

**MINUTES OF THE COMMON COUNCIL
NOVEMBER 4, 2015**

A meeting of the Common Council of the City of Oneida, NY was held on the fourth day of November, 2015 at 5:00 o'clock P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

Meeting was called to order by Deputy Mayor Helen Acker

PRESENT: Councilors Brahim Zogby, Michael Bowe, Erwin Smith (arrived at 5:10 p.m.), Helen Acker, James Chamberlain, and Thomas Simchik (left the meeting at 6:45 p.m. and returned at 7:07 p.m.) Mayor Alden Smith arrived at 5:15 p.m.

ALSO PRESENT: Assessor Lonnie Stedman
City Attorney Nadine Bell
City Clerk Susan Pulverenti
Civil Service Officer Peg Margo
Comptroller Linda Pease
Deputy Comptroller Lee Ann Wells
Director of Parks and Recreation Luke Griff
Fire Chief Kevin Salerno
Police Chief David Meeker
Public Safety Commissioner Mike Kaiser
Supervisor John Reinhardt
Councilor-Elect Al Cohen
Supervisor-Elect Joseph Magliocca

EXECUTIVE SESSION

RESOLUTION 15-236

Moved by Councilor Zogby
Seconded by Councilor Simchik

RESOLVED that the meeting is hereby adjourned to Executive Session at 5:00 p.m. for the purpose of discussion relating to collective negotiations pursuant to Article 14 of the Civil Service Law.

Ayes: 4
Nays: 1 (Bowe)
Absent: 1 (Smith)

MOTION CARRIED

PRESENT: Mayor, Councilors, City Clerk, Civil Service Officer, and Insurance Representatives Cindy Wise, Rena Hart, and Donna Neal

1. Discussion relating to collective negotiations pursuant to Article 14 of the Civil Service Law.

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 6:43 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

PUBLIC HEARING

RESOLUTION 15-237

Moved by Councilor Acker

Seconded by Councilor Smith

RESOLVED, the Public Hearing on the Proposed Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c be hereby opened at 6:45 p.m.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

APPEARANCES: None

Councilor Bowe said the tax cap rate is \$1.0073, and the Comptroller added that is only if the budget stands as is. Mayor Smith said this is typically done in case this is found to be a necessary tool needed during the budget process. Councilor Zogby said that when he first became a Councilor, they were advised at a NYCOM meeting that each year it is wise to annually authorize a property tax levy in excess of the limit established in General Municipal Law. This serves as an insurance policy should NYS ever audit the City, which could happen five or six years after the fact, and then decides the City was not in compliance. The City would have to pay back that money, along with fines. Councilor Zogby said the intention is not to raise taxes, but this is why this step is taken.

Moved by Councilor Smith

Seconded by Councilor Acker

RESOLVED, the Public Hearing on the Proposed Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c be hereby closed at 6:50 p.m.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

OLD BUSINESS

Solar Initiative

Councilor Zogby questioned if there was any new information to provide relative to the solar initiative and Mayor Smith replied no.

Moved by Councilor Acker

Seconded by Councilor Bowe

RESOLVED, that the regular meeting minutes of October 20, 2015 be hereby approved as presented.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)

MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that Warrant No. 21 checks and ACH payments in the amount of \$2,024,585.90, 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
Absent: 1 (Simchik)

MOTION CARRIED

Moved by Councilor Smith
Seconded by Councilor Bowe

RESOLVED, that Check No. 54120 (Oneida Office Supply) in the amount of \$274.34, as audited by the Voucher Committee, is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 4
Nays: 0
Absent: 1 (Simchik)
Abstain: 1 (Acker)

MOTION CARRIED

MISCELLANEOUS UTILITY BILLING

RESOLUTION 15-238

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that the City of Oneida Miscellaneous Utility Billing for unpaid service charges, water rents and sewer taxes be hereby received and placed on file, **and be it further**

RESOLVED, that authorization is hereby given to include said charges in the 2015 assessment roll to be re-levied onto the 2016 tax roll, **and be it further**

RESOLVED, that a Public Hearing will be held on the aforementioned Miscellaneous Utility Billing on November 17, 2015 at 6:30 p.m. in the Council Chambers at the Oneida Municipal Building at 109 N. Main St., Oneida, NY.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)

MOTION CARRIED

Councilor Acker said that the amount to be relieved this year is \$62,939.64.

