OFFICE OF THE COMMON COUNCIL
CITY HALL • ROME, NEW YORK 13440

1st Ward
Lori A. Trifeletti

2nd Ward
John B. Mortise

3rd Ward
Kimberly Rogers

4th Ward
Ramona L. Smith

John J. Mazzaferro
Common Council President

5th Ward
Frank R. Anderson

6th Ward
John A. Nash

7th Ward
Lou DiMarco, Jr.

City Clerk
Louise S. Glasso

COMMON COUNCIL MEETING **SEPTEMBER 23, 2015**
REGULAR SESSION **7:00 PM**

1. CALLING THE ROLL OF MEMBERS BY THE CLERK

2. PLEDGE OF ALLEGIANCE

3. INVOCATION

4. GENERAL PUBLIC HEARING

The time limit for speakers at the general public hearing shall be limited to five (5) continuous minutes. The President of the Common Council may extend this time up to an additional five (5) minutes at his discretion; and further extensions must be approved by a majority of the council.

5. RECOGNITION/APPRECIATION

6. READING OF THE MINUTES OF THE PRECEDING SESSION

(Motion in order that the reading of the minutes of the preceding session be dispensed with and that they be approved.)

7. PRESENTING OF PETITIONS AND COMMUNICATIONS

A. PETITIONS

B. COMMUNICATIONS

The following financial reports for quarter ended June 30, 2015, are on file in the City Clerk's Office: Rome Art & Community Center

8. NOTICES

Special Meeting of Board of Estimate & Contract Approving the Annual Estimate for year 2016 – September 28, 2015 @ 4:30pm

Special Meeting of the Common Council to receive Proposed 2016 Annual Budget September 28, 2015 @ 5:00pm

9. REPORT OF CITY OFFICIALS

10. REPORT OF COUNCILORS AND GENERAL CITY AFFAIRS

11. PRESENTING OF REPORT OF COMMITTEES

12. RESOLUTIONS

RES. NO. 118
H

AUTHORIZING THE CITY TREASURER TO PAY TAXES, WATER RENTS, SEWER AND ANY OTHER SPECIAL ASSESSMENTS ON PROPERTY ACQUIRED AT THE TAX REDEMPTION SALE. Domenico

RES. NO. 119
I

ACCEPTING DONATION PRESENTED TO THE CITY OF ROME FIRE DEPARTMENT Domenico

RES. NO. 120
J

AUTHORIZING THE CLOSING OF A PORTION OF MILL STREET ON OCTOBER 3, 2015 FOR THE FIREWORKS AT LOCKTOBERFEST. DiBari

RES. NO. 121
K

AUTHORIZING THE MAYOR OF THE CITY OF ROME TO ACCEPT GRANT IN THE AMOUNT $40,910.00 FROM FEMA. Brement

RES. NO. 122
L

AUTHORIZING AN INTERMUNICIPAL AGREEMENT WITH THE CITY OF UTICA RELATIVE TO SWAT TEAM POLICE SERVICES. Grande

RES. NO. 123
M

CANCELLING CERTAIN COMMON COUNCIL MEETINGS. Mazzaferro

RES. NO. 124
N

AUTHORIZING THE SUSPENSION OF PARKING FEES APPLICABLE AT THE LIBERTY/GEORGE PARKING GARAGE FOR A SET TIME PERIOD ON OCTOBER 10, 2015. Rogers

RES. NO. 125
O

AUTHORIZING AMENDMENT TO THE 2015 CITY OF ROME ANNUAL BUDGET TO PERMIT THE PURCHASE OF EQUIPMENT. Tallarino

RES. NO. 126
R

AUTHORIZING THE CITY OF ROME TO ACCEPT A DONATION OF THE PROPERTY LOCATED AT 212 HENRY STREET VIA DEED IN LIEU OF FORECLOSURE Benedict

13. ORDINANCES

A.
%Lacking Unanimous Consent

B.
Current Legislation
ORD. NO. 9041
A

AUTHORIZING MAYOR OF THE CITY OF ROME TO APPROVE THE SALE OF CITY OWNED PARCEL (730 W. DOMINICK STREET) TO BUYER. Domenico

ORD. NO. 9042
B

AUTHORIZING MAYOR OF THE CITY OF ROME TO APPROVE THE SALE OF CITY OWNED PARCEL (109 W. SOUTH STREET) TO BUYER. Domenico

ORD. NO. 9043
C

AUTHORIZING MAYOR OF THE CITY OF ROME TO APPROVE THE SALE OF CITY OWNED PARCEL (BRENNON AVENUE) TO BUYER. Domenico

ORD. NO. 9044
D

AUTHORIZING MAYOR OF THE CITY OF ROME TO APPROVE THE SALE OF CITY OWNED PARCEL (TAFT AVENUE) TO BUYER. Domenico

ORD. NO. 9045
E

AUTHORIZING MAYOR OF THE CITY OF ROME TO ENTER INTO REHABILITATION AGREEMENT WITH A BUYER PERTAINING TO PROPERTY LOCATED AT 501 LAWRENCE STREET Domenico

ORD. NO. 9046
F

AUTHORIZING MAYOR OF THE CITY OF ROME TO ENTER INTO REHABILITATION AGREEMENT WITH A BUYER PERTAINING TO PROPERTY LOCATED AT 319-21 MYRTLE STREET Domenico

ORD. NO. 9047
G

AUTHORIZING MAYOR OF THE CITY OF ROME TO ENTER INTO REHABILITATION AGREEMENT WITH A BUYER PERTAINING TO PROPERTY LOCATED AT 257 PLEASANT AVENUE Domenico

ORD. NO. 9048
Q

AMENDING ROME CODE OF ORDINANCES PERTAINING TO THE PARKING OF CERTAIN VEHICLES. Mazzaferro - Anderson

14. LOCAL LAWS
LL # C (3) of 2015

AMENDING ROME CHARTER LAWS, TITLE A, PERTAINING TO DISPOSITION OF REAL ESTATE. Benedict

15. TABLED LEGISLATION
ORD. NO. 9020
A
TABLED I

AMENDING ROME CODE OF ORDINANCES CHAPTER 54 REGARDING SOLID WASTE. Mayor Fusco – Tallarino

ORD. NO. 9022
C
Tabled III

AUTHORIZING THE SALE OF THE PAPER STREET KNOWN AS "DOW STREET" BY PUBLIC AUCTION TO THE HIGHEST BIDDER.
Nash – Mayor Fusco

ORD. NO. 9032
J
Tabled II

AUTHORIZING MAYOR OF THE CITY OF ROME TO ENTER INTO REHABILITATION AGREEMENT AND APPROVING THE SALE OF A CITY OWNED PARCEL LOCATED AT 215 KOSSUTH STREET. Domenico

ORD. NO. 9038
T
Tabled II

AMENDING ROME CODE OF ORDINANCES PERTAINING TO THE CITY OF ROME'S FORMAL CONTRACT PROCEDURE. Piekarski

ORD. NO. 9040
C
Tabled

AUTHORIZING THE LEASE OF LAND TO THE WEST ROME RIDERS, INC. SNOWMOBILE CLUB. Mayor

16. VETOED LEGISLATION

17. ADJOURNMENT

% Ordinances require unanimous consent to be acted upon when first introduced

NEXT SCHEDULED COMMON COUNCIL MEETING ~~ October 28, 2015

COMMON COUNCIL SEPTEMBER 23, 2015

RESOLUTION NO. 118

AUTHORIZING THE CITY TREASURER TO PAY TAXES, WATER RENTS, SEWER AND ANY OTHER SPECIAL ASSESSMENTS ON PROPERTY ACQUIRED AT THE TAX REDEMPTION SALE

By Councilor _____:

BE IT RESOLVED, that the City Treasurer is hereby authorized and directed to pay outstanding taxes and assessments of $991,231.03, plus penalties where applicable, said sums as per the attached listing on property acquired by the City of Rome by virtue of the Tax Redemption Sale, and charge the same to Appropriation Code AG 330.1 expense on tax acquired property.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ADOPTED: DEFEATED:

COMMON COUNCIL SEPTEMBER 23, 2015

RESOLUTION NO. 119

ACCEPTING DONATION PRESENTED TO THE
CITY OF ROME FIRE DEPARTMENT

By Councilor _____:

WHEREAS, Rome Elks Club #96, of Rome, New York, has contacted the City of Rome Fire Department with a donation of $200.00 for use at the Rome Police and Fire Memorial Park; and

WHEREAS, pursuant to Section 25 of the Rome City Charter, the City of Rome Common Council may authorize the acceptance of donations made to the City of Rome on behalf of the City of Rome; now, therefore,

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that a donation of $200.00, from Rome Elks Club #96, of Rome New York for use at the Rome Police and Fire Memorial Park, shall be gratefully accepted by the City of Rome; and

BE IT FURTHER RESOLVED, that the Common Council hereby expresses its appreciation to the Elks Club #96, of Rome, New York for the donation of $200.00 for use at the Rome Police and Fire Memorial Park.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ADOPTED: DEFEATED:

COMMON COUNCIL SEPTEMBER 23, 2015

RESOLUTION NO. 120

AUTHORIZING THE CLOSING OF A PORTION OF MILL STREET
ON OCTOBER 3, 2015 FOR THE FIREWORKS AT LOCKTOBERFEST

By _____:

WHEREAS, the City of Rome requesting the closing of a portion of Mill Street, between Martin Street and Harbor Way which will be held from 1:00 p.m. to 8:00 p.m. on Saturday, October 3, 2015, for the fireworks at Locktoberfest; now, therefore,

BE IT RESOLVED, that the Common Council of the City of Rome, New York does hereby authorize the closing of a portion of Mill Street, between Martin Street and Harbor Way which will be held from 1:00 p.m. to 8:00 p.m., on Saturday, October 3, 2015 to allow for the fireworks at Locktoberfest, and

BE IT FURTHER RESOLVED, that the above authorization shall take effect upon placement of the appropriate barriers at each end of the affected area.

Seconded by Councilor_____.

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ADOPTED: DEFEATED:

COMMON COUNCIL SEPTEMBER 23, 2015

RESOLUTION NO. 121

AUTHORIZING THE MAYOR OF THE CITY OF ROME TO ACCEPT GRANT IN THE AMOUNT $40,910.00 FROM FEMA

By Councilor _____.

WHEREAS, Ronald Brement, Chief of the City of Rome Fire Department has requested the authorization to accept a grant in the amount of $40,910.00 from FEMA, said award is intended to be used for the Air Compressor/Fill Station/ Cascade System for filling the SCBA; now, therefore

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that the Mayor of Rome and his designees are authorized to accept a grant in the amount of $40,910.00, which is intended to be used for the Air Compressor/Fill Station/Cascade System for filling the SCBA, as well as execute any and all contracts, documents and instruments necessary to allow the City to accept as well as expend said grant funding, and to fulfill the City of Rome's obligation to receive same; and

BE IT FURTHER RESOLVED, the information relative to said award is more specifically described in the attached document, which is made part of this Resolution.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ADOPTED: DEFEATED:

Ronald Brement

From: Gamela, Renee <Renee.Gamela@mail.house.gov>
Sent: Wednesday, September 02, 2015 3:52 PM
To: Ronald Brement
Cc: Mary R. DeBlois
Subject: Fire grant information

Chief,

Apologies for missing your call today. I must have just missed you this afternoon, but I spoke with Mary and she gave me your email address.

Below is information from FEMA about the **$40,910** federal grant for the Rome Fire Department through the Assistance to Firefighters Grant program. Please let me know if you have questions or if I be of further assistance.

Congratulations on this grant award!

Many thanks,
Renee

Fire Department/Fire District Equipment

Item	Number of units	Cost per unit	Total Cost	
Air Compressor/Fill Station/Cascade System (Fixed or Mobile) for filling SCBA	1	$ 45,000	$ 45,000	

Application Narrative:
If awarded the grant our department will fund replacing our air cylinder fill system. The system we are currently using is 20 years old, having been manufactured and installed in 1994. The $73,500 budget for the project includes: $55,000 for the compressor and fill system, $10,000 for a 4 cylinder DOT approved storage system with a wall mounting rack and plumbing, $3,000 for an air quality and carbon monoxide monitoring system, $2,500 for a 50 foot hose and reel system for filling the air supply tank on our aerial apparatus, $2,000 for installation and $1,000 for shipping. Any costs associated with training on the new system will be included in the purchase price.

Federal Share	$ 40,910
Applicant Share	$ 4,090
Applicant Share of Award (%)	10
* Non-Federal Resources *(The combined Non-Federal Resources must equal the Applicant Share of $ 4,090)*	
Total Budget	**$ 45,000**

Renée Gamela
Communications Director
U.S. Rep. Richard Hanna (NY-22)
Office: 202.225.3665

Doug Shattuck
607-674-5840

safair@citilink.net

COMMON COUNCIL SEPTEMBER 23, 2015

RESOLUTION NO. 122

AUTHORIZING AN INTERMUNICIPAL AGREEMENT WITH THE CITY OF UTICA RELATIVE TO SWAT TEAM POLICE SERVICES.

By Councilor_____:

WHEREAS, the City of Utica and the City of Rome have discussed the benefits of allowing for SWAT team deployments in law enforcement situations where it is advantageous to have multiple SWAT Teams deployed while working in co-operation and jointly with one and other, which will ensure an adequate number of trained and equipped law enforcement officers to handle and resolve emergency, disaster, and violent situations which cannot be met with the resources of only one City, and

WHEREAS, Michael Grande, Public Safety Commissioner for the City of Rome, New York has requested that an agreement be entered into between the City of Rome and the City of Utica for shared SWAT team services between The City of Utica Police Department and the City of Rome Police Department, now, therefore,

BE IT RESOLUTION, that the Mayor of the City of Rome be and is hereby authorized to enter into an Intermunicipal Agreement between the City of Rome and the City of Utica whereby the parties agree to allow for shared SWAT team deployments in law enforcement situations where it is advantageous to have multiple SWAT Teams deployed while working in co-operation and jointly with one and other, which will ensure an adequate number of trained and equipped law enforcement officers to handle and resolve emergency, disaster, and violent situations which cannot be met with the resources of only one City, pursuant to the attached Intermunicipal Agreement (SWAT Team Police Services) attached hereto, which is made part of this Resolution.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ADOPTED: DEFEATED:

INTERMUNICIPAL AGREEMENT
(SWAT TEAM POLICE SERVICES)

THIS AGREEMENT is made in the year of 2015 by and between the Utica Police Department and the City of Utica, a municipal corporation with its principal place of business located at 1 Kennedy Plaza, Utica, New York, and the Rome Police Department and the City of Rome, a municipal corporation with its principal place of business located at 198 North Washington, Rome, New York. _The parties are sometimes referred to as a "local government" or collectively as "local governments".

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RECITALS

WHEREAS, Section 119-o of the General Municipal Law (GML) permits municipal corporations to enter into agreements for the performance amongst themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service; and

WHEREAS, §119-n(c) and § 119-o GML further provide that municipal corporations that enter into such agreements for a joint service may extend the appropriate territorial jurisdiction of the participants necessary to fulfill said service, and personnel assigned to a joint service shall possess the same powers, duties, immunities and privileges they would ordinarily possess if they performed them in the area where they are employed; and

WHEREAS, the City of Utica and the City of Rome are all located entirely within the County of Oneida with each jurisdiction employing their own full time police departments which currently provide police service exclusively to their own respective jurisdictions; and as part of such services each City has their own independent SWAT Team;

WHEREAS, the parties have determined that it is in the best interests of the respective communities and of mutual advantage to enter into this Agreement for the provision of inter-agency law enforcement resources and services namely SWAT Team resources;

WHEREAS, law enforcement situations arise where it is mutually advantageous to have multiple SWAT Teams deployed while working in co-operation and jointly with one another;

WHEREAS, the City of Utica's SWAT Team and City of Rome's SWAT Team employ similar tactics, strategies and techniques when deployed;

WHEREAS, when multiple SWAT Teams are deployed it is safer to have them working in conjunction with one another under an expressed agreement to avoid conflicting orders or a misinterpretation of mission goals,

NOW THEREFORE, pursuant to the above considerations and the covenants and mutual benefits herein expressed, the parties agree as follows:

ARTICLE ONE
Purpose of the Agreement

The purpose of this Agreement is to:

1. Formalize the relationship between the City of Utica Police Department, and the City of Rome Police Department, and thus enhance and define the scope of the inter-agency cooperation;
2. Eliminate the need to follow the formal procedure set forth in GML §209-m to request assistance from the other party in the form of personnel and/or equipment;
3. Provide for more efficient utilization of law enforcement resources and services;
4. Provide for enhanced effectiveness of response to requests to handle and resolve law enforcement intervention situations;
5. To ensure an adequate number of trained and equipped law enforcement officers to handle and resolve emergency, disaster, and violent situations which cannot be met with the resources of one of the parties to this Agreement; and
6. Allow for SWAT Team deployments in law enforcement situations where it is advantageous to have multiple SWAT Teams deployed while working in co-operation and jointly with one another.

ARTICLE TWO
Scope of Agreement

Inter-jurisdictional law enforcement service and assistance (mutual aid) may be provided among the parties during those times of both:

1. Emergency, and
2. Routine law enforcement work of a non-emergency nature to fulfill a mutual aid request. Examples of this type of situation would include but not be limited to:
   - Where multiple high risk warrants must be executed at different locations within a short period of time; and
   - Where a situation arises, such as a barricade, where long hour deployments of a SWAT Team require a relief SWAT Team.

It is not the intent of this Agreement to circumvent any collective bargaining agreements in place within either jurisdiction in regards to staffing, staffing of personnel~~staffing of personnel~~ and payment of overtime to cover shift shortages. Rather it is the intent of this Agreement to maximize the effectiveness, efficiency and safety of the police officers of both parties while working their pre-scheduled shift.

~~A~~ARTICLE THREE
Power and Authorization

Each party authorizes the police officers working at the time mutual aid is needed to request temporary assistance from the other party. This request should come from the supervisor or officer in charge of the SWAT Team of the requesting agency at the time, whenever possible. Any request for assistance that is pre-planned and/or will be of longer duration (i.e. training, large scale pre-planned events) should come through the respective Police Chief, or their designee. The judgment of the officer authorized under this Agreement of each municipality rendering aid as to the amount of personnel, supplies and equipment available shall be final.

1. The obligation to render mutual aid is strictly voluntary in nature. It does not place either party under any obligation to respond to a request for mutual aid or assistance of the other party that it is unable or unwilling to honor said request. Such law enforcement aid may be provided on an actual or standby basis.
2. Each party agrees that the responding party may hold back sufficient personnel and equipment to provide adequate protection within the territory of the responding party. Should a need for the loaned personnel and equipment arise within the territory of the responding party, then the responding party may recall such personnel and equipment or any part thereof. The responding party shall inform the requesting party of its intent to withdraw from the situation.
3. Pursuant to sections §119-n(c) and § 119-o GML, police officers assisting another local government outside their normal geographical area of employment shall have all powers and authority of law enforcement officers in such other jurisdiction as provided by law, including the power of arrest. Specifically, police officers of the City of Utica, and the City of Rome shall have the same powers, when acting pursuant to this Agreement.

ARTICLE FOUR
Control of Personnel and Equipment

The officer in charge of the requesting party shall be in command of the operation(s) under which the equipment and personnel sent by the responding party shall serve; provided that the responding personnel and equipment shall be under the immediate supervision of the officer in charge of the responding party, if more than one officer responds. Command, however, may be relinquished to a ranking or senior officer of the party rendering assistance under the terms of this Agreement.

Further, each party authorizes the respective Police Chief, or their designee, to pre-arrange training exercises and programs, as well as temporary assignment of police officers and/or equipment to another law enforcement agency for SWAT Team purposes.

ARTICLE FIVE
Compensation and Expenses

All individuals shall retain all of their salary/wages and fringe benefits from their respective entity expended in the normal course of business while performing duties in accordance with this Agreement and one municipality shall not be liable against the other for said salary/wage claims, notwithstanding an on the job injury and/or death. All other running costs together with equipment and supply costs expended in the normal course of business while performing duties

in accordance with this Agreement shall be the responsibility of the respective local government employing the officer, notwithstanding any property damage claims.

ARTICLE SIX
Liability and Indemnification

Neither party shall incur any liability or responsibility for the failure to respond to any request for assistance made pursuant to this Agreement. This Agreement shall not be construed as or deemed to be an Agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action whatsoever hereunder for any cause whatsoever. Nothing in this Agreement shall be construed to establish a special duty between the parties or any third party or parties and each local government expressly and specifically disclaims the existence of any special duty by virtue of this Agreement.

Neither party shall be required to indemnify, defend ~~n~~or hold the other harmless for any claim arising out of participation under this Agreement. Each party shall be responsible for defending its own respective entity in any action or dispute that arises in connection with or as a result of this Agreement.

All immunities from liability enjoyed by the local government within its boundaries shall extend to its participation in rendering aid under this Agreement outside of its boundaries unless otherwise provided by law. All the immunities from liability and exemptions from laws, ordinances and regulations which law enforcement officers employed by local governments which are parties to this Agreement have in their own jurisdictions shall be effective in the jurisdiction in which they are giving aid unless otherwise provided by law or this Agreement.

ARTICLE SEVEN
Rules and Regulations

The Police Chiefs of the local governments shall establish uniform rules and regulations for requesting and rendering mutual aid as necessary and appropriate to implement this Agreement. Vehicles, firearms, equipment and apparatus furnished in or for mutual aid shall be operated by personnel trained in the proper use of same.

It is understood that under no circumstance will privately owned vehicles or equipment be utilized in providing mutual aid unless commandeered or authorized by the commanding officer of the local government receiving aid, with the exception of individual officer equipment that is authorized by the employing agency.

ARTICLE EIGHT
Cooperation and Line of Duty Death or Injury

In the event a mutual aid or assistance situation results in an officer-involved shooting, injury or other event or results requiring investigation or review, both parties may cooperate and consult with each other in the conduct of such investigation or review.

The Police Chiefs of the local governments may fully communicate, consult and cooperate with each other to insure that a thorough, efficient and effective investigation or review is conducted and that unnecessary duplication is avoided. The results of such investigation may be shared with each local government.

The effect of the death, injury or disability of any officer who is killed, injured or disabled outside the territorial limits of either participating entity while in the performance of this Agreement, shall be the same as if they were killed, injured or were to become disabled while that officer was functioning within its own territorial limits, and such injury or death shall be considered to be in the line of duty, including for purposes of General Municipal Law, §207-c benefits. In the event that GML, §207-c benefits are granted by a local government to its respective employee(s), the other local governments shall have no obligation or liability for same. .

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ARTICLE NINE

Approval, Modification and Termination.

This Agreement shall not be effective until approved by a majority vote, as required by section 119-o of the General Municipal Law, of the governing body of each party.

This Agreement may be changed, modified or amended by written Agreement of the participants, subject to the requirements of the first paragraph of this Article.

This Agreement may be terminated at any time by passage of a resolution terminating same by the governing board of a party to the Agreement. A copy of the resolution shall be promptly filed with the Clerk of each local government following its passage, personally served on the other agency's Chief, and the date the terminating resolution is served shall be deemed the operative date of termination. However, obligations previously incurred are not extinguished by the termination of the Agreement.

Notwithstanding the foregoing, this Agreement shall terminate on December 31, 2019. The terms herein shall continue, however, until both legislative bodies have held their annual organizational meetings. At such meetings, this Agreement shall be considered for renewal, and if approved by each legislative body, such renewal may have a retroactive application if the municipalities so choose. [*Intermunicipal agreements may be in effect for up to five years §119-n (2) (j)*]

ARTICLE TEN
Miscellaneous

This written Agreement constitutes the entire Agreement between the parties and cannot be modified or amended except by written Agreement of the parties pursuant to Article Nine, above.

The laws of the State of New York shall govern this Agreement.

Each participant agrees that each will comply with all applicable, federal, state and local laws, rules and regulations applicable to the respective entities and employees in connection with the performance of this Agreement.

This Agreement may be executed in any number of counterparts, each of which shall be deemed

This Agreement is severable. If any language in this Agreement is determined by a court of competent jurisdiction to be illegal, unenforceable, unconscionable, null and void, then the remainder of this Agreement shall remain in effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the date and year written below.

By:_____ Date: _____, 2015

Mark Williams, Chief of Police
City of Utica Police Department

By:_____ Date: _____, 2015

Robert Palmieri, Mayor
City of Utica

APPROVED AS TO FORM ONLY FOR THE CITY OF UTICA,

By:_____ Date: _____, 2015

Zachary C. Oren, Esq.
Assistant Corporation Counsel for the City of Utica

By:_____ Date: _____, 2015

Kevin C. Beach, Chief of Police
City of Rome Police Department

By:_____ Date: _____, 2015

Joseph R. Fusco, Jr., Mayor
City of Rome

APPROVED AS TO FORM ONLY FOR THE CITY OF ROME,

By:_____ Date: _____, 2015

Angela Twomey, Esq.
Assistant Corporation Counsel for the City of Rome

COMMON COUNCIL SEPTEMBER 23, 2015

RESOLUTION NO. 123

CANCELLING CERTAIN COMMON COUNCIL MEETINGS

By Councilor _____:

WHEREAS, Common Council President, John J. Mazzaferro, has requested that the Common Council meetings currently scheduled for November 11, 2015 (Veteran's Day), November 25, 2015 (Holiday Week) and December 23, 2015 (Holiday Week) be cancelled; now, therefore,

BE IT RESOLVED, that the Common Council meetings currently scheduled for November 11, 2015 (Veteran's Day), November 25, 2015 (Holiday Week) and December 23, 2015 (Holiday Week) be and the same are hereby cancelled; and

BE IT FURTHER RESOLVED, that the cancelation of both regularly scheduled Common Council meetings in November, shall be replaced with one Common Council meeting to be held on November 18, 2015.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ADOPTED: DEFEATED:

COMMON COUNCIL SEPTEMBER 23, 2015

RESOLUTION NO. 124

AUTHORIZING THE SUSPENSION OF PARKING FEES APPLICABLE AT THE LIBERTY/GEORGE PARKING GARAGE FOR A SET TIME PERIOD ON OCTOBER 10, 2015.

By Councilor _____:

WHEREAS, the Common Council of the City of Rome, New York, previously adopted parking rules and regulations pertaining to municipal parking areas, including fees for use of the municipal parking garages, within the jurisdiction of the City of Rome; and

WHEREAS, it has been recommended that the parking fees applicable to the use of the Liberty/George Parking Garage be temporarily suspended on Saturday, October 10, 2015, during the hours of 6:00 p.m. to 10:30 p.m., to permit the free use of said garage by the general public to support an event sponsored by the Capitol Theatre, to be held at the Capitol Theatre; and

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that the best interests of the citizens of the City of Rome are furthered by opening the garage to the public and waiving the parking fees applicable to use of the Liberty/George Parking Garage to permit the free use of said garage by the general public during the aforementioned event to be held at the Capital Theatre; and

BE IT FURTHER RESOLVED, that after 10:30 p.m. on Saturday, April 24, 2015, the suspension of fees authorized, and opening of the parking garage hereby shall expire and, at said dates and times, all applicable parking fees shall be in full force and effect at the Liberty /George Parking Garage; and

BE IT FURTHER RESOLVED, that a copy of this Ordinance shall be forwarded by the Rome City Clerk to Frank D. Tallarino, Jr., Commissioner of Public Works and the Capital Theatre.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ADOPTED: DEFEATED:

COMMON COUNCIL SEPTEMBER 23, 2015

RESOLUTION NO. 125

AUTHORIZING AMENDMENT TO THE 2015 CITY OF ROME ANNUAL BUDGET TO PERMIT THE PURCHASE OF EQUIPMENT

By Councilor _____:

WHEREAS, pursuant to Rome City Charter §89, the Common Council has authority regarding purchases of City equipment and the authority to amend the City Budget to purchase same; and

WHEREAS, Frank Tallarino, Commissioner of the Department of Public Works for the City of Rome, has requested to amend the 2015 Budget for the purchase of a power broom for the front of a tractor to clean debris from public spaces. More specifically the following budgetary transfer be made as follows:

EL8160.414 **$4,000.00**
EL8160.208 **$4,000.00**; now, therefore,

BE IT RESOLVED, that the Common Council of the City of Rome hereby authorizes an amendment to the 2015 Annual Budget, by which the City of Rome is authorized to purchase (1) one power broom for the front of a tractor to clean debris from public spaces, whereby the 2015 Budget will be amended by transferring $4,000.00 from EL8160.414 to EL8160.208; and

BE IT FURTHER RESOLVED, that the City of Rome Treasurer is directed to make such changes as may be necessary to effectuate the amendment authorized hereby and that the purchase of said refuse containers be consistent with the City's policies and procedures, including approval of the purchase contract by the Board of Estimate and Contract.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ADOPTED: DEFEATED:

COMMON COUNCIL SEPTEMBER 23, 2015

RESOLUTION NO. 126

AUTHORIZING THE CITY OF ROME TO ACCEPT A DONATION OF THE PROPERTY LOCATED AT 212 HENRY STREET VIA DEED IN LIEU OF FORECLOSURE

By Councilor _____:

WHEREAS, pursuant to §25(2) of the Rome City Charter, the City of Rome Common Council has the authority to take and hold real property for any municipal purpose and to sell and convey same in accordance with applicable law; and

WHEREAS, pursuant to §299.1 of the Rome City Charter, the City of Rome Common Council has the authority to—in lieu of prosecuting the sale or foreclosure of any parcel of real property subject to a tax lien, accept a conveyance of the interest of any person having title to such a parcel; and

WHEREAS, according to records kept and maintained by the City of Rome Assessor's Wells Fargo owns real property located in the City of Rome and commonly referred to as 212 Henry Street (Oneida County Tax Map Parcel No.: 242.057-0001-033), hereinafter as "Property", so as to minimize tax exposure and maintenance costs; and

WHEREAS, Wells Fargo has offered to convey the Property to the City in lieu of the foreclosure (and any related funds which Wells Fargo may provide to the City of Rome, New York), and which said offer was considered and evaluated by the City of Rome Real Property Committee, which recommends that the Common Council authorize the conveyance of the Property in lieu of the foreclosure action; now, therefore,

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that, pursuant to Rome Charter Laws, §25 and §299.1, the City of Rome be and is hereby authorized to accept the donation and conveyance of property located at 212 Henry Street, Rome, New York (Oneida County Tax Map No. 242.057-0001-033) via a deed in lieu of foreclosure from Wells Fargo, N.A. and that the Mayor of the City of Rome, or his designee, be authorized to execute any and all documents necessary to effectuate said conveyance and that the City may expend funds to record said transaction; and

BE IT FURTHER RESOLVED, that the authorization approved hereby shall not be final until the Board of Estimate and Contract approves said conveyance.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ADOPTED: DEFEATED:

COMMON COUNCIL SEPTEMBER 23, 2015

ORDINANCE NO. 9041

AUTHORIZING MAYOR OF THE CITY OF ROME TO APPROVE THE SALE OF CITY OWNED PARCEL (730 W. DOMINICK STREET) TO BUYER.

By Councilor _____:

WHEREAS, New York State Real Property Tax Law Section 1166 and Rome Charter Laws Section 33(3) allow the City of Rome to sell and convey real property obtained by virtue of a tax foreclosure proceeding, upon approval and confirmation of a 5/7 vote of the Rome Common Council, with or without advertising for bids, and;

WHEREAS, as a result of tax sale, certain city owned parcels of land are in the City's possession and the City desires to sell and convey said real property to a responsible buyer, now, therefore;

BE IT ORDAINED, that the Mayor of the City of Rome is authorized to convey certain parcels of land with the buyer listed in Exhibit A for the sale of the real property listed in Exhibit A, and;

BE IT FURTHER ORDAINED, by the Common Council of the City of Rome that it approves and confirms the sale and conveyance of the real property listed in Exhibit A to the buyer listed in Exhibit A for the monetary consideration listed in Exhibit A, said conveyance to take place following the contingencies hereinafter set forth, and;

BE IT FURTHER ORDAINED, that this authorization is contingent upon the buyer having completed this transaction by rendering any payment in full to the City of Rome within forty-five (45) days following receipt and review of copies of the proposed transfer documents pursuant to this sale.

Seconded by Councilor _____.
By Councilor_____

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 9041

Seconded by Councilor_____

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ORDINANCE NO. 9041
AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson____
Nash ____ DiMarco_____

ADOPTED: DEFEATED:

EXHIBIT "A"

TAX MAP NO: 242.006-0006-059
PROPERTY ADDRESS: 730 W. Dominick Street
CONSIDERATION: $550.00
BUYER: Crystal Cronizer

COMMON COUNCIL SEPTEMBER 23, 2015

ORDINANCE NO. 9042

AUTHORIZING MAYOR OF THE CITY OF ROME TO APPROVE THE SALE OF CITY OWNED PARCEL (109 W. SOUTH STREET) TO BUYER.

By Councilor _____:

WHEREAS, New York State Real Property Tax Law Section 1166 and Rome Charter Laws Section 33(3) allow the City of Rome to sell and convey real property obtained by virtue of a tax foreclosure proceeding, upon approval and confirmation of a 5/7 vote of the Rome Common Council, with or without advertising for bids, and;

WHEREAS, as a result of tax sale, certain city owned parcels of land are in the City's possession and the City desires to sell and convey said real property to a responsible buyer, now, therefore;

BE IT ORDAINED, that the Mayor of the City of Rome is authorized to convey certain parcels of land with the buyer listed in Exhibit A for the sale of the real property listed in Exhibit A, and;

BE IT FURTHER ORDAINED, by the Common Council of the City of Rome that it approves and confirms the sale and conveyance of the real property listed in Exhibit A to the buyer listed in Exhibit A for the monetary consideration listed in Exhibit A, said conveyance to take place following the contingencies hereinafter set forth, and;

BE IT FURTHER ORDAINED, that this authorization is contingent upon the buyer having completed this transaction by rendering any payment in full to the City of Rome within forty-five (45) days following receipt and review of copies of the proposed transfer documents pursuant to this sale.

Seconded by Councilor _____.
By Councilor_____

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 9042

Seconded by Councilor_____

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ORDINANCE NO. 9042
AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson____
Nash ____ DiMarco_____

ADOPTED: DEFEATED:

EXHIBIT "A"

TAX MAP NO: 242.018-0001-026
PROPERTY ADDRESS: 109 W. South Street
CONSIDERATION: $500.00
BUYER: Sonia Hernandez

COMMON COUNCIL SEPTEMBER 23, 2015

ORDINANCE NO. 9043

AUTHORIZING MAYOR OF THE CITY OF ROME TO APPROVE THE SALE OF CITY OWNED PARCEL (BRENNON AVENUE) TO BUYER.

By Councilor _____:

WHEREAS, New York State Real Property Tax Law Section 1166 and Rome Charter Laws Section 33(3) allow the City of Rome to sell and convey real property obtained by virtue of a tax foreclosure proceeding, upon approval and confirmation of a 5/7 vote of the Rome Common Council, with or without advertising for bids, and;

WHEREAS, as a result of tax sale, certain city owned parcels of land are in the City's possession and the City desires to sell and convey said real property to a responsible buyer, now, therefore;

BE IT ORDAINED, that the Mayor of the City of Rome is authorized to convey certain parcels of land with the buyer listed in Exhibit A for the sale of the real property listed in Exhibit A, and;

BE IT FURTHER ORDAINED, by the Common Council of the City of Rome that it approves and confirms the sale and conveyance of the real property listed in Exhibit A to the buyer listed in Exhibit A for the monetary consideration listed in Exhibit A, said conveyance to take place following the contingencies hereinafter set forth, and;

BE IT FURTHER ORDAINED, that this authorization is contingent upon the buyer having completed this transaction by rendering any payment in full to the City of Rome within forty-five (45) days following receipt and review of copies of the proposed transfer documents pursuant to this sale.

Seconded by Councilor _____.
By Councilor_____

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 9043

Seconded by Councilor_____

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ORDINANCE NO. 9043
AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson____
Nash ____ DiMarco_____

ADOPTED: DEFEATED:

EXHIBIT "A"

TAX MAP NO: 243.064-0002-057
PROPERTY ADDRESS: Brennon Avenue
CONSIDERATION: $550.00
BUYER: Megan Mortise

COMMON COUNCIL SEPTEMBER 23, 2015

ORDINANCE NO. 9044

AUTHORIZING MAYOR OF THE CITY OF ROME TO APPROVE THE SALE OF CITY OWNED PARCEL (TAFT AVENUE) TO BUYER.

By Councilor _____:

WHEREAS, New York State Real Property Tax Law Section 1166 and Rome Charter Laws Section 33(3) allow the City of Rome to sell and convey real property obtained by virtue of a tax foreclosure proceeding, upon approval and confirmation of a 5/7 vote of the Rome Common Council, with or without advertising for bids, and;

WHEREAS, as a result of tax sale, certain city owned parcels of land are in the City's possession and the City desires to sell and convey said real property to a responsible buyer, now, therefore;

BE IT ORDAINED, that the Mayor of the City of Rome is authorized to convey certain parcels of land with the buyer listed in Exhibit A for the sale of the real property listed in Exhibit A, and;

BE IT FURTHER ORDAINED, by the Common Council of the City of Rome that it approves and confirms the sale and conveyance of the real property listed in Exhibit A to the buyer listed in Exhibit A for the monetary consideration listed in Exhibit A, said conveyance to take place following the contingencies hereinafter set forth, and;

BE IT FURTHER ORDAINED, that this authorization is contingent upon the buyer having completed this transaction by rendering any payment in full to the City of Rome within forty-five (45) days following receipt and review of copies of the proposed transfer documents pursuant to this sale.

Seconded by Councilor _____.
By Councilor_____

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 9044

Seconded by Councilor_____

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ORDINANCE NO. 9044
AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson____
Nash ____ DiMarco_____

ADOPTED: DEFEATED:

EXHIBIT "A"

TAX MAP NO: 243.064-0002-07
PROPERTY ADDRESS: Taft Avenue
CONSIDERATION: $550.00
BUYER: Megan Mortise

COMMON COUNCIL SEPTEMBER 23, 2015

ORDINANCE NO. 9045

AUTHORIZING MAYOR OF THE CITY OF ROME TO ENTER INTO REHABILITATION AGREEMENT WITH A BUYER PERTAINING TO PROPERTY LOCATED AT 501 LAWRENCE STREET

By Councilor _____:

WHEREAS, New York State Real Property Tax Law Section 1166 and Rome Charter Laws, Title A, Section 33(3) allow the City of Rome to sell and convey real property obtained by virtue of a tax foreclosure proceeding, upon approval and confirmation of a five-sevenths (5/7) vote of the Rome Common Council, with or without advertising for bids; and

WHEREAS, certain City owned parcels of land are in need of rehabilitation and the City desires to sell and convey said real property to buyer, and obtain a written guarantee from the buyer that he will perform and accomplish the necessary rehabilitation within the agreed upon time frame of approximately six (6) months from the date said rehabilitation agreement is executed; now, therefore,

BE IT ORDAINED, that the Mayor of the City of Rome is authorized to enter into a Rehabilitation Agreement, prepared and approved by the City of Rome Corporation Counsel and the City of Rome Codes Enforcement Officer, for tax sale property located at 501 Lawrence Street, Rome, New York, with Peter Damiano, for the rehabilitation of said property located at 501 Lawrence Street, Rome, New York, known as Tax Map No. 242.072-0002-025.002; and

BE IT FURTHER ORDAINED, by the Common Council of the City of Rome that it approves and confirms the sale and conveyance of tax sale property located at 501 Lawrence Street, Rome, New York, known as Tax Map No. 242.072-0002-025.002, for consideration of the performance of a Rehabilitation Agreement for said property, and for the total sum of Three Thousand and 00/100 Dollars ($3,000.00), said conveyance to take place following the contingencies hereinafter set forth; and

BE IT FURTHER ORDAINED, that this authorization is contingent upon the execution by the buyer of the Rehabilitation Agreement within thirty (30) days of the adoption of this Ordinance; and

BE IT FURTHER ORDAINED, that subsequent to the execution of the Rehabilitation Agreement, this authorization is further contingent upon the granting of a written certification by the City of Rome Codes Enforcement Officer, stating that he has inspected the property and that the buyer has completed all necessary rehabilitation in the time period required by the agreement; and

BE IT FURTHER ORDAINED, that upon receipt of the written certification from the Codes Enforcement Officer, the Mayor is hereby authorized to execute any and all deeds or other documents necessary to complete the transfer of title of said parcel of land; and

BE IT FURTHER ORDAINED, that this authorization is contingent upon the buyer having completed this transaction by rendering payment in full to the City of Rome within forty-five (45) days following receipt and review of copies of the proposed transfer documents pursuant to this sale; and

BE IT FURTHER ORDAINED, that the real property shall at no point in time be sold, transferred, titled or conveyed to any person who was a record owner and/or mortgagor of the property within the five (5) year period immediately preceding the date on which the property was taken by the City of Rome for non-payment of taxes. If such prohibited conveyance shall be made by any party in the succeeding chain of title, then immediately thereon (a) this conveyance shall become null and void to the buyer, his, her or their successors and/or assigns, and (b) the title to the above premises shall revert back to the City of Rome.

Seconded by Councilor _____.

By Councilor_____

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 9045

Seconded by Councilor_____

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ORDINANCE NO. 9045
AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson____
Nash ____ DiMarco_____

ADOPTED: DEFEATED:

COMMON COUNCIL SEPTEMBER 23, 2015

ORDINANCE NO. 9046

AUTHORIZING MAYOR OF THE CITY OF ROME TO ENTER INTO REHABILITATION AGREEMENT WITH A BUYER PERTAINING TO PROPERTY LOCATED AT 319-21 MYRTLE STREET

By Councilor _____:

WHEREAS, New York State Real Property Tax Law Section 1166 and Rome Charter Laws, Title A, Section 33(3) allow the City of Rome to sell and convey real property obtained by virtue of a tax foreclosure proceeding, upon approval and confirmation of a five-sevenths (5/7) vote of the Rome Common Council, with or without advertising for bids; and

WHEREAS, certain City owned parcels of land are in need of rehabilitation and the City desires to sell and convey said real property to buyer, and obtain a written guarantee from the buyer that he will perform and accomplish the necessary rehabilitation within the agreed upon time frame of approximately twelve (12) months from the date said rehabilitation agreement is executed; now, therefore,

BE IT ORDAINED, that the Mayor of the City of Rome is authorized to enter into a Rehabilitation Agreement, prepared and approved by the City of Rome Corporation Counsel and the City of Rome Codes Enforcement Officer, for tax sale property located at 319-21 Myrtle Street, Rome, New York, with Amedeo & Heidi Libertella, for the rehabilitation of said property located at 319-21 Myrtle Street, Rome, New York, known as Tax Map No. 242.043-0002-021; and

BE IT FURTHER ORDAINED, by the Common Council of the City of Rome that it approves and confirms the sale and conveyance of tax sale property located at 319-21 Myrtle Street, Rome, New York, known as Tax Map No. 242.043-0002-021, for consideration of the performance of a Rehabilitation Agreement for said property, and for the total sum of Three Thousand Six Hundred and 00/100 Dollars ($3,600.00), said conveyance to take place following the contingencies hereinafter set forth; and

BE IT FURTHER ORDAINED, that this authorization is contingent upon the execution by the buyer of the Rehabilitation Agreement within thirty (30) days of the adoption of this Ordinance; and

BE IT FURTHER ORDAINED, that subsequent to the execution of the Rehabilitation Agreement, this authorization is further contingent upon the granting of a written certification by the City of Rome Codes Enforcement Officer, stating that he has inspected the property and that the buyer has completed all necessary rehabilitation in the time period required by the agreement; and

BE IT FURTHER ORDAINED, that upon receipt of the written certification from the Codes Enforcement Officer, the Mayor is hereby authorized to execute any and all deeds or other documents necessary to complete the transfer of title of said parcel of land; and

BE IT FURTHER ORDAINED, that this authorization is contingent upon the buyer having completed this transaction by rendering payment in full to the City of Rome within forty-five (45) days following receipt and review of copies of the proposed transfer documents pursuant to this sale; and

BE IT FURTHER ORDAINED, that the real property shall at no point in time be sold, transferred, titled or conveyed to any person who was a record owner and/or mortgagor of the property within the five (5) year period immediately preceding the date on which the property was taken by the City of Rome for non-payment of taxes. If such prohibited conveyance shall be made by any party in the succeeding chain of title, then immediately thereon (a) this conveyance shall become null and void to the buyer, his, her or their successors and/or assigns, and (b) the title to the above premises shall revert back to the City of Rome.

Seconded by Councilor _____.
By Councilor_____

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 9046

Seconded by Councilor_____

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ORDINANCE NO. 9046
AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson____
Nash ____ DiMarco_____

ADOPTED: DEFEATED:

COMMON COUNCIL SEPTEMBER 23, 2015

ORDINANCE NO. 9047

AUTHORIZING MAYOR OF THE CITY OF ROME TO ENTER INTO REHABILITATION AGREEMENT WITH A BUYER PERTAINING TO PROPERTY LOCATED AT 257 PLEASANT AVENUE

By Councilor _____:

WHEREAS, New York State Real Property Tax Law Section 1166 and Rome Charter Laws, Title A, Section 33(3) allow the City of Rome to sell and convey real property obtained by virtue of a tax foreclosure proceeding, upon approval and confirmation of a five-sevenths (5/7) vote of the Rome Common Council, with or without advertising for bids; and

WHEREAS, certain City owned parcels of land are in need of rehabilitation and the City desires to sell and convey said real property to buyer, and obtain a written guarantee from the buyer that he will perform and accomplish the necessary rehabilitation within the agreed upon time frame of approximately nine (9) months from the date said rehabilitation agreement is executed; now, therefore,

BE IT ORDAINED, that the Mayor of the City of Rome is authorized to enter into a Rehabilitation Agreement, prepared and approved by the City of Rome Corporation Counsel and the City of Rome Codes Enforcement Officer, for tax sale property located at 257 Pleasant Avenue, Rome, New York, with Randy Crever, for the rehabilitation of said property located at 257 Pleasant Street, Rome, New York, known as Tax Map No. 242.044-0002-002; and

BE IT FURTHER ORDAINED, by the Common Council of the City of Rome that it approves and confirms the sale and conveyance of tax sale property located at 257 Pleasant Street, Rome, New York, known as Tax Map No. 242.044-0002-002, for consideration of the performance of a Rehabilitation Agreement for said property, and for the total sum of Five Thousand and 00/100 Dollars ($5,000.00), said conveyance to take place following the contingencies hereinafter set forth; and

BE IT FURTHER ORDAINED, that this authorization is contingent upon the execution by the buyer of the Rehabilitation Agreement within thirty (30) days of the adoption of this Ordinance; and

BE IT FURTHER ORDAINED, that subsequent to the execution of the Rehabilitation Agreement, this authorization is further contingent upon the granting of a written certification by the City of Rome Codes Enforcement Officer, stating that he has inspected the property and that the buyer has completed all necessary rehabilitation in the time period required by the agreement; and

BE IT FURTHER ORDAINED, that upon receipt of the written certification from the Codes Enforcement Officer, the Mayor is hereby authorized to execute any and all deeds or other documents necessary to complete the transfer of title of said parcel of land; and

BE IT FURTHER ORDAINED, that this authorization is contingent upon the buyer having completed this transaction by rendering payment in full to the City of Rome within forty-five (45) days following receipt and review of copies of the proposed transfer documents pursuant to this sale; and

BE IT FURTHER ORDAINED, that the real property shall at no point in time be sold, transferred, titled or conveyed to any person who was a record owner and/or mortgagor of the property within the five (5) year period immediately preceding the date on which the property was taken by the City of Rome for non-payment of taxes. If such prohibited conveyance shall be made by any party in the succeeding chain of title, then immediately thereon (a) this conveyance shall become null and void to the buyer, his, her or their successors and/or assigns, and (b) the title to the above premises shall revert back to the City of Rome.

Seconded by Councilor _____.
By Councilor_____

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 9047

Seconded by Councilor_____

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ORDINANCE NO.9047
AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson____
Nash ____ DiMarco_____

ADOPTED: DEFEATED:

COMMON COUNCIL SEPTEMBER 23, 2015

ORDINANCE NO. 9048

AMENDING ROME CODE OF ORDINANCES PERTAINING TO THE PARKING OF CERTAIN VEHICLES

By Councilor _____:

WHEREAS, Rome City Charter Law, Title A—§25(22) gives the Common Council the right to regulate the use of the City's streets, sidewalks and public places; and

WHEREAS, Chapter 70, Article V, sets forth the rules and regulations of the City of Rome, New York pertaining to the stopping, standing and parking of motor vehicles on City streets and other public areas; and

WHEREAS, it is the opinion of Hon. John J. Mazzaferro, President of the Common Council and Frank Anderson, 5th Ward Councilor, that Chapter 70 should be amended with regard to stopping, standing and/or parking of large vehicles, which include, but are not limited to: trucks; tractor-trailers; recreational vehicles—such as mobile homes; etc, on City streets, and that said amendments are in the best interest of and further the health, comfort and safety of the citizens of the City of Rome and, further, said amendments are in the best interests of the City as same will protect the character of the City's neighborhoods—especially, residential neighborhoods; now, therefore,

BE IT ORDAINED, by the City of Rome Common Council that the City of Rome Code of Ordinances, Chapter 70, Article V, is hereby amended as follows:

CHAPTER 70. TRAFFIC AND VEHICLES

ARTICLE V. STOPPING, STANDING, PARKING

[Sections 70-201-70-211 shall remain as written]

Sec. 70-212. - Certain [trucks or tractor-trailers] Vehicles.

No **[motor truck or tractor-trailer]** **vehicle, trailer (whether connected or disconnected to a vehicle or tractor) including trailers used by trucks, tractor-trailers and for recreational crafts, such as boats, snowmobiles, jet-skis, etc.) and/or recreational vehicle** in excess of twenty**[-five]** (2**[5]**0) feet in length shall be parked or left standing on any street of the city for any purpose except the **[expeditious]** loading and unloading of **personal property,** freight or merchandise, except in case of emergency or when otherwise directed by a police officer.

Sec. 70-213. – [Disconnecting trailer section of tractor-trailer.

No trailer section of a tractor-trailer vehicle shall be parked or left standing on any street or public place of the city unless connected to a tractor section and in condition to be moved at any time.]

<u>Kept to Maintain Numbering.</u>

[Sub-sections 70-213 to 7--220 shall remain as written]

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon adoption by the City of Rome Common Council.

Seconded by Councilor _____.
By Councilor_____

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 9048

Seconded by Councilor_____

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ORDINANCE NO. 9048
AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson____
Nash ____ DiMarco_____

ADOPTED: DEFEATED:

Language in **BOLD** and **[BRACKETS]** to be deleted
Language in **BOLD** and **<u>UNDERLINED</u>** to be added

COMMON COUNCIL SEPTEMBER 23, 2015

LOCAL LAW NO. C (3) of 2015

AMENDING ROME CHARTER LAWS, TITLE A, PERTAINING TO DISPOSITION OF REAL ESTATE

By Councilor _____:

WHEREAS, Rome City Charter Law, Title A ("Charter")—Article IV, §33 sets forth the rules, regulations and procedures by which the City of Rome may dispose of real property owned by the City of Rome; and

WHEREAS, Rome Charter, §299.1 sets forth that the City of Rome may obtain ownership of a parcel of land upon same being conveyed to the City in lieu of the City commencing and prosecuting a tax foreclosure; and

WHEREAS, the City of Rome has received donations of land from various entities—including, most recently, Wells Fargo Bank (213 East Whitesboro Street)—and it is anticipated that the City will receive additional donations in the future; and

WHEREAS, Rome Charter, §33 permits the City to convey properties obtained by it through the foreclosure process via direct sale—either with or without the solicitation of proposals and/or recommendation of the Real Property Committee—however, an ambiguity exists with regard to the disposition of property obtained via deed-in-lieu-of-foreclosure, which is whether or not same can be disposed of via direct sale or if a public auction is necessary; and

WHEREAS, with regard to donations of real property, Hon. Joseph R. Fusco, Jr., Mayor and Timothy A. Benedict, Corporation Counsel, are of the opinion that permitting the sale of donated property via the direct sale process—as opposed to public auction—best promotes the City's best interests and permits the City to dictate various terms and conditions of the sale; and

WHEREAS, Mayor Fusco is also of the opinion that permitting City employees to submit proposals to buy property from the City is in the City's best interests in that doing so promotes reinvestment in the City and receipt of tax revenue from people receiving salaries from the City and, by promoting ownership by City employees, it is expected to help enhance and protect the character of neighborhoods; now, therefore,

BE IT ENACTED, by the City of Rome Common Council that Rome Charter Laws, Title A, Section 33, be and is hereby amended as follows:

Sect. 33. DISPOTION OF REAL ESTATE; FRANCHISES.

(1) No ordinance shall be passed making or authorizing a sale or lease of city real estate or of any franchise belonging to or under control of the city, except by a vote of five-sevenths of all the members of the common council. In case of a proposed sale of real estate, the ordinance must provide for a disposition of the same at public auction to the highest bidder, under proper regulations as to the giving of security and after public notice to be published once each week for three weeks in the official paper or **in accordance with the procedures set forth herein at Sect. 33(2) or 33(3)**.

Furthermore, the city shall make best faith efforts to provide written notice, by first class mail, to all adjoining property owners to the parcel(s) of real property being considered for sale. This shall be done prior to legislation authorizing the sale thereof, to assure that said individuals are aware of the proposed sale. In addition thereto, where requested by the councilor whose ward the property falls within, the city shall post the property with a sale sign advertising the public sale thereof.

[Sub-section (2) TO REMAIN AS WRITTEN]

(3) In the case of properties acquired by the City of Rome for delinquent taxes **or via deed-in-lieu of foreclosure or by direct conveyance from an individual or financial institution, which said conveyance does not having specific condition(s) that same be held in perpetuity by the City of Rome or for benefit of the public**, the common council may, by a vote of five-sevenths of all the members of the common council, enact an ordinance, selling and conveying said property to a third party, without advertising for bids **and without the need for public auction**. A sale of real estate at private sale to a third party shall not be final until approved by a resolution of the board of estimate and contract.

To facilitate the sale and conveyance of property to a third party in a manner that is in the best interests of the citizens of the City of Rome, the Mayor has created the Real Property Committee, consisting of City employees, officials and/or other qualified individuals, all of whom are appointed to the Committee by the Mayor. The Real Property Committee, or any successor entity thereof, may solicit and review proposals from third parties interested in purchasing delinquent tax sale property from the City, subject to the limitations in this subdivision. **Nothing herein shall be interpreted to require that City property that may be conveyed in accordance with Sub-section (3) must first be reviewed by the Real Property Committee; however**, in situations where the Real Property Committee receives and reviews proposals to purchase **[delinquent]** property, it shall make a recommendation as to which proposal is in the City's best interests to the Common Council and Board of Estimate and Contract according to the following requirements:

[Sub-sub-sections (a)-(e) and SHALL REMAIN AS WRITTEN]

(4) The Common Council deems it to be in the best interests of the City of Rome to City employees to purchase City-owned property pursuant to this Section, as doing so will facilitate and encourage reinvestment of tax-payer money in the community and is expected to help maintain and/or improve the character of City neighborhoods. In the event a City employee submits a proposal or a request to purchase any City property

pursuant to this Section, the Common Council shall review and consider said proposal and any other proposal received for the particular property. The Common Council may, to the extent it deems appropriate, hold an informational session with the employee and/or other prospective buyers, which will be subject to the provisions of the Open Meetings Law. Said process shall be in lieu of any review by the Real Property Committee. The Common Council may sell the Property to whichever proposer, including the City employee, that the Council—in its discretion—deems to be in the best interests of the City taking into consideration certain factors, including, but not limited to the following (none of which are solely determinative of the issue): purchase price; proposed use of the Property; whether or not the Property will be owner-occupied; character of the neighborhood; tax revenue anticipated to be generated upon the sale; total amount of rehabilitation; and such other factors as the Council deems appropriate.

For purposes of this section, the term "City employee" shall not include any elected official of the City of Rome, nor any employee who serves on the Board of Estimate & Contract. For purposes of this section, no City property may be sold or conveyed to any elected official of the City of Rome, nor any City employee that serves on the Board of Estimate & Contract, nor any of those elected officials' or employees' spouses.

[Sub-section 4 SHALL REMAIN AS WRITTEN]; and

BE IT FURTHER ENACTED, this approval shall take effect immediately and compliance with Municipal Home Rule Law requirements shall be deemed administerial.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ____Mortise____Rogers____Smith____Anderson__
Nash ___ DiMarco_____

ADOPTED: DEFEATED:

Language to be added in **BOLD** and **Underlined**
Language to be deleted in **BOLD** and **[Brackets]**