

AGENDA
COMMON COUNCIL MEETING
October 23, 2023

PUBLIC HEARING – Re: Local Law No. 3 of the Year 2023 – A Local Law Amending Chapter 133, Flood Damage Prevention, of the Code of the City of Oswego, New York 7:10 p.m.

PUBLIC SESSION 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL FOR REGULAR MEETING 7:30 p.m.

MAYOR’S REPORT TO THE COMMON COUNCIL

- RESOLUTION NO. 320 – Approve Minutes Common Council Meeting Held October 10, 2023
- 321 – Approve Use of Public Space – Tanya Miller, Owner of a Single-Family Dwelling Located at 50 West Fourth Street, to Install a New Sidewalk and Steps
- 322 – Approve Use of Public Space – Trinity Catholic School, to Host the 9th Annual Trinity Turkey Trot Family Fun 5K Run/Walk on November 5, 2023
- 323 – Approve Use of Public Space – Oswego YMCA, to Host the 32nd Annual Reindeer Run on Saturday, December 2, 2023
- 324 – Accept Grant in the Amount of \$11,680.00 from the Division of Criminal Justice Services-Bureau of Justice Assistance to Aid in the Purchase of Radar Units for the Police Department
- 325 – Approve Local Law No. 3 of the Year 2023 – A Local Law Amending Chapter 133, Flood Damage Prevention, of the Code of the City of Oswego, New York
- 326 – Authorize Mayor to Sign Agreement with Energy Systems Group, LLC in Order to Complete an Investment Grade Audit
- 327 – Authorize City Chamberlain to Complete a Budget Amendment to the Parks Contracted Services Account, in the Amount of \$7,258.35, to Pay for Electrical Work Completed at Rotary Park
- 328 – Authorize City Chamberlain to Complete a Transfer of Funds from the General Fund Contingent Account to the Clerk’s Personal Services Account, in the Amount \$8,964.00 to Cover the Costs of a Temporary Intern
- 329 – Waive Rules of the Common Council to Present Resolution Nos. 330 – 331 From the Floor Without Committee Consideration
- 330 – Appoint Kevin M. Hill, Jr. as City Assessor
- 331 – Authorize Mayor to Execute Any and All Documents Necessary for the Purchase of Real Property Located in the City of Oswego and Further Authorize the City Chamberlain to Complete Any Necessary Transfers for the Aforementioned Property
- 331a – Motion to Amend Resolution No. 331
- 331 – AS AMENDED – Authorize Mayor to Execute Any and All Documents Necessary for the Purchase of Real Property Located in the City of Oswego and Further Authorize the City Chamberlain to Complete Any Necessary Transfers for the Aforementioned Property
- 332 – Adjournment

Common Council Proceedings

IN COMMON COUNCIL

Monday Evening October 23, 2023

Meeting Called to Order at 7:17 P.M.

Public Hearing

7:10 p.m.

ROLL CALL

	PRESENT	ABSENT
His Honor the Mayor	✓	
Councilor McBrearty	✓	
Councilor Burridge	✓	
Councilor Vanucchi	✓	
Councilor Walker	✓	
Councilor Gosek	✓	
Councilor Plunkett	✓	
Councilor Corradino	✓	
	.	

10/13/23

**CITY OF OSWEGO
LOCAL LAW
LEGAL NOTICE**

PUBLIC HEARING

PUBLIC HEARING – TAKE

NOTICE, that a public hearing will be held before me at the Common Council Chambers, City Hall, 13 West Oneida Street, Oswego, New York, on Monday, October 23, 2023 at 7:10 p.m. on the following proposed Local Law, which was introduced at a meeting of the Common Council held October 10, 2023, entitled:

(Proposed)
LOCAL LAW NO. *3 OF
THE YEAR 2023 – A LOCAL
LAW AMENDING
CHAPTER 133,
FLOOD DAMAGE
PREVENTION, OF THE
CODE OF THE
CITY OF OSWEGO, NEW
YORK

*Introductory Number Only

BY ORDER OF THE
COMMON COUNCIL

WILLIAM J. BARLOW, JR.
MAYOR

Dated: Oswego, New York,
this 11th Day of October
2023

Publish: October 13 and 17,
2023 (2t)

10/17/23

**CITY OF OSWEGO
LOCAL LAW
LEGAL NOTICE**

PUBLIC HEARING

PUBLIC HEARING – TAKE

NOTICE, that a public hearing will be held before me at the Common Council Chambers, City Hall, 13 West Oneida Street, Oswego, New York, on Monday, October 23, 2023 at 7:10 p.m. on the following proposed Local Law, which was introduced at a meeting of the Common Council held October 10, 2023, entitled:

(Proposed)
LOCAL LAW NO. *3 OF
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BY ORDER OF THE
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WILLIAM J. BARLOW, JR.
MAYOR

Dated: Oswego, New York,
this 11th Day of October
2023

Publish: October 13 and 17,
2023 (2t)

CITY OF OSWEGO, NEW YORK
Motions, Resolutions and Notices

By Councilor Corradino

RESOLVED, that this Public Hearing now adjourn at 7:18 p.m.

AYES AND NAYS CALLED			ABSENT/ ABSTAIN
	AYES	NAYS	
Councilor McBrearty	✓		
Councilor Burridge	✓		
Councilor Vanucchi	✓		
Councilor Walker	✓		
Councilor Gosek *	✓		
Councilor Plunkett	✓		
Councilor Corradino	✓		
TOTAL	7	0	

ADOPTED LOST

I certify that the foregoing resolution
was duly passed by the Common Council
on the 23rd day of October 2023

MARK TESORIERO City Clerk

Approved October 24, 2023
WILLIAM J. BARLOW, JR. Mayor

Common Council Proceedings

IN COMMON COUNCIL

Monday Evening October 23, 2023

Meeting Called to Order at 7:30 P.M.

Regular Meeting

ROLL CALL

	PRESENT	ABSENT
His Honor the Mayor	✓	
Councilor McBrearty	✓	
Councilor Burridge	✓	
Councilor Vanucchi	✓	
Councilor Walker	✓	
Councilor Gosek	✓	
Councilor Plunkett	✓	
Councilor Corradino	✓	

CITY OF OSWEGO, NEW YORK
Motions, Resolutions and Notices

By Councilor Corradino

RESOLVED, that the minutes of the Regular Common Council Meeting held Tuesday evening, October 10, 2023, be and they hereby are approved and accepted.

AYES AND NAYS CALLED			ABSENT/ ABSTAIN
	AYES	NAYS	
Councilor McBrearty	✓		
Councilor Burridge	✓		
Councilor Vanucchi	✓		
Councilor Walker	✓		
Councilor Gosek	✓		
Councilor Plunkett	✓		
Councilor Corradino	✓		
TOTAL	7	0	

ADOPTED LOST

I certify that the foregoing resolution was duly passed by the Common Council on the 23rd day of October 2023

City Clerk
MARK TESORIERO

Approved October 24, 2023
Mayor
WILLIAM J. BARLOW, JR.

COMMUNICATION FROM OFFICERS OF THE CORPORATION

TO: Committees of the Common Council

Date: 10/11/23

- ☐ Planning & Development
- ☒ Physical Services
- ☐ Administrative Services
- ☐ Human Services

Fr: Office of

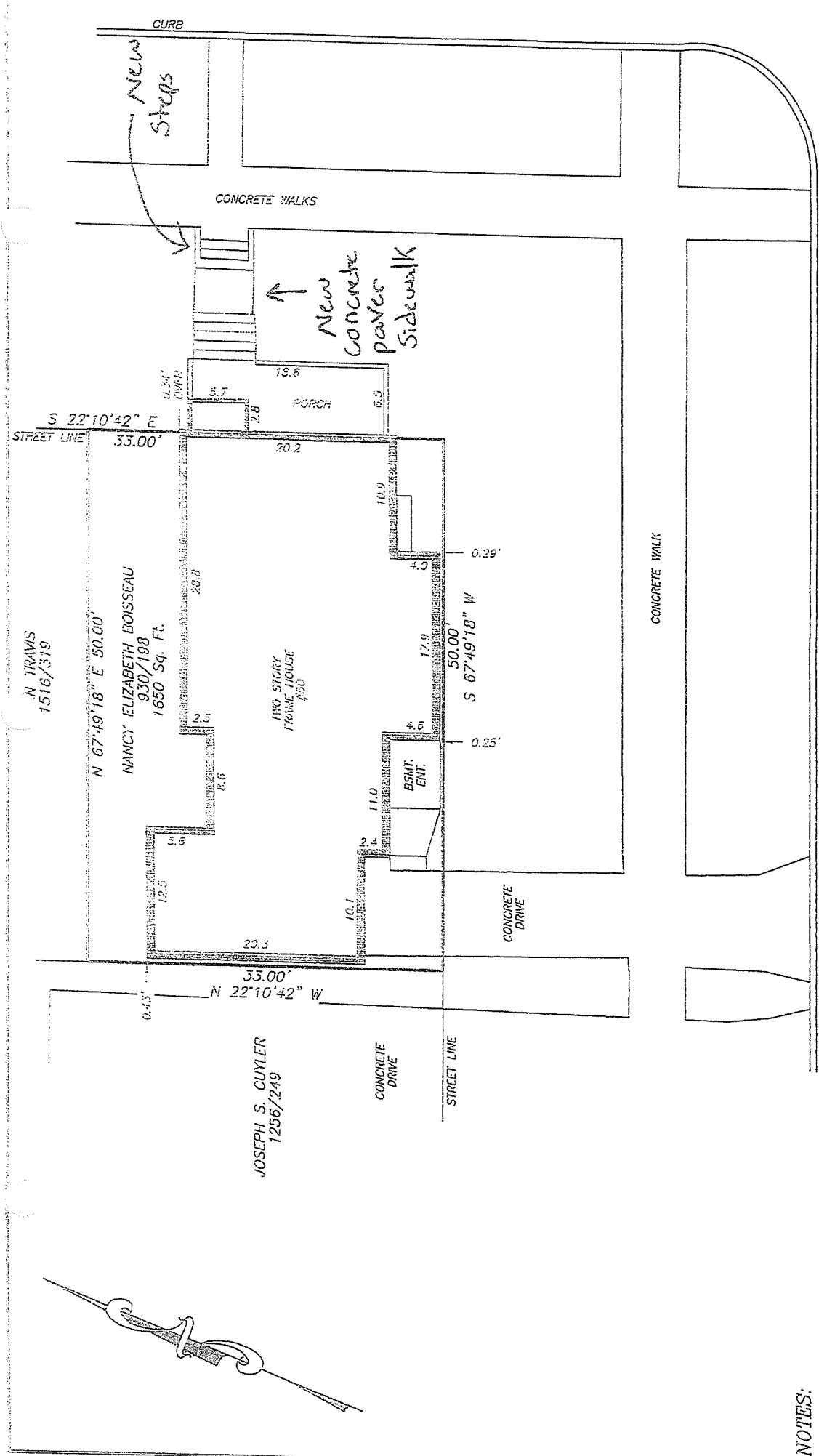
- | | |
|--|---|
| ☐ City Attorney | ☐ Purchasing Agent |
| ☐ City Chamberlain | ☐ Recreation |
| ☐ City Clerk | ☐ Sewage Treatment Plant, E/W |
| ☐ City Engineer | ☐ Traffic Engineering |
| ☐ Community Development | ☐ Dept. of Water |
| ☐ Dept. of Fire | ☐ Dept. of Works |
| ☐ Dept. of Personnel | ☒ Zoning & Planning |
| ☐ Dept. of Police | ☐ Other |

Re: Use of Public Space
50 West Fourth Street

Dear Councilors:

Forwarded herewith is a request to use public space, submitted by Ms. Tanya Miller, owner of a single-family dwelling known as 50 West Fourth Street, located in the First Ward, for the installation of a new sidewalk and steps together with landscaping between the sidewalk and property line fronting West Fourth Street, as shown on attached plan.

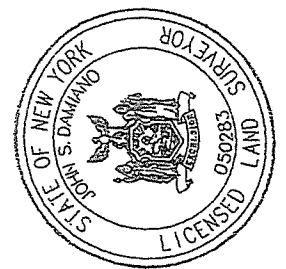
/dma



14
PART
LOT 6 of
CITY
OSWEGO CO
SCALE: 1" = 10'
DATE: JULY 18, 2002

WEST SCHUYLER STREET

CERTIFIED TO: HSBC Mortgage Corporation (USA), its successors and/or assigns; Ticor Title Insurance Company; Sumner & Auser and Tanya R. Miller

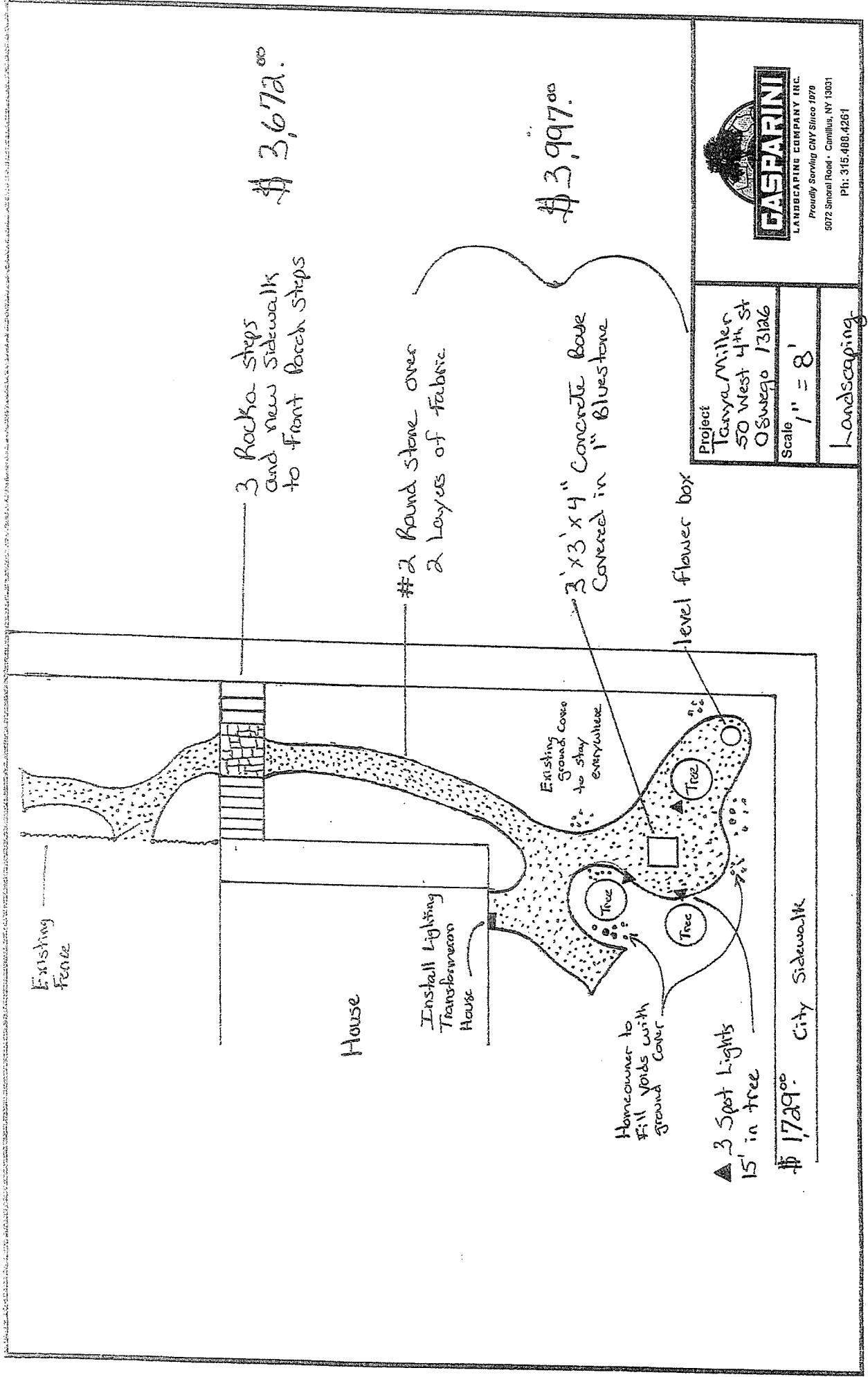


NOTES:
SURVEY COMPLETED WITH ABSTRACT OF TITLE
DATED JUNE 28, 2002.

THE UNDERSIGNED SURVEYOR HEREBY CERTIFIES THAT THIS MAP IS MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON COMPLETED JULY 15, 2002.

John S. Damiano
JOHN S. DAMIANO LS
LS 050283

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.



\$3,672.00

\$3,997.00

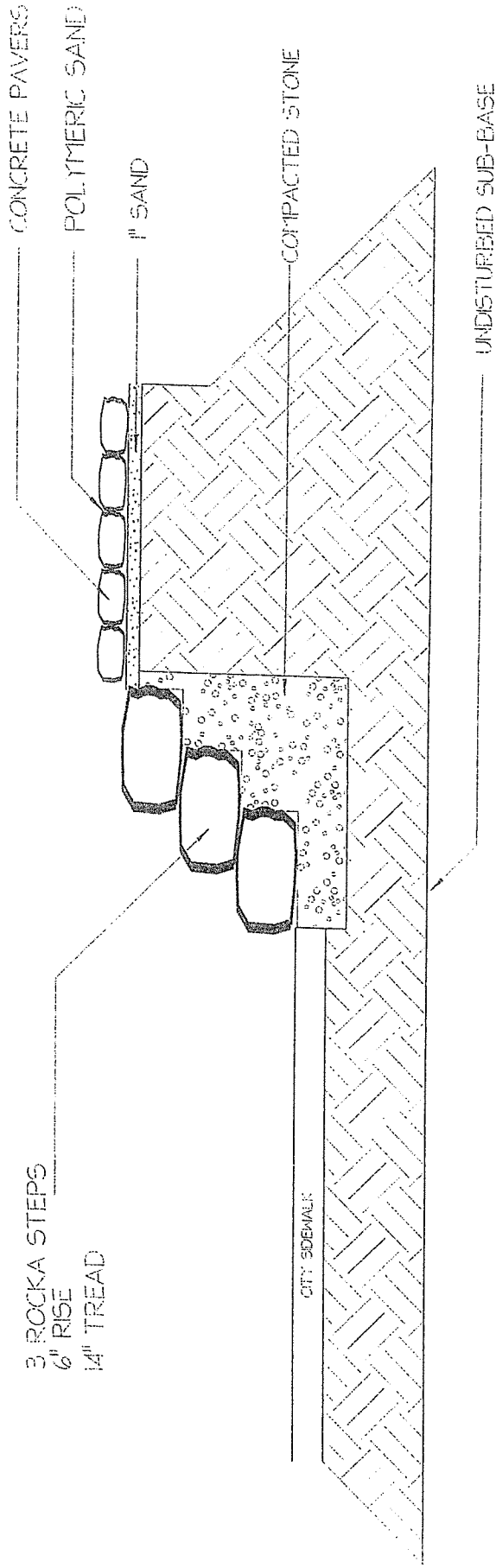
\$1,729.00

Project
Tanya Miller
50 West 4th St
Oswego 13126
Scale 1" = 8'
Landscaping

GASPARINI
LANDSCAPING COMPANY INC.
Proudly Serving NY Since 1976
5072 Sinclair Road • Canilus, NY 13031
Ph: 315.488.4261



1410 RESIDENCE
514 FOURTH ST
C 1000 NY 13126

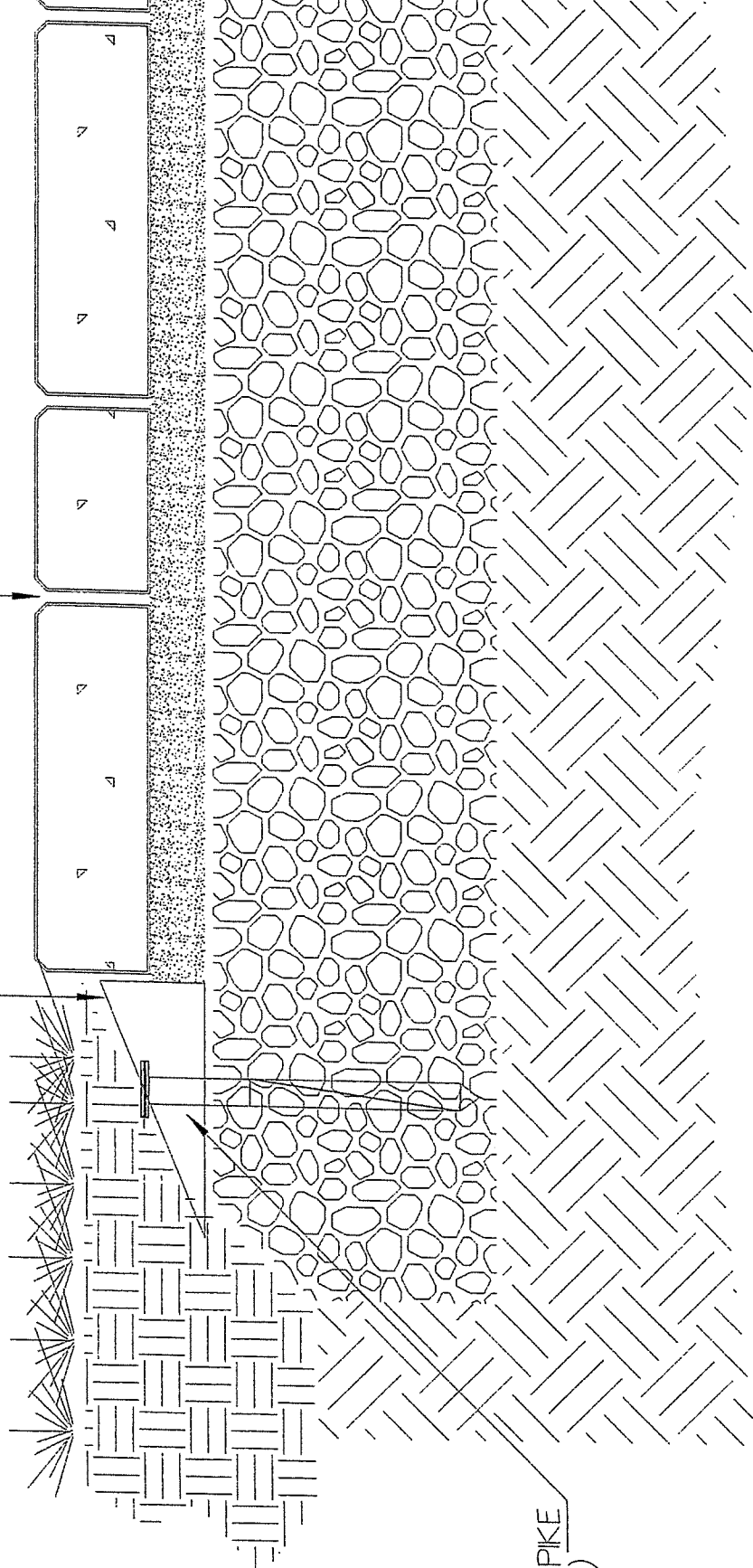


ROCKA STEP DETAIL

NOT TO SCALE

POLYMERIC SAND

LOW PROFILE SNAP EDGE

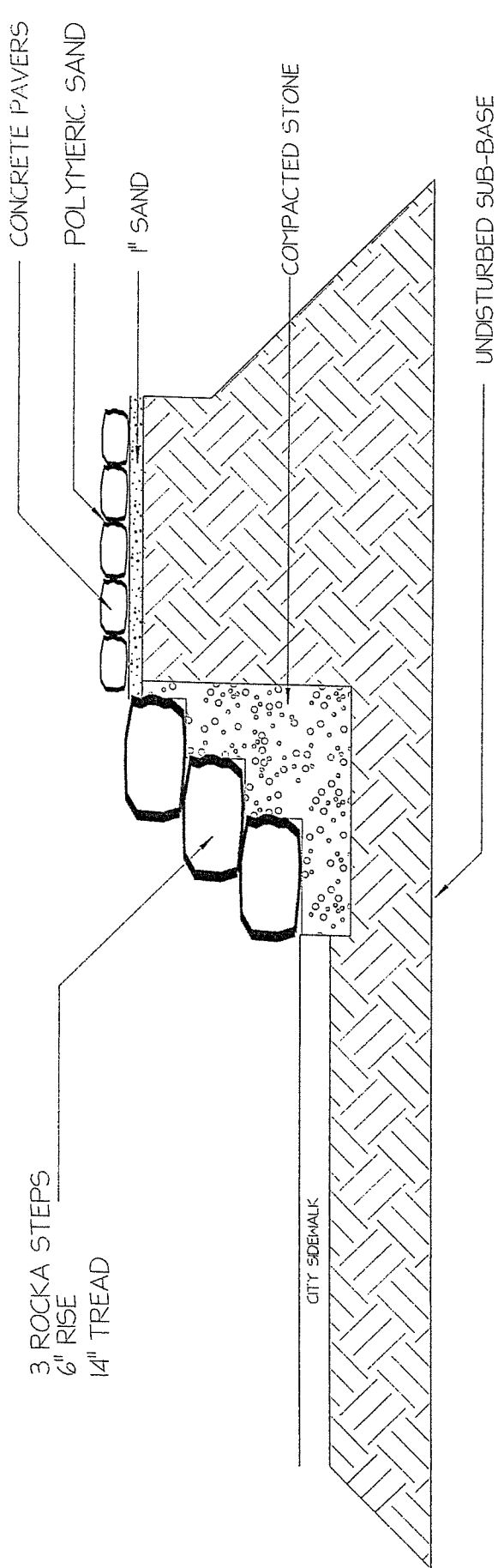


SOIL

GALVANIZED SPIKE
(EVERY 12")

SUBGRADE

MILLER RESIDENCE
50 W FOURTH ST
OSWEGO NY 13126



ROCKA STEP DETAIL

NOT TO SCALE

CITY OF OSWEGO, NEW YORK
Motions, Resolutions and Notices

By Councilor McBrearty

WHEREAS, Ms. Tanya Miller, owner of a single-family dwelling known as 50 West Fourth Street, located in the First Ward, requests the use of public space for the installation of a new sidewalk and steps together with landscaping between the sidewalk and property line fronting West Fourth Street; as shown on the attached plan; and,

WHEREAS, the use of such area of public space will not interfere with utilities, vehicular or pedestrian traffic; now, therefore be it

RESOLVED, that permission is hereby granted to Ms. Miller to use the aforementioned area of public space; and, be it further

RESOLVED, that the granting of the use of such area of public space shall be contingent upon receipt by the City Clerk from Ms. Miller, of an Indemnification and Hold Harmless Agreement and Waiver, agreeing to release and indemnify the City of Oswego from any liability arising from the use of such area of public space; and, be it further

RESOLVED, that the use of aforementioned area of public space shall be transferable in the event of any change in ownership of the aforementioned property and, be it further

RESOLVED, that upon future sale of the aforementioned property by Ms. Miller, it shall be her responsibility to notify the intending purchaser of the requirement to file their Indemnification and Hold Harmless Agreement and Waiver with the City Clerk's Office upon completion of such property transfer; and, be it further

RESOLVED, that the use of such area of public space shall be revocable by the Common Council should any problem arise resulting from the use thereof.

AYES AND NAYS CALLED			ABSENT/ ABSTAIN
	AYES	NAYS	
Councilor McBrearty	✓		
Councilor Burrridge	✓		
Councilor Vanucchi	✓		
Councilor Walker	✓		
Councilor Gosek	✓		
Councilor Plunkett	✓		
Councilor Corradino	✓		
TOTAL	7	0	

Recommended by Physical Services
Committee

Chairman Shawn Burrridge

I certify that the foregoing resolution
was duly passed by the Common Council
on the 23rd day of October 2023

MARK TESORIERO City Clerk

Approved October 24, 2023

WILLIAM J. BARLOW, JR. Mayor

Resolution prepared by Zoning/DMA

Page No.

COMMUNICATION FROM OFFICERS OF THE CORPORATION

TO: Committees of the Common Council

Date: 10/12/2023

- ☐ Planning & Development
- ☒ Physical Services
- ☐ Administrative Services
- ☐ Human Services

Fr: Office of

- ☐ City Attorney
- ☐ City Chamberlain
- ☐ City Clerk
- ☐ City Engineer
- ☒ Community Development
- ☐ Dept. of Fire
- ☐ Dept. of Personnel
- ☐ Dept. of Police

- ☐ Purchasing Agent
- ☐ Recreation
- ☐ Sewage Treatment Plant, E/W
- ☐ Traffic Engineering
- ☐ Dept. of Water
- ☐ Dept. of Works
- ☐ Zoning & Planning
- ☐ Other

RE: Trinity Turkey Trot

Dear Councilors,

The Office of Economic Development has received a request from Trinity Catholic School to host the 9th Annual Trinity Turkey Trot Family Fun 5k Run/Walk on November 5th, 2023 at 12:00 p.m.

The run/walk will begin and end at the Ancient Order of the Hibernians, located on Munn Street. The event is requesting a Police Escort through the route for the safety of the participants. The event is not requesting any road closures.

The route is as follows: begins at the Ancient Order of the Hibernians and heads west on Munn to the left turn on Elizabeth Street. It then proceeds to a left on O'Brien Glenway and a right on Pond View Drive with the cul-de-sac acting as the turn. The course proceeds back to O'Brien Glenway, right onto Elizabeth Street and right on Munn Street to end back at the Ancient Order of the Hibernians.

Ordered filed and printed with the proceedings.



FAMILY FUN 5K RUN/WALK



September 29, 2023

Mayor William J. Barlow, Jr.
Second Floor, City Hall
13 W. Oneida Street
Oswego, NY 13126

RECEIVED

OCT 3 2023

OSWEGO CLERK'S OFFICE

Mayor Barlow,

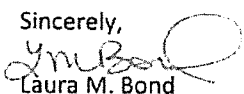
I would like to request your permission to host the 9th Annual Trinity Turkey Trot Family Fun 5K Run/Walk on November 5, 2023 at 12:00 PM.

This is an event sponsored by Trinity Catholic School. The run/walk will begin and end at the Ancient Order of the Hibernians, located on Munn Street. As has been provided at past road races, I am requesting a Police escort through the route, for the safety of all the participants. We will not be requesting the closure of any streets for this event.

The route starts at the Ancient Order of the Hibernians and heads west on Munn to the left turn on Elizabeth Street. It then proceeds to a left on O'Brien Glenway and a right on Pond View Drive with the cul-de-sac acting as the turn. The course proceeds back to O'Brien Glenway, right onto Elizabeth Street and right onto Munn to end back at the Ancient Order of the Hibernians.

We would also like to invite you to participate in this community event promoting family fitness, health, wellness and fun! Please feel free to contact me with any questions, and we look forward to another wonderful event in our city!

