

**MINUTES OF THE COMMON COUNCIL
DECEMBER 2, 2014**

A meeting of the Common Council of the City of Oneida, NY was held on the second day of December, 2014 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 Alden M. Smith

PRESENT: Councilors Brahim Zogby, Michael Bowe, Erwin Smith, Helen Acker, James Chamberlain and Thomas Simchik (arrived at 6:35 p.m.)

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Civil Service Officer Peg Margo
Comptroller Linda Pease (arrived at 7:02 p.m.)
Director of Parks & Recreation Lucas Griff
Fire Chief Kevin Salerno
Police Chief David Meeker
Public Safety Commissioner Michael Kaiser
Supervisor John Reinhardt

PUBLIC HEARINGS ON PROPOSED LOCAL LAWS

***PROPOSED LOCAL LAW TO AMEND CHAPTER 9
TITLED "ALCOHOLIC BEVERAGES" OF THE CITY CODE***

RESOLUTION 14-269

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the Public Hearing on the proposed Local Law to Amend Chapter 9 titled "Alcoholic Beverages" of the City Code to impose penalties for offenses be hereby opened at 6:32 p.m.

APPEARANCES: None

RESOLVED, that the Public Hearing on the proposed Local Law to Amend Chapter 9 be hereby closed at 6:33 p.m.

PROPOSED LOCAL LAW TO AMEND CHAPTER 85 OF THE CITY CODE

RESOLVED, that the Public Hearing on the proposed Local Law to Amend Chapter 85 titled "Junkyards" of the City Code to impose penalties for offenses be hereby opened at 6:33 p.m.

APPEARANCES: None

RESOLVED, that the Public Hearing on said Local Law to Amend Chapter 85 be hereby closed at 6:34 p.m.

***PROPOSED LOCAL LAW TO AMEND CHAPTER 151
TITLED "STREETS, SIDEWALKS AND PUBLIC PLACES"***

RESOLVED, that the Public Hearing on the proposed Local Law to Amend Chapter 151 titled "Streets, Sidewalks and Public Places" of the City Code to impose penalties for offenses be hereby opened at 6:34 p.m.

APPEARANCES: None

RESOLVED, that the Public Hearing on said Local Law to Amend Chapter 151 be hereby closed at 6:35 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

NEW BUSINESS – None

Moved by Councilor Chamberlain

Seconded by Councilor Smith

RESOLVED, that the minutes of the regular meeting November 18, 2014 and special meetings of November 13, 2014 and November 19, 2014 are hereby approved as presented.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Smith

Seconded by Councilor Acker

RESOLVED, that Warrant No. 23, checks and ACH payments in the amount of \$521,740.74 as audited by the Voucher Committee, are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Smith

Seconded by Councilor Simchik

RESOLVED, that Check No. 51924 in the amount of \$221.11 (Oneida Office Supply) 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

POWER AUTHORITY PERMITS AND RELEASES

RESOLUTION 14-270

Moved by Councilor Acker

Seconded by Councilor Simchik

RESOLVED, to authorize the Mayor to sign two (2) Permits and Releases with the New York Power Authority for the cutting of danger trees identified adjacent to the Fitzpatrick-Edic Transmission Line ROW in the Town of Annsville in consideration of \$492.00 and \$552.00 respectively.

Ayes: 6

Nays: 0

MOTION CARRIED

ON-PREMISES ALCOHOLIC BEVERAGE LICENSE RENEWAL NOTIFICATION

RESOLUTION 14-271

Moved by Councilor Smith

Seconded by Councilor Acker

RESOLVED, that the 30-Day Advanced Notice to a Local Municipality of a renewal application to be filed with the NYS Liquor Authority for an On-Premises Alcoholic Beverage License from Alexander's Ragtime, Inc. 132 Main St. Oneida NY be hereby received and placed on file.

Ayes: 6

Nays: 0

MOTION CARRIED

MAINTENANCE SERVICE AGREEMENT

RESOLUTION 14-272

Moved by Councilor Chamberlain

Seconded by Councilor Smith

RESOLVED, to authorize the Mayor to sign the Maintenance Service Agreement with Matrix Communications, 126 Dwight Park Circle, Syracuse NY 13209 for the maintenance on the phone system at City Hall in the amount of \$3,356.97.

Ayes: 5

Nays: 1 (Bowe)

MOTION CARRIED

Councilor Bowe asked if three quotes were received.

ONEIDA TRAFFIC SAFETY ADVISORY BOARD APPOINTMENTS

RESOLUTION 14-273

Moved by Councilor Smith

Seconded by Councilor Acker

RESOLVED, to authorize the appointment of James Dalzell to the Oneida Traffic Safety Advisory Board, **and be it further**

RESOLVED, to authorize the re-appointments of James Sweet, Michael Whipple, Shirley Lomery, Michael Kaiser, Bruce Burke, Barbara Buehner, and Kipp Hicks to the Oneida Traffic Safety Advisory Board.

Ayes: 6

Nays: 0

MOTION CARRIED

Councilor Smith commended the Mayor on his appointment of Jim Dalzell to the Board and stated that he will be a good addition.

WATER AGREEMENTS

RESOLUTION 14-274

Moved by Councilor Simchik

Seconded by Councilor Chamberlain

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

- 2015 Stockbridge Maintenance Agreement
- 2015-2019 Leibl Enterprises Hydrant Agreement

Ayes: 6

Nays: 0

MOTION CARRIED

CLIMATE ACTION PLAN

RESOLUTION 14-275

Moved by Councilor Smith

Seconded by Councilor Bowe

RESOLVED, that the City of Oneida Climate Action Plan be hereby adopted.

Ayes: 6

Nays: 0

MOTION CARRIED

The City Engineer said he is thankful for the folks who developed this plan and said they will continue to start putting some initiatives together. Mayor Smith said he is very pleased with those who served the City by working on this Climate Action Plan. The plan represents an opportunity for the City to have a real significant savings through the addition of solar energy and energy-wise choices in our buildings.

BUDGET TRANSFERS

RESOLUTION 14-276

Moved by Councilor Acker

Seconded by Councilor Bowe

RESOLVED, to approve the following budget transfers:

AMOUNT TRANSFERRED	FROM	BALANCE	TO	BALANCE
\$9,300	001.7140.0103 (Rec Maint Salaries)	\$10,023	001.8020.0101 (Planning Salaries)	\$4,820.05
\$10,000	001.5110.0301 (2014 Sidewalk Rep)	\$5,000	001.8020.0101 (Planning Salaries)	\$14,820.05
\$911	001.1410.0400 (Clerk Other Expense)	\$207.72	001.1410.0105 (Clerk Vac. Buyback)	\$911
\$500	001.1910.0400 (Liability Insurance)	\$901.51	001.1680.0400 (Technology Other)	\$500
\$2,000	001.1355.0403 (Assessor Contracts)	\$883.00	001.1680.0400 (Technology Other)	\$2,500
\$5,000	001.5110.0301 (2014 Sidewalk Rep)	0	001.1680.0400 (Technology Other)	\$7,500

Transfer salaries from recreation maintenance and sidewalk replacement for 2014 to planning salaries (grant funding short for payroll transfer in 2014). Also to transfer money to technology for updated server and stations (\$14,500 total needed)

AMOUNT TRANSFERRED	FROM	BALANCE	TO	BALANCE
\$8,500	001.3410.0101 (Fire Salaries)	\$110,276.59	001.3410.0102 (Fire Overtime)	\$11,611.66
\$1,103.71	001.3410.0318 (Fire Turnout Gear)	0	001.3410.0102 (Fire Overtime)	\$12,715.37
\$793.00	001.3410.0400 (Fire SCBA)	0	001.3410.0102 (Fire Overtime)	\$13,508.37
\$1,500.00	001.3410.0403 (Fire Contracts)	\$355	001.3410.0102 (Fire Overtime)	\$15,008.37
\$683.03	001.3410.0405 (Fire Build. Maintenance)	0	001.3410.0102 (Fire Overtime)	\$15,691.40
\$564.20	001.3410.0410 (Fire Radio Maint)	0	001.3410.0102 (Fire Overtime)	\$16,255.60
\$104.03	001.3410.0109 (Fire Training OT)	0	001.3410.0102 (Fire Overtime)	\$16,359.63
\$1,000.00	001.3410.0200 (Fire Equipment)	\$691.81	001.3410.0102 (Fire Overtime)	\$17,359.63
\$2,233.79	001.3410.0200 (Fire Holiday)	\$1,500	001.3410.0102 (Fire Overtime)	\$19,593.42
\$691.81	001.3410.0200 (Fire Equipment)	0	001.3410.0107 (EMT Training OT)	\$1,358.64
\$1,291.12	001.3410.0108 (Fire Marshall OT)	0	001.3410.0114 (Fire Short Shift OT)	\$6,931.63
\$736.16	001.3410.0413 (Fire Training)	0	001.3410.0114 (Fire Short Shift OT)	\$7,667.79
\$1,500	001.3410.0104 (Fire Holiday)	0	001.3410.0113 (Fire disability)	\$1,500
\$345.00	001.1315.0403 (Compt. Contracts)	\$2,090	001.1315.0105 (Comp. Vac. Buyout)	\$345.00
\$475.00	001.1315.0403 (Compt. Contracts)	\$1,790	001.1315.0101 (Compt. Salary)	\$9,483.74

To transfer \$16,481.76 into fire overtime account for coverage through the end of the year and transfers to the short shift account and to cover year end shortages. 2014 Vacation buyback and to account for three days training for new deputy comptroller.

Balances are as of NOVEMBER 18, 2014

Ayes: 6

Nays: 0

MOTION CARRIED

BUDGET AMENDMENT

RESOLUTION 14-277

Moved by Councilor Acker
Seconded by Councilor Chamberlain

RESOLVED, to approve the following budget amendment:

AMOUNT AMENDED	INCREASE APPROP	NEW BUDGET	INCREASE EST. REV	NEW BUDGET
\$7,000	001.1680.0400 (Technology other)	\$14,500	001.0023.2770 Miscellaneous Revenue)	\$26,951.26
\$3,241	001.1315.0105 (Compt. Vac Buyout)		001.0023.2771 (Compt. Revenue)	0

(To amend the budget to account for unanticipated revenue on the revenue side and increase the Technology Expenditure for the new server and the comptroller salaries for accrued time payout deputy comptroller)

Ayes: 6

Nays: 0

MOTION CARRIED

ONEIDA PAID FIREFIGHTERS ASSOCIATION AGREEMENT

RESOLUTION 14-278

Moved by Councilor Smith
Seconded by Councilor Chamberlain

RESOLVED, that the Mayor be hereby authorized to sign the Memorandum of Agreement by and between the City of Oneida and the Oneida Paid Fire Fighters Association Local 2692 IAFF, AFL-CIO for the period from January 1, 2014 through December 31, 2016.

Ayes: 5

Nays: 0

Abstain: (Bowe)

MOTION CARRIED

The Mayor thanked the members of the City's negotiations team and commended the firefighters for negotiating in a spirit of good faith. He said this is a good agreement that serves the City well and also takes care of the interest and needs expressed by our firefighters.

OLD BUSINESS

DISCUSSION OF 2015 MAYOR'S BUDGET

Deputy Mayor Acker advised the audience that this is a working session, and if anyone has any questions, to please save them for the next Council meeting.

Civil Service

Civil Service Officer Peg Margo said that she has been reading some of the draft minutes and sees that the Council may be planning to make some employment changes. Ms. Margo said any actions to a current employee, whether covered by a union or not, needs to be an individual action. Every action has to be reviewed against the union contract, civil service law and/or employment law. Councilor Zogby said the Council needs to figure out the needs of the departments and if the current title is accurate for the position. Councilor Zogby said the Council has been told each job description includes a phrase like "and

any further duties as required". Ms. Margo said yes, there is usually that catch phrase. Job descriptions are not specific, and she used the example of a department secretary. The description would have the basic duties performed, plus each secretary may have duties specific to the department they work for, and that is why the catch phrase is added. Ms. Margo said you don't want to have 50 different job descriptions. Councilor Zogby asked about several scenarios. The Civil Service Officer said if an employee was moved to 30 hours, they would be considered part-time and lose their benefits. Thirty four hours or less is considered part-time. If the Council changes an employee to part-time, basically taking the employee out of the union, that is where the legal ramifications come into play. The union contract dictates the hours employees work, not the job description. Anyone can sue the City, whether covered by a union or not, if their positions are changed. The City would need to have a defense as to why they are taking that action. Councilor Bowe said positions can be eliminated, but then you cannot hire someone part time to do the same work. In CSEA, the employees are listed by title and work either 35 or 40 hours. Councilor Zogby said that if employees are at 40 hours and reduced to 35, then there would be no problem with that. Ms. Margo said they would still be full-time and inquired if the Council is planning to do an overall change of hours for all employees. She said she would have to look into the ramifications if you take positions that have been normally 40 hours per week and reduce those hours to 35 a week. Councilor Zogby said this may not be done this year, but it is something they are looking at.

Council Discussions

The Comptroller said with the changes that were made last evening, the expenditures are at \$12,333,436 and revenues are at \$11,093,526, with \$1,239,910 projected to come from Fund Balance. The Comptroller said with a 10% tax increase there would be an additional savings of \$62,737. Councilor Chamberlain said it is important to talk dollars instead of percentage. The Comptroller said in the inside district it would be a \$78 per thousand increase on a \$100K home, and the outside district would be \$40 per thousand on a \$100K home. The City Clerk said the outside district includes the Fire District tax. The Comptroller calculated another \$30 per thousand, making the outside district rate \$70 per thousand on a \$100K home.

Deputy Mayor Acker said for years our tax rates have been held really low and in 2008 the rate actually went down 25%, and we are paying for that now. Last year, the tax increase was 1.65%. The Mayor said that last year the Council tried to stay within the tax cap so the residents could receive the benefit of a rebate. Our tax levy went down because of the Nation properties coming off the rolls, enough so that per the Comptroller, the tax increase can be up to 8% without going over the tax cap levy. The tax cap levy and rebates attached to it were briefly discussed.

Deputy Mayor Acker said residents want the services and complain when they don't get them done to their satisfaction. We have neglected a lot of items for quite some time, and this is the year we need to bite the bullet and provide the departments with what is needed. The Comptroller will prepare the numbers for a 15% tax increase. Councilor Chamberlain suggested the Council stay at the proposed 8% increase for next year to stay within the cap and continue with 8% again in 2016 and 2017, which would be more than three times what has been done in the previous four years.

The Codes process needs to be stepped up to improve the City. It was noted that there are a lot of houses in such disarray that they need to be torn down, but only \$25K was budgeted, which is the cost for one house. A brief discussion ensued. The Mayor said he doesn't want to be noted as the guy who tears down houses. He said every time a house is torn down, it makes a serious statement about how we are applying our codes and with community values. The Mayor said the goal should be to get after these houses before it becomes necessary for them to be torn down. The Mayor said in his tenure, 17 structures have been addressed with many being restored and put back on the tax rolls, and he said it needs to be continued in an aggressive way. The Mayor said he realizes there are still some problems, but we now have many successes as well.

Councilor Zogby asked if the Mayor knew of any revenue sources coming about next year. The Mayor said it takes a lot of housing properties to generate money. He said he has a greater hope and optimism for the solar initiative and health insurance assessments. The Mayor explained the benefits of solar energy, and said an impact could be made to the budget if we cut into those energy costs of \$898K. Councilor Zogby questioned the Nation property taxes and the County making the City whole for the lost revenue. The Mayor said the County left off 9 parcels (\$5K) from the reimbursement list, and there are some inequities relative to outside fire protection (\$56K) and hydrant taxes that are missing. The Mayor said he has brought that to Supervisor Reinhardt's attention, and he will be following up with Mr. Reinhardt on the matter. Councilor Zogby questioned the problem with our representation at the County level and the Mayor said Councilor Zogby should let his constituents, as well as City's Supervisors know how he feels about the lack of representation the City is receiving at the County level. The Mayor said he has written to the Supervisors to request meeting on a monthly basis and has not heard a reply from two of the Supervisors. He said another letter was mailed today reminding them of the meeting next week.

Councilor Smith questioned the Comptroller's tax increase figures and said he didn't feel they were correct. A debate of the figures continued with Councilor Bowe. He cited the budget additions and subtractions made last evening give us a 9.44% tax increase with \$1.2M coming out of Fund Balance.

The Comptroller said it is \$1.239M coming out of Fund Balance. The City Clerk said last night before the Council started making cuts, the Comptroller calculated that the amount coming out of Fund Balance was \$1,298,316 and now with those changes that were made, the Comptroller projects \$1,239,910 coming out of Fund Balance. Councilor Bowe said his figures were about \$12K different.

Councilor Bowe stated the Recreation Director said \$5K can come out of his equipment repair line, dropping it to \$15K. Councilor Chamberlain said the Director was very reluctant to do that and wanted the Council to be aware that he may need the funds down the road. Councilor Bowe said he asked the City Engineer about some rental equipment being used for sewer work and questioned why that cost wasn't coming out of the sewer budget. Councilor Bowe said he questioned him relative to the contract line also. The City Clerk will check with the City Engineer. Councilor Bowe reiterated his suggestion to finance the equipment and cars for longer terms (equipment 7 years rather than 5 and the vehicles 4 years rather than 3).

Deputy Mayor Acker said the Comptroller calculated a 15% tax increase to be a \$117 increase on a \$100K house in the inside district. The Deputy Mayor said the City has a lot of catching up to do. If we go with a 15% increase, with \$997,619 coming out of Fund Balance, the Council can then start looking at health care, solar energy, etc. to help bring expenses down. She said possibly a lesser increase would be needed next year. The Deputy Mayor said the tax cap has to be determined this evening so the Comptroller can prepare the document for the State. The Council took a straw vote on the Deputy Mayor's suggestion and with Councilor's Simchik and Acker the only yes votes, lengthy deliberations began, which included the history of the Fund Balance, projections for retirement costs, the tax increases of previous years, overriding the tax cap limit, the County funding the City from the OIN funds they received, and the loss of homes in the Fourth Ward due to the buyout program.

Councilor Bowe proposed taking \$1,234,910 out of Fund Balance with an 8% tax increase, and the straw was tied 3 for and 3 against. The City Clerk said the Council should be mindful of replenishing the Fund Balance. If the projected \$1.2M (not the historical amount of 40% less) is actually needed, then a lot of money will be taken from the Fund Balance in one year. Councilor Bowe said it could have been done last year and now you want to double it. The Comptroller said the worst case scenario is what happens in this budget happens, and it takes the Fund Balance away. Councilor Bowe said the Council needs another proposal.

Mayor Smith said the City of Oneida cannot cut or tax its way through austerity. We have to build a vibrant, exciting community that people want to come to. We need to build a "field of dreams" and believe in that vision. The Mayor said he budgeted for the flowers downtown because he wanted to send a message that we do believe that. When governments are facing recession and shrink within themselves, it only makes the recession worse. Government is not a business, and when we are facing our most frightening times, that is when we need to be the most resilient and have the greatest sense of belief. We must be prudent with our money, but apply it to places where it sends a message that we believe in who we are.

Mayor Smith said he also feels very strongly that the Council should have supported the Memorial Day parade. This is a community supported event, and if there is nothing else the City supports, it should be the Memorial Day parade. Councilor Smith said this is the biggest event that the City has. The Mayor passionately said, if we as a City do not support anything else, we should support the fact that our veteran's died so we can sit here and be free. He said the Council is nitpicking about \$1,500 for a parade when we are taking \$1.2M out of Fund Balance. Councilor Acker said she supports the parade, but the Council decided non-profit organizations were not going to be funded and the Council cannot make an exception for one. The Mayor said many non-profits are good causes, but they do not carry the importance that the military carries. The Mayor said it was money well spent to support our military. Councilor Chamberlain said at the ceremony before the beginning of the parade, they name every veteran from Oneida who died serving our country, adding once again that its only \$1,500. Councilor Simchik requested the Memorial Society come in next year to answer any questions the Council may have, and then if the Council agrees to fund it, the money can be taken from the contingency line. The Mayor said there is a role for local government in the Memorial Day parade. We need to lead from the front the vision that Oneida can be vibrant, active and victorious, because that is the only way we are going to get to where we need to go. We do that through growth and being an attractive community where people want to come to. Mayor Smith said he passionately believes that is the only way to go.

The Comptroller stressed once again that 8% is the maximum increase the Council can have without overriding the tax cap. The City Clerk provided the Council with the tax rates from four cities with populations/budgets similar to the City of Oneida. She said if the Council went with a 15% increase and the tax rate was set at \$8.98 per thousand, it would still be much less than Ogdensburg at \$16.21 per thousand, Fulton at \$21.71 per thousand, Watervliet at \$15.79 per thousand and Corning at \$11.96 per thousand. The Mayor said the City of Oneida has one of the lowest tax rates of any city in the entire State.

The Comptroller inquired if the Council is planning on going over the 8% cap, and the straw vote was tied 3/3 once again. The Mayor said the graph in the proposed budget is not correct, and the Comptroller

said not to use the graph, as it has to be corrected. The Fund Balance numbers were discussed once again, as the Council was unclear what was correct with all the different numbers that have been provided. Councilor Chamberlain gave the Council the latest sheet. The Comptroller said the audit explains it, and she could have the auditor come in to do a presentation for the Council. Councilor Acker asked if the Council would split the difference and go to a 12% increase, to which Councilor Bowe said there are three Councilors who do not want to go over the 8% tax cap. The discussion continued on.

Councilor Bowe placed his original proposal of an 8% tax increase and \$1,234,910 to come from Fund Balance. Councilor Zogby said the tragedy is that there are too many unknowns, and the Council needs to move forward and focus on the upcoming year. With that, he said he will change his straw vote to yes on the 8% and \$1.2M from Fund Balance. He said that he is not happy about it, but the Council needs to get over this hump and rededicate themselves. The straw vote was 4 to 2 (Acker, Simchik) in favor of Councilor Bowe's proposal of an 8% tax increase, to stay under the tax cap, and \$1,234,910 to come from Fund Balance. The City Clerk said a special meeting will need to be scheduled to adopt the budget.

Mayor Smith said when he put forth his budget; he was appalled that he put forth a budget that requested an 8% increase with \$1.2M to be taken from Fund Balance. He said he wishes to underscore Councilor Zogby's opinion, that this should be a real wake up call to this City and the Council that there is a real vigilance that has to take place with how we are going to get over this crisis of finance. We need to be proactive and not reactive, and the Mayor spoke of benefits of solar energy once again.

The 2015 Budget is set with an 8% tax increase, to stay under the tax cap, and \$1,234,910 to come from Fund Balance. The Comptroller will update the document and send it to the County to be bound. The special meeting previously scheduled for tomorrow, Wednesday, December 3rd, will be cancelled. The special meeting to adopt the 2015 Budget will be scheduled for December 15, 2014.

Motion to adjourn by Councilor Chamberlain

The regular meeting is hereby adjourned at 9:25 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk