

**MINUTES OF THE COMMON COUNCIL
DECEMBER 15, 2015**

A meeting of the Common Council of the City of Oneida, NY was held on the fifteenth day of December, 2015 at 6:30 o'clock P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

Meeting was called to order by Mayor Alden Smith

PRESENT: Councilors Brahim Zogby, Michael Bowe, Erwin Smith, Helen Acker, James Chamberlain and Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Comptroller Linda Pease
Director of Parks and Recreation Luke Griff
Fire Chief Kevin Salerno
Supervisor John Reinhardt
Councilor-elect Alan Cohen
Supervisor-elect Joseph Magliocca

OLD BUSINESS

Councilor Zogby inquired if there were any updates on the solar initiative, and the Mayor replied no. The City Attorney said there has been no word on the litigation either.

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the regular meeting minutes of December 1, 2015, and special meetings of November 18, 2015, November 24, 2015, November 30, 2015 and December 7, 2015 be hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Simchik
Seconded by Councilor Chamberlain

RESOLVED, that Warrant No. 24 checks and ACH payments in the amount of \$476,466.75, 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

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

RESOLVED, that Check No. 54285 (Oneida Office Supply) in the amount of \$299.50, as audited by the Voucher Committee, is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5
Nays: 0
Abstain: 1 (Acker)

MOTION CARRIED

Before the budget went to a vote, Councilor Acker thanked the Council for working diligently to try to do what is in the best interest of the citizens of City.

ADOPT THE 2016 CITY OF ONEIDA BUDGET – MOTION FAILED

RESOLUTION 15-286

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, that agreeable to the estimates of the expenses and disbursements for the year 2016 constituting the budget, including Capital Plan, for the City of Oneida, the same is hereby approved by the Common Council on the 15th day of December, 2015 as set forth in the minutes of this meeting; there shall be levied and raised on the taxable property of the entire city, not including pension, pastor and over sixty-five (65) exempt property as follows:

Total Gross Budget - \$18,294,037

Less estimated revenues - \$14,243,910

Taxable balance - \$4,050,127

Of which \$2,150,608 shall be levied on the entire city establishing a tax rate of \$4.596955 per thousand and \$1,483,079 shall be levied on the corporation tax district at a rate of \$4.490575 per thousand; thereby establishing a combined rate of \$9.08753 per thousand inside tax district; **and be it further**

RESOLVED, that \$380,900 shall be levied and a rate of \$3.444433 per thousand shall be established for the outside fire district, **and be it further**

RESOLVED, that \$35,540 shall be levied and a rate of \$.08737 per thousand shall be established for hydrant tax, **and be it further**

RESOLVED, that the total tax levy for the City of Oneida 2016 budget is \$4,050,127.

Councilor Zogby – No

Councilor Bowe – No

Councilor Smith – No

Councilor Acker – Yes

Councilor Chamberlain – No

Councilor Simchik – Yes

MOTION FAILED

Deputy Mayor Acker said Section C4-6 of the NYS Charter authorizes an annual tax levy of amounts estimated to be necessary for the payment of expenses of the city during the ensuing fiscal year. Section C4-7 provides for the adoption of a budget determining the total amount to be raised in the annual tax levy. As a general rule, no moneys may be expended by any municipality unless there is an appropriation of funds out of which such moneys may be paid. Those funds are made available at the beginning of the fiscal year by the adoption of the budget, which is, in effect, the authorization for the expenditure of the amounts set forth therein for the purposes enumerated. Councilor Acker said without an appropriation resolution (budget), there is no authority for the expenditure of any city moneys for any purpose whatsoever. Therefore, neither payroll payments nor other payments for goods or services may be made until such time as a budget has been adopted and funds are legally available for expenditure.

In response to a question from the Mayor, City Clerk Sue Pulverenti said Madison County has their meeting December 22, 2015, where the City's budget and tax rate will be acknowledged; so the County would need to have the information by Thursday, at the latest, to be placed on their agenda. If the tax rate is not set, the City Clerk said she assumes that the County would send out the January 1st tax bills for the County and library only. Then when the City finalizes their budget, the City would most likely have to pay the County to print/mail the City tax bills separately. The City Clerk said not only will the City not be paying any bills without a budget in place, but there will not be any monies coming into the City for taxes either.

Mayor Smith said this impasse has to be settled, so the City can move forward and conduct its business. Councilor Zogby suggested returning to the budget discussion after the rest of the agenda has been completed, and the Council agreed.

ZONING MAP AMENDMENT REQUEST

RESOLUTION 15-287

Moved by Councilor Zogby

Seconded by Councilor Smith

RESOLVED, that a letter and site plan map from Todd Schaal, MEID, LLC, 1341 Middle Rd., Oneida NY 13421 requesting a zone change from Light Industrial to Commercial on a portion of the parcel located at 368 Lenox Ave., Oneida, **and be it further**

RESOLVED, that said request be referred to the Planning Commission for recommendation.

Ayes: 6

Nays: 0

MOTION CARRIED

Mayor Smith said this is a wonderful development that is taking place, and a part of this parcel is zoned one way and part is zoned another. In response to a question, City Attorney Bell said the contractor can request the zone change with the authority of the owner. Mayor Smith said this is on the agenda of the Planning Commission for tomorrow evening.

RESOLUTION AND DECLARATION OF OFFICIAL INTENT TO LEASE CODES VEHICLE

RESOLUTION 15-288

Moved by Councilor Simchik
Seconded by Councilor Bowe

Lessee: CITY OF ONEIDA
Principal Amount Expected To Be Financed: \$22,406.40

WHEREAS, the above Lessee is a political subdivision of the state in which Lessee is located (the “State”) and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee (“Governing Body”) is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines the execution of one or more lease-purchase agreements (“Equipment Leases”) in the principal amount not exceeding the amount stated above (“Principal Amount”) for the purpose of acquiring the property generally described below (“Property”) and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

Brief Description of Property: 2015 F-150 Truck – Code Vehicle

WHEREAS, First Niagara Leasing, Inc. (“Lessor”) is expected to act as the Lessor under the Equipment Leases.

WHEREAS, the Lessee may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases (“Lease Purchase Proceeds”) for such expenditures and such expenditures are not expected to exceed the Principal Amount.

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Lessee:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Lessee. Execution of the Equipment Leases will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Section 2. The Lessee is hereby authorized to acquire and install the Property (the “Project”) and is hereby authorized to finance the Project by entering into the Equipment Leases. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

Section 3. The Mayor, (an “Authorized Representative”) acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute general obligations of the lessee or indebtedness under the Constitution or laws of the State.

Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is] (3) years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of (3) years.

Section 9. The Governmental Body has determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11. BANK QUALIFIED: LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b)(3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF ITS OBLIGATIONS AS QUALLIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDER YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDER YEAR WILL NOT EXCEED \$10,000,000.

Section 12. The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 13. This resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or Section 109-b of the General Municipal Law.

Section 14. This Resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED on this 15th day of December, 2015.

Ayes: 6

Nays: 0

MOTION CARRIED

In response to Councilor Bowe's question, City Engineer Jon Rauscher said there was an issue with the State Bid, and it took an extremely long time to secure this vehicle.

AMUSEMENT DEVICE LICENSE

RESOLUTION 15-289

Moved by Councilor Smith

Seconded by Councilor Simchik

RESOLVED, that the following 2016 Amusement Device License be hereby approved:

- Ye Olde Pizza Pub, Inc., 403 Lenox Ave., Oneida NY 13421

Ayes: 6

Nays: 0

MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 15-290

Moved by Councilor Chamberlain

Seconded by Councilor Zogby

RESOLVED, that the monthly reports from the Chamberlain, City Clerk, Comptroller, Director of Planning and Development, Fire Chief, Police Chief, and Recreation Director are hereby received and placed on file.

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Acker said the Council never receives a report from the Code's Officer, and the City Clerk said those reports should come from the Code's Officer's department head in Engineering and/or Fire. City Engineer Rauscher said he has an internal report that he receives, and he will share that with the Council. Mayor Smith said there were several nice letters of commendations from residents to the Police Department regarding performance, and the Mayor gave kudos to the Police Department. Councilor Acker said one couple has a sign in front of their home thanking the police.

