

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

1<sup>st</sup> Ward  
Lori A. Trifeletti

2<sup>nd</sup> Ward  
John B. Mortise

3<sup>rd</sup> Ward  
Kimberly Rogers

4<sup>th</sup> Ward  
Ramona L. Smith



John J. Mazzaferro  
Common Council President

5<sup>th</sup> Ward  
Frank R. Anderson

6<sup>th</sup> Ward  
John A. Nash

7<sup>th</sup> Ward  
Lou DiMarco, Jr.

City Clerk  
Louise S. Glasso

COMMON COUNCIL MEETING  
REGULAR SESSION

OCTOBER 28, 2015  
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 September 30, 2014, 2014 are on file in the City Clerk's Office: Ava Dorfman Senior Center, Capitol Civic Center.

**8. NOTICES**

Members of the council to meet with Matt Varughese regarding progress on Old City Hall on October 28<sup>th</sup> 6:00pm

**9. REPORT OF CITY OFFICIALS**

**10. REPORT OF COUNCILORS AND GENERAL CITY AFFAIRS**

**11. PRESENTING OF REPORT OF COMMITTEES**

**12. RESOLUTIONS**

**RES. NO. 137**

**E**

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

**RES. NO. 138**

**F**

**RESOLUTION ESTABLISHING THE CITY OF ROME, NEW YORK AS LEAD AGENCY FOR THE UPGRADE PROJECT AT THE WATER POLLUTION CONTROL FACILITY. Tallarino**

**13. ORDINANCES**

**A.**

**%Lacking Unanimous Consent**

**B.**

**Current Legislation**

**ORD. NO. 9052**

**A**

**AUTHORIZING MAYOR OF THE CITY OF ROME TO APPROVE THE SALE OF CITY OWNED PARCEL (OLD ONEIDA ROAD) TO BUYER. Domenico**

**ORD. NO. 9053**

**B**

**AUTHORIZING MAYOR OF THE CITY OF ROME TO APPROVE THE SALE OF CITY OWNED PARCEL (211 SPRING STREET) TO BUYER. Domenico**

**ORD. NO. 9054**

**C**

**AUTHORIZING MAYOR OF THE CITY OF ROME TO APPROVE THE SALE OF CITY OWNED PARCEL (409 GANSEVOORT AVENUE) TO BUYER. Domenico**

**ORD. NO. 9055**

**D**

**AUTHORIZING MAYOR OF THE CITY OF ROME TO APPROVE THE SALE OF CITY OWNED PARCEL (405 DEPEYSTER STREET) TO BUYER. Domenico**

**ORD. NO. 9056**

**G**

**AUTHORIZING THE EXTENSION OF AN INTERMUNICIPAL AGREEMENT BETWEEN THE CITY OF ROME AND THE TOWN OF LEE REGARDING THE SUPPLY OF WATER TO THE TOWN OF LEE, NEW YORK Tallarino**

**14. LOCAL LAWS**

**15. TABLED LEGISLATION**

**RES. NO. 136**

**I**

**Tabled**

**AUTHORIZING AN EXTENSION OF A SUB-LEASE AGREEMENT WITH ROME BASEBALL ASSOCIATION, INC. FOR USE OF PROPERTY LOCATED ON THE GRIFFISS BUSINESS AND TECHNOLOGY PARK. Mayor**

**ORD. NO. 9038**

**T**

**Tabled I**

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

**ORD. NO. 9049**

**B**

**Tabled II**

**APPROVING THE ANNUAL BUDGET FOR THE YEAR 2016. Mazzaferro**

**16. VETOED LEGISLATION**

**17. ADJOURNMENT**

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

**NEXT SCHEDULED COMMON COUNCIL MEETING: NOVEMBER 18, 2015**

RESOLUTION NO. 137

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, David C. Nolan, Treasurer for the City of Rome, has requested to amend the 2015 Budget for the purchase of one (1) Zero Turn Commercial Finish Mower at a total amount not to exceed \$14,000.00; 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 one (1) Zero Turn Commercial Finish Mower at a total amount not to exceed \$14,000.00 for the Department of Parks and Recreation (AG7020.208), whereby the 2015 Budget will be amended to reflect same; 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 mower 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:

RESOLUTION NO. 138

RESOLUTION ESTABLISHING THE CITY OF ROME, NEW YORK AS LEAD AGENCY FOR THE UPGRADE PROJECT AT THE WATER POLLUTION CONTROL FACILITY

