

REGULAR MEETING

June 28, 2021

A regular meeting of the Sherrill City Commission was held at 7:00 p.m. on June 28, 2021. Present were Deputy Mayor P. Hubbard, Commissioners T. Dixon, D. Hyle, J. Shay, City Manager B. Lovett, and City Clerk M. Holmes.

MINUTES

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

AYES: Dixon, Hubbard, Hyle, Shay

BILLS

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

<b>Fund</b>	<b>Warrant No.</b>	<b>Date</b>	<b>Dollars</b>
City Claims on	12	06/28/2021	\$92,068.93
Sewer Claims on	12	06/28/2021	\$3,882.15
P&L Claims on	12	06/28/2021	\$143,695.45
Trust & Agency Claims on	12	06/28/2021	\$1,250.00

AYES: Dixon, Hubbard, Hyle, Shay

UNSAFE BUILDING  
152 ELMWOOD PLACE

B. Lovett reported that the home at 152 Elmwood Place is being foreclosed on by Nationstar Mortgage LLC d/b/a Mr. Cooper and subsequently abandoned dating back to October 2019. Since that time, the city has been working with Mr. Coopers legal representative LOGS and property preservation company Xome Field Service (XFS) about the condition of the property and numerous codes violations. The city has received numerous unsatisfied promises of a start date. Codes Enforcement Officer, Jim Whitcombe, and City Manager/Codes Enforcement Official have given a report to the city outlining the property's deficiencies regarding codes and property deficiencies. Based on that report a motion was made by J. Shay and seconded by T Dixon that a hearing be scheduled on the unsafe building for Monday, July 12 at 7:15 and a notice containing the same be served on the property owner in accordance to local ordinance No. 28 Unsafe Buildings.

AYES: Dixon, Hyle, Shay, Hubbard

WWTP REHAB PROJECT BIDS

At the last meeting the bids for the WWTP rehab project were revealed. The City has reviewed them and is looking to award to the low bidders.

**RESOLUTION AUTHORIZING THE AWARD OF  
BASE BID AND ADDITIVE BID ITEMS FOR THE  
WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM  
IMPROVEMENTS PROJECT**

Upon the recommendation of the City Manager, WWTP Superintendent and project Engineer the following motion was made by Commissioner J. Shay and seconded by Commissioner D. Hyle that the:

**WHEREAS**, the City of Sherrill (City) is the owner of the Wastewater Treatment Plant and Collection System Improvements Project ("Project"); and

**WHEREAS**, pursuant to New York State Municipal Law, bids for Contract No. 1A – General Construction, Contract No. 1B – Electrical Construction, and Contract No. 1C – Sanitary Sewer Rehabilitation were received, publicly opened and read aloud on June 11, 2021 at the City Hall, 377 Sherrill Road, Sherrill, NY 13461; and

**WHEREAS**, the City’s Engineering Consultant, Barton & Loguidice, D.P.C. (B&L), tabulated and analyzed the bids received, and by letter dated June 28, 2021, has recommended award of the City of Sherrill Wastewater Treatment Plant and Collection System Improvements Project as follows:

1. Contract No. 1A – General Construction: Base Bid and Additive Bid Items A-1, A-2, A-3, A-4, A-5, and A-6;
2. Contract No. 1B – Electrical Construction: Base Bid and Additive Bid Items B-3, B-4, B-5, B-6, and B-7;
3. Contract No. 1C – Sanitary Sewer Rehabilitation: Base Bid.

**NOW, THEREFORE, BE IT RESOLVED** that based on the recommendation of B&L, the City of Sherill City Commission hereby awards the City of Sherrill Wastewater Treatment Plant and Collection System Improvements Project as follows:

1. Contract No. 1A – General Construction to M. Hubbard Construction, Inc. for the Base Bid and recommended Additive Bid Items in the amount of \$4,604,745.00;
2. Contract No. 1B – Electrical Construction to S.C. Spencer Electric, Inc. for the Base Bid and recommended Additive Bid Items in the amount of \$577,200.00;
3. Contract No. 1C – Sanitary Sewer Rehabilitation to Green Mountain Pipeline Services, LLC. for the Base Bid in the amount of \$169,980.00, and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

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

Mayor William Vineall	ABSENT
Commissioner Thomas Dixon	AYE
Commissioner Patrick Hubbard	AYE
Commissioner David Hyle	AYE
Commissioner Joseph Shay	AYE

The resolution was thereupon declared adopted.

SALE OF TAX FORECLOSURE PROPERTY – 223 E. SENECA ST.

B. Lovett reported the following bid results for the sale of the foreclosed property owned by the City located at 223 E. Seneca St.

	Bartholomeo Property Holdings	Vanderhoof Construction
Purchase Price	\$ 32,500	\$ 25,000
Rehab Expenses	\$ 52,798	\$ 85,000
Total Investment	\$ 118,298	\$ 110,000
Donation to the City	\$ 2,500	\$ 2,880

Motion was made by T. Dixon and seconded by D. Hyle to accept the high bid from Bartholomeo Property Holdings.

AYES: Dixon, Hubbard, Hyle, Shay

SET PUBLIC HEARING – PROPOSED LOCAL ORDINANCES # 32  
STORAGE STANDARDS

The following resolution was offered by Commissioner J. Shay, who moved its adoption, and seconded by Commissioner T. Dixon, to wit:

**WHEREAS**, it is desired to call a public hearing on the question of adopting Ordinance #32 (Storage Standards).

**WHEREAS**, a copy of the proposed amendment and adoption of the ordinances have been distributed to the Commission and shall be attached to the minutes as Exhibit A.

**NOW, THEREFORE**, be it

**RESOLVED**, by the City Commission of the City of Sherrill, New York,  
as follows:

§1. A public hearing shall be held at the regular meeting of the City Commission on July 12, 2021, at 7:15 PM at the Sherrill City Hall, 377 Sherrill Road in said City, for the purpose of considering adopting Ordinance #32 (Storage Standards) in the form provided to the Commission and more particularly set forth in “Exhibit A”, attached hereto and made a part hereof.

§2. The City Clerk is hereby authorized and directed to cause a notice of said public hearing and the proposed Ordinance to be published in the *Rome Daily Sentinel* in the manner provided by law, which notice shall be in substantially the form provided to the Commission.

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

Mayor William Vineall	ABSENT
Commissioner Thomas Dixon	AYE
Commissioner Patrick Hubbard	AYE
Commissioner David Hyle	AYE
Commissioner Joseph Shay	AYE

The resolution was thereupon declared adopted.

#### EXHIBIT A

### Proposed ORDINANCE NO. 32

#### Storage Standards

Any shipping container use as an accessory building, storage building, or living unit is prohibited.

The intent of this ordinance is to protect the public health and safety and the aesthetic quality of the city.

No person shall place or cause to be placed or use or permit the use of any shipping container as an accessory building, storage building, or living unit within the City of Sherrill.

#### **Allowed use:**

Shipping Containers/Connex Boxes may be used temporarily for 90 calendar days, unless written permission from City Manager to extend. In no circumstances shall City Manager extend time beyond 150 days. Request to place unit on property must be done so in writing, and permission with removal date will be provided by City Manager.

1. Storage shall be wholly within this unit, and the unit shall be placed in the side or rear yard. There shall be no storage in any required front yard or flanking street yard.

There is no “grandfather clause” any existing units as date of ordinance being ratified, must be removed within 90 days.

#### MARIJUANA REGULATION & TAXATION ACT (MRTA) INFORMATION SESSION

B. Lovett reported that with New York State’s legalization of marijuana there are the possibilities that a marijuana dispensary can open in Sherrill. Sherrill and all local municipal governments can opt-out of allowing such business, up until December 31, 2021. If the local municipalities do not officially act, then they are deemed to allow. If you opt-out before December 31, 2021, you can opt-in at a later time. If the municipality opts-out the action is still subject to holding a permissive referendum if enough signatures are circulated. There were 9 or 10 residents present, six of whom spoke, Jill Salm, Betsinger Rd, Linda Evans, Park Terrace, Laura Kowelt, Prospect St., Terry, Debbie and Dan Loucy, Primo Ave. The comments included, that they didn’t think the City should opt-in, property values would decrease, Oneida Indian Nation should do what the City does, wanted to know the Commission’s timeline. B. Lovett reported that the city was just starting to consider it’s stance, he noted that the Planning Board recommended that the City opt-out before December 31<sup>st</sup>, and see how things shake out. Lovett also noted that the rules and procedures are not set in stone by the State yet. He noted that there would be a constant updating on the City’s website and Facebook page, as well as e-mail blasts,

but not to hesitate contacting City Hall should anyone have any questions. Future meeting, on the subject would be publicized as much as possible.

Motion was made by J. Shay and seconded by T. Dixon to adjourn.

AYES: Dixon, Hubbard, Hyle, Shay

Michael Holmes  
City Clerk