

**MINUTES OF THE COMMON COUNCIL  
SPECIAL MEETING  
DECEMBER 31, 2014  
YEAR END CLOSEOUT**

A special meeting of the Common Council of the City of Oneida, NY was held on the thirty-first day of December, 2014 at 8:30 o'clock A.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 Michael Bowe, Erwin Smith, Helen Acker, James Chamberlain and Thomas Simchik

**ABSENT:** Councilor Brahim Zogby

**ALSO PRESENT:** City Assessor Lonnie Stedman  
City Clerk Susan Pulverenti  
Comptroller Linda Pease  
Civil Service Officer Peg Margo  
Director of Parks and Recreation Lucas Griff  
Director of Planning and Development Cassie Rose  
Fire Chief Kevin Salerno  
Police Chief David Meeker  
Public Safety Commissioner Michael Kaiser  
Water Superintendent Art Smolinski

Moved by Councilor  
Seconded by Councilor

**RESOLVED**, that the minutes of the special meeting December 15, 2014 and regular meeting of December 16, 2014 are hereby approved as presented.

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

**MOTION CARRIED**

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, that Warrant No. 25, checks and ACH payments in the amount of \$593,475.32 as audited by the Voucher Committee, are hereby approved for payment in the usual manner at the discretion of the Comptroller.

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

**MOTION CARRIED**

Moved by Councilor Smith  
Seconded by Councilor Chamberlain

**RESOLVED**, that Check No. 52158 in the amount of \$9.95 (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  
Absent: 1 (Zogby)

**MOTION CARRIED**

**2015 TAX WARRANT**

**RESOLUTION 14-292**

Moved by Councilor Acker  
Seconded by Councilor Bowe

**RESOLVED**, that the tax warrant for the year 2014 herewith in all respects is hereby approved and issued, and the City Chamberlain is hereby authorized to proceed with the collection of taxes for the year 2014, **and be it further**

**RESOLVED**, that pursuant to Section 5.8 of the City Charter, there shall be levied and raised on the taxable real estate property of the entire City, in manner from and to the extent heretofore authorized and directed by the Common Council the necessary sums of money for the estimates and disbursements for the year 2015, constituting the budget for the City of Oneida, as the same has been heretofore adopted and approved, and the tax of the several amounts for the different funds of the City, constituting said budget, to be computed at the ratios and upon the different property in said budget and levy set forth.

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

**MOTION CARRIED**

**2015 WATER RATES & WATER SERVICE CHARGES**

**RESOLUTION 14-293**

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, that the 2015 Water Rates and Water Service Charges, attached hereto, be approved.

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

**MOTION CARRIED**

Water Superintendent Art Smolinski said the minimum charge is going down by \$5.50, and the water rates are staying the same.

**CITY OF ONEIDA RECREATION COMMISSION APPOINTMENTS**

**RESOLUTION 14-294**

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, to authorize the re-appointments of Joe Magliocca and Erin Curro to the City of Oneida Recreation Commission.

Ayes: 5  
Nays: 0  
Absent: 1 (Zogby)  
**MOTION CARRIED**

**SERVICE AGREEMENT**

**RESOLUTION 14-294**

Moved by Councilor Smith  
Seconded by Councilor Acker

**RESOLVED**, to authorize the Mayor to sign a five-year agreement with ThyssenKrupp Elevator Corporation, 6067 Corporate Drive, E. Syracuse NY 13057 to provide a comprehensive maintenance program to protect the investment and maximize the performance, safety and life span of the elevator at the Recreation Center, 217 Cedar Street, Oneida in the amount of \$1,800.00 per year.

Ayes: 5  
Nays: 0  
Absent: 1 (Zogby)  
**MOTION CARRIED**

**AMUSEMENT DEVICE LICENSES**

**RESOLUTION 14-296**

Moved by Councilor Acker  
Seconded by Councilor Simchik

**RESOLVED**, that the following 2015 Amusement Device Licenses be hereby approved:

- Pepi’s Pizza, Inc., 228 Genesee Street, Oneida NY 13421 (at Pepi’s Pizza)
- Neil’s Vending LLC, 6734 Strain Rd., Munnsville NY 13409 (at Elks and Owls Club)

Ayes: 5  
Nays: 0  
Absent: 1 (Zogby)  
**MOTION CARRIED**

**ZONING CHANGE REQUEST**

**RESOLUTION 14-297**

Moved by Councilor Chamberlain

Seconded by Councilor Smith

**RESOLVED**, that a letter from William Nye, Nye Automotive Group, 1479 Genesee Street, Oneida requesting a zone change for two separate parcels located on Route 5 (#37.-3-61 next to GM property) and (split parcel #37.13-76 in the Town of Lenox and #37.14-1-16 in the City of Oneida) be hereby received and placed on file, **and be it further**

**RESOLVED**, to forward said zone change request to the Planning Commission.

Ayes: 5

Nays: 0

Absent: 1 (Zogby)

**MOTION CARRIED**

Mayor Smith said this is a positive for business growth in our city.

**A RESOLUTION TO APPROVE A MEMORANDUM OF AGREEMENT  
WITH THE JOHN R. DESCHAMPS, SR. PBA AND TO APPROVE CHANGES IN TERMS OF  
EMPLOYMENT FOR MANAGEMENT-CONFIDENTIAL EMPLOYEES**

**RESOLUTION 14-298**

Moved by Councilor Smith

Seconded by Councilor Acker

**WHEREAS**, pursuant to collective bargaining negotiations between the John R. Deschamps Sr. PBA, the negotiating teams for the parties have reached a tentative agreement setting forth agreed upon modifications to the current collective bargaining agreement between the parties to be effective for the period January 1, 2014 through December 31, 2017, (“Memorandum of Agreement”), **and**

**WHEREAS**, on December 19, 2014, the John R. Deschamps Sr. PBA membership ratified the terms and conditions set forth in the Memorandum of Agreement, **now therefore be it**

**RESOLVED**, that the Common Council does hereby approve the Memorandum of Agreement as ratified by the John R. Deschamps Sr. PBA and hereby authorizes the Mayor, on behalf of the City, to execute the Collective Bargaining Agreement with the John R. Deschamps Sr. PBA for the period January 1, 2014 through December 31, 2017 in accordance with the terms and provisions of the Memorandum of Agreement; **and it is hereby further**

**RESOLVED**, that all City Management-Confidential employees not represented by a collective bargaining unit shall be accorded the same wage payments and wage increases as approved in the Memorandum of Agreement with the Oneida Paid Fire Firefighters Association Local 2692 (Resolution 14-278) as set forth in Section 25, Wages for the period January 1, 2014 through December 31, 2016.

Councilor Zogby – Absent

Councilor Bowe – Abstain

Councilor Smith – Yes

Councilor Acker- Yes

Councilor Chamberlain – Yes

Councilor Simchik - Yes

**MOTION CARRIED**

Councilor Chamberlain said the Management Confidential employees should be thought of differently, as supervisors and department heads, and feels they should receive slightly different than the rest of the employees for several different reasons.

Mayor Smith said he has been a part of the negotiating process and participating as a Mayor is somewhat different. It was a real educational process going through the negotiations. The Mayor said he tried to promote a spirit of trust and cooperation while recognizing the mutual benefit we have with our employees from management down through the system. The Mayor said he provides direction, but it is the employees who are out there on a day-to-day basis performing the tasks that keep this city safe and our infrastructure going. He said he does not see the unions as a negative, they are here to protect our employees and advocate for them. He said there have been times in the past, on both sides, when behaviors have led to mistrust and apprehension, and those things undermine what we are trying to do as a City. The Mayor said he hopes those that come after him continue to stand on principals of integrity and where there is an “unintended” error in a contract that we don’t play “gotcha” just because we can. Those kinds of things do not speak to integrity, and while they may be legally appropriate, they are not appropriate between two human beings who look each other in the eyes, shake hands and give a commitment. The Mayor thanked those who participated in this negotiation process, and added that there are things beneficial to both parties. He said he is pleased that the City and the union were able to reach an agreement. The Mayor said he wants to underscore the integrity of this administration, and how the union was dealt with was as important as the details.

In response to a question from Councilor Acker, the Mayor said the specifics of what the Management Confidential are receiving doesn’t matter if it is the same as Fire or CSEA bargaining units. Councilor Chamberlain said that he favors the negotiations results; he just believes there is a difference between Management Confidential and other employees. He said he agrees with what the Mayor said.

The Mayor called for a roll call vote. Councilor Bowe said that he will abstain from the vote only because he was not a member of the negotiating team and does not know all the particulars.

**BUDGET TRANSFERS**

**RESOLUTION 14-299**

Moved by Councilor Simchik  
Seconded by Councilor Smith

**RESOLVED**, to approve the following budget transfers:

	FROM	BALANCE	T0	BALANCE
\$6,000	001.3120.0102 (Police OT)	\$7,974.89	001.3410.0101 (Fire Salaries Retro)	-\$9,227.49
\$2,400	001.1680.0400 (Tech Misc)	\$70.97	001.3410.0101 (Fire Salaries Retro)	-\$6,827.49
\$8,000	001.3120.0101 (Police Salaries)	\$69,123.83	001.3410.0101 (Fire Salaries Retro)	\$1,172.51
\$800.00	001.1620.0404 (Postage)	\$2,254.33	001.3410.0101 (Fire Salaries Retro)	\$1,972.51

\$1,905	001.1420.0410 (Attorney Litigation)	\$6,200.19	001.1315.0404 (Fiscal Fees for BANS)	\$1,905	x
\$2,806	001.1420.0410 (Attorney Litigation)	\$3,394.19	001.1420.0419 (Attorney Misc)	\$2,806	x

Balances as of December 19, 2014

Ayes: 5

Nays: 0

Absent: 1 (Zogby)

**MOTION CARRIED**

### NEW BUSINESS

#### *NYS DOT Rt. 365A Reconstruction Project*

Councilor Smith said the NYS DOT revealed the plans for the Rt. 365A corridor a few weeks ago. He said when they first spoke about it to the Council, the only plan discussed was the removal of the light at the intersection of Lenox and Walnut, but now they are telling us that they will be removing 23 parking spots on Lenox Avenue between Main and Broad Street, which will change that area drastically. He said there are no provisions for sidewalks to Walmart either. He said he would like the City to take a stance on supporting or not supporting this project and notify our senators and assemblymen. Councilor Smith said he doesn't think it is good for the City to lose those parking spaces downtown, especially not for the businesses on that section of the street.

The Mayor said they are proposing to make turning lanes where those parking spots currently are so that the traffic doesn't back up on Lenox Avenue. The Mayor said a letter was sent to the DOT advocating for sidewalks along the roadway going up to the Walmart area and the parking space issue among other things. The Mayor said he received a "no" response to his suggestions citing lack of funding. He said he will forward the letter off to our senator and assemblyman. He said the City does need to do some advocacy here. Councilor Bowe said there is extra width on Lenox between Broad and Main, and the sidewalks could be cut back to keep some of those parking spaces intact. He said we need to get involved before the process. The Mayor said it would behoove the City to advocate strongly for those modifications that will serve our community.

The Mayor said he goes into 2015 with some real optimism of some major victories on the horizon that will serve this community very well. He said it is going to be an interesting year between the challenges to be faced, as well as being an election year. He wished everyone a happy and successful new year and urged everyone to double their efforts on behalf of the City of Oneida to work diligently together.

Motion to adjourn by Councilor Acker

The special meeting is hereby adjourned at 8:54 a.m.