

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
REGULAR SESSION

DECEMBER 9, 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 09/30/15, are on file in the City Clerk's Office: Rome Historical Society

8. NOTICES

Members of the Council to meet with Frank Tallarino regarding the sidewalk program
December 9th @ 6:30pm

9. REPORT OF CITY OFFICIALS

10. REPORT OF COUNCILORS AND GENERAL CITY AFFAIRS

11. PRESENTING OF REPORT OF COMMITTEES

12. RESOLUTIONS

RES. NO. 146

B

**AUTHORIZATION OF THE 2016-2021 CAPITOL IMPROVEMENT PLAN
BY THE COMMON COUNCIL. Nolan**

RES. NO. 147

C

**ESTABLISHING CAPITAL PROJECT ACCOUNT TO UTILIZE \$100,000.00 OF
PREVIOUSLY RECEIVED DASNY FUNDING TO CONSTRUCT A NEW ADA
ACCESSIBLE BATHROOM/STORAGE FACILITY AT HASELTON WRIGHT
PARK. Lovett**

RES. NO. 148

D

**AUTHORIZING THE MAYOR OF THE CITY OF ROME TO SUBMIT AN EPA
GRANT APPLICATION FOR \$200,000.00 RELATED TO A BROWNFIELD SITE
LOCATED WITHIN THE DOWNTOWN ROME BOA. DiBari**

RES. NO. 149

F

**RESOLUTION IN HONOR OF THE HONORABLE JOHN MAZZAFERRO ON
HIS RETIREMENT AND THANKING HIM FOR MANY YEARS OF SERVICE
DEVOTED TO THE CITY OF ROME, NEW YORK. Rogers – Benedict – Mayor**

RES. NO. 150

G

**RESOLUTION IN HONOR OF FOURTH WARD COUNCILOR RAMONA SMITH
AND THANKING HER FOR YEARS OF SERVICE. Rogers – Benedict – Mayor**

RES. NO. 151

H

**RESOLUTION IN HONOR OF SIXTH WARD COUNCILOR JOHN NASH
AND THANKING HIM FOR YEARS OF SERVICE. Rogers – Benedict – Mayor**

RES. NO. 152

I

**AUTHORIZING AN EXTENSION OF THE OLD CITY HALL REVERTER .
Benedict**

RES. NO. 153

J

**AUTHORIZATION TO CLOSE SEVEN (7) CAPITAL PROJECTS AND
AMENDING THE 2015 BUDGET TO REFLECT ACCOUNT ENTRIES. Nolan**

RES. NO. 154

K

**AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT
WITH REGARD TO ENVIRONMENTAL INDEMNIFICATION AND
GUARANTEE FOR PROPERTY LOCATED ON ERIE BOULEVARD.
Rogers - Mayor**

13. ORDINANCES

A.

%Lacking Unanimous Consent

ORD. NO. 9057

H

% Lack of Unanimous Consent

**AMENDING ROME CODE OF ORDINANCES CHAPTER 58 PERTAINING
TO SIDEWALK REIMBURSEMENT PROGRAM. Tallarino**

B.

Current Legislation

ORD. NO. 9058

A

**BOND ORDINANCE OF THE CITY OF ROME, ONEIDA COUNTY, NEW YORK,
AUTHORIZING THE ISSUANCE OF ADDITIONAL SERIAL BONDS TO
FINANCE THE PURCHASE OF A FIRE DEPARTMENT COMMAND VEHICLE.
Nolan**

ORD. NO. 9059

E

**AUTHORIZING THE NAMING OF AN ALLEY LOCATED WITHIN THE CITY
OF ROME, NEW YORK. Mazzaferro**

14. LOCAL LAWS

15. TABLED LEGISLATION

ORD. NO. 9038

T

Tabled III

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

16. VETOED LEGISLATION

17. ADJOURNMENT

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

NEXT SCHEDULED COMMON COUNCIL MEETING TO BE ANNOUNCED

RESOLUTION NO. 146

AUTHORIZATION OF THE 2016-2021 CAPITOL IMPROVEMENT PLAN
BY THE COMMON COUNCIL

By Councilor _____:

WHEREAS, City Treasurer, David Nolan has requested the Common Council of the City of Rome approve the 2016-2021 Capital Improvement Plan; and

WHEREAS, said Capital Improvement Plan has been previously sent via email, to the Common Council for review of same, and the Common Council has held various hearings regarding said plan; now, therefore

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that the 2016-2021 Capital Improvement Plan be and is hereby approved; and

BE IT FURTHER RESOLVED, that a copy of the 2016-2021 Capital Improvement Plan shall be kept on file in the City Clerk's Office.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ___ Mortise ___ Rogers ___ Smith ___ Anderson ___
Nash ___ DiMarco _____

ADOPTED:

DEFEATED:

RESOLUTION NO. 147

ESTABLISHING CAPITAL PROJECT ACCOUNT TO UTILIZE \$100,000.00 OF PREVIOUSLY RECEIVED DASNY FUNDING TO CONSTRUCT A NEW ADA ACCESSIBLE BATHROOM/STORAGE FACILITY AT HASELTON WRIGHT PARK

By Councilor _____:

WHEREAS, Brandon Lovett, Director of Administrative Services, has requested the establishment of a Capital Project Account to utilize \$100,000.00 of previously received DASNY funding to construct a new ADA accessible bathroom/storage facility at Haselton Wright Park; and

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that the establishment of a Capital Project Account to utilize \$100,000.00 of previously received DASNY funding to construct a new ADA accessible bathroom/storage facility at Haselton Wright Park, be and is hereby authorized; and

BE IT FURTHER RESOLVED, that any funds accepted going forward shall be placed in the account designated by the City Treasurer, for the sole purpose of being applied to the construction of a new ADA accessible bathroom/storage facility at Haselton Wright Park.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ___ Mortise ___ Rogers ___ Smith ___ Anderson ___
Nash ___ DiMarco _____

ADOPTED:

DEFEATED:

RESOLUTION NO. 148

AUTHORIZING THE MAYOR OF THE CITY OF ROME TO SUBMIT AN EPA GRANT APPLICATION FOR \$200,000.00 RELATED TO A BROWNFIELD SITE LOCATED WITHIN THE DOWNTOWN ROME BOA

By Councilor _____.

WHEREAS, Jake DiBari, Director of the Department of Community and Economic Development has requested authorization to apply for an EPA grant for \$200,000.00 related to a Brownfield site located within the Downtown Rome BOA; and

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 execute an EPA grant for \$200,000.00 related to a Brownfield site located within the Downtown Rome BOA, and any and all other contracts, documents and instruments necessary to fulfill the City of Rome's obligation under said Grant Application.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ___ Mortise ___ Rogers ___ Smith ___ Anderson ___
Nash ___ DiMarco _____

ADOPTED:

DEFEATED:

RESOLUTION NO. 149

RESOLUTION IN HONOR OF THE HONORABLE JOHN MAZZAFERRO ON HIS
RETIREMENT AND THANKING HIM FOR MANY YEARS OF SERVICE DEVOTED TO
THE CITY OF ROME, NEW YORK

By Councilor _____ :

WHEREAS, the president of the Common Council is elected by the people every four years; and

WHEREAS, the Honorable John Mazzaferro, holds the distinction of being the longest-serving Common Council President, having been sworn into office on December 28, 1979; and

WHEREAS, President John Mazzaferro served with distinguish, as Mayor to the City of Rome from June 16, 2003 – December 31, 2003; and

WHEREAS, President John Mazzaferro has worked tirelessly to insure municipal transparency and fairness— while always keeping the best interests of the City of Rome as his top priority; and

WHEREAS, President John Mazzaferro’s legacy is one of outstanding commitment, consistent devotion, hard work and professionalism to his beloved City; and

WHEREAS, President John Mazzaferro is known for his graciousness, genuine smile, exceptional dedication and commitment, and kind heart— is an intelligent man of great integrity and is a well-respected and beloved member of the City of Rome New York; and

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that, by this Resolution, the Common Council wishes President John Mazzaferro, good luck on all of his future endeavors and publicly thanks him for his many years of service.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ___ Mortise ___ Rogers ___ Smith ___ Anderson ___
Nash ___ DiMarco _____

ADOPTED:

DEFEATED:

RESOLUTION NO. 150

RESOLUTION IN HONOR OF FOURTH WARD COUNCILOR RAMONA SMITH
AND THANKING HER FOR YEARS OF SERVICE

By Councilor _____:

WHEREAS, Fourth Ward Councilor, Ramona Smith was sworn into office in 2004, and since then has been dedicated to improving the quality of life of and serving the interests of both the residents of the Fourth Ward and the City of Rome; and

WHEREAS, Councilor Smith is well known for being a compassionate and considerate Councilor willing to listen and advocate for her constituents and also as being fair and principled when her conscience dictates; and

WHEREAS, Councilor Smith leaves a lasting legacy on the Fourth Ward and the City as a whole and her pride and sense of community will be missed by the Common Council and the City of Rome, New York; now, therefore,

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that, by this Resolution, the Common Council expresses its appreciation and thanks for Councilor Ramona Smith's many years of dedicated service to the citizens of the Fourth Ward and the City of Rome and wishes her good luck on all of her future endeavors.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti _____ Mortise _____ Rogers _____ Smith _____ Anderson _____
Nash _____ DiMarco _____

ADOPTED:

DEFEATED:

RESOLUTION NO. 151

RESOLUTION IN HONOR OF SIXTH WARD COUNCILOR JOHN NASH
AND THANKING HIM FOR YEARS OF SERVICE

By Councilor _____:

WHEREAS, Sixth Ward Councilor, John Nash was sworn into office in 2012 and since then has been dedicated to improving the quality of life of and serving the interests of both the residents of the Sixth Ward and the City of Rome; and

WHEREAS, Councilor Nash is well known for being a compassionate and considerate Councilor eager to advocate for his constituents and taking his role as fiduciary of the City of Rome seriously by paying particular attention to the financial undertakings of the City; and

WHEREAS, Councilor Nash leaves a lasting legacy on the Sixth Ward and the City as a whole and his sense of community and financial acumen will be missed by the Common Council and the City of Rome, New York; now, therefore,

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that, by this Resolution, the Common Council expresses its appreciation and thanks for Councilor John Nash's dedicated service to the citizens of the Sixth Ward and the City of Rome and wishes him good luck on all of his future endeavors; and

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that, by this Resolution, the Common Council wishes Councilor John Nash, good luck on all of his future endeavors and publicly thanks him for his years of service.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti _____ Mortise _____ Rogers _____ Smith _____ Anderson _____
Nash _____ DiMarco _____

ADOPTED:

DEFEATED:

RESOLUTION NO. 152

AUTHORIZING AN EXTENSION OF THE OLD CITY HALL REVERTER

By Councilor _____:

WHEREAS, the conveyance of the City property, known as Old City Hall, North James Street, Rome, New York (hereinafter as "Property"), to YES Development, LLC, was authorized on July 25, 2012 pursuant to Ordinance No. 8740A; and

WHEREAS, the redevelopment of Old City Hall Property was identified as being consistent with the City's Master and BOA Plans, as being vital to redevelopment of the downtown area as such the City's best interests were to be furthered by conveying; and

WHEREAS, YES Development was selected as then entity best qualified to redevelop the Property after a thorough request-for-proposal process and, to date, has commenced rehabilitation of the Property, which has been delayed—in part—by the need for YES Development to get various approvals from the State of New York for grant and funding matters; and

WHEREAS, YES Development has previously met with the Common Council and given the Council notice as to progress of the redevelopment, as well as expected schedule for completion, which is expected to be December 31, 2015; and

WHEREAS, the Deed by which the Property was conveyed to YES Development contained a reverter clause that the Property would revert back to the City of Rome, New York, in the event that the redevelopment of the Property was not completed by June 30, 2016; and

WHEREAS, Timothy A. Benedict, Corporation Counsel, is of the opinion that—based on YES Development's progress in re-developing the Property and its investment in same, to date—warrants an extension of the reverter, so as to give YES Development the additional time necessary to complete without having to be concerned about the reverter taking effect; now, therefore,

BE IT RESOLVED, by the City of Rome Common Council that the date upon which the property commonly known as Old City Hall, North James Street, Rome, New York, be and is hereby extended from June 30, 2016 to December 31, 2016, and that the Corporation Counsel's Office be directed to execute any and all documents necessary to effectuate the extension granted hereby; and

