



**City of Utica
Common Council – Regular Meeting
May 15, 2024**

The meeting is called to order at 7:13 P.M.

Melissa Sciortino, City Clerk
Andrew Castilla, Deputy City Clerk;
Rocco Giruzzi, Common Council President

Present: **Katie Aiello**, 1st District Councilmember;
Robert Burmaster, 2nd District Councilmember;
Joseph Betar, 3rd District Councilmember & President Pro-Temp;
Frank Carcone, 4th District Councilmember;
Venice Ervin; 5th District Councilmember;
Joseph Betrus, 6th District Councilmember;
Mark Williamson, Councilmember at Large;
Samantha Colosimo-Testa, Councilmember at Large;
Jack LoMedico, Councilmember at Large

Also Present: **Anthony Garramone, Esq.**, Common Council Attorney;
Ed Noonan, UPD;
Scott Ingersoll, UFD
Stephanie DiGiorgio, Corporation Counsel;
Michael Gentile, Chief of Staff;
Brian Thomas, Commissioner, UED
Marques Phillips, Commissioner of Codes
Nicholas Bridenbecker, Engineering
Mark Sokolowski, DPW

A motion to waive the reading of the minutes from the previous meeting made by Councilmember Burmaster
The motion is seconded by Councilmember Aiello

None opposed: Minutes accepted and reading waived

7 Speaker signed up for Public Comment Period
0 Speaker signed up for Public Hearing

A motion to pull PRO. ORD. 5 – SALE OF 1538 MILLER STREET from Committee of the Whole made by
Councilmember Aiello
Motion seconded by Councilmember Burmaster
None Opposed

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted as Ordinance #69 of 2024

A motion to pull PRO. ORD. 7 – SALE OF 137 & 139 JAMES STREET from Committee of the Whole made by
Councilmember Aiello
Motion seconded by Councilmember Burmaster
None Opposed

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted as Ordinance #70 of 2024

PRO. RES. 1 – STREET SIGN HONORING FATHER JIM CESTA

A motion by Councilmember Aiello to move Pro. Res. 1

Motion seconded by Councilmember Williamson

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted

PRO. RES. 2 – PERMIT COMMISSION APPOINTMENT

A motion by Councilmember Burmaster to move Pro. Res. 2

Motion seconded by Councilmember Aiello

Ayes: Aiello, Burmaster, Betar, LoMedico – 4

Nays: Carcone, Ervin, Betrus, Williamson, Colosimo-Testa – 5

Defeated

PRO. RES. 3 – AUTHORIZE THE SALE OF BEER AND WINE

A motion by Councilmember Aiello to move Pro. Res. 3

Motion seconded by Councilmember Williamson

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted

PRO. RES. 4 – RESOLUTION IN SUPPORT OF RESTORE NY GRANT PROGRAM

A motion by Councilmember Aiello to move Pro. Res. 4

Motion seconded by Councilmember Williamson

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted

PRO. RES. 5 – RESOLUTION APPROVING AGREEMENT WITH THE COUNTY FOR LAW ENFORCEMENT COORDINATOR

A motion by Councilmember Aiello to move Pro. Res. 5

Motion seconded by Councilmember Colosimo-Testa

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted

PRO. RES. 6 – RESOLUTION APPROVING AGREEMENT WITH COUNTY STOP DWI PROGRAM

A motion by Councilmember Aiello to move Pro. Res. 6

Motion seconded by Councilmember Williamson

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted

PRO. RES. 7 – RESOLUTION APPROVING AGREEMENT WITH COUNTY STOP DWI PROGRAM

A motion by Councilmember Aiello to move Pro. Res. 7

Motion seconded by Councilmember Williamson

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted

PRO. RES. 8 – AUTHORIZE THE SALE OF BEER AND WINE

A motion by Councilmember Aiello to move Pro. Res. 8

Motion seconded by Councilmember Burmaster

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted

PRO. RES. 9 – CALLING FOR A PUBLIC HEARING ON THE SALE OF A LOT AT 1014 TAYLOR AVE.

A motion by Councilmember Burmaster to move Pro. Res. 9

Motion seconded by Councilmember Aiello

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted

PRO. ORD. 10 – SALE OF A LOT AT 1014 TAYLOR AVE.

A motion by Councilmember Aiello to place Pro. Ord. 10 in Committee of the Whole

Motion seconded by Councilmember Williamson

None Opposed

Placed in Committee of the Whole

PRO. RES. 11 – CALLING FOR A PUBLIC HEARING ON THE SALE OF LOTS AT 318.74 & 318.74-2 SEYMOUR AVE. & 334 LEAH STREET

A motion by Councilmember Ervin to move Pro. Res. 11

Motion seconded by Councilmember Aiello

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted

PRO. ORD. 12 – SALE OF LOTS AT 318.74 & 318.74-2 SEYMOUR AVE. & 334 LEAH STREET

A motion by Councilmember Aiello to place Pro. Ord. 12 in Committee of the Whole

Motion seconded by Councilmember Burmaster

None Opposed

Placed in Committee of the Whole

PRO. RES. 13 – AUTHORIZE THE SALE OF BEER AND WINE

A motion by Councilmember Aiello to move Pro. Res. 13

Motion seconded by Councilmember Burmaster

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted

PRO. ORD. 14 – ORDINANCE REPLACING CHAPTER 2-28: TOW ROTATION LIST

A motion by Councilmember Aiello to place Pro. Ord. 14 in Committee of the Whole

Motion seconded by Councilmember LoMedico

None Opposed

Placed in Committee of the Whole

PRO. RES. 15 – AUTHORIZE THE SALE OF BEER AND WINE

A motion by Councilmember Aiello to move Pro. Res. 15

Motion seconded by Councilmember Colosimo-Testa

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted

PRO. RES. 16 – APPROVING AGREEMENT FOR PARTICIPATION IN MOHAWK VALLEY STORM WATER COALITION

A motion by Councilmember Aiello to move Pro. Res. 16

Motion seconded by Councilmember Colosimo-Testa

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted

A motion to pull PRO. ORD. 10 – ORDINANCE ADDING SECTION 2-29-361 OF THE UTICA CITY CODE OF ORDINANCES from Committee of the Whole made by Councilmember Colosimo-Testa

**Motion seconded by Councilmember Aiello
None Opposed**

A motion to Amend changing the Be It Ordained paragraph to “2-29-361 entitled “Marijuana Dispensaries/Retail is hereby added to the Code of Ordinances as follows” and adding “and all conditions and/or regulations license issued by the New York State Office of Cannabis Management” to the first paragraph made by Councilmember Colosimo-Testa

**Motion seconded by Councilmember Aiello
None Opposed**

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted as Ordinance #71 of 2024

A motion to pull PRO. ORD. 11 – ORDINANCE AMENDING ZONING CODE USE TABLE FOR MARIJUANA DISPENSARIES/RETAIL from Committee of the Whole made by Councilmember Colosimo-Testa

**Motion seconded by Councilmember Aiello
None Opposed**

A motion to Amend changing the Be It Ordained paragraph to include “the column” made by Councilmember Colosimo-Testa

**Motion seconded by Councilmember Aiello
None Opposed**

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted as Ordinance #72 of 2024

A motion to pull PRO. ORD. 12 – ORDINANCE AMENDING ZONING MAP AND DISTRICTS FOR MARIJUANA DISPENSARIES/RETAIL from Committee of the Whole made by Councilmember Colosimo-Testa

**Motion seconded by Councilmember Aiello
None Opposed**

A motion to Amend changing the Be It Ordained paragraph to “(2) is hereby added to the Code of Ordinances as follows” made by Councilmember Colosimo-Testa

**Motion seconded by Councilmember Aiello
None Opposed**

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted as Ordinance #73 of 2024

A motion to pull PRO. ORD. 13 – ORDINANCE AMENDING ZONING MAP AND DISTRICTS FOR MARIJUANA DISPENSARIES/RETAIL from Committee of the Whole made by Councilmember Colosimo-Testa

**Motion seconded by Councilmember Aiello
None Opposed**

A motion to Amend changing the Be It Ordained paragraph to “to include the following subsection” made by Councilmember Colosimo-Testa
Motion seconded by Councilmember Aiello
None Opposed

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted as Ordinance #74 of 2024

A motion to pull PRO. ORD. 14 – ORDINANCE RESCINDING MORATORIUM ON MARIJUANA DISPENSARIES IN THE CITY OF UTICA from Committee of the Whole made by Councilmember Colosimo-Testa
Motion seconded by Councilmember Aiello
None Opposed

Ayes: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted as Ordinance #75 of 2024

A motion to pull PRO. ORD. 3 – ORDINANCE AMENDING SEWER RENTS from Committee of the Whole made by Councilmember Colosimo-Testa
Motion seconded by Councilmember Williamson
None Opposed

Ayes: Betar, Carcone, Betrus, Williamson, Colosimo-Testa, LoMedico – 6

Nays: Aiello, Burmaster, Ervin – 3

Adopted as Ordinance #76 of 2024

A motion to adjourn made by Councilmember Colosimo-Testa
Motion seconded by Councilmember Aiello
President Giruzzi Adjourned: 8:07 P.M.

City of Utica
Department of Legislation
In Common Council

Sponsored by: Councilmember Ervin

Ordinance approving the designation of Husein Kajtezovic as an eligible and qualified project sponsor pursuant to Article 15 of the General Municipal Law for the purpose of the sale of 1538 Miller Street

WHEREAS, The Utica Urban Renewal Agency has acquired 1538 Miller 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 Husein Kajtezovic; and the developer proposes to purchase 1538 Miller Street to continue operating his construction business at this location; and the purchase will require the payment of \$20,902.48 (back taxes, penalties & fees); 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 15, 2024 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.

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 ORDAINED: That the purchase price for the above said property is \$20,902.48 (back taxes, penalties & fees); and

FURTHER 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.

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

I hereby certify that I have compared the foregoing copy of an Ordinance of the Common Council with the record of proceedings of the Common Council of said City of Utica, duly made and on file in this office, and that same is a correct transcript therefrom and of the whole of said Ordinance.

In TESTIMONY WHEREOF, I hereunto affix the Corporate Seal of said City, and subscribe my name, this 16th day of May, 2024

Melissa R. Sciortino, City Clerk

City of Utica
Department of Legislation
In Common Council

Sponsored by: Councilmember Ervin

Ordinance approving the designation of Blacque Acres, Inc. (James Paul) as an eligible and qualified project sponsor pursuant to Article 15 of the General Municipal Law for the purpose of the sale of 137 & 139 James Street

WHEREAS, The Utica Urban Renewal Agency has acquired 137 & 139 James 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 Blacque Acres, Inc. (James Paul); and the developer proposes to purchase 137 & 139 James Street create a hydroponic farming space in a shipping container for local distribution (URA provided conditional approval on December 14, 2023 contingent upon him receiving a Zoning use variance which was granted on April 16, 2024); and the purchase will require the payment of \$1,500.00; 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 15, 2024 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.

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 ORDAINED: That the purchase price for the above said property is \$1,500.00; and

FURTHER 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

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

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Melissa R. Sciortino, City Clerk

City of Utica
Department of Legislation
In Common Council

May 15, 2024

Sponsored by: LoMedico, Burmaster, Aiello, Betar, Carcone, Ervin, Betrus, Colosimo-Testa, Williamson

Street Sign Honoring Father Jim Cesta

WHEREAS, Father Jim Cesta has dedicated 50 years of his life to the priesthood, serving the community of St. Mary of Mount Carmel/Blessed Sacrament Parish with unwavering devotion and compassion;

WHEREAS, Father Jim Cesta, born and raised in Syracuse, New York, began his journey in ministry after receiving his seminary education at Wadhams Hall Seminary College in Ogdensburg, and St. Bernard's School of Theology and Ministry in Rochester, New York;

WHEREAS, Father Cesta was ordained on May 18, 1974, marking the beginning of a remarkable career in the priesthood, during which he has ministered to congregations across New York State; WHEREAS, Throughout his tenure as a priest, Father Cesta has exemplified the highest standards of personal and professional integrity, providing spiritual guidance, enlightenment, and wisdom to all entrusted to his care;

WHEREAS, Father Jim Cesta's service to the community has extended beyond the spiritual realm, as he has tirelessly worked to meet the corporal needs of his parishioners and the broader community;

WHEREAS, Father Cesta's appointment as pastor of St. Mary of Mount Carmel/Blessed Sacrament Parish in Utica in 2010 has further solidified his commitment to serving the people of this city;

WHEREAS, Father Jim Cesta's selfless dedication to his ministry has left an indelible mark on the hearts of those he has touched, enriching the lives of countless individuals and families;

RESOLVED, that the Common Council of the City of Utica does hereby authorize and endorse the addition of "Father Jim Cesta Way" to Mt. Carmel Lane, in honor of Father Cesta's 50th Anniversary of Ordination;

FURTHER RESOLVED, that this dedication serves as a lasting tribute to Father Cesta's 50 years of exemplary service, unwavering faith, and profound impact on the community of St. Mary of Mount Carmel/Blessed Sacrament Parish

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

I hereby certify that I have compared the foregoing copy of a Resolution of the Common Council with the record of proceedings of the Common Council of said City of Utica, duly made and on file in this office, and that same is a correct transcript therefrom and of the whole of said Resolution.

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Melissa R. Sciortino, City Clerk

City of Utica
Department of Legislation
In Common Council

May 15, 2024

Sponsored by: Councilmembers LoMedico, Burmaster

PERMIT COMMISSION APPOINTMENT

BE IT RESOLVED, that pursuant to Section 2-28-6 of the City of Utica Code of Ordinances, the Common Council does hereby designate, to be its representative, the following named person to the Permit Commission for a period of two (2) years commencing from May 15, 2024 to December 31, 2025

**Frank Meola
33 Nob Road
Utica NY 13501**

Yeas: Aiello, Burmaster, Betar, LoMedico – 4

Nays: Carcone, Ervin, Betrus, Williamson, Colosimo-Testa,

Defeated-5

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

)
Council with the record of proceedings of the Common Council of said City of Utica, duly made and on file in this office, and that same is a correct transcript therefrom and of the whole of said Resolution.

I hereby certify that I have compared the foregoing copy of a Resolution of the Common Council of said City of Utica, duly made and on file in this office, and that same is a correct

In TESTIMONY WHEREOF, I hereunto affix the Corporate Seal of said City, and subscribe my name, this 16th day of May, 2024

Melissa R. Sciortino, *City Clerk*

City of Utica
Department of Legislation
In Common Council

May 15, 2024

Sponsored by: Councilmembers Burmaster, Williamson

AUTHORIZING SALE OF BEER AND WINE TO
ST. ANTHONY & ST. AGNES CHURCH

WHEREAS, the sale of alcoholic beverages and possession of an open container containing alcoholic beverages is prohibited on Utica city streets, sidewalks, playgrounds, parks, and right-of-way by Ordinance of the Common Council, except in certain instances where permission is granted by the Common Council.

RESOLVED, that permission to sell beer and wine and exemption from the provisions of Section 2-15-43, subdivisions (c) (1), (2), and (3) regarding open containers of alcoholic beverages is granted to:

Name of Sponsor: St. Anthony & St. Agnes Church
Name of Event: St. Anthony Festival
Date of Event: Friday June 7, 2024 5PM to 10PM
Saturday June 8, 2024 5PM to 10PM
Location of Event: St. Anthony & St. Agnes Church
422 Tilden Ave.
Utica NY 13501

FURTHER RESOLVED, that this permit is conditioned upon the permittee defending, indemnifying and holding harmless the City of Utica, its agents and employees, from any liability allegedly occurring as a result of the activities authorized herein, and providing liability insurance, naming the City of Utica as an insured in the amount of not less than \$1,000,000.00 for general liability and \$1,000,000.00 for liquor liability. A certificate showing such insurance to be in full force and effect shall be filed with the Corporation Counsel before undertaking the permitted activity.

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico - 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

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Melissa R. Sciortino, City Clerk

City of Utica
Department of Legislation
In Common Council

May 15, 2024

Sponsored by: Councilmembers Burmaster, Williamson

RESOLUTION IN SUPPORT OF SUBMISSION OF APPLICATION FOR STATE FUNDING UNDER THE RESTORE NY COMMUNITIES INITIATIVE MUNICIPAL GRANT PROGRAM

WHEREAS, the City of Utica is eligible for a maximum of \$3 million in grant funding under Round 8 of the Restore NY Communities Initiative Municipal Grant Program; and

WHEREAS, Cronk Building LLC (comprised of Lahinch Group, Morrisroe Lynn and Braxton Capital) has expressed interest in having an application submitted by the City on its behalf for a project on Hotel Street with a total estimated project cost of over \$14 million; and

WHEREAS, the Cronk Building Redevelopment Project involves the rehabilitation of 112 and 130 Hotel Street that will convert the vacant 50,000 square foot building into a mixed-use project that includes roughly 30 market-rate apartments, retail and commercial space on the ground floor and on-site parking; and

WHEREAS, this project is consistent with all existing local plans, the proposed financing is appropriate for the project, the project will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities in the city of Utica.

RESOLVED that the Utica Common Council hereby supports and will sponsor an application for Restore NY funding for the Cronk Building Redevelopment Project to assist with the rehabilitation of 112 and 130 Hotel Street and will administer the grant in accordance with all applicable rules and regulations established by Empire State Development Corporation; and

FURTHER RESOLVED THAT the Mayor is hereby authorized to sign any and all documents related to the submission of the grant application, as well as those required by Empire State Development Corporation for funding awards that result from the application.

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico - 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

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In TESTIMONY WHEREOF, I hereunto affix the Corporate Seal of said City, and subscribe my name, this 16th day of May, 2024

Melissa R. Sciortino, City Clerk

CITY OF UTICA
Department of Legislation
Common Council

May 15, 2024

Sponsored by: Councilmembers Burmaster, Williamson

RESOLUTION APPROVING INTERMUNICIPAL
AGREEMENT WITH THE COUNTY FOR A LAW ENFORCEMENT
COORDINATOR FOR THE CHILD ADVOCACY CENTER

WHEREAS, the County of Oneida has the need for a more intensive and coordinated
approach to the investigation of child sexual abuse and severe child abuse; and

WHEREAS, the County has received grant funding from the New York State Office of
Child and Family Services to support the Oneida County Child Advocacy Center (CAC); and

WHEREAS, the CAC grant funding allows for funding of a Law Enforcement
Coordinator; and

WHEREAS, the City of Utica Police Department has the capability to provide a Law
Enforcement Coordinator to the CAC; now

RESOLVED the Common Council of the City of Utica hereby authorizes and approves
acceptance of the proposed Intermunicipal Agreement in substantially in the same form as
attached hereto for the term of January 1, 2023 to December 31, 2024.

FURTHER RESOLVED that the Mayor is authorized to execute this Agreement and any other
documents necessary to effectuate the intents of this resolution

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico - 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

I hereby certify that I have compared the foregoing copy of a Resolution of the Common
Council with the record of proceedings of the Common Council of said City of Utica, duly made and on file in this office, and that same is a correct
transcript therefrom and of the whole of said Resolution.

In TESTIMONY WHEREOF, I hereunto affix the Corporate Seal of said City, and subscribe
my name, this 16th day of May, 2024

CITY OF UTICA
Department of Legislation
Common Council

May 15, 2024

Sponsored by: Councilmembers Burmaster, Williamson

RESOLUTION APPROVING INTERMUNICIPAL
AGREEMENT WITH THE COUNTY STOP DWI PROGRAM

WHEREAS, the County of Oneida operates a STOP-DWI program, the mission of
which is the County wide reduction of alcohol-related traffic injuries and fatalities; and

WHEREAS, the City of Utica wishes to promote the County’s STOP-DWI program; and

WHEREAS, the County of Oneida has received a grant from the NYS STOP DWI
Foundation to support its participation in the current statewide STOP-DWI High Visibility
Engagement Campaigns initiative; and

WHEREAS, the City of Utica has expressed its willingness, ability and desire for the
Utica Police Department to participate in the County’s Stop-DWI High Visibility Engagement
Campaigns; now

RESOLVED the Common Council of the City of Utica hereby authorizes and approves
acceptance of the proposed Intermunicipal Agreement in substantially in the same form as
attached hereto for the term of October 31, 2022 to October 30, 2023.

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk’s Office) ss.

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my name, this 16th day of May, 2024

Melissa R. Sciortino, City Clerk

CITY OF UTICA
Department of Legislation
Common Council

May 15, 2024

Sponsored by: Councilmembers Burmaster, Williamson

**RESOLUTION APPROVING INTERMUNICIPAL
AGREEMENT WITH THE COUNTY STOP DWI PROGRAM**

WHEREAS, the County of Oneida operates a STOP-DWI program, the mission of which is the County wide reduction of alcohol-related traffic injuries and fatalities; and

WHEREAS, the City of Utica wishes to promote the County’s STOP-DWI program; and

WHEREAS, the City of Utica Police Department will assist in the enforcement of County’s STOP-DWI Program by conducting DWI selective enforcement patrols and attending training that enhances the mission of STOP-DWI program; now

RESOLVED the Common Council of the City of Utica hereby authorizes and approves acceptance of the proposed Intermunicipal Agreement in substantially in the same form as attached hereto for the term of *January 1, 2023 to December 31, 2023*.

FURTHER RESOLVED that the Mayor is authorized to execute this Agreement and any other documents necessary to effectuate the intents of this resolution.

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk’s Office) ss.
)

I hereby certify that I have compared the foregoing copy of a Resolution of the Common Council with the record of proceedings of the Common Council of said City of Utica, duly made and on file in this office, and that same is a correct transcript therefrom and of the whole of said Resolution.

In TESTIMONY WHEREOF, I hereunto affix the Corporate Seal of said City, and subscribe my name, this 16th day of May, 2024

In TESTIMONY WHEREOF, I hereunto affix the Corporate Seal of said City, and subscribe my name, this 16th day of May, 2024

Melissa R. Sciortino, City Clerk

City of Utica
Department of Legislation
In Common Council

May 15, 2024

Sponsored by: Councilmembers Burmaster, Williamson

AUTHORIZING SALE OF BEER AND WINE TO
AMERICAN LEGION POST #229

WHEREAS, the sale of alcoholic beverages and possession of an open container containing alcoholic beverages is prohibited on Utica city streets, sidewalks, playgrounds, parks, and right-of-way by Ordinance of the Common Council, except in certain instances where permission is granted by the Common Council.

RESOLVED, that permission to sell beer and wine and exemption from the provisions of Section 2-15-43, subdivisions (c) (1), (2), and (3) regarding open containers of alcoholic beverages is granted to:

Name of Sponsor: American Legion Post #229
Name of Event: Annual Event
Date of Event: Saturday August 17, 2024, 2PM to 5PM
Location of Event: Utica Post #229
409 Herkimer Road
Utica NY 13502

FURTHER RESOLVED, that this permit is conditioned upon the permittee defending, indemnifying and holding harmless the City of Utica, its agents and employees, from any liability allegedly occurring as a result of the activities authorized herein, and providing liability insurance, naming the City of Utica as an insured in the amount of not less than \$1,000,000.00 for general liability and \$1,000,000.00 for liquor liability. A certificate showing such insurance to be in full force and effect shall be filed with the Corporation Counsel before undertaking the permitted activity

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico - 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

I hereby certify that I have compared the foregoing copy of a Resolution of the Common Council with the record of proceedings of the Common Council of said City of Utica, duly made and on file in this office, and that same is a correct transcript therefrom and of the whole of said Resolution.

In TESTIMONY WHEREOF, I hereunto affix the Corporate Seal of said City, and subscribe my name, this 16th day of May, 2024

Melissa R. Sciortino, City Clerk

CITY OF UTICA
Department of Legislation
Common Council

May 15, 2024

Sponsored by: Councilmember Burmaster

Calling for a Public Hearing on the Sale of a lot at 1014 Taylor Avenue

WHEREAS, The Utica Urban Renewal Agency is the owner of 1014 Taylor Avenue; 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 1014 Taylor Avenue has been received by the Utica Urban Renewal Agency from Mance Cuplov; and

WHEREAS, the developer plans to create additional parking for his adjacent property; 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 Rome Sentinel 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

RESOLVED: that the Utica Common Council will conduct a public hearing on Wednesday, June 19, 2024 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 1014 Taylor Avenue and authorize the Chairman of the Utica Urban Renewal Agency to execute all necessary documents to sell said property.

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

I hereby certify that I have compared the foregoing copy of a Resolution of the Common Council with the record of proceedings of the Common Council of said City of Utica, duly made and on file in this office, and that same is a correct transcript therefrom and of the whole of said Resolution.

In TESTIMONY WHEREOF, I hereunto affix the Corporate Seal of said City, and subscribe my name, this 16th day of May, 2024

Melissa R. Sciortino, City Clerk

Submitted to council by: URA

Proposed Ordinance No. 10

Submitted to council on: 05 / 14 / 24

Proposed Resolution No. _____

Sent to Council Attorney on: 05 / 14 / 24

Thursday Rule Waiver Required? N

Date of Legislation: 05 / 15 / 24

Explanation provided to council on: / /

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

Sponsored by: Councilmember Burmaster

Ordinance approving the designation of Mance Cuplov as an eligible and qualified project sponsor pursuant to Article 15 of the General Municipal Law for the purpose of the sale of 1014 Taylor Avenue

WHEREAS, The Utica Urban Renewal Agency has acquired **1014 Taylor Avenue**; 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 **Mance Cuplov**; and the developer proposes to purchase **1014 Taylor Avenue to create additional parking for his adjacent property**; 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, June 19, 2024** 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 ____/____/2024
1	K. Aiello			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	J. Betar			8	S. Colosimo-Testa			
4	F. Carcone			9	J. LoMedico			
5	V. Ervin			10	R. Giruzzi			

CITY OF UTICA
Department of Legislation
Common Council

May 15, 2024

Sponsored by: Councilmember Ervin

Calling for a Public Hearing on the Sale of a lots at 318.74-2-25, & 318.74-2-33 Seymour Avenue, 318.74-2-26, 318.74-2-27 & 334 Leah Street

WHEREAS, The Utica Urban Renewal Agency is the owner of 318.74-2-25, & 318.74-2-33 Seymour Avenue, 318.74-2-26, 318.74-2-27 & 334 Leah 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 318.74-2-25, & 318.74-2-33 Seymour Avenue, 318.74-2-26, 318.74-2-27 & 334 Leah Street has been received by the Utica Urban Renewal Agency from Jamie Quito; and

WHEREAS, the developer plans to beautify, add sidewalks & trees (by the end of 2024) and build 2 homes to be completed by the end of 2026; and

WHEREAS, the purchase price for this property is \$3,750.00; 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 Rome Sentinel 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

RESOLVED: that the Utica Common Council will conduct a public hearing on Wednesday, June 19, 2024 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 318.74-2-25, & 318.74-2-33 Seymour Avenue, 318.74-2-26, 318.74-2-27 & 334 Leah Street and authorize the Chairman of the Utica Urban Renewal Agency to execute all necessary documents to sell said property

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

I hereby certify that I have compared the foregoing copy of a Resolution of the Common Council with the record of proceedings of the Common Council of said City of Utica, duly made and on file in this office, and that same is a correct transcript therefrom and of the whole of said Resolution.

In TESTIMONY WHEREOF, I hereunto affix the Corporate Seal of said City, and subscribe my name, this 16th day of May, 2024

Melissa R. Sciortino, City Clerk

Submitted to council by: URA

Proposed Ordinance No. 12

Submitted to council on: 05 / 14 / 24

Proposed Resolution No. _____

Sent to Council Attorney on: 05 / 14 / 24

Thursday Rule Waiver Required? N

Date of Legislation: 05 / 15 / 24

Explanation provided to council on: / /

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

Sponsored by: Councilmember Ervin

Ordinance approving the designation of Jamie Quito as an eligible and qualified project sponsor pursuant to Article 15 of the General Municipal Law for the purpose of the sale of 318.74-2-25, & 318.74-2-33 Seymour Avenue, 318.74-2-26, 318.74-2-27 & 334 Leah Street

WHEREAS, The Utica Urban Renewal Agency has acquired **318.74-2-25, & 318.74-2-33 Seymour Avenue, 318.74-2-26, 318.74-2-27 & 334 Leah 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 **Jamie Quito**; and the developer proposes to purchase **318.74-2-25, & 318.74-2-33 Seymour Avenue, 318.74-2-26, 318.74-2-27 & 334 Leah Street and intends beautify, add sidewalks & trees (by the end of 2024) and build 2 homes to be completed by the end of 2026**; and the purchase will require the payment of **\$3,750.00**; 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, June 19, 2024** 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 **\$3,750.00**; 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 ____/____/2024
1	K. Aiello			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	J. Betar			8	S. Colosimo-Testa			
4	F. Carcone			9	J. LoMedico			
5	V. Ervin			10	R. Giruzzi			

City of Utica
Department of Legislation
In Common Council

May 15, 2024

Sponsored by: Councilmembers Burmaster, Williamson

AUTHORIZING SALE OF BEER AND WINE TO
FX MATT BREWERY

WHEREAS, the sale of alcoholic beverages and possession of an open container containing alcoholic beverages is prohibited on Utica city streets, sidewalks, playgrounds, parks, and right-of-way by Ordinance of the Common Council, except in certain instances where permission is granted by the Common Council.

RESOLVED, that permission to sell beer and wine and exemption from the provisions of Section 2-15-43, subdivisions (c) (1), (2), and (3) regarding open containers of alcoholic beverages is granted to:

Name of Sponsor: F.X. Matt Brewery
Name of Event: Summer Concert Series
Date of Event: Sunday May 26th 2024 6PM to 11PM
Saturday June 29th 2024
Friday July 19th 2024
Friday July 26th 2024
Tuesday August 6th 2024
Location of Event: FX Matt Brewery
811 Edward Street
Utica NY 13502

FURTHER RESOLVED, that this permit is conditioned upon the permittee defending, indemnifying and holding harmless the City of Utica, its agents and employees, from any liability allegedly occurring as a result of the activities authorized herein, and providing liability insurance, naming the City of Utica as an insured in the amount of not less than \$1,000,000.00 for general liability and \$1,000,000.00 for liquor liability. A certificate showing such insurance to be in full force and effect shall be filed with the Corporation Counsel before undertaking the permitted activity.

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico - 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

I hereby certify that I have compared the foregoing copy of a Resolution of the Common Council with the record of proceedings of the Common Council of said City of Utica, duly made and on file in this office, and that same is a correct transcript therefrom and of the whole of said Resolution.

In TESTIMONY WHEREOF, I hereunto affix the Corporate Seal of said City, and subscribe my name, this 16th day of May, 2024

Submitted to council by: Councilmember Aiello

Proposed Ordinance No. 14

Submitted to council on: 05 / 15 / 24

Proposed Resolution No. _____

Sent to Council Attorney on: 05 / 15 / 24

Thursday Rule Waiver Required? _____

Date of Legislation: 05 / 15 / 24

Explanation provided to council on: _____ / _____ / _____

Sponsored By: Councilmember Aiello

Ordinance Replacing Chapter 2-28: Tow Rotation List of City of Utica Code of Ordinances

BE IT ORDAINED, that the City of Utica Common Council hereby rescinds and replaces Chapter 2-28: Tow Rotation List: of the Code of Ordinances of the City of Utica with the following:

ARTICLE I IN GENERAL

Sec. 2-28-1 Definition for the Purpose of Towing

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.

As used in this chapter, tow rotation list means an established 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.

Sec. 2-28-2 Intent

The intent of this chapter is to regulate tow truck companies operating on the Tow Rotation List of the City of Utica. This chapter serves to protect the public while offering fair tow service rates, working with towing businesses and permitting persons engaged in wrecking or towing businesses.

Sec. 2-28-3 Applicability

The terms and provisions of this chapter only apply to any wrecker or tow truck companies that are approved to operate on the tow rotation list and are engaged in a tow rotation service call pursuant to the tow rotation list. Any company not on the tow rotation list or engaged in tow not pursuant to a service call by the City of Utica/Utica Police Department, does not fall under the guidelines of this chapter

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 2-1-7.

(b) After notice and opportunity to be heard, the Chief of Police may suspend or revoke the permit of any person who violates the provisions of this chapter. The Chief may also remove a violator from the tow rotation list.

Sec. 2-28-5. Enforcement and transfer of information "ACCIDENT INFORMATION EXCHANGE FORM."

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

(b) See attached accident exchange form

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

(a) The membership of the permit commission shall be composed of a Common Council Representative or their designee, the Chief of Fire or his designee and the Commissioner of Code Enforcement or his designee. The Chief of Police or his designee shall serve as a non-voting member and shall exist in an advisory capacity.

(b) Any person aggrieved by a decision of the Chief of Police in implementing this article may appeal to the permit 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.

May 1, 2024

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

- (1) Examine into the qualifications and fitness of applicants for permits under this chapter.
- (2) Keep record of all permits 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 permits, receipt of permits, 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 PERMIT

Sec. 2-28-7 Required; issuance of decal, endorsements

(a) No person shall be considered for the tow rotation list without first having obtained a permit.

- (b) The city clerk shall issue a decal, after permit is approved, which shall be displayed on the rear window of the wrecker or tow truck in an area not obstructing the driver's view. Every operator shall receive one (1) sticker, the cost of which shall be included in the price of the permit. 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. 2-28-8 Application

(a) The application for a permit 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) 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. 2-28-9 Fees; term

(a) The fee for tow rotation list applicants shall be one hundred and fifty dollars (\$150.00). (b) All permits shall expire December 31st of the pursuant year.

(c) All fees are non-refundable.

Sec. 2-28-10 Renewal; denial

(a) Any permit issued under the provisions of this article may be renewed upon the following:

(1) Submission to the city clerk of a renewal application containing the same information as required by section

2-28-8, no later than thirty (30) days before the expiration date of the current permit, December 1st. (2) Payment to the city clerk or renewal fee in the amount required by section 2-28-9.

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

Sec. 2-28-11 Transferability

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

Sec. 2-28-12 Suspension or revocation.

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

b.) In addition to any penalties which may be imposed for the violation of this chapter, the Chief of Police, may suspend or revoke any permit 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 permit.
- (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 2-28-33.

ARTICLE III OPERATIONAL RULES

Sec. 2-28-13 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 steel cable.

Sec. 2-28-14 Towing of vehicle without consent of owner

Every person operating 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. 2-28-15 Towing from private property

No person operating 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 operator must notify the bureau of police in person immediately upon removal and include the same information required in section 2-28-15, if written consent of the owner of the vehicle has not been notified.

ARTICLE IV TOW ROTATION LIST

Sec. 2-28-16 Establishment

- (a) The Chief of Police must 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 tow 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. 2-28-17 Permitting of towing service

(a) A towing service placed on the tow rotation list shall be permitted according to the requirements of this article and shall be in conformity with all provisions of this article.

(b) The permit application form shall have a place where the applicant can indicate the desire to also be placed on the tow rotation list-away rotation list.

Sec. 2-28-18 Tow truck operator's permit.

Required. All employed drivers of a towing vehicle placed on the tow rotation list must obtain a tow truck operator's license.

(1) Possession of a valid New York State driver's license with a NYS Tow Truck endorsement "W".

Sec. 2-28-19 Inspections, equipment required and identification of wrecker/tow truck

- (a) Each wrecker/tow truck applying for the tow rotation list 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 steel cable; broom; pry bar and shovel. An operator 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. 2-28-20 Certificates of insurance

Each applicant for the tow 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 million (1,000,000.00) for the injury or death fifty thousand dollars (50,000.00) for the property damage or a combined single limit of five hundred thousand (500,000.00)

Sec. 2-28-21 Indemnification

Each towing service operator on the tow 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. 2-28-22 Rates and charges

The towing service operator on the tow rotation list and responding to a City of Utica towing request, 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. Tow facility must be able to accept credit cards, checks and cash for payment of

services. 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. 2-28-23 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 2-28-20, it shall be grounds for immediate removal from the rotation list.

Sec. 2-28-24 Number of towing services on a list; filling vacancies

There shall be no more than fifteen (15) towing services participating on the tow 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. 2-28-25 Availability; response to calls; Acceptance or rejection of calls

- (a) The towing service on the tow 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 tow rotation list-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 permitting commission whether to permanently drop them from the rotation list.

(d) A tow operator may respond for another tow service, as long as the responding operator is on the tow rotation list approved by the Chief of Police. The vehicle must be towed to the original tow facility. The Chief of Police will use his discretion for abuse of this section.

Sec. 2-28-26 Log books

- (a) All towing service operators on the tow 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 permit or vehicle and the permit 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 tow 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. 2-28-27 Removal of vehicle to certain location

Any motor vehicle picked up in the city by a towing service on the tow 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 operators application.

Sec. 2-28-28 Storage of automobiles

(a) Storage area requirements. All towing services on the tow 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. 2-28-29 Remaining first on the list of services not needed; refusal to tow vehicle

- (a) If the towing service on the tow 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 operator 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 tow rotation list.

Sec. 2-28-30 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 tow rotation list-away rotation list.

Sec. 2-28-31 Responsibility for cleaning area

The tow truck operator for the towing service on the tow rotation list will be responsible for cleaning the area of any debris resulting from the towed vehicle. 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. 2-28-32 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 permit and any other penalty deemed appropriate.

Sec. 2-28-33 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. 2-28-34 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 ____/____/ 2024
1	K. Aiello			6	J. Betrus			
2	R. Burmaster			7	M. Williamson			
3	J. Betar			8	S. Colosimo-Testa			
4	F. Carcone			9	J. LoMedico			
5	V. Ervin			10	R. Giruzzi			

City of Utica
Department of Legislation
In Common Council

May 15, 2024

Sponsored by: Councilmembers Burmaster, Williamson

AUTHORIZING SALE OF BEER AND WINE TO
FX MATT BREWERY

WHEREAS, the sale of alcoholic beverages and possession of an open container containing alcoholic beverages is prohibited on Utica city streets, sidewalks, playgrounds, parks, and right-of-way by Ordinance of the Common Council, except in certain instances where permission is granted by the Common Council.

RESOLVED, that permission to sell beer and wine and exemption from the provisions of Section 2-15-43, subdivisions (c) (1), (2), and (3) regarding open containers of alcoholic beverages is granted to:

Name of Sponsor: F.X. Matt Brewery
Name of Event: Boilermaker After Party
Date of Event: Sunday July 14th 2024 7AM to 1PM
Location of Event: FX Matt Brewery
811 Edward Street
Utica NY 13502

FURTHER RESOLVED, that this permit is conditioned upon the permittee defending, indemnifying and holding harmless the City of Utica, its agents and employees, from any liability allegedly occurring as a result of the activities authorized herein, and providing liability insurance, naming the City of Utica as an insured in the amount of not less than \$1,000,000.00 for general liability and \$1,000,000.00 for liquor liability. A certificate showing such insurance to be in full force and effect shall be filed with the Corporation Counsel before undertaking the permitted activity.

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico - 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

I hereby certify that I have compared the foregoing copy of a Resolution of the Common Council with the record of proceedings of the Common Council of said City of Utica, duly made and on file in this office, and that same is a correct transcript therefrom and of the whole of said Resolution.

In TESTIMONY WHEREOF, I hereunto affix the Corporate Seal of said City, and subscribe my name, this 16th day of May, 2024

Melissa R. Sciortino, City Clerk

City of Utica
Department of Legislation
In Common Council

May 15, 2024

Sponsored by: Councilmembers Burmaster, Williamson

Approving Agreement for participation in Mohawk Valley Storm Water Coalition.

WHEREAS, the City of Utica, along with the County of Oneida and many neighboring municipalities has been designated as a Municipal Separate Storm Sewer System community and,

WHEREAS, as a result of this designation the City has obligations that are best served by cooperating with similarly situated nearby communities who share common concerns as well as common drainage basins and systems, therefor,

RESOLVED, the City of Utica hereby authorizes and approve acceptance of the proposed Intermunicipal Agreement for participation in the Mohawk Valley Storm Water Coalition in substantially the same form as attached hereto and,

FURTHER RESOLVED, the Mayor is authorized to execute this Agreement and any other documents necessary to effectuate the intent of this Resolution.

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.
)

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Melissa R. Sciortino, *City Clerk*

CITY OF UTICA
Department of Legislation
Common Council

Sponsored by: Councilmembers Burmaster, Williamson

May 15th, 2024

ORDINANCE ADDING SECTION 2-29-361 OF THE UTICA CITY CODE OF ORDINANCES

ORDAINED, that Section 2-29-361 entitled “Marijuana Dispensaries/Retail” is hereby added to the Code of Ordinances as follows:

(a) Applicability.

(1) These regulations shall apply to all structures and/or uses related to marijuana retail Dispensaries. All marijuana retail dispensaries established in the City of Utica shall be in compliance with the provisions of this section and all conditions and/or regulations license issued by the New York State Office of Cannabis Management.

(2) Every marijuana retail dispensary shall apply to the City of Utica Planning Board for a special use permit and site plan approval for that use prior to commencing any work on the site related to the development of such a use. All such reviews shall be governed by all applicable sections of the City of Utica Zoning Code, other applicable provisions of the City Charter.

(b) **Zoning District.** Marijuana retail dispensaries shall only be allowed in areas as set forth Marijuana Dispensaries/retail overlay district subject to site plan review and issuance of a special use permit by the City of Utica Planning Board and further subject to the regulations set forth in this section.

(c)

(d) **Specific Special use criteria for marijuana retail dispensaries.** As part of any review by the Planning Board under this subsection, the following shall be submitted and/or considered by the Planning Board as part of its review of any special use permits for marijuana

retail dispensaries:

(1) Marijuana retail dispensaries must be fully enclosed and shall be located within a permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar nonpermanent enclosure.

(2) No outside storage of marijuana, related supplies or promotional materials is permitted.

(3) No smoking or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a marijuana retail dispensary. No burning

of any product containing marijuana or marijuana-related products shall be permitted on the premises of a marijuana retail dispensary.

(4) Each special permit use shall not include the display of signs, noise, fumes, or lights that will hinder normal development of the zoning district or impair the use, enjoyment, and character of adjacent land and buildings.

(5) The application shall include a site plan and fully dimensioned diagram or floor plan showing planned occupancy or use of all areas, including exits, fire prevention measures, windows, ventilation, and doors as well as any other factors determined to be necessary and appropriate by the Planning Board.

(6) Security measures shall be implemented which are sufficient to ensure that no unauthorized persons can gain access to the building and outdoor activity areas. Such measures shall be described in detail in the special permit application.

(7) Subject to applicable law, as a part of any special use permit application to the Planning Board, copies of all information submitted to the State of New York in application for a license to operate under the Marihuana Regulation and Taxation Act shall be submitted as part of the special permit application.

(8) All special use permits issued under this subsection shall contain a condition that the use shall not operate, and the special use permit shall not be valid, until the applicant has obtained all licenses and permits issued by the State of New York and any of its agencies.

(9) A special use permit granted under this subsection shall have a term limited to the duration of the applicant's use of the premises as a licensed operator. A special use permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special use permit.

(10) Any violation of this section shall be grounds for revocation of a special use permit issued under this section.

(11) A revocation of the respective license by the state shall be grounds for revocation of the special use permit.

(12) Hours of operation for these uses shall be set by the Planning Board in its complete and total discretion.

(13) No image depicting any part of a marijuana plant or any product or use of the marijuana plant shall be allowed on the sign.

FURTHER ORDAINED, that this Ordinance shall take effect immediately.

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

) I hereby certify that I have compared the foregoing copy of an Ordinance of the Common Council with the record of proceedings of the Common Council of said City of Utica, duly made and on file in this office, and that same is a correct transcript therefrom and of the whole of said Ordinance.

In TESTIMONY WHEREOF, I hereunto affix the Corporate Seal of said City, and subscribe my name, this 16th day of May, 2024

Melissa R. Sciortino, *City Clerk*

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

Sponsored by: Councilmembers Burmaster, Williamson

May 15th, 2024

**ORDINANCE AMENDING ZONING CODE USE TABLE
FOR MARIJUANA DISPENSARIES/RETAIL**

ORDAINED, § 2-29-125 of the Utica City Code is hereby amended by adding the entry “X” for Marijuana Dispensaries/Retail in the Supplemental Regulations.

FURTHER ORDAINED, that this Ordinance shall take effect immediately.

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk’s Office) ss.

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

Sponsored by: Councilmembers Burmaster, Williamson

May 15th, 2024

**ORDINANCE AMENDING ZONING MAP AND DISTRICTS
FOR MARIJUANA DISPENSARIES/RETAIL**

ORDAINED, § 2-29-113(b) of the Utica City Code is hereby amended by adding a new overlay district to read as follows:

(b) The City of Utica contains the following overlay districts. Overlay districts supplement and may modify the uses of the underlying zoning district. Unless specifically modified by the overlay, all the uses in the underlying district are permitted subject to all the other provisions of this chapter.

- (1) Planned Development District - PDD.
- (2) Marijuana Dispensaries/retail District - MDD

See attached Map

FURTHER ORDAINED, that this Ordinance shall take effect immediately

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

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

Sponsored by: Councilmembers Burmaster, Williamson

May 15th, 2024

**ORDINANCE AMENDING ZONING MAP AND DISTRICTS
FOR MARIJUANA DISPENSARIES/RETAIL**

ORDAINED, § 2-29-114 of the Utica City Code is hereby amended by adding the following:

(k) Marijuana Dispensaries/retail. The marijuana dispensaries/retail district is intended to provide for the placement and regulation of Adult Use Marijuana Establishment Retailers as authorized pursuant to the State Marijuana Regulation and Taxation Act (MRTA) and regulations with the goal of regulation of time, place and manner activity and minimizing potential adverse impacts on adjacent property owners, neighborhood and the city in general.

FURTHER ORDAINED, that this Ordinance shall take effect immediately

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

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

Sponsored by: Councilmembers Burmaster, Williamson

May 15th, 2024

**RESCIND ORDINANCE NUMBER 6 OF 2024 ENACTING A
MORATORIUM ON MARIJUANA DISPENSARIES IN THE CITY OF UTICA**

WHEREAS, the Common Council has amended the Zoning Ordinance of the City of Utica to address its concerns regarding the locations of marijuana dispensaries/retail, therefore eliminating the necessity of a moratorium.

ORDAINED, that the Common Council of the City of Utica rescinds Ordinance Number 6 of 2024 enacting a moratorium on marijuana dispensaries/retail.

Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9

Nays: 0

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

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Melissa R. Sciortino, *City Clerk*

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

Sponsored by: Councilmembers Burmaster, Williamson

May 15th, 2024

ORDINANCE AMENDING SECTION 2-26-48 REGARDING SEWER RENTS

ORDAINED, Ordinance #62 of April 17, 2024 is hereby repealed.

FURTHER ORDAINED, Section 2-26-48 of the Code of Ordinances of the City of Utica, fixing the amount of Sewer Rents is hereby amended to read as follows:

The sewer rents shall be as follows:

Monthly Billing (cu.ft.)	Cost per 100 cu. ft.	Quarterly Billing (cu. ft.)
First 1,500	1.985	4,500
Next 18,500	1.655	55,500
Next 280,000	1.382	840,000
Next 1,200,000	1.124	3,600,000
Over 1,500,000	0.761	4,500,000

Yeas: Betar, Carcone, , Betrus, Williamson, Colosimo-Testa, LoMedico –6

Nays: Aiello, Burmaster, Ervin-3

Adopted.

STATE OF NEW YORK, CITY OF UTICA)
City Clerk's Office) ss.

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