AUTHORIZE MEDICARE PART B REIMBURSEMENT PAYMENTS TO RETIREES

RESOLUTION 15-291

Moved by Councilor Chamberlain

Seconded by Councilor Bowe

RESOLVED, that the City Comptroller be, and hereby is authorized and directed, throughout the period from January 1, 2016 to December 31, 2016, to reimburse the cost of Medicare Part B coverage to all eligible retired City employees and eligible dependents, regardless of union or non-union affiliation, in accordance with the provisions regarding such reimbursement as set forth in the current contracts of CSEA, Inc., Local 1000 AFSCME and Oneida Paid Firefighters Association Local 2692, **and be it further.**

RESOLVED, that the City Comptroller be, and hereby is authorized and directed, throughout the period from January 1, 2016 to December 31, 2016, to reimburse the cost of Medicare Part B coverage to all eligible retired City employees and eligible dependents, who retired prior to July 1, 2015, regardless of whether said retiree and any eligible dependent is enrolled in the City's Medicare Advantage & Prescription Program.

Ayes: 4

Nays: 1 (Acker)

Abstain: 1 (Smith)

MOTION CARRIED

Councilor Bowe asked the Comptroller what the cost savings to the City would be if they pulled out of the City's policy, and Comptroller Pease said she has seen the figure \$20K for family and \$10K single, but she is not sure if that includes the premiums back to the City. Jim Bacher, Oneida, said that the premium for individual Medicare retirees is about \$140 a month, with a spouse \$280, so the savings for the year would be about \$2,500. The Comptroller said that in the recently settled CSEA contract, the Medicare Part B coverage reimbursement was removed and inquired if this Resolution brings it back. The City Clerk said this Resolution affects those who retired prior to July 1, 2015; those who retire after that date, according to the new contracts, will not be entitled to the reimbursement. The Mayor said the key word is "eligible" retirees. Councilor Zogby thanked former City Engineer Jim Bacher for bringing this to the Council's attention.

ADVERTISE FOR BIDS

RESOLUTION 15-292

Moved by Councilor Chamberlain

Seconded by Councilor Simchik

RESOLVED, to authorize the Purchasing Agent to advertise for bids for Water Meters for 2016.

Ayes: 6
Nays: 0

MOTION CARRIED

**AGREEMENT TO ACCEPT LAND DONATION FOR
THE ONEIDA RAIL TRAIL - DURKEE**

RESOLUTION 15-293

Moved by Councilor Smith
Seconded by Councilor Chamberlain

WHEREAS, the City of Oneida Common Council has instituted a project, known as the “Oneida Rail Trail,” to establish a trail, sufficient for pedestrian traffic, bicycles and persons on skis, using the former railroad corridor, the purpose of which is to connect the community; **and**

WHEREAS, because the former railroad corridor currently crosses private property, it is necessary for the City of Oneida to acquire an interest from the owners of such private property, either by deed or easement, so as to facilitate construction, maintenance and improvement efforts; **and**

WHEREAS, certain owners of such private property have expressed a willingness to assist the City in its effort to establish the Oneida Rail Trail and enter into an agreement whereby their interest in private property shall be conveyed to the City; **and**

WHEREAS, Ronald J. Durkee and Jeanne A. Durkee, title owners of real property situated at 547 Seneca Street, in the City of Oneida, have agreed to donate a portion of such land, measuring 30 feet in width, to the City in accordance with the terms of the Agreement attached hereto and made a part hereof; **and**

WHEREAS, the City of Oneida Common Council does hereby desire to accept the aforementioned donation and enter into the contemplated Agreement with Ronald J. and Jeanne A. Durkee; **now therefore be it**

RESOLVED, that the Common Council does hereby authorize the Mayor to sign the aforementioned Agreement, in the form attached, with Ronald J. Durkee and Jeanne A. Durkee to accept a donation of land, measuring 30 feet in width, from property situated at 547 Seneca Street, Oneida NY 13421, which shall be used for the Oneida Rail Trail; **and be it further**

RESOLVED, that the Common Council does further authorize the Mayor, with the assistance of the Planning Department to obtain a survey, with legal description, for the land to be donated and secure the necessary subdivision approval from the City of Oneida Planning Commission to effectuate the aforementioned donation; **it is further**

RESOLVED, that the Mayor is further authorized to execute such documents, which may include, but is not limited to, any deed that is necessary to effectuate the transfer of title in the aforementioned property to the City of Oneida; **and be it further**

RESOLVED, that the City Attorney is hereby authorized to prepare any and all documents relative to the aforementioned donations of property for execution by the Mayor.

Ayes: 6
Nays: 0

MOTION CARRIED

**AGREEMENT TO ACCEPT LAND DONATION FOR
THE ONEIDA RAIL TRAIL – PERRETTA**

RESOLUTION 15-294

Moved by Councilor Smith
Seconded by Councilor Chamberlain

WHEREAS, the City of Oneida Common Council has instituted a project, known as the “Oneida Rail Trail,” to establish a trail, sufficient for pedestrian traffic, bicycles and persons on skis, using the former railroad corridor, the purpose of which is to connect the community; **and**

WHEREAS, because the former railroad corridor currently crosses private property, it is necessary for the City of Oneida to acquire an interest from the owners of such private property, either by deed or easement, so as to facilitate construction, maintenance and improvement efforts; **and**

WHEREAS, certain owners of such private property have expressed a willingness to assist the City in its effort to establish the Oneida Rail Trail and enter into an agreement whereby their interest in private property shall be conveyed to the City once the City has obtained agreements from all parties across whose property the Rail Trail shall pass; **and**

WHEREAS, Sandra Marie Perretta, title owner of real property situated at 311 Summit Avenue, in the City of Oneida, has agreed to donate a portion of such land, measuring 25 feet in width, to the City in accordance with the terms of the Agreement attached hereto and made a part hereof; **and**

WHEREAS, the City of Oneida Common Council does hereby desire to accept the aforementioned conveyance and enter into the contemplated Agreement with Sandra Marie Perretta, **now therefore be it**

RESOLVED, that the Common Council of the City of Oneida does hereby authorize the Mayor to sign the aforementioned Agreement, in the form attached, with Sandra Marie Perretta to accept a donation of land, measuring 25 feet in width, from property situated at 311 Summit Avenue, Oneida NY 13421, which shall be used for the Oneida Rail Trail; **and be it further**

RESOLVED, that the Common Council does further authorize the Mayor, with the assistance of the Planning Department to obtain a survey, with legal description, for the land to be donated and secure the necessary subdivision approval from the City of Oneida Planning Commission to effectuate the aforementioned donation; **it is further**

RESOLVED, that the Mayor is further authorized to execute such documents, which may include, but is not limited to, any deed that is necessary to effectuate the transfer of title in the aforementioned property to the City of Oneida; **and be it further**

RESOLVED, that the City Attorney is hereby authorized to prepare any and all documents relative to the aforementioned donations of property for execution by the Mayor.

Ayes: 6

Nays: 0

MOTION CARRIED

APPOINTMENT TO RECREATION COMMISSION

Moved by Councilor Chamberlain

Seconded by Councilor Acker

RESOLUTION 15-295

RESOLVED, that the Common Council hereby approves the Mayor's appointment of Brendan Farnach, 545 Broad Street, Oneida NY to the Recreation Commission for a three-year term.

Ayes: 5

Nays: 1 (Bowe)

MOTION CARRIED

Councilor Bowe questioned this appointment and others so late in his term, noting however, that the Mayor has the authority to do so. The City Clerk said the terms for Recreation Commission members expire on December 31. The Mayor said the proposed appointment of Mr. Farnach was brought to him by the Recreation Director and Commission. Mr. Farnach is a resident of Oneida with children who use the Recreation Department, and he has been actively involved with the department.

BUDGET TRANSFERS AND AMENDMENTS

RESOLUTION 15-296

Moved by Councilor Simchik

Seconded by Councilor Chamberlain

RESOLVED, to approve the following budget transfers:

<u>AMOUNT</u>	<u>FROM</u>	<u>BALANCE</u>	<u>TO</u>	<u>BALANCE</u>
\$10,000	001.9010.0806 (Retirement)	\$13,023.78	001.1315.0404 (Fiscal Bonding Fees)	\$13,930

(Standard and Poor's analytical charge for Bond Rating)

\$4,085	001.7521.0403	0	001.7521.0401	\$4,164
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	(Kallet Bldg. Repairs)		(Kallet Water –Chiller)	
\$4,261.55	001.9010.0806 (Retirement)	\$8,762.23	001.9950.0900 (Transfer to Capital Police Fire Arms)	\$9,376.55
\$5,150	001.9010.0806 (Retirement)	\$3,612.23	001.8389.0400 (City Water Bills)	\$5,310
\$3,612.23	001.9010.0806 (Retirement)	\$0	001.8189.0400 (City Sewer Bills)	\$3,718.73
<i>(Kallet water bill, city water and sewer bills and final transfer for police equipment 2015)</i>				
\$38.14	001.1315.0105 (Vacation Buyback)	\$277.87	001.1315.0106 (Sick Leave Buyback)	\$0
\$2,881.03	001.1620.0102 (Overtime)	\$871.97	001.1620.0106 (Sick Leave Buyback)	\$0
\$6,000.00	001.3120.0101 (Salaries)	\$169,921.83	001.3120.0115 (Health Insurance Buyout)	\$0
\$1,105.43	001.3120.0113 (Comp Buyback)	\$1,016.90	001.3120.0105 (Vacation Buyback)	\$0
\$196.38	001.3120.0113 (Comp Buyback)	\$820.52	001.3120.0104 (Holiday Buyback)	\$0
\$7,500.00	001.3410.0101 (Salaries)	\$116,144.35	001.3410.0115 (Health Insurance Buyout)	\$0
\$43.49	001.3410.0106 (Sick Leave Buyback)	\$533.66	001.3410.0105 (Vacation Buyback)	\$0
\$1,100.85	001.3620.0102 (Overtime)	\$1,129.51	001.3620.0105 (Vacation Buyback)	\$0
\$1,129.51	001.3620.0102 (Overtime)	\$0	001.3620.0106 (Sick Leave Buyback)	-\$2,824.31
\$2,824.31	001.9010.0806 (Retirement)	\$787.92	001.3620.0106 (Sick Leave Buyback)	\$0
\$1,403.08	001.5010.0101 (Salaries)	\$25,957.46	001.5010.0105 (Vacation Buyback)	\$0
\$2,000.00	001.5010.0101 (Salaries)	\$23,957.46	001.5110.0115 (Health Insurance Buyout)	\$0
\$14,063.54	001.5010.0101 (Salaries)	\$9,893.92	001.5110.0106 (Sick Leave Buyback)	\$0
\$2,027.05	001.5010.0101 (Salaries)	\$7,866.87	001.5110.0105 (Vacation Buyback)	\$0
\$2,000.00	001.7140.0104 (Pool Salaries)	\$2,406.44	001.7140.0115 (Health Insurance Buyout)	\$0
\$2,000.00	001.8020.0101 (Salaries)	\$6,732.87	001.8020.0115 (Health Insurance Buyout)	\$0
\$121.17	001.8020.0101 (Salaries)	\$6,611.70	001.8020.0105 (Vacation Buyback)	\$0
\$10,000.00	002.9060.0805 (Health Insurance)	\$37,872.02	002.8300.0115 (Health Insurance Buyout)	\$0
\$3,213.86	002.8300.0101 (Salaries)	\$68,504.50	002.8300.0105 (Vacation Buyback)	\$0
\$2,000.00	003.9060.0805 (Health Insurance)	\$13,647.39	003.8110.0115 (Health Insurance Buyout)	\$0

(To allocate to the buyback lines)

\$6,000.00	001.5010.0101.2015 (Rail Trail Support)	\$2,000.00	001.1620.0403 (Contracts)	\$6,028.49
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(Building contracts)

BE IT FURTHER RESOLVED, to approve the following budget Amendment:

\$7,642.07	001.0022.5031 (INTERFUND TRANSFER	001.3620.0200 (CODE CAR FIRST PAYMENT)
\$41,002.80	111.5110.0415 (Street Paving 2015)	

(To transfer first payment back to general fund for Code Car and to amend the Street Paving Capital Project [this project is fully reimbursable through CHIPS])

Ayes: 6

Nays: 0

MOTION CARRIED

NEW BUSINESS

Councilor Acker said this is the last regular meeting of the year. She remarked to Councilor Zogby that it was a pleasure and interesting working with him, noting they didn't always agree, but she respected his passion and commitment to the City residents. Councilor Acker thanked Mayor Smith stating that the Mayor has always had the best interest of everyone here and the citizens appreciate that.

Joe Magliocca, Oneida, thanked the Mayor and Council for their continued support of the Oneida Rail Trail project. He said the 2016 preliminary drawings and conceptual designs are on the City website. He said there will be a meeting in January to which the Council will be invited to hear the overview of these designs. Mr. Magliocca said the first segment is scheduled to open in the spring.

Councilor Bowe questioned if any of the funds from the \$500M Upstate Revitalization Award to the CNY Region were specifically for the City of Oneida. Mayor Smith explained the overall award process/objectives and said there is tremendous positive spillover for the entire area. Mayor Smith said there is room for the City to continue to ask for funding.

Barb Beuhner, Verona Street, Oneida, passionately requested that the City fix up the section of the City by and around her home. She said a lot of the properties are horrid. Mayor Smith said a significantly new tone was started in the City during his administration with houses being foreclosed on and some being torn down, and we have spent a lot of time reviewing these codes issues. He said a decision has been made to go to a full-time housing code officer and all of these things that are being done are intended to do exactly what Ms. Beuhner is speaking to. The Mayor said part of this process has to be responsibility and civic pride in your home/property. There are people who do the best they can and they should be commended, and there are others who may not care so much about how their properties look. Mayor Smith said he believes that these efforts will continue with the new administration, and they will be vigilant with insisting upon the best civic behavior.

Mayor Smith said he got involved with Council in the early 1990's believing he owed the City a debt of gratitude. He said that he supported so many civic functions (Rotary, Historical Society, Boy Scouts, Fund Raising, etc.) throughout those twenty years to say thank you to the community that allowed him to be raised in a wholesome way and gave him a great set of values. He said that he leaves office knowing that he did the best he could, though some would think harshly of him in some areas and others would say job well done in some areas. Mayor Smith said he leaves with no regrets that he hasn't put forth his best efforts. The Mayor said he believes the best of Oneida is yet to come. The Mayor said we are all neighbors, hopefully friends, and we can look beyond our differences and petty animosities and build on the best of this community. Mayor Smith said it has been a pleasure to work with the various Council members over the years, as well as the current Council. The Mayor reiterated that the best of Oneida is yet to come with faith, passion and hard work, and he received a rousing round of applause.

Councilor Acker congratulated Attorney Bell for being selected to serve as City Attorney for the next term. The Council discussed and ultimately decided on a special meeting for December 29, 2015 at 3:00 p.m. to close out the year. The City Clerk said the swearing-in ceremony is Sunday, January 3rd at 2:00 p.m.

DISCUSSION OF THE 2016 BUDGET

Deputy Mayor Acker asked each Councilor for their reasons for not voting for the budget.

Councilor Smith said that the main reason he will not vote for the budget is because of the change to the Medicare retirees insurance. He said he did not like the way this was presented. He said this should have been discussed with the unions, as some have it in their contracts. He said during the meeting with the City's broker, she stated several times this was a bad plan. Councilor Smith said there was a policy that was close to being equal to what Medicare retirees previously had, which would have saved the City \$139K, and the retirees would not have been hurt. Councilor Acker questioned if Medicare was his primary insurance, and Councilor Smith said his primary is the Humana policy the Council voted to adopt. The Comptroller said the Resolution for the insurance has already been voted on and approved, and voting down the budget will not undo that. Councilor Smith replied that he will not vote for this budget with the insurance change in it. Councilor Chamberlain said they also straw voted for the tax increase and a no vote doesn't change that either, but it put us here for discussion.

Councilor Zogby said he has one main reason for his no vote, and he has learned that unless an issue has an advocate, it doesn't really go too far; someone has to continually stay on top of something to gather support. He said he has been an advocate of looking at the City Chamberlain position, as perhaps an unnecessary position, one which has ballooned in salary since 2002 costing the City over \$100K. He said this is about an inequity where an elected official continually receives a raise because of a mistake. He said that the Mayor and Council have not received raises since 2008. Councilor Zogby said this is about an elected position in our City government, which has increased in salary every year. He proposed that if the Council rolls the Chamberlain salary to \$27K, the same as the Mayor's, he will change his vote for the budget.

Councilor Bowe said that he is not happy with the Medicare retiree insurance, there are no funds included for the Memorial Day Parade, and the crossing guards were eliminated in the middle of the school year, when he proposed doing this during the summer to have a transition time. Councilor Bowe said he recommends a 6.5% tax increase. He said it is a double hit to take away retirees insurance and raise the taxes. In response to Councilor Zogby's statement, Councilor Bowe said that in 1997, the prior City Chamberlain was earning \$38,984. He said that the current Chamberlain started out at less than that and in the 18 years she has been here, that salary has only increased \$5,000. He said he understands no one else gets increases, but he would not vote for an increase in his own pay. Councilor Bowe said he would vote for the budget if the tax increase were 6.5% or if the Council wants 8%, then the retirees should be given back their insurance.

Councilor Chamberlain said his concerns also include the insurance for the retirees. He said Option I for the Medicare retirees insurance wouldn't have hurt the retirees and would have saved the City \$130K. He said that he is not in favor of an 8% tax increase, and he recommends 6.5%. Councilor Chamberlain said having a full-time Housing Code Officer is unbelievably important, and things are not getting better. The new full-time position was briefly discussed, along with the salary amount funded in the budget for the full-time position. He said we lost our last part-time codes officer, and we are about to lose another for the same reason. Councilor Chamberlain said that he is discouraged with the Code's issue and we are not moving forward.

Mayor Smith said clearly everyone has issues they are not willing to be flexible on. He asked the Council what their fallback plan was, and how the City would move forward without a budget.

Councilor Acker said she voted in favor of the budget, as the City has to plan for the long term. She said the difference between 6.5% and 8% is \$4.00. She said she would be happy to change that for Councilor Bowe to pass the budget. Councilor Acker said the Council has to work together for the citizens and employees, and we have to look to the future. She said health insurance has gone up for everyone in the country, and a discussion about insurance costs/savings ensued once again. Donald Thorna Sr., Oneida, said he has a regular retirement salary, his social security didn't go up, and his pension is \$17K per year. Mr. Thorna said the Council is balancing the budget on his back when he didn't have any say; the Council just did this in the back room. Mr. Thorna said that is not right, and there is a lot of animosity. The Mayor said the budget has to be passed; the insurance issue is a moot point at this time. Joseph Magliocca, Oneida, said to pass this budget would require additional monies coming from the General Fund, and it is a simple comparison to take more out of the General Fund rather than not be able to operate on January 1st. Mayor Smith said if someone is not willing to compromise, the Council could be sitting at the meeting all night. City Clerk Sue Pulverenti said that a tax increase of 6.5% is \$62 on \$100K with \$454K coming from Fund Balance, and an 8% increase is \$68 on \$100K with \$398K coming from the Fund Balance. Councilor Bowe proposed making the tax rate 6.5% rather than 8%, and the Mayor asked for a roll call vote.

ADOPT THE 2016 CITY OF ONEIDA BUDGET

RESOLUTION 15-297

Moved by Councilor Bowe
Seconded by Councilor Acker

RESOLVED, that agreeable to the estimates of the expenses and disbursements for the year 2016 constituting the budget, including Capital Plan, for the City of Oneida, the same is hereby approved by the Common Council on the 15th day of December, 2015 as set forth in the minutes

of this meeting; there shall be levied and raised on the taxable property of the entire city, not including pension, pastor and over sixty-five (65) exempt property as follows:

Total Gross Budget - \$18,294,037

Less estimated revenues - \$14,300,154

Taxable balance - \$3,993,883

Of which \$2,119,284 shall be levied on the entire city establishing a tax rate of \$4.53 per thousand and \$1,463,073 shall be levied on the corporation tax district at a rate of \$4.43 per thousand; thereby establishing a combined rate of \$8.96 per thousand inside tax district; **and be it further**

RESOLVED, that \$375,986 shall be levied and a rate of \$3.40 per thousand shall be established for the outside fire district, **and be it further**

RESOLVED, that \$35,540 shall be levied and a rate of \$.08737 per thousand shall be established for hydrant tax, **and be it further**

RESOLVED, that the total tax levy for the City of Oneida 2016 budget is \$3,993,883.

Councilor Zogby – No

Councilor Bowe – Yes

Councilor Smith – No

Councilor Acker – Yes

Councilor Chamberlain – No

Councilor Simchik – Yes

Mayor Smith – Yes (to break the tie)

MOTION CARRIED

The vote on the budget was tied and per authority of the City Charter, Mayor Smith broke the tie.

Motion to adjourn by Councilor Bowe

The meeting is hereby adjourned at 7:45 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk