

## ONEIDA COUNTY BOARD OF LEGISLATORS

ONEIDA COUNTY OFFICE BUILDING • 800 PARK AVENUE • UTICA, N.Y. 13501-2977

Gerald J. Fiorini Chairman (315) 798-5900

Mikale Billard Clerk (315) 798-5404

George Joseph Majority Leader

Frank D. Tallarino Minority Leader

ATTACHED FOR YOUR INFORMATION IS RESOLUTION NUMBER 61 THAT WAS ACTED UPON BY THE BOARD OF COUNTY LEGISLATORS AT THEIR SPECIAL SESSION HELD ON MONDAY, FEBRUARY 23, 2015.

## ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 61

INTRODUCED BY: Messrs. D'Onofrio, Porter 2ND BY: Mr. Joseph

RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY THROUGH ITS DEPARTMENT OF AVIATION AND MIDAIR USA, INC. RESOLVING CLAIMS PERTAINING TO MIDAIR USA, INC.'S TENENCIES AT GRIFFISS INTERNATIONAL AIRPORT AND ALLOWING MIDAIR USA, INC. TO RETAIN SPACE IN THE WEST BAY IN BUILDING 100 AT GRIFFISS INTERNATIONAL AIRPORT

WHEREAS, On or about March 17, 2010, County of Oneida and MidAir USA, Inc. (MidAir) entered into a Commercial Hangar & Ramp Use Agreement ("Nose Dock Lease") for Hangar No. 782 ("Nose Dock Premises"); and

**WHEREAS**, On or about October 1, 2010, County and MidAir entered into a Commercial Hangar & Ramp Use Agreement for Building 100, East Bay ("East Bay Lease") at 592 Hangar Road, Rome, New York ("East Bay Premises"); and

WHEREAS, On or about September 27, 2010, County and MidAir entered into a Commercial Hangar & Ramp Use Agreement for Building 100, West Bay ("West Bay Lease") at 592 Hangar Road, Rome, New York ("West Bay Premises"); and

WHEREAS, On or about October 31, 2014, County did send three (3) day notices of default to MidAir under each of the Nose Dock Lease, the East Bay Lease and the West Bay Lease, respectively; for failure to pay rent and

**WHEREAS**, On or about December 3, 2014, County did file a Petition pursuant to the New York Real Property Actions and Procedures Law seeking a Warrant of Eviction of MidAir from each of the three premises, as well as a judgment for all amounts due and owing to County; and

**WHEREAS**, On or about January 7, 2015, Rome City Court did grant a Warrant of Eviction in favor of County for the Nose Dock Premises, although the County withdrew its request for a judgment of rent without prejudice; and

WHEREAS, On or about January 7, 2015, Rome City Court did grant a Warrant of Eviction in favor of the County for the East Bay Premises, as well as a judgment in favor of the County against MidAir in the amount of Three Hundred Eighty-Three Thousand Five Hundred Twenty-One and 28/100 Dollars (\$383,521.28) for rent through November of 2014 and utilities through September of 2014; and

WHEREAS, On or about January 7, 2015, Rome City Court did grant a Warrant of Eviction in favor of the County for the West Bay Premises, as well as a judgment in favor of the County against MidAir in the amount of Two Hundred Twenty-Three Thousand Six Hundred Eighty-One and 00/100 Dollars (\$223,681.00) for rent through November of 2014; and

**WHEREAS**, On or about January 9, 2015, the County did execute said Warrants for the Nose Dock and East Bay by delivering them to the Oneida County Sheriff; and

WHEREAS, On or before January 9, 2015, MidAir vacated the Nose Dock Premises and the East Bay Premises and no longer maintained any right, title or interest in said premises; and

WHEREAS, the County has not executed the Warrant of Eviction for the West Bay Premises and MidAir continues to occupy and desires to remain in possession of the West Bay Premises; and

WHEREAS, the County and MidAir have negotiated an agreement pursuant to which MidAir will be allowed to retain possession of the West Bay Premises (the "Agreement") contingent upon MidAir's performance of the terms and conditions set forth in the Agreement as well as those set forth in a new lease for the West Bay attached to the Agreement (the "New West Bay Lease"), and

**WHEREAS,** Pursuant to Section 2202 of the Oneida County Charter said Agreement and New West Bay Lease must be authorized and approved by this Board, now therefore, be it

**RESOLVED,** The Agreement between the County of Oneida and MidAir USA, Inc., as well as the New West Bay Lease agreement is hereby authorized and approved.

APPROVED:

Airport Committee

(Bypass Committee)

Ways & Means Committee

(February 23, 2015)

DATED:

February 23, 2015

Adopted by the following roll call vote:

AYES 20 NAYS 0 ABSENT 3 (Miller) (Speciale, Leach arrived after vote)

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DATE February 23, 2015

**SESSION** Special

**MEMBERS PRESENT: 22** 

MEMBERS ABSENT 1

AYES: 20 NAYS: 0 ABSENT: 1

INTRODUCTORY NO. 62

RESOLUTION NO. 61

DIST	MEMBERS	AYES	NAYS
D-1	FORT	X	1
R-2	IDZI	X	1
R-3	LEACH (Arrived after vote)		
<b>D-4</b>	CLANCY	X	
R-5	WATERMAN	X	
R-6	PORTER	X	
R-7	FIORINI	X	
R-8	FLISNIK	X	
<b>D-9</b>	SACCO	X	
R-10	JOSEPH	X	
R-11	KOENIG	X	
D-12	TALLARINO	X	
D-13	GOODMAN	X	
D-14	C. DAVIS	X	
R-15	D'ONOFRIO	X	
R-16	MILLER (ABSENT)		
R-17	MANDRYCK	X	
D-18	FURGOL	X	
R-19	WELSH	X	
D-20	HENDRICKS	X	
D-21	SPECIALE(Arrived after vote)		
D-22	CONVERTINO	X	
R-23	PAPARELLA	X	