

**SPECIAL MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

February 18, 2016

5:00 P.M.

MINUTES

Present: Mayor James Calnon, Councilors Rachele Armstrong (W1) [*via skype*], Dale Dowdle (W3), Paul O'Connell (W4), Becky Kasper (W5), Joshua Kretser (W6)

Absent: **Councilor Mike Kelly (W2)**

Mayor Calnon spoke about the large attendance and suggested to the litigants to be careful what they say as their attorney might be concerned about what they say for public statement much as we would when there's a trial underway. We want to be able to have a free expression of opinion we are not required by law to have a public comment period but we choose to do so. So what the Council can do is ask you to maybe form a couple of groups of people. Litigants and non-litigants and perhaps appoint a spokesperson or two to address so that we don't have a lot of repetition of comments so we can really get to the essence of that.

Motion to enter Executive Session to discuss this matter of Litigation:

By Councilor Kasper; Seconded by Councilor Kretser

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

(Adjourned at: 5:25pm)

Mayor Calnon suggested that the group selected representatives to represent a particular view point to speak and it would make things more efficient for all of us

Motion to allow 10 minutes of comment by litigants and 10 minutes of comment by non-litigants and ask that they have a spoke person or two represent them.

By Councilor Kretser; Seconded by Councilor Dowdle

Discussion: Yes

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser

(Councilors Armstrong, Dowdle, Kasper and Kretser voted in the affirmative. Councilor O'Connell voted in the negative.)

ACTION TAKEN: Adopted

1. PERSONS ADDRESSING COUNCIL:

Gary Brandstetter read and submitted a statement in to the minutes.

2. **OTHER ITEMS:**

A. RESOLVED: That the City shall no longer provide health insurance benefits through the self-funded Traditional Blue Plan to medicare eligible retirees and such medicare eligible retirees shall be provided with health insurance benefits as set forth in the Evidence of Coverage, posted on the City of Plattsburgh website, through the Humana Insurance Company and its affiliates and it is further resolved that this resolution shall supersede the resolution passed by the Common Council at a special meeting on October 8, 2015 involving the same subject matter.

By Councilor Kasper; Seconded by Councilor Kretser

Discussion: Yes

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

Motion to Adjourn by Councilor O'Connell; Seconded by Councilor Kretser

Roll call Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

MEETING ADJOURNED: 5:45 pm

Good afternoon. My name is Gary Brandstetter. I retired from the Plattsburgh Fire Department in 2008 after 29 1/4 years of service to the citizens of the City of Plattsburgh. I am the President of the Plattsburgh City Retirees' Association which was created to give a voice to the City's retirees, who devoted their careers and lives to serving the City's citizens.

On October 08, 2015 the Common Council voted to force all Medicare-eligible retirees off the self-funded health care plan with Blue Shield secondary on to a Humana Medicare Advantage PPO Plan. Many retirees spoke out at that meeting pointing out the many serious flaws of that plan. Councilor Kasper added addendums to that resolution which required the Humana Plan to mirror the pre-authorizations of the Blue Shield Plan or it would void the resolution. She also added that the Humana Plan must be universal and comprehensive. The plan that the City received from Humana met neither of those caveats, yet the plan was adopted in direct violation of your own resolution.

The Plattsburgh City Retirees' Association brought legal action against the City, challenging the City's decision to force retirees on Medicare onto the Humana plan because that action violated our contractual rights under our Collective Bargaining Agreements, in which the City promised to provide retirees the same health insurance as active employees.

On February 01, 2016 Supreme Court Judge Robert Muller granted the Plattsburgh City Retirees' Association motion for a preliminary injunction restraining the City from transferring the individual petitioners and all other similarly situated to the Humana Plan pending the outcome of this proceeding. Judge Muller noted in his ruling: it therefore appears that prior authorizations for service under the Humana plan exceeds that required under the Blue plan, he also states several instances of retirees not being able to access Humana plan providers in entire counties and there is no service in 7 states. In Florida, where many retirees now live or go to for the winter, only 10 of 67 counties are served by Humana and only 38 or the 62 counties in New York. He further states that "In view of the foregoing, the court finds that the petitioners have demonstrated a likelihood of success on the merits. The court further finds that the petitioners have demonstrated irreparable harm if the injunction is not granted. He addressed the City's desire to save money by saying, "The court[] finds that a loss of or reduction in health care coverage outweighs any possible monetary loss to the City".

Tonight's resolution is clearly an admission that the Humana Plan does not meet the requirements that a new health plan must be as good as or better than the plan it replaces. I also believe that the proposed resolution is premature in light of the ongoing lawsuit and fails again to address the City's contractual obligations to provide retirees with the health coverage they negotiated in good faith.

We want everyone to know that the financial situation the City finds itself in is not the fault of the retirees. The City government has a responsibility to the taxpayers but we would suggest to you that by singling out retirees on Medicare, one of the most vulnerable group in the community, in order to cut costs is neither ethical nor sound policy. This resolution places a severe financial burden on most of those effected. For example, a retiree, who can not be named due to HIPAA regulations, is fighting cancer and has been for 16 years and has been doing well. This person takes 8 prescription drugs. So far to date they have not been billed for any of them by Blue Shield. Researching the Humana Explanation of Coverage, we find that the cost will soar to \$473 per month. The group you have singled out are already on a fixed income and would force individual to begin choosing between medical care and food or rent. This resolution, if passed, would place people with serious health conditions at risk of being denied lifesaving coverage.

We, the 168 members of the Plattsburgh Retirees' Association, ask you to vote no on this resolution, and honor the City's legal obligations to its retirees. Please vote no to ensure that your retirees have access to needed medical care without having to worry about being denied care or worry about whether or not they are in a coverage area or whether their doctor they have been seeing for 20 years is willing to fight with Humana to get paid.

This is just not right and I think deep down all of you realize it now. Do the honorable and right thing and defeat this resolution.