

**MINUTES OF THE COMMON COUNCIL  
JULY 11, 2014**

A special meeting of the Common Council of the City of Oneida, NY was held on the eleventh day of July, 2014 at 9:00 o'clock A.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

Meeting was called to order by Mayor Alden M. Smith

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

ABSENT: Councilor Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell  
City Clerk Susan Pulverenti  
Comptroller Linda Pease  
Fire Chief Kevin Salerno  
Public Safety Commissioner Mike Kaiser

The Mayor thanked everyone for coming on short notice.

**EMERGENCY DEMOLITION OF UNSAFE STRUCTURES AT 120 AND 128 PHELPS STREET**

**RESOLUTION 14-158**

Moved by Councilor Acker  
Seconded by Councilor Chamberlain

**WHEREAS**, during the evening hours of July 2, 2014, two (2) occupied attached, row-buildings situated in the downtown commercial district of the City of Oneida at 128 Phelps Street, Tax Map No. 30.72-1-91, and 120 Phelps Street, Tax Map No. 30.72-1-90, showed evidence of vertical cracks and began collapsing onto the public right-of-way; **and**

**WHEREAS**, the City of Oneida Fire Department, in an effort to protect the health, safety and welfare of the public, immediately isolated the area surrounding such row-buildings with caution tape and assistance from the City of Oneida Police Department, until such time as a structural inspection by a licensed engineer could be performed to verify the structural integrity of the buildings; **and**

**WHEREAS**, on July 3, 2014, a licensed structural engineer from O'Brien and Gere, inspected the aforementioned row-buildings situated at 128 Phelps Street, Tax Map No. 30.72-1-91, and 120 Phelps Street, Tax Map No. 30.72-1-90, and, having confirmed that such buildings were structurally unsound and actively collapsing, recommended that both buildings be immediately demolished to protect the public's health, safety and welfare from the imminent danger such structures presented; **and**

**WHEREAS**, because an expedited emergency response was necessary to protect the health, safety and welfare of the public, the City of Oneida Fire Chief immediately undertook efforts to secure the demolition services of an available contractor; **and**

**WHEREAS**, on the morning of July 4, 2014, CCI Companies, Inc., with the assistance of the City of Oneida Fire Department, commenced the demolition of the aforementioned attached row-buildings located at 128 Phelps Street, Tax Map No. 30.72-1-91, and 120 Phelps Street, Tax Map No. 30.72-1-90; **now therefore, be it**

**RESOLVED**, that the Common Council does hereby appropriate funds, in the amount of Fourteen Thousand Dollars (\$14,000.00) from Account 001-3650-0400, for the emergency demolition of the attached row-buildings situated in the City's downtown commercial district at 128 Phelps Street, Tax Map No. 30.72-1-91, and 120 Phelps Street, Tax Map No. 30.72-1-90; **be it further**

**RESOLVED**, that the Common Council does hereby waive the obligation to obtain three (3) quotes for emergency demolition work completed on July 4, 2014, for purposes of demolishing the aforementioned attached row-buildings, and the Common Council does further authorize the Mayor to execute any and all documents necessary to effectuate such demolition services, as were performed by CCI Companies, Inc. on July 4, 2014.

Ayes: 5

Nays: 0

Absent: 1 (Simchik)

**MOTION CARRIED**

In response to questions from Councilor Smith, the City Attorney said the estimated cost of \$14K for the demolition of the buildings is the responsibility of the property owners and will be charged to them. It is also the property owners' responsibility to contact their insurance companies. Both properties benefited from the demolition services/structural engineer professional services and both will be billed per square footage of the property for those services. It is the private property owners' responsibility to get the area cleaned up. The City Attorney said sometimes cleanup is delayed while insurance carriers gather the information they need. The Fire Chief said Codes Officer Pat Baron and the City Engineer are working with the property owners and will keep the Mayor/Council updated. The City Attorney said it will depend on the scope of insurance coverage each property owner has, as to whether the buildings will be rebuilt.

Councilor Zogby asked if the City Code creates a time frame for this to be cleaned up and inquired if the Fire Chief could make a recommendation that provides a realistic time frame for removal of debris due to a situation like this. Councilor Chamberlain said that would come from the City Engineer, since demolitions are under his department. The City Attorney said the NYS Property Maintenance Code addresses these types of issues. Councilor Zogby asked several questions relating to City payment and said going forward there needs to be a way to accelerate payment to the City in situations where our Code prohibits that from occurring, such as a payment plan rather than waiting for the relevy period. The City Attorney explained the City's responsibilities of making the county and schools whole. Councilor Bowe said that if the insurance company pays the property owner for the loss, he agrees that the City should have a way to get their money. Councilor Smith recalled a house on Broad Street that collapsed when he was Fire Chief, and the insurance companies paid some of the costs involved there, but also noted different circumstances. Councilor Bowe said he would like to have known the cost upfront, but realizes this was an emergency. Fire Chief Salerno said that they called approximately 10 places with no response, which he attributed to the July 4<sup>th</sup> holiday weekend. The Mayor said some relevant issues have been raised and they will be looked into. Councilor Acker gave kudos to the Fire Chief, Fire Department and Police for a job well done.

Motion to adjourn by Councilor Smith

The meeting is hereby adjourned at 9:20 A.M.

CITY OF ONEIDA

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Susan Pulverenti, City Clerk