By Councilor \_\_\_\_\_:

WHEREAS, the City of Rome, New York as lead agency, proposes the following improvements; Upgrade Project at the Water Pollution Control Facility; and

WHEREAS, the City of Rome, New York has made a preliminary determination that the above action is a which is an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environment Quality Review Act; and

WHEREAS, the City of Rome, New York has completed the Full Environmental Assessment Form (EAF), including a list of all involved agencies that the City could identify, which is attached and made part of this Resolution; and

WHEREAS, the City of Rome, New York will transmit the full EAF to all involved agencies and notify them that a lead agency must be agreed upon within 30 calendar days of the date of EAF was transmitted to them; and

WHEREAS, the City of Rome, New York must determine the significance of the action within 20 calendar days of its establishment as lead agency, or within 20 calendar days of its receipt of all information it may be reasonably need to make the determination of significance; and

WHEREAS, the City of Rome, New York has determined Scoping is not required; and

WHEREAS, the City of Rome, New York will prepare, file, and publish its determination of significance pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act; now, therefore

BE IT RESOLVED, that the City of Rome, New York has been named lead agency for the Upgrade Project at the Water Pollution Control Facility; and

BE IT FURTHER RESOLVED, the City of Rome, New York be and is hereby authorized to prepare, file and publish its determination of significance pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act.

Seconded by Councilor \_\_\_\_\_.

AYES & NAYS: Trifeletti \_\_\_ Mortise \_\_\_ Rogers \_\_\_ Smith \_\_\_ Anderson \_\_\_  
Nash \_\_\_ DiMarco \_\_\_\_\_

ADOPTED:

DEFEATED:

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: Rome Digester Improvement Project		
Project Location (describe, and attach a general location map): Rome Water Pollution Control Facility, 7180 E. Dominick Street, Rome, NY 13440		
Brief Description of Proposed Action (include purpose or need):  The City of Rome proposes to improve and expand anaerobic digestion capacity at the Rome Water Pollution Control Facility. Currently the facility has a primary and secondary digester. The plan is to rehabilitate the existing digesters by adding new mixing technology and covers, plus add digestion capacity with the construction of another primary digester. The project will also include a receiving station for acceptance of high strength organic waste, including but not limited to dairy whey, liquid sludge, sludge cake, source separated organics, and fat/oil/grease wastes. Additional organic waste will generate more renewable biogas that will be used for generating electricity for the plant's needs plus the export of power to the electrical grid. Miscellaneous infrastructure to be constructed at the facility includes a biogas storage unit, a biogas flare, construction of an organic waste storage tank, installation of sludge dewatering equipment, and various pump, pipe, and electrical improvements.		
Name of Applicant/Sponsor: City of Rome		Telephone: (315) 339-7625 E-Mail: ftallarino@romecitygov.com
Address: 198 N Washington Street		
City/PO: Rome	State: NY	Zip Code: 13440
Project Contact (if not same as sponsor; give name and title/role): Frank Tallarino, Commissioner of Public Works, Office 3C		Telephone: (315) 339-7625 E-Mail: ftallarino@romecitygov.com
Address: 198 N Washington Street		
City/PO: Rome	State: NY	Zip Code: 13440
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	City of Rome Common Council financing resolution	
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS Department of Environmental Conservation, approval of Design Report and Drawing Review	Early 2016
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<p>i. Coastal Resources.</p> <p>i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No

If Yes, identify the plan(s):

NYS Heritage Areas: Mohawk Valley Heritage Corridor

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c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?  Yes  No

If Yes, identify the plan(s):

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**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
E3, General Industry

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
If Yes,  
i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Rome City School District

b. What police or other public protection forces serve the project site?  
City of Rome Police Department

c. Which fire protection and emergency medical services serve the project site?  
Rome Fire Department

d. What parks serve the project site?  
N/A

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Modification of city owned wastewater treatment facility infrastructure

b. a. Total acreage of the site of the proposed action? 15.43 acres  
b. Total acreage to be physically disturbed? 2.5 acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 15.43 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 6.0 Units: square feet

