

LEGISLATION TO BE DISCUSSED
IN PRE-MEETING CONFERENCE

City of Utica Common Council
May 6, 2020

- Ord. 1** No parking, rescind Lamb Street
- Ord. 2** Limited parking Lamb Street, one hour parking
- Ord. 3** Limited parking Lamb Street, two hour parking
- Ord. 4** No parking at all times, Lamb Street
- Ord. 5** Towing changes
- Res. 6** Charleston Property
- Res. 7** CARES Act 2020 amending CPP
- Res. 8** PH for 611 Spring Street
- Ord. 9** Sale of 611 Spring Street



CITY OF UTICA

OFFICE OF THE CITY CLERK
1 Kennedy Plaza, Utica, New York 13502
Department of Legislation
(315)792-0117 fax: (315)792-0220

520 Seneca Street #301
Utica, New York 13502

Maria McNiel
Councilwoman 1st District
mgpmcniel@gmail.com

MEMORANDUM

TO: President & Members of the Common Council
Anthony Garramone, Common Council Attorney

FROM: Maria McNiel, Majority Leader

DATE: May 1, 2020

RE: Pre-Meeting Conference/Committee of the Whole

We will discuss legislation at 6:00P.M. on May 6, 2020 , prior to the 7:00PM Common Council meeting.

All proceedings will be held through WebEx. An email will be sent out on Monday morning with the dial-in information for all members of the council, department heads and media.

cc: **Robert M. Palmieri, Mayor**
Charles "Sonny" Greco Chief of Staff
Marques Phillips, Codes Commissioner
William Morehouse, Comptroller
Heather Mowat, Budget Director
William Borrill, Corporation Counsel
Anthony Garramone, Common Council Attorney
Scott Ingersoll, Fire Chief
Mark Williams, Police Chief
Ed Noonan, Deputy Police Chief
Michael Mahoney, Deputy City Engineer
Brian Thomas, Urban and Economic Development Commissioner
Christopher Tuttle, Assessor
David Short, DPW Commissioner
News Media

Sent to committee on: ___/___/___ By ___ Date of Legislation: 4 / 29 / 20

Out of committee on: ___/___/___ Proposed Ordinance No. 1

2nd By: ___ Ayes: ___ Nays: ___ Proposed Resolution No. ___

Submitted to council by: Councilmember Burmaster 4.29.20 Approved by Department of: ___

Funds are available account # ___ Date: ___/___/___

CITY OF UTICA
Department of Legislation
Common Council

By Councilmember Burmaster

NO PARKING DURING CERTAIN HOURS

ORDAINED, that Sec. 2-16-361 Schedule F: No parking during certain hours.

Rescinded: Lamb Street, north side, from Bennett to Lincoln Avenue, 8:00 a.m. to 4:00 p.m.

	MEMBERS	AYES	NAYS		MEMBERS	AYES	NAYS	ADOPTED OR DISAPPROVED BY THE FOLLOWING VOTE: AYES _____ NAYS _____ DATE ADOPTED ___/___/2020
1	M. McNiel			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	C. Friend			8	J. LoMedico			
4	F. Meola			9	F. DiBrango			
5	D. Moody			10	M. Galime			

Sent to committee on: ___/___/___ By _____

Date of Legislation: 4 / 29 / 20

Out of committee on: ___/___/___

Proposed Ordinance No. 2

2nd By: _____ Ayes: _____ Nays: _____ Proposed Resolution No. _____

Submitted to council by: Councilmember Burmaster 4.29.20 Approved by Department of: _____

Funds are available account # _____ Date: ___/___/___

CITY OF UTICA
Department of Legislation
Common Council

By Councilmember Burmaster

LIMITED PARKING; ONE HOUR PARKING

ORDAINED,that Sec. 2-16-363 Schedule H: Limited parking; one-hour parking, 8:00 a.m. to 6:00 p.m., unless otherwise provided

Rescinded: Lamb Street, both sides, from Lincoln Avenue to Hager Street

	MEMBERS	AYES	NAYS		MEMBERS	AYES	NAYS	ADOPTED OR DISAPPROVED BY THE FOLLOWING VOTE: AYES _____ NAYS _____ DATE ADOPTED ____/____/ 2020
1	M. McNeil			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	C. Friend			8	J. LoMedico			
4	F. Meola			9	F. DiBrango			
5	D. Moody			10	M. Galime			

Sent to committee on: ___/___/___ By _____

Date of Legislation: 4 / 29 / 20

Out of committee on: ___/___/___

Proposed Ordinance No. 3

2nd By: _____

Ayes: _____

Nays: _____

Proposed Resolution No. _____

Submitted to council by: Councilmember Burmaster 4.29.20 Approved by Department of: _____

Funds are available account # _____

Date: ___/___/___

CITY OF UTICA
Department of Legislation
Common Council

By Councilmember Burmaster

LIMITED PARKING; TWO-HOUR PARKING AT ALL TIMES

ORDAINED, that **Sec. 2-16-366 Schedule K: Limited parking; two-hour parking at all times.**

Rescinded: **Lamb Street, south side, from Lincoln Avenue to Bennett Street**

	MEMBERS	AYES	NAYS		MEMBERS	AYES	NAYS	ADOPTED OR DISAPPROVED BY THE FOLLOWING VOTE: AYES _____ NAYS _____ DATE ADOPTED ___/___/2020
1	M. McNiel			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	C. Friend			8	J. LoMedico			
4	F. Meola			9	F. DiBrango			
5	D. Moody			10	M. Galime			

Sent to committee on: ___ / ___ / ___ By _____

Date of Legislation: 4 / 29 / 20

Out of committee on: ___ / ___ / ___

Proposed Ordinance No. 4

2nd By: _____

Ayes: _____

Nays: _____

Proposed Resolution No. _____

Submitted to council by: Councilmember Burmaster 4.29.20 Approved by Department of: _____

Funds are available account # _____

Date: ___ / ___ / ___

CITY OF UTICA
Department of Legislation
Common Council

By Councilmember Burmaster

NO PARKING AT ALL TIMES

ORDAINED, that Sec. 2-16-360 Schedule E: No parking at all times.

Lamb Street, south side, from Lincoln Avenue to Bennett Street

	MEMBERS	AYES	NAYS		MEMBERS	AYES	NAYS	ADOPTED OR DISAPPROVED BY THE FOLLOWING VOTE: AYES _____ NAYS _____ DATE ADOPTED ____/____/ 2020
1	M. McNiel			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	C. Friend			8	J. LoMedico			
4	F. Meola			9	F. DiBrango			
5	D. Moody			10	M. Galime			

Sent to committee on: _____ / _____ / _____ By _____ Date of Legislation: 4 / 29 / 20
Out of committee on: _____ / _____ / _____ Proposed Ordinance No. 5
2nd By: _____ Ayes: _____ Nays: _____ Proposed Resolution No. _____
Submitted to council by: LAW 4.29.20 Sent to Counsel Atty on 4.29.20 Approved by Department of: _____
Funds are available account # _____ Date: _____ / _____ / _____

CITY OF UTICA
Department of Legislation
Common Council

Sponsored by: Councilmembers McNeil and Williamson

**ORDINANCE AMENDING CHAPTER 2028 OF THE
CITY CODE REGARDING THE TOWING AND WRECKERS**

ORDAINED, Chapter 2-28 of the Code of Ordinances of the City of Utica. As amended is hereby further amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 2-28-1 Definition.

As used in this chapter, “wrecker”, “tow truck” or “flatbed” means a motor vehicle employed for the purpose of towing, transporting, conveying or removing any passenger motor vehicle which is unable to be operated under its own power for which service a charge or fee is exacted.

Sec. 2-28-2 Purpose.

The purpose of this chapter is to safeguard and protect the public against fraud and exorbitant rates and similar abuses on the part of itinerant wrecking and towing businesses and to license persons engaged in wrecking or towing businesses.

Sec. 2-28-3 Exceptions.

The terms and provisions of this chapter shall not apply to any wrecker or tow truck which:

- (1) Picks up a disabled vehicle outside the city limits;
- (2) Does not maintain a place of business within the city and whose services are requested by the owner or driver of a disabled vehicle for the purpose of towing the vehicle outside or inside of the city.

Sec. 2-28-4. Violations and penalties.

- (a) Any person who violates any provision of this chapter shall, upon conviction be subjected to the penalties as provided in Section 2-1-17.
- (b) After notice and opportunity to be heard, the Chief of Police may suspend or revoke the license of any person who violates the provisions of this chapter. The Chief may also remove a violator from the accident/tow-away rotation list.

Sec. 2-28-5 Enforcement

This article shall be enforced by the Chief of Police or his designee.

Sec. 2-28-6 Composition and powers of the licensing of commission, and Chief of Police.

- (a) The membership of the licensing commission shall be composed of the Chief of Police or his designee, the Chief of Fire or his designee and the Commissioner of Code Enforcement or his designee.

Any person aggrieved by a decision of the Chief of Police in implementing this article may appeal to the licensing commission by delivering a written appeal, stating the reasons therefore, to the City Clerk within thirty (30) days after the occurrence of the event appealed from.

(b) The Chief of Police shall have the power to:

- (1) Examine into the qualifications and fitness of applicants for licenses under this chapter.
- (2) Keep record of all licenses issued, suspended or revoked.
- (3) Adopt rules and regulations consistent with the intent of this chapter as may be necessary with respect to the form and content of applicants for licenses, receipt of licenses, the investigation and examination of applicants and their qualifications and other matters incidental or appropriate to the powers and duties as prescribed by this chapter and for the proper administration and enforcement of the provisions of this chapter.
- (4) Investigate any and all complaints made in conjunction with the requirements of this chapter.

ARTICLE II. LICENSE

Sec. 2-28-26. Required; issuance of decal, endorsements.

- (a) No person shall operate any wrecker or tow truck or conduct any wrecker or towing service within the city without first having obtained a license.
- (b) The city clerk shall issue a decal which shall be displayed on the rear window of the wrecker or tow truck in an area not obstructing the driver's view. Every licensee shall receive one (1) sticker, the cost of which shall be included in the price of the license. Any additional stickers needed will cost five dollars (\$5.00) per sticker. Non-refundable.
- (c) No person shall operate any wrecker or tow truck or conduct any wrecker or towing service within the city without first obtaining a NYS License Tow truck endorsement "W".

Sec. 2-28-27 Application.

- (a) The application for a license shall be made to the City Clerk on the prescribed form and shall specify the following information:
 - (1) The year, make, type, and registration number of the wrecker or tow truck.
 - (2) The name, address of the applicant and, is a corporation, the name and address of each officer, director and shareholder of the corporation and if a partnership, the name and address of each partner.
 - (3) The name and address of the owner of the wrecker or tow truck if other than the applicant.
 - (4) The location of the premises at which the wrecker or tow truck is domiciled or garaged.
 - (5) The location of the premises to which the vehicles are to be towed, the maximum number of vehicles to be stored at the premises and the name and addresses of any other tow truck operation permitted.
 - (6) The names and addresses of personal references.
 - (7) A complete list of all criminal convictions, to include minor traffic violations, of all persons named pursuant to paragraphs (2) and (3) of this subsection.
 - (8) Any other information deemed necessary by the bureau of police in order to implement the purpose of this chapter.
 - (9) The licensing application form shall have a place where the applicant can indicate the desire to also be placed on the accident/tow-away rotation list.

- (10) False or omitted information on said application shall cause either denial of, or delay in application.
- (b) All applications shall be forwarded by the City Clerk's office to the Bureau of Police for review and approval from the Chief of Police.

Sec. 2-28-28 Fees; term

- (a) The fee for license required by this article shall be fifty dollars (\$50.00) for an applicant who does not want to be on the accident rotation list. The fee for accident rotation list applicants shall be an additional two hundred dollars (\$200.00).
- (b) All licenses shall be valid for two (2) years from the date of issuance.
- (c) All fees are non-refundable.

Sec. 2-28-29. Renewal; denial

- (a) Any license issued under the provisions of this article may be renewed for the additional periods of two (2) years upon the following:
- (1) Submission to the city clerk of a renewal application containing the same information as required by section 2-28-27, no later than thirty (30) days before the expiration date of the current license.
 - (2) Payment to the city clerk or renewal fee in the amount required by section 2-28-28.
- (b) The Chief of Police may deny, within thirty (30) days after submission of all items required by this section, the renewal of any license if it finds that the applicant no longer demonstrates the ability to comply with the terms of this chapter.

Sec. 2-28-30. Transferability.

Any license or registration required by this article shall not be transferred to another person or vehicle.

Sec. 2-28-31 Suspension or revocation.

- a.) The Chief of Police may deny, within thirty (30) days after submission of all items required by this section, the renewal of any license if it finds that the applicant no longer demonstrates the ability to comply with the terms of this chapter.

In addition to any penalties which may be imposed for the violation of this chapter, the Chief of Police, may suspend or revoke any license granted, under the provisions of this article, after written notice and opportunity for a hearing, for any of the following reasons:

- (1) Fraud or willful and knowing misrepresentation or false statements made in an application of license.
- (2) Failure to comply with all provisions of this chapter.
- (3) Violation of any law or regulation of the state including, but not limited to, violations of the motor vehicle laws and regulations.
- (4) Violation of any city regulations or ordinances including this chapter.
- (5) Violation of the two-hundred-foot rule pursuant to section 2-28-84.

ARTICLE III. OPERATIONAL RULES

Sec. 2-28-46. Equipment.

Each wrecker/tow truck shall be equipped with flashing or revolving amber lights on the truck, fully charged all-purpose fire extinguisher, one (1) dozen red flares, safety chains, rigid tow-bar, broom, pry-bar, shovel, lifting boom on rear and not less than a one-and-half-ton power winch equipped with one hundred fifty (150) feet of three-eighths-inch accommodating retrieval equipment.

Sec. 2-28-47. Rates and charges; Solicitation.

(a) Towing charges. The towing charges for towing shall be as follows:

1. No owner of a tow truck may charge in excess of one hundred seventy-five dollars (\$175.00) for towing any vehicle. There will be no additional mileage charge if towing is within the city limits or to their place of business.

(i) The tow service shall provide services, including but not limited to winch out, for recovery of any motor vehicles at no additional cost.

(ii) Motorcycle towing is an additional \$50.00.

2. Where a vehicle cannot be sufficiently towed on its own, the use of dolly wheels may be an additional charge of not more than twenty-five dollars (\$25.00).

(b) Schedule of charges. Every owner and operator of a wrecker or tow truck shall maintain a schedule of all rates and charges, in compliance with the limitations of subsection (a) of this section, and shall post the schedule in the place of business and shall make the schedule available to any person upon request.

(c) Storage charges. No wrecker or tow truck operator shall charge an outdoor storage fee in excess of forty five dollars (\$45.00) per day and no more than sixty five dollars (\$65.00) per day for necessary inside storage for any vehicle towed pursuant to this chapter. The only reason inside storage will be necessary is if the police authorize it or the owner requests it. The vehicle must be on the premise of a minimum of twenty four (24) hours in order to charge a storage fee.

(d) It shall be unlawful for any person to have any agent, servant or employee engaged in a towing or wrecking service to solicit business within two hundred (200) feet of the scene of any accident. The bureau of police has full authority to enforce this section. Violation of this section will result in revocation of the violator's license and any other penalty deemed appropriate.

3. In the event no tow company on the Rotation List is capable of safely or properly recovering, transporting, relocating, or stowing a vehicle, the officer on scene, **with the authorization of the squad commander**, may request the services of a company that is not approved for participation in the Rotation List.

Sec. 2-28-48. Towing of vehicle without consent of owner.

Every person licensed under the provisions of this chapter shall, immediately upon removal or towing of any vehicle without the express consent of the owner or driver of the vehicle, notify the bureau of police in person of the year, make, model and license or vehicle identification number of the towed vehicle. The location from which the vehicle is removed and the location where the vehicle will be located must also be given.

Sec. 2-28-49. Towing from private property.

No person licensed under the provision of this chapter shall tow a vehicle from private property except at the express written request of the owner or lessee of the property or at the express written

request of the owner of the vehicle and the owner or lessee of the property. The licensee must notify the bureau of police in person immediately upon removal and include the same information required in section 2-28-48, if written consent of the owner of the vehicle has not been notified.

ARTICLE IV. ACCIDENT/TOW-AWAY ROTATION LIST

Sec. 2-28-66. Established.

- (a) The Chief of Police may establish a list of towing services to be used on a rotating basis by the bureau of police whenever towing services are required by the bureau of police. The list shall be known as the accident/tow-away Rotation List and the requirements for participation in the list shall be established in this article.
- (b) Authority to impound vehicle. When any vehicle is parked or abandoned on any highway in the city during a snowstorm, flood, fire, or other public emergency which affects that portion of the highway upon which said vehicle is parked or abandoned, or when any vehicle is found unattended on a highway in this city where said vehicle constitutes an obstruction to traffic, or when any vehicle is abandoned on any highway in this city where stopping, standing or parking is prohibited, or any situation caused by said vehicle that may be deemed hazardous or any emergency by the police, said vehicle may be removed by or under the direction of any police officer of this city.

Sec. 2-28-67. Licensing of towing service.

- (a) A towing service placed on the accident/tow-away Rotation List shall be licensed according to the requirements of this article and shall be in conformity with all provisions of this article.
- (b) The licensing application form shall have a place where the applicant can indicate the desire to also be placed on the accident/tow-away Rotation List.

Sec. 2-28-68. Tow truck operator's license.

- (a) Required. All employed drivers of a towing vehicle placed on the accident/tow-away rotation list must obtain a tow truck operator's license.
- (b) Application. The application for the license may be made to the bureau of police and shall specify the following:
 - (1) Possession of a valid New York State driver's license with a NYS Tow Truck endorsement "W".
 - (2) A complete list of all criminal convictions, including those for traffic violations.
 - (3) The names and addresses of two (2) personal references.
 - (4) Any other information deemed necessary by the Chief of Police for the purpose of implementing this article.
- (c) Fee. The fee for the license shall be twenty dollars (\$25.00). Non-refundable.
- (d) Issuance term. If and when the application is approved, a tow truck operator's license card shall be issued and must be carried by the driver at all times. Licenses will be valid for a two-year period from the date of issuance.

(e) Any false or omitted information on said application shall cause either denial of, or delay in application.

Sec. 2-28-69. Inspections, equipment required and identification of wrecker/tow truck.

- (a) Each wrecker/tow truck applying for the accident/tow away rotation list shall be equipped with the following required equipment: Flashing or revolving amber lights on the truck; fully charged all purpose fire extinguisher; one (1) dozen red flares; a set of dolly wheels or flatbed; safety chains; rigid tow bar; lifting boom on rear; not less than one-and-one half ton power winch equipped with one hundred fifty (150) feet of three-eighths inch accommodating retrieval equipment; broom; pry bar and shovel. A licensee shall permit inspection by the Utica Police Department to verify that it has the required equipment.
- (b) The company name must be affixed on each side of the wrecker/tow truck. All lettering setting forth the company name, address and phone number shall be at least three (3) inches in height and in a contrasting color.

Sec. 2-28-70. Certificates of insurance.

Each applicant for the accident/tow-away rotation list shall submit a certificate of a current garage liability insurance policy and current automobile liability insurance policy issued by an insurance company authorized to do business in the state. Policy limits must include not less than one hundred thousand dollars (\$100,000.00) for the injury or death of any one (1) person, three hundred thousand dollars (\$300,000.00) for the injury or death of any number of persons in any one (1) accident, twenty-five thousand dollars (\$25,000.00) for the property damage or a combined single limit of three hundred thousand dollars (\$300,000.00).

Sec. 2-28-71 Indemnification

Each towing service operator on the accident/tow-away rotation list shall agree to defend indemnify and hold harmless the City from any claims or liabilities which may occur as a result of performing service at the request of the Bureau of Police.

Sec. 2-28-72. Rates and charges.

The towing service operator on the accident/tow-away rotation list, upon completion of a tow, shall levy tow charges against the rightful owner of the vehicle. No fee may be levied for response not resulting in a removal of the vehicle. The cost of the removal or towing shall be the responsibility of the vehicle owner or operator and shall not exceed the rates established by this chapter.

Sec. 2-28-73 Removal from list.

- (a) If, at any time, the towing service fails to maintain the requirements of this chapter or violates any provision of this article, the towing service may be removed from the rotation list by the order of the Chief of Police. The Chief of Police or his designee has forty-eight (48) hours to notify the City Clerk's office if the towing service is ordered removed from the rotation list. The towing service will also be notified by the Chief of Police or his designee of their right to appeal that decision to the Licensing Commission within thirty (30) days after the date of that decision.
- (b) If any towing service arrives at the scene without all of the equipment required in section 2-28-69, it shall be grounds for immediate removal from the rotation list.

Sec. 2-28-74 Number of towing services on a list; filling vacancies.

There shall be no more than fifteen (15) towing services participating on the accident/tow-away rotation list at any one (1) time. Vacancies on the list shall be filled on a first come, first served basis from an established waiting list.

Sec. 2-28-75. Availability; response to calls; Acceptance or rejection of calls.

- (a) The towing service on the accident/tow-away rotation list must be available for assignment on the twenty-four hour basis, seven (7) days a week, three hundred sixty-five (365) days a year.
- (b) The towing service must be able to respond to any call for service in the city area within twenty five (25) minutes of receiving the call from the Bureau of Police. The towing service must have a phone number on file with the Bureau of Police where the towing service can be reached at all times. There can be no more than two (2) numbers per towing service on file at any given time. Failure to answer all numbers listed for that towing service when called by the Bureau of Police for a rotation call will be considered as a rejection.
- (c) Upon request for the rotation tow service, the service next on the rotation must be the service to respond. The Bureau of Police must be informed of any acceptance by the towing service on the accident/tow-away rotation list at the time the service is first called. The service called can accept or choose to be skipped; it cannot designate its replacement. In the event the tow service on the rotation cannot respond to the call, then the tow service next on the list shall be called to respond, and so forth, until a tow service does respond to the call. If any tow service rejects more than three (3) calls within a six (6) month period for any reason, it will be suspended from the rotation list for a period of one (1) month. Rejection of five (5) calls within a six (6) month period shall result in suspension from the rotation list for a six (6) month period. If there are more than six refusals in a six month period the operator will be subject to review by the licensing commission whether to permanently drop them from the rotation list.
- (d) A tow operator may not respond for another tow service, the tow operator must respond with the requested rotation tow service vehicle.

Sec. 2-28-76 RESERVED.

Sec. 2-28-77 Log books.

- (a) All towing service operators on the accident/tow-away rotation list will keep a log book in which will be listed, the time the call was dispatched from the bureau of police, the date and time the vehicle was picked up, the location from where the vehicle was towed, the make, the model and color of the vehicle and the license or vehicle and the license or vehicle identification number. This log book will be subject to inspection by any police officer.
- (b) The bureau of police must also keep a list on all calls made from the accident/tow-away rotation list. The police officer at the scene of the accident will notify the police dispatcher of the exact time the towing service arrived on the scene, and this information will be part of the log entry, as well as the information contained in subsection (a) of this section. The police list is also open to inspection by the interested towing service.

Sec. 2-28-78 Removal of vehicle to certain location.

Any motor vehicle picked up in the city by a towing service on the accident/tow-away rotation list must be removed to a location designated by the owner, person in charge of the motor vehicle or police officer. When the owner, person in charge of the motor vehicle or police officer does not designate a place to which the motor vehicle is to be towed, the motor vehicle shall be towed to the depot, body shop or garage designated in the licensee's application.

Sec. 2-28-79 Storage of automobiles.

- (a) Storage area requirements. All towing services on the accident/tow-away rotation list must provide a secure storage area with space for a minimum of ten (10) automobiles at any one (1) time. If the storage area is outside, it must be surrounded by a six foot high, industrial type fence. All premises will be inspected by the department of codes enforcement and reports issued to the Chief of Police.

Sec. 2-28-80 (RESERVED).

Sec. 2-28-81 Remaining first on the list of services not needed; refusal to tow vehicle.

- (a) If the towing service on the accident/tow-away rotation list has accepted a dispatched call and towing is not required, that towing service will remain the first to be called for the next rotation call.
- (b) It shall be a violation of this section for any licensee on the rotation list to refuse to tow a motor vehicle after having appeared on the scene at the request of the bureau of police, provided that the wrecker or tow truck equipment is capable of towing the vehicle. The tow service will not be placed back on the accident/tow-away rotation list.

Sec. 2-28-82 Towing service cards.

A business card containing the business name and phone number in addition to the maximum rates will be given to the vehicle owner or operator at the scene of the accident by the towing service on the accident/tow-away rotation list.

Sec. 2-28-83 Responsibility for cleaning area.

The tow truck operator for the towing service on the accident/tow-away rotation list will be responsible for cleaning the area of any debris resulting from the towed vehicle, **for no additional fee, pursuant to NYS Vehicle and Traffic Law § 1219 (c)**. The department of public works is not responsible for cleaning the area. Any tow operator who refuses to clean the area may be immediately removed from the rotation list.

Sec. 2-28-84 Soliciting business; maintaining distance from accident.

It shall be a violation of this section for any person to have any agent, servant or employee engaged in a towing or wrecking service to solicit business within two hundred (200) feet of the scene of any accident. The bureau of police has full authority to enforce this section. Violation of this section will result in revocation of the violator's license and any other penalty deemed appropriate.

Sec. 2-28-85 Use of other wrecker or tow truck.

Nothing in this article shall be construed to prohibit any owner or operator of a motor vehicle from calling any tow truck or wrecker of the owner's or operator's choice.

Sec. 2-28-86 Notice and hearing.

Nothing in this article shall be construed to prevent any person notice and opportunity to be heard.

	MEMBERS	AYES	NAYS		MEMBERS	AYES	NAYS	ADOPTED OR DISAPPROVED BY THE FOLLOWING VOTE: AYES _____ NAYS _____ DATE ADOPTED ____ / ____ / 2020
1	M. McNiel			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	C. Friend			8	J. LoMedico			
4	F. Meola			9	F. DiBrango			
5	D. Moody			10	M. Galime			

Out of committee on: ____ / ____ / ____ By: _____ Proposed Ordinance No. _____

2nd By: _____ Ayes: _____ Nays: _____ Proposed Resolution No. 6

Submitted to council by: LAW, Sent to Council Atty on 05/04/20 Approved by Department of: _____

Funds are available account # _____ Date: ____ / ____ / ____

**CITY OF UTICA
Department of Legislation
Common Council**

Sponsored by: Councilmembers McNiel, Williamson

**RESOLUTION AUTHORIZING THE PROSPECTIVE CANCELLATION OF TAXES ON 311
TURNER STREET, UTICA, NEW YORK**

WHEREAS, the City of Utica has for many years, enforced the collection of delinquent real estate taxes pursuant to Real Property Tax Law, Article 11, Title 3, Foreclosure of Tax Lien by Proceeding In Rem; and

WHEREAS, Real Property Tax Law Section 1138, provides methods to withdraw parcels of property from foreclosure and in certain instances, cancel said taxes; and

WHEREAS, action can be taken by the Common Council pursuant to Real Property Tax Law Section 1138(6)(d) to direct the enforcing officer to issue a certificate of prospective cancellation; and

WHEREAS, the issuance of such a certificate of prospective cancellation renders the property exempt from taxation until it is determined by the Common Council that the property should be restored to the taxable portion of the tax roll; now, therefore, be it

RESOLVED, that the Common Council hereby finds that there is no practical methods to enforce collection of delinquent tax liens arising hereafter against the parcel listed herein; and be it further

RESOLVED, that the enforcing officer is directed to issue a certificate of prospective cancellation for the property; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the assessor and Oneida County Director of Real Property Tax Services; and be it therefore

RESOLVED, that these parcels be made exempt pursuant to RPTL 1138; and be it further

311 Turner Street, Utica,

Parcel Identification Number 319.20-1-11

ALSO KNOWN AS Parcel Identification Numbers: 319.20-1-11.1 & 319.20-1-11.2

Current owner: Charlestown Mall of Utica, LLC

RESOLVED, that the Tax Enforcement Officer, i.e. the City of Utica Comptroller is hereby authorized and directed to issued certificates of Prospective Cancellation; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the City of Utica Assessor and the Oneida County Property Agent and Director of Real Property Services; and it is further

RESOLVED, that the parcel shall remain exempt until the Common Council determines that the parcel should be restored to the taxable portion of the assessment form and the enforcing officer files a certificate of restoration that the parcel shall remain exempt until the Common Council determines that the parcel should be restored to the taxable portion of the assessment form and the enforcing officer files a certificate of restoration.

	MEMBERS	AYES	NAYS		MEMBERS	AYES	NAYS	ADOPTED OR DISAPPROVED BY THE FOLLOWING VOTE: AYES _____ NAYS _____ DATE ADOPTED ____ / ____ / 2020
1	M. McNiel			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	C. Friend			8	J. LoMedico			
4	F. Meola			9	F. DiBrango			
5	D. Moody			10	M. Galime			

Sent to committee on: ____ / ____ / ____ By _____

Date of Legislation: 05 / 04 / 20

Out of committee on: ___ / ___ / ___ By: _____ Proposed Ordinance No. _____

2nd By: _____ Ayes: _____ Nays: _____ Proposed Resolution No. ___7___

Submitted to council by: LAW, Sent to Council Atty on 05/04/20 Approved by Department of: _____

Funds are available account # _____ Date: ___ / ___ / ___

**CITY OF UTICA
Department of Legislation
Common Council**

Sponsored by: Councilmembers McNiel, Williamson

AMENDING CITIZEN PARTICIPATION PLAN

WHEREAS, the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law on March 27, 2020, which provided \$1,510,166 in additional Community Development Block Grant funds and \$742,966 in additional HOME Investment Partnership funds to the City of Utica; and

WHEREAS, the CARES Act also included waivers for certain standard provisions applicable to both entitlement programs; and

WHEREAS, one of those waivers allowed CDBG grantees to amend their citizen participation plans to provide for shortened timeframes for the public comment process incorporated into the process of drafting, proposing or amending a communities Consolidated Plan, Annual Action Plans and Substantial Amendments to those plans. The provisions of the CARES Act provides for reducing public comment periods to five (5) days; and

WHEREAS, the CARES Act also eliminates the requirement to conduct in-person public hearings. The provisions allow for virtual public hearings so long as social distancing is still recommended by public health authorities and reasonable notification and access to the hearing is provided to the public along with providing timely responses from local officials with full access to those responses being provided to the public.

NOW, THEREFORE, be it resolved that the Common Council of the City of Utica, New York hereby does approve amending the City of Utica’s Citizen Participation Plan in accordance with the CARES Act of 2020.

	MEMBERS	AYES	NAYS		MEMBERS	AYES	NAYS	ADOPTED OR DISAPPROVED BY THE FOLLOWING VOTE: AYES _____ NAYS _____ DATE ADOPTED ___/___/ 2020
1	M. McNiel			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	C. Friend			8	J. LoMedico			
4	F. Meola			9	F. DiBrango			
5	D. Moody			10	M. Galime			

City of Utica

Citizen Participation Plan

GENERAL

This Citizen Participation Plan, prepared in compliance with 24 CFR Part 91.105 *Citizen Participation Plan, Local Governments* sets forth the City of Utica's policies and procedures for citizen participation, encouraging all citizens, particularly those in predominantly low- to moderate-income neighborhoods, to participate in the development of the City's Five Year Consolidated Plan and Annual Action Plans, any amendments to these plans, applications for Section 108 Loan Guarantees, and the Consolidated Annual Performance Evaluation Report (CAPER) and all other programs, as applicable. Upon request, accommodations will be made by the Department of Urban and Economic Development (UED) to meet the needs of persons with disabilities to review the Citizen Participation Plan. For the purposes of this Plan, predominantly low- to moderate-income neighborhoods shall be described as *a readily identifiable area, such as a block group or census tract, where at least 51% of the residents have a household income at or below 80% of the area median income.*

STANDARDS OF PARTICIPATION & GOALS FOR PARTICIPATION

All aspects of the Community Development Block Grant (CDBG), HOME Investment Partnership Programs, Emergency Solutions Grant and others, if applicable, shall be conducted in an open manner with freedom of access for all interested persons, groups and/or organizations.

Participation – To the greatest degree possible, the City of Utica through the Department of Urban and Economic Development, will provide for and encourage citizens to participate in the development of the Consolidated Plan, any substantial amendments to the Consolidated Plan, and all performance reports. The City will try to engage low- and moderate- income residents who live where housing and community development funds may be spent. The City will also make efforts to include minorities and non-English speaking persons, persons with disabilities, local and regional institutions, the Mohawk Valley Housing and Homeless Coalition (the area's Continuum of Care) and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, community and faith-based organizations) in the process of developing and implementing the Consolidated Plan.

The City will also encourage the participation of residents of public and assisted housing developments and recipients of tenant-based assistance in the process of developing and implementing the Consolidated Plan, along with other low-income residents of targeted revitalization areas in which the developments are located. The City shall make an effort to provide information to the Utica Municipal Housing Authority about Consolidated Plan activities so they can make it available at the annual public hearing required for the Public Housing Agency Plan.

Quality of Life Sweeps – The City is fully committed to providing Utica residents with a cleaner, safer place to live and work. The administration’s goal is to sweep all City neighborhoods in an effort to identify first-hand the problems and concerns of the residents and businesses. The City recognizes that in-person visits and open lines of communication help to instill a sense of pride and accountability in both the residents and the employees who serve them.

Residents and business owners are encouraged to join the Mayor and City officials – including representatives from Police, Code Enforcement, Fire, Parks, Public Works, Urban and Economic Development and other offices on the weekly neighborhood sweeps. Between April 1st and the start of winter weather at the end of the year, the Mayor and numerous City staff spend 3 hours each week walking a different route through the various City neighborhoods. They make themselves available to both residents and businesses to answer questions, listen to concerns and to identify ways to help beautify the streets and greenspaces. The sweeps are publicized in the Observer Dispatch (official newspaper) along with notices sent to the local media outlets and posted on Facebook. The area to be addressed by each sweep is advertised in advance and residents, businesses and community groups often join the Mayor and staff to discuss ways to improve the quality of life in the places they call home:

- Utica Comets
- Rescue Mission of Utica
- Utica Municipal Housing Authority
- The Criminal Justice class of Mohawk Valley Community College
- Alpha Chi Rho (AXP) of Utica College
- Indium Corporation
- Northeast Regional Council of Carpenters
- The Catalyst Group
- The Boilermaker Committee
- F.X. Matt Brewery
- Mayor Brindisi and the Village of Herkimer

Neighborhood Associations - Utica has a number of resident Neighborhood Associations including the, Cornhill Association, Oneida Square Project , North Utica Neighborhood Association, East Utica Concerned Citizens, South Utica Neighborhood Association and West Utica Concerned Citizens. Most of the groups meet monthly with media notices published in the official newspaper and sent via email and posted on Facebook.

City officials regularly participate in these monthly meetings to answer questions or listen to comments and concerns.

Social Media -The City of Utica uses social media outlets as yet another avenue to engage and communicate with residents of all ages. They maintain Facebook and Twitter pages as well as a website internet presence. These media have increasingly become more popular as a method of eliciting public opinion and input, as well as a means to advertise news and opportunities for public participation.

Access to Information -- Citizens, public agencies, and other interested parties, which may include: Utica Public Library, Mohawk Valley Resource Center for Refugees (MVRRCR), Utica Municipal Housing Authority, City of Utica Section 8 Program, Community Foundation of Herkimer and Oneida Counties, Continuum of Care (COC), West Utica, Parkway, North Utica Senior Centers, and Utica Area Chamber of Commerce, are provided with opportunities to receive plan information and to submit comments on any proposed submissions concerning the proposed activities, including the amount of assistance the City expects to receive (grant funds and program income), the range of activities that are proposed to be undertaken, and the estimated amount of CDBG and other funds proposed to be used for activities that will benefit persons of low- and moderate-income. Electronic copies of plans, amendments and reports will also be available on the City's website (which enables the use of GOOGLE translations in ninety different languages). Paper copies will also be available in the Department of Urban and Economic Development, 2nd Floor, City Hall, 1 Kennedy Plaza, Utica.

Anti-displacement -- The City will ensure minimized displacement of persons related to proposed activities and will assist any persons displaced, including individuals, families, businesses, non-profits and farms with relocation payments and assistance where/when required under section 570.606 of the regulations and in compliance with the City of Utica Residential Anti displacement and Relocation Assistance Plan.

Publishing the Plan - The City will publish its proposed Consolidated Plan or a "summary" of the proposed Consolidated Plan on the City's website. A legal notice for public comment will be published in the Observer Dispatch, the City's official newspaper. Electronic and paper copies of the proposed plan will be available to organizations, libraries, government offices, and other public places. The summary of the plan will describe the contents and purpose of the plan and will include a list of the locations where copies of the entire plan may be examined. The City will also provide a reasonable number of free paper copies of the plan at City Hall for citizens and groups who may request it.

Public Hearings -The City will provide at least two (2) public hearings per year to obtain citizens' views and to respond to proposals and questions, to be conducted at a minimum of two different stages of the program year (i.e. Annual Plan and CAPER review periods) in an effort to publicly address 1) housing and community development needs, 2) development of proposed activities, 3) amount of funds to be used 4) review of program performance, 5) any known instances of potential displacement. At least one of the hearings will be held before the proposed Consolidated and Annual plans or Amendments are published for comment. Hearings will be held at times and locations convenient to potential and actual beneficiaries, and with accommodation for persons with disabilities. Language accommodations will be made when and where a significant number of non-English speaking residents can be reasonably expected to participate. To access interpretation services via telephone, the City will direct residents to Language Line Solutions which will connect them to interpreters.

Notice of Hearings - The City will provide a minimum fourteen (14)-day notice to citizens of each hearing with a notice on the City's website, social media sites, posting on the City bulletin board within City facilities and electronic billboards in the City, Section 8 Department, Utica Municipal Housing sites and/ or via a legal advertisement in the Observer Dispatch. Notices of public hearings may be disseminated by a local Community Affairs Specialist through a list serve of approximately 1,700 email addresses. The notices will include a summary of the purpose of the hearing, location, date and time, the process to provide input after or outside of the hearings, and a provision to provide language, hearing, and/or visual assistance, if requested at least one day before the hearing. The City's webpage can be translated into multiple languages through Google Translate. A copy of the advertisement, list of attendees and meeting notes will be kept on file and appropriately submitted.

Access to Meetings – Public hearings and/or meetings will be held at locations and times that are reasonable and notices will be given at least fourteen (14) days before the scheduled dates. Virtual meetings will be utilized when gatherings of multiple people are unachievable during times of declared disasters or emergency events such as the recent pandemic. Real-time responses and accommodations for persons with disabilities and/or with limited English proficiency will be made available to the greatest extent possible.

Comments - Citizens will be provided at least thirty (30) days prior to the submission of the Consolidated Plan, amendments or reports to provide comments to the City, and the City will consider all views of citizens, public agencies and other interested parties in preparing its final consolidated or other submission. The City may elect to use an electronic survey to elicit input and/or comments regarding the plan. Comments can be submitted in writing to the Department of Urban and Economic Development or can be provided through the City's website, email, Facebook and Twitter pages.

Substantial Amendments -Substantial amendments to the Consolidated Plan are occasionally required in the administration of the City's CDBG program, including where: 1) new activities are proposed that were not included in the original plan; or, 2) transfers of more than \$20,000 in funds from one activity to another. The City must provide a minimum of thirty (30) days to receive comments on a substantial amendment before the amendment is implemented. All comments or views of citizens received in writing, or orally at public hearings, if any, in preparing the substantial amendment will be considered. A summary of these comments and a summary of any comments or views not accepted and the reasons therefore, shall be attached to the substantial amendment.

During times of declared disasters or emergency events, such as the recent pandemic, citizens will be provided at minimum five (5) days prior to the submission of the Substantial Amendment for public comment.

Performance Reports – Citizens will be provided with a minimum of fifteen (15) days to receive comments on the performance reports that are required to be submitted to HUD before their submission. All comments or views of citizens received in writing, or orally at public hearings in preparing the performance report will be considered and a summary of these comments shall be attached to the performance report.

Availability to the Public -The Consolidated Plan as adopted, substantial amendments, and the performance reports will be available to the public (electronic or

paper copies), including the availability of materials in a form accessible to persons with disabilities, upon request at City Hall, 1 Kennedy Plaza, Department of Urban and Economic Development, 2nd Floor.

Access to Records -The City will provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the jurisdiction's Consolidated Plan and the jurisdiction's use of assistance under the programs covered by the Plan during the preceding five years.

Technical Assistance - The City will provide technical assistance to groups and representatives of persons of low- and moderate-income who request such assistance in developing proposals for funding assistance under the Consolidated Plan.

Complaints -The City will accept and acknowledge all complaints from citizens related to the Consolidated Plan, amendments, and performance reports. Complaints can be submitted in writing to the Department of Urban and Economic Development or through the City's website by submitting under "report an issue." At a minimum, the City will provide a timely, substantive written response to every written citizen complaint, within an established period of time (within fifteen (15) days, where practicable).

Amendments - Prior to the submission of any substantial change in the proposed use of funds, citizens must have reasonable notice of thirty (30), and opportunity to comment on, the proposed amendment.

During times of declared disasters or emergency events, such as the recent pandemic, citizens will be provided at minimum five (5) days prior to the submission of the Substantial Amendment for public comment.

Sent to committee on: _____ / _____ / _____ By _____ Date of Legislation: 5 / 4 / 20

Out of committee on: _____ / _____ / _____ By: _____ Proposed Ordinance No. _____

2nd By: _____ Ayes: _____ Nays: _____ Proposed Resolution No. 8

CITY OF UTICA
Department of Legislation
Common Council

Sponsored by: Councilmember Burmaster

WHEREAS, The Utica Urban Renewal Agency is the owner of **611 Spring Street**; and

WHEREAS, The Utica Urban Renewal Agency is authorized to sell development parcels in said Urban Renewal area to prospective developers, pursuant to the requirements set forth in Article 15, section 507, of the General Municipal Laws of the State of New York; and

WHEREAS, an offer to purchase **611 Spring Street** has been received by the Utica Urban Renewal Agency from **David P. Davis**; and

WHEREAS, the developer plans to **fence and use for exit, parking and storage for his adjacent business**; and

WHEREAS, the purchase price for this property is **\$250.00**; and

WHEREAS, The Chairman of the Utica Urban Renewal Agency has been authorized to execute a contract of sale with the aforementioned developer subject to the developer meeting all applicable terms and conditions relative to the purchase of the subject property including the approval of the same by the Utica Common Council; and

WHEREAS, The Utica Urban Renewal Agency shall cause to be published a public hearing notice and a legal notice which describes all relevant terms and conditions of the proposed sale in the Observer Dispatch newspaper in accordance with Article 15 of the General Municipal Law of the State of New York, and a public hearing shall be held pursuant thereto in accordance with section 507 of the General Municipal Law of the State of New York; and

NOW, THEREFORE, BE IT RESOLVED: that the Utica Common Council will conduct a public hearing on **Wednesday, May 21, 2020 at 7:00 P.M.**, in the Utica Common Council Chamber, One Kennedy Plaza, Utica, New York to provide the public with an opportunity to ask questions and offer comments on the proposed sale and subsequent development of the aforesaid properties. Immediately after the public hearing, the Utica Common Council may consider legislation which will approve the sale of **611 Spring Street** and authorize the Chairman of the Utica Urban Renewal Agency to execute all necessary documents to sell said property.

	MEMBERS	AYES	NAYS		MEMBERS	AYES	NAYS	ADOPTED OR DISAPPROVED BY THE FOLLOWING VOTE: AYES _____ NAYS _____ DATE ADOPTED ____ / ____ / 2020
1	M. McNiel			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	C. Friend			8	J. LoMedico			
4	F. Meola			9	F. DiBrango			
5	D. Moody			10	M. Galime			

Sent to committee on: ____ / ____ / ____ By: _____ Date of Legislation: 05 / 04 / 20

Out of committee on: ____ / ____ / ____ By: _____ Proposed Ordinance No. 9

2nd By: _____ Ayes: _____ Nays: _____ Proposed Resolution No. _____

CITY OF UTICA
Department of Legislation
Common Council

Sponsored by: Councilmember Burmaster

Ordinance approving the designation of **David P. Davis** as an eligible and qualified project sponsor pursuant to Article 15 of the General Municipal Law for the purpose of the sale of **611 Spring Street**; and

WHEREAS, The Utica Urban Renewal Agency has acquired **611 Spring Street**; and

WHEREAS, The Utica Urban Renewal Agency is authorized to sell development parcels in said area to prospective developers, pursuant to the requirements set forth in Article 15, Section 507, of the General Municipal Laws of the State of New York; and

WHEREAS, a purchase offer for this property has been received by the Utica Urban Renewal Agency from **David P. Davis**; and the developer proposes to purchase **611 Spring Street to fence and use for exit, parking and storage for his adjacent business**; and the purchase will require the payment of **\$250.00** and

WHEREAS, The Chairman of the Utica Urban Renewal Agency has been authorized to execute a contract for sale with the aforementioned developer subject to the buyer meeting all applicable terms and conditions relative to the sale of subject development including the approval of the Utica Common Council; and

WHEREAS, the Utica Urban Renewal Agency published a public hearing notice which described all relevant terms and conditions of the proposed sale of said disposition parcel, and further provided for a public hearing before the Utica Common Council, all in accordance with Article 15, of the General Municipal Law of the State of New York; and

WHEREAS, On **Wednesday, May 21, 2020** a public hearing was held before the Utica Common Council, and the public was given the opportunity to ask questions, and offer comments relative to the proposed sale, and subsequent development of the aforesaid property; and the proposed project purchase offer is consistent with the terms and conditions set forth in the Utica Urban Renewal Plan.

NOW, THEREFORE, BE IT ORDAINED: That the Utica Common Council authorizes the Mayor, as Chairman of the Utica Urban Renewal Agency, to enter into a land contract pursuant to the terms and conditions outlined in the land contract, in order to sell which are located in the Utica Urban Renewal area;

AND FURTHER BE IT ORDAINED: That the purchase price for the above said property is **\$250.00** and

FURTHER BE IT ORDAINED: That the Chairman of the Utica Urban Renewal Agency is hereby authorized to take any and all steps necessary to complete the disposition of this property for the aforesaid purpose.

	MEMBERS	AYES	NAYS		MEMBERS	AYES	NAYS	ADOPTED OR DISAPPROVED BY THE FOLLOWING VOTE: AYES _____ NAYS _____ DATE ADOPTED ____/____/ 2020
1	M. McNeil			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	C. Friend			8	J. LoMedico			
4	F. Meola			9	F. DiBrango			
5	D. Moody			10	M. Galime			

LEGISLATION TABLED

**City of Utica Common Council
May 6, 2020**

Intro. Local Law 3 of 2020 Police Residency

Sent to committee on: ____ / ____ / ____ **By** _____ **Date of Legislation:** 4 / 8 / 20

Out of committee on: ____ / ____ / ____ **By:** _____ **Proposed Ordinance No.** _____

2nd By: _____ **Ayes:** _____ **Nays:** _____ **Proposed Resolution No.** ____

CITY OF UTICA
Department of Legislation
Common Council

LOCAL LAW NO.: 3 of 2020

**INTRODUCTORY LOCAL LAW
NO.: 3 OF 2020**

Presented and read _____

Placed on the desk of the members of the Common Council on **April 15, 2020**

Adopted by the Common Council by a vote
of Yeas____, Nays____, on _____, 2020.

Approved by the Mayor on _____, 2020.
After a public hearing on _____, 2020.

**A LOCAL LAW AMENDING THE RESIDENCY REQUIREMENT
REGARDING POLICE OFFICERS WHO HAVE SERVED
FOR A MINIMUM OF FIVE (5) CONTINUOUS YEARS AS RESIDENTS
OF THE CITY**

BE IT ENACTED:

SECTION 2.045 of the Utica City Charter, entitled “Residence Requirements for Officers and Employees” as amended, is further amended by adding to Subdivision (b), thereof new subparagraphs to read as follows:

- (i) After the minimum five (5) years of continuous residency, individuals employed with the Utica Police Department shall be eligible to move to a residence outside of the City of Utica, to a location within the County of Oneida, or an adjoining county, subject to the following terms and conditions:
 1. The Police Officer must provide the Chief of Police or their designee a minimum of two (2) months written notice of their intent to relocate outside of the City of Utica boundaries.

2. Employees who choose to return to reside in the City of Utica shall provide the City one (1) month minimum written notice to the Chief of Police or their designee of their intent to relocate back into the City.

Section 2. This Local Law shall become effective immediately in accordance with the Municipal Home Rule Law.

	MEMBERS	AYES	NAYS		MEMBERS	AYES	NAYS	ADOPTED OR DISAPPROVED BY THE FOLLOWING VOTE: AYES _____ NAYS _____ DATE ADOPTED ____/____/ 2020
1	M. McNiel			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	C. Friend			8	J. LoMedico			
4	F. Meola			9	F. DiBrango			
5	D. Moody			10	M. Galime			

LEGISLATION TO BE DISCUSSED
IN PRE-MEETING CONFERENCE

City of Utica Common Council
May 6, 2020

- Ord. 1** No parking, rescind Lamb Street
- Ord. 2** Limited parking Lamb Street, one hour parking
- Ord. 3** Limited parking Lamb Street, two hour parking
- Ord. 4** No parking at all times, Lamb Street
- Ord. 5** Towing changes
- Res. 6** Charleston Property
- Res. 7** CARES Act 2020 amending CPP
- Res. 8** PH for 611 Spring Street
- Ord. 9** Sale of 611 Spring Street



ROBERT M. PALMIERI
MAYOR

CITY OF UTICA
OFFICE OF THE CORPORATION COUNSEL
1 KENNEDY PLAZA, UTICA, NEW YORK 13502
PH.315-792-0171 | FAX. 315-792-0175

WILLIAM M. BORRILL
CORPORATION COUNSEL

ZACHARY C. OREN
FIRST ASSISTANT
CORPORATION COUNSEL

ASSISTANTS

KATHRYN HARTNETT
JOSEPH V. MCBRIDE
MERIMA SMAJIC
ARMOND J. FESTINE
JOHN P. ORILIO
DAVID A. LONGERETTA
CHARLES N. BROWN

MEMORANDUM

**TO: MELISSA SCIORTINO, CITY CLERK
AND MEMBERS OF THE COMMON COUNCIL**

FROM: MERIMA SMAJIC, ASSISTANT CORPORATION COUNSEL

DATE: MARCH 30, 2020

RE: 311 TURNER STREET A/K/A CHARLESTOWN MALL OF UTICA, LLC; TAX MAP

IDENTIFICATION NO. 319.20-1-11 Subdivided: 319.20-1-11.1 & 319.20-1-11.2

Members of the Common Council:

On February 10, 2020, the Common Council passed a Resolution that removed the Charlestown Mall parcel from the tax rolls thereby resolving numerous accounting issues and helping the City financially. This parcel was described as parcel identification number 319.20-1-11. This was done through Resolution number 5.

The parcel was subdivided sometime in 2018. The County's records indicate that the parcel was subdivided without going through the city process many years ago. With both City and County records now reflecting the subdivision, it would be best to include the subdivided parcels into the property description

The Resolution only cited the original parcel number as that is what was on the list of delinquent taxes and petition of foreclosure the original parcel. In order to fully comply with the intent of the Resolution I have submitted the enclosed resolution that amends Resolution Number 5 of February 10, 202 to include the subdivided parcel numbers, 319.20-1-11.1 and 319.20-1-11.2. No other changes have

been made. This proposed ordinance simply amends the description of the property to acknowledge the subdivision. This will ensure consistency in record keeping and allow the necessary departments to remove the parcels from the tax rolls as originally intended.

cc: Mayor Robert M. Palmieri
Melissa Sciortino, City Clerk
William Morehouse, Comptroller
Michael Mahoney, City Engineer
Brian McClusky, Senior Accountant
Heather Mowat, Budget Director
Judge Anthony Garramone, Attorney for the Common Council

Sent to committee on: ___ / ___ / ___ By: _____ Date of Legislation: 5 / 4 / 20

Out of committee on: ___ / ___ / ___ By: _____ Proposed Ordinance No. _____

2nd By: _____ Ayes: _____ Nays: _____ Proposed Resolution No. 6

Submitted to council by: LAW, Sent to Council Atty on 05/04/20 Approved by Department of: _____

Funds are available account # _____ Date: ___ / ___ / ___

CITY OF UTICA
Department of Legislation
Common Council

Sponsored by: Councilmembers McNeil, Williamson

**RESOLUTION AUTHORIZING THE PROSPECTIVE CANCELLATION OF TAXES ON 311
TURNER STREET, UTICA, NEW YORK**

WHEREAS, the City of Utica has for many years, enforced the collection of delinquent real estate taxes pursuant to Real Property Tax Law, Article 11, Title 3, Foreclosure of Tax Lien by Proceeding In Rem; and

WHEREAS, Real Property Tax Law Section 1138, provides methods to withdraw parcels of property from foreclosure and in certain instances, cancel said taxes; and

WHEREAS, action can be taken by the Common Council pursuant to Real Property Tax Law Section 1138(6)(d) to direct the enforcing officer to issue a certificate of prospective cancellation; and

WHEREAS, the issuance of such a certificate of prospective cancellation renders the property exempt from taxation until it is determined by the Common Council that the property should be restored to the taxable portion of the tax roll; now, therefore, be it

RESOLVED, that the Common Council hereby finds that there is no practical methods to enforce collection of delinquent tax liens arising hereafter against the parcel listed herein; and be it further

RESOLVED, that the enforcing officer is directed to issue a certificate of prospective cancellation for the property; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the assessor and Oneida County Director of Real Property Tax Services; and be it therefore

RESOLVED, that these parcels be made exempt pursuant to RPTL 1138; and be it further

311 Turner Street, Utica,

Parcel Identification Number 319.20-1-11

ALSO KNOWN AS Parcel Identification Numbers: 319.20-1-11.1 & 319.20-1-11.2

Current owner: Charlestown Mall of Utica, LLC

RESOLVED, that the Tax Enforcement Officer, i.e. he City of Utica Comptroller is hereby authorized and directed to issued certificates of Prospective Cancellation; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the City of Utica Assessor and the Oneida County Property Agent and Director of Real Property Services; and it is further

RESOLVED, that the parcel shall remain exempt until the Common Council determines that the parcel should be restored to the taxable portion of the assessment form and the enforcing officer files a certificate of restoration that the parcel shall remain exempt until the Common Council determines that the parcel should be restored to the taxable portion of the assessment form and the enforcing officer files a certificate of restoration.

	MEMBERS	AYES	NAYS		MEMBERS	AYES	NAYS	ADOPTED OR DISAPPROVED BY THE FOLLOWING VOTE: AYES _____ NAYS _____ DATE ADOPTED ___ / ___ / 2020
1	M. McNeil			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	C. Friend			8	J. LoMedico			
4	F. Meola			9	F. DiBrango			
5	D. Moody			10	M. Galime			

Sent to committee on: ___ / ___ / ___ By: _____ Date of Legislation: 05 / 04 / 20
 Out of committee on: ___ / ___ / ___ By: _____ Proposed Ordinance No. _____
 2nd By: _____ Ayes: _____ Nays: _____ Proposed Resolution No. 7
 Submitted to council by: LAW, Sent to Council Atty on 05/04/20 Approved by Department of: _____
 Funds are available account # _____ Date: ___ / ___ / ___

CITY OF UTICA
 Department of Legislation
 Common Council

Sponsored by: Councilmembers McNiel, Williamson

AMENDING CITIZEN PARTICIPATION PLAN

WHEREAS, the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law on March 27, 2020, which provided \$1,510,166 in additional Community Development Block Grant funds and \$742,966 in additional HOME Investment Partnership funds to the City of Utica; and

WHEREAS, the CARES Act also included waivers for certain standard provisions applicable to both entitlement programs; and

WHEREAS, one of those waivers allowed CDBG grantees to amend their citizen participation plans to provide for shortened timeframes for the public comment process incorporated into the process of drafting, proposing or amending a communities Consolidated Plan, Annual Action Plans and Substantial Amendments to those plans. The provisions of the CARES Act provides for reducing public comment periods to five (5) days; and

WHEREAS, the CARES Act also eliminates the requirement to conduct in-person public hearings. The provisions allow for virtual public hearings so long as social distancing is still recommended by public health authorities and reasonable notification and access to the hearing is provided to the public along with providing timely responses from local officials with full access to those responses being provided to the public.

NOW, THEREFORE, be it resolved that the Common Council of the City of Utica, New York hereby does approve amending the City of Utica's Citizen Participation Plan in accordance with the CARES Act of 2020.

	MEMBERS	AYES	NAYS		MEMBERS	AYES	NAYS	ADOPTED OR DISAPPROVED BY THE FOLLOWING VOTE: AYES _____ NAYS _____ DATE ADOPTED ___ / ___ / 2020
1	M. McNiel			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	C. Friend			8	J. LoMedico			
4	F. Meola			9	F. DiBrango			
5	D. Moody			10	M. Galime			

City of Utica

Citizen Participation Plan

GENERAL

This Citizen Participation Plan, prepared in compliance with 24 CFR Part 91.105 *Citizen Participation Plan, Local Governments* sets forth the City of Utica's policies and procedures for citizen participation, encouraging all citizens, particularly those in predominantly low- to moderate-income neighborhoods, to participate in the development of the City's Five Year Consolidated Plan and Annual Action Plans, any amendments to these plans, applications for Section 108 Loan Guarantees, and the Consolidated Annual Performance Evaluation Report (CAPER) and all other programs, as applicable. Upon request, accommodations will be made by the Department of Urban and Economic Development (UED) to meet the needs of persons with disabilities to review the Citizen Participation Plan. For the purposes of this Plan, predominantly low- to moderate-income neighborhoods shall be described as *a readily identifiable area, such as a block group or census tract, where at least 51% of the residents have a household income at or below 80% of the area median income.*

STANDARDS OF PARTICIPATION & GOALS FOR PARTICIPATION

All aspects of the Community Development Block Grant (CDBG), HOME Investment Partnership Programs, Emergency Solutions Grant and others, if applicable, shall be conducted in an open manner with freedom of access for all interested persons, groups and/or organizations.

Participation – To the greatest degree possible, the City of Utica through the Department of Urban and Economic Development, will provide for and encourage citizens to participate in the development of the Consolidated Plan, any substantial amendments to the Consolidated Plan, and all performance reports. The City will try to engage low- and moderate- income residents who live where housing and community development funds may be spent. The City will also make efforts to include minorities and non-English speaking persons, persons with disabilities, local and regional institutions, the Mohawk Valley Housing and Homeless Coalition (the area's Continuum of Care) and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, community and faith-based organizations) in the process of developing and implementing the Consolidated Plan.

The City will also encourage the participation of residents of public and assisted housing developments and recipients of tenant-based assistance in the process of developing and implementing the Consolidated Plan, along with other low-income residents of targeted

revitalization areas in which the developments are located. The City shall make an effort to provide information to the Utica Municipal Housing Authority about Consolidated Plan activities so they can make it available at the annual public hearing required for the Public Housing Agency Plan.

Examples of Community Participation Activities in Utica:

Quality of Life Sweeps – The City is fully committed to providing Utica residents with a cleaner, safer place to live and work. The administration’s goal is to sweep all City neighborhoods in an effort to identify first-hand the problems and concerns of the residents and businesses. The City recognizes that in-person visits and open lines of communication help to instill a sense of pride and accountability in both the residents and the employees who serve them.

Residents and business owners are encouraged to join the Mayor and City officials – including representatives from Police, Code Enforcement, Fire, Parks, Public Works, Urban and Economic Development and other offices on the weekly neighborhood sweeps. Between April 1st and the start of winter weather at the end of the year, the Mayor and numerous City staff spend 3 hours each week walking a different route through the various City neighborhoods. They make themselves available to both residents and businesses to answer questions, listen to concerns and to identify ways to help beautify the streets and greenspaces. The sweeps are publicized in the Observer Dispatch (official newspaper) along with notices sent to the local media outlets and posted on Facebook. The area to be addressed by each sweep is advertised in advance and residents, businesses and community groups often join the Mayor and staff to discuss ways to improve the quality of life in the places they call home:

-
- Utica Comets
 - Rescue Mission of Utica
 - Utica Municipal Housing Authority
 - The Criminal Justice class of Mohawk Valley Community College
 - Alpha Chi Rho (AXP) of Utica College
 - Indium Corporation
 - Northeast Regional Council of Carpenters
 - The Catalyst Group
 - The Boilermaker Committee
 - F.X. Matt Brewery
 - Mayor Brindisi and the Village of Herkimer

Neighborhood Associations - Utica has a number of resident Neighborhood Associations including the, Cornhill Association, Oneida Square Project , North Utica Neighborhood Association, East Utica Concerned Citizens, South Utica Neighborhood Association and West Utica Concerned Citizens. Most of the

groups meet monthly with media notices published in the official newspaper and sent via email and posted on Facebook.

City officials regularly participate in these monthly meetings to answer questions or listen to comments and concerns.

Social Media -The City of Utica uses social media outlets as yet another avenue to engage and communicate with residents of all ages. They maintain Facebook and Twitter pages as well as a website internet presence. These media have increasingly become more popular as a method of eliciting public opinion and input, as well as a means to advertise news and opportunities for public participation.

Access to Information -- Citizens, public agencies, and other interested parties, which may include: Utica Public Library, Mohawk Valley Resource Center for Refugees (MVRRCR), Utica Municipal Housing Authority, City of Utica Section 8 Program, Community Foundation of Herkimer and Oneida Counties, Continuum of Care (COC), West Utica, Parkway, North Utica Senior Centers, and Utica Area Chamber of Commerce, are provided with opportunities to receive plan information and to submit comments on any proposed submissions concerning the proposed activities, including the amount of assistance the City expects to receive (grant funds and program income), the range of activities that are proposed to be undertaken, and the estimated amount of CDBG and other funds proposed to be used for activities that will benefit persons of low- and moderate-income. Electronic copies of plans, amendments and reports will also be available on the City's website (which enables the use of GOOGLE translations in ninety different languages). Paper copies will also be available in the Department of Urban and Economic Development, 2nd Floor, City Hall, 1 Kennedy Plaza, Utica.

Anti-displacement -- The City will ensure minimized displacement of persons related to proposed activities and will assist any persons displaced, including individuals, families, businesses, non-profits and farms with relocation payments and assistance where/when required under section 570.606 of the regulations and in compliance with the City of Utica Residential Anti displacement and Relocation Assistance Plan.

Publishing the Plan - The City will publish its proposed Consolidated Plan or a "summary" of the proposed Consolidated Plan on the City's website. A legal notice for public comment will be published in the Observer Dispatch, the City's official newspaper. Electronic and paper copies of the proposed plan will be available to organizations, libraries, government offices, and other public places. The summary of the plan will describe the contents and purpose of the plan and will include a list of the locations where copies of the entire plan may be examined. The City will also provide a reasonable number of free paper copies of the plan at City Hall for citizens and groups who may request it.

Public Hearings -The City will provide at least two (2) public hearings per year to obtain citizens' views and to respond to proposals and questions, to be conducted at a minimum of two different stages of the program year (i.e. Annual Plan and CAPER review periods) in an effort to publicly address 1) housing and community development needs, 2) development of proposed activities, 3) amount of funds to be used 4) review of program performance, 5) any known instances of potential displacement. At least one of the hearings will be held before the proposed Consolidated and Annual plans or Amendments are published for comment. Hearings will be held at times and locations convenient to potential and actual beneficiaries, and with accommodation for persons with disabilities. Language accommodations will be made when and where a significant number of non-English speaking residents can be reasonably expected to participate. To access interpretation services via telephone, the City will direct residents to Language Line Solutions which will connect them to interpreters.

Notice of Hearings - The City will provide a minimum fourteen (14)-day notice to citizens of each hearing with a notice on the City's website, social media sites, posting on the City bulletin board within City facilities and electronic billboards in the City, Section 8 Department, Utica Municipal Housing sites and/ or via a legal advertisement in the Observer Dispatch. Notices of public hearings may be disseminated by a local Community Affairs Specialist through a list serve of approximately 1,700 email addresses. The notices will include a summary of the purpose of the hearing, location, date and time, the process to provide input after or outside of the hearings, and a provision to provide language, hearing, and/or visual assistance, if requested at least one day before the hearing. The City's webpage can be translated into multiple languages through Google Translate. A copy of the advertisement, list of attendees and meeting notes will be kept on file and appropriately submitted.

Access to Meetings – Public hearings and/or meetings will be held at locations and times that are reasonable and notices will be given at least fourteen (14) days before the scheduled dates. Virtual meetings will be utilized when gatherings of multiple people are unachievable during times of declared disasters or emergency events such as the recent pandemic. Real-time responses and accommodations for persons with disabilities and/or with limited English proficiency will be made available to the greatest extent possible.

Comments - Citizens will be provided at least thirty (30) days prior to the submission of the Consolidated Plan, amendments or reports to provide comments to the City, and the City will consider all views of citizens, public agencies and other interested parties in preparing its final consolidated or other submission. The City may elect to use an electronic survey to elicit input and/or comments regarding the plan. Comments can be submitted in writing to the Department of Urban and Economic Development or can be provided through the City's website, email, Facebook and Twitter pages.

Substantial Amendments -Substantial amendments to the Consolidated Plan are occasionally required in the administration of the City's CDBG program, including where: 1) new activities are proposed that were not included in the original plan; or, 2) transfers of more than \$20,000 in funds from one activity to another. The City must provide a minimum of thirty (30) days to receive comments on a substantial amendment before the amendment is implemented. All comments or views of citizens received in writing, or orally at public hearings, if any, in preparing the substantial amendment will be considered. A summary of these comments and a summary of any comments or views not accepted and the reasons therefore, shall be attached to the substantial amendment.

During times of declared disasters or emergency events, such as the recent pandemic, citizens will be provided at minimum five (5) days prior to the submission of the Substantial Amendment for public comment.

Performance Reports – Citizens will be provided with a minimum of fifteen (15) days to receive comments on the performance reports that are required to be submitted to HUD before their submission. All comments or views of citizens received in writing, or orally at public hearings in preparing the performance report will be considered and a summary of these comments shall be attached to the performance report.

Availability to the Public -The Consolidated Plan as adopted, substantial amendments, and the performance reports will be available to the public (electronic or paper copies), including the availability of materials in a form accessible to persons with disabilities, upon request at City Hall, 1 Kennedy Plaza, Department of Urban and Economic Development, 2nd Floor.

Access to Records -The City will provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the jurisdiction's Consolidated Plan and the jurisdiction's use of assistance under the programs covered by the Plan during the preceding five years.

Technical Assistance - The City will provide technical assistance to groups and representatives of persons of low- and moderate-income who request such assistance in developing proposals for funding assistance under the Consolidated Plan.

Complaints -The City will accept and acknowledge all complaints from citizens related to the Consolidated Plan, amendments, and performance reports. Complaints can be submitted in writing to the Department of Urban and Economic Development or through the City's website by submitting under "report an issue." At a minimum, the City will provide a timely, substantive written response to every written citizen complaint, within an established period of time (within fifteen (15) days, where practicable).

Amendments - Prior to the submission of any substantial change in the proposed use of funds, citizens must have reasonable notice of thirty (30), and opportunity to comment on, the proposed amendment.

During times of declared disasters or emergency events, such as the recent pandemic, citizens will be provided at minimum five (5) days prior to the submission of the Substantial Amendment for public comment.



ROBERT M. PALMIERI
MAYOR, CHAIRMAN

BRIAN THOMAS, AICP
EXECUTIVE DIRECTOR

1 KENNEDY PLAZA
UTICA, NEW YORK 13502
P.315-792-0181
F. 315-797-6607
www.cityofutica.com

CITY OF UTICA

URBAN RENEWAL AGENCY

MEMORANDUM

TO: All Common Council Members
FROM: Cathy Mack
DATE: April 22, 2020
RE: URA Property Dispositions

The following properties were approved by the Agency Board at its **April 9, 2020** Urban Renewal Board meeting. Attached is the resolution that calls for a public hearing relative to the sale of the following property:

1. The Agency Board approved an offer from David P. Davis in the amount of \$250.00 for the property at 611 Spring Street. The Buyer plans to fence and use for exit, parking and storage for his adjacent business.

Sent to committee on: ___ / ___ / ___ By: _____ Date of Legislation: 5 / 4 / 20

Out of committee on: ___ / ___ / ___ By: _____ Proposed Ordinance No. _____

2nd By: _____ Ayes: _____ Nays: _____ Proposed Resolution No. 8

Submitted to council by: LAW/URA, Sent to Council Atty on 05/04/20 Approved by Department of: _____

Funds are available account # _____ Date: ___ / ___ / ___

CITY OF UTICA
Department of Legislation
Common Council

Sponsored by: Councilmember Burmaster

WHEREAS, The Utica Urban Renewal Agency is the owner of **611 Spring Street**; and

WHEREAS, The Utica Urban Renewal Agency is authorized to sell development parcels in said Urban Renewal area to prospective developers, pursuant to the requirements set forth in Article 15, section 507, of the General Municipal Laws of the State of New York; and

WHEREAS, an offer to purchase **611 Spring Street** has been received by the Utica Urban Renewal Agency from **David P. Davis**; and

WHEREAS, the developer plans to **fence and use for exit, parking and storage for his adjacent business**; and

WHEREAS, the purchase price for this property is **\$250.00**; and

WHEREAS, The Chairman of the Utica Urban Renewal Agency has been authorized to execute a contract of sale with the aforementioned developer subject to the developer meeting all applicable terms and conditions relative to the purchase of the subject property including the approval of the same by the Utica Common Council; and

WHEREAS, The Utica Urban Renewal Agency shall cause to be published a public hearing notice and a legal notice which describes all relevant terms and conditions of the proposed sale in the Observer Dispatch newspaper in accordance with Article 15 of the General Municipal Law of the State of New York, and a public hearing shall be held pursuant thereto in accordance with section 507 of the General Municipal Law of the State of New York; and

NOW, THEREFORE, BE IT RESOLVED: that the Utica Common Council will conduct a public hearing on **Wednesday, May 21, 2020 at 7:00 P.M.**, in the Utica Common Council Chamber, One Kennedy Plaza, Utica, New York to provide the public with an opportunity to ask questions and offer comments on the proposed sale and subsequent development of the aforesaid properties. Immediately after the public hearing, the Utica Common Council may consider legislation which will approve the sale of **611 Spring Street** and authorize the Chairman of the Utica Urban Renewal Agency to execute all necessary documents to sell said property.

	MEMBERS	AYES	NAYS		MEMBERS	AYES	NAYS	ADOPTED OR DISAPPROVED BY THE FOLLOWING VOTE: AYES _____ NAYS _____ DATE ADOPTED ___ / ___ / 2020
1	M. McNiel			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	C. Friend			8	J. LoMedico			
4	F. Meola			9	F. DiBrango			
5	D. Moody			10	M. Galime			

Sent to committee on: ___ / ___ / ___ By: _____ Date of Legislation: 05 / 04 / 20
 Out of committee on: ___ / ___ / ___ By: _____ Proposed Ordinance No. 9
 2nd By: _____ Ayes: _____ Nays: _____ Proposed Resolution No. _____
 Submitted to council by: LAW/URA, Sent to Council Attny on 05/04/20 Approved by Department of: _____
 Funds are available account # _____ Date: ___ / ___ / ___

CITY OF UTICA
 Department of Legislation
 Common Council

Sponsored by: Councilmember Burmaster

Ordinance approving the designation of **David P. Davis** as an eligible and qualified project sponsor pursuant to Article 15 of the General Municipal Law for the purpose of the sale of **611 Spring Street**; and

WHEREAS, The Utica Urban Renewal Agency has acquired **611 Spring Street**; and

WHEREAS, The Utica Urban Renewal Agency is authorized to sell development parcels in said area to prospective developers, pursuant to the requirements set forth in Article 15, Section 507, of the General Municipal Laws of the State of New York; and

WHEREAS, a purchase offer for this property has been received by the Utica Urban Renewal Agency from **David P. Davis**; and the developer proposes to purchase **611 Spring Street to fence and use for exit, parking and storage for his adjacent business**; and the purchase will require the payment of **\$250.00** and

WHEREAS, The Chairman of the Utica Urban Renewal Agency has been authorized to execute a contract for sale with the aforementioned developer subject to the buyer meeting all applicable terms and conditions relative to the sale of subject development including the approval of the Utica Common Council; and

WHEREAS, the Utica Urban Renewal Agency published a public hearing notice which described all relevant terms and conditions of the proposed sale of said disposition parcel, and further provided for a public hearing before the Utica Common Council, all in accordance with Article 15, of the General Municipal Law of the State of New York; and

WHEREAS, On **Wednesday, May 21, 2020** a public hearing was held before the Utica Common Council, and the public was given the opportunity to ask questions, and offer comments relative to the proposed sale, and subsequent development of the aforesaid property; and the proposed project purchase offer is consistent with the terms and conditions set forth in the Utica Urban Renewal Plan.

NOW, THEREFORE, BE IT ORDAINED: That the Utica Common Council authorizes the Mayor, as Chairman of the Utica Urban Renewal Agency, to enter into a land contract pursuant to the terms and conditions outlined in the land contract, in order to sell which are located in the Utica Urban Renewal area;

AND FURTHER BE IT ORDAINED: That the purchase price for the above said property is **\$250.00** and

FURTHER BE IT ORDAINED: That the Chairman of the Utica Urban Renewal Agency is hereby authorized to take any and all steps necessary to complete the disposition of this property for the aforesaid purpose.

	MEMBERS	AYES	NAYS		MEMBERS	AYES	NAYS	ADOPTED OR DISAPPROVED BY THE FOLLOWING VOTE: AYES _____ NAYS _____ DATE ADOPTED ___ / ___ / 2020
1	M. McNiel			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	C. Friend			8	J. LoMedico			
4	F. Meola			9	F. DiBrango			
5	D. Moody			10	M. Galime			