

REGULAR MEETING

August 23, 2021

A regular meeting of the Sherrill City Commission was held at 7:00 p.m. on August 23, 2021. Present were Mayor W. Vineall, Commissioners T. Dixon, D. Hyle, P. Hubbard, City Manager B. Lovett, and City Clerk M. Holmes.

MINUTES

Motion was made by D. Hyle and seconded by T. Dixon that the minutes of the previous meeting be approved as written.

AYES: Dixon, Hubbard, Hyle, Vineall

BILLS

Motion was made by P. Hubbard and seconded by T. Dixon that the following bills be approved for payment and W. Vineall be authorized to sign the warrant.

<b>Fund</b>	<b>Warrant No.</b>	<b>Date</b>	<b>Dollars</b>
City Claims on	15	8/23/2021	\$48,272.48
Sewer Claims on	15	8/23/2021	\$4,444.44
P&L Claims on	15	8/23/2021	\$170,649.37
Trust & Agency Claims on	15	8/23/2021	\$1,250.00

AYES: Dixon, Hubbard, Hyle, Vineall

ELECTION INSPECTORS

M. Holmes presented six names for election inspectors: Sandra Finley, Patricia Cousin, JoAnn Seccura, Ann Thoma, Donna Osier and Brian King, and Warren Harris for custodian. Motion was made by T. Dixon and seconded by P. Hubbard to appoint the names presented.

AYES: Dixon, Hubbard, Hyle, Vineall

BOND RESOLUTION  
(PERMISSIVE REFERENDUM)

The following resolution was offered by Commissioner T. Dixon, who moved its adoption, seconded by Commissioner P. Hubbard, to wit:

BOND RESOLUTION DATED AUGUST 23, 2021.

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$1,200,000 BONDS OF THE CITY OF SHERRILL, ONEIDA COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE CONSTRUCTION AND IMPROVEMENTS TO AND RECONSTRUCTION OF THE WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM, IN AND FOR SAID CITY.

**WHEREAS**, the capital project hereinafter described, as proposed, has been determined to be an Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which it has been determined will not have any significant adverse impact upon the environment; and

**WHEREAS**, it is now desired to authorize additional bonds for the financing thereof,

**NOW, THEREFORE, BE IT**

**RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the City Commission of the City of Sherrill, Oneida County, New York, as follows:

Section 1. For the specific object or purpose of paying part of the cost of the construction of improvements and reconstruction of the wastewater treatment plant and collection system, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for the City of Sherrill, Oneida County, New York, there are hereby authorized to be issued an additional \$1,200,000 bonds pursuant to the provisions of the Local Finance Law. Said specific object or purpose is hereby authorized at the new maximum estimated cost of \$8,200,000.

Section 2. The plan for the financing of such \$8,200,000 maximum estimated cost is as follows:

- a) By the issuance of the \$7,000,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond resolution dated and duly adopted May 13, 2019; and
- b) By the issuance of the additional \$1,200,000 bonds of said City herein authorized.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, calculated from the date of issuance of the first obligations issued therefore.

Section 4. The faith and credit of said City of Sherrill, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Sherrill, Oneida County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the City Comptroller shall deem best for the interests of said City, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the City Comptroller shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 9. The City Comptroller is hereby further authorized, at his sole discretion, to execute a loan agreement, a project financing agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Comptroller. Such notes shall be of such terms, form and contents as may be prescribed by said City Comptroller consistent with the provisions of the Local Finance Law.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this Resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 13. Upon this resolution taking effect, the same shall be published in summary form in the Rome Daily Sentinel, which is hereby designated as the official newspaper of said City for such purpose, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 14. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM in accordance with Local Law No. 2 for the year 1959 as amended by Local Law No. 2 for the year 1969. Within three days hereof, the City Clerk is hereby directed to have published in the *Rome Daily Sentinel*, the official newspaper of the City, and posted on the official signboard a notice setting forth the date of adoption and a summary or abstract hereof.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Mayor Vineall VOTING AYE  
Commissioner Dixon VOTING AYE  
Commissioner Hubbard VOTING AYE  
Commissioner Hyle VOTING AYE  
Commissioner Shay VOTING ABSENT

The resolution was thereupon declared duly adopted.

#### BUDGET TRANSFER

M. Holmes asked that the Commission consider funding his dues and travel budget accounts. It wasn't funded in 2021 and NYCOM is now holding an in-person meeting and the City had previously committed to sending him as he is a director for the New York State Society of Municipal Finance Officers. The Commission agreed and the following motion was made by T. Dixon and seconded by D. Hyle to make the following budget transfers:

<u>Account #</u>	<u>From</u>	<u>To</u>
A-1990.490 Contingency	\$1,500.00	
A-1410.419 City Clerk Dues/Travel		\$1,500.00

AYES: Dixon, Hubbard, Hyle, Vineall

PUBLIC HEARING LOCAL LAW #1 OF 2021

Mayor Vineall opened the public hearing at 7:15 p.m. for Local Law #1 of 2021, regarding the opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the City of Sherrill. There were approximately 25 members of the public present. Eight of whom spoke (Kurt Johnson, Terry & Debbie Loucy, Steve Drake, Wendy Tiffin, Mason Fowler, Vincent Ohara and a student Ms. Collins) and all echoed the same sentiment, which was that they were happy to see that the City was planning on opting out. The Mayor closed the public hearing at 7:25 p.m.

**RESOLUTION ADOPTING PUBLIC HEARING  
ON PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2021**

The following motion was made by T. Dixon and seconded by P. Hubbard that:

**WHEREAS**, the New York State Legislature has enacted a law (Cannabis Law § 131) allowing municipalities with the option of opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within their municipal jurisdiction; and

**WHEREAS**, the legislation has provided for a mechanism for opting out of the licensing and establishing retail cannabis dispensaries and/or on-site consumption establishments; and

**WHEREAS**, the City Commission believes it prudent to exercise its right to enact a local law opting out pursuant to Cannabis Law § 131 at this time; and

**WHEREAS**, said Local Law is entitled “Local Law No.1 of the Year 2021 entitled “**A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the City of Sherrill**”; and

**WHEREAS**, that a public hearing was held by the Sherrill City Commission with respect to the adoption of the aforesaid Local Law at 7:15 p.m. on August 23, 2021, at the Municipal Office Building, Sherrill Road, Sherrill, New York; and it is further; and

**WHEREAS**, such local law shall be attached to and made a part of these minutes.

**NOW, THEREFORE, BE IT RESOLVED**, that the same shall be effective immediately upon filing in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition, or a referendum has been conducted approving this local law.

A roll call was taken on the motion which resulted as follows:

Mayor William Vineall	AYE
Commissioner Dixon	AYE
Commissioner Hubbard	AYE
Commissioner Hyle	AYE
Commissioner Shay	ABSENT

The resolution was thereupon declared adopted.

RESOLUTION ADOPTING PROPOSED LOCAL LAW NO. 1 OF 2021

The City commission has been considering opting out of allowing the legalized marijuana dispensaries and consumption establishments for the past few months. The commission was distributed a copy of the proposed Local Law. The following resolution was offered by T. Dixon and seconded by P. Hubbard that:

**WHEREAS**, Commissioner T. Dixon has duly introduced proposed Local Law No. 1 of 2021 entitled “A local law adopted pursuant to Cannabis § 131 opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the City of Sherrill.”

**WHEREAS**, a copy of said proposed local Law was delivered to each Commissioner August 2, 2021 at this meeting.

NOW, THEREFORE, be it

**RESOLVED**, that a public hearing be held on the proposed Local Law on August 23, 2021, at 7:15 pm at Sherrill City Hall, Sherrill, New York; and be it further

**RESOLVED**, that the City Clerk duly publish a notice of this hearing in the official newspaper of the City at least three (3) days prior to the scheduled hearing.

A roll call was taken on the motion which resulted as follows:

Mayor William Vineall	AYE
Commissioner Dixon	AYE
Commissioner Hubbard	AYE
Commissioner Hyle	AYE
Commissioner Shay	ABSENT

The resolution thereupon declared adopted.

**Local Law No. 1 of the year 2021  
City of Sherrill, County of Oneida**

**A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the City of Sherrill.**

**Section 1. Legislative Intent**

It is the intent of this local law to opt the City of Sherrill out of hosting retail cannabis dispensaries and/or on-site cannabis consumption establishments within its boundaries.

**Section 2. Authority**

This local law is adopted pursuant to Cannabis Law §131, which expressly authorized cities and villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

**Section 3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out**

The City Commission of Sherrill, County of Oneida, hereby opts-out of licensing and establishing cannabis retail dispensaries and/or cannabis on-site consumption establishments within its boundaries.

**Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgement shall not affect, impair, or invalidate the remainder of this local law, 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 judgement or order shall be rendered.

**Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition, or a referendum has been conducted approving this local law.

Motion was made by D. Hyle and seconded by T. Dixon to adjourn.

AYES: Dixon, Hubbard, Hyle, Vineall

Michael Holmes  
City Clerk