

LEGISLATION TO BE DISCUSSED
IN PRE-MEETING CONFERENCE

City of Utica Common Council

August 7th, 2024

| | |
|--------------------|---|
| PRO. RES. 1 | AUTHORIZE THE SALE OF BEER AND WINE |
| PRO. RES. 2 | PUBLIC HEARING ON SALE OF URA PROPERTY |
| PRO. ORD. 3 | SALE OF URA PROPERTY |
| PRO. RES. 4 | PUBLIC HEARING ON SALE OF URA PROPERTY |
| PRO. ORD. 5 | SALE OF URA PROPERTY |
| PRO. ORD. 6 | LIMITED PARKING |
| PRO. ORD. 7 | POLICE COMPLEMENT |

**LOCAL LAW TO PROHIBIT
CAMPING OR SLEEPING ON CITY OF UTICA PARKS, PUBLIC SIDEWALKS, STREETS, ALLEYWAYS
OR OTHER PUBLIC RIGHTS OF WAY**

Submitted to council by: Clerk's Office

Proposed Ordinance No. _____

Submitted to council on: 07 / 22 / 24

Proposed Resolution No. 1

Sent to Council Attorney on: 07 / 22 / 24

Thursday Rule Waiver Required? N

Date of Legislation: 08 / 07 / 24

Explanation provided to council on: / /

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

Sponsored by: Councilmembers Burmaster, Williamson

**AUTHORIZING SALE OF BEER AND WINE TO
UTICA CENTER FOR DEVELOPMENT**

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.

BE IT 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: | Utica Center for Development |
| Name of Event: | July 4 th Celebration |
| Date of Event: | Saturday August 31 st 2024, 5PM to 10PM |
| Location of Event: | Proctor Park 900 Culver Ave. Utica NY 13501 |

BE IT 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.

| | 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 | | | |

MICHAEL P. GALIME, MAYOR
CITY OF UTICA

URBAN RENEWAL AGENCY
1 KENNEDY PLAZA
UTICA, NEW YORK 13502
PHONE: (315) 792-0181
FAX: (315) 797-6607



MEMORANDUM

TO: All Common Council Members
FROM: Cathy Mack
DATE: July 24, 2024
RE: URA Property Dispositions

The following properties were approved by the Agency Board at its **July 11, 2024** 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 Melvin Urena in the amount of \$250.00 for the property at 909 Saratoga Street. The Buyer plans to create additional parking for his adjacent property.
2. The Agency Board approved an offer from Kim Duff in the amount of \$250.00 for the property at 1539 Howard Avenue. The Buyer plans to clean, fence, landscape and create additional parking for her adjacent property.

Submitted to council by: URA

Proposed Ordinance No. _____

Submitted to council on: 07 / 24 / 24

Proposed Resolution No. 4

Sent to Council Attorney on: 07 / 24 / 24

Thursday Rule Waiver Required? N

Date of Legislation: 08 / 07 / 24

Explanation provided to council on: / /

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

Sponsored by: Councilmember Ervin

Calling for a Public Hearing on the Sale of the Lot at 1539 Howard Ave.

WHEREAS, The Utica Urban Renewal Agency is the owner of **1539 Howard 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 **1539 Howard Avenue** has been received by the Utica Urban Renewal Agency from **Kim Duff**; and

WHEREAS, The developer plans to **clean, fence, landscape and create additional parking for her 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

NOW, THEREFORE, BE IT RESOLVED: that the Utica Common Council will conduct a public hearing on **Wednesday, September 4, 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 **1539 Howard Avenue** 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 ____ / ____ / 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 | | | |

Submitted to council by: URA

Proposed Ordinance No. _____

Submitted to council on: 07 / 24 / 24

Proposed Resolution No. 5

Sent to Council Attorney on: 07 / 24 / 24

Thursday Rule Waiver Required? N

Date of Legislation: 08 / 07 / 24

Explanation provided to council on: / /

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

Sponsored by: Councilmember Ervin

Ordinance approving the designation of Kim Duff as an eligible and qualified project sponsor pursuant to Article 15 of the General Municipal Law for the purpose of the sale of 1539 Howard Avenue

WHEREAS, The Utica Urban Renewal Agency has acquired **1539 Howard 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 **Kim Duff**; and the developer proposes to purchase **clean, fence, landscape and create additional parking for her adjacent property**; and the purchase will require the deposit amount of **\$250.00**; and

WHEREAS, The Chairman of the Utica Urban Renewal Agency has been authorized to execute an option contract and a subsequent 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, September 4, 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 deposit 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 | | | |

Submitted to council by: UPD

Proposed Ordinance No. 6

Submitted to council on: 08 / 02 / 24

Proposed Resolution No. _____

Sent to Council Attorney on: 08 / 02 / 24

Thursday Rule Waiver Required? N

Date of Legislation: 08 / 07 / 24

Explanation provided to council on: _____ / _____ / _____

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

Sponsored by: Councilmember Aiello

AMENDING SEC. 2-16-368 SCHEDULE M: LIMITED PARKING

BE IT ORDAINED, That **Sec. 2-16-368 Schedule M: Limited Parking; 15 Minutes During Certain Hours**, be Amended as Follows:

ADD: Limited Parking 15 minutes from 1:00 PM to 5:00 PM, Monday through Friday signs on the Southern curb line at the parking spaces located on Liberty Street from North Genesee Street to Hotel Street (5 parking spaces).

ADDED (8.7.24)

| | 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 | M. Giruzzi | | | |

Submitted to council by: LAW

Proposed Ordinance No. 7

Submitted to council on: 08 / 02 / 24

Proposed Resolution No. _____

Sent to Council Attorney on: 08 / 02 / 24

Thursday Rule Waiver Required? N

Date of Legislation: 08 / 07 / 24

Explanation provided to council on: _____ / _____ / _____

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

Sponsored by: Burmaster, Williamson

**ORDINANCE AMENDING THE COMPOSITION
OF THE BUREAU OF POLICE
TO ADD CAPTAIN**

BE IT ORDAINED, §2-2-167 of the Code of Ordinances of the City of Utica is hereby amended to read as follows:

Sec. 2-2-167. Composition of Bureau of Police.

(a) The sworn personnel strength and composition of the Bureau of Police of the Department of Public Safety shall consist of the following members and ranks:

| <u>Rank</u> | <u>Number Authorized</u> |
|-----------------|--------------------------|
| Chief | 1 |
| Deputy | 1 |
| Captains | 3 4 |
| Lieutenants | 6 |
| Sergeants | 26 |
| Police Officers | 111 110 |
| Investigators | 22 |
| | ----- |
| Total | 170 |

(b) The Commissioner of Public Safety shall continue to assign the personnel of the Bureau of Police, in such numbers and of such rank as deemed necessary, to such divisions and assignments within the Bureau of Police as may be created, all in accordance with law.

(c) The above composition includes the addition of five additional positions for police officers. It is not intended to permanently increase the composition of the Bureau of Police. After December 31, 2024, as vacancies occur in the Bureau by retirement or otherwise, the complement of police officers shall be reduced by attrition until it returns to the level of 106 positions and the total complement shall be reduced by the same.

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately.

| | 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 | M. Giruzzi | | | |

Submitted to council by: Law

Proposed Ordinance No. _____

Submitted to council on: 08 / 05 / 24

Proposed Resolution No. _____

Sent to Council Attorney on: 08 / 05 / 24

Thursday Rule Waiver Required? N

Date of Legislation: 08 / 07 / 24

Explanation provided to council on: _____ / _____ / _____

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

Sponsored by: **Councilmembers Betrus**

Local Law No. _____ of 2024

Introductory Local Law No. 3 of 2024

**A LOCAL LAW TO PROHIBIT CAMPING OR SLEEPING ON
CITY OF UTICA PARKS, PUBLIC SIDEWALKS, STREETS,
ALLEYWAYS OR OTHER PUBLIC RIGHTS OF WAY**

Presented and read on **August 7th, 2024**. Adopted by the Common Council by a vote of Yeas ___ and Nays ___, on _____, Became a Local Law with the approval of the Mayor on _____, after a public hearing on _____.

BE IT ENACTED BY THE COMMON COUNCIL FOR THE CITY OF UTICA:

Section 1. Legislative Intent

It is the intent of this local law to prohibit camping or sleeping in City parks, public sidewalks, public streets, alleyways, or any other public right of way. People camping or sleeping in City parks, on public property, or in public right of ways, creates a public health safety hazard and interferes with the rights of others to use the areas for which they were intended.

Section 2. Authority

This authority to adopt this local law is derived from Article IX, Section 2(c) of the New York Constitution; Article 2 Section 10 of the Statute of Local Governments, and Article 2, Section 10 of the Municipal Home Rule Law, which authorizes the City to adopt local laws and regulations that advance and protect the health, safety and welfare of the community.

Section 3. Definitions

Unless the context requires otherwise the following he following definitions apply.

- A. "To Camp" means to set up or to remain in or at a campsite.

- B. "Campsite" means any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.
- C. "Prohibited Public Places" means any place not designated as a public campground pursuant to Federal, State or Local statute or ordinance and shall include the following:
 - (a) Public streets, sidewalks, alleyways, passages and rights of way;
 - (b) Publicly owned property;
 - (c) Public parks;
 - (d) Public parking lots, whether publicly owned or privately;
 - (e) Public landscaped areas, whether publicly or privately owned and maintained pursuant to a public easement or agreement for public maintenance;
 - (f) Private property that is readily accessible to the general public or is otherwise open to common general use;
 - (g) Vacant lots that are readily accessible to the general public or otherwise open to common general use or that attract activity that may pose a threat to public health and safety; and
 - (h) Drainage culverts and basins

Section 4. Sleeping or Camping is Prohibited on Sidewalks, Streets, Alleys, or Within Doorways or in Prohibited Public Places

- A. No Person may sleep or camp on public sidewalks, streets, alleyways, or other prohibited public places at anytime as a matter of individual and public safety.
- B. No person may sleep or camp in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.
- C. In addition to any other remedy provided by law, any person found in violation of this section may be immediately removed from the premises.

Section 5. Camping Prohibited

No person may occupy a campsite in or upon any sidewalk, street, alley, lane, public place, or under any bridge or viaduct, unless (i) otherwise specifically authorized by this Local Law, (ii) by a formal declaration by the City Council in emergency circumstances, or (iii) by Council resolution, the City may exempt a special event from the prohibitions of this section, if the Common Council find such exemption to be in the public interest and consistent with City goals and notices. Any conditions imposed will include a condition requiring that the applicant provide evidence of adequate insurance coverage and agree to indemnify the City for any

liability, damage or expense incurred by the City as a result of activities of the applicant. Any findings by the City Council shall specify the exact dates and location covered by the exemption.

Section 6. Removal of Campsite on Public Property

Upon discovery of a campsite on public property, removal of the campsite by the Police Department may occur under the following circumstances:

- A. Prior to removing the campsite, the City shall post a notice, 24-hours in advance at the campsite.
- B. At the time a 24-hour notice is posted, the City shall inform a local agency (delivering social services to homeless individuals) of the location of the campsite.
- C. After the 24-hour notice period has passed, the Police Department is authorized to remove the campsite and all personal property related thereto.

Section 7. Disposition and Release of Personal Property

For purposes of this Local Law, “personal property” means any item reasonably recognizable as belonging to a person and having apparent utility or monetary value. Items having no apparent utility or monetary value and items in an unsanitary condition may be immediately discarded. Weapons, drug paraphernalia, items appearing to be stolen, and evidence of a crime may be retained as evidence by the Police Department until an alternate disposition is determined. All personal property removed from the campsite which is not retained, disposed of, or held as evidence (as provided above) shall be stored by the Police Department for a minimum of 30 days, during which time it shall be reasonably available for and released to an individual confirming ownership.

Section 8. Enforcement

This local law shall be enforced by an Officer of the City of Utica Police Department, The City Code Enforcement Officer, the Oneida County Sheriff's Department, the New York State Police, or any other Police Officer authorized as such by the State of New York.

Section 9. Penalties

A violation of this Local Law shall be deemed an offense punishable by a fine up to \$500.00 or imprisonment up to 15 days, or both.

Section 10. If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstances, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 11. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

| | 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 | | | |
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Submitted to council by: Clerk's Office

Proposed Ordinance No. _____

Submitted to council on: 07 / 7 / 24

Proposed Resolution No. _____

Sent to Council Attorney on: 07 / 7 / 24

Thursday Rule Waiver Required? _____

Date of Legislation: / /

Explanation provided to council on: / /

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

Sponsored by: Councilmembers Burmaster, Williamson

BE IT RESOLVED, that the Utica Common Council hereby establishes the following standard work days for these titles and the City of Utica will report said officials to the New York State and Local Retirement based on their record of activities:

| NAME | Social Security Number | NYSLRS ID | Title | Current Term Begin & End Dates | Standard Work Day | Record Of Activities | Not Submitted | Pay Frequency | Tier 1 |
|---------------------------|------------------------|-----------|---------------|--------------------------------|-------------------|----------------------|---------------|---------------|--------|
| Elected Officials: | | | | | | | | | |
| Michael P. Galime | | | Mayor | 01/01/2024 – 12/31/2027 | 6 Hours | 40.45 | | Bi-Weekly | |
| Joseph M. Betar | | | Councilmember | 01/01/2024 – 12/31/2025 | 6 Hours | 5.82 | | Bi-Weekly | |
| Mark Williamson | | | Councilmember | 01/01/2024 – 12/31/2025 | 6 Hours | 3.00 | | Bi-Weekly | |
| Samantha Colosimo-Testa | | | Councilmember | 01/01/2024 – 12/31/2025 | 6 Hours | 1.14 | | Bi-Weekly | |
| Venice Ervin | | | Councilmember | 01/01/2024 – 12/31/2025 | 6 Hours | 1.00 | | Bi-Weekly | |
| Katie Aiello | | | Councilmember | 01/01/202 – 12/31/2025 | 6 Hours | | X | Bi-Weekly | |
| Frank Carcone | | | Councilmember | 01/01/202 – 12/31/2025 | 6 Hours | | X | Bi-Weekly | |
| Jack LoMedico | | | Councilmember | 01/01/202 – 12/31/2025 | 6 Hours | | X | Bi-Weekly | |
| Joseph Betrus | | | Councilmember | 01/01/202 – 12/31/2025 | 6 Hours | | X | Bi-Weekly | |
| Robert Burmaster | | | Councilmember | 01/01/202 – 12/31/2025 | 6 Hours | | X | Bi-Weekly | |

| NAME | Social Security Number | NYSLRS ID | Title | Current Term Begin & End Dates | Standard Work Day | Record Of Activities | Not Submitted | Pay Frequency | Tier 1 |
|-----------------------------|------------------------|-----------|-------------------------------|--------------------------------|-------------------|----------------------|---------------|---------------|--------------------------|
| Appointed Officials: | | | | | | | | | |
| William M. Borrill | | | Corporation Counsel | 01/01/2024 – 12/31/2027 | 7 Hours | 13.02 | | Bi-Weekly | <input type="checkbox"/> |
| Stephanie DiGiorgio | | | Assistant Corporation Counsel | 01/01/2024 – 12/31/2027 | 7 Hours | 13.43 | | Bi-Weekly | <input type="checkbox"/> |
| Mark Chicco | | | Assistant Corporation Counsel | 01/01/2024 – 12/31/2027 | 7 Hours | 12.49 | | Bi-Weekly | <input type="checkbox"/> |
| David Longoretta | | | Assistant Corporation Council | 01/01/2024 – 12/31/2027 | 7 Hours | 10.90 | | Bi-Weekly | <input type="checkbox"/> |

| | MEMBERS | AYES | NAYS | | MEMBERS | AYES | NAYS | ADOPTED OR DISAPPROVED BY THE FOLLOWING VOTE: AYES _____ NAYS _____ DATE ADOPTED ____/____/ 2024 |
|---|--------------|------|------|----|-------------------|------|------|---|
| 1 | K. Aiello | | | 6 | J. Betrus | | | |
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