moved by Councilor Simchik
Seconded by Councilor Kinville

RESOLVED, that monthly reports from the Chamberlain, City Clerk, City Engineer, Comptroller, Fire Department, Police Department and Recreation Department be hereby received and placed on file, **and be it further**

RESOLVED, that the 2018-2019 Annual Report from the Fire Chief be hereby received and placed on file.

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Coulthart complimented the Fire Chief on the thoroughness of the annual report. He said that he is pleased the Recreation Department is doing the film series at the Kallet. Councilor Coulthart thanked the Comptroller for her monthly report, noting all the work accomplished with her small staff. Councilor Coulthart inquired about the Higinbotham Mini Brook Project, and a discussion resulted. The City Engineer said that we are currently working through the preliminary phases, noting that it is not off our radar. Supervisor Magliocca said that the City's lack of access to storm water management/retention ponds exists all through the City, not just at the mini brook area. The City Attorney explained the different elements with easements. Mr. Gary Pantzer, who lives at the corner of Belmont Avenue and Sylvan Street, shared a severe flooding incident at his home a few years ago.

Councilor Kinville said that she is a coach for the Oneida Girls Basketball team. She thanked the Mayor and Chief Thompson for congratulating Ella Rainbow on her 1000th point. Councilor Kinville also thanked the Mayor for recognizing Jordan Farwell on his milestone of reaching 1000 digs on the boys' volleyball team. She said that it is important to recognize our student athletes. Councilor Kinville said that Oneida Girls Basketball team should be seeded #1 seed for sectionals, so there will be a couple of home games to look forward to.

Mayor Acker said that while she was at the Albany NYCOM meeting, NYS Comptroller Thomas DiNapoli asked if there was anyone present from Oneida, and she raised her hand. The Mayor said that State Comptroller DiNapoli said that in 2019, the City of Oneida had the strongest local sales tax growth at 8.6%. The Mayor complimented our Comptroller for all her efforts.

DESIGNATE POLLING PLACES

RESOLUTION 20-42

Moved by Councilor Coulthart

Seconded by Councilor Earl

RESOLVED, that the polling places in the City of Oneida for 2020 are hereby designated as follows:

WARD 1-1	St. Paul's United Methodist Church, 551 Sayles St.
WARD 2-1	St. Paul's United Methodist Church, 551 Sayles St.
WARD 3-1	Kallet Civic Center, 159 Main St.
WARD 4-1	Kallet Civic Center, 159 Main St.
WARD 5-1	Kallet Civic Center, 159 Main St.
WARD 6-1	Kallet Civic Center, 159 Main St.

Ayes: 6

Nays: 0

MOTION CARRIED

The City Clerk said that the Board of Elections may be looking at the new library as a polling place next year.

**SPECIAL COMMITTEE - COMMERCIAL FREE-STANDING
SOLAR PHOTOVOLTAIC (PV) SYSTEMS**

RESOLUTION 20-43

Moved by Councilor Coulthart
Seconded by Councilor Simchik

WHEREAS, the City of Oneida Common Council introduced a local law imposing a six (6) month moratorium on commercial free-standing solar photovoltaic (PV) systems within the City of Oneida at a regular meeting of the Common Council on January 21, 2020; **and**

WHEREAS, after holding a public hearing on the proposed local law on February 4, 2020, the Common Council enacted such local law, thereby imposing a six (6) month moratorium on commercial free-standing PV systems, on February 18, 2020; **and**

WHEREAS, to facilitate a comprehensive review and evaluation of the various issues involved with commercial free-standing PV systems, and to potentially create and recommend additional regulations for commercial free-standing PV systems, it is the desire of the Mayor to designate and appoint a special committee consisting of City officials and residents of the City in accordance with Section 3.11 of the Oneida City Charter, **now therefore be it**

RESOLVED, that the Mayor does hereby create a special committee for the purpose of addressing the various issues involved with commercial free-standing PV systems, and to create and recommend regulations of commercial free-standing PV systems; **and be it further**

RESOLVED, that the Common Council does hereby approve the Mayor's designation and appointment of the following individuals to such special committee: Councilor James Coulthart, City Engineer Eric Schuler, Planning Director Cassie Rose and Jill Christian-Lynch (resident, Ward 2).

Ayes: 6

Nays: 0

MOTION CARRIED

SPECIAL COMMITTEE – FERAL CATS

RESOLUTION 20-44

Moved by Councilor Simchik
Seconded by Councilor DuBois

WHEREAS, it has come to the attention of the Mayor and the City of Oneida Common Council that there is a growing population of feral cats within the City of Oneida; **and**

WHEREAS, due to the spread of disease, the feral cat population presents a health and safety threat to the human population; **and**

WHEREAS, to facilitate a comprehensive review and evaluation of the various issues associated with feral cats, and to recommend a policy for the City to adopt to effectively address the growing feral cat population, it is the desire of the Mayor to designate and appoint a special committee consisting of City officials and residents of the City in accordance with Section 3.11 of the Oneida City Charter, **now therefore be it**

RESOLVED, that the Mayor does hereby create a special committee for the purpose of addressing the various issues involved with feral cats, and to recommend a policy for the City to adopt to effectively address the growing feral cat population; and be it further

RESOLVED, that the Common Council does hereby approve the Mayor's designation and appointment of the following individuals to such special committee: Councilor Carrie Earl, Brian Bortree (resident, Ward 3), Gary Pantzer (resident, Ward 3), Dee Schaefer (resident, Ward 3 & CNYSPCA Educator), Councilor Jim Coulthart.

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Coulthart said that committee approach is in four parts; public education of cause and effect; review of the leash law; citing for continual feeding, which will be driven by neighborhood complaints; and volunteers to be trained to handle feral cats (not a city funded project).

**INTRODUCING AND SCHEDULING PUBLIC HEARING FOR PROPOSED LOCAL LAW –
A LOCAL LAW AMENDING CHAPTER 190 OF THE CITY CODE TO DEFINE AND
REGULATE HOME ACCESSIBILITY RAMPS WITHIN THE CITY OF ONEIDA**

RESOLUTION 20-45

Moved by Councilor Earl

Seconded by Councilor Kinville

WHEREAS, a proposed Local Law titled "A Local Law to Amend Chapter 190, titled "Zoning," of the Code of the City of Oneida to Define and Regulate Home Accessibility Ramps" has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether the action is subject to the aforementioned law; and now therefore it is

RESOLVED, 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 it is further

RESOLVED AND DETERMINED, that because the local law involves the adoption of regulations relative to the construction or placement of a minor accessory/ appurtenant to a residential structure, the enactment of said Local Law is a Type II Action pursuant to 6 NYCRR §§ 617.5(c)(12) and (33) and will therefore have no significant effect on the environment, thus concluding the environment review under SEQRA; **and it is further**

RESOLVED, 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 April 7, 2020 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 said proposed Local Law be referred to the Planning Commission Zoning Board of Appeals.

Ayes: 6

Nays: 0

MOTION CARRIED

**A LOCAL LAW TO AMEND CHAPTER 190, TITLED “ZONING,” OF
THE CODE OF THE CITY OF ONEIDA TO DEFINE AND REGULATE
HOME ACCESSIBILITY RAMPS**

Be it enacted by the Common Council of the City of Oneida, that this local law amends Chapter 190 of the Code of the City of Oneida (hereinafter “Code”), titled “Zoning,” to define and regulate ramps for home accessibility 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.

So that Section 190-5 of the City of Oneida Zoning Regulations, titled “Definitions,” is hereby amended by adding a new definition for “Home Accessibility Ramps,” which shall read, in its entirety, as follows:

“HOME ACCESSIBILITY RAMPS – an inclined ramp providing an accessible route of travel for people who are wheelchair users or have an ambulant disability from an entrance to the building interior to the exterior at grade level.”

SECTION 3.

So that a new Section 190-13.1, titled “Ramps for Home Accessibility,” shall be added to Article IV of the City of Oneida Zoning Regulations, which shall read in its entirety as follows:

“Notwithstanding any other provision of this Chapter, the front yard, rear yard, side yard, building coverage, lot surface coverage and other bulk requirements of this Code shall not apply to ramps for home accessibility serving a one-family dwelling, two-family dwelling, duplex, or three-family dwelling, provided that the distance between the most proximate point of the base of the wheelchair ramp at grade and the nearest edge of pavement of any sidewalk shall not be less than three (3) feet.”

SECTION 4.

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

BUDGET AMENDMENTS/TRANSFERS

RESOLUTION 20-46

Moved by Councilor Simchik
Seconded by Councilor DuBois

RESOLVED, to approve the following 2019 budget amendments/transfers:

2020 Budget Adjustments

\$ 20,000.00	001.0001.0889.0000	001.0001.0912.0000
	Vehicle Reserve	General Fund Balance

(To allocate budgeted vehicle reserves to the current vehicle reserve expenses)

\$ 6,650.00	001.0001.0889.0000	001.9785.0600.0000
	Vehicle Reserve	Fire Vehicle Lease

(To allocate vehicle reserves for new 2020 leased fire vehicle)

\$ 800.00	001.3120.0101.0000	001.3120.0413.0000
	Police Salaries	Police Training

(To reallocate funds to cover education reimbursement)

\$ 9,730.82	001.1990.0400.0000	001.1355.0405.000
	Contingency	Assessor Claims Reimbursement

(To allocate funds to pay demand for refund due per court order)

Ayes: 6

Nays: 0

MOTION CARRIED

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 20-47

Moved by Councilor Simchik
Seconded by Councilor Bowe

RESOLVED, that per Resolution 08-180 adopted by the Common Council on August 19, 2008, the provisions of the procedure to accept agenda items is hereby waived.

Ayes: 6

Nays: 0

MOTION CARRIED

GRANT DISBURSEMENT AGREEMENT - W. ELM STREET INFRASTRUCTURE

RESOLUTION 20-48

Moved by Councilor Kinville
Seconded by Councilor Bowe

RESOLVED, to authorize the Mayor to execute the Grant Disbursement Agreement for the West Elm Street Infrastructure.

Ayes: 6
Nays: 0

MOTION CARRIED

City Attorney Nadine Bell explained that this agreement is for the \$1M grant secured for the West Elm Street Industrial Site Infrastructure Project.

NEW BUSINESS

Mayor Acker said that the Census documents will be in the mail shortly. She said that it is very important for residents to respond, as the results are used to determine seats in Congress, as well as, how federal funding is spent in communities each year.

The Mayor said that the City will hear in the fall whether or not we are one of the finalists for the HGTV Hometown Takeover. Mayor Acker thanked Abbey and KC Baney from Freeland Co-op and Videographer Griffin Smith for the wonderful job producing and taping our video. The Mayor said that she is very proud of everyone who participated in the making the video.

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned at 7:58 p.m.

CITY OF ONEIDA

Susan Pulverenti
City Clerk