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
ii. Is a cluster/conservation layout proposed?  Yes  No  
iii. Number of lots proposed? \_\_\_\_\_  
iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will proposed action be constructed in multiple phases?  Yes  No  
i. If No, anticipated period of construction: 18 months  
ii. If Yes:  
• Total number of phases anticipated \_\_\_\_\_  
• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures 11  
 ii. Dimensions (in feet) of largest proposed structure: 30 height; 90 width; and 90 length  
 iii. Approximate extent of building space to be heated or cooled: 6360 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: storage of liquid organic wastewater for anaerobic treatment at facility  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_  
 iii. If other than water, identify the type of impounded/contained liquids and their source.  
Wastewater arrives via tanker trucks. Organic waste includes dairy waste, source separated organics, liquid and cake sewage sludge, and FOG  
 iv. Approximate size of the proposed impoundment. Volume: 0.3 million gallons; surface area: 0.05 acres  
 v. Dimensions of the proposed dam or impounding structure: 20 height; 50' dia length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):  
Excavation to support poured concrete base, prefabricated tank made of glass fused to steel sidewalls, aluminum dome roof.

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? Excavation for piping, building foundations and foundations for wastewater structures  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): less than 1,000 cubic yards  
 • Over what duration of time? 4 to 6 months  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.  
Materials to be excavated with track hoe or similar equipment. It is expected all spoil material will remain on site, possible off site disposal.  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. Onsite water levels may require minor dewatering during foundation construction. All dewatering will be directed into a sediment filter bag prior to release to onsite drainage structures. Filter bags will be inspected daily to determine if replacement is required.  
 v. What is the total area to be dredged or excavated? <0.25 acres  
 vi. What is the maximum area to be worked at any one time? 0.1 acres  
 vii. What would be the maximum depth of excavation or dredging? 10 feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan:  
All disturbed areas will be seeded with an erosion control grass seed mix upon the completion of backfilling activities. Upon substantial construction completion of all new processes and site work, the site restored with 6" topsoil and seeded with a permanent grass seed mix for permanent stabilization of disturbed areas.

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_  
 \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

N/A

iii. Will proposed action cause or result in disturbance to bottom sediments?  
If Yes, describe:

Yes  No

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?  
If Yes:

Yes  No

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  
If Yes:

Yes  No

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

Yes  No

ii. Will the proposed action obtain water from an existing public water supply?  
If Yes:

- Name of district or service area: City of Rome Water Filtration Plant
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

Yes  No

If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

Reclaimed water from the wastewater treatment system will also be utilized for this project to reduce potable water use

vi. If water supply will be from wells (public or private), maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  
If Yes:

Yes  No

i. Total anticipated liquid waste generation per day: 110,000 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

Liquid wastes generated offsite and brought to the WWTF for treatment and ultimate disposal. Liquid waste will be broken down in a biological process and generate biogas which will be used to power the facility. Some solids will be extracted and landfilled. Treated liquid will be discharged to Mohawk River.

iii. Will the proposed action use any existing public wastewater treatment facilities?  
If Yes:

Yes  No

- Name of wastewater treatment plant to be used: City of Rome Water Pollution Control Facility
- Name of district: City of Rome
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

- Do existing sewer lines serve the project site?  Yes  No
  - Will line extension within an existing district be necessary to serve the project?  Yes  No
- If Yes:
- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

- iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No
- If Yes:
- Applicant/sponsor for new district: \_\_\_\_\_
  - Date application submitted or anticipated: \_\_\_\_\_
  - What is the receiving water for the wastewater discharge? \_\_\_\_\_

- v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):
- \_\_\_\_\_
- \_\_\_\_\_

- vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_
- Non potable water will be used as much as possible during operation of new infrastructure.
- \_\_\_\_\_

- e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No

- If Yes:
- i. How much impervious surface will the project create in relation to total size of project parcel?
- \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)
- \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)
- ii. Describe types of new point sources. \_\_\_\_\_

- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
- \_\_\_\_\_
- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_

- Will stormwater runoff flow to adjacent properties?  Yes  No
- Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

- f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No

- If Yes, identify:
- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
- 10 to 15 tankers per day delivering wastewater to project site
- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
- none
- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
- Stationary biogas generators, additional boiler, and biogas flare to be installed for operations.

- g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No

- If Yes:
- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No
- ii. In addition to emissions as calculated in the application, the project will generate:
- 2,190 Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - < 1 Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - - Tons/year (short tons) of Perfluorocarbons (PFCs)
  - - Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - - Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
  - < 1 Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): 2,507 tons/year

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): Methane will be generated and captured via anaerobic digestion in enclosed tanks. Methane will be directed to an engine/generator to convert the methane into electricity or to a boiler to generate heat. Excess methane will be flared.

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend

Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_  Yes  No

iv. Does the proposed action include any shared use parking?

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

iii. Will the proposed action require a new, or an upgrade to, an existing substation?  Yes  No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 7:00 AM to 5:00 PM
- Saturday: N/A
- Sunday: N/A
- Holidays: N/A

ii. During Operations:

- Monday - Friday: 7:00 AM to 3:30 PM
- Saturday: 7:00 AM to 3:30 PM
- Sunday: 7:00 AM to 3:30 PM
- Holidays: 7:00 AM to 3:30 PM

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration:  
 During construction, some additional noise during excavation and concrete activities. Site secluded, so while off site noise levels may increase, existing vegetation to remain which will act to naturally buffer noise. Additionally, nearest sensitive receptor is >1,000 feet away.

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: existing berms and vegetation to remain

---

n.. Will the proposed action have outdoor lighting?  Yes  No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 Flood lights at building exits and pole lighting will be installed, comparable to existing site lighting, at the HSW receiving station. Nearest occupied structure is >1000 feet away. Lighting will not effect adjacent occupied structures.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

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o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_  
Enclosed tanks, tank covers, and odor abatement technology will be employed to minimize off site odors

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p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No

If Yes:

i. Product(s) to be stored \_\_\_\_\_

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally describe proposed storage facilities: \_\_\_\_\_

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No

If Yes:

i. Describe proposed treatment(s): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ 5 tons per \_\_\_\_\_ month (unit of time)
- Operation : \_\_\_\_\_ 1000 tons per \_\_\_\_\_ year (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: NA
- Operation: City of Rome considering sludge disposal alternatives (possible Class B material)

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: landfill disposal
- Operation: landfill disposal

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 Project site secluded. Former trailer park to west of site abandoned. Compost facility near site entrance. Road systems to east.

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	5.0	6.0	+1.0
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	10.45	9.45	-1.0
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

---

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ >15 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

<u>Alton-Urban Land Complex, 0-3% slopes</u>	<u>89 %</u>
<u>Udorthents, smoothed</u>	<u>11 %</u>
_____	_____ %

d. What is the average depth to the water table on the project site? Average: 10 feet

e. Drainage status of project site soils:  Well Drained: 89 % of site  
 Moderately Well Drained: 6 % of site  
 Poorly Drained: 5 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: 100 % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

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h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name Mohawk River outside fenced area Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal water and associated wetlands outside facility fence Approximate Size 4 acres
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

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i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100 year Floodplain?  Yes  No

k. Is the project site in the 500 year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:

i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 \_\_\_\_\_  
 absence of suitable habitat - entire \_\_\_\_\_  
 site mowed or impervious area \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
 USFWS IPaC identified records of Indiana bat and Northern long-eared bat

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
 \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
 \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: <u>Enlarged Erie Barge Canal - nominated by NPS for listing in 2014</u>	
<i>iii.</i> Brief description of attributes on which listing is based: <u>historic significance - movement of people and goods, commerce, economic development</u>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: <u>Erie Barge Canal</u>	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>recreational and scenic waterway</u>	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Frank Tallarino Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_

**PRINT FORM**

ORDINANCE NO. 9052

AUTHORIZING MAYOR OF THE CITY OF ROME TO APPROVE  
THE SALE OF CITY OWNED PARCEL (OLD ONEIDA ROAD)  
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. 9052

Seconded by Councilor \_\_\_\_\_

AYES & NAYS: Trifeletti \_\_\_ Mortise \_\_\_ Rogers \_\_\_ Smith \_\_\_ Anderson \_\_\_  
Nash \_\_\_ DiMarco \_\_\_

ORDINANCE NO. 9052

AYES & NAYS: Trifeletti \_\_\_ Mortise \_\_\_ Rogers \_\_\_ Smith \_\_\_ Anderson \_\_\_  
Nash \_\_\_ DiMarco \_\_\_

ADOPTED:

DEFEATED:

EXHIBIT "A"

TAX MAP NO: 271.000-0002-022

PROPERTY ADDRESS: Old Oneida Road

CONSIDERATION: \$500.00

BUYER: Robert Aldrich

COMMON COUNCIL

OCTOBER 28, 2015

ORDINANCE NO. 9053

AUTHORIZING MAYOR OF THE CITY OF ROME TO APPROVE  
THE SALE OF CITY OWNED PARCEL (211 SPRING 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. 9053

Seconded by Councilor \_\_\_\_\_

AYES & NAYS: Trifeletti \_\_\_\_\_ Mortise \_\_\_\_\_ Rogers \_\_\_\_\_ Smith \_\_\_\_\_ Anderson \_\_\_\_\_  
Nash \_\_\_\_\_ DiMarco \_\_\_\_\_

ORDINANCE NO. 9053

AYES & NAYS: Trifeletti \_\_\_ Mortise \_\_\_ Rogers \_\_\_ Smith \_\_\_ Anderson \_\_\_  
Nash \_\_\_ DiMarco \_\_\_

ADOPTED:

DEFEATED:

EXHIBIT "A"

TAX MAP NO: 242.051-0001-024

PROPERTY ADDRESS: 211 Spring Street

CONSIDERATION: \$650.00

BUYER: Bonnie Collins

ORDINANCE NO. 9054

AUTHORIZING MAYOR OF THE CITY OF ROME TO APPROVE  
THE SALE OF CITY OWNED PARCEL (409 GANSEVOORT 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 9054

Seconded by Councilor \_\_\_\_\_

AYES & NAYS: Trifeletti \_\_\_ Mortise \_\_\_ Rogers \_\_\_ Smith \_\_\_ Anderson \_\_\_  
Nash \_\_\_ DiMarco \_\_\_

ORDINANCE NO. 9054

AYES & NAYS: Trifeletti \_\_\_ Mortise \_\_\_ Rogers \_\_\_ Smith \_\_\_ Anderson \_\_\_  
Nash \_\_\_ DiMarco \_\_\_

ADOPTED:

DEFEATED:

EXHIBIT "A"

TAX MAP NO: 243.014-0001-021

PROPERTY ADDRESS: 409 Gansevoort Avenue

CONSIDERATION: \$500.00

BUYER: Marie Rossi

COMMON COUNCIL

OCTOBER 28, 2015

ORDINANCE NO. 9055

AUTHORIZING MAYOR OF THE CITY OF ROME TO APPROVE  
THE SALE OF CITY OWNED PARCEL (405 DEPEYSTER 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. 9055

Seconded by Councilor \_\_\_\_\_

AYES & NAYS: Trifeletti \_\_\_\_\_ Mortise \_\_\_\_\_ Rogers \_\_\_\_\_ Smith \_\_\_\_\_ Anderson \_\_\_\_\_  
Nash \_\_\_\_\_ DiMarco \_\_\_\_\_

ORDINANCE NO 9055 \_\_\_\_\_  
AYES & NAYS: Trifeletti \_\_\_\_\_ Mortise \_\_\_\_\_ Rogers \_\_\_\_\_ Smith \_\_\_\_\_ Anderson \_\_\_\_\_  
Nash \_\_\_\_\_ DiMarco \_\_\_\_\_

ADOPTED:

DEFEATED:

EXHIBIT "A"

TAX MAP NO: 242.073-0002-025  
PROPERTY ADDRESS: 405 Depeyster Street  
CONSIDERATION: \$550.00  
BUYER: Gilberto Gonzalez

ORDINANCE NO. 9056

AUTHORIZING THE EXTENSION OF AN INTERMUNICIPAL AGREEMENT  
BETWEEN THE CITY OF ROME AND THE TOWN OF LEE  
REGARDING THE SUPPLY OF WATER TO THE TOWN OF LEE, NEW YORK

By Councilor \_\_\_\_\_:

WHEREAS, Article 5-G of the New York State General Municipal Law authorizes municipal corporations to enter into cooperative agreements for the performance or exercise, on a cooperative or contract basis, among themselves or one for the other, of those services, functions, powers or activities which they can provide, perform or exercise individually; and

WHEREAS, §118 of the New York State General Municipal Law permits the City of Rome to provide for the supply of water in excess of its own needs, for the purpose of sale to a public corporation; and

WHEREAS, §123 of the Rome City Charter Laws (“Rome Charter”), Title A, authorizes the Commissioner of Public Works, with the approval of the Board of Estimate & Contract, to sell or supply water from the City’s water system to any corporation or individual, providing that the City’s water supply is sufficient to meet its needs and that of the corporation or individual; and

WHEREAS, the Town of Lee, New York (“Lee” or “Town”) is a “municipal corporation”, as said term is defined under New York State General Construction Law §66(2) and, therefore, is a “public corporation” under New York State General Municipal Law §118, and a “corporation” under Rome Charter §123; and

WHEREAS, on or about January 19, 1968, as amended on July 30, 1970, the City and Town entered into an inter-municipal agreement for the provision of the City’s water service in to certain portions of the Town; and

WHEREAS, pursuant to Ordinance No. 8349, adopted by the Rome Common Council on December 17, 2007, the City of Rome and the Town of Lee entered in to an inter-municipal agreement for a period of five (5) years, commencing on the 1<sup>st</sup> day of January, 2006, and terminating on the 31<sup>st</sup> day of December 2010, whereby the City of Rome supplies the Town of Lee with water, subject to certain terms and conditions; and

WHEREAS, pursuant to Ordinance No. 8688, as amended, the Rome Common Council, on December 14, 2011, authorized the extension of the Agreement with the Town of Lee for the provision of water for a period of two (2) years, which was to commence on and be retroactive to January 1, 2011 and terminate on December 31, 2012, upon the mutual execution of a written agreement containing such terms and conditions as agreed to by the City and Town; and

WHEREAS, subsequent to the authorization in 2011, the City of Rome undertook an update to a Water Rate Study initially conducted in 2005 by Stearns & Wheeler, LLC, which set forth, *inter alia*: imminent and necessary capital improvements and repairs; the water rates that should be charged by the City to outside users of the City water; and the manner in which the costs and expenses for creating and distributing purified water should be allocated, which said update is being conducted GHD Consulting Engineers, and which said study will result in modifications in the manner by which water rates are calculated and determined for future agreements; and

WHEREAS, the City and Town are awaiting the results of the GHD update, such that the extension to the Water Agreement authorized in 2011 has not been executed; and

WHEREAS, Frank D. Tallarino, Jr., Commissioner of Public Works is of the opinion that is in the City's best interest to authorize an extension to the 2007 Water Agreement with the Town of Lee for a term commencing and retroactive to January 1, 2012 and expiring December 31, 2015, which will modify the prior agreement only as to the extension of term and water rate to be charged by the City, and that a more extensive modification of terms and conditions regarding the City's supply of water to the Town is being negotiated for the period of time subsequent to December 31, 2015, and he recommends that said extension be approved at this juncture; now, therefore,

BE IT ORDAINED, by the Common Council of the City of Rome, New York., that the Mayor of the City of Rome be and is hereby authorized to enter into an Addendum to the inter-municipal agreement by and between the City and the Town of Lee, New York, which said Addendum shall set forth a term of five (5) years commencing on and retroactive to January 1, 2012 and terminating on December 31, 2015 and the water rate to be charged during said period of time and which said Addendum shall be in substantially the same form of the Addendum set forth herein as Exhibit "A"; and

BE IT FURTHER ORDAINED, that to the extent that this Ordinance has the effect of superseding Ordinance No. 8688, as amended, adopted December 14, 2011, that this Ordinance shall in fact supersede Ordinance No. 8688, so as to permit the Agreement authorized hereunder; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon approval by the Board of Estimate and Contract.

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. 9056

Seconded by Councilor \_\_\_\_\_

AYES & NAYS: Trifeletti \_\_\_ Mortise \_\_\_ Rogers \_\_\_ Smith \_\_\_ Anderson \_\_\_  
Nash \_\_\_ DiMarco \_\_\_

ORDINANCE NO. 9056

AYES & NAYS: Trifeletti \_\_\_ Mortise \_\_\_ Rogers \_\_\_ Smith \_\_\_ Anderson \_\_\_  
Nash \_\_\_ DiMarco \_\_\_

ADOPTED:

DEFEATED:

**EXHIBIT "A"**

## ADDENDUM AGREEMENT

**THIS AGREEMENT**, executed on this \_\_\_\_ day of \_\_\_\_\_, 2015, between the **CITY OF ROME, NEW YORK**, a municipal corporation organized and existing under the laws of the State of New York, with its principal place of business located at Rome City Hall, 198 North Washington Street, Rome, New York, hereinafter referred to as "**CITY**", and **TOWN OF LEE, NEW YORK**, a municipal corporation organized and existing under the laws of the State of New York, with a principal place of business at Town Municipal Building, Lee, New York, hereinafter referred to as "**TOWN**".

**WHEREAS**, **CITY** and **TOWN**, executed and entered into an Agreement, dated July 30, 1970, by which the **CITY** agreed, subject to certain terms and conditions, provide the **TOWN** with purified water, hereinafter as "1970 Agreement"; and

**WHEREAS**, the **CITY** and **TOWN** entered a subsequent Agreement setting forth the terms and condition attendant to and associated with the **CITY** providing purified water to the **TOWN**, which said Agreement was dated December 18, 2007, hereinafter as "2007 Agreement"; and

**WHEREAS**, it is the desire of the **CITY** and **TOWN** to execute an Addendum to the 2007 Agreement, which will modify the terms and conditions associated with the **CITY**'s providing water to the **TOWN** for the period of time January 1, 2011 and December 31, 2015, which will permit the **CITY** and **TOWN** to negotiate and agree upon a subsequent agreement containing more substantive changes to the terms and conditions regarding the **CITY**'s sale of water to the **TOWN**;

**NOW, THEREFORE**, in consideration of the mutual covenants contained in this agreement, and other good and valuable consideration, **CITY** and **TOWN** agree to amend the 2007 Agreement pursuant to Ordinance No. \_\_\_\_\_, adopted by the Rome Common Council on \_\_\_\_\_, 2015, and pursuant to Board of Estimate & Contract Resolution No. \_\_\_\_\_, adopted on \_\_\_\_\_, 2015, as follows (paragraph numbers consistent with paragraph numbers of 2007 Agreement):

### **III. TERM**

The Addendum shall become effective upon execution by both parties—after being duly approved by each respective body's governing and/or legislative body/bodies as required by State or Local—and shall be retroactive to and effective as of January 1, 2011 and shall terminate on December 31, 2015.

**VI. WATER RATE & FEES**

(a) Water Rate: (i) City Rate: The TOWN shall pay to the CITY, the CITY's rate of water as established by the rate schedule attached hereto and made a part hereof as Exhibit "A".

Sections "VII (a)(ii)" through "VII (d)" as set forth in the 2007 Agreement shall remain effective as written and agreed upon.

**NEW PROVISIONS:**

1. The parties expressly agree and understand that, during the term authorized hereunder and pursuant to the Rates applicable during the extended term, the CITY under-charged the TOWN for water provided and, additionally, the TOWN did not receive the appropriate amount of credits due from the CITY, as more specifically set forth at Exhibit "B" to this Addendum, which the net cumulative effect of said under-charging and/or credits is a payment to the TOWN in the amount of Eight Thousand, Seven Hundred and Two and 29/100 Dollars (\$8,702.29), which will be remitted from the CITY to the TOWN within thirty (30) days of this Addendum being executed by both parties.

**2. FULL FORCE AND EFFECT**

All other provisions of the 2007 Agreement between the parties, including those provisions setting forth any and all rights, privileges, duties, obligations and responsibilities, including Insurance and Liability/Indemnification obligations, shall remain in full force and effect as originally executed.

**3. INCORPORATION**

CITY and PROFESSIONAL agree that this ADDENDUM by this reference shall be and is hereby incorporated into the original Agreement entered into between the parties hereto.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first written above.

THE CITY OF ROME, NEW YORK

BY: \_\_\_\_\_  
JOSEPH R. FUSCO, JR., MAYOR

THE TOWN OF LEE, NEW YORK

BY: \_\_\_\_\_  
JOHN URTZ, TOWN SUPERVISOR

STATE OF NEW YORK )  
COUNTY OF ONEIDA ) ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2015, before me personally came JOSEPH R. FUSCO, JR., to me known, who being by me duly sworn, did depose and say that he resides in Rome, New York, that he is the Mayor of the City of Rome, New York, the municipal corporation described herein, that he is duly authorized to execute the aforesaid agreement, and that he signed his name thereto.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK )  
COUNTY OF \_\_\_\_\_ ) ss.:

On this \_\_\_\_ day of \_\_\_\_\_, 2015, before me personally came JOHN URTZ, to me known, who being by me duly sworn, did depose and say that he resides in the Town of Lee, New York, and that he is the Town Supervisor of the Town of Lee, New York, the municipal corporation described herein and which executed the foregoing Instrument; and that he is duly authorized to execute the aforesaid agreement, and that he signed his name thereto.

\_\_\_\_\_  
Notary Public

Town of Lee  
Water Billing Rome Usage  
CORRECTED BILLING CHARGES THRU DECEMBER 2014 PER NEGOTIATED AGREEMENT

Read Date	Current Reading	Previous Reading	Usage Gallons	Charge	Rate per 1,000 Gallons	Lee's Corrected Billing Rate	Corrected Charge	Difference in Billings
12/31/2008	42,843	37,899	4,944	13,843.20	2.80	2.86	14,139.84	296.64
	47,524	42,843	4,681	13,106.80				
	52,289	47,524	4,765	13,342.00				
	57,164	52,289	4,875	13,650.00				
	61,832	57,164	4,668	13,070.40				
	66,121	61,832	4,289	12,009.20				
	71,833	66,121	5,712	15,993.60				
	79,442	71,833	7,609	21,305.20				
	84,043	79,442	4,601	12,882.80				
3/31/2011	89,056	84,043		\$ 14,036.40	2.80	3.28	16,442.64	2,406.24
7/1/2011	95,052	89,056		\$ 16,788.80	2.80	3.28	19,666.88	2,878.08
9/30/2011	102,952	95,052	7,900	\$ 22,120.00	2.80	3.28	25,912.00	3,792.00
* 12/31/2011	108,728	102,952	5,776	\$ 18,598.72	3.22	3.28	18,945.28	346.56
3/31/2012	114,455	108,728		\$ 18,440.94	3.22	3.28	18,784.56	343.62
6/30/2012	121,690	114,455		\$ 23,296.70	3.22	3.28	23,730.80	434.10
9/30/2012	130,565	121,690	8,875	\$ 28,577.50	3.22	3.28	29,110.00	532.50
12/31/2012		130,565	5,924	\$ 19,075.28	3.22	3.28	19,430.72	355.44
3/31/2013	140,755	136,489		\$ 13,736.52	3.22	3.49	14,888.34	1,151.82
6/30/2013		140,755		\$ 33,739.16		3.49	21,679.88	(12,059.28)
9/30/2013	152,946	146,967	5,979	\$ 19,252.38	3.22	3.49	20,866.71	1,614.33
12/31/2013	157,240	152,946	4,294	\$ 13,826.68	3.22	3.49	14,986.06	1,159.38
3/31/2014	161,245	157,240		\$ 13,977.45	3.49	3.65	14,618.25	640.80
6/30/2014	165,962	161,245		\$ 16,462.33	3.49	3.65	17,217.05	754.72
9/30/2014	171,266	165,962	5,304	\$ 18,510.96	3.49	3.65	19,359.60	848.64
12/31/2014	176,562	171,266	5,296	\$ 18,483.04	3.49	3.65	19,330.40	847.36
* Billing Rome for 2.80 plus anything over the 1.90 that they are charging Lee								
							\$ 446,941.01	\$ 8,814.95

**EXHIBIT "B"**

**Amendment No. 1**  
**WATER LEAKAGE - CREDIT TO CITY OF ROME**  
 Town of Lee/City of Rome  
 Water Rate Negotiation Settlement

**ROME**

WATER BILLING LEE USAGE		
Date	Billed	Balance
12/3/2014	\$ 91,583.31	\$ 91,583.31
3/2/2015	\$ 113,977.71	\$ 74,138.19
6/3/2015	\$ 161,617.18	\$ 105,125.56
		\$ 56,491.62
Outstanding		\$ 96,331.14
<b>TOTAL</b>		<b>\$ 96,331.14</b>

**LEE**

WATER BILLING ROME USAGE		
Date	Billed	Balance
12/31/2014	\$ 18,483.04	\$ 18,483.04
3/31/2015	\$ 81,023.84	\$ 81,023.84
3/31/2015 - Corrected		\$ (67,790.72)
Pass Through Rome		\$ (4,562.88)
Lee Charge (Based on avg.)	\$ 46,301.72	\$ 8,670.24
6/30/15 - New Corrected Billing		\$ 46,301.72
Outstanding		\$ 37,531.48
Felton Ave. Billing thru Dec. 2014/Usage Correction		\$ 8,814.95
Rome Reimbursement per Negotiated Agreement		\$ 58,587.00
<b>TOTAL</b>		<b>\$ 105,033.43</b>

Lee Total \$ 105,033.43  
 Rome Total \$ (96,331.14)  
\$ 8,702.29

CITY OF ROME SHALL REIMBURSE THE TOWN OF LEE \$ 8,702.29

**DODSON & ASSOCIATE, PLLC**  
**CONSULTING ENGINEERS**

October 9, 2015  
 Created By: Bonnie Quant  
 Reviewed By: C. Jack Dodson, PE