BE IT FURTHER RESOLVED, Ordinance No. 8740A adopted on July 25, 2012 shall otherwise remain as previously adopted.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ___ Mortise ___ Rogers ___ Smith ___ Anderson ___
Nash ___ DiMarco _____

ADOPTED:

DEFEATED:

RESOLUTION NO. 153

AUTHORIZATION TO CLOSE SEVEN (7) CAPITAL PROJECTS AND AMENDING THE
2015 BUDGET TO REFLECT ACCOUNT ENTRIES

By Councilor _____:

WHEREAS, David C. Nolan, City Treasurer has requested authorization to close seven (7) capital projects per the attached schedule; and

WHEREAS, the result of closing these projects and completing the corresponding accounting entries, the General Fund, Fund Balances will be increased by \$1,517.00 and the Net Position of the Water Fund will be increased by \$86,456.00; now, therefore

BE IT RESOLVED, the City be and is hereby authorized to close seven (7) capital projects, pursuant to the attached schedule which is made part of this Resolution; and

BE IT FURTHER RESOLVED, the result of closing these projects and completing the corresponding accounting entries, the General Fund, Fund Balances will be increased by \$1,517.00 and the Net Position of the Water Fund will be increased by \$86,456.00

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ___ Mortise ___ Rogers ___ Smith ___ Anderson ___
Nash ___ DiMarco _____

ADOPTED:

DEFEATED:

City of Rome, New York
 Capital Projects to be Closed
 As of November 30, 2015

PROJECT TITLE	Date Authorized	Original Authorization	Revised Authorization	Prior Years	Expenditures		Unexpended Balance	Proceeds of Obligations	Methods of Financing - Life to Date			Local Sources	Total	Fund Balance
					Current YTD	Total			Federal Aid	State Aid	Local Sources			
General Fund														
DPW														
HDB 2011 Streets	7/13/2011	3,303,022	3,303,022	3,205,077			97,945	1,789,493	342,614	728,250	347,221	3,207,578	2,500	
HDE 2012 Streets	6/13/2012	2,500,000	2,500,000	2,418,262			81,738	1,505,133	186,262	727,925	216,943	2,450,001	31,739	
HDF 2012 Kenan Depeyster St	7/25/2012	229,795	229,795	259,959			(30,165)	3,000,000	19,800	150,000	50	3,169,850	(73,697)	
HCF Kennedy Arena	2/28/2007	3,000,000	3,000,000	2,977,276			(39,887)			325,000	290,625	615,625	129,963	
HDC Kennedy Arena Phase II	4/14/2011	718,629	718,629	704,613			14,016						(88,987)	
Total General		9,751,446	9,751,446	9,565,187	62,612	9,627,799	123,647	6,294,626	548,676	1,931,174	854,839	9,629,316	1,517	
Water														
HWQ 2011 Water Improvements	2/9/2011	250,000	250,000	209,820			-	232,636				17,363	249,999	40,179
HWQ Improvements Water Supply & I	11/13/2013	725,000	725,000	678,723			46,277	718,998				6,002	725,000	46,277
Total Water		975,000	975,000	888,543	-	888,543	86,457	951,634	-	-	23,365	974,999	86,456	
Totals		10,726,446	10,726,446	10,453,730	62,612	10,516,341	210,104	7,246,260	548,676	1,931,174	878,204	10,604,315	87,974	

RESOLUTION NO. 154

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT
WITH REGARD TO ENVIRONMENTAL INDEMNIFICATION AND
GUARANTEE FOR PROPERTY LOCATED ON ERIE BOULEVARD

By Councilor _____ :

WHEREAS, the property located at 713 Erie Boulevard, Rome, New York (Oneida County Tax Map No.: 242.039-1-14; hereinafter as "Property") is, upon information and belief, owned by Thrifty Enterprises, Inc., and is the situs of the business currently or formerly known as "Thrifty Kwik Change"; and

WHEREAS, there are currently more than Seventy Thousand Dollars (\$70,000.00) outstanding in real property taxes due and owing to the City of Rome and/or other taxing jurisdictions; and

WHEREAS, the City of Rome has not—to date—foreclosed upon the Property due to the fact that there exists known environmental conditions at the Property that are believed to contaminate the Property, such that taking title to the Property would otherwise expose the City to environmental liability; and

WHEREAS, James DiCastro has approached the City and offered that—if the City forecloses upon the Property—that he or a company owned and controlled by him would re-develop the Property and would expressly indemnify and hold the City harmless from and against any and all liability associated with the environmental condition of the Property; and

WHEREAS, Hon. Joseph R. Fusco, Jr., Mayor, and Kimberly A. Rogers, 3rd Ward Councilor, are of the opinion that having the Property re-developed by a third party is in the City's best interests upon the express caveats that the third party indemnify and hold harmless the City of Rome and its officials, agents and employees and that, in addition to the indemnification, that personal guarantees are obtained from any member, shareholder or owner of any legal entity which records title to the Property, which said guarantees shall personally obligate said persons to indemnify, defend and hold harmless the City of Rome from any and all environmental liability or expenses at the Property; now, therefore,

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that the Mayor of the City of Rome is hereby authorized to enter an agreement with and/or otherwise facilitate the redevelopment of 713 Erie Boulevard, Rome, New York (Oneida County Tax Map No.: 242.039-1-14; hereinafter as "Property") by James DiCastro, or such legal entities, organized, created, owned or controlled by him, or for which he is a shareholder, officer or member, and that said agreement contain such provisions that the Corporation Counsel's Office deems to be in the best interests of the City, including, but not limited to:

1. Mr. DiCastro or any legal entity of which he is owner or member shall receive conveyance of the Property from the City upon the City foreclosing upon same;
2. Mr. DiCastro or any legal entity of which he is owner or member shall indemnify, defend and hold the City of Rome, its officials, officers and employees harmless from any and all liability, costs or expenses associated with the Property, including, but not limited to, environmental liability; and
3. Mr. DiCastro shall be obligated to provide a personal guarantee by which he shall be obligated to assume any and all costs—or any portion thereof—which may be associated with any environmental issue, defect, liability, cost or expense associated with the Property, so as to alleviate the City of Rome being responsible in any way for said issue, defect, liability, cost or expense; and
4. Mr. DiCastro's personal guarantee shall survive and remain in full force and effect in the event that Mr. DiCastro creates any legal business entity to hold and own the Property, and that his personal guarantee shall survive the dissolution of any such entity and/or the conveyance of same to another entity; and
5. Mr. DiCastro shall be required to ensure that any person who is an owner, member or shareholder of any business entity to which ownership of the Property is conveyed also execute personal guarantees to the benefit of the City of Rome; and
6. Mr. DiCastro and any business entity that subsequently owns the Property agree and acknowledge that failure to adhere to the Agreement's provisions establish irreparable damage to the City of Rome, that same prejudices the City of Rome, such that the City may obtain injunctive relief to enjoin said failures or compel Mr. DiCastro or such business entity to act as required; and
7. That Mr. DiCastro and any business entity that subsequently owns the Property be subject to liquidated damages in the event of their respective failure to comply with the Agreement.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti ___ Mortise ___ Rogers ___ Smith ___ Anderson ___
 Nash ___ DiMarco _____

ADOPTED:

DEFEATED:

BOND ORDINANCE NO. 9058

BOND ORDINANCE OF THE CITY OF ROME, ONEIDA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF ADDITIONAL SERIAL BONDS TO FINANCE THE PURCHASE OF A FIRE DEPARTMENT COMMAND VEHICLE.

By Councilor:

WHEREAS, the Common Council of the City of Rome, Oneida County, New York on April 8, 2015 adopted a Bond Ordinance (the "Prior Bond Ordinance") entitled "ORDINANCE NO. 8994 AUTHORIZING THE ISSUANCE OF \$35,000 SERIAL BONDS OF THE CITY OF ROME, ONEIDA COUNTY, NEW YORK, TO FINANCE THE PURCHASE OF A FIRE DEPARTMENT COMMAND VEHICLE "; and

WHEREAS, the Common Council wishes to (i) authorize the expenditure and appropriation of additional funds in connection with the purchase of the fire department command vehicle; and (ii) authorize the issuance of additional serial bonds of the City to finance such additional appropriation;

NOW, THEREFORE, BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Common Council of the City of Rome, Oneida County, New York as follows:

Section 1. The City of Rome, Oneida County, New York (the "City") is hereby authorized to undertake the purchase of a Fire Department command vehicle to replace a similar vehicle previously in service for one year or more, at an estimated maximum cost of \$40,000, constituting an increase of \$5,000 over the amount authorized in the Prior Bond Ordinance.

Section 2. It is hereby determined that the plan for financing of such new maximum authorized cost of \$40,000 shall be as follows:

(a) by the issuance of \$35,000 of serial bonds of the City heretofore authorized to be issued pursuant to the Prior Bond Ordinance;

(b) by the issuance of an additional \$5,000 of serial bonds (the "Bonds") of the City authorized to be issued pursuant to this Ordinance; and

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is three (3) years pursuant to paragraph 77 of Section 11.00(a) of the Local Finance Law; provided however, that the maximum maturity of the Bonds authorized shall be computed from the date of issuance of the Bonds or the first bond anticipation note issued in anticipation of the Bonds or the serial bonds or bond anticipation notes authorized pursuant to the Prior Bond Ordinance, whichever date is earlier.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this Ordinance.

Section 6. The Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this Ordinance and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the City Treasurer, the Chief Fiscal Officer of the City.

Section 8. This Ordinance is intended to constitute the declaration of the City's "official intent" to reimburse the expenditures authorized by this Ordinance with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Treasury Regulation Section 1.150-2. Other than as specified in this Ordinance, no moneys are reasonably expected to be received, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this Ordinance are hereby authorized to be consolidated, at the option of the City Treasurer, the Chief Fiscal Officer, with the serial bonds and bond anticipation notes authorized by other Bond Ordinances previously or hereafter adopted by the

Common Council for purposes of sale in to one or more bond or note issues aggregating an amount not to exceed the amount authorized in such ordinances. All matters regarding the sale of the bonds, including the date of the bonds, the consolidation of the serial bonds and the bond anticipation notes with other issues of the City and the serial maturities of the bonds are hereby delegated to the City Treasurer, the Chief Fiscal Officer of the City.

Section 10. The validity of the Bonds authorized by this Ordinance and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this Ordinance or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 11. The City Treasurer, as Chief Fiscal Officer of the City, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the City to provide secondary market disclosure as required by United States Securities and Exchange Commission Rule 15c2-12.

Section 12. This Ordinance, or a summary of this Ordinance, shall be published in the official newspaper of the City for such purpose, together with a notice of the Clerk of the City in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. This Ordinance is not subject to a mandatory or permissive referendum.

Section 14. The Council hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this Ordinance.

Section 15. This Ordinance shall take effect immediately upon its adoption.

By Councilor _____

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

Seconded by Councilor _____

AYES & NAYS: Trifeletti ___ Mortise ___ Rogers ___ Smith ___ Anderson ___
Nash ___ DiMarco _____

ORDINANCE NO. _____
AYES & NAYS: Trifeletti ___ Mortise ___ Rogers ___ Smith ___ Anderson ___
Nash ___ DiMarco _____

ADOPTED:

DEFEATED:

ORDINANCE NO. 9059

AUTHORIZING THE NAMING OF AN ALLEY
LOCATED WITHIN THE CITY OF ROME, NEW YORK.

By Councilor _____ :

WHEREAS, Hon. John J. Mazzaferro, President of the Common Council, for the City of Rome, New York, has requested authorization to name an Alley, located within the City of Rome, New York, more specifically defined in the attached map, which is made part of this Resolution; now, therefore,

BE IT ORDAINED, by the Common Council of the City of Rome, New York, that the alley, located in the City of Rome as described in the attached map, shall be named Cascarella Avenue; and

BE IT FURTHER ORDAINED, that the above authorization shall take effect immediately.

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. 9059

Seconded by Councilor _____

AYES & NAYS: Trifeletti ___ Mortise ___ Rogers ___ Smith ___ Anderson ___
Nash ___ DiMarco _____

ORDINANCE NO. 9059

AYES & NAYS: Trifeletti ___ Mortise ___ Rogers ___ Smith ___ Anderson ___
Nash ___ DiMarco _____

ADOPTED:

DEFEATED:

