

**MINUTES OF THE COMMON COUNCIL
SEPTEMBER 15, 2020**

A meeting of the Common Council of the City of Oneida, NY was held on the fifteenth day of September, 2020 at 6:30 o'clock P.M. in Kallet Civic Center, 159 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
Police Chief Paul Thompson
Public Safety Commissioner Kevin Salerno
Assessor Holly Osterhoudt

Mayor Acker introduced Diala Karadsheh, whose young daughter Jennah passed from cancer almost four years ago. The Mayor read a proclamation relating to childhood cancer, and invited Diala to the podium. Mrs. Karadsheh said that awareness is the first step in fighting this terrible disease. She stated that only 4% of the national funding is earmarked for childhood cancer, with the remaining 96% for adult cancers. She said that they have created a non-profit called "Jennah's Journey" with the goal of helping local families struggling with the affects of childhood cancer. Councilor Bowe presented Mrs. Karadsheh with a donation to her non-profit, stating that his son went though a similar battle, but his son was more fortunate. Mayor Acker said that if we can do any thing to help please let us know, and Diala received a round of applause.

PROCLAMATION – CHILDHOOD CANCER

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

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

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

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

WHEREAS, the average age a child is diagnosed with cancer is six years old, and each year more than 15,000 kids and young adults are diagnosed... approximately 43 per day in the United States alone, **and**

WHEREAS, although the five-year survival rate for childhood cancers has reached 80%, nearly 2,000 kids under the age of 19 die each year, making cancer the #1 cause of death by disease in children, **and**

I, **Helen B. Acker, Mayor** of the City of Oneida do hereby proclaim the month of September as Childhood Cancer Awareness Month and September 15th as

“Childhood Cancer Day”

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

PUBLIC HEARING – PROPOSED LOCAL LAW – TAX CAP LEVY

RESOLUTION 20-138

Moved by Councilor Coulthart
Seconded by Councilor Bowe

RESOLVED, that a Public Hearing on a proposed Local Law to authorize a property tax levy in excess of the limit established in General Municipal Law §3-C in the City of Oneida be hereby opened at 6:40 pm.

Ayes: 6

Nays: 0

MOTION CARRIED

APPEARANCES - None

Moved by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED, that the Public Hearing a proposed Local Law to authorize a property tax levy be hereby closed at 6:41 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

OLD BUSINESS

Police Chief Thompson said that a meeting was held between the State, County and City Police Departments, adding that another will be held next week. He said that a report will be provided to the Council. The Chief said that he has received a number of comments remarking about the increased presence of law officers, particularly in the downtown area. He said they are almost to the end of the first phase, and it is working pretty well with multiple low-level arrests taking place. The Police Chief said that a task force for code enforcement will be instituted next month through the Codes Department, and they will be starting on Madison Street.

Councilor Coulthart questioned the position of Fire Marshal that was approved by the Council in the budget last year. Mayor Acker said those funds are being looked at for a Code’s Director, who would be the overseer, as well as being an active member of that department.

Brahim Zogby, Oneida, asked about the feral cat committee’s new legislation. Councilor Coulthart said that the final draft of the ordinance update for harboring feral cats in the inside district of the City should be received and placed on file at the next Council meeting. The City Attorney said that they have been

going back and forth last week, and concurred that the Local Law will be on the agenda to be introduced at the next meeting. Councilor Coulthart gave a brief overview of what will be in the Local Law.

SUPERVISORS REPORT

Mayor Acker said that the Supervisors are working on the County budget and sent their apologies for not being able to be in attendance this evening. The Mayor said that they reported that there are only 3 active COVID cases in Madison County.

Moved by Councilor Bowe
Seconded by Councilor Earl

RESOLVED, that the minutes of the regular meeting of September 1, 2020 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, that Warrant No. 18, checks and ACH payments in the amount of \$342,732.25 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

Councilor Bowe provided an overview of some of the payments.

ADOPT ORDINANCE 20-03 RELATING TO UNSAFE SIDEWALKS

RESOLUTION 20-139

Moved by Councilor Bowe
Seconded by Councilor Earl

RESOLVED, that the Common Council of the City of Oneida, Madison County, State of New York, pursuant to the Authority vested in it by law does hereby ordain and enact Ordinance 20-03 amending Chapter 151 Streets, Sidewalks and Public Places, Article IV Sidewalk Construction, §151-10 Definitions, and to include §151-13 Unsafe Sidewalks, relating to defining unsafe sidewalks in the City of Oneida as follows:

ORDINANCE 20-03

Chapter 151 Streets, Sidewalks and Public Places

Article IV Sidewalk Construction

§151-10 Definitions

Unsafe Sidewalk – Any portion of sidewalk that impedes safe travel by the public as defined by conditions outlined in this Chapter.

§151-13 Unsafe Sidewalks as defined by the following conditions

1. where one or more sidewalk flags is missing along a property's street frontage;
2. one or more sidewalk flag(s) are cracked to such an extent that one or more pieces of the flag(s) may be loosened or readily removed;
3. an undermined sidewalk flag below which there is a visible void or a loose sidewalk flag that rocks or seesaws;
4. a trip hazard, where the vertical grade differential between adjacent sidewalk flags is greater than or equal to one half inch;
5. improper slope, which shall mean (i) a flag that does not drain toward the curb and retains water, (ii) flag(s) that must be replaced to provide for adequate drainage or (iii) a cross slope exceeding established standards;
6. cellar doors that deflect greater than one inch when walked on, are not skid resistant or are otherwise in a dangerous or unsafe condition;
7. non-compliance with City of Oneida specifications for sidewalk construction;
8. patchwork which shall mean (i) less than full-depth repairs to all or part of the surface area of broken, cracked or chipped flag(s) or (ii) flag(s) which are partially or wholly constructed with asphalt or other unapproved non-concrete material; and
9. deposits of soil or vegetative growth that impede safe travel along a continuous sidewalk.

Councilor Earl: Yes

Councilor Bowe: Yes

Councilor Coulthart: Yes

Councilor Kinville: Yes

Councilor DuBois: Yes

Councilor Simchik: Yes

MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 20-140

Moved by Councilor Coulthart

Seconded by Councilor Bowe

RESOLVED, that Monthly Reports from the Chamberlain, City Clerk, City Engineer, Comptroller, Planning Director, Police Chief and Recreation Director be hereby received and placed on file.

Ayes: 6

Nays: 0

MOTION CARRIED

The City Engineer said the City was never in danger of not having enough water during the summer; it was a water quality issue.

In response to a question, Engineer Schuler said that the construction of the retention pond at Empire Farms was delayed due to COVID, but should be in place by next spring. He added that their draw on the water has dropped off.

Councilor Coulthart said that it would have been nice to have some type of recreational activities for the youth over the summer, and the Mayor responded that because of COVID, the City was required to follow the County, State and Federal guidelines. Councilor Coulthart asked about any plans for programs over the winter. Mayor Acker said that the Recreation Director met with Fire Chief Fields this morning regarding new guidelines/changes put out by the Governor. The Mayor said that she was not at the meeting, but Luke and Justin now know what they can and cannot do and are discussing ideas for programs that will meet those State/County guidelines over the fall and winter months. The Mayor said that she will have the Recreation Director notify the Council of their plans. In response to a question from Councilor Coulthart regarding the procedures to be followed for buildings to be secured, the Mayor said that Department Heads do not need micro-managing, each Department Head has various procedures in place for their individual departments. Councilor Kinville questioned if the Recreation Department would be able to provide fall or winter sports to our youth if the Oneida School District said that they were cancelling all sports, and the Mayor said that the City is separate from the schools. The Mayor said that after receiving the necessary approvals, the flag football program is starting for both younger and older kids. The Mayor reiterated that she was not present at the meeting with the Fire Chief and Recreation Director. Mayor Acker said that she would like to see the Recreation Department open as soon as possible; however, she stated they must follow the COVID guidelines presented.

ELECTION DAY COUNCIL MEETING RESCHEDULED

RESOLUTION 20-141

Moved by Councilor Earl
Seconded by Councilor DuBois

WHEREAS, the General Election is being held on the first Tuesday in November, which is a regularly scheduled Common Council meeting time, **now therefore be it**

RESOLVED, that the first Council meeting in November shall be scheduled for Monday, November 2, 2020 at 6:30 p.m. in the Common Council Chambers.

Ayes: 5
Nays: 1 (Coulthart)
MOTION CARRIED

A brief discussion ensued regarding whether to have the meeting on Monday or Wednesday evening.

PROPOSED ORDINANCE AMENDING CHAPTER 190 ZONING RELATING TO SWIMMING POOL DEFINITION

RESOLUTION 20-142

Moved by Councilor Coulthart
Seconded by Councilor Kinville

RESOLVED, that a proposed Ordinance amending Chapter 190 Zoning, Article I General Provisions, §190-5 Definitions relating to swimming pools be hereby received and placed on file, **and be it further**

RESOLVED, that said proposed Ordinance be referred to the Planning Commission Zoning Board of Appeals.

Ayes: 6

Nays: 0

MOTION CARRIED

ORDINANCE 20-

Chapter 190 Zoning

Article I General Provisions

§190-5 Definitions

SWIMMING POOL

A private, outdoor pool designed and built for swimming purposes as an accessory use on the same parcel as the principal use or one contiguous thereto, for use primarily by the occupants or tenants of said property. Such pool shall include any permanent or aboveground pool and any portable pool, ~~more than three feet in height and 15 feet in length or diameter~~ *which can hold more than 24" (inches) of water.*

ADOPT THE RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS (LGS-1)

RESOLUTION 20-143

Moved by Councilor Simchik

Seconded by Councilor Coulthart

RESOLVED, by the Common Council of the City of Oneida that Retention and Disposition Schedule for New York Local Government Records (LGS-1) issued pursuant to Article 57A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed herein, **and be it further**

RESOLVED, that in accordance with Article 57-A;

- a) Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;
- b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established legal minimum periods.

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Coulthart suggested that the City Historian sit with the City Clerk to determine if any items should be preserved for historical reasons. The City Clerk said that the portion of the retention schedule relative to historical items has not changed. She stated that vital records are never discarded; they are all in the vault. She said that she would be happy to sit with Connie at some point to look over the records. The City Clerk said that this new retention schedule consists of 411 pages, so it will take some time to go through it to see exactly what has changed.

**A LOCAL LAW AMENDING THE ONEIDA CITY CODE TO REPEAL CHAPTER 190,
SECTION 15(c)(22), TITLED "ELECTION SIGNS" SCHEDULE PUBLIC HEARING**

RESOLUTION 20-144

Moved by Councilor Kinville
Seconded by Councilor DuBois

WHEREAS, the proposed Local Law has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; **and**

WHEREAS, the Common Council seeks to remove restrictions on political and election signage in the City of Oneida; **and**

WHEREAS, the repeal of Chapter 190, Section 15(c)(22) is intended to promote the freedom of political expression in the City of Oneida and ease restrictions of doing so; **and**

WHEREAS, the repeal of the language will not negatively impact other signage restrictions in the City of Oneida; **and**

WHEREAS, the entirety of Chapter 190, Section 15(c) shall be renumbered accordingly; **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 a Short Environmental Assessment Form (EAF) in support of this Local Law 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 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 upon review of the EAF and the proposed Local Law has determined that this action will have no adverse impact on the environment; accordingly, an environmental impact statement (EIS) shall not be required and that this resolution shall constitute a negative declaration pursuant to SEQRA; **and it is further**

RESOLVED AND DETERMINED, that said proposed Local Law be referred to the Planning

Commission Zoning Board of Appeals, **and be it further**

RESOLVED AND DETERMINED, that the Common Council shall conduct a public hearing as to the enactment of the proposed Local Law at the Oneida City Hall located at 109 North Main Street, Oneida, New York on October 6, 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 be it 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: 6

Nays: 0

MOTION CARRIED

**CITY OF ONEIDA
PROPOSED LOCAL LAW**

**A LOCAL LAW AMENDING THE ONEIDA CITY CODE TO
REPEAL CHAPTER 190, SECTION 15(c)(22), TITLED "ELECTION SIGNS"**

Be it enacted by the Common Council of the City of Oneida, that this Local Law amends the City of Oneida Code in the following manner:

SECTION 1. **INTENT**

The purpose of this Local Law is to amend the Oneida City Code to promote the freedom of political expression and to remove restrictions on political and election signage in the City of Oneida.

SECTION 2. **REPEAL CHAPTER 190, SECTION 15(c)(22) OF THE ONEIDA CITY
CODE**

This Local Law amends Chapter 190 of the Oneida City Code by repealing Section 15(c)(22) titled "Election signs," and shall renumber Chapter 190, Section 15(c) accordingly.

SECTION 3. **SEVERABILITY.**

If the provisions of any Article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any Article, section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 4. **EFFECTIVE DATE**

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

The Mayor said that in our code, we currently have that election signs cannot be put out until 45 days before the election and must be removed within 15 days after the election; however, we have found that has been deemed to be against the freedom of speech issue. Mayor Acker said that several municipalities have been challenged in court and have lost. The City Attorney said that the signs cannot be placed in the City's right of way.

LEASE AGREEMENT – WATER DEPARTMENT

RESOLUTION 20-145

Moved by Councilor DuBois
Seconded by Councilor Bowe

RESOLVED, that the Mayor be authorized to sign a Lease Agreement with Enterprise Fleet Management for a 2021 Ford F-250 for the Water Department, **and be it further**

RESOLVED, to approve the following budget transfer/amendment:

	From	To
\$ 2,300	002.0002.0889.0000	002.9785.0600.0001
	Water Vehicle Reserve	Water Vehicle Expense

To transfer funds from Water Vehicle Reserve for new lease agreement through 12/31/20

Ayes: 6
Nays: 0

MOTION CARRIED

NEW BUSINESS

Mayor Acker said that the American Red Cross will hold a blood drive at the Tri-Valley Y, Thursday, September 17, 2020 from 1pm to 6pm. She said that blood is desperately needed. She provided the number to call make an appointment to donate. Councilor Bowe explained the blood drive procedures due to COVID.

Councilor Kinville asked that a reminder to check the website for the fall flushing schedule be posted on the sign in front of City Hall. The City Clerk said she has posted the schedule on Facebook and will post it again as the date gets closer, since they are not starting until September 28. The Mayor said that there will be an e-blast sent next week, adding that if you would like to sign up for e-blasts to go to our City website and enter your email address.

Mayor Acker said that the Council will be going into Executive Session to discuss the proposed acquisition, sale or lease of real property. She said that there may be action taken after the session.

EXECUTIVE SESSION

RESOLUTION 20-146

Motioned by Councilor Bowe
Seconded by Councilor Kinville

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:24 p.m. for the purpose of discussing relating to the proposed acquisition, sale or lease of real property.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Clerk, City Attorney, Assessor, Assessor's Aide

1. Discussion relating to the proposed acquisition, sale or lease of real property.

Motioned by Councilor
Seconded by Councilor

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:41 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

No action was taken.

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned at 8:41p.m.

CITY OF ONEIDA

Susan Pulverenti
City Clerk