

**MINUTES OF THE COMMON COUNCIL
APRIL 18, 2017**

A regular meeting of the Common Council of the City of Oneida, NY was held on the eighteenth day of April, 2017 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 Deputy Mayor James Chamberlain

PRESENT: Councilors Alan Cohen, Michael Bowe, Erwin Smith,
Helen Acker, James Chamberlain, and Thomas Simchik

ABSENT: Mayor Leo Matzke

ALSO PRESENT: Assessor Lonnie Stedman
City Clerk Susan Pulverenti
City Engineer Jon Rauscher
Comptroller Lee Ann Wells
Fire Chief Kevin Salerno
Assistant Chief Dennis Fields
Supervisor John Reinhardt
Supervisor Joe Magliocca

**PUBLIC HEARING – PURSUANT TO ONEIDA CITY CODE CHAPTER 34, ARTICLE III,
UNSAFE BUILDINGS – ADJOURNED FROM 3/7/17 MEETING – 253 LINDEN STREET**

RESOLUTION 17-97

Moved by Councilor Smith
Seconded by Councilor Acker

RESOLVED, that the Public Hearing Pursuant to Oneida City Code Chapter 34, Article III, Unsafe Buildings – adjourned from the 2/21/17 and 4/4/17 meetings – 253 Linden Street be hereby opened at 6:34 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

APPEARANCES

Deputy Mayor Chamberlain inquired if anyone was present with an interest in this property, and there was no response.

**DECLARE THE PROPERTY AT 253 LINDEN STREET A PUBLIC NUISANCE
IN ACCORDANCE WITH ONEIDA CITY CODE CHAPTER 34**

RESOLUTION 17-98

Seconded by Councilor Bowe
Moved by Councilor Acker

WHEREAS, in accordance with Article III of Chapter 34 of the Oneida City Code, as amended, a public hearing was conducted commencing on February 7, 2017 and continuing on February 21, 2017, April 4, 2017 and April 18, 2017, for purposes of receiving and considering evidence presented by the City of Oneida Assistant Fire Marshal to determine whether real property located at 253 Linden Street, Tax Map No. 30.72-2-18.2, in the City of Oneida (“Property”) is a public nuisance; **and**

WHEREAS, the City Attorney confirmed issuance of the Notice of Unsafe Building/Collapsed Structure, dated January 19, 2017, such Notice having been duly filed in accordance with Section 34-11 of the Oneida City Code with the Madison County Clerk’s Office on January 20, 2017, Index No. 2017-1045; **and**

WHEREAS, in addition, notice of the due process hearing was posted in the Municipal Building, published in the official newspaper and on the City of Oneida website; **and**

WHEREAS, the Assistant Fire Marshal presented his report, dated January 5, 2017, documenting the unsafe condition of the Property and informed the Common Council of the efforts made by the City to obtain voluntary compliance; **and**

WHEREAS, the Assistant Fire Marshal testified to having inspected the Property and observed extensive damage and decay to the residential building situated upon the Property; **and**

WHEREAS, the Assistant Fire Marshal determined that the condition of the Property violated Sections 108.1.5(3), 108.1.5(6), 302.1, and 304.1 of the New York State Property Maintenance Code, as well as Section 110 of the International Fire Code and Sections 34-9 and 34-10 of the Oneida City Code; **and**

WHEREAS, the Assistant Fire Marshal opined that the Property, in its current condition, presents a danger to the health, safety and welfare of the public; **and**

WHEREAS, neither the property owner nor anyone with an interest in the Property, or a representative on their behalf, has appeared at the due process hearing; **and**

WHEREAS, the Common Council closed the public hearing on April 18, 2017; **and**

WHEREAS, it is the desire of the Common Council to undertake any and all measures permitted in the Oneida City Code and City of Oneida Charter that are necessary to protect the public's health, safety and welfare.

NOW THEREFORE, BE IT RESOLVED that the Common Council, having duly considered the documentary evidence, as well as the oral testimony presented by the Assistant Fire Marshal, hereby declares the property located at 253 Linden Street, Tax Map No. 30.72-2-18.2, to be a public nuisance; **and**

BE IT FURTHER RESOLVED, that, having declared the Property to be a public nuisance, the Common Council elects to postpone rendering a decision on what, if any, remedial action is to be required of the Property Owner, or persons with an interest in such Property, upon receipt of a recommendation from the Assistant Fire Marshal of an appropriate schedule of compliance to be provided to the Common Council at its next regularly scheduled meeting on May 2, 2017.

Ayes: 6

Nays: 0

MOTION CARRIED

CLOSE PUBLIC HEARING - 253 LINDEN STREET

RESOLUTION 17-99

Seconded by Councilor Acker

Moved by Councilor Bowe

RESOLVED, that the Public Hearing on 253 Linden Street be hereby closed at 6:44 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

OLD BUSINESS

112 Madison Street

Assistant Fire Chief Dennis Fields said that Mr. Xedis has started the repairs on the façade of his building and recommended that he be given a two week extension to complete those repairs. The Council agreed, and the City Clerk said the extension to May 2, 2017 would be referenced in the Resolution when the Council votes on item number 7 of tonight's agenda. Mr. Xedis said that he has about one-third of the façade done.

SUPERVISOR'S REPORT

Supervisor Reinhardt said that Madison County was recently named the 12th healthiest County of the 62 counties in the State. He noted that Saratoga County was number one, Onondaga was 38th, and Oneida County was 52nd.

Supervisor Reinhardt said that the County will be working on a shared services program as endorsed by Governor Cuomo. He said that he has nothing specific to share at this time, but they will be looking at sharing services to get the cost of doing business down for everyone.

Supervisor Reinhardt said the County's first quarter sales tax has improved compared to recent trends. He said energy prices are higher now and will contribute to better numbers.

Supervisor Reinhardt said the County has proposed a Local Law to ban the use of carry out plastic bags. He said the Public Hearing will be held on May 9, 2017 at 2:30 p.m. at the County Office Building in the Supervisor's Chambers. Supervisor Reinhardt briefly outlined the stores that would be affected and those that will be exempt. He said that it takes 500 to 1,000 years for plastic bags to decompose in the landfill. Supervisor Reinhardt said if adopted, the Local Law would take effect six months after notification to NYS, which would be in November.

Supervisor Reinhardt said the County has granted economic loans to Empire Farmstead Brewery in Cazenovia and Good Nature Brewery in Hamilton. Supervisor Reinhardt said the County has an AA-rating with Standard and Poor's, which is a good rating.

Supervisor Reinhardt said the Consolidated Local Street and Highway Improvement Program (CHIPS) funding has increased by \$38.5K for the City of Oneida and \$414K for Madison County. The City Engineer said in response to a question that CHIPS funding is for roadway improvements, such as paving. He said that this is a reimbursement program.

Supervisor Reinhardt said the County will receive funding from the State for the new casino in Chittenango. He said that it was unanimously approved by the Board of Supervisors that the Town of Sullivan, as Host County, will receive 25% of the \$2,250,000 (\$421,875) and 25% of the 25% the Town of Sullivan is receiving will be distributed to the Village of Chittenango (\$140,625). He said the City of Oneida will receive \$96,171, \$571,226 will be distributed to the 15 towns in the County and another \$176,353 will be provided to the 12 villages in the County. He said that this is a one-time payment, and payments will be made about one month after the monies are received from NYS. He said that the County will have to go through the same application procedure with the State again next year, and by that time another casino should be opened in Bridgeport. He said that the guidelines for disbursements were decided by the total assessments for the City, villages and towns. Councilor Cohen asked if NYS had set any parameters for distribution, and Supervisor Reinhardt said no; it is up to the County to do as they wish. Supervisor Magliocca said the disbursement schedule was discussed in Executive Session by the County Supervisors. He said that he vehemently disagreed with the disbursement amounts, but voted yes under duress. He said that he agreed with the Host County payouts, but disagreed with the other levels of disbursement. Supervisor Magliocca said that there is \$50M in Oneida Indian Nation owned property located in Madison County with \$29M of those properties in the City of Oneida. The City properties include five Savon gas/convenience stores and former shopping centers. He said the majority of lost sales tax revenue comes from those Savon's and the sales of cigarettes, beer, etc. He stated there is a disproportionate impact to the City of Oneida, because it does not reimburse the hardest hit communities in terms of lost property and sales tax. He said the Nation properties should have been figured into the assessed values. Supervisor Magliocca said the Supervisors need to be more involved with the City, even though they have no legislative authority. He said the Supervisors have a lot of resources that can be used by the City.

Councilor Bowe said that the Madison County Landfill is having an open house event this Saturday, April 22, 2017 from 9:00 a.m. to 1:00 p.m., which includes free shredding, a safe pill drop-off and a display by the County Sheriffs.

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, that the minutes of the regular meeting of April 4, 2017 are hereby approved as presented.

Ayes: 6
Nays: 0

MOTION CARRIED

Moved by Councilor Bowe
Seconded by Councilor Smith

RESOLVED, that Warrant No. 8, checks and ACH payments in the amount of \$823,997.20 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 Smith
Seconded by Councilor Simchik

RESOLVED, that Check Numbers 385 and 57465 in the total amount of \$13,287.81 (City Attorney) 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
Abstain: 1 (Bowe)
MOTION CARRIED

ADOPT LOCAL LAW NO. 2 OF 2017 TO AMEND CHAPTER 34 OF THE CITY CODE TO ESTABLISH A VACANT BUILDING REGISTRY AND MAINTENANCE PROGRAM

RESOLUTION 17-100

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that the Common Council of the City of Oneida, Madison County, State of New York, pursuant to the Authority vested in it by law does hereby enact and ordain Local Law No. 2 of 2017 to establish a Vacant Building Registry and Maintenance Program in the City of Oneida as follows:

SECTION 1.

So that Chapter 34 shall be renamed, “Buildings, Vacant, Abandoned, Unsafe and Collapsed” and a new Article IV, titled “Vacant Building Registry and Maintenance” shall be added, which shall read, in its entirety, as follows:

“§ 34-15 Legislative findings and purpose.

It is the finding of the Common Council that buildings which remain vacant and are not properly secured and maintained are unsightly, unsafe and have a negative effect on the surrounding community. This is particularly troublesome in residential and commercial neighborhoods. The purpose of this Article is to establish a program for identifying and registering vacant building, to determine the responsibilities of owners of vacant buildings and structures, and to speed the rehabilitation or demolition of vacant properties.

§ 34-16 Definitions.

Unless otherwise expressly stated, the following terms shall, for purposes of this Article, have the meanings indicated in this section:

ENFORCEMENT OFFICER: The Fire Marshal of the City of Oneida or his/her duly authorized representative.

OWNER: Those shown to be the owner or owners on the records of the Assessor’s Office of the City of Oneida, those identified as the owner or owners on a vacant building registration form, or any other person, firm, organization, association, partnership, company or corporation who holds the legal or beneficial title to any building, facilities or premises subject to the provisions of this Article. Any and all such persons shall be jointly and severally obligated to comply with the provisions of this Article.

PROPERTY MANAGER: An employee of the City of Oneida designated by the Mayor, responsible for maintaining the vacant building registry and monitoring properties on the registry, in coordination with the Enforcement Officer.

SECURED BY OTHER THAN NORMAL MEANS: A building secured by means other than those used in the design of the building.

UNOCCUPIED: A building which is not being used for an occupancy authorized by the owner.

UNSECURED: A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

VACANT BUILDING: A building or portion of a building which is:

- A. Unoccupied and unsecured;
- B. Unoccupied and secured by other than normal means;
- C. Unoccupied and determined by an Enforcement Officer to be an abandoned structure or a dangerous structure as set forth in Article II of this Chapter;
- D. Unoccupied and has multiple housing or building code violations;

- E. Illegally occupied;
- F. Unoccupied for a period of time exceeding 180 days.

§ 34-17 Vacant building registration.

A. The owner of a vacant building shall register with the Property Manager not later than 30 days after any building in the City becomes a vacant building or not later than 30 days after being notified by the Property Manager of the requirement to register. From the information collected, the Property Manager shall maintain a database of vacant properties. The Property Manager, or the Enforcement Officer, may identify vacant buildings through their routine inspection process as well as through notification by residents, neighborhood associations and other community groups that a building may be eligible for inclusion on the registry. The database of vacant properties shall be made readily available to the Bureau of Fire, Police Department, City Engineer, Housing Inspector and Code Enforcement Officer, as necessary.

B. The registration shall be submitted on forms provided by the Property Manager and shall include the following information supplied by the owner:

- (1) A description of the premises.
- (2) The name, mailing address, physical address, e-mail address and telephone number of the owner or owners.
- (3) If the owner is a firm, organization, association, partnership, company or corporation, or is a natural person and is not a resident of Madison County or a neighboring county, said owner shall designate a managing agent who resides in or maintains a business office within Madison County or an adjoining county, and shall provide the name, mailing address, e-mail address and telephone number of said agent.
- (4) The names and addresses of all known lienholders and all other parties with an ownership interest in the building.
- (5) A telephone number where the owner, managing agent or other duly authorized representative can be reached at all times during business and nonbusiness hours. This telephone number must be a direct line to a natural person.
- (6) A vacant building plan as described in Subsection C below.

C. The owner shall submit a vacant building plan which must meet the approval of the Enforcement Officer. The plan, at a minimum, must contain information from one of the following three (3) choices for the property:

- (1) If the building is to be demolished, a demolition plan indicating the proposed timeframe for demolition.
- (2) If the building is to remain vacant, a plan for securing and maintaining the building in accordance with standards provided in § 34-19 below, along with the procedure that will be used to maintain the property, and a statement of the reasons why the building will be left vacant.
- (3) If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the property. The rehabilitation plan shall not exceed 365 days, unless the Enforcement Officer grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes and must be secured in accordance with § 34-19 below during the rehabilitation.

D. All applicable laws and codes shall be complied with by the owner. The owner shall notify the Enforcement Officer in writing of any changes in information supplied as part of the vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must be in writing and be approved by the Enforcement Officer.

E. The owner and any subsequent owners shall keep the building secured and safe and the building and grounds properly maintained as provided in § 34-19 below.

F. Any failure of the owner or any subsequent owners to maintain the building and premises that results in remedial action taken by the City shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by law.

G. New owners of any vacant building shall notify the Property Manager within 30 days of any transfer of an ownership interest in a vacant building. The new owners shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted in writing and are approved by the Enforcement Officer.

H. The Enforcement Officer shall keep the Property Manager apprised of the approved plan and any revisions thereto.

§ 34-18 Vacant building registration fees; vacant building file.

A. Fees.

(1) The owner of a vacant building shall, within 30 days of the building becoming vacant, pay an annual fee in an amount to be established by resolution of the Common Council. An annual fee shall thereafter be due and payable each year thereafter that the building remains vacant upon the same date as the first annual fee became due. The fee shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs incurred by the City in monitoring the vacant building site.

(2) The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit. The fee shall be prorated, and a refund may be issued if the building is no longer deemed vacant under the provisions of this Article within 30 days of its registry.

(3) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. If the fees are not paid prior to any such transfer, the new owner shall pay the delinquent fees no later than 30 days after the transfer of ownership.

(4) Any owner of a vacant building who fails to register and/or submit a vacant building plan within the time required by this Article or any owner who, having filed a vacant building plan, fails to follow such plan, will cause the City to spend greater resources to administer the Vacant Building Registry and to monitor the vacant building site. Consequently, the Property Manager may determine that, in such circumstances, an additional registration fee, which shall be established by resolution of the Common Council, should be assessed against the owner of a vacant building. Such additional fee shall cover the increased costs to the City of administering the Vacant Building Registry and of monitoring the vacant building site caused by persons failing to timely file a plan or failing to follow their filed plan. Prior to the imposition of an additional fee, an Property Manager shall give the building owner notice of the alleged failure and of his/her intent to assess an increased fee and shall accord the building owner an opportunity to be heard at an administrative hearing held in accordance with due process of law. Actual notice is not required, but notice shall be given in a manner reasonably calculated to provide the owner with actual notice of the hearing.

B. In addition to the registry database, the Property Manager shall maintain a separate file for each vacant building and shall include in the file any property-specific written statements from community organizations and other interested parties or citizens regarding the history, problems, status or blighting influence of a vacant building.

§ 34-19 Vacant building maintenance.

A. All vacant buildings shall be kept secured or boarded up, both as defined in Subsections A (1) and (2), and shall be maintained in accordance with Subsection A (3) of this section.

(1) The term "secured," for the purposes of this section, shall mean that all means of ingress and egress, including but not limited to all doorways and windows, shall be in good state of repair, without any broken glass or other damage that might allow entry or create an eyesore, and shall be securely locked. Any building that is not so secured shall be promptly "boarded up," that is, all means of ingress and egress at all floor levels shall be covered over, as specified hereinafter, so as to ensure the continued security of the building and to reduce any negative impacts upon the neighborhood.

(2) Boarding up shall be done by utilizing the following minimum materials and methods unless another method is proposed in writing and approved by the Property Manager:

(a) Exterior-grade plywood or sheathing-grade particle board, at least ½ inches thick, shall be used for boarding material. It shall be cut to fit neatly into each opening so that it covers the entire window or door frame but does not overlap onto the adjacent wall surfaces.

(b) Openings in excess of three feet wide shall be braced by installing at least one two-inch-by-four-inch wood stud, or equal, at the midspan and for the full height of the opening.

(c) The boarding material shall be secured to the building by sixpenny (minimum size) coated nails spaced no more than six inches on center at the edges and 12 inches on center at any intermediate bracing, except that one doorway shall be secured in such a manner that it can provide access to the building by authorized persons. If such door contains any glass panels or wood panels less than one inch thick, it shall be entirely covered with boarding material.

(d) Doors shall be secured with at least two keyed locks, and its hinges shall have concealed fastenings.

(e) All boarding material shall be finished on the exterior with one coat of primer and two coats of exterior-grade paint in color matching that of the adjacent walls.

(f) The secured building shall be provided with adequate ventilation to prevent the accumulation of moisture which might deteriorate the finishes and the structure. Adequate ventilation shall be deemed to be a minimum of two louvered and screened ventilation openings, each having an opening size of at least 144 square inches and placed in opposite walls of the building at the uppermost floor level. Interior doors at all floor levels shall be left in the open position in order to allow circulation of air. If circulation of air within and between all floors is not possible using only two vents, then additional vents shall be installed to achieve such circulation.

(3) In addition to securing or boarding up the building, the following minimum requirements shall be met for all vacant buildings:

(a) The roof shall be structurally sound and weathertight. Any damaged or missing rafters, decking or roofing materials shall be repaired or replaced with equivalent material but in no case less than two-by-six-inch (2"x 6") wood rafters, one-half-inch thick exterior plywood and ninety-pound roll roofing, respectively, all installed in a workmanlike manner.

(b) All trash and debris shall be removed from the building. Any portions of the exterior of the main building or accessory buildings, including but not limited to walls, porches, stairs, parapet walls and chimneys, that are deteriorated so as to be in danger of collapse or to otherwise constitute a hazard or allow penetration of water into the building shall be repaired or replaced or otherwise made safe and weathertight.

(c) The grounds surrounding the building shall be cleared and kept cleared of all litter, rubble, debris, trash and junk and of all grass and weeds in excess of six (6) inches in height.

(d) All buildings shall be kept free of insects, vermin and rodent harborage and infestation.

(e) All vehicular entrances to the property shall be closed to prevent unlawful parking or storage of vehicles upon the premises.

(f) If the vacant building is a commercial or retail building, any and all first floor windows shall be replaced by glass, plexiglass, an approved mural, or an announcement sign. Such coverings must be kept up and maintained.

(g) If the vacant building is a commercial or retail building, all exterior signs, awnings and lighting systems, if not removed, shall be maintained in a non-deteriorated and safe condition.

(4) When it is required by this Article that a building be boarded up, it shall be the responsibility of the owner to have the electric and gas service, if any, temporarily shut off from the building. Service may not be reconnected until repair and rehabilitation work or occupancy actually commences.

(5) All plumbing and heating systems that contain water shall be completely drained and kept empty between October 15 and April 15, and an antifreeze solution shall be added to all

plumbing traps in the building. This shall not apply if the building is adequately heated during that time period.

(6) The owner shall arrange to provide access to the interior of the building by Enforcement Officers to inspect for compliance with the requirements above that pertain to the interior.

(7) The owners of buildings which for any reason remain vacant for a period of three months or more shall be subject to the procedures of this section. By the end of such three-month time period, the owner of the vacant building shall demonstrate to the Enforcement Officer that said owner has taken appropriate steps to abate the vacancy of the building in an expeditious manner. These steps may include but are not limited to:

(a) applying for and obtaining a work permit to repair and rehabilitate the building, or to demolish it, and proceeding with the work in a timely fashion;

(b) providing competent evidence that the building is listed for sale by a licensed realtor and is being advertised for sale online and/or in a local periodical; or

(c) providing a proposed schedule of action to undertake repair and rehabilitation of the building, including a detailed financial plan for its accomplishment.

§ 34-20 Inspections; enforcement.

A. By registering a vacant building, an owner consents to an Enforcement Officer inspecting the premises, upon request, for the purpose of enforcing and assuring compliance with the provisions of this Article. Upon the request of the Enforcement Officer, an owner will provide access to all interior portions of a vacant building in order to permit a complete inspection. An Enforcement Officer shall conduct such inspections in accordance with the provisions of § 34-3 of this Chapter. In the event of a refusal to cooperate with an inspection request, after being provided with reasonable notice, a search warrant will be requested from the courts and the Enforcement Officer will return with the warrant and law enforcement personnel to make the inspection.

B. Whenever an Enforcement Officer determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation of any provision of this Article, he shall give written notice of such violation or alleged violation to the owner of vacant building. Such notice shall specify that the alleged violations are to be corrected immediately. Such notice shall also inform the owner of his/her/its right to apply for an informal hearing within five (5) days of receipt of said notice before an Enforcement Officer. Such notice may contain an outline of remedial action which, if taken, shall affect compliance with the provisions of this Article.

C. It shall be sufficient service of a notice or order of an Enforcement Officer if said notice is mailed by certified or registered mail to the person to whom it is directed, to his/her last known place of residence.

D. A copy of a notice served in accordance with this Section shall be filed in the Madison County Clerk's Office, which notice shall be filed in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided. A notice so filed shall be effective for a period of one year from the date of filing, provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the City Attorney. The Madison County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

E. Upon the expiration of 30 days after service of such notice as herein provided, an Enforcement Officer may issue a final order. Such order shall allow 10 days from date of service of said order within which to comply. Upon failure of the owner to comply, an Enforcement Officer shall take steps and perform acts as are required to bring the vacant building and grounds into compliance with this Article. Such acts include, but are not limited to causing the vacant building to be secured or boarded up, removing dangerous conditions, shutting off utilities, clearing debris from the building and grounds and/or mowing the lawn.

F. An Enforcement Officer may, for good cause shown and in their discretion, extend the time for compliance specified in any notice or order issued under the provisions of this Article.

G. Whenever an Enforcement Officer finds that a violation of this Article exists which, in their opinion, constitutes an emergency and requires immediate action to abate a hazard or constitutes an immediate danger to the health, safety or welfare of the occupants of a building or the public, they may, without prior notice of hearing, issue an order citing the violation and directing that such action be taken as is necessary to remove or abate the hazard or danger. Notwithstanding any other provisions of this Article, such an order shall be effective immediately upon service and shall be complied with immediately or as otherwise provided.

H. Any expenses incurred by the City hereunder shall be charged to and paid by the person responsible for such violation. An Enforcement Officer shall file with the City Chamberlain a statement of the items of expense and the date of execution of actions authorized thereunder. The City Chamberlain shall then proceed to collect said sums owing the City by assessment and levy upon the lots or parcels of land whereon such work was performed, which charges shall be assessed and collected in the same manner and at the same time as provided by law for the collection of delinquent taxes.

§ 34-21 Exemptions.

A. A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of 90 days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the Enforcement Officer. This request shall include the following information supplied by the owner:

- (1) A description of the premises.
- (2) The names and addresses of the owner or owners.
- (3) A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

B. This Article shall not apply to any person or entity whose only interest in a vacant building is that of a lienor or mortgagor. Specifically, any State or Federally-chartered bank, savings bank, savings and loan association or credit union that originates, owns, services or maintains a mortgage related to such is exempt from the provisions of this Article. However, this exemption shall not prevent the City from exercising its enforcement rights upon such parties as provided by Section 1308 of the Real Property Actions and Proceedings Law.

§ 34-22 Quarterly reports.

The Property Manager shall submit a quarterly report not later than January 15, April 15, July 15 and October 15 of each year to the Mayor and Common Council, with copies to the Fire Marshal and Housing Inspector, listing all buildings in the City declared vacant under the provisions of this Article, the date upon which they were declared vacant and whether a vacant building registration and vacant building plan has been filed for the building. The report shall additionally include a list of all previously declared vacant buildings, which are no longer subject to the provisions of this Article.

§ 34-23 Penalties for offenses.

Any person violating any provision of Article IV or providing false information to the Enforcement Officer relative to Vacant Building Registry shall be guilty of a violation and, upon conviction, be subject to a fine of \$250 or imprisonment of up to 15 days, or both such fine and imprisonment. Each day's violation shall be considered a new and separate offense subject to a separate penalty."

SECTION 2.

This Local Law shall be effective upon filing with the office of the Secretary of State.

- Councilor Cohen - Yes
- Councilor Bowe - Yes
- Councilor Smith - Yes
- Councilor Acker - Yes
- Councilor Chamberlain - Yes
- Councilor Simchik -Yes

MOTION CARRIED

CANVAS AND APPROVE BIDS FOR PRE-DEMOLITION BUYOUT ASBESTOS SURVEYS

RESOLUTION 17-101

Moved by Councilor Cohen
Seconded by Councilor Simchik

RESOLVED, that the lowest bid meeting specifications for the first round of Pre-Demolition Buyout Asbestos Surveys in the amount of \$27,183.50 is hereby awarded to GYMO Architecture, Engineering & Land Surveying, DPC, 200 Sterling Street, Watertown, NY 13601.

Ayes: 6
Nays: 0
MOTION CARRIED

ADVERTISE FOR BIDS

RESOLUTION 17-102

Moved by Councilor Smith
Seconded by Councilor Cohen

RESOLVED, that the Purchasing Agent be authorized to advertise for bids for pipes, materials and hydrants for the Water Department.

Ayes: 6
Nays: 0

MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 17-103

Moved by Councilor Bowe
Seconded by Councilor Acker

RESOLVED, that monthly reports from the Chamberlain, City Clerk, Comptroller, Director of Planning and Development, Fire Department, Housing Codes Enforcement, Recreation Department and Police Department, the quarterly report from the Property Manager, and the annual Activities Report from the City Clerk be hereby received and placed on file.

Ayes: 6
Nays: 0

MOTION CARRIED

Councilor Smith said that in reading all the reports, he can see how busy all the departments have been. He said the City sales tax is up \$22K. Councilor Simchik thanked the City Clerk for her annual report. He said it is nice to see everything condensed down for the whole year, which shows how busy they are in that office.

DESIGNATE POLLING PLACES

RESOLUTION 17-104

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, that the polling places in the City of Oneida for 2017 are hereby designated as follows:

- WARD 1-1 St. Paul's United Methodist Church, 551 Sayles St.
- WARD 2-1 St. Paul's United Methodist Church, 551 Sayles St.
- WARD 3-1 Kallet Civic Center, 159 Main St.
- WARD 4-1 Kallet Civic Center, 159 Main St.
- WARD 5-1 Kallet Civic Center, 159 Main St.
- WARD 6-1 Kallet Civic Center, 159 Main St.

Ayes: 6
Nays: 0

MOTION CARRIED

CNY WATER WORKS SUMMER MEETING & PRODUCT DISPLAY

RESOLUTION 17-105

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED, that the Water Department employees and Water Board Commissioners are hereby authorized to attend the Central New York Water Works Summer Meeting and Product Display held at Hinerwadel's Grove, 5300 W. Taft Rd., Syracuse, NY on June 7, 2017 with the expenses to be paid by the Water Department.

Ayes: 6
Nays: 0

MOTION CARRIED

**DECLARE 112 MADISON STREET A PUBLIC NUISANCE IN ACCORDANCE WITH
CHAPTER 34 OF THE ONEIDA CITY CODE**

RESOLUTION 17-106

Moved by Councilor Acker
Seconded by Councilor Smith

WHEREAS, in accordance with Article III of Chapter 34 of the Oneida City Code, as amended, a public hearing was conducted on February 7, 2017 and continued on February 22, 2017, March 7, 2017 and March 21, 2017, for purposes of receiving and considering evidence presented by the City of Oneida Assistant Fire Marshal to determine whether real property located at 112 Madison Street, Tax Map No. 30.72-1-58, in the City of Oneida (“Property”) is a public nuisance; **and**

WHEREAS, upon presentation of oral testimony and documentary evidence by the Assistant Fire Marshal and Gregory Xedis, the owner of the Property, the City of Oneida Common Council closed the public hearing and, during its March 21st meeting, unanimously passed a resolution declaring the Property to be a public nuisance; **and**

WHEREAS, the Common Council further decided to postpone rendering a decision on what, if any, remedial action is to be required of the property owner or persons with interest in the Property until a recommendation from the Assistant Fire Marshal could be received and considered; **and**

WHEREAS, the Assistant Fire Marshal, having met with Mr. Xedis, subsequently submitted to the Common Council a report, dated March 30, 2017, wherein a proposed schedule for repairs was provided; **and**

WHEREAS, the Common Council, having thoroughly considered the testimony and documentation presented by the Assistant Fire Marshal that clearly evidenced the structure’s unsafe condition and the recommendations for repair, wishes to undertake any and all measures permitted in the Oneida City Code and City of Oneida Charter that are appropriate to protect the public’s health, safety and welfare.

NOW THEREFORE, BE IT RESOLVED, that the Common Council, having duly declared the property located 112 Madison Street, Tax Map No. 30.72-1-58, in the City of Oneida to be a public nuisance, hereby orders the owner or persons with an interest in such Property to undertake the following corrective action in accordance with the recommendations of the Assistant Fire Marshal:

- On or before May 2, 2017, the owner or persons with an interest in the Property shall replace the structure’s front façade;
- On or before May 23, 2017, the owner or persons with an interest in the Property shall repair the floor to wall connections on the southern walls, where the floor framing is parallel to the masonry walls; **and**
- On or before June 20, 2017, the owner or persons with an interest in the Property shall repair the building envelope, in a manner approved by the Assistant Fire Marshal, to address the moisture and water intrusion; **and**

BE IT FURTHER RESOLVED, that in the event corrective action does not occur within the time provided, the Common Council hereby authorizes the Assistant Fire Marshal and the City Engineer to undertake any and all such measures as are necessary to effectuate the remedial action recommended by the Assistant Fire Marshal in the report dated March 30, 2017, and shall assess the cost of same against the Property; **and**

BE IT FURTHER RESOLVED, that the cost of such remedial action, if undertaken by the City, shall thereupon become a lien against the Property and shall be collectible in the same manner as taxes levied thereon; **and**

BE IT FURTHER RESOLVED, that notice of the Common Council’s declaration and order shall either be served personally or by certified mail, to the last known address as shown by the records of the City Assessor’s office.

Ayes: 6
Nays: 0

MOTION CARRIED

APPROVE ELECTRICAL INSPECTOR PER CITY CODE CHAPTER 45

RESOLUTION 17-107

Moved by Councilor Cohen
Seconded by Councilor Bowe

WHEREAS, Chapter 45 – Electrical Standards of the City Code states all electrical installations and equipment in the City of Oneida shall be installed in conformity with the New York State Fire Prevention and Building Code, **and**

WHEREAS, Chapter 45 – Electrical Standards of the City Code also states the Building Code Enforcing Officers and the Fire Department Building Inspectors may request the assistance of inspectors in making electrical inspections of all buildings or structures within the city, **now therefore be it**

RESOLVED, that the Common Council hereby authorizes the following electrical inspector to be added to the list of qualified electrical inspectors for the City of Oneida:

Northeast Electrical Inspections, LLC
65 Albermarle Road
Scotia NY 12302

Ayes: 6
Nays: 0

MOTION CARRIED

RECREATION COMMISSION APPOINTMENT

RESOLUTION 17-108

Moved by Councilor Bowe
Seconded by Councilor Simchik

RESOLVED, that the Common Council hereby approves the Mayoral appointment of Lori Barretta, 317 Belmont Avenue, Oneida to a three-year term on the City of Oneida Recreation Commission.

Ayes: 6
Nays: 0

MOTION CARRIED

SPECIAL EVENTS APPLICATION

RESOLUTION 17-109

Moved by Councilor Acker
Seconded by Councilor Smith

RESOLVED, to approve the following Special Events application:

Event:	Dr. Brod Litter Pickup City Wide
Sponsor:	Oneida American Legion
Date:	April 29, 2017
Location:	City wide

Ayes: 6
Nays: 0

MOTION CARRIED

DECLARE EXCESS PROPERTIES

RESOLUTION 17-110

Moved by Councilor Cohen
Seconded by Councilor Smith

RESOLVED, that the City of Oneida Common Council does hereby declare the following parcels to be “excess properties” and therefore eligible to be for sale:

- 221 Maple Drive - SBL# 38.56-1-29 – residential property
- 140 Madison Street – SBL# 30.72-1-66 – commercial property

- 518 West Elm Street – SBL#30.69-1-7.1 – residential property

Ayes: 6

Nays: 0

MOTION CARRIED

RESCIND FIRE INSPECTION FEE INVOICE

RESOLUTION 17-111

Moved by Councilor Smith

Seconded by Councilor Simchik

WHEREAS, an inspection was performed by the Housing Code Officer at the two-unit rental property located at 449 Elizabeth Street and an invoice created on 3/23/17, **and**

WHEREAS, unbeknownst to the Fire Department, the downstairs apartment is now owner occupied and the City does not charge a fee for owner occupied apartments, **now therefore be it**

RESOLVED, that a letter from Jaime Sweet, Madison Business Facility, PO Box 360, Oneida NY relative to inspection fees for Invoice 2017/21/0022574 be hereby received and placed on file, **and be it further**

RESOLVED, that Invoice 2017/21/0022574 be hereby rescinded and a new invoice created in the amount of \$30.00 for said Fire inspection at 449 Elizabeth Street.

Ayes: 6

Nays: 0

MOTION CARRIED

BUYOUT WATER/SEWER BILL ADJUSTMENT

RESOLUTION 17-112

Moved by Councilor Smith

Seconded by Councilor Bowe

RESOLVED, to adjust City owned water and sewer account #5118110700 in the amount of \$67.60 due to a missed billing at the time of closing for final water and sewer billing, **and be it further**

RESOLVED, to adjust City owned water and sewer account #5117105300 in the amount of \$6.00 due to error in check amount at time of closing for water and sewer billing.

Ayes: 6

Nays: 0

MOTION CARRIED

NEW BUSINESS

Jill Christian Lynch, Evergreen Valley Drive, Oneida, said that the residents are concerned about erosion, because of the many trees and stumps that have been removed from the property at Baker Reservoir. City Engineer Jon Rauscher said that the DEC has classified the open reservoir at Baker as a dam, and the City was required by the DEC to remove the trees and stumps. He said an Engineering Assessment is being done, and test borings are being punched into the berms. He said that the Water Department will reseed and stabilize the bank when the DEC required project is completed.

Jill Christian Lynch, Oneida, asked that the Council consider amending the green energy Local Law, as the time frame for the permissive referendum has expired. She said this will reinstate the checks and balances that were in place prior to adoption of that Law.

EXECUTIVE SESSION

RESOLUTION 17-113

Moved by Councilor Cohen

Seconded by Councilor Bowe

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:15 p.m. for the purpose of discussing the proposed acquisition, sale or lease of real property.

Ayes: 6

Nays: 0

MOTION CARRIED

Deputy Mayor Chamberlain said that the Council will invite several persons interested in one specific property into Executive Session.

PRESENT: Deputy Mayor, Councilors, City Clerk, City Assessor

1. Discussion was held relating to the proposed acquisition, sale or lease of real property.

PRESENT: Deputy Mayor, Councilors, City Clerk, City Assessor, Jarrod Shaughnessy, Joanne Smith, Holly Bushey and two unidentified people with Mr. Shaughnessy

1. Discussion was held relating to the proposed acquisition, sale or lease of real property.

PRESENT: Deputy Mayor, Councilors, City Clerk, City Assessor

1. Discussion was held relating to the proposed acquisition, sale or lease of real property.

Motioned by Councilor Smith

Seconded by Councilor Acker

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:22 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Smith

The regular meeting is hereby adjourned at 8:22 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk