

**MINUTES OF THE COMMON COUNCIL
SEPTEMBER 23, 2015**

A special meeting of the Common Council of the City of Oneida, NY was held on the twenty-third day of September, 2015 at 6:00 o'clock P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

Special Meeting was called to order by Mayor Alden Smith

PRESENT: Councilors Brahim Zogby, Michael Bowe, Erwin Smith, Helen Acker,
James Chamberlain, and Thomas Simchik

ALSO PRESENT: Assessor Lonnie Stedman
City Attorney Nadine Bell
City Clerk Susan Pulverenti

Mayor Smith asked that the bonding resolution tabled from the last meeting be added onto the agenda. The Mayor said the questions raised have been answered. Mayor Smith said this be at 1% for five years and will get the project rolling. The Mayor said he will verify the timeframe for completion.

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 15-219

Moved by Councilor Acker
Seconded by Councilor Simchik

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

**A RESOLUTION AUTHORIZING DEMOLITION CLEANUP FOR 120 PHELPS STREET IN
AND FOR THE CITY OF ONEIDA, MADISON COUNTY, NEW YORK, AT A MAXIMUM
ESTIMATED COST OF \$165,000, AND AUTHORIZING THE ISSUANCE OF \$165,000 BONDS
OF SAID CITY TO PAY THE COST THEREOF**

RESOLUTION 15-220

Moved by Councilor Zogby
Seconded by Councilor Acker

BE IT RESOLVED by the affirmative vote of not less than three-fifths of the total voting strength of the Common Council of the City of Oneida, Madison County, New York, as follows:

Section 1. Demolition cleanup for 120 Phelps Street in and for the City of Oneida, Madison County, New York, including incidental costs related thereto, is hereby authorized at a maximum estimated cost of \$165,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$165,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 12-a of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Oneida, Madison County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if: Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City for such purpose,

together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Councilor Zogby – Yes
Councilor Bowe – Yes
Councilor Smith – Yes
Councilor Acker – Yes
Councilor Chamberlain – Yes
Councilor Simchik – Yes

MOTION CARRIED

EXECUTIVE SESSION

RESOLUTION 15-221

Moved by Councilor Acker
Seconded by Councilor Simchik

RESOLVED that the meeting is hereby adjourned to Executive Session at 6:10 p.m. for the purpose of discussing current or pending litigation and the sale or lease of real property.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Attorney, Attorney William Buchan

1. To discuss current or pending litigation.
2. The sale or lease of real property.

Moved by Councilor Acker
Seconded by Councilor Zogby

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 8:45 p.m.

Ayes: 6
Nays: 0

MOTION CARRIED

SALE OF REAL PROPERTY

RESOLUTION 15-222 AS AMENDED BY COMMON COUNCIL OCTOBER 6, 2015

Moved by Councilor Zogby
Seconded by Councilor Smith

WHEREAS, pursuant to Article V, titled “Budget and Financial Administration,” of the Oneida City Charter, whenever any such tax, penalty and interest remains unpaid the City of Oneida has the authority acquire the lands upon which such tax, penalty and interest was imposed for the payment of same; **and**

WHEREAS, in accordance with such authority, the Common Council acquired title to real property known 199 Madison Street, Tax Map No. 30.72-1-49, from Shane McCarthy, the reputed owner, as well as the following real property from 230 East Railroad LLC, the reputed owner: 197 Madison Street, Tax Map No. 30.72-1-47.2; 230 East Railroad Street, Tax Map No. 30.64-1-72.12; and 101 Lake Street, Tax Map No. 30.72-1-48 (collectively referred to as the “Properties”); **and**

WHEREAS, the Properties consist of a commercial warehouse, a single family dwelling, and two (2) multi-family dwellings; **and**

WHEREAS, as owner of the Properties, the City of Oneida received rental monies while incurring significant liability and expense; **and**

WHEREAS, relative to its ownership of the Properties, the expenses incurred include, but are in no way limited to, past due water bills, current water bills, current school and county taxes, and repairs to correct existing code violations, totaling \$91,087.00, which sum includes the taxes, penalties and interest unpaid at the time of acquisition; **and**

WHEREAS, the Common Council received a purchase offer for the Properties, submitted on behalf of Vicki Hopsicker (referred to as the “Purchaser”), wherein the Purchaser has agreed to reimburse the City for the unpaid taxes, penalties and interest, and any expenses relative to such Properties; **and**

WHEREAS, the Common Council passed a resolution at a special meeting held on September 23, 2015, whereby such Properties were to be conveyed to a legal corporate entity, the members of which it was believed to include “Victoria McCarthy, Connor McCarthy and Rory McCarthy,” in consideration of the aforementioned sum; **and**

WHEREAS, legal counsel for the Purchaser subsequently requested that the Common Council’s resolution be amended to reflect transference to a “limited liability company” with “Vicki Hopsicker” serving as the sole member; **and**

WHEREAS, the Common Council, upon consideration of the request to amend its prior resolution, was made aware of a number of code violations present in the Properties and, consistent with past conveyances, determined that transferring the Properties subject to the Purchaser’s execution of a Rehabilitation Agreement was appropriate; **and**

WHEREAS, it is the desire of the Common Council to amend its prior resolution and convey the Properties to a limited liability company to be created, the sole member of which shall be Vicki Hopsicker, subject to the aforementioned condition.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council does hereby amend its prior resolution so as to approve the sale of real property located at 199 Madison Street, Tax Map No. 30.72-1-49, 197 Madison Street, Tax Map No. 30.72-1-47.2, 230 East Railroad Street, Tax Map No. 30.64-1-72.12, and 101 Lake Street, Tax Map No. 30.72-1-48, to a limited liability company, which shall include Vicki Hopsicker as the sole member thereof, in consideration of \$91,087, plus recording costs, conditioned further upon the retention of rental monies received to date; **and be it further**

RESOLVED, that the Common Council does hereby further condition the sale of said real property located at 199 Madison Street, Tax Map No. 30.72-1-49, 197 Madison Street, Tax Map

No. 30.72-1-47.2, 230 East Railroad Street, Tax Map No. 30.64-1-72.12, and 101 Lake Street, Tax Map No. 30.72-1-48 upon the execution of the Rehabilitation Agreement by and between the City of Oneida and the aforementioned limited liability company whereby the limited liability company, as owner, will have sixty (60) days to undertake the necessary action to correct the identified code violations in accordance with the terms set forth in such Rehabilitation Agreement, **and be it further**

RESOLVED, that the Common Council does hereby authorize the Mayor to execute any and all documents necessary to effectuate such conveyances.

Ayes: 6

Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Bowe

The meeting is hereby adjourned at 8:52 p.m.

CITY OF ONEIDA

Susan Pulverenti, City Clerk