Sincerely,


Laura M. Bond
Race Director
lbond8505@gmail.com
315-216-4309

Enc. Map of course

Trinity Catholic School
Preschool – Sixth Grade
115 East Fifth Street
Oswego, NY 13126
(315) 343-6700
www.oswegotrinitycatholic.org

CITY OF OSWEGO, NEW YORK
Motions, Resolutions and Notices

By Councilor Corradino

WHEREAS, the Office of Economic Development has received a request from the Trinity Catholic School to host the 9th Annual Trinity Turkey Trot Family Fun 5k Run/Walk on November 5th, 2023 at 12:00 p.m., and

WHEREAS, the route for the 5k run/walk is as follows; begins at the Ancient Order of the Hibernians and heads west on Munn to the left turn on Elizabeth Street. It then proceeds to a left on O'Brien Glenway and a right on Pond View Drive with the cul-de-sac acting as the turn. The course proceeds back to O'Brien Glenway, right onto Elizabeth Street and right on Munn Street to end back at the Ancient Order of the Hibernians, and

WHEREAS, the event is requesting a police car to lead the race, and

WHEREAS, the event organizers shall provide the City Clerk's Office with a Certificate of Liability Insurance in the amount of \$1,000,000 minimum, listing the City of Oswego as an additional insured, and, now, therefore be it,

RESOLVED, permission is granted for the Trinity Catholic School to host the 9th Annual Trinity Turkey Trot Family Fun 5k Run/Walk on November 5th, 2023 at 12:00 p.m., and, be it further,

RESOLVED, the route for the 5k run/walk is as follows; begins at the Ancient Order of the Hibernians and heads west on Munn to the left turn on Elizabeth Street. It then proceeds to a left on O'Brien Glenway and a right on Pond View Drive with the cul-de-sac acting as the turn. The course proceeds back to O'Brien Glenway, right onto Elizabeth Street and right on Munn Street to end back at the Ancient Order of the Hibernians, and, be it further,

RESOLVED, permission is granted for a police car to lead the race, and, be it finally,

RESOLVED, the event organizers shall provide the City Clerk's Office with a Certificate of Liability Insurance in the amount of \$1,000,000 minimum, listing the City of Oswego as an additional insured.

AYES AND NAYS CALLED			ABSENT/ ABSTAIN
	AYES	NAYS	
Councilor McBrearty	✓		
Councilor Burrridge	✓		
Councilor Vanucchi	✓		
Councilor Walker	✓		
Councilor Gosek	✓		
Councilor Plunkett	✓		
Councilor Corradino	✓		
TOTAL	7	0	

Recommended by Physical Services
Committee

Chairman Shawn Burrridge

I certify that the foregoing resolution
was duly passed by the Common Council
on the 23rd day of October 2023

MARK TESORIERO City Clerk

ADOPTED LOST
Approved October 24, 2023
WILLIAM J. BARLOW, JR. Mayor

COMMUNICATION FROM OFFICERS OF THE CORPORATION

TO: Committees of the Common Council

Date: 10/12/2023

- ☐ Planning & Development
- ☒ Physical Services
- ☐ Administrative Services
- ☐ Human Services

Fr: Office of

- | | |
|---|--|
| ☐ City Attorney | ☐ Purchasing Agent |
| ☐ City Chamberlain | ☐ Recreation |
| ☐ City Clerk | ☐ Sewage Treatment Plant, E/W |
| ☐ City Engineer | ☐ Traffic Engineering |
| ☒ Community Development | ☐ Dept. of Water |
| ☐ Dept. of Fire | ☐ Dept. of Works |
| ☐ Dept. of Personnel | ☐ Zoning & Planning |
| ☐ Dept. of Police | ☐ Other |

RE: Reindeer Run 2023

Dear Councilors,

The Office of Economic Development has received a request from the Oswego YMCA to host the 32nd Annual Reindeer Run on Saturday, December 2nd, 2023 starting at 9:30 a.m. The event is a holiday themed community 5k fun run. The organizers of the event are requesting a waiver of the noise ordinance starting at 8:00 a.m. and ending at 11:00 a.m. The event is requesting police staffing for traffic control as well as a pace car to lead the race. The event is requesting road closures of the following roads:

West 1st and West Utica, West 1st and West Mohawk, West 1st and West Oneida (three sides). In addition, the event is requesting NO PARKING signs on both sides of West 1st by 5:00 a.m. the day of the event, from the Armory down to the Pontiac Apartments.

CITY OF OSWEGO SPECIAL EVENT APPLICATION



The City of Oswego recognizes special events as an important part of Oswego's quality of life. They enhance tourism, provide economic benefit to businesses, promote cultural diversity and provide affordable entertainment.

Required Event Information:

Applicant name: Oswego YMCA Phone: 315-342-6082 Email: cbaldwin@oswegoyymca.org

City Resident: Yes ☒ No ☐

Event Contact Person: Trish Levine, Health, Wellness & Development Director Oswego YMCA

Nonprofit: Yes ☒ No ☐

Contact Information on Day of Event: Trish Levine, Health, Wellness & Development Director Oswego YMCA

Event Coordinator: Trish Levine Phone: 315-342-6082 Email: plevine@oswegoyymca.org

Name of the Event: 32nd Annual Reindeer Run Event Event Location/Address: Oswego YMCA, 265 West First Street

Dates: December 2, 2023 Time of Event: 9:30am

Description of the Event: A holiday themed community 5k fun run

Event Type: Procession / Parade ☐ Public Assembly ☐ Organized Competitive Event ☒ Festival ☐ Block Party ☐

Estimated Number of Participants or Attendees 50+

**Events with 5,000 or more participants or attendees are required to provide an Incident Action Plan*

****Event Site Map Must be Attached****

Are you planning to sell or service alcohol? Yes ☐ No ☒

***Chapter 59 of City of Oswego Code**

Are you planning a firework display? Yes ☐ No ☒

Requires firework permit

****NYS Penal Law, Article 405.00**

Are you planning to use sound amplification? Yes ☒ No ☐

****Chapter 165 of City of Oswego Code**

Requested Fee Services:

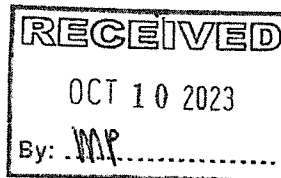
☒ Road closure
\$150 flat fee per area — (point A to Point B for barricades) — Identify on Site Map

☐ Bandstand
\$150 flat fee per day

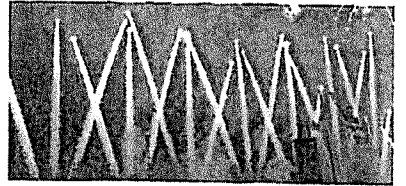
☐ Veterans Stage
\$75 flat fee per day

☐ McCrobie Building Rental
\$93.50/hour with a minimum charge of 3 hours

☐ Breitbeck Pavilion Rental
\$75 flat fee per day



CITY OF OSWEGO
SPECIAL EVENT APPLICATION



City Parks & Public Areas

- ☐ Breitbeck Park ☐ Washington Park ☐ Franklin Square (West Park) ☐ Linear Park East ☐ Linear Park West ☐ Montcalm Park
☐ Oak Hill Park ☐ Veteran's Memorial Park/Veteran's Stage ☐ Hamilton Park ☐ Civic Plaza ☐ McCrobie Building

Event Plan- Vendors And Concessions

Are you requiring admission fees / donations to enter your event? ☐ Yes / if yes, cost of admission: _____ ☒ No

What kind of barriers will be used to close off the area? _____

Will there be vending? ☐ Food ☐ Beverage ☐ Goods ☐ Services Total Vendors: _____

Will food be sold, served, or given away? ☒ Yes ☐ No donuts, hot chocolate, water, fruit

Will items or services be sold at the event? ☐ Yes, if YES, please describe: _____ ☒ No

Event Plan- Entertainment And Activities

Entertainment:

Are there any musical entertainment features related to your event? ☐ Yes ☒ No

What type of live Entertainment will be featured at your event? _____

☐ Dance

☐ Jugglers

☐ DJs Bands

☐ Other

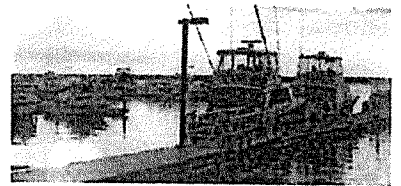
Please describe: _____

Event Plan- Vendors And Concessions

Does the proposed special event involve water related activities involving the Oswego River and/or Oswego Harbor? ☐ Yes ☒ No

Please describe: _____

CITY OF OSWEGO
SPECIAL EVENT APPLICATION



Event Operation- Safety And Security

Medical Services:

The City of Oswego requires a first aid station with medically certified personnel having a minimum of current First Aid and completes CPR certifications at any event with an attendance of over 5,000 people. Event planners must provide either a contracted emergency vehicle or equivalent. This station/vehicle must be centrally located and clearly marked. Please indicate what arrangements you have made for providing First Aid Staffing and Equipment and provide a copy of your contract with this application.

_____ Ambulance(s) How provided? _____

Company's Public Utilities License # _____

Emergency Medical Technician(s) How provided? _____

Security: (This area requires approval of the Oswego Police Dept.)

Does your event require assistance from the Oswego Police Department for staffing? ☒ Yes ☐ No traffic control & pace car

If No, are you providing private security? ☐ Yes ☒ No

If Yes, security provided by the applicant for the special event there must be coordination with the Oswego Police Department.

Please explain the proposed security measures: _____

The Special Events Committee will review this application the Oswego Police Department for guidance and will provide discretionary review and modifications to ensure security and safety based on the proposed event.

Fire Safety: (This area requires approval of the Oswego Fire Dept.)

Does your event require assistance from the Oswego Fire Department for staffing? ☐ Yes ☒ No

If yes, please explain why: _____

The Special Events Committee will review this application with the Oswego Fire Department for guidance and discretionary review and modifications to ensure fire safety (and water safety as applicable) for the proposed event.

Disclaimer: I certify the information contained in the application is true to my best of abilities.

Signature of applicant: Cheryl Babin Date: 10/3/23

Number of Stages: _____ Number of Bands: _____

Sound Amplification: Start Time: 8:30am am/pm Finish Time: 11am am/pm

Sound Checks prior to event: Start Time: 8am am/pm Finish Time: 11am am/pm

Please describe the sound equipment that will be used for your event: PA and sound systems as supplied by YMCA

Name of Sound/Production Company: N/A

Address: _____

City, State, Zip Code: _____

Phone #: _____ Cell Phone for Day of Event: _____

Electrical Services: Will your event require Electrical services/Generators? ☐ Yes ☒ No

If yes, please provide name of vendor: _____

Event Operation- Sanitation And Waste Management

Sanitation:

Portable and/or Permanent Toilet Facilities:

Delivery Date: _____/_____/_____ Time: _____ am/pm

Pick-up Date: _____/_____/_____ Time: _____ am/pm

Number of Portable Toilets: _____ Number of ADA Accessible Toilets: _____

Permanent Toilet Facilities: YES Name of Portable Toilet Vendor: _____

If you have a plan for using permanent toilet facilities please list the location of these facilities below: Oswego YMCA, 265 West First Street

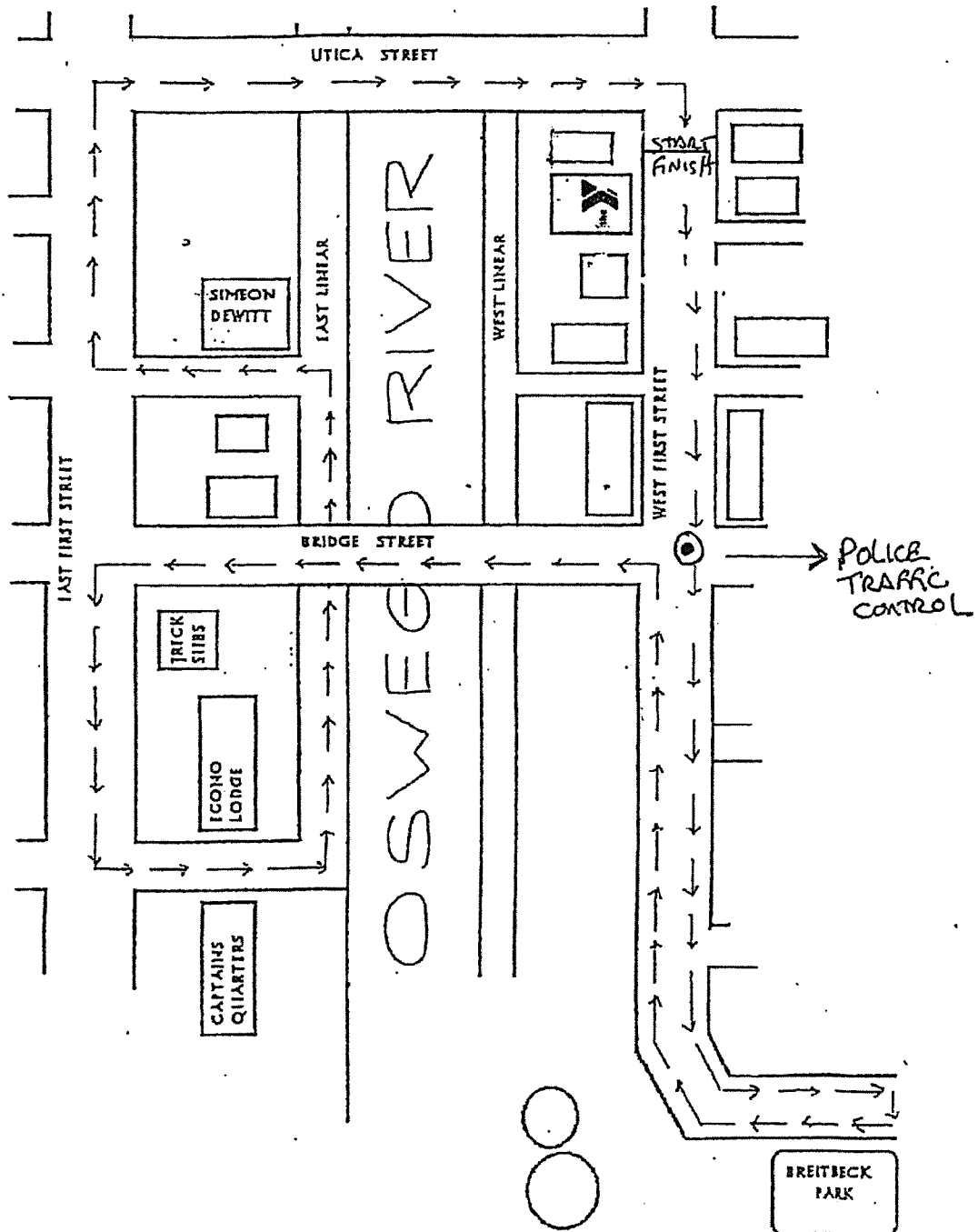
Describe your plan for clean up and removal of waste and garbage during and after the event:

Clean-up Date: 12 / 2 / 23 Time: 11am am/pm

PLEASE NOTE: You must properly dispose of waste and garbage throughout the term of your event and immediately upon conclusion of the event the area must be returned to a clean condition. The City does not provide cleaning or street sweeping services.



The Oswego YMCA Reindeer Run Route





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/4/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER FitzGibbons Agency 44 E Bridge St, Suite #1 PO Box 2023 Oswego NY 13126	CONTACT NAME: Dawn Dashnaw PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL: dawn@askfitz.com ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: AmTrust North America INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
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COVERAGES CERTIFICATE NUMBER: MASTER 23 - 24 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR Y/YD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X		WFF165728205	10/2/2023	10/2/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COM/PO/AGG \$ 3,000,000 SEXUAL ABUSE LIABILITY \$ 1,000,000
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS			WFF165728205	10/2/2023	10/2/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	☒ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☒ RETENTION \$ 10,000			WFF164145205	10/2/2023	10/2/2024	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
City of Oswego is Certificate Holder. Commercial General Liability Coverage Expansion Endorsement 330729NY includes who is an insured to be any person or organization with whom you agreed, because of written contract or written agreement to provide insurance applies.

CERTIFICATE HOLDER City of Oswego 13 W Oneida St Oswego, NY 13126	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE John FitzGibbons/DMD
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CITY OF OSWEGO, NEW YORK
Motions, Resolutions and Notices

By Councilor Vanucchi

WHEREAS, the Office of Economic Development has received a special event application from the Oswego YMCA to host the 32nd annual Reindeer Run to be held on Saturday, December 2nd, 2023 starting at 9:30 a.m., and

WHEREAS, the event is requesting a waiver of the Noise Ordinance beginning at 8:00 a.m. and ending at 11:00 a.m., and

WHEREAS, the event is requesting the availability of standby safety personnel during the event not including an ambulance, and

WHEREAS, the event is requesting road closures of the following streets; West 1st and West Utica, West 1st and West Mohawk, West 1st and West Oneida (three sides). In addition, there will be NO PARKING signs on both sides of West 1st by 5:00 a.m. the day of the event, from the Armory down to the Pontiac Apartments, and

WHEREAS, the event organizers shall provide the City Clerk's Office with a Certificate of Liability Insurance in the amount of \$1,000,000 minimum, listing the City of Oswego as an additional insured, and, now, therefore be it,

RESOLVED, the Oswego YMCA to host the 32nd annual Reindeer Run to be held on Saturday, December 2nd, 2023 starting at 9:30 a.m., and, be it further,

RESOLVED, permission is granted for a waiver of the Noise Ordinance beginning at 8:00 a.m. and ending at 11:00 a.m., and, be it further,

RESOLVED, permission is granted for the utilization of appropriate number of safety personnel determined by the respective department heads, and, be it further,

RESOLVED, permission is granted for the road closures of the following streets; West 1st and West Utica, West 1st and West Mohawk, West 1st and West Oneida (three sides). In addition, there will be NO PARKING signs on both sides of West 1st by 5:00 a.m. the day of the event, from the Armory down to the Pontiac Apartments, and the event organizers will make good faith effort to notify the businesses and residents impacted by the temporary road closures prior to the event, and, be it further,

RESOLVED, the event organizers shall provide the City Clerk's Office with a Certificate of Liability Insurance in the amount of \$1,000,000 minimum, listing the City of Oswego as an additional insured.

AYES AND NAYS CALLED			ABSENT/ ABSTAIN
	AYES	NAYS	
Councilor McBrearty	✓		
Councilor Burrridge	✓		
Councilor Vanucchi	✓		
Councilor Walker	✓		
Councilor Gosek	✓		
Councilor Plunkett	✓		
Councilor Corradino	✓		
TOTAL	7	0	

Recommended by Physical Services
Committee

Chairman Shawn Burrridge

I certify that the foregoing resolution
was duly passed by the Common Council
on the 23rd day of October 2023

MARK TESORIERO City Clerk

ADOPTED LOST
Approved October 24, 2023
WILLIAM J. BARLOW, JR. Mayor

COMMUNICATION FROM OFFICERS OF THE CORPORATION

TO: Committees of the Common Council

Date: _____

- ☐ Planning & Development
- ☐ Physical Services
- ☒ Administrative Services
- ☐ Human Services

Fr: Office of

- | | |
|---|--|
| ☐ City Attorney | ☐ Purchasing Agent |
| ☐ City Chamberlain | ☐ Recreation |
| ☐ City Clerk | ☐ Sewage Treatment Plant, E/W |
| ☐ City Engineer | ☐ Traffic Engineering |
| ☐ Community Development | ☐ Dept. of Water |
| ☐ Dept. of Fire | ☐ Dept. of Works |
| ☐ Dept. of Personnel | ☐ Zoning & Planning |
| ☒ Dept. of Police | ☐ Other |

I am respectfully requesting permission for City Chamberlain Deborah Coad to accept one (1) grant award in the amount of \$11,680.00 from the Division of Criminal Justice Services (DCJS)-Bureau of Justice Assistance (BJA). This grant will assist with the purchase of radar units for the Oswego City Police Department.

Sincerely,

Phillip Cady
Chief of Police

CITY OF OSWEGO, NEW YORK
Motions, Resolutions and NoticesBy Councilor Plunkett

WHEREAS, the Administrative Services Committee on October 16, 2023 considered and is recommending to the full Council that the Oswego City Police Department accepts a grant award in the amount of \$11, 680.00 from the Division of Criminal Justice Services (DCJS)- Bureau of Justice Assistance(BJA), and

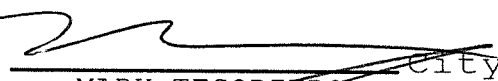
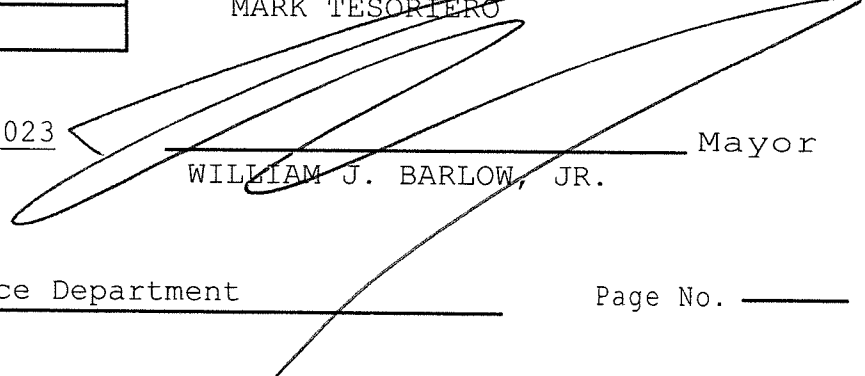
WHEREAS, this grant will support the purchase of radar units for the Oswego City Police Department, now, therefore, be it

RESOLVED, that the City Chamberlain Deborah Coad has permission to accept this grant award, in the amount of \$11,680.00 from the Division of Criminal Justice Services (DCJS)- Bureau of Justice Assistance(BJA), and place those monies in the department's A.3120.0410 account.

AYES AND NAYS CALLED			ABSENT/ ABSTAIN
	AYES	NAYS	
Councilor McBrearty	✓		
Councilor Burridge	✓		
Councilor Vanucchi	✓		
Councilor Walker*	✓		
Councilor Gosek	✓		
Councilor Plunkett	✓		
Councilor Corradino	✓		
TOTAL	7	0	

Recommended by Administrative Services
CommitteeChairman Robert A. Corradino

I certify that the foregoing resolution was duly passed by the Common Council on the 23rd day of October 2023


MARK TESORIERO City ClerkApproved October 24, 2023
WILLIAM J. BARLOW, JR. MayorResolution prepared by Police Department

Page No. _____

LOCAL LAW NO. 3 OF THE YEAR 2023

A LOCAL LAW AMENDING CHAPTER 133, FLOOD DAMAGE PREVENTION, OF THE CODE OF THE CITY OF OSWEGO, NEW YORK

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF OSWEGO AS FOLLOWS:

Chapter 133 Flood Damage Prevention

[HISTORY: Adopted by the Common Council of the City of Oswego 6-27-1994 by L.L. No. 6-1994; amended in its entirety 4-22-2013 by L.L. No. 2-2013. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Dangerous buildings — See Ch. 83.

Coastal erosion control — See Ch. 95.

Fire prevention and building construction — See Ch. 126.

Trees — See Ch. 240.

Zoning — See Ch. 280.

§ 133-1 Findings.

The Common Council of the City of Oswego finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the City of Oswego and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

§ 133-2 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters.
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages.
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- F. Qualify for and maintain participation in the National Flood Insurance Program.

§ 133-3 Objectives.

The objectives of this chapter are to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard.

- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- G. Provide that developers are notified that property is in an area of special flood hazard.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 133-4 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

ACCESSORY STRUCTURE

A structure used solely for parking (two-car detached garages or smaller) or limited storage, represent a minimal investment of not more than 10-percent of the value of the primary structure, and may not be used for human habitation.

APPEAL

A request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING

A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent-or-greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one-percent-or-greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1 through A30, A99, V, VO, VE, or V1 through V30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain." For purposes of this chapter, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT

That portion of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING

See "structure."

CELLAR

Has the same meaning as "basement."

COASTAL A ZONE

An area within a SFHA, landward of a V1 through V30, VE, or V zone or landward of an open coast without mapped coastal hazard areas. In a coastal A zone, the principal source of flood must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to 18 inches (457 mm). The inland limit of coastal A zone is (a) the Limit of Moderate Wave Action if delineated on a FIRM, or (b) designated by the authority having jurisdiction.

COASTAL HIGH-HAZARD AREA

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V1 through V30, VE, VO or V.

CRAWL SPACE

An enclosed area beneath the lowest elevated floor, 18 inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

CRITICAL FACILITIES

- A. Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- B. Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;
- C. Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and
- D. Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

CUMULATIVE SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50% of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING

- A. A non-basement building:
 - (1) Built, in the case of a building in Zones A1 through A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1 through 30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and
 - (2) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.
- B. In the case of Zones A1 through A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.
- C. In the case of Zones V1 through V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The federal agency that administers the National Flood Insurance Program.

FLOOD OR FLOODING

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection A above.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)

An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD ELEVATION STUDY

An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM)

An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY

See "flood elevation study."

FLOODPLAIN or FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source. (See definition of "flooding.")

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY

Has the same meaning as "regulatory floodway."

FUNCTIONALLY DEPENDENT USE

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

LIMIT OF MODERATE WAVE ACTION (LiMWA)

The line shown on the FIRMs to indicate the inland limit of the 18-inch (457 mm) breaking wave height during the base flood.

LOCAL ADMINISTRATOR

The person appointed by the community to administer and implement this chapter by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

LOWEST FLOOR

Lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME

Has the same meaning as "manufactured home."

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

ONE-HUNDRED-YEAR FLOOD or 100-YEAR FLOOD

Has the same meaning as "base flood."

PRIMARY FRONTAL DUNE

A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

PRINCIPALLY ABOVE GROUND

At least 51 percent of the actual cash value of the structure, excluding land value, is above the ground.

RECREATIONAL VEHICLE

A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 133-14B of this chapter.

SAND DUNES

Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION

The date of permit issuance for new construction and substantial improvements to existing structures, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE

A walled and roofed building, including a gas or liquid storage tank, that is principally above the ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. "Substantial improvement" also means "cumulative substantial improvement." The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

VARIANCE

A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

VIOLATION

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

§ 133-5 Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Oswego, Oswego County, New York.

§ 133-6 Basis for establishing areas of special flood hazard.

- A. The areas of special flood hazard for the City of Oswego, Community Number 360656, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
 - (1) Flood Insurance Rate Map Panel Numbers: 36075C0270G, 36075C0278G, 36075C0286G, whose effective date is, June 18, 2013, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.
 - (2) FIRM Index No. 36075CIND0B, and Panel Numbers: 36075C0257H, 36075C0258H, 36075C0259H, 36075C0276H, whose effective date is, November 16, 2023, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.
 - (3) A scientific and engineering report entitled "Flood Insurance Study, Oswego County, New York, All Jurisdictions" dated November 16, 2023.
- B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at: the Oswego City Engineer's Office, Third Floor, City Hall, 13 West Oneida Street, Oswego, New York 13126.

§ 133-7 Interpretation; conflict with other provisions.

- A. This chapter includes all revisions to the National Flood Insurance Program through October 27, 1997, and shall supersede all previous chapters adopted for the purpose of flood damage prevention.
- B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

§ 133-8 Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

§ 133-9 Penalties for noncompliance.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the City of Oswego from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under § 133-25 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§ 133-10 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Oswego, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 133-11 Designation of local administrator.

The City Engineer is hereby appointed local administrator to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.

§ 133-12 Purpose of floodplain development permit; fees.

- A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 133-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee of \$100. In addition, the applicant shall be responsible for reimbursing the City of Oswego for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than \$500 to cover these additional costs.

§ 133-13 Application for permit.

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- A. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in a Special Flood Hazard Area (SFHA). Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- B. The proposed elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of any new or substantially improved structure to be located in Zones V1 through V30 or VE, or Zone V if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- C. The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- D. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 133-16C, Utilities.
- E. A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § 133-20, Nonresidential structures.

- F. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 133-6, when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- G. A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- H. In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.
- I. In Zones V1 through V30 and VE, and also Zone V if base flood elevations are available, designs and specifications, certified by a licensed professional engineer or architect, for any breakaway walls in a proposed structure with design strengths in excess of 20 pounds per square foot.
- J. In Zones V1 through V30 and VE, and also Zone V if base flood elevations are available, for all new and substantial improvements to structures, floodplain development permit applications shall be accompanied by design plans and specifications, prepared in sufficient detail to enable independent review of the foundation support and connection components. Said plans and specifications shall be developed or reviewed by a licensed professional engineer or architect, and shall be accompanied by a statement, bearing the signature of the architect or engineer, certifying that the design and methods of construction to be used are in accordance with accepted standards of practice and with all applicable provisions of this chapter.

§ 133-14 Duties and responsibilities of local administrator.

Duties of the local administrator shall include, but not be limited to the following:

- A. Permit application review. The local administrator shall conduct the following permit application review before issuing a floodplain development permit:
 - (1) Review all applications for completeness, particularly with the requirements of § 133-13, Application for permit, and for compliance with the provisions and standards of this chapter.
 - (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of §§ 133-15 through 133-24 and, in particular, § 133-15B, Subdivision proposals.
 - (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of §§ 133-15 through 133-24, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.
 - (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal chapter.
- B. Use of other flood data.
 - (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (These areas are designated Zone A or V on the FIRM.) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 133-13H, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.
 - (2) When base flood elevation data are not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this chapter.

C. Alteration of watercourses. The local administrator shall:

- (1) Notify adjacent communities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

D. Construction stage. The local administrator shall:

- (1) In Zones A1 through A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) In Zones V1 through V30 and VE, and also Zone V if base flood elevation data are available, or in an area of moderate wave action, upon placement of the lowest floor of a new or substantially improved structure, the permit holder shall submit to the local administrator a certificate of elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns). The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. An elevation certificate must also be submitted for a recreational vehicle if it remains on a site 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (3) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

E. Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

F. Stop-work orders.

- (1) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 133-9 of this chapter.
- (2) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 133-9 of this chapter.

G. Certificate of compliance.

- (1) In areas of special flood hazard, as determined by documents enumerated in § 133-6, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.
- (2) A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in § 133-14E, Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

H. Information to be retained. The local administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;

- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to § 133-14D(1) and (2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to § 133-14D(1), and whether or not the structures contain a basement;
- (4) Variances issued pursuant to § 133-25, Variance procedure; and
- (5) Notices required under § 133-14C, Alteration of watercourses.
- (6) Base flood elevations developed pursuant to § 133-13G and supporting technical analysis.

§ 133-15 General standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 133-6.

- A. Coastal high-hazard areas and Coastal A Zones. The following requirements apply within Zones V1 through V30, VE and V:
 - (1) All new construction, including manufactured homes and recreational vehicles on site 180 days or longer and not fully licensed for highway use, shall be located landward of the reach of high tide.
 - (2) The use of fill for structural support of buildings, manufactured homes or recreational vehicles on site 180 days or longer is prohibited.
 - (3) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
- B. Subdivision and development proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):
 - (1) Proposals shall be consistent with the need to minimize flood damage;
 - (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and
 - (3) Adequate drainage shall be provided to reduce exposure to flood damage.
 - (4) Proposed development shall not result in physical damage to other property (e.g. stream bank erosion or increased flood velocities). If requested by the local administrator, the applicant shall provide a technical analysis, by a licensed professional engineer, demonstrating that this condition has been met.
 - (5) Proposed development shall be designed, located, and constructed so as to offer the minimum resistance of the flow of water and shall be designed to have a minimum effect upon the height of flood water.
 - (6) Any equipment or materials located in a special flood hazard area shall be elevated, anchored, and floodproofed as necessary to prevent flotation, flood damage, and the release of hazardous substances.
 - (7) No alteration or relocation of a watercourse shall be permitted unless:
 - i. A technical evaluation by a licensed professional engineer demonstrates that the altered or relocated segment will provide conveyance equal to or greater than of the original stream segment and will not result in physical damage to any other property;
 - ii. If warranted, a conditional revision of the Flood Insurance Rate Map is obtained from the Federal Emergency Management Agency, with the applicant providing the necessary data, analyses, and mapping and reimbursing the City of Oswego for all fees and other costs in relation to the application; and
 - iii. The applicant provides assurance that maintenance will be provided so that the flood carrying capacity of the altered or relocated portion of the watercourse will not be diminished.
- C. Encroachments.
 - (1) Within Zones A1 through A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or

- (b) The City of Oswego agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Oswego for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Oswego for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 133-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or
 - (b) The City of Oswego agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Oswego for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Oswego for all costs related to the final map revisions.
- (3) In a Special Flood Hazard Area (SFHA), if any development is found to increase or decrease base flood elevations, the City of Oswego shall as soon as practicable, but not later than six months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.
- (4) Whenever any portion of a floodplain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavations shall be constructed to drain freely to the watercourse. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.

§ 133-16 **Standards for all structures.**

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 133-6.

- A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- B. Construction materials and methods.
 - (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (3) Enclosed areas.
 - (a) For enclosed areas below the lowest floor of a structure within Zones A1 through A30, AE, AO or A, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - [1] A minimum of two openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - [2] The bottom of all such openings no higher than one foot above the lowest adjacent grade.
 - [3] Openings not less than three inches in any direction.
 - (b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.
 - (4) Within Zones V1 through V30 and VE, and also within Zone V if base flood elevations are available, new construction and substantial improvements shall have the space below the lowest floor either free

from obstruction or constructed with non-supporting breakaway walls, open wood latticework or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. The enclosed space below the lowest floor shall be used only for parking vehicles, building access or storage. Use of this space for human habitation is expressly prohibited. The construction of stairs, stairwells and elevator shafts are subject to the design requirements for breakaway walls.

C. Utilities.

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations.
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§ 133-17 **STORAGE TANKS**

A. Underground tanks shall be anchored to prevent flotation, collapse, and lateral movement during conditions of the base flood.

B. Above-ground tanks shall be:

- (1) Anchored to prevent flotation, collapse, and lateral movement during conditions of the base flood or;
- (2) Installed at or above the base flood elevation as shown on the Flood Insurance Rate Map enumerated in § 133-6 plus two feet.

§ 133-18 **Residential structures (except coastal high-hazard areas).**

- A. Elevation: The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in § 133-15B, Subdivision proposals, and C, Encroachments, and § 133-16, Standards for all structures.
- (1) Within Zones A1 through A30, AE and AH if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation. Within Zone AH adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
 - (2) Within Zone A, when no base flood elevation data are available, a base flood elevation shall be determined by either:
 - (a) obtain and reasonably use data available from a federal, state, or other source plus two feet of freeboard, or;
 - (b) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practice, plus two feet of freeboard. Determinations shall be undertaken by a registered design professional who shall document that the technical methods used reflect currently accepted engineering practice. Studies, analyses, and computations shall be submitted in sufficient details to allow a thorough review and approval.
 - (3) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 133-6 plus one foot of freeboard. In areas designated as Zone AO where a depth number is not specified on the map, the depth number shall be taken as equal to two feet. Within AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

§ 133-19 **Residential structures (coastal high-hazard areas and coastal A zones).**

The following standards, in addition to the standards in § 133-15A, Coastal high-hazard areas and Coastal A Zones, and § 133-15B, Subdivision proposals, and § 133-16, Standards for all structures, apply to new and substantially improved residential structures located in areas of special flood hazard shown as Zones V1 through V30, VE or V on the community's Flood Insurance Rate Map designated in § 133-6.

- A. Elevation. New construction and substantial improvements shall be elevated on pilings, columns or shear walls such that the bottom of the lowest horizontal structural member supporting the lowest elevated floor (excluding columns, piles, diagonal bracing attached to the piles or columns, grade beams, pile caps and other members designed to either withstand storm action or break away without imparting damaging loads to the structure) is elevated to or above two feet above base flood elevation so as not to impede the flow of water.
- B. Determination of loading forces. Structural design shall consider the effects of wind and water loads acting simultaneously during the base flood on all building components.
 - (1) The structural design shall be adequate to resist water forces that would occur during the base flood. Horizontal water loads considered shall include inertial and drag forces of waves, current drag forces, and impact forces from waterborne storm debris. Dynamic uplift loads shall also be considered if bulkheads, walls, or other natural or man-made flow obstructions could cause wave runup beyond the elevation of the base flood.
 - (2) Buildings shall be designed and constructed to resist the forces due to wind pressure. Wind forces on the superstructure include windward and leeward forces on vertical walls, uplift on the roof, internal forces when openings allow wind to enter the house, and upward force on the underside of the house when it is exposed. In the design, the wind should be assumed to blow potentially from any lateral direction relative to the house.
 - (3) Wind-loading values used shall be those required by the building code.
- C. Foundation standards.
 - (1) The pilings or column foundation and structure attached thereto shall be adequately anchored to resist flotation, collapse or lateral movement due to the effects of wind and water pressures acting simultaneously on all building components. Foundations must be designed to transfer safely to the underlying soil all loads due to wind, water, dead load, live load and other loads (including uplift due to wind and water).
 - (2) Spread footings and fill material shall not be used for structural support of a new building or substantial improvement of an existing structure.
- D. Pile foundation design.
 - (1) The design ratio of pile spacing to pile diameter shall not be less than 8:1 for individual piles. (This shall not apply to pile clusters located below the design grade.) The maximum center-to-center spacing of wood piles shall not be more than 12 feet on center under load bearing sills, beams, or girders.
 - (2) Pilings shall have adequate soil penetration (bearing capacity) to resist the combined wave and wind loads (lateral and uplift) associated with the base flood acting simultaneously with typical structure (live and dead) loads, and shall include consideration of decreased resistance capacity caused by erosion of soil strata surrounding the piles. The minimum penetration for foundation piles is to an elevation of five feet below mean sea level (MSL) datum if the BFE is +10 MSL or less, or to be at least 10 feet below MSL if the BFE is greater than +10 MSL.
 - (3) Pile foundation analysis shall also include consideration of piles in column action from the bottom of the structure to the stable soil elevation of the site. Pilings may be horizontally or diagonally braced to withstand wind and water forces.
 - (4) The minimum acceptable sizes for timber piles are a tip diameter of eight inches for round timber piles and eight inches by eight inches for square timber piles. All wood piles must be treated in accordance with requirements of EPEE-C3 to minimize decay and damage from fungus.
 - (5) Reinforced concrete piles shall be cast of concrete having a 28-day ultimate compressive strength of not less than 5,000 pounds per square inch, and shall be reinforced with a minimum of four longitudinal steel bars having a combined area of not less than 1% nor more than 4% of the gross concrete area. Reinforcing for precast piles shall have a concrete cover of not less than 1-1/4 inches for No. 5 bars and smaller and not less than 1-1/2 inches for No. 6 through No. 11 bars. Reinforcement for piles cast in the field shall have a concrete cover of not less than two inches.
 - (6) Piles shall be driven by means of a pile driver or drop hammer, jetted, or augered into place.

- (7) Additional support for piles in the form of bracing may include lateral or diagonal bracing between piles.
 - (8) When necessary, piles shall be braced at the ground line in both directions by a wood timber grade beam or a reinforced concrete grade beam. These at-grade supports should be securely attached to the piles to provide support even if scoured from beneath.
 - (9) Diagonal bracing between piles, consisting of 2-inch-by-8-inch (minimum) members bolted to the piles, shall be limited in location to below the lowest supporting structural member and above the stable soil elevation, and aligned in the vertical plane along pile rows perpendicular to the shoreline. Galvanized steel rods (minimum diameter 1/2 inch) or cable-type bracing is permitted in any plane.
 - (10) Knee braces, which stiffen both the upper portion of a pile and the beam-to-pile connection, may be used along pile rows perpendicular and parallel to the shoreline. Knee braces shall be 2-by-8 lumber bolted to the sides of the pile/beam, or 4-by-4 or larger braces framed into the pile/beam. Bolting shall consist of two 5/8-inch galvanized steel bolts (each end) for 2-by-8 members, or one 5/8-inch lag bolt (each end) for square members. Knee braces shall not extend more than three feet below the elevation of the base flood.
- E. Column foundation design. Masonry piers or poured-in-place concrete piers shall be internally reinforced to resist vertical and lateral loads, and be connected with a movement-resisting connection to a pile cap or pile shaft.
- F. Connectors and fasteners. Galvanized metal connectors, wood connectors, or bolts of size and number adequate for the calculated loads must be used to connect adjoining components of a structure. Toe nailing as a principal method of connection is not permitted. All metal connectors and fasteners used in exposed locations shall be steel, hot-dipped galvanized after fabrication. Connectors in protected interior locations shall be fabricated from galvanized sheet.
- G. Beam-to-pile connections. The primary floor beams or girders shall span the supports in the direction parallel to the flow of potential floodwater and wave action and shall be fastened to the columns or pilings by bolting, with or without cover plates. Concrete members shall be connected by reinforcement, if cast in place, or (if precast) shall be securely connected by bolting and welding. If sills, beams, or girders are attached to wood piling at a notch, a minimum of two 5/8-inch galvanized steel bolts or two hot-dipped galvanized straps 3/16 inch by 4-inches by 18-inches each bolted with two 1/2-inch lag bolts per beam member shall be used. Notching of pile tops shall be the minimum sufficient to provide ledge support for beam members without unduly weakening pile connections. Piling shall not be notched so that the cross section is reduced below 50%.
- H. Floor and deck connections.
- (1) Wood 2-inch-by-4-inch (minimum) connectors or metal joist anchors shall be used to tie floor joists to floor beams/girders. These should be installed on alternate floor joists, at a minimum. Cross bridging of all floor joists shall be provided. Such cross bridging may be 1-inch-by-3-inch members, placed 8-feet on-center maximum, or solid bridging of same depth as joist at same spacing.
 - (2) Plywood should be used for subflooring and attic flooring to provide good torsional resistance in the horizontal plane of the structure. The plywood should not be less than 3/4-inch total thickness, and should be exterior grade and fastened to beams or joists with 8d annular or spiral thread galvanized nails. Such fastening shall be supplemented by the application of waterproof industrial adhesive applied to all bearing surfaces.
- I. Exterior wall connections. All bottom plates shall have any required breaks under a wall stud or an anchor bolt. Approved anchors will be used to secure rafters or joists and top and bottom plates to studs in exterior and bearing walls to form a continuous tie. Continuous 15/32-inch-or-thicker plywood sheathing-overlapping the top wall plate and continuing down to the sill, beam, or girder-may be used to provide the continuous tie. If the sheets of plywood are not vertically continuous, then 2-by-4 nailer blocking shall be provided at all horizontal joints. In lieu of the plywood, galvanized steel rods of 1/2-inch diameter or galvanized steel straps not less than 1-inch wide by 1/16-inch thick may be used to connect from the top wall plate to the sill, beam, or girder. Washers with a minimum diameter of 3-inches shall be used at each end of the 1/2-inch-round rods. These anchors shall be installed no more than 2-feet from each corner rod, no more than 4-feet on center.
- J. Ceiling joist/rafter connections.
- (1) All ceiling joists or rafters shall be installed in such a manner that the joists provide a continuous tie across the rafters. Ceiling joists and rafters shall be securely fastened at their intersections. A metal or wood connector shall be used at alternate ceiling joist/rafter connections to the wall top plate.

- (2) Gable roofs shall be additionally stabilized by installing 2-by-4-blocking on 2-foot centers between the rafters at each gable end. Blocking shall be installed a minimum of eight feet toward the house interior from each gable end.
- K. Projecting members. All cantilevers and other projecting members must be adequately supported and braced to withstand wind and water uplift forces. Roof eave overhangs shall be limited to a maximum of 2-feet and joist overhangs to a maximum of 1-foot. Larger overhangs and porches will be permitted if designed or reviewed and certified by a registered professional engineer or architect.
- L. Roof sheathing.
 - (1) Plywood, or other wood material, when used as roof sheathing, shall not be less than 15/32 inch in thickness, and shall be of exterior sheathing grade or equivalent. All attaching devices for sheathing and roof coverings shall be galvanized or be of other suitable corrosion-resistant material.
 - (2) All corners, gable ends, and roof overhangs exceeding 6-inches shall be reinforced by the application of waterproof industrial adhesive applied to all bearing surfaces of any plywood sheet used in the sheathing of such corner, gable end, or roof overhang.
 - (3) In addition, roofs should be sloped as steeply as practicable to reduce uplift pressures, and special care should be used in securing ridges, hips, valleys, eaves, vents, chimneys, and other points of discontinuity in the roofing surface.
- M. Protection of openings. All exterior glass panels, windows, and doors shall be designed, detailed, and constructed to withstand loads due to the design wind speed of 75 mph. Connections for these elements must be designed to transfer safely the design loads to the supporting structure. Panel widths of multiple panel sliding glass doors shall not exceed 3-feet.
- N. Breakaway wall design standards.
 - (1) The breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot, with the criterion that the safety of the overall structure at the point of wall failure be confirmed using established procedures. Grade beams shall be installed in both directions for all piles considered to carry the breakaway wall load. Knee braces are required for front row piles that support breakaway walls.
 - (2) Use of breakaway wall strengths in excess of 20 pounds per square foot shall not be permitted unless a registered professional engineer or architect has developed or reviewed the structural design and specifications for the building foundation and breakaway wall components, and certifies that (1) the breakaway walls will fail under water loads less than those that would occur during the base flood; and (2) that the elevated portion of the building and supporting foundation system will not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water-loading values used shall be those associated with the base flood. Wind-loading values shall be those required by the building code.

§ 133-20 Nonresidential structures (except coastal high-hazard areas).

- A. The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures located in areas of special flood hazard, in addition to the requirements in § 133-15B, Subdivision proposals, and § 133-15C, Encroachments, and § 133-16, Standards for all structures.
 - (1) Within Zones A1 through A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:
 - (a) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (b) Be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood elevation must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 - (2) Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
 - (a) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus two feet (at least three feet if no depth number is specified), or

- (b) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in § 133-20 (A)(1)(b)
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of § 133-20 (A)(1)(b) including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

§ 133-21 Nonresidential structures (coastal high-hazard areas and Coastal A Zones).

In Zones V1 through V30, VE and also Zone V if base flood elevations are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall have the bottom of lowest member of the lowest floor elevated to or above two feet above the base flood elevation. Floodproofing of structures is not an allowable alternative to elevating the lowest floor to two feet above the base flood elevation in Zones V1 through V30, VE and V.

§ 133-22 Manufactured homes and recreational vehicles.

The following standards in addition to the standards in § 133-15, General standards, and § 133-16, Standards for all structures, apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

A. Recreational vehicles.

- (1) Recreational vehicles placed on sites within Zones A, A1 through A30, AE, AH, AO, V1 through V30, V, and VE shall either:
 - (a) Be on site fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use; or
 - (c) Meet the requirements for manufactured homes in § 133-22B, C and D.
- (2) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.

B. Within Zones A1 through A30, AE, AH, the bottom of the frame of the manufactured home shall be elevated to meet the requirements of § 133-18A (1). Elevation on piers consisting of dry stacked blocks is prohibited.

C. Within Zone A, the bottom of the frame so the manufactured home shall be elevated to meet the requirements of § 133-18A (2). Elevation on piers consisting of dry stacked blocks is prohibited.

D. Within Zone AO, the bottom of the frame of the manufactured home shall be elevated to meet the requirements of § 133-18A (3). Elevation on piers consisting of dry stacked blocks is prohibited.

E. Within Zone V or VE, manufactured homes must meet the requirements of § 133-19.

F. The foundation and anchorage of manufactured homes to be located in identified floodways shall be designed and constructed in accordance with ASCE 24.

§ 133-23 Accessory structures including detached garages.

The following standards apply to new and substantially improved accessory structures, including detached garages, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 133-6.

- A. The accessory structure must meet the definition of structure, for floodplain management purposes, provided in 44 CFR § 59.1, where walled and roofed shall be interpreted as having two outside rigid walls and a fully secured roof.
- B. The accessory structure should be small, as defined by the community and approved by FEMA, and represent a minimal investment. Accessory structures of any size may be considered for a variance;

however, FEMA considers accessory structures that meet the following criteria to be small and therefore not necessarily in need of a variance, if the community chooses to allow it:

- a. Located in an A Zone (A, AE, A1 through A30, AR, A99) and less than or equal to the size of a one-story, two-car garage.
- b. Located in a V Zone (V, VE, V1 through V30) and less than or equal to 100 square feet.
- C. Accessory structures must meet the standards of § 133-16 (A).
- D. The portions of the accessory structure located below BFE plus two feet of freeboard must be constructed with flood-resistant materials.
- E. Mechanical and utility equipment for the accessory structure must be elevated or dry floodproofed to or above BFE plus two feet of freeboard.
- F. Within Zones AO and Zone A, if base flood elevation data are not available, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.
- G. The accessory structure must comply with the floodway encroachment provisions of the NFIP.
- H. The accessory structure must be wet floodproofed to protect the structure from hydrostatic pressure. The design must meet the NFIP design and performance standards for openings per 44 CFR § 60.3 (c)(5) and must allow for the automatic entry and exit of floodwaters without manual operation or the presence of a person (or persons).
- I. Within Zones V1-V30, VE, and V, unelevated accessory buildings must be unfinished inside, constructed with flood-resistant materials, and used only for storage. When an accessory building is placed in these zones, the design professional must determine the effect that debris from the accessory building will have on nearby buildings. If the accessory building is large enough that its failure could create damaging debris or divert flood flows, it must be elevated above the base flood elevation plus two feet.

§ 133-24 Critical facilities.

In order to prevent potential flood damage to certain facilities that would result in serious danger to life and health, or widespread social or economic dislocation, no new critical facility shall be located within any area of special flood hazard, or within any 500-year flood zone shown as a B zone or a Shaded X zone on the Community's Flood Insurance Rate Maps.

§ 133-25 Variance procedure.

A. Appeals Board.

- (1) The Zoning Board of Appeals as established by the Common Council of City of Oswego shall hear and decide appeals and requests for variances from the requirements of this chapter.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this chapter.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Chapter and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location, where applicable;
 - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) The compatibility of the proposed use with existing and anticipated development;

- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (k) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (l) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of § 133-25A(4) and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- (6) The local administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

B. Conditions for variances.

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing items in § 133-25A(4)(a) through (l) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (a) The proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure"; and
 - (b) The variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by the Zoning Board of Appeals for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (a) The criteria of Subsection B(1), (4), (5) and (6) of this section are met; and
 - (b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with other existing chapters or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
 - (a) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (b) such construction below the base flood level increases risks to life and property.

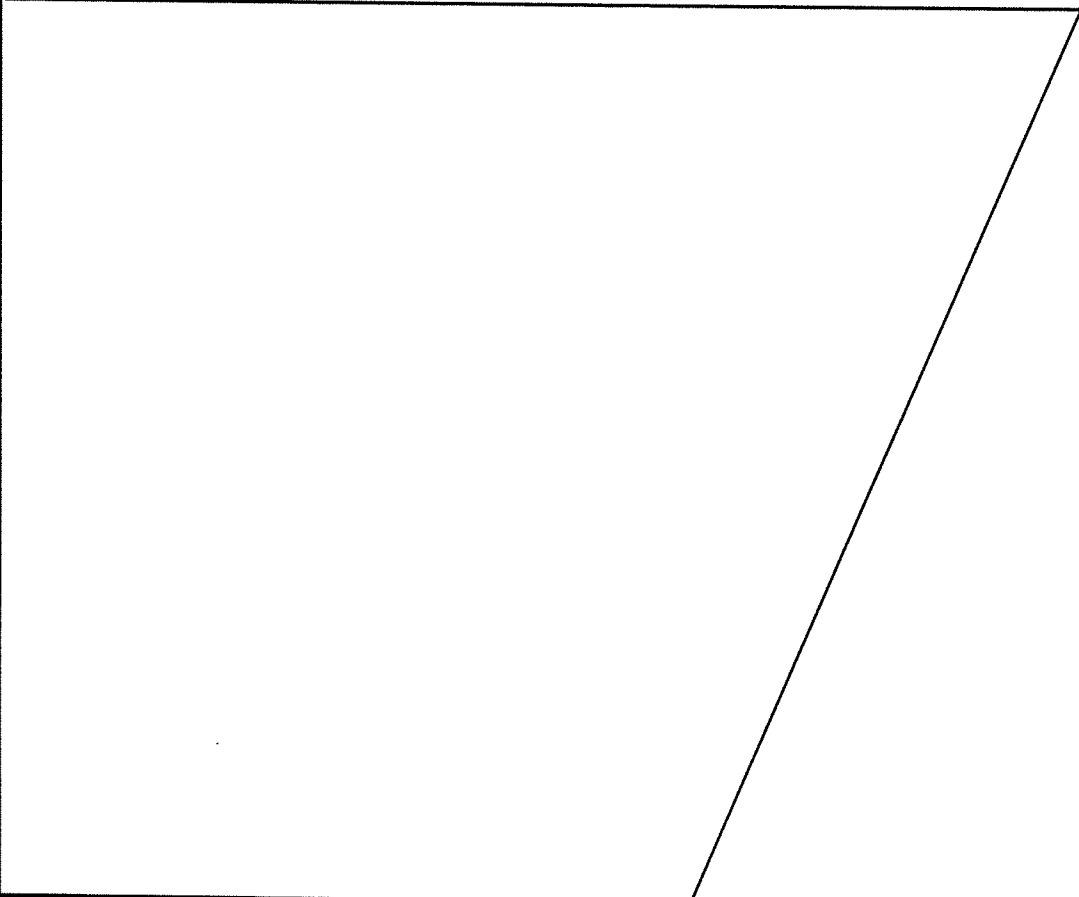
Such notification shall be maintained with the record of all variance actions as required in § 133-14H of this chapter.

§ 133-26 **When effective.**

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

CITY OF OSWEGO, NEW YORK
Motions, Resolutions and Notices

By Councilor Burridge



AYES AND NAYS CALLED			ABSENT/ ABSTAIN
	AYES	NAYS	
Councilor McBrearty	✓		
Councilor Burridge	✓		
Councilor Vanucchi	✓		
Councilor Walker	✓		
Councilor Gosek	✓		
Councilor Plunkett	✓		
Councilor Corradino	✓		
TOTAL	7	0	

I certify that the foregoing resolution
was duly passed by the Common Council
on the 23rd day of October 2023

MARK TESORIERO City Clerk

Approved October 24, 2023

WILLIAM J. BARLOW, JR. Mayor

COMMUNICATION FROM OFFICERS OF THE CORPORATION

TO: Committees of the Common Council

Date: October 16, 2023

- ☐ Planning & Development
- ☐ Physical Services
- ☒ Administrative Services
- ☐ Human Services

Fr: Office of

- | | |
|--|--|
| ☐ City Attorney | ☐ Purchasing Agent |
| ☐ City Chamberlain | ☐ Recreation |
| ☐ City Clerk | ☐ Sewage Treatment Plant, E/W |
| ☐ City Engineer | ☐ Traffic Engineering |
| ☐ Community Development | ☐ Dept. of Water |
| ☐ Dept. of Fire | ☐ Dept. of Works |
| ☐ Dept. of Personnel | ☐ Zoning & Planning |
| ☐ Dept. of Police | ☒ Other |

Mayor Barlow requests authorization to sign an agreement with Energy Systems Group, LLC to complete an investment grade audit (IGA).

Investment Grade Energy Audit Agreement

**City of Oswego, Town Hall
2320 Co. Rte. 7
Oswego, New York 13126**

Between
AND

**Energy Systems Group, LLC
9877 Eastgate Court
Newburgh, Indiana 47630**

The purpose of this Investment Grade Energy Audit Agreement ("IGEA Agreement"), effective the last date signed on this agreement, is to confirm the intent of Energy Systems Group ("ESG") and City of Oswego, New York (herein, the "City") (individually, generally, a "Party," and collectively, the "Parties") that ESG will, in exchange for mutual consideration identified herein, prepare, develop, and present to the City an Investment Grade Energy Audit, and subsequently, a Guaranteed Energy Savings Performance Contract (herein, a "Performance Contract") that will allow the City to implement energy and operational savings and conservation measures (generally, "Improvement Measures") for the purpose of fulfilling the City's waste water treatment plant Project Goals in accordance with its RFQ, defined below, and the New York Energy Law § 9-103 (the "Act").

This IGEA AGREEMENT follows the City's selection of ESG, January 2023, to perform work and services pursuant to the Act and the City's advertised Request for Qualifications for the selection of an Energy Performance Contractor ("EPC") to perform facility upgrades at facilities owned by Owner and located in Oswego County, New York.

This IGEA AGREEMENT will provide the basis of the scope of the obligations of both parties, the financial metrics to be met, the intended outcomes and final contract implementation timeline. ESG will perform the IGEA AGREEMENT to demonstrate a feasible project for the City to negotiate towards the final execution of a Performance Contract with ESG.

ESG and the City agree as follows:

1. Investment Grade Energy Audit

ESG agrees to undertake and prepare a formal report, or Investment Grade Energy Energy Audit ("IGEA"), identifying cost reducing strategies, including operational efficiencies, and equipment efficiency improvement strategies to the City's Westside Waste Water Treatment plant facility. In combination, this IGEA Agreement will provide the foundation for a final, customized Performance Contract that is responsive to the City's unique requirements and will achieve maximum energy and related savings. The City agrees to provide its complete cooperation with ESG in its preparation and completion of the IGEA in order to form an accurate and reliable baseline for the City's current energy usages and associated costs for both of the identified facilities. Through its performance under this IGEA Agreement, ESG will provide to the City a Performance Contract, which will include recommendations of feasible Improvement Measures related to the IGEA, likely including, but not limited to the following scope of work.

A. The Scope of Work for the Oswego Westside WWTF Investment Grade Energy Audit (IGEA) includes:

- Review historical influent and process data
- Review existing National Pollutant Discharge Elimination System (NPDES) permit and other documents relevant to regulatory compliance
- Review most recent 12 months of electric and natural gas bills
- Review Energy Conservation Measures (ECMs) identified in Brown and Caldwell report
- Review BioWin Process Model developed by Brown and Caldwell
- Coordinate with NYDEC and facilitate Permitting Pre-Application Meeting
- Develop preliminary construction costs and savings estimates for each ECM
- Preparation of Preliminary Design Report (PDR) to confirm equipment sizing and configuration
- Preliminary Engineering for upgrades including the following:

- A. Aeration Instrumentation and Controls (I&C) Upgrades
 - a. Assess existing SCADA system for incorporation of new aeration system controls
 - b. Install new flowmeters and flow control valves on aeration headers and new DO probes
 - c. Create PID loop programming to automate the supply air to the aeration basins.
 - d. Integrate into existing SCADA system
- B. Aeration Blower and Diffuser Replacement
 - a. Perform evaluation to determine the process and mixing air requirements
 - b. Perform comparative analysis to determine the most beneficial blower type: single-stage centrifugal blowers, magnetic bearing turbo blowers, or rotary screw compressors
 - c. Replace existing blowers
 - d. Replace existing ceramic diffusers
 - e. Replace aeration piping with new stainless steel pipe
 - f. Modify buildings as needed to support new blowers and ancillary equipment.
 - g. Electrical upgrades
 - h. Integrate into existing SCADA system
- C. Electrical Upgrades
 - a. Construct new electrical room in first floor of the Main Operating Building to install new MCCs to replace existing MCCs
 - b. Replace panels and wiring required to relocate the MCCs to the Main Operating Building.
 - c. Install upgrades as required to comply with current electric codes
 - d. Integrate into existing SCADA system
- D. HVAC and Boiler Upgrades
 - a. Demolish existing supply fans and install new makeup air units and exhaust fans sized to provide air changes required by NFPA 820
 - b. Install associated ductwork for exhausting and supply ventilation
 - c. Replace minisplit/VRF heat pump system to the occupied areas
 - d. Replace existing boilers, pumps, and expansion tanks with a larger propylene glycol system capable of meeting the ventilation loads of the Main Operating Building and Chemical Feed Building
 - e. Install gas monitoring and loss of ventilation alarming throughout the facility
 - f. Construct wall on the third floor of the Main Operating Building to isolate the centrifuges and solids handling equipment to declassify the remainder of the third floor
 - g. Integrate into existing SCADA system
- E. Biosolids Management Evaluation and Upgrades
 - a. Perform a holistic Biosolids Management Evaluation including:
 - i. Perform a dewatering technology analysis
 - ii. Review the results of the screw press pilot study
 - iii. Evaluate biosolids hauling and disposal costs for various concentrations of solids in the dewatered cake from each system considering:
 - 1. Capital cost
 - 2. O&M costs including energy consumption and hauling and tipping fees
 - 3. Life cycle costs
 - 4. Regulatory evaluation related to ongoing changes to Rules biosolids management and disposal
 - iv. Perform a redundancy evaluation to determine how many of the existing centrifuges, if any, will need to be refurbished in order to provide firm dewatering capacity with the screw press providing primary dewatering capacity
 - 1. Assess the condition of the existing centrifuges and identify repairs needed for continuous operation, if required, to provide redundancy
 - b. Install new dewatering equipment (i.e. screw press)
 - i. Install new dewatering equipment in parallel with existing centrifuges

- ii. Install new dewatered cake conveyance / storage as needed to support dewatering equipment
- iii. Install associated pumps, piping, valves, and instrumentation
- iv. Upgrade existing polymer feed system to supply existing centrifuges and new dewatering unit
- v. Evaluate the need for an odor control system for the dewatering process
- c. Integrate into existing SCADA system

F. Miscellaneous ECMs

- a. Identify and evaluate other miscellaneous ECMs identified during the Preliminary Engineering Phase

B. Deliverables for the preliminary design included in the IGEA are listed below:

- A. ECM narratives including descriptions, design intent, and basis for O&M cost savings estimates (i.e., energy efficiency improvements, energy consumption reduction, electric demand reduction, chemical cost savings)
- B. Set of Biosolids Management recommendations for consideration
- C. Permitting requirements summary and Permitting Pre-Application Meeting Minutes
- D. PDR to confirm equipment sizing and configuration
- E. Equipment Data Sheets for major equipment such as blowers, dewatering equipment, HVAC equipment, and electrical and I&C equipment
- F. "Permitting and Pricing" Drawing Set that includes sufficient information to obtain estimated construction costs from equipment suppliers, subcontractors, etc.

2. Preparation of Performance Contract

The Parties intend to negotiate an Performance Contract under which ESG will design, install, and implement cost reducing strategies and identified energy conservation measures that will adhere to performance standards as agreed upon by both Parties. The terms and provisions of such Contract will be set forth in a separate document. ESG will prepare and submit to the City an Performance Contract to implement the Improvement Measures identified as a result of ESG's IGEA. This Contract will include, but will not be limited to, the following components:

- Terms and Conditions
- Exhibit A - Scope of Work
- Exhibit B – IGEA
- Exhibit C – Opinion of the City's Counsel
- Exhibit D – State Specific Statutory Requirements
- Exhibit E – Prevailing Wage Determination

3. Financial and Utility Data Collection

Before the IGEA, the City will furnish to ESG accurate and complete energy usage and/or consumption data, as has been occurring to date.

4. Price and Payment Terms

ESG is undertaking work and forgoing attendant business opportunities pursuant to this IGEA Agreement with the intention to negotiate a Performance Contract following receipt and review of the IGEA. The City agrees to pay to ESG a fee of **\$10,000** (the "IGEA Agreement Fee") should the City decline to enter into a Performance Contract with ESG within ninety (90) days of receipt of the IGEA.

Customer has no obligation to pay the IGEA Agreement Fee if the Parties enter into a Performance Contract within ninety (90) days of Customer's receipt of the same. In such event, the Parties agree that all obligations under this IGEA Agreement will have been fulfilled and satisfied and that this IGEA Agreement will be superseded by the Performance Contract in its entirety. Further, in such event, the IGEA will be incorporated into the services and work provided by ESG pursuant to the Performance Contract and all ESG's project development costs will be included within the total cost of Performance Contract, subject to any payment terms outlined therein.

The City acknowledges that while ESG may have discussed general financial and funding source options with the City for a prospective Performance Contract transaction, ESG's performance under this IGEA Agreement is not contingent upon the City's creditworthiness or ability to qualify or obtain financing for its execution of a Performance Contract. If the City is not able to obtain financing, for any reason, ESG will nonetheless be entitled to receive the IGEA Agreement Fee identified herein.

5. Contract Implementation and Timeline

The City has reviewed the qualifications of ESG in detail and has selected ESG to perform performance contracting services, namely, the IGEA. The City agrees to work in good faith with ESG during its development of the IGEA. The City shall provide ESG with access to its facilities during normal working hours for the purpose of gathering information required for the IGEA and will cooperate with ESG by providing timely, complete, accurate, and pertinent information as requested. The City understands and appreciates ESG's efforts in performing the IGEA; and while the City is entitled to decline to enter into an IGEA Agreement, the City agrees that in order to aid in ESG's timely completion of the IGEA it will not, for a period of ninety (90) days following receipt of the IGEA, actively solicit, review, or consider any proposals that offer to implement the Improvement Measures listed in Section 1 of this IGEA Agreement. Nothing contained herein shall prevent the City and ESG from good faith negotiations with respect to the execution and implementation of a final Performance Contract.

It is the intent and commitment of all parties identified in this IGEA Agreement to work diligently, and cause others under their direction to work diligently toward meeting or exceeding the following estimated timeline goals:

ESTIMATED IMPLEMENTATION TIMELINE:

Notice to Proceed	09 / 29 / 2023
Assemble Team	10 / 06 / 2023
Design Pre-review and Approval	12 / 15 / 2023
Measurement & Verification (M&V) Workshop (in parallel)	01 / 19 / 2024
Contract Document Review	01 / 26 / 2024
Final Presentation of IGEA	02 / 02 / 2024
Contract Execution	03 / 15 / 2024
Implementation Kickoff	04 / 01 / 2024

6. Confidentiality

To the extent allowed by law, this IGEA Agreement creates a confidential relationship between the Parties. The Parties acknowledge that while ESG performs services under this IGEA AGREEMENT, each Party will have access to confidential information and intellectual property, including but not limited to cost information, systems, services or planned services, suppliers, data, financial information, computer software, processes, methods, knowledge, ideas, marketing promotions, current or planned activities, research, development, designs, and other trade information and/or intellectual property relating to the other Party ("Confidential Information").

Except as authorized in writing, the Parties agree to keep all Confidential Information confidential. ESG may make copies of only that Confidential Information necessary for performing the IGEA. Upon either Party's request, both Parties will return or destroy all such information and all documents, data and other materials in their control that contain or relate to such Confidential Information, with the exception of any such records that are required under the Party's record retention policy, in which case such records shall otherwise remain subject to the confidentiality obligations described herein.

Notwithstanding anything contained herein to the contrary, the Parties' obligations of confidentiality with respect to Confidential Information shall survive for a period of one year (1) year following expiration of this IGEA Agreement pursuant to Section 8, below. Further notwithstanding anything contained herein to the contrary, in no circumstance shall this provision prevent, impair, or prohibit the Parties' full and complete compliance with the New York Freedom of Information Law. NY Public Officers Law, Article 6, §§ 84-90.

Subject to the foregoing limitations and conditions, the Parties agree to keep and maintain confidentiality regarding their undertaking of the obligations under this IGEA Agreement. ESG shall coordinate its services only through designated City representatives and shall provide information regarding the IGEA to only those persons approved by the City.

7. Miscellaneous Provisions

A. Entire Agreement. This IGEA Agreement cannot be assigned by either Party without the prior written consent of the other Party. This IGEA Agreement is the entire IGEA Agreement between the Parties and supersedes any prior oral understandings, written agreements, proposals, or other communications between ESG and the City. Any change or modification to this Agreement will not be effective unless made in writing. This written instrument must specifically indicate that it is an amendment, change, or modification to this IGEA Agreement.

B. Choice of Law; Dispute Resolution; Remedies. This IGEA Agreement shall be enforced and interpreted in accordance with the laws of the State of New York. To the extent permitted by applicable law, any difference or dispute arising out of this IGEA Agreement or relating to this IGEA Agreement, including, but not limited to, payments hereunder, or the breach, invalidity or termination hereof, shall be finally resolved by arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association as in force on the Effective Date of this IGEA Agreement; provided, however, that as a condition precedent to any arbitration, the Parties agree to participate in good faith to nonbinding mediation. In the event of arbitration concerning this IGEA Agreement, the prevailing party shall be entitled to attorney's fees and costs incurred as a result of the arbitration. Each party shall be responsible for their own attorney's fees and costs relative to the negotiation and preparation of this IGEA Agreement.

C. Proof of Insurance. Following the execution of this IGEA Agreement, ESG agrees to provide the City with a Certificate of Insurance which shall identify ESG's standard insurance coverages for commercial general liability, professional/pollution, excess and automobile liability.

D. No Agency/Joint Venture. Nothing contained in this Agreement shall be construed to create the relationship of principal and agent or of a joint venture or of any association whatsoever between the Parties, and neither side shall have the right to bind the other. No Party has the right or authority to bind the other Party, including without limitation.

E. Severability. In case any one or more of the provisions contained in this IGEA Agreement for any reason is held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability will not affect any other provision hereof, and this IGEA Agreement will be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

F. Countersignatures. This IGEA Agreement may be executed in several counterparts, each of which shall be deemed to be an original and all of which together shall constitute one contract binding on the Parties hereto, even though the Parties did not signed the same counterpart.

G. Authority of Signatories. The Parties represent and warrant that the individuals executing on their behalf are authorized to bind each Party for purposes of this IGEA Agreement.

H. No Third Party Beneficiaries. The Parties agree that there are no intended third party beneficiaries to this IGEA Agreement.

8. Limitation of Liability

ESG shall have no responsibility to City or others for any use of the IGEA or any other information provided by ESG unless it is implemented through a subsequently-executed Performance Contract. IN NO EVENT SHALL EITHER PARTY BE LIABLE FOR INDIRECT, CONSEQUENTIAL, INCIDENTAL, SPECIAL, SPECULATIVE, PUNITIVE, OR REMOTE DAMAGES INCLUDING, BUT NOT LIMITED TO, LOSS OF PROFITS OR REVENUE, COST OF CAPITAL, AND DOWN TIME COST.

9. Agreement Expiration

This IGEA Agreement will expire upon the occurrence of any of the following: (a) the Parties' full execution of the Performance Contract or a substantially similar version thereof; (b) thirty-six (36) months following the latest date of execution of this IGEA Agreement, identified below; or (c) the Parties' written mutual consent to terminate. Expiration or termination of this IGEA Agreement shall not impact ESG's compensation rights pursuant to Section 4, above.

The City acknowledges that ESG may take a phased approach in its evaluation of the City's facilities, infrastructure, and systems; however, the IGEA resulting from this IGEA Agreement may be utilized for successive phases of work and any subsequent project that may be developed. The acceptance of any subsequent phased implementation stages may be handled as a separate Performance Contract, or as an amendment to this IGEA Agreement or a future Performance Contract, if applicable.

[Remainder of this Page Left Intentionally Blank; Signature Page to Follow]

DRAFT

IN WITNESS WHEREOF, the parties have caused this Contract to be executed in their behalf by their proper officers or officials this ____ day of _____, 20____.

ENERGY SYSTEMS GROUP, LLC ("ESG")	CITY OF OSWEGO, NEW YORK (OR, THE "CITY")
Authorized Signature:	Authorized Signature:
Print Name:	Print Name:
Title:	Title:
Date:	Date:

Authorized Signature:
Print Name:
Title:
Date:

CITY OF OSWEGO, NEW YORK
Motions, Resolutions and NoticesBy Councilor Plunkett

WHEREAS, Mayor William J. Barlow, Jr. is requesting authorization to sign an Investment Grade Energy Audit Agreement with Energy Systems Group, LLC to prepare, develop, and present to the City of Oswego an Investment Grade Energy audit as well as aid in the implementation of energy and operational savings and conservation measures for the purpose of fulfilling the waste water treatment plant project goals in accordance with its RFQ, now, therefore, be it

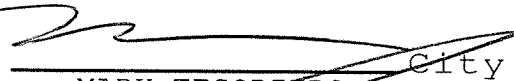
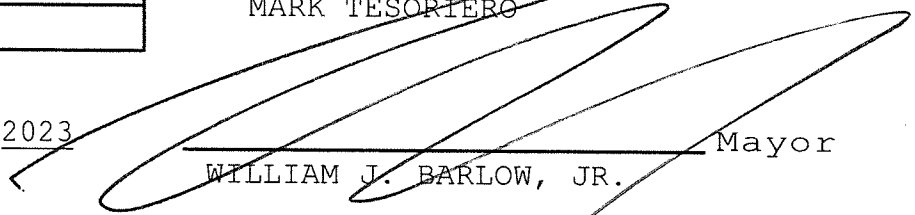
RESOLVED, that authorization is granted to the Mayor to sign the Investment Grade Energy Audit Agreement with Energy Systems Group, LLC

AYES AND NAYS CALLED			ABSENT/ ABSTAIN
	AYES	NAYS	
Councilor McBrearty	✓		
Councilor Burridge	✓		
Councilor Vanucchi	✓		
Councilor Walker	✓		
Councilor Gosek	✓		
Councilor Plunkett	✓		
Councilor Corradino	✓		
TOTAL	7	0	

ADOPTED LOST

Recommended by Administrative Services
CommitteeChairman Robert A. Corradino

I certify that the foregoing resolution
was duly passed by the Common Council
on the 23rd day of October 2023


MARK TESORIERO City ClerkApproved October 24, 2023
WILLIAM J. BARLOW, JR. MayorResolution prepared by City Clerk's Office

Page No. _____

COMMUNICATION FROM OFFICERS OF THE CORPORATION

TO: Committees of the Common Council

Date: October 16, 2023

- ☐ Planning & Development
- ☐ Physical Services
- ☒ Administrative Services
- ☐ Human Services

Fr: Office of

- | | |
|--|--|
| ☐ City Attorney | ☐ Purchasing Agent |
| ☐ City Chamberlain | ☐ Recreation |
| ☐ City Clerk | ☐ Sewage Treatment Plant, E/W |
| ☐ City Engineer | ☐ Traffic Engineering |
| ☐ Community Development | ☐ Dept. of Water |
| ☐ Dept. of Fire | ☐ Dept. of Works |
| ☐ Dept. of Personnel | ☐ Zoning & Planning |
| ☐ Dept. of Police | ☒ Other |

Mayor Barlow requests authorization for the City Chamberlain to complete a budget amendment to the Parks Contracted Services Account in the amount of \$7,258.35 for electrical work completed at the Rotary Children's Park.

CITY OF OSWEGO, NEW YORK
Motions, Resolutions and NoticesBy Councilor Walker

WHEREAS, electrical work is now completed at the new Rotary Children's Park and a Budget Amendment will be required,

NOW, THEREFORE, BE IT

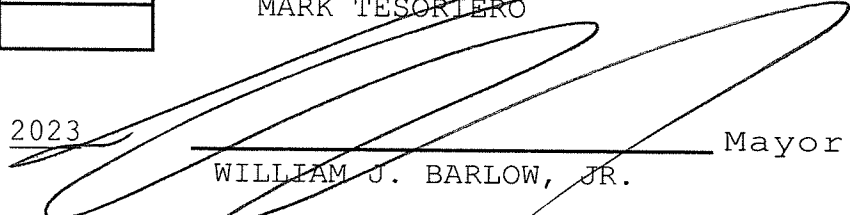
RESOLVED, the City Chamberlain is authorized to complete a budget amendment to A-7110-0440, Parks Contracted Services, in the amount of \$7,258.35 for the aforementioned work.

AYES AND NAYS CALLED			ABSENT/ ABSTAIN
	AYES	NAYS	
Councilor McBrearty	✓		
Councilor BurrIDGE	✓		
Councilor Vanucchi	✓		
Councilor Walker	✓		
Councilor Gosek	✓		
Councilor Plunkett	✓		
Councilor Corradino	✓		
TOTAL	7	0	

ADOPTED LOST

Recommended by Administrative Services
CommitteeChairman Robert A. Corradino

I certify that the foregoing resolution was duly passed by the Common Council on the 23rd day of October 2023


MARK TESORIERO City ClerkApproved October 24, 2023
WILLIAM J. BARLOW, JR. MayorResolution prepared by City Clerk's OfficePage No.

COMMUNICATION FROM OFFICERS OF THE CORPORATION

TO: Committees of the Common Council

Date: October 16, 2023

- ☐ Planning & Development
- ☐ Physical Services
- ☒ Administrative Services
- ☐ Human Services

Fr: Office of

- | | |
|--|--|
| ☐ City Attorney | ☐ Purchasing Agent |
| ☐ City Chamberlain | ☐ Recreation |
| ☒ City Clerk | ☐ Sewage Treatment Plant, E/W |
| ☐ City Engineer | ☐ Traffic Engineering |
| ☐ Community Development | ☐ Dept. of Water |
| ☐ Dept. of Fire | ☐ Dept. of Works |
| ☐ Dept. of Personnel | ☐ Zoning & Planning |
| ☐ Dept. of Police | ☐ Other |

Councilors,

City Clerk, Mark Tesoriero, is requesting a transfer of funds in the amount of \$8,964.00 in order to cover the costs of a temporary Records Office intern to aid in the digitalization of vital records.

Thank you very much.

CITY OF OSWEGO, NEW YORK
Motions, Resolutions and Notices

By Councilor Burridge

WHEREAS, The City of Oswego Clerk's Office is continuing the process of preserving the integrity of vital statistic records including birth, death and marriage documents, and

WHEREAS, in order to fund the temporary office intern that is aiding in the process of this preservation project, a transfer of funds in the amount of \$8,964.00 from the General Fund Contingent Account, A-1990-0460, to the Clerk's Personal Services Account, A.1410.0101, is needed

NOW, THEREFORE BE IT

RESOLVED, that the City Chamberlain is authorized to transfer the sum of \$8,964.00 from the General Fund Contingent Account, A-1990-0460, to the Clerk's Personal Services Account, A.1410.0101, to cover the costs of a temporary Records Office intern, and be it further

RESOLVED, that the City Chamberlain is authorized to change the books and records contained in her office to reflect the same.

AYES AND NAYS CALLED			ABSENT/ ABSTAIN
	AYES	NAYS	
Councilor McBrearty	✓		
Councilor Burridge	✓		
Councilor Vanucchi	✓		
Councilor Walker	✓		
Councilor Gosek ✗	✓		
Councilor Plunkett	✓		
Councilor Corradino	✓		
TOTAL	7	0	

Recommended by Administrative Services
Committee

Chairman Robert A. Corradino

I certify that the foregoing resolution
was duly passed by the Common Council
on the 23rd day of October 2023

MARK TESORIERO City Clerk

WILLIAM J. BARLOW, JR. Mayor

ADOPTED
Approved October 24, 2023

CITY OF OSWEGO, NEW YORK
Motions, Resolutions and NoticesBy Councilor Burridge

WHEREAS, the following Resolution(s) sponsored by Councilor Burridge has/have not been reviewed by any Committee of this Common Council, and

WHEREAS, Rule VII, Paragraph 2, required such Committee consideration prior to Common Council action, now, therefore be it

RESOLVED, that pursuant to Rule XI of the Common Council Rules, Rule VII, Paragraph 2, is suspended so that Resolution Nos. 330-331 may be acted upon without committee consideration.

AYES AND NAYS CALLED			ABSENT/ ABSTAIN
	AYES	NAYS	
Councilor McBrearty	✓		
Councilor Burridge	✓		
Councilor Vanucchi	✓		
Councilor Walker	✓		
Councilor Gosek	✓		
Councilor Plunkett	✓		
Councilor Corradino	✓		
TOTAL	7	0	

ADOPTED LOST

Approved October 24, 2023

I certify that the foregoing resolution was duly passed by the Common Council on the 23rd day of October 2023

MARK TESORIERO

City Clerk

WILLIAM J. BARLOW, JR.

Mayor

Resolution prepared by City Clerk's Office

Page No. _____

CITY OF OSWEGO, NEW YORK
Motions, Resolutions and Notices

By Councilor Corradino

RESOLVED, that upon the recommendation of Mayor William J. Barlow, Jr., that Kevin M. Hill, Jr. is hereby appointed as Assessor effective October 24, 2023.

AYES AND NAYS CALLED			ABSENT/ ABSTAIN
	AYES	NAYS	
Councilor McBrearty	✓		
Councilor Burridge	✓		
Councilor Vanucchi ✕	✓		
Councilor Walker	✓		
Councilor Gosek	✓		
Councilor Plunkett	✓		
Councilor Corradino	✓		
TOTAL	7	0	

ADOPTED LOST

I certify that the foregoing resolution was duly passed by the Common Council on the 23rd day of October 2023

MARK TESORIERO City Clerk

Approved October 24, 2023

WILLIAM J. BARLOW, JR. Mayor

CITY OF OSWEGO, NEW YORK
Motions, Resolutions and NoticesBy Councilor Walker

WHEREAS, the City of Oswego has studied the feasibility of making repairs to the westside fire station and the police department and has concluded that the cost of making repairs sufficient to bring each building up to the standards necessary to remain competitive and effective in addressing the needs of a 21st century fire and police force will cost in excess of \$6 million; and

WHEREAS, Mayor William J. Barlow, Jr., began searching for properties within the City of Oswego that may be suitable to house a combined fire and police station and presented his findings to the Common Council; and

WHEREAS, SHAPIRO REAL ESTATE HOLDINGS, LLC, a New York limited liability company and the ESTATE OF SIDNEY SHAPIRO, (collectively, the Seller) both with a principal address of 419 SE 2nd Street, Fort Lauderdale, FL 33301, are the owners of real property located in the City of Oswego, County of Oswego, and State of New York, to wit: 410 and 420 West First Street and a parcel off of Jim Shampine Drive, being designated as Tax Parcel Nos. 128.79-03-07, 128.79-03-08 and 128.52-01-02.01, respectively (the Premises); and

WHEREAS, the Seller is interested in selling and Mayor Barlow expressed a conditional interest in buying the Premises from the Seller, subject to the approval of the Common Council; and

WHEREAS, the acquisition of the Premises located at 410-420 West First Street could be utilized for the combined fire and police station, while the Premises off Jim Shampine Drive includes a Right-of-Way that provides an alternative access point to NYS Route 104, that may be useful in alleviating traffic that utilizes that growing area of the City; and

WHEREAS, the negotiated purchase price for the Premises is One Million One Hundred Seventy-Five Thousand Dollars (\$1,175,000.00) and includes all right, title, and interest to the Premises (the Purchase Price); and

WHEREAS, the Premises located at 410-420 West First Street has undergone a Phase 1 and Phase 2 Environmental Site Assessment and remediation and is thus an environmentally compliant parcel of property, and the Premises located at Jim Shampine Drive, including the Rights-of-Way, is wide enough to construct a city street that would connect to NYS Rt. 104; and

WHEREAS, the Common Council hereby declares that it is in the best interest of the City of Oswego to acquire the Premises; now, therefore it is

RESOLVED, that the City of Oswego is hereby authorized to enter into a purchase contract with the Seller to acquire the Premises for the Purchase Price; and it is further

RESOLVED, that the Mayor is hereby authorized to execute the purchase contract and to execute any and all other documents or instruments necessary to effectuate the acquisition of the Premises; and it is further

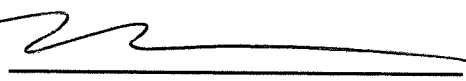
RESOLVED, that the City Chamberlain is authorized to conduct the necessary transfer(s) of municipal funds sufficient to purchase the Premises without further authorization from the Common Council, unless bonding is required in which case the provisions of the NYS Local Finance Law shall be controlling.

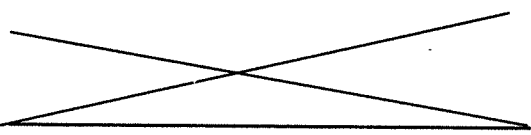
AYES AND NAYS CALLED			ABSENT/ ABSTAIN
	AYES	NAYS	
Councilor McBrearty			
Councilor Burridge			
Councilor Vanucchi			
Councilor Walker			
Councilor Gosek			
Councilor Plunkett			
Councilor Corradino			
TOTAL			

ADOPTED LOST

Approved October 24, 2023

I certify that the foregoing resolution
was duly ~~passed~~ ^{Amended} by the Common Council
on the 23rd day of October 2023


MARK TESORIERO City Clerk


WILLIAM J. BARLOW, JR. Mayor

Resolution prepared by City Attorney

Page No. _____

CITY OF OSWEGO, NEW YORK
Motions, Resolutions and Notices

By Councilor Plunkett

RESOLVED, that Resolution No. 331, dated October 23, 2023, regarding the purchase of properties located at 410-420 West First Street and off of Jim Shampine Drive, be and it hereby is amended.

AYES AND NAYS CALLED			ABSENT/ ABSTAIN
	AYES	NAYS	
Councilor McBrearty	✓		
Councilor Burridge	✓		
Councilor Vanucchi	✓		
Councilor Walker	✓		
Councilor Gosek	✓		
Councilor Plunkett	✓		
Councilor Corradino	✓		
TOTAL	7	0	

ADOPTED LOST

I certify that the foregoing resolution was duly passed by the Common Council on the 23rd day of October 2023

MARK TESORIERO City Clerk

Approved October 24, 2023

WILLIAM J. BARLOW, JR. Mayor

CITY OF OSWEGO, NEW YORK
Motions, Resolutions and Notices

By Councilor Walker

WHEREAS, the City of Oswego has studied the feasibility of making repairs to the westside fire station and the police department and has concluded that the cost of making repairs sufficient to bring each building up to the standards necessary to remain competitive and effective in addressing the needs of a 21st century fire and police force will cost in excess of \$6 million; and

WHEREAS, Mayor William J. Barlow, Jr., began searching for properties within the City of Oswego that may be suitable to house a combined fire and police station and presented his findings to the Common Council; and

WHEREAS, SHAPIRO REAL ESTATE HOLDINGS, LLC, a New York limited liability company and the ESTATE OF SIDNEY SHAPIRO, (collectively, the Seller) both with a principal address of 419 SE 2nd Street, Fort Lauderdale, FL 33301, are the owners of real property located in the City of Oswego, County of Oswego, and State of New York, to wit: 410 and 420 West First Street and a parcel off of Jim Shampine Drive, being designated as Tax Parcel Nos. 128.79-03-07, 128.79-03-08 and 128.52-01-02.01, respectively (the Premises); and

WHEREAS, the Seller is interested in selling and Mayor Barlow expressed a conditional interest in buying the Premises from the Seller, subject to the approval of the Common Council; and

WHEREAS, the acquisition of the Premises located at 410-420 West First Street could be utilized for the combined fire and police station, while the Premises off Jim Shampine Drive includes a Right-of-Way that provides an alternative access point to NYS Route 104, that may be useful in alleviating traffic that utilizes that growing area of the City; and

WHEREAS, the negotiated purchase price for the Premises is One Million One Hundred Seventy-Five Thousand Dollars (\$1,175,000.00) and includes all right, title, and interest to the Premises (the Purchase Price); and

WHEREAS, the Premises located at 410-420 West First Street has undergone a Phase 1 and Phase 2 Environmental Site Assessment and remediation and is thus an environmentally compliant parcel of property, and the Premises located at Jim Shampine Drive, including the Rights-of-Way, is wide enough to construct a city street that would connect to NYS Rt. 104; and

WHEREAS, the Common Council hereby declares that it is in the best interest of the City of Oswego to acquire the Premises; now, therefore it is

RESOLVED, that the City of Oswego is hereby authorized to enter into a purchase contract with the Seller to acquire the Premises for the Purchase Price; and it is further

RESOLVED, that the Mayor is hereby authorized to execute the purchase contract and to execute any and all other documents or instruments necessary to effectuate the acquisition of the Premises; and it is further

RESOLVED, that the City Chamberlain is authorized to conduct the necessary transfer(s) of municipal funds sufficient to purchase the Premises without further authorization from the Common Council, or to bond or take any and all action necessary consistent with New York State Public Finance Law unless bonding is required in which case the provisions of the NYS Local Finance Law shall be controlling.

AYES AND NAYS CALLED			ABSENT/ ABSTAIN
	AYES	NAYS	
Councilor McBrearty	✓		
Councilor Burridge	✓		
Councilor Vanucchi	✓		
Councilor Walker	✓		
Councilor Gosek	✓		
Councilor Plunkett	✓		
Councilor Corradino	✓		
TOTAL	7	0	

I certify that the foregoing resolution was duly passed by the Common Council on the 23rd day of October 2023

MARK TESORIERO City Clerk

ADOPTED
Approved October 24, 2023

WILLIAM J. BARLOW, JR. Mayor

Resolution prepared by City Attorney

Page No. _____

CITY OF OSWEGO, NEW YORK
Motions, Resolutions and NoticesBy Councilor BurridgeRESOLVED, that this Regular Meeting of the Common Council now adjourn at
7:37 p.m.

AYES AND NAYS CALLED			ABSENT/ ABSTAIN
	AYES	NAYS	
Councilor McBrearty	✓		
Councilor Burridge	✓		
Councilor Vanucchi	✓		
Councilor Walker	✓		
Councilor Gosek	✓		
Councilor Plunkett	✓		
Councilor Corradino	✓		
TOTAL	7	0	

ADOPTED LOST

I certify that the foregoing resolution
was duly passed by the Common Council
on the 23rd day of October 2023

MARK TESORIERO

City Clerk

Mayor

WILLIAM J. BARLOW, JR.

Approved October 24, 2023



AGENDA
Common Council Meeting
October 23, 2023
7:10 PM

Public Hearing

PUBLIC HEARING – Re: Local Law No. 3 of the Year 2023

Public hearing called to order at 7:17 p.m.

Public Hearing Adjournment - Re: Proposed Local Law No. *3 of the Year 2023

The resolution was sponsored by Councilor Corradino. Councilor Gosek was the second. Resolution passed unanimously.

Public hearing adjourned at 7:14 p.m.

Public Session

Pledge of Allegiance to the Flag

Roll Call

Roll Call

Mayor Barlow called the meeting to order at 7:30 p.m. All Councilors were present.

Mayor's Report to the Common Council

Resolutions

320 Approve Minutes Common Council Meeting Held October 10, 2023

The resolution was sponsored by Councilor Corradino. Councilor Plunkett was the second. Resolution passed unanimously.

- 321 Approve Use of Public Space – Tanya Miller, Owner of a Single-Family Dwelling Located at 50 West Fourth Street, to a Install New Sidewalk and Steps

The resolution was sponsored by Councilor McBrearty. Councilor Gosek was the second. Resolution passed unanimously.

- 322 Approve Use of Public Space – Trinity Catholic School, to Host the 9th Annual Trinity Turkey Trot Family Fun 5K Run/Walk on November 5, 2023

The resolution was sponsored by Councilor Corradino. Councilor Plunkett was the second. Resolution passed unanimously.

- 323 Approve Use of Public Space – Oswego YMCA, to Host the 32nd Annual Reindeer Run on Saturday, December 2, 2023

The resolution was sponsored by Councilor Vanucchi. Councilor Gosek was the second. Resolution passed unanimously.

- 324 Accept Grant Award in the Amount of \$11,680.00 from the Division of Criminal Justice Services-Bureau of Justice Assistance to Aid in the Purchase of Radar Units for the Police Department

The resolution was sponsored by Councilor Plunkett. Councilor Walker was the second. Resolution passed unanimously.

- 325 Approve Local Law No. 3 of the Year 2023 – A Local Law Amending Chapter 133, Flood Damage Prevention, of the Code of the City of Oswego, New York

The resolution was sponsored by Councilor Burrridge. Councilor Vanucchi was the second. Resolution passed unanimously.

- 326 Authorize Mayor to Sign Agreement with Energy Systems Group, LLC in Order to Complete an Investment Grade Audit

The resolution was sponsored by Councilor Plunkett. Councilor Corradino was the second. Resolution passed unanimously.

- 327 Authorize City Chamberlain to Complete a Budget Amendment to the Parks Contracted Services Account, in the Amount of \$7,258.35, to Pay for Electrical Work Completed at Rotary Park

The resolution was sponsored by Councilor Walker. Councilor Burrridge was the second. Resolution passed unanimously.

- 328 Authorize City Chamberlain to Complete a Transfer of Funds from the General Fund Contingent Account to the Clerk's Personal Services Account, in the Amount \$8,964.00 to Cover the Costs of a

Temporary Intern

The resolution was sponsored by Councilor Burrridge. Councilor Gosek was the second. Resolution passed unanimously.

- 329 Waive Rules of the Common Council to Present Resolution Nos. 330 – 331

The resolution was sponsored by Councilor Burrridge. Councilor McBrearty was the second. Resolution passed unanimously.

- 330 Appoint Kevin M. Hill, Jr. as City Assessor

The resolution was sponsored by Councilor Corradino. Councilor Vanucchi was the second. Resolution passed unanimously.

- 331 Authorize Mayor to Execute All Documents Necessary for the Purchase of Properties Located at 410-420 West First Street and off of Jim Shampine Drive and Further Authorize the City Chamberlain to Complete Any Necessary Transfers for the Aforementioned Properties

The resolution was sponsored by Councilor Walker. Councilor Corradino was the second. No votes taken.

Resolution was amended.

- 331a Motion to Amend Resolution No. 331

The resolution was sponsored by Councilor Plunkett. Councilor McBrearty was the second. Resolution passed unanimously.

- 331 - AS AMENDED – Authorize Mayor to Execute Any and All
AA Documents Necessary for the Purchase of Real Property Located in the City of Oswego and Further Authorize the City Chamberlain to Complete Any Necessary Transfers for the Aforementioned Property

The resolution was sponsored by Councilor Walker. Councilor Corradino was the second. Resolution passed unanimously.

Adjournment

Unfinished Business

There was no unfinished business.

Adjournment

The resolution was sponsored by Councilor Burrridge. Councilor

Plunkett was the second. Resolution passed unanimously.

Meeting was adjourned at 7:37 p.m.