2016 CITY OF ONEIDA MAYOR'S BUDGET

RESOLUTION 15-239

Moved by Councilor Acker
Seconded by Councilor Zogby

RESOLVED, that the 2016 City of Oneida Mayor's Budget be hereby received and placed on file, **and be it further**

RESOLVED, that a Public Hearing on the proposed 2016 City of Oneida Mayor's Budget shall be held on November 17, 2014 at 6:30 p.m. in the Council Chambers, Oneida Municipal Building at 109 N. Main St., Oneida, NY.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)

MOTION CARRIED

LOCAL LAW TO AMEND THE CITY OF ONEIDA CHARTER

RESOLUTION 15-240

Moved by Councilor Smith
Seconded by Councilor Zogby

RESOLVED, to receive and place a file a proposed Local Law to Amend the City of Oneida Charter, Article V. Budget Financial Administration, Section 5.26 Board of Assessment Review, Section A. as follows:

**LOCAL LAW TO AMEND CHAPTER C. CHARTER
ARTICLE V. BUDGET FINANCIAL ADMINISTRATION
§5.26 BOARD OF ASSESSMENT REVIEW**

SECTION 1. So that §5.26 titled "Board of Assessment Review" shall be amended so as to read as follows:

Section 5.26 Board of Assessment Review

A. There shall be a Board of Assessment Review appointed by the Common Council to consist of *three* members who shall be appointed in accordance with the Real Property Tax Law and shall have all the powers and duties prescribed therein. Compensation for each member of the Board of Assessment Review shall be established by resolution of the Common Council.

SECTION 2. EFFECTIVE DATE

This Local Law shall be effective on January 1, 2016 and upon filing with the Office of the Secretary of State.

BE IT FURTHER RESOLVED that a Public Hearing on the above-mentioned proposed Local Law be hereby scheduled for November 17, 2015 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida, NY.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

Assessor Stedman said that it is difficult to find people to serve on the Board. He said that if the City goes through certioraris, they could be challenged because the Charter currently states five members. The City Attorney said because the Charter currently states five members, the vacancies would serve as “no” votes. You would have to have the other three unanimous to have any motion to pass.

WATER AGREEMENTS

RESOLUTION 15-241

Moved by Councilor Acker
Seconded by Councilor Bowe

RESOLVED, to authorize the Mayor to sign the following agreements:

- 2016 Stockbridge Maintenance Agreement
- 2016 Prospect Street Maintenance Agreement
- 2016-2019 NYS Troop D Headquarters Hydrant Agreement

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

PAC 10 AGREEMENT

RESOLUTION 15-242

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, to authorize the Mayor to sign a three-year agreement with PAC 10 Inc. to provide video recording service to the City for regular and special Common Council Meetings.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

Mayor Smith and Councilor Acker gave a shout out to Bruce Burke to thank him for his services.

ADVERTISE FOR BIDS

RESOLUTION 15-243

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, to authorize the Purchasing Agent to advertise for bids for Caustic Soda, Chlorine, Aluminum Sulfate, Liquid Zinc Orthophosphate and Liquid Polyphosphate.

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

BUDGET TRANSFERS

RESOLUTION 15-244

Moved by Councilor Zogby
Seconded by Councilor Smith

RESOLVED, to approve the following budget transfers:

	FROM	BALANCE	TO	BALANCE
\$2,500	001.3410.0101 (Fire Salaries)	\$297,894.41	001.3410.0113 (Fire Disability 207A)	\$2,138.46

(To cover increase per contract (original transfer all went to fire salaries))

\$326.17	001.3410.0438 (Fire Marshall Account)	\$0	001.3410.0200 (Fire Equipment)	\$15,028.55
\$405.82	001.3410.0413 (Fire Training)	\$0	001.3410.0200 (Fire Equipment)	\$15,434.37
\$3,820.70	001.3410.0400 (Fire SCBA)	\$0	001.3410.0200 (Fire Equipment)	\$19,255.07

(To transfer money back into equipment for monies that were transferred out for the rescue).

Ayes: 5
Nays: 0
Absent: 1 (Simchik)
MOTION CARRIED

NORTHLAND COMMUNICATIONS AGREEMENT

RESOLUTION 15-245

Moved by Councilor Bowe
Seconded by Councilor Acker

RESOLVED, authorize the Mayor to sign a contract with Northland Communications, 317 Court Street, Utica, NY 13502 to provide telephone and internet service to the Municipal Building, Fire Department and Police Department.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

Councilor Acker said this agreement will save the City \$100 a month over the last rate the City was paying.

GLENMORE DAM IMPROVEMENTS

RESOLUTION 15-246

Moved by Councilor Smith

Seconded by Councilor Bowe

RESOLVED, to authorize the Mayor to sign the NYS Department of Environmental Conservation Water Withdrawal Application Supplement WW-1, Joint Application Form, and the Permission to Inspect Property Form for improvements to the Glenmore Dam in the Town of Annsville.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

Councilor Zogby inquired if there were any grants available for these improvements.

RESOLUTION OF REQUEST BY THE CITY OF ONEIDA COMMON COUNCIL TO BE MADE WHOLE BY MADISON COUNTY FOR ALL TAXES UNPAID TO THE CITY FOR THE ONEIDA INDIAN NATION PARCELS SITUATED WITHIN THE CITY OF ONEIDA LIMITS

RESOLUTION 15-247

Moved by Councilor Acker

Seconded by Councilor Smith

WHEREAS, the City of Oneida and the Oneida Indian Nation executed an agreement on May 15, 2006 wherein the City of Oneida received a lump sum payment of \$5,088,985.46 from the Oneida Nation, and the City of Oneida, upon its own motion, disbursed payment to Madison County in the amount of \$1,459,581.40 as reimbursement for uncollected property tax revenue; **and**

WHEREAS, the City of Oneida, on its own motion, provided an annual payment to the County of Madison, commencing in 2006 and continuing through 2014, for annual property taxes from monies received by the City of Oneida from the Oneida Nation per the aforementioned May 15, 2006 agreement; **and**

WHEREAS, New York State negotiated a Settlement Agreement with the Oneida Indian Nation, the State of New York, the County of Madison and the County of Oneida, which was approved

on May 30, 2013 by the County of Madison, whereby the City's prior May 2006 agreement with the Oneida Indian Nation was declared null and void; **and**

WHEREAS, the aforementioned Settlement Agreement included a one-time distribution of Eleven Million Dollars (\$11,000,000) in full compensation of all existing tax liens that Madison County claimed as against the Oneida Nation and in full satisfaction of tax revenues of any kind the Counties did not receive from the Oneida Nation; **and**

WHEREAS, despite the City of Oneida's annual reimbursement to the County of Madison over an eight (8) year period for tax monies not realized, the City of Oneida did not receive any compensation from said Eleven Million Dollar (\$11,000,000) payment to Madison County for tax revenues the City of Oneida would not receive; **and**

WHEREAS, the Madison County Board of Supervisors at the October 13, 2015, Board Meeting approved Resolution No. 414-15 authorizing the Madison County Treasurer to disburse grant sums to each municipality, as described in the "Schedule of Parcels and Payments," that were allegedly intended to equal lost property taxes for certain Oneida Indian Nation parcels; **and**

WHEREAS, in accordance with such "Schedule of Parcels and Payments," the City of Oneida is to receive a one-time payment of \$106,122.90 on or about March 31, 2016; **and**

WHEREAS, the expected amount of \$106,122.90 does not include any reimbursement for taxes for special districts, fire, hydrant, or the Library, which total approximately \$67,000.00, which sum the Oneida Indian Nation had, under the May 2006 agreement, previously paid to the City of Oneida; **now therefore be it**

RESOLVED, that the City of Oneida Mayor and Common Council do hereby respectfully request that the City of Oneida be made whole for all taxes unpaid to the City for the Oneida Indian Nation parcels situated within the City of Oneida limits, and further requests that the Madison County Board of Supervisors amend Resolution No. 414-15, so as to reflect such full amount of tax monies to be reimbursed to the City of Oneida; **and be it further**

RESOLVED, that this Resolution shall take effect immediately, and that the Oneida City Clerk is hereby instructed to forward a certified copy of this Resolution to Governor Andrew M. Cuomo, Senator David J. Valesky, Assemblyman William Magee, Madison County Chairman John M. Becker and the Madison County Board of Supervisors.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

MOTION CARRIED

Supervisor-Elect Magliocca said that he is a big fan of this Resolution. Supervisor John Reinhardt stated that there will be another Resolution to pay the City and towns any special assessments, noting this was an oversight on the County's part. He said that this will be an annual Resolution from the County, and it will be bulked together in one Resolution next year.

NEW BUSINESS

"No-Shave November"

Councilor Bowe said that he is joining with Oneida City Police Department for "No-Shave November" to raise money for the Kadya Depasquale fund, who was the lone survivor of a crash that took the lives of

his mother and sister. Councilor Bowe said it is one dollar a day to participate or \$30 for the month. Councilor Chamberlain said that he has donated \$20 to this worthy cause and stated if Councilors donate \$20.00 each, he will match that amount.

Youth Basketball Program

Recreation Director Luke Griff asked the Council if he could add an additional item to the agenda. He would like to request that the Mayor be authorized to sign a contract with alphaBasketball to work with the youth basketball program. They will provide a coaching platform and structured curriculum for kids in grades kindergarten through sixth grade. This will get all the coaches on the same page with teaching all the same skills. The Director said he estimates the cost to be \$1,000, and he has the funds available in his budget. The cost is \$5.00 per child and \$25.00 per coach with approximately 120 to 150 expected to participate in the youth basketball program. Director Griff said he will be looking for sponsors for this program for next year. The Mayor said that he endorses this structured program. Councilor Bowe stated that it is good to have direction.

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 15-248

Moved by Councilor Bowe
Seconded by Councilor Acker

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

RECREATION AGREEMENT

RESOLUTION 15-249

Moved by Councilor Acker
Seconded by Councilor Bowe

RESOLVED, to authorize the Mayor to sign an agreement with alphaBasketball (Alpha Youth Sports, Inc.) to improve the City's Youth Basketball Program by providing a curriculum and coaching platform at a cost of \$5.00 per child and \$25.00 per coach.

Ayes: 6
Nays: 0

MOTION CARRIED

NEW BUSINESS

Youth Basketball Program

Kelly Lewin, Oneida, asked if the Department works with the high school or seventh and eighth grade coaches. Director Griff said he will look into that possibility, as currently there is no interaction. This is a highly recommended program where 99% of the coaches gave positive feedback. Mayor Smith said there is a big separation between kindergarten kids and high school. Dave Cimpi, Oneida, said the Little

League used to work with the coaches at the high school for clinics. Director Griff said this is not a clinic, this is for the whole year's program.

Madison County 2016 Budget

Supervisor-Elect Magliocca said that on Monday, November 9, 2015, Madison County's budget will be presented, and the Public Hearings will be on Tuesday, November 17, 2015 at 10:10 a.m. and 6:00 p.m. The City's public hearing is at 6:30 p.m. the same evening. He said the County is not funding any educational grants this year. He said that the Oneida City School District was shorted \$480K this year, which is unsustainable. He asked residents to go to the Board and request that those monies to the schools be put back in place.

EXECUTIVE SESSION

RESOLUTION 15-250

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:22 p.m. for a personnel matter within the Fire Department and discussion relating to collective negotiations pursuant to Article 14 of the Civil Service Law and for a personnel issue in the Fire Department.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Clerk, City Attorney

1. Discussion relating to collective negotiations pursuant to Article 14 of the Civil Service Law
2. Discussion relating to a personnel issue in the Fire Department

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:35 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

**A RESOLUTION TO APPROVE A CHANGE IN HEALTH INSURANCE PROVIDERS FOR
CITY MEDICARE RETIREES - OPTION 1**

RESOLUTION 15-251

Motioned by Councilor Bowe
Seconded by Councilor Chamberlain

WHEREAS, the City is currently enrolled in Excellus Medicare Blue PPO and Excellus Medicare Supplement & Part D for the benefit of its Medicare retirees, **and**

WHEREAS, premiums for the Humana Medicare Advantage Plan with Drugs (MAPD (passive PPO w/RX) Option 1) are substantially lower than those paid for the current Medicare retiree health insurance plan, **and**

WHEREAS, in order to accept the premium quote currently offered for the Humana MAPD (passive PPO w/RX) Option 1, the City must give notice to the Humana MAPD (passive PPO w/RX) Option 1 by November 6, 2015 for enrollment January 1, 2016, **now therefore be it**

RESOLVED, that the City shall give notice of intent and withdraw from the current Excellus Medicare Blue PPO and Excellus Medicare Supplement & Part D Plans effective December 31, 2015 and enroll in the Humana MAPD (passive PPO w/RX) Option 1 effective January 1, 2016 for the benefit of all covered City Medicare retirees, **and be it further**

RESOLVED, that the Mayor be hereby authorized, on behalf of the City, to execute such documents and give such notices as may be required to effectuate the change in health insurance providers as contemplated herein.

Councilor Zogby – No

Councilor Bowe – Yes

Councilor Smith – Abstain

Councilor Acker – No

Councilor Chamberlain – Yes

Councilor Simchik – No

MOTION FAILED

**A RESOLUTION TO APPROVE A CHANGE IN HEALTH INSURANCE PROVIDERS FOR
CITY MEDICARE RETIREES - OPTION 3**

RESOLUTION 15-252

Motioned by Councilor Acker

Seconded by Councilor Simchik

WHEREAS, the City is currently enrolled in Excellus Medicare Blue PPO and Excellus Medicare Supplement & Part D for the benefit of its Medicare retirees, **and**

WHEREAS, premiums for the Humana Medicare Advantage Plan with Drugs (MAPD (passive PPO w/RX) Option 3) are substantially lower than those paid for the current Medicare retiree health insurance plan, **and**

WHEREAS, in order to accept the premium quote currently offered for the Humana MAPD (passive PPO w/RX) Option 3, the City must give notice to the Humana MAPD (passive PPO w/RX) Option 3 by November 6, 2015 for enrollment January 1, 2016, **and**

RESOLVED, that the City shall give notice of intent and withdraw from the current Excellus Medicare Blue PPO and Excellus Medicare Supplement & Part D Plans effective December 31, 2015 and enroll in the Humana MAPD (passive PPO w/RX) Option 3 effective January 1, 2016 for the benefit of all covered City Medicare retirees, **and be it further**

RESOLVED, that the Mayor be hereby authorized, on behalf of the City, to execute such documents and give such notices as may be required to effectuate the change in health insurance providers as contemplated herein.

Councilor Zogby – Yes
Councilor Bowe – No
Councilor Smith – Abstain
Councilor Acker – Yes
Councilor Chamberlain – No
Councilor Simchik – Yes
Mayor Smith – Yes (Mayor broke the tie)

MOTION CARRIED

FIRE CHIEF BENEFIT

RESOLUTION 15-253

Motioned by Councilor Zogby
Seconded by Councilor Acker

WHEREAS, per Common Council Resolution 13-298, the base salary for Fire Chief Kevin Salerno was set at \$76,500 and longevity of 20 years was to be paid at the rate of \$1,500, as specified in the Management Handbook, **and**

WHEREAS, Common Council Resolution 13-98 afforded Fire Chief Kevin Salerno the same benefit as per Section 6 of the Oneida Paid Firefighters Association Local 2692 contract dated January 1, through December 21, 2013, **and**

WHEREAS, the Oneida Paid Firefighters Association Local 2692 contract dated January 1, through December 21, 2013 has expired and a new contract has been negotiated for January 1, 2014 through December 31, 2016, **and**

WHEREAS, the intent of Resolution 13-298 was to afford Fire Chief Kevin Salerno the same benefit as per Section 6 he would have received should he have remained as Deputy Chief, **now therefore be it**

RESOLVED, that Fire Chief Kevin Salerno shall be afforded the following benefit as per Section 6 of the Oneida Paid Firefighters Association Local 2692 contract that is in effect at the time of his retirement from the City.

An employee who retires after April 30, 2012 may, at the time of retirement from the City, convert sixty percent 60% (effective 1/1/2015, 70%) of his unused accumulated sick leave into earned vacation time up to 1,000 hours, not to exceed 600 (700 effective 1/1/2015) converted hours of vacation time. Any unused sick leave in excess of 1,000 hours shall be placed in a sick leave bank, not to exceed 1200 hours (800 hours for new employees hired after April 30, 2012, at the employee's hourly rate at the time of retirement to be credited against the employee's monthly health insurance premium costs and/or used toward the retired employee's Medicare Part B premium payment during the period of the employee's retirement.

An employee who elects not to receive payment for sick leave conversion into vacation time may place a maximum of 1300 hours into the sick leave bank (1100 hours for new employees hired after the date of complete execution of this agreement), to be credited against the employee's health insurance premiums during the period of the employee's retirement.

The value of the bank and monthly record of deductions shall be maintained by the personnel and/or finance offices. Once the bank is exhausted, the retiree shall be notified of any future payments due.

Ayes: 6

Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Bowe

The meeting is hereby adjourned at 